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141.010. Intent and Purpose. The intent and purpose of the provisions of this chapter are:

- (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 Greenway Plan, and Goal 15 of the Land Conservation and Development Commission 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 of use, 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, development, or change of use on a site is in keeping with the function of the 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. (Ord No. 186-82; Ord No. 16-2004)

141.020. Definitions. As used in this chapter, except where the context otherwise requires: As used in this chapter, except where the context otherwise requires, the following mean:

- (a) **Bank Slope:** the rate of incline of the bank of the Willamette River, established by measuring 50 feet horizontally landward from the ordinary highwater line and dividing the difference in elevation by 50 and multiplying by 100. For example, if the 50-foot horizontal distance from ordinary highwater line equals a difference of elevation of 10 feet, then the bank slope is $(10 \div 50) \times 100$ or 20 percent.
- (b) **Change of use:** 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:
 - (1) 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;
 - (2) 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;
 - (3) The sale of property;
 - (4) Landscaping;
 - (5) Construction of driveways;
 - (6) Modifications of existing structures; or
 - (7) 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.
- (c) **Commission:** the Planning Commission of the City of Salem.
- (d) **Compatibility Review:** the review of intensification, changes of use and development within the Compatibility Review Boundary, to insure compatibility with ORS 390.101-390.220; ORS 390.310-390.368, Goal 15 of the Statewide Planning Goals, and the City of Salem Comprehensive Plan, and to insure that the best possible appearance, landscaping and public access to the Willamette River are provided.
- (e) **Compatibility Review Boundary:** that area within the Willamette River Greenway for which compatibility review is required by Goal 15, as designated by SRC 141.040.
- (f) **Canopy Cover:** the area beneath the above-ground parts of a tree within the dripline of the tree.
- (g) **Detention:** the temporary restriction, storage, and gradual release of runoff.
- (h) **Development:** 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 68, "Preservation of Trees and Vegetation"; or to create or terminate a right of access.
- (i) **Director:** the Public Works Director or the Director's designee.
- (j) **Enhancement:** increasing the net ecological functional values of the riparian buffer by any of the following: removal of impervious surfaces, restoring natural bank slopes, or increasing the cover and diversity of native vegetation.
- (k) **Floodway:** means a floodway as defined in SRC 140.020 (n).

- (l) Greenway Plan:** the detailed plan with that name adopted by SRC 64.230.
- (m) Impervious Surface:** areas or surfaces located aboveground, at ground surface, or below ground which retard 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.
- (n) Infiltration System:** a drainage system designed to allow stormwater to percolate into the soil.
- (o) Intensification:** any addition which increases or expands the area or level of activity of an existing use; or any remodeling of the exterior of a structure which will substantially alter the appearance of the structure. For the purposes of this definition, "intensification" does not include:
- (1)** Completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which permit substantial construction has been undertaken by July 1, 1976;
 - (2)** Maintenance and repair, usual and necessary for the continuance of an existing use;
 - (3)** Reasonable emergency procedures necessary for the safety or protection of property;
 - or
 - (4)** Seasonal increases in gravel operations.
- (p) Native vegetation:** 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.
- (q) Ordinary low water mark:** water elevation of the Willamette River has been 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 method recognized by professional surveyors and engineers and approved by the City's Department of Public Works.
- (r) Ordinary high water line:** water elevation of the Willamette River has been 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 method recognized by professional surveyors and engineers and approved by the City's Department of Public Works.
- (s) Planning Administrator:** the Urban Planning Administrator of the Department of Community Development or the Planning Administrator's designee.
- (t) Retention:** the restriction and storage, or alternative disposal of runoff without direct release to a point of disposal.
- (u) Riparian area:** the lands which are adjacent to the Willamette River and Willamette Slough. Riparian areas are transitional zones between aquatic and upland terrestrial ecosystems, and as such, contain elements of each ecosystem.
- (v) River-oriented use:** those uses and activities which would be benefited by a Willamette River overlook and by a geographic relationship in proximity to the Willamette River.
- (w) Stormwater Management Design Standards:** 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 Salem city limits. The purpose of these standards is to provide uniformity under which storm drainage facilities within the City are designed, constructed, and maintained.
- (x) Water-dependent use:** a use or activity which can be carried out only on, in, or adjacent to

a water body, because the use requires access to the water body for transportation, recreation, energy production, or source of water.

