

## CHAPTER 600. - WILLAMETTE GREENWAY

### Sec. 600.001. - Purpose.

The purpose of this chapter is:

- (a) To protect and enhance the natural, scenic, recreational, historical, and economic resources of the Willamette River corridor;
- (b) To implement the goals and policies of the comprehensive plan, the Willamette River Greenway Plan, and Goal 15 of the statewide planning goals;
- (c) To establish standards and requirements for the use of lands within the Willamette River Greenway of Salem;
- (d) To provide for the review of any intensification, change of use, or development of properties located within the Willamette River Greenway of Salem;
- (e) To allow for use and development consistent with the underlying land use designation while preserving, protecting, and enhancing the scenic qualities of the river and the riparian area;
- (f) To allow and encourage a variety of water-dependent, water-related, and river-oriented uses, recreational developments, and public access to and along the river while preserving, protecting, and enhancing the scenic qualities of the river and the riparian area;
- (g) To insure that land use and activities which make use of the riparian area are limited to moderate impact on that environment, and do not endanger it;
- (h) To insure that the intensification, change of use, or development on a site is in keeping with the function of the Willamette River Greenway Plan, and preserves and enhances the scenic qualities or economic function of the river, the site, and adjacent riparian lands;
- (I) To insure that the proposed development is in harmony with existing and proposed adjoining land uses;
- (J) To protect and improve water quality in the Willamette River in order to support designated beneficial water uses, and to protect the functional value of the riparian area and provide a riparian buffer to separate the Willamette River from development.

(Prior Code, § 600.001; Ord. No. 31-13)

### Sec. 600.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bank slope* means the rate of incline of the bank of the Willamette River, established by measuring 50 feet horizontally landward from the ordinary high water line and dividing the difference in elevation by 50 and multiplying by 100. Example: If the 50-foot horizontal distance from ordinary high water line equals a difference of elevation of ten feet, then the bank slope equals  $(10 \div 50) \times 100$ , or 20 percent.

*Canopy cover* means the area beneath the above ground parts of a tree within the dripline of the tree.

*Change of use* means making a different use of the land or water than that which existed on December 6, 1975. Change of use includes changes which require construction or alteration to land or water outside of existing buildings, structures, or open storage areas and which substantially alters or affects land or water. Change of use does not include:

- (a) A change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is located;

- (b) The completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which substantial construction was undertaken by July 1, 1976;
- (c) The sale of property;
- (d) Landscaping;
- (e) Construction of driveway approaches;
- (f) Modifications of existing structures; or
- (g) The construction or placement of accessory structures or facilities that are usual and necessary to the use and enjoyment of existing improvements, as permitted by this chapter.

*Compatibility review* means the review of intensification, changes of use, and development within the compatibility review boundary.

*Compatibility review boundary* means that area, as designated under SRC 600.010, located within the Willamette River Greenway and for which compatibility review is required by Goal 15.

*Development* means to conduct mining, landfill, or excavation; to make a physical change in the use or appearance of land; to divide land into lots or parcels; to construct improvements requiring a building permit if such improvements are not part of existing structures; to clear land if such clearance requires a permit under SRC chapter 808; or to create or terminate a right of access.

*Enhancement* means increasing the net ecological functional values of the riparian buffer by any of the following:

- (a) Removal of impervious surfaces;
- (b) Restoring natural bank slopes; or
- (c) Increasing the cover and diversity of native vegetation.

*Floodway* means a floodway as defined in SRC chapter 601.

*Impervious surface* means areas or surfaces located above ground, at ground surface, or below ground which prevent infiltration of stormwater into the subsurface, or which cause stormwater to run off at an increased rate of flow from that present under natural, undeveloped conditions. Common impervious surfaces include, but are not limited to, roofs, concrete, and asphalt.

*Infiltration system* means a drainage system designed to allow stormwater to percolate into the soil.

*Intensification* means any addition which increases or expands the area or level of activity of an existing use or activity; or any remodeling of the exterior of a structure which will substantially alter the appearance of the structure. For purposes of this definition, "intensification" does not include:

- (a) Completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which substantial construction has been undertaken by July 1, 1976;
- (b) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (c) Reasonable emergency procedures necessary for the safety or protection of property; or
- (d) Seasonal increases in gravel operations.

