
Appendix to the City of Salem Willamette River Greenway Plan

Taking an Exception to Statewide Planning Goal 15 for the Salem River Crossing Preferred Alternative

Statewide Planning Goal 15 is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

As shown on the attached Figure, the footprint for the Salem River Crossing Preferred Alternative within the Greenway Overlay is entirely within the existing UGB and Salem city limits. About 25 acres of the “footprint” of the preferred alternative are within the Greenway Overlay, with about 8 acres associated with the new bridge.

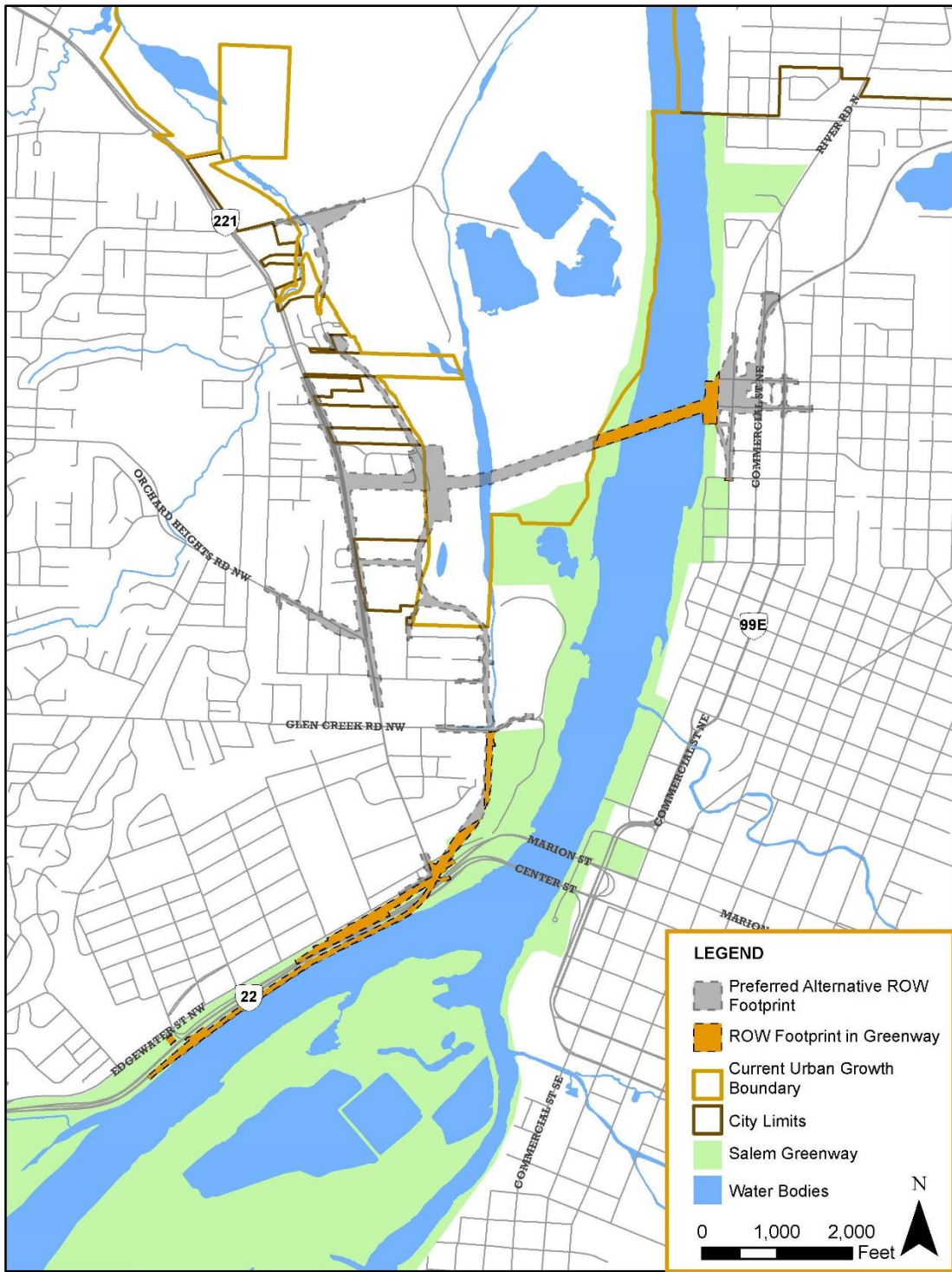
This appendix serves as the City of Salem Greenway Goal Exception as required by Statewide Planning Goal 15 and OAR 660-004-0022(6) to authorize the placement of piers/fill within the Greenway Overlay associated with the new bridge crossing and related transportation improvements described below:

- Segment of new bridge extending from realigned Front Street on the east bank of the Willamette River, over McLane Island to the westerly edge of the Greenway Overlay/Floodway boundary west of the river;
- Expansion of OR 22 toward the Willamette River (on the bank) to accommodate new ramp and connection of OR 22 to Marine Drive; and
- Extension of Marine Drive ramp on structure south of Glen Creek Road to connect with OR 22.

Greenway Development Permitting for the Preferred Alternative will provide the opportunity to apply conditions to achieve compliance with all development standards in the Greenway Overlay.

The following discussion is taken from the Salem River Crossing Project Final Environmental Impact Statement, Land Use Technical Report.

Figure 1. Salem River Crossing Preferred Alternative within Greenway Overlay



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1. Statewide Planning Goal 15: Willamette River Greenway

As set forth in the Willamette Greenway statutes:

“The qualities of the Willamette River shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1974. Intensification of uses, changes in use or developments may be permitted after this date only when they are consistent with the Willamette Greenway Statute, this goal and other standards.”¹⁶

Under Goal 15, an exception is required for all Salem River Crossing Project Build alternatives for the following reasons:

- Alternative 2A (widening the existing bridges) involves an “intensification of an existing use” or “development” as defined in Goal 15.
- The preferred alternative and all other Build alternatives (constructing a new bridge and expanding the footprint of OR 22) involve a “change of use” or “development” as defined in Goal 15.
- Within urban areas, Goal 15 and OAR 660-004-0022(6) prohibit the siting of uses or structures that are not considered water-dependent or water-related within the Greenway setback line¹⁷ without an exception.
- As defined in the statewide planning goals, “water-dependent” means: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.
- “Water-related” means: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, ***roads and highways***are not generally considered water-dependent or water-related uses.
- In particular, bridge structures, ramps, or piers on fill within the Greenway setback are not considered to be water-dependent or water-related uses.

Unlike many jurisdictions, the City of Salem has not mapped a specific Greenway setback, but instead requires delineation of a “riparian buffer” on a case-by-case basis taking the Ordinary High Water (OHW), topography and location of the floodplain into account. The “riparian buffer” will never be larger than the Greenway Overlay. For the purpose of the Greenway Goal Exception, the project team has taken the conservative approach of identifying all areas of cut and fill associated with the preferred alternative within the Greenway Overlay instead of focusing on the fill within a more limited riparian buffer (which has not been delineated).

¹⁴ The Willamette Greenway statutes are set out at ORS chapter 390.310 to 390.368.

¹⁵ Goal 15, Implementation Measure F.3.a – “Such boundaries in urban areas shall be not less than 150 feet from the ordinary low water line of the Willamette River.”

2. Reasons Necessary to Justify an Exception to Goal 15

Goal 15 exceptions need to show compliance with the standards for “reasons” exceptions set out in OAR chapter 660, Division 4 (especially OAR 660-004-0018, -0020, and -0022(6)). Briefly, these require a demonstration of (1) reasons why the policies in Goal 15 should not apply; (2) consideration of alternative locations; (3) analysis of the economic, social, environmental, and energy (ESEE) consequences of locating the use at the proposed location rather than other locations also requiring goal exceptions, and (4) analysis of how the use is or can be made compatible with adjacent uses.

OAR 660-004-0022(6) outlines the types of reasons that may be used to justify an exception to Goal 15.