(y) Water-related use: a use 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 and 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.

(z) Willamette River: the waterway commonly known by that name, and including that body of water commonly known as the Willamette Slough.

(aa) Willamette River Greenway: all land within the Willamette Greenway Boundary as mapped by Oregon Department of Transportation. (Ord No. 186-82; Ord No. 16-2004)

141.030. Authority of the Administrator. The Administrator shall administer and enforce the provisions of this Chapter and permits issued thereunder; establish administrative procedures and guidelines; conduct inspections; and prepare forms necessary to carry out the purposes of this Chapter. (Ord No. 16-2004)

OVERLAY ZONES

141.040. Establishment of Willamette Greenway Overlay Zone and Compatibility Review Boundary.

(a) The Willamette Greenway Boundary, as mapped by the Oregon Department of Transportation, Parks and Recreation Division, is designated as the Willamette River Greenway Overlay District (WG District). The WG District shall be automatically applied to any land, or portion thereof, which is annexed into the City of Salem and mapped as part of the Willamette Greenway Boundary.

(b) The Compatibility Review Boundary within the WG District shall be those areas of land within the City of Salem located along each bank of the Willamette River Greenway, which lie 150 feet from the ordinary low water line adjacent to each bank of the Willamette River. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

PERMITS AND VARIANCES

141.050. Uses in Willamette Greenway Overlay District. Any use permitted in the underlying zone shall be permitted in the WG District but shall require a Greenway Development Permit, and shall be subject to any conditions imposed by such a permit. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

141.070. Greenway Development Permit Required; Exceptions.

(a) Except as provided in subsection (b) of this section, within the WG District no person shall make, cause, suffer, or permit any intensification, change of use, or development without first obtaining a Greenway Development Permit.

(b) A Greenway Development Permit shall not be required for any of the following:

(1) Maintenance of scenic easements acquired under ORS 390.368.

(2) Addition or modification of existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors by public or municipal utilities.

(3) Flood emergency procedures and maintenance and repair of existing flood control facilities.

(4) Placement of signs, markers, aids, etc., by a public agency to serve the public.

(5) Existing residential accessory uses, such as lawns, gardens, and play areas in existence prior to June 9, 2004.

(6) Landscaping in accordance with this chapter.

(7) Storage of material or equipment associated with uses permitted outright within RA (Residential Agricultural) and RS (Single Family Residential) zones, providing that the storage complies with all applicable provisions of the zoning code.

- (8) Seasonal increases in gravel operations, subject to any conditions imposed by law, ordinance, or specific conditional use approval.
- (9) Improvement of a public park in accord with an officially approved master plan and the setback requirements of SRC 141.240.
- (10) Alterations of buildings or accessory structures which do not increase the size or alter the configuration of the building footprint.
- (11) Activities allowed within the base zone which are usual and necessary for the use and enjoyment of an existing residence, including the modification of existing accessory structures or facilities.
- (12) Normal maintenance and repair necessary for buildings, structures, parking lots, or other uses that were in existence prior to June 9, 2004.
- (13) Removal of vegetation identified as nuisance or invasive non-native plants on the City of Salem Plant List and consistent with erosion prevention and sediment control standards in SRC Chapter 75.
- (14) Development of a Greenway trail or access paths, provided that all development and management standards meet the requirements of adopted parks management plans. (Ord No. 186-82; Ord No. 48-89; Ord No. 60-97; Ord No. 16-2004)

141.080. Issuance of Permit. All applications for Greenway Development Permits within the Compatibility Review Boundary shall be reviewed by the hearings officer, and shall be processed as conditional uses under SRC 117.010-117.060. All applications for Greenway Development Permits outside the Compatibility Review Boundary shall be reviewed by the planning administrator, and shall be processed as administrative conditional uses under SRC 116.100-116.120. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