*Native vegetation* means any plant species indigenous to the Willamette River area and appropriate to the locality, due to conditions such as hydrology, soils, light availability, and slope aspect. A representative list of native vegetation can be found in the City of Salem Native Plant List.

*Ordinary high water line* means the water elevation of the Willamette River as determined by the Oregon Division of State Lands and mapped and graphed by river-mile on the "Willamette River Public Lands Under the Jurisdiction of Oregon State Land Board" dated March 1975. On site elevation locations shall be determined by field topographic survey, aerial photography, City of Salem contour maps on file with the Public Works Department, United States Geological Survey Quadrangle maps, or other suitable methods recognized by professional surveyors and engineers and approved by the Director.

*Ordinary low water line* means the water elevation of the Willamette River as determined by the Oregon Division of State Lands and mapped and graphed by river-mile on the "Willamette River Public Lands Under the Jurisdiction of Oregon State Land Board" dated March 1975. On site elevation locations shall be determined by field topographic survey, aerial photography, City of Salem contour maps on file with the Public Works Department, United States Geological Survey Quadrangle maps, or other suitable methods recognized by professional surveyors and engineers and approved by the Director.

*Retention* means the restriction and storage, or alternative disposal, of runoff without direct release to a point of disposal.

*Riparian area* means the lands which are adjacent to the Willamette River and the Willamette Slough. Riparian areas are transitional zones between aquatic and upland terrestrial ecosystems, and as such, contain elements of each ecosystem.

*Riparian buffer* means a designated area adjoining the Willamette River intended to maximize the ecological, scenic, and aesthetic values of the river through maintaining the natural river corridor, minimizing erosion, nutrient, and pollutant loading, providing for filtration and infiltration of stormwater runoff, and stabilizing slopes to prevent landslides and accelerated rates of channel migration contributing to sedimentation. The riparian buffer is measured from the ordinary high water line.

*River-oriented use* means a use or activity which would be benefited by a Willamette River overlook and by a geographic relationship in proximity to the Willamette River.

*Stormwater Management Design Standards* means those standards and specifications on file in the office of the Director that serve as the general design guideline for all publicly owned and maintained storm drainage facilities within the City. The purpose of these standards is to provide uniformity under which storm drainage facilities within the City are designed, constructed, and maintained.

*Water-dependent use* means a use or activity which can be carried out only on, in, or adjacent to a water body, because the use or activity requires access to the water body for transportation, recreation, energy production, or source of water.

*Water-related use* means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent use. Residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered water dependent or water related uses.

*Willamette Greenway Boundary* means that edge of the area adjacent to the Willamette River mapped as the Willamette Greenway by the Oregon Department of Transportation.

*Willamette River* means the waterway commonly known by that name, and including that body of water commonly known as the Willamette Slough.

*Willamette River Greenway* means all land within the Willamette Greenway Boundary as mapped by the Oregon Department of Transportation.

*Willamette River Greenway Plan* means the component of the Salem Area Comprehensive Plan with that name, adopted under SRC chapter 64.

(Prior Code, § 600.005; Ord. No. 31-13)

Sec. 600.010. - Willamette Greenway Overlay Zone boundary; compatibility review boundary.

- (a) *Willamette Greenway Overlay Zone boundary*. The boundary of the Willamette Greenway Overlay Zone shall be the Willamette Greenway Boundary, as mapped by the Oregon Department of Transportation. At the time of annexation, the Willamette Greenway Overlay Zone shall be automatically applied to any land, or portion thereof, within the annexed territory that lies within the Willamette Greenway Boundary.

- (b) *Compatibility Review Boundary.* The Compatibility Review Boundary is that area within the Willamette Greenway Overlay Zone that is located along each bank of the Willamette River, and lying 150 feet from the ordinary low water line of the Willamette River.

(Prior Code, § 600.010; Ord. No. 31-13)

Sec. 600.015. - Willamette Greenway development permit.