(6) Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses which are neither water-dependent nor water-related within the setback line required by Section C.3.k of the Goal may be approved where reasons demonstrate the following:

- (a) The use will not have a significant adverse effect on the greenway values of the site under consideration or on adjacent land or water areas;*
- (b) The use will not significantly reduce the sites available for water-dependent or water-related uses within the jurisdiction;*
- (c) The use will provide a significant public benefit; and*
- (d) The use is consistent with the Legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by LCDC under ORS 390.322.”*

The legislative findings and policy in ORS 390.314 are:

ORS 390.314. Legislative findings and policy

(1) The Legislative Assembly finds that, to protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River, to preserve and restore historical sites, structures, facilities and objects on lands along the Willamette River for public education and enjoyment and to further the state policy established under ORS 390.010, it is in the public interest to develop and maintain a natural, scenic, historical and recreational greenway upon lands along the Willamette River to be known as the Willamette River Greenway.

The preferred alternative would provide a new bridge crossing the Willamette River at about River Mile 83, approximately 1 mile north of the Marion and Center Street Bridges.

As shown on Figure 1, only a portion of the full bridge (approximately 1,705 LF) is within Salem’s Greenway Overlay zone. The segment of the bridge elevated on structure over the floodway/floodplain west of the river to Marine Drive (approximately 2,200 LF) is outside of the Greenway and does not require a Greenway Goal Exception.

The values of the Greenway are embodied in Goal 15: “to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities along the Willamette River as the Willamette River Greenway.”

The Willamette River Crossing DEIS (DEIS), and supporting technical reports, provide evidence and figures that address natural, scenic, historic, agricultural, economic, and recreational qualities of the larger study area that encompasses Salem's Greenway Overlay. The Willamette River Crossing FEIS (FEIS) includes addenda to the individual technical reports that focus more specifically on the preferred alternative.

Key information from the DEIS is summarized in this subsection to focus on the values of the Greenway. The complete DEIS and technical reports provide additional details, with references to specific sections of the DEIS included in this document.

Natural. Studies of the Willamette River channel through time show that dam construction, channelization, drainage and other activities have resulted in simplification of the river system – eliminating meander patterns and shortening the channel. Because the main stem of the mid-Willamette River has been narrowed and deepened, off-channel habitat has been greatly reduced. Flood-control measures upstream and outside of the project area have led to the loss of approximately 75 percent of shallow-water, floodplain, and off-channel habitats. This has significantly reduced the quality of available freshwater aquatic habitat in the mid-Willamette River.¹⁸

Aquatic habitat within the river is primarily rearing and migration habitat for salmonids. Spawning, rearing, and migration habitat for non-salmonid fish species occurs in the area. The river deepens close to the river banks, which limits critical shallow water habitat. In the mid-Willamette Basin, only specific runs of Chinook salmon and steelhead trout are listed under the federal Endangered Species Act (ESA) as “threatened” species.¹⁹

The Willamette River and its associated riparian areas are important fish and wildlife corridors. The riparian areas offer a link between the river and the upland forests and wetlands in the surrounding parks and refuges (including Wallace Marine Park and Minto Brown Park). Some reaches of the Willamette River provide wintering or nesting habitat for several species of waterfowl. In addition, several species of mammals use the river, including river otter and muskrat.

Riparian habitats include mature deciduous/coniferous gallery forests along the Willamette River dominated by very large black cottonwood with some Oregon ash on lower terraces transitioning to bigleaf maple, grand fir, and snowberry upslope. Many wildlife species use riparian habitats over some portion of their life cycles. This habitat offers nest sites, shelter, and forage to various species. No federal ESA-listed wildlife species or species proposed for ESA listing are documented within the study area. In addition, no ESA or state-listed threatened or endangered plant species were identified during surveys conducted in the study area.²⁰

The primary impact of the preferred alternative on threatened species is expected to be temporary in nature and associated with construction activities. No long-term impacts to juvenile or adult fish passage are anticipated as a result of the preferred alternative. As part of the FEIS and permitting requirements, an ESA consultation with NMFS and USFWS, including preparation of a Biological Assessment (BA), will be required.²¹

¹⁶ DEIS, Natural Systems and Communities, page 3-371.