141.090. Greenway Permit Review.

- (a) Greenway Development Permit review shall ensure that all proposed changes to a site are consistent with the Greenway Plan, the Willamette Greenway Riparian Buffer Enhancement Guide, all other applicable standards of this Chapter, and where applicable stormwater runoff water quality standards adopted and administered by the City of Salem Public Works.
- (b) To insure that the proposed intensification, development, or change of use complies with the Greenway Plan and the purposes set forth in SRC 141.010, additional conditions may be imposed to preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.
- (c) In addition to all standards and requirements specified in the underlying zone, any applicable floodplain zone, and elsewhere in the zoning code, all intensification, development, and change of use within the WG District shall comply with the conditions imposed as part of a Greenway Development Permit and applicable standards and requirements of this chapter. (Ord No. 186-82; Renumbered 141.080 and amended by Ord No. 16-2004)

141.095. Compatibility Review; Findings; Notice.

- (a) In addition to any other findings required by this chapter, any Greenway Permit for a proposed intensification, development, or change of use for an area within the Compatibility Review Boundary shall include findings that, to the greatest extent possible the intensification, development or change of use will provide the maximum possible landscaped area, open space, or vegetation.
- (b) Notice of proceedings for the issuance of a Greenway Permit within the Compatibility Review Boundary shall be made to all owners of record of contiguous property, and to any individual or group which has requested notice of Compatibility Review. (Ord No. 16-2004)

141.100. Variances.

- (a) Variances to the standards established under this Chapter shall be requested in the application for a Greenway Permit. Notwithstanding SRC 141.080, any application which includes a request for a variance shall be reviewed by the hearings officer.
- (b) The hearings officer may vary any of the development standards under SRC 141.200 to 141.300, upon a finding that the proposed development, intensification, or change of use complies with the intent and purpose specified in SRC 141.010 and the Greenway Plan, and the variance is necessary to reasonably carry out the proposal and would not adversely affect the public health, safety, or welfare. (Ord No. 186-82; Ord No. 48-89; Renumbered 141.090 and amended by Ord No. 16-2004)

DEVELOPMENT STANDARDS

141.200. General Development Requirements.

- (a) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for the construction or establishment of a water-related, water-dependent, or river-oriented use; and measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.
- (b) Development, intensification, or change of use shall consider the slope, soil characteristics and other physiographic conditions existing within the land area between the ordinary low water mark, and the Greenway boundary, to assure that the proposed development, intensification or change in use will not adversely affect the stability of the land area.
- (c) The hydraulic effect of the river on the bank shall be considered in the design of any proposed intensification, development, or change of use.
- (d) The applicant shall submit a report by a certified engineering geologist or geotechnical engineer as specified in SRC Chapter 69, Landslide Hazard Ordinance, that the standards specified in subsection (b) of this section have been met.
- (e) The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use. The applicant shall submit a report by a Registered Professional Engineer detailing said capacity.
- (f) As a condition of development, intensification, or change of use in land areas, the applicant shall establish that steps have been taken to minimize impact on the riparian buffer. (Ord No. 186-82; Ord No. 16-2004)

141.210. Native Vegetation. Native vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

- (a) Native vegetation removed from the riparian buffer shall be replaced with native vegetation which shall be compatible with and enhance the functions of the riparian buffer.
- (b) Trees of eight inches or greater diameter measured at a height of four feet shall not be removed unless removal meets the requirements of SRC Chapter 68, "Preservation of Trees and Vegetation."
- (c) Plans for removal and replacement of native vegetation shall be submitted to the planning administrator and approved prior to any excavation, grading, or construction. (Ord No. 186-82; Ord No. 16-2004)

141.220. Greenway Landscaping.

- (a) Landscaping must conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Greenway boundary. Landscaping requirements are in addition to any landscaping requirements applicable in the base zone. Landscaping is not required where it would significantly interfere with a water-dependent or water-related use or development.
- (b) **Landscaping standards.**

- (1) Landscaping shall comply with the following standards:
 - (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) Areas which are not paved or revetted must have living ground cover.
 - (D) All trees and shrubs are to be planted within and generally riverward of the Greenway boundary.
- (2) The standards are for calculation purposes only, and do not require linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

141.230. Structures. All buildings and structures, including supporting members, and all 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 nonreflective. Screening shall be sight-obscuring. (Ord No. 186-82; Ord No. 86-2002; Ord No. 16-2004)

141.240. Water Quality Development Standards.

(a) Any intensification, change of use or development for which a Greenway Permit is required shall establish a riparian buffer and implement one of the mitigation measures set forth in subsection (c) of this section.