(a) *Applicability.*

- (1) Except as provided under subsection (a)(2) of this section, no intensification, change of use, or development within the Willamette Greenway Overlay Zone shall occur unless a greenway development permit has been issued pursuant to this chapter.
- (2) Exceptions. A greenway development permit is not required for:
  - (A) Maintenance of scenic easements acquired under ORS 390.368;
  - (B) Addition or modification of existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors by public or municipal utilities;
  - (C) Flood emergency procedures, and maintenance and repair of existing flood control facilities;
  - (D) Placement of signs, markers, aids, etc., by a public agency to serve the public;
  - (E) Residential accessory uses, such as lawns, gardens, and play areas in existence prior to June 9, 2004;
  - (F) Landscaping undertaken in accordance with this chapter;
  - (G) Storage of material or equipment associated with uses permitted outright within RA (Residential Agricultural) and RS (Single Family Residential) Zones, provided that the storage complies with all applicable provisions of the UDC;
  - (H) Seasonal increases in gravel operations, subject to any conditions imposed by law, ordinance, or conditional use approval;
  - (I) Improvement of a public park, in accordance with an officially approved master plan and the setback requirements of this chapter;
  - (J) Alterations of buildings or accessory structures which do not increase the size or alter the configuration of the building or accessory structure footprint;
  - (K) Activities allowed within the underlying zone which are usual and necessary for the use and enjoyment of an existing residence, including the modification of existing accessory structures;
  - (L) Ordinary maintenance and repair of buildings, structures, parking lots, or other site improvements that were in existence prior to June 9, 2004;
  - (M) Removal of nuisance or invasive non-native vegetation identified on the City of Salem Plant List, and consistent with erosion prevention and sediment control standards in SRC chapter 75; or
  - (N) Development of a Willamette Greenway trail or access paths, provided that all development and management standards meet the requirements of adopted parks management plans.

(b) *Classes.*

- (1) *Class 1 greenway development permit.* A Class 1 greenway development permit is a permit for any intensification, development, or change of use occurring within the Willamette Greenway, but outside of the compatibility review boundary.

- (2) *Class 2 greenway development permit.* A Class 2 greenway development permit is a permit for any intensification, development, or change of use occurring inside of the compatibility review boundary.
- (c) *Procedure type.*
- (1) *Class 1 greenway development permit.* A Class 1 greenway development permit is processed as a Type II procedure under SRC chapter 300.
  - (2) *Class 2 greenway development permit.* A Class 2 greenway development permit is processed as a Type III procedure under SRC chapter 300.
- (d) *Submittal requirements.* In addition to the submittal requirements under SRC chapter 300, an application for a Class 1 or Class 2 greenway development permit shall include the following:
- (1) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
    - (A) The total site area, dimensions, and orientation relative to north;
    - (B) Site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;
    - (C) The location of existing buildings, accessory structures, and other improvements on the site, including parking areas, loading areas, driveways and driveway approaches, fences, and walls, and whether they are to be removed;
    - (D) The location of the 100 year floodplain, if applicable; and
    - (E) The location of drainage patterns and drainage courses, if applicable.
  - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
    - (A) The total site area, dimensions, and orientation relative to north;
    - (B) The use, location, distance to property lines, and height of all proposed buildings and accessory structures;
    - (C) The location, distance to property lines, and layout of all proposed parking areas, including the size, number, and dimensions of proposed spaces;
    - (D) The location of all proposed driveways and driveway approaches;
    - (E) The location and square footage of all proposed landscaping;
    - (F) The location, height, and material of all proposed fences, walls, berms, and other proposed screening;
    - (G) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
    - (H) The location of the riparian buffer required under SRC 600.025(c)(2);
    - (I) The location of the ordinary low water line and the ordinary high water line; and
    - (J) The location of proposed pedestrian circulation areas.
  - (3) Identification of the color and exterior surface materials of all proposed buildings, structures, fences, walls, and mechanical equipment.
  - (4) A mitigation plan containing the following:
    - (A) Identification of a wider riparian buffer, in compliance with the standards set forth in SRC 600.025(c)(3)(A), if a greater riparian buffer is chosen as a mitigation measure under SRC 600.025(c)(3).