¹⁹ DEIS, Threatened and Endangered Species, page 3-399.

²⁰ DEIS, Threatened and Endangered Species, page 3-401.

²¹ DEIS, Threatened and Endangered Species, page 3-404.

Potential mitigation measures and best management practices (BMPs) to address impacts to natural resources (River Systems, Aquatic Habitat, Water Quality, Wetlands, Riparian Habitat and Floodplain) are outlined in the DEIS. The FEIS will include specific mitigation measures and Best Management Practices (BMPs) for the preferred alternative and it is expected that detailed mitigation commitments will be incorporated in the Record of Decision for the project.

Potential measures to avoid, minimize, and mitigate for adverse impacts to natural resources identified in the DEIS include, but are not limited to:

- Conducting in-water work during the in-water work period established by the ODFW to minimize potential impacts to aquatic life.
- Creating and/or restoring wetland habitat (potentially within Wallace Marine Park or on Minto Brown Island).
- Creating additional shallow-water habitat along the Willamette River at Wallace Marine Park using bioengineering techniques, removing non-native species, and employing long-term controls.
- Removing invasive species where found in the project footprint along the Willamette River riparian areas.
- Revegetating and monitoring disturbed areas, including planting native vegetation.
- Placing habitat structures (such as snags, logs, and nesting boxes) for cavity-nesting species. In addition, trees removed from the river bank would be replaced to help establish connectivity between the Willamette River and upland areas.
- Installing stormwater retention and treatment to mitigate for new impervious surfaces.
- Developing and implementing erosion and sediment control plans.

Scenic. Chapter 3.8 of the DEIS addresses visual resources. The Willamette River; the open space and recreational uses of the riverfront parks; the existing bridges and roadways; and the urban areas on both sides of the river are the dominant visual elements of the project area. The open area within Wallace Marine Park as viewed from the east side of the river make the Center Street and Marion Street Bridges and supporting infrastructure more visible than is typical in an urban setting. The Willamette River, including fully mature trees, is the most important feature contributing to the landscape's uniqueness. Vegetation along the riverbank and in the floodplain provides much of the visual quality of the project area.²²

From surrounding areas, the riverfront is generally not visible because of elevations and vegetation. The existing riverfront parks and pathways, and existing bridges and bicycle and pedestrian facilities over the Willamette, provide the best public access to views of the river. Recreational boaters on the river have the opportunity to enjoy the scenic qualities of the river from a different vantage point.²³

²² DEIS, Visual Resources, page 3-330.

²³ DEIS, Visual Resources, page 3-331.

The bridge for the preferred alternative would be placed about one mile downstream from the existing bridges, crossing over McLane Island, the northern tip of Wallace Marine Park and the southerly portion of the gravel operation. Relative to other alternatives studied in the DEIS (e.g., Alternatives 2A and 2B), there would be fewer viewers of the new bridge and the distance would mask the bulk of the bridge.²⁴

For the preferred alternative, the new bridge, and associated bicycle and pedestrian facilities on and off the bridge, would provide additional opportunities for views of the Willamette River, McLane Island, and Wallace Marine Park and riparian areas that aren't available today. In the subsequent Greenway Development Permit phase, the public and decision-makers will have an opportunity to review the bridge design details and bicycle and pedestrian facilities and amenities, to ensure that the new bridge results in an overall net positive impact on the visual and scenic quality of the Willamette River Greenway.

OR 22 and Edgewater Street businesses in West Salem, and the riverbank area adjacent to OR 22, are visually sensitive locations. The preferred alternative, along with five of the eight Build alternatives evaluated in the DEIS, includes direct connections to OR 22. The introduction of new ramps and widening of OR 22 toward the river would reduce the visual intactness and unity of the floodplain and result in lower visual quality rating scores than the Build alternatives that do not include the OR 22 connection.

On balance, the preferred alternative will not have a significant adverse effect on Greenway scenic values.