(b) Riparian Buffer.

(1) **Purpose.** The riparian buffer is a designated area adjoining the Willamette River that is specifically selected to maximize ecological, scenic and aesthetic values. This purpose may be achieved by any, or all, of the following actions: maintain the natural river corridor; minimize erosion, nutrient and pollutant loading; provide for filtering and infiltration, and stabilizing slopes to prevent landslides and accelerated rates of channel migration contributing to sedimentation. Only uses excepted under SRC 141.070, riparian enhancement activities or structures used for water-dependent and water-related uses are permitted in the riparian buffer.

(2) **Boundary.** The applicant may determine the riparian buffer boundary by choosing from one of the two options provided in paragraph (3) of this subsection.

(A) Method 1 was developed to provide a relatively simple methodology for determining a riparian buffer boundary based on three bank slope measurements.

(B) Method 2 was developed to enable properties with varying bank slopes to establish a riparian buffer boundary reflecting site conditions and maximizing the area available for development.

(3) **Method 1.** Method 1 is implemented by taking three bank slope measurements 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. For example, a 150-foot property line adjoining the Willamette River would result in bank slope measurements starting at the first property line, a 75-foot mark and then the other property line. (See Table 1; Figures 1 and 2.)

(A) Where all three slope measurements are less than 25%, a 50-foot riparian buffer paralleling the ordinary highwater mark is required. If the floodway is wider than the 50-foot mark, the riparian buffer will extend to the floodway boundary.

(B) If any of the three slope measurements equal or are greater than 25%, a 75-foot riparian buffer paralleling the ordinary highwater mark is required. If the floodway is wider than the 75-foot mark, the riparian buffer will extend to the floodway boundary.

(4) **Method 2.** Method 2 is implemented by taking the bank slope measurement along the

Willamette River at intervals spaced at a maximum of 20-foot intervals along ordinary highwater line. (See Table 1; Figures 1 and 2.)

(A) Each slope measurement that is less than 25% requires a riparian buffer of 50 feet from the ordinary highwater mark. If the floodway is wider than the 50-foot mark, the riparian buffer will extend to the floodway boundary.

(B) Each slope measurement that is equal or greater than 25% requires a riparian buffer of 75 feet from the ordinary highwater mark. If the floodway is wider than the 75-foot mark, the riparian buffer will extend to the floodway boundary.

(5) 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 mitigation measure SRC 141.240 (c) (1).

(c) Mitigation Measures. The applicant shall provide a mitigation plan to mitigate the effects of development, and shall choose one of the following mitigation measures as the basis of the plan:

(1) **Wider Riparian Buffer.** A riparian buffer wider than required under subsection (a) of this section may be provided as a mitigation measure. Only uses excepted under SRC 141.070, riparian restoration activities or structures used for water- dependent and water-related uses are permitted in the riparian buffer. (See Table 2.)

(A) **Boundary.** The wider riparian buffer is established using one of the required methods established under SRC 141.240 (a).

(i) Where the bank slope measurements require that a riparian buffer be established to a minimum of 50 feet landward from the ordinary high water line, a wider riparian buffer shall be established which is a line which is 100 feet landward of the ordinary high water line, or a line which is the floodway line, whichever is farther.

(ii) Where the bank slope measurements require that a riparian buffer be established to a minimum of 75 feet landward from the ordinary high water line, a wider riparian buffer shall be established which is a line 125 feet landward of the ordinary high water line, or a line which is the floodway line, whichever is farther.