- (B) An enhancement plan, in accordance with the Willamette Greenway Riparian Buffer Enhancement Guide, if riparian buffer enhancement is chosen as a mitigation measure under SRC 600.025(c)(3).
  - (C) An off-street parking stormwater management plan, in compliance with the standards set forth in SRC 600.025(c)(3)(C), if off-street parking design standards for stormwater quantity and quality are chosen as a mitigation measure under SRC 600.025(c)(3).
  - (D) A tree planting plan, in compliance with the standards set forth in SRC 600.025(c)(3)(D) if tree planting for stormwater management is chosen as a mitigation measure under SRC 600.025(c)(3).
  - (E) The location and design of proposed alternative paving techniques, in accordance with the standards set forth in SRC 600.025(c)(3)(E), if utilization of alternative paving techniques is chosen as a mitigation measure under SRC 600.025(c)(3).
- (5) A report by a certified engineering geologist or geotechnical engineer demonstrating that the standards specified in SRC 600.025(a)(2) have been met.
- (6) A report by a registered professional engineer detailing the hydraulic and flood carrying capacity of the river.
- (e) *Criteria.*
- (1) *Class 1 greenway development permit.* An application for a Class 1 greenway development permit shall be granted if all of the following criteria are met:
- (A) The proposed intensification, development, or change of use is consistent with:
    - (i) The Willamette River Greenway Plan;
    - (ii) The Willamette Greenway Riparian Buffer Enhancement Guide;
    - (iii) The applicable standards of this chapter; and
    - (iv) Where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.
  - (B) The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.
- (2) *Class 2 greenway development permit.* An application for a Class 2 greenway development permit shall be granted if all of the following criteria are met:
- (A) The proposed intensification, development, or change of use is consistent with:
    - (i) The Willamette River Greenway Plan;
    - (ii) The Willamette Greenway Riparian Buffer Enhancement Guide;
    - (iii) The applicable standards of this chapter; and
    - (iv) Where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.
  - (B) The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.
  - (C) The proposed intensification, development, or change of use will, to the greatest extent possible, provide the maximum possible landscaped area, open space, or vegetation.
- (f) *Conditions of approval.*
- (1) Conditions may be imposed on any greenway development permit necessary to insure that proposed intensification, development, or change of use complies with the Willamette River Greenway Plan and the purpose of this chapter, and preserves and enhances the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.

- (2) In addition to any conditions imposed under subsection (f)(1) of this section, every greenway development permit shall include the following conditions:
  - (A) Prior to any excavation, grading, or construction, a survey map, certified by a licensed professional land surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.
  - (B) Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.

(Prior Code, § 600.015; Ord. No. 31-13)

Sec. 600.020. - Uses.

Except as otherwise provided in this section, any use or activity that is a permitted, special, conditional, or prohibited use or activity in the underlying zone is a permitted, special, conditional, or prohibited use or activity in the Willamette Greenway Overlay Zone.

- (a) Uses in riparian buffer. The following uses and activities, when allowed in the underlying zone, shall be the only uses and activities allowed within the riparian buffer of the Willamette Greenway Overlay Zone:
  - (1) Uses and activities excepted from a greenway development permit under SRC 600.015(a)(2);
  - (2) Riparian restoration and enhancement activities; and
  - (3) Water-dependent and water-related uses and activities.

(Prior Code, § 600.020; Ord. No. 31-13)

Sec. 600.025. - Development standards.

Development within the Willamette Greenway Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the development standards in this section shall be the applicable development standard.

- (a) *General standards.*
  - (1) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for:
    - (A) The construction or establishment of a water-related, water-dependent, or river-oriented use or activity; and
    - (B) Measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.
  - (2) The slope, soil characteristics, and other physiographic conditions existing within the land area between the ordinary low water line and the Willamette Greenway Boundary shall be considered to assure that the proposed intensification, development, or change of use will not adversely affect the stability of the land area.
  - (3) The hydraulic effect of the Willamette River on the bank shall be considered in the design of any proposed intensification, development, or change of use.