Potential measures to avoid, minimize, and mitigate for adverse impacts to scenic values identified in the DEIS include, but are not limited to:

- The use of sensitively designed architectural elements and details to be integrated with, complement, or otherwise enhance existing and new features.
- A sustainable, functional, and aesthetic landscape design.
- Increased spacing between bridge columns to open up views under bridge structures.

Historic. Historical research conducted for the Salem River Crossing Project DEIS identified a total of six properties in the vicinity of the project alternatives that are listed in the National Register of Historic Places (NRHP). An additional 40 properties were assessed for potential eligibility, with seven later determined to be ineligible.²⁵

The preferred alternative will not have an adverse impact on designated NRHP properties or NHRP-eligible properties within the Greenway Overlay. Potential impacts to NHRP-eligible properties outside of the Greenway can be minimized or mitigated.

Agricultural. As shown on Figure 1, the portions of the Salem River Crossing Project within the Willamette River Greenway are within the current Urban Growth Boundary and Salem city limits. Therefore, the Greenway Goal Exception is under Salem's land use jurisdiction. The area of the new bridge crossing west of the river and within the Greenway Overlay is designated as *Parks/Open Space* on the Salem Comprehensive Plan Map. There are

²⁴ DEIS, Visual Resources, page 3-336.

²⁵ DEIS, Historic Resources, pages 3-300 through 3-303.

no designated agricultural lands within the Salem Greenway Boundary. Therefore, the preferred alternative will not have a significant adverse effect on Greenway agricultural values.

Economic. The segment of the Willamette River through the City of Salem is not used for marine shipping or industrial harbor types of uses. In fact, Salem’s Willamette River Greenway Plan includes policies that specifically support transition of the waterfront (particularly on the east bank) to a mixture of commercial, office and high-density residential uses, while allowing for the continuation of existing industries. The Comprehensive Plan designation of “River-Oriented Mixed Use” supports this transition.

The only known commercial vessel that utilizes the project area is the Willamette Queen sternwheeler. The Willamette Queen is docked at Riverfront Park and sternwheeler boating tours operate from this location. Recreational vessels such as canoes, kayaks, rafts, and motorboats use the Willamette River in the project area. There are two public docks and two boat ramps located within a 3-mile radius of the new bridge site. One dock is located on the Willamette River near the confluence of the Willamette River and the Willamette Slough. This dock is accessed via Riverfront Park and is primarily used by recreational boaters. As noted above, the Willamette Queen is docked at Riverfront Park. The second dock is part of a boat ramp facility located on the Willamette River in Wallace Marine Park. Only recreation boaters use this dock. Both locations are within City parks and are managed by the City of Salem Parks Department. An additional boat ramp and floating dock is located at Keizer Rapids Park. Keizer Parks Foundation manages this boat ramp.

The proposed bridge crossing for the preferred alternative will be located at approximately river mile 83. The Oversight Team approved a bridge type (segmental precast concrete box girder) in 2014 to establish the general form of the load-carrying structure, as well as the overall shape and character of the bridge, for evaluation as part of the FEIS.²⁶

After the FEIS and record of decision are issued, the bridge design phase will establish the size, shape, and proportion of the bridge elements based on engineering requirements and aesthetic goals. The bridge design phase will also support the required US Coast Guard Bridge Permit application, and will include consideration of waterway characteristics, usage, and navigational impacts.

The preferred alternative would have economic impacts on business districts, including displacement of businesses, removal of on and off-street parking spaces, access impacts, and reduced traffic volumes along specific streets. It is estimated that the preferred alternative would displace an estimated 55 to 65 businesses. This is in the mid-range of business displacements for all Build alternatives (ranging from a low of 20 displacements for Alternative 3 to a high of 75 displacements for Alternatives 4C, 4D, and 4E).²⁷

In addition, refinements to the preferred alternative were intended in part to minimize impacts on the Edgewater and North Salem Business Districts. The City of Salem and partners would not want to shift the new ramps connecting Marine Drive and OR 22 out of the Greenway because of significant impacts to business and residential land uses,

²⁶ See <http://www.salemrivercrossing.org/wp-content/uploads/2014/10/SRC-OT-Presentation-101314-Final-email.pdf>.