(2) **Riparian Buffer Enhancement.** Enhancement in the riparian buffer may be provided as a mitigation measure in accordance with the following standards:

(A) The development impacts in the Willamette River Greenway at a ratio of .25 (enhancement area) :1 (development area).

(B) An enhancement plan shall be submitted in accordance with the Willamette Greenway Riparian Buffer Enhancement Guide.

(C) All plants shall be selected from the City of Salem Native Plant List and planted with species designated appropriate for each riparian section.

(D) Where enhancement includes removal of impervious surfaces, or previous fill, exposed soils shall be replanted with a mixture of ground cover, shrubs and trees.

(E) All plantings shall occur within 1 year of the permit date unless otherwise approved by the Planning Administrator.

(3) **Off-Street Parking Design Standards for 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 according to the following standards may be provided as a mitigation measure. To address stormwater quantity, on-site stormwater detention shall be provided in accordance with the City's Stormwater Management Design Standards, and on-site retention facilities (no direct discharge) must be used to the maximum extent practicable.

(A) 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 the landscape area required by SRC Chapter 132 to manage stormwater from the new or redeveloped area. If the landscaped area does not allow for adequate sizing of the stormwater facilities, the applicant may choose one of following options:

(i) Increase the landscape area within the parking lot to accommodate the required stormwater facility size; or

(ii) Use additional stormwater management facilities (which can include non-landscaped approaches) to obtain the required level of treatment.

(B) All 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 industry-accepted standards as approved by the Director. All treatment facilities shall be designed to remove pollutants (principally settleable solids, total suspended solids, and oil and grease) to the "maximum extent practicable" as determined by the Director. Any of the following approaches may be used to fulfill this requirement:

(i) Landscape planters

(ii) Trees

(iii) Landscape vegetated or grassy swales

(iv) Vegetative filters

(v) Landscape filters

(vi) Sand filters

(vii) Permeable or porous pavement

(viii) Soakage trenches

(ix) Infiltration trenches

(x) Proprietary engineered devices approved by the Director. Technical submittals from the manufacturer are required, including hydraulic design criteria, particulate removal efficiency, and operations and maintenance requirements and schedule.

(xi) Other site-specific measures as approved by the Director.

(C) 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.

(4) Tree Planting for Stormwater Management. Tree planting may be used as a mitigation measure, to reduce impervious surface area, to intercept rainfall, to detain flows, to dissipate the energy of runoff and to provide shade over large areas of impervious surface and thereby reduce heat pavement gain and minimize heat absorbed by stormwater.

(A) Trees shall be planted and maintained within or adjacent to impervious surface areas to ensure that, within fifteen years after establishment, at least 50% of the impervious surface area will be covered by tree canopy. Canopy cover shall be calculated by using 75% of the species expected mature spread based on HORTUS III or other horticulture references approved by the Planning Administrator.

(B) The Planning Administrator shall establish a list of species to be used for planting to provide adequate shade over impervious surfaces, and shall review site plans to determine compliance with this subsection. All landscaping, including trees, shrubs, and turf, shall be properly maintained.

(C) The following impervious surface areas are exempt from this paragraph:

(i) Truck loading areas in front of overhead doors;

(ii) Truck maneuvering and parking areas unconnected to and exclusive of

vehicle parking;

(iii) 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;

(iv) Display, sales, service, and vehicle storage areas for automobile dealerships. All required employee and patron parking shall comply with the provisions of this subsection;

(v) Existing impervious surface areas;

(D) Existing trees utilized to satisfy the requirements of this subsection must have a tree canopy within 20 feet of the impervious surface.

(E) Newly planted trees shall have a minimum 1 ½ inch caliper and must be planted within 30 feet of impervious surfaces.