- (4) The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.
  - (5) Impact on the riparian buffer resulting from the proposed intensification, development, or change in use shall be minimized.
- (b) *Landscaping.*
- (1) Landscaping shall conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary. Landscaping is not required where it would significantly interfere with a water-dependent or water-related use or activity.
  - (2) Native vegetation removed from the riparian buffer shall be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.
  - (3) Trees and shrubs shall be provided as follows:
    - (A) A minimum of one tree shall be provided for every 20 feet of river frontage.
    - (B) A minimum of one shrub shall be provided for every two feet of river frontage.
    - (C) All trees and shrubs shall be planted within and generally riverward of the Willamette Greenway Boundary.
    - (D) The planting standards included under subsections (b)(3)(A) and (B) of this section are for calculation purposes only, and do not require linear planting. Groupings of trees, shrubs, or both are encouraged, particularly along the riverbank.
  - (4) Areas which are not paved or revetted shall be planted with living ground cover.
- (c) *Water quality.*
- (1) *Water quality development standards, generally.* In order to protect and improve water quality within the Willamette Greenway Boundary, a riparian buffer, as set forth in subsection (c)(2) of this section, along with one or more of the mitigation measures, as set forth in subsection (c)(3) of this section, shall be established.
  - (2) *Riparian buffer.* A riparian buffer shall be established as set forth in this subsection.
    - (A) *Boundary.* The applicant shall establish the riparian buffer boundary by choosing one of the following two methods:
      - (i) *Method 1.* Method 1 provides a relatively simple methodology for establishing a uniform riparian buffer boundary based on three bank slope measurements. The three bank slope measurements shall be taken along the Willamette River, one at each property line and one located at the center of the property, as determined by measuring the property line parallel to the Willamette River, and dividing it by two. Example: A 150-foot property line adjoining the Willamette River would result in bank slope measurements starting at the first property line, the 75-foot mark, and then the other property line. The riparian buffer boundary pursuant to Method 1 shall be established as set forth in Table 600-1.

| <b>TABLE 600-1. RIPARIAN BUFFER METHOD 1</b>    |   |   |
|---|---|---|
| <b>Bank Slope Measurement</b>                   | <b>Riparian Buffer<sup>(1), (2)</sup></b> | <b>Limitations &amp; Qualifications</b>   |
| All three bank slope measurements less than 25% | 50 ft.                                    | If the floodway is wider than the required 50-ft. riparian buffer, the riparian buffer shall extend to the floodway boundary. |

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| Any of the three bank slope measurements equal to or greater than 25%  | 75 ft. | If the floodway is wider than the required 75-ft. riparian buffer, the riparian buffer shall extend to the floodway boundary. |
| <p>(1) See Figure 600-1 for riparian buffer where all three bank slope measurements are less than 25 percent.</p> <p>(2) See Figure 600-2 for riparian buffer where any of the three bank slope measurements is equal to or greater than 25 percent.</p> |        |   |

- (ii) *Method 2.* Method 2 enables properties with varying bank slopes to establish a varying riparian buffer boundary reflecting site conditions and maximizing the area available for development. Bank slope measurements shall be taken along the Willamette River spaced at intervals no greater than 20 feet along ordinary high water line. The riparian buffer boundary pursuant to Method 2 shall be established as set forth in Table 600-2.

| <b>TABLE 600-2. RIPARIAN BUFFER METHOD 2</b>   |   |   |
|--|---|---|
| <b>Bank Slope Measurement</b>  | <b>Riparian Buffer<sup>(1), (2)</sup></b> | <b>Limitations &amp; Qualifications</b>   |
| Bank slope measurement less than 25%   | 50 ft.                                    | If the floodway is wider than the required 50-ft. riparian buffer, the riparian buffer shall extend to the floodway boundary. |
| Bank slope measurement equal to or greater than 25%  | 75 ft.                                    | If the floodway is wider than the required 75-ft. riparian buffer, the riparian buffer shall extend to the floodway boundary. |
| <p>(1) See Figure 600-1 for riparian buffer where a bank slope measurement is less than 25 percent.</p> <p>(2) See Figure 600-2 for riparian buffer where a bank slope measurement is equal to or greater than 25 percent.</p> |   |   |

- (B) When the riparian buffer measures more than 100 feet or 125 feet, depending on the bank slope, from the ordinary high water line, the property shall receive credit for meeting the wider riparian buffer mitigation measure under SRC 600.025(c)(3)(A).

FIGURE 600-1. RIPARIAN BUFFER: BANK SLOPES LESS THAN 25 PERCENT

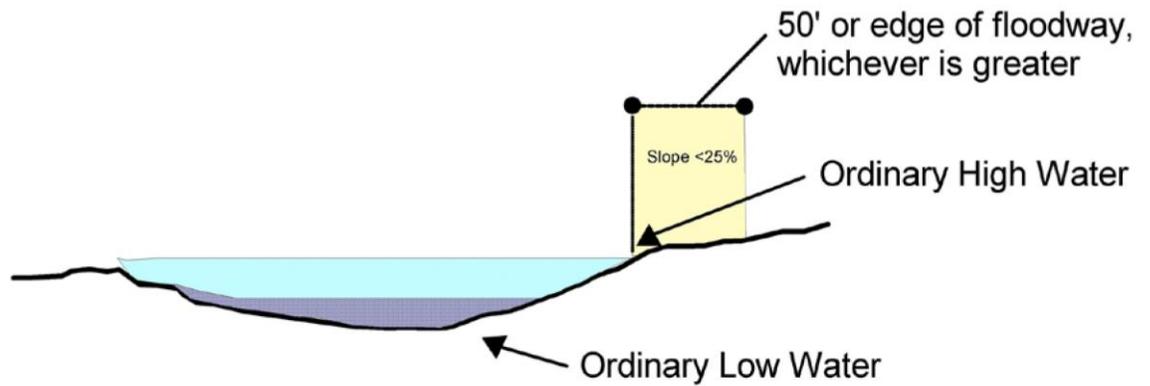
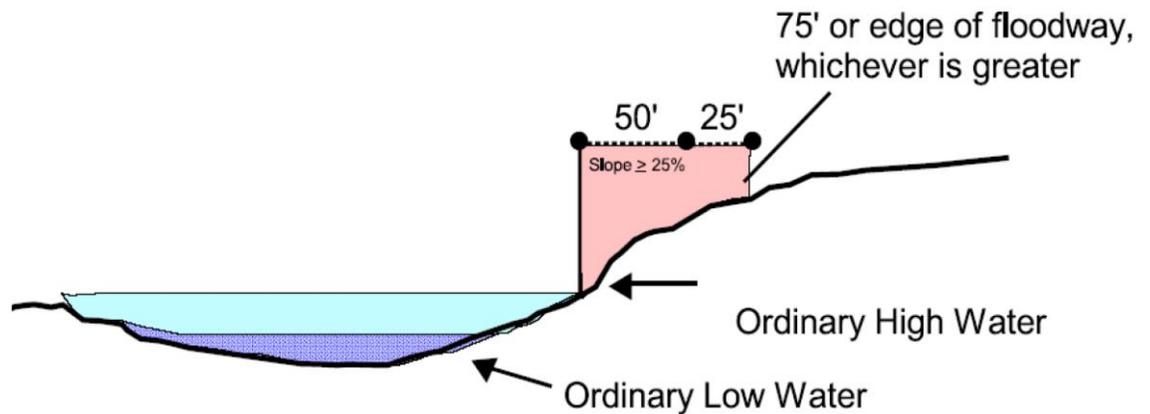


FIGURE 600-2. RIPARIAN BUFFER: BANK SLOPES EQUAL TO OR GREATER THAN 25 PERCENT



- (3) *Mitigation measures.* A mitigation plan, to mitigate the effects of any intensification, development, or change of use, shall be provided based on one of the following mitigation measures:
- (A) *Wider riparian buffer.* A riparian buffer wider than riparian buffer required under subsection (c)(2) of this section may be provided as a mitigation measure.
- (i) *Boundary.* The boundary of the wider riparian buffer is based upon the width of the riparian buffer required under subsection (c)(2) of this section, and shall be provided as set forth in Table 600-3.