(5) Permeable or Porous Pavement. Unless precluded by site-specific conditions as determined by the Director, small (less than 500 square feet) off-street parking areas, such as those provided in single family residential areas and overflow parking in commercial and industrial zones, may use alternative paving techniques as a mitigation measure to reduce the total amount of effective impervious surface area present on the site. Alternative paving techniques shall consist of a semi-pervious surface (i.e., permeable or porous pavement) which reduces stormwater surface runoff to the maximum extent practicable as determined by the Director. The design and construction of such parking areas shall be in accordance with the City's Stormwater Management Design Standards; or in the absence of specific design criteria therein, in accordance with industry-accepted standards as approved by the Director. Semi-pervious materials shall be structurally adequate for the proposed use, as determined by the Director. (Ord No. 186-82; Ord No. 16-2004)

141.250. Height Limitation. New development, alteration or enlargement of existing buildings and structures within the WG District shall be subject to the following:

(a) Within the Riverfront and Edgewater Overlay Zones, the maximum height of any structure shall not exceed the height limitations contained in the City of Salem Development Design Handbook and the underlying zone.

(b) Within all other zoning districts the maximum height of any structure shall not exceed the height limitations applicable in the underlying zone. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

141.260. Signs and Graphics. In addition to compliance with all other applicable provisions of the Salem Revised Code regulating signs and graphics, no sign or graphic display shall have a display surface oriented toward or visible from the river. (Ord No. 186-82; Ord No. 16-2004)

141.270. Lighting.

(a) Lighting within the WG zone shall not flash if visible from the river, and shall not be focused or oriented onto the river surface.

(b) Maximum aggregate intensity of all lighting falling on the river surface shall not exceed one-tenth foot-candle per square foot.

(c) No red or green lights shall be visible from the river.

(d) Notwithstanding any provision of this section, lighting necessary for safety of pedestrians may be provided for public or private walkways. (Ord No. 186-82; Ord No. 16-2004)

141.280. Screening of Parking and Unenclosed Storage Areas.

(a) Parking, loading, and unenclosed storage areas located within the WG District shall be screened from the Willamette River and from all adjacent properties.

(b) Screening required by this section shall be a sight-obscuring berm or hedge at least six feet in height at maturity. A hedge shall, when planted, be no less than three feet high and shall be of shrubs capable of attaining a height of not less than six feet within three years of date of planting. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

141.290. Open Vistas.

(a) Whenever right-of-way which is located wholly or partly within the WG District is vacated to accommodate intensification, development, or change of use, the city shall retain, or the owner shall grant, a scenic easement or other equivalent interest in real property to provide visual access to the river, across the entire width or the vacated right-of-way or 30 feet, whichever is lesser, and along the entire length of the vacated right-of-way. Subject to approval by the City Council, the owner may substitute an area of equivalent size and dimension under like restriction, provided such substitute area provides a comparable or better visual access to the Willamette River from public rights-of-way in and adjacent to the site.

(b) Use of the property subject to the scenic easement or other interest in real property shall be limited to walkways, bicycle paths, and berms or landscaped areas, provided, however, that within an area seven and one-half feet on either side of the centerline of the visual access area, landscaping and berms shall not exceed three feet in height. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

141.300. Public Access. Where practical, public access to and along the river should be provided by easement or dedicated right-of-way, or other appropriate legal means. (Ord No. 186-82; Ord No. 16-2004)

141.310. Survey. Prior to any excavation, grading, or construction the applicant shall submit to the planning administrator a survey map certified by a licensed Professional Land Surveyor showing the Willamette Greenway overlay district boundary and its relationship to the site and survey monuments thereon. (Ord No. 186-82; Ord No. 48-89; Ord No. 16-2004)

Table 1 - Riparian Buffer Width

Riparian Buffer Width
<p>A. <u>Method 1:</u></p> <p>(i) If all the bank slope measurements are $< 25\%$, then the riparian buffer extends from the ordinary high water line to either: 1) a point which measures 50 feet landward from the ordinary high water line; or, 2) the edge of the floodway, whichever is farther.</p>
<p>(ii) If any of the three bank slope measurements are $\geq 25\%$, then the riparian buffer extends from the ordinary high water line to either: 1) a point which measures 75 feet landward from the ordinary high water line; or, 2) the edge of the floodway, whichever is farther.</p>
<p>B. <u>Method 2:</u></p> <p>(i) For each bank slope measurement that is $< 25\%$, then the riparian buffer extends from the ordinary high water line to either: 1) a point which measures 50 feet landward from the ordinary high water line; or, 2) the edge of the floodway, whichever is farther.</p>
<p>(ii) For each bank slope measurement that is $\geq 25\%$, then the riparian buffer extends from the ordinary high water line to either: 1) a point which measures 75 feet landward from the ordinary high water line; or, 2) the edge of the floodway, whichever is farther.</p>