| TABLE 600-3. WIDER RIPARIAN BUFFER                       |                          |   |
|--|--------------------------|---|
| Riparian Buffer<br>(Required under SRC<br>600.025(c)(2)) | Wider Riparian<br>Buffer | Limitations & Qualifications  |
| 50 ft.   | 100 ft.                  | If the floodway is wider than the 100-ft. wider riparian buffer, the wider riparian buffer shall extend to the floodway boundary. |

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| 75 ft. | 125 ft. | If the floodway is wider than the 125-ft. wider riparian buffer, the wider riparian buffer shall extend to the floodway boundary. |
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- (B) *Riparian buffer enhancement.* Enhancement in the riparian buffer may be provided as a mitigation measure. Enhancement shall comply with the following standards:
- (i) Enhancement shall be provided at a ratio of 0.25:1, where 0.25 represents enhancement area and 1 represents development area.
  - (ii) Enhancement shall comply with the Willamette Greenway Riparian Buffer Enhancement Guide.
  - (iii) All plants shall be selected from the City of Salem Native Plant List and shall be of a species designated appropriate for each riparian section.
  - (iv) Where enhancement includes removal of impervious surfaces or previous fill, exposed soils shall be replanted with a mixture of ground cover, shrubs, and trees.
  - (v) All plantings shall occur within one year of the permit date unless another date is approved in the greenway development permit.
- (C) *Off-street parking stormwater quantity and quality.* Parking lot construction which gives consideration to the quantity and quality of stormwater generated by any new or expanded impervious surface area may be provided as a mitigation measure when such parking lot construction complies with the following standards:
- (i) On-site stormwater detention shall be provided in accordance with the City's Stormwater Management Design Standards. On-site retention facilities, with no direct discharge into the Willamette River, shall be used to the maximum extent practicable.
  - (ii) Any new parking lot that creates more than 500 square feet of impervious surface, or any parking lot that redevelops more than 500 square feet of impervious surface, may use parking area landscaping required under SRC chapter 806 to manage stormwater from the new or redeveloped area. If such landscaped area does not allow for adequate sizing of the stormwater facilities, the applicant may choose one of following options:
    - (aa) Increase the landscape area within the parking lot to accommodate the required stormwater facility size; or
    - (bb) Use additional stormwater management facilities, which may include non-landscaped approaches, to obtain the required level of treatment.
  - (iii) Stormwater treatment facilities shall be designed in accordance with the City's Stormwater Management Design Standards, or in the absence of specific design criteria therein, in accordance with generally accepted standards in the industry. All treatment facilities shall be designed to remove pollutants, including, but not limited to, principally settleable solids, total suspended solids, oil, and grease, to the maximum extent practicable. Any of the following approaches may be used to remove pollutants:
    - (aa) Landscape planters;
    - (bb) Trees;
    - (cc) Landscape vegetated or grassy swales;
    - (dd) Vegetative filters;

- (ee) Landscape filters;
  - (ff) Sand filters;
  - (gg) Permeable or porous pavement;
  - (hh) Soakage trenches;
  - (ii) Infiltration trenches;
  - (jj) Proprietary engineered devices approved by the Director, when supporting technical information from the manufacturer is provided including hydraulic design criteria, particulate removal efficiency, and operations and maintenance requirements and schedule; or
  - (kk) Other site-specific measures sufficient to remove pollutants to the maximum extent practicable, as approved by the Director.
- (iv) All approved stormwater quantity and quality facilities shall be carefully and properly designed and subsequently operated and maintained so as to avoid groundwater contamination, erosion and off-site sediment transport, landslide hazards, and other similar concerns identified in the City's Stormwater Management Design Standards.
- (D) *Tree planting for stormwater management.* Tree planting for stormwater management to intercept rainfall, detain flows, dissipate the energy of runoff, provide shade over large areas of impervious surface, reduce heat pavement gain, and minimize heat absorbed by stormwater may be provided as a mitigation measure. Tree planting for stormwater management shall comply with the following standards:
- (i) Trees shall be planted and maintained within or adjacent to impervious surface areas to ensure that, within 15 years after issuance of the greenway development permit, at least 50 percent of the impervious surface area will be covered by tree canopy. Canopy cover shall be calculated by using 75 percent of the species' expected mature spread, based on HORTUS III or another horticulture reference approved by the Director.
  - (ii) Trees shall be selected from a list of species, established by the Director, that provide adequate shade over impervious surfaces.
  - (iii) Existing trees may be used as part of this mitigation measure when such trees have their canopy within 20 feet of the impervious surface.
  - (iv) Newly planted trees shall have a minimum caliper of 1.5 inches, and shall be planted within 30 feet of impervious surfaces.
  - (v) As used in this subsection (D), the term "impervious surface" does not include:
    - (aa) Truck loading areas in front of overhead doors;
    - (bb) Truck maneuvering and parking areas unconnected to and exclusive of vehicle parking;
    - (cc) Impervious surfaces not used for vehicle parking, driving, or maneuvering, provided such areas are inaccessible to vehicles by use of barriers such as bollards, curbs, or fencing;
    - (dd) Display, sales, service, and vehicle storage areas for automobile dealerships; and
    - (ee) Existing impervious surface areas.
- (E) *Alternative paving techniques.* Unless precluded by site-specific conditions as determined by the Director, off-street parking areas of less than 500 square feet may use alternative paving techniques to reduce the total amount of effective impervious

surface area present on the site as a mitigation measure. Alternative paving techniques shall comply with the following standards:

- (i) Alternative paving techniques shall consist of a semi-pervious surface, such as permeable or porous pavement, which reduces stormwater surface runoff to the maximum extent practicable.
  - (ii) The design and construction of parking areas utilizing alternative paving techniques shall be in accordance with the City's Stormwater Management Design Standards, or in the absence of specific design criteria therein, in accordance with generally accepted standards in the industry.
  - (iii) Semi-pervious materials shall be structurally adequate for the proposed use or activity.
- (d) *Structures.* All buildings, structures, and exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian area. Colors shall be natural earth or leaf tones. Surfaces shall be non-reflective. Screening shall be sight-obscuring.
- (e) *Lighting.*
- (1) Lighting shall not flash, if visible from the Willamette River, and shall not be focused or oriented onto the surface of the Willamette River.
  - (2) The maximum aggregate intensity of all lighting falling on the surface of the Willamette River shall not exceed one-tenth foot-candle per square foot.
  - (3) No red or green lights shall be visible from the Willamette River.
  - (4) Notwithstanding any other provision of this section, lighting necessary for safety of pedestrians may be provided for public or private walkways.
- (f) *Screening of parking and unenclosed storage areas.* Parking, loading, and unenclosed storage areas shall be screened from the Willamette River and from adjacent properties by:
- (1) A sight-obscuring berm; or
  - (2) A sight-obscuring hedge, a minimum of six feet in height at maturity. Hedges shall, when planted, be no less than three feet in height and shall be of a species capable of attaining a minimum height of six feet within three years after planting.
- (g) *View corridors.*
- (1) Whenever right-of-way located wholly or partially within the Willamette Greenway Overlay Zone is vacated, the City shall retain a scenic easement or other equivalent interest in the area vacated to provide visual access to the Willamette River across the entire width of the vacated right-of-way, or for a width of 30 feet, whichever is less, and along the entire length of the vacated right-of-way. Subject to approval by the Council, the abutting property owner, or owners, may substitute an area with equivalent size and dimensions under like restriction, if the substitute area provides comparable or better visual access to the Willamette River.
  - (2) The area covered by the scenic easement or other equivalent interest shall be limited to use for walkways, bicycle paths, and berms or landscaped areas; provided, however, that within an area of 7.5 feet on either side of the centerline of the scenic easement or other equivalent interest, landscaping and berms shall not exceed three feet in height.
- (h) *Public access.* Where practical, public access to and along the Willamette River should be provided by easement, dedicated right-of-way, or other appropriate legal means.

(Prior Code, § 600.025; Ord. No. 31-13)