Figure 1 - Riparian Buffer where bank slopes are less than 25%

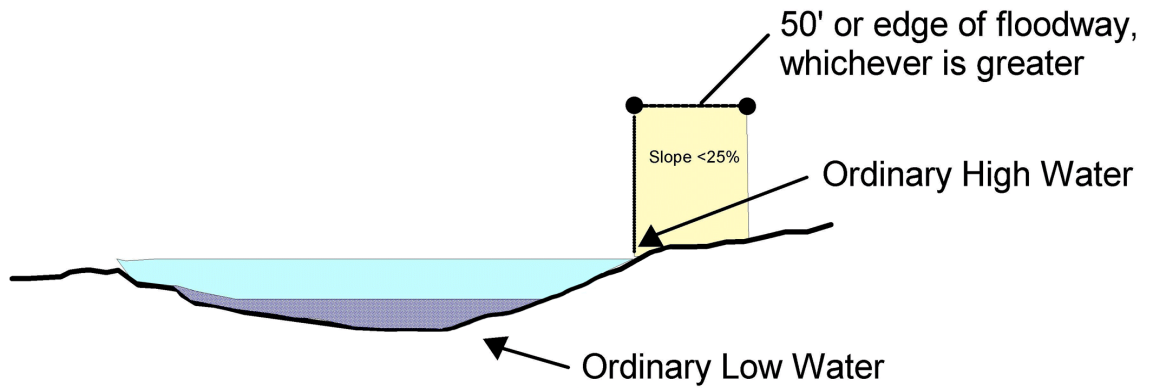


Figure 2 - Riparian Buffer where bank slopes are $\geq 25\%$

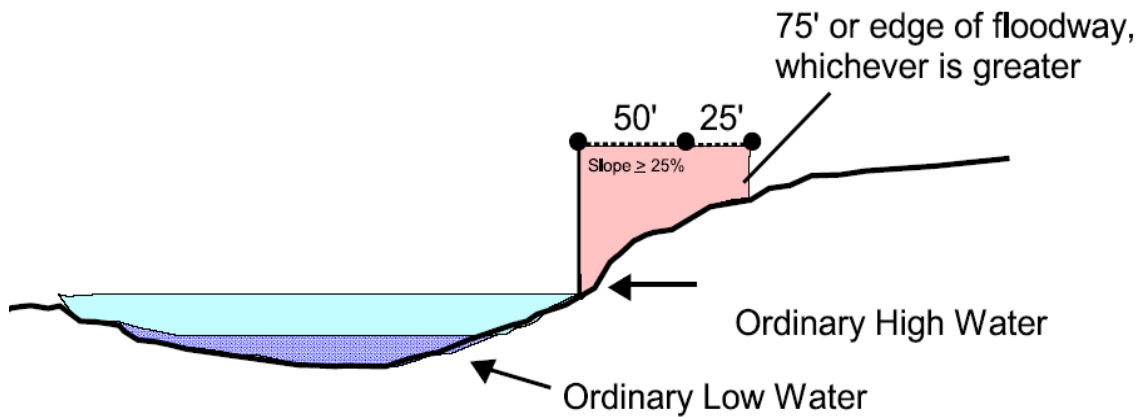


Table 2 - Wider Riparian Buffer

Wider Riparian Buffer Width	
Boundary:	
(i)	Where all the bank slope measurements are $< 25\%$, then the wider riparian buffer is 100 feet measured from ordinary high water, or the edge of the floodway, whichever is farther.
(ii)	If any of the three bank slope measurements are $\geq 25\%$, then the wider riparian buffer is 125 feet measured from ordinary high water, or the edge of the floodway, whichever is farther.