²⁷ DEIS Section 3.3, Right-of-Way and Utilities, Table 3.3-3.

significant impacts to historical areas, cost, etc. In summary, the preferred alternative will not have a significant adverse effect on Greenway economic values in terms of existing commercial uses of the waterway or water-dependent or water-related uses and business districts in proximity to the new bridge crossing or the OR 22 improvements.

Recreational. A substantial portion of the land and water area within Salem's Greenway Overlay is publicly owned and used or planned for park and recreational facilities. Section 3.6 of the DEIS provides summary information about parks and recreational resources within the Greenway Overlay. Some of these parks – in particular Wallace Marine Park – are of regional significance and have established master plans for future development.

The footprint for the preferred alternative would not have a direct impact on the following park and recreational areas within the Willamette River Greenway:

- Riverfront Park
- Marion Square Park
- Union Street Railroad Bridge Pedestrian and Bicycle Trail
- Mouth of Mill Creek Park
- River Road Park
- Willamette River Water Trail

In addition, the preferred alternative would not preclude or have a significant adverse effect on recreational boating on the Willamette River underneath or in the vicinity of the new bridge crossing. Recreational boating is conducted in part along segments of the Willamette River Trail, portions of which are located within the study area.

The preferred alternative would permanently incorporate approximately 2 acres of land from Wallace Marine Park for placement of bridge footings in the northern area of the park. This affected area is undeveloped and contains predominantly non-native forest and other vegetation such as invasive blackberries. The preferred alternative would not negatively impact the primary active areas of Wallace Marine Park (ball fields, boat launch, canoe launch, and walking paths).

Construction of the Marine Drive connection to OR 22 would incorporate a thin strip of land from the western edge of the park for installation of piers and footings for the fly-over ramp. The ramps to OR 22 will cross over the Union Street Pedestrian path, but the recreational function of the path will continue.

Prior to project construction, ODOT and the local park sponsor (City of Salem) would coordinate with the Oregon Park and Recreation Department and the National Park Service regarding potential conversion and replacement properties associated with the preferred alternative. Based on the above information, it is determined that the placement of fill within the Greenway to construct the preferred alternative will have some adverse effect on Greenway recreational values, the overall effect is small and does not rise to the level of being a "significant" adverse effect.

In conclusion, evidence in the DEIS and in the technical report addendums for the FEIS demonstrate that the preferred alternative will not have a significant adverse effect on the greenway values (natural, scenic, historical, economic and recreational) for the portion of the footprint that is within the Greenway Overlay.

Impact on Sites Available for Water-Dependent or Water-Related Uses. The preferred alternative will not significantly reduce the sites available for water-dependent or water-related uses in Salem.

On the east side of the Willamette River, the new bridge would have an eastbound connection at Commercial Street (via an exit ramp aligned with Pine Street) and a westbound connection (via an entrance ramp aligned with Hickory Street). A portion of Front Street would be reconstructed closer to the river in the segment between Tryon Street and Columbia Street to maintain Front Street's north-south connectivity below the bridge ramps. The remnant segments of Front Street in this area would allow access to existing businesses (on both sides of the bridge approaches). Because of the steep riverbanks on the east side of the river, the new bridge crossing will not reduce sites available for water-dependent or water-related uses in the northeast area of Salem.

On the west side of the Willamette River, the new bridge will extend on structure over a narrow band of Wallace Marine Park and associated riparian area along the Willamette River. As summarized earlier in the discussion of recreational values, placement of bridge footings in the northern area of the park will affect an undeveloped area that contains predominantly non-native forest and other vegetation. There are currently no water-dependent or water-related uses at this location, and the preferred alternative would not preclude such uses (such as trails, river viewpoints or river access) underneath or in the vicinity of the bridge structure.

The widening of OR 22 onto the west bank of the Willamette River would largely take place within existing ODOT right-of-way and would represent intensification of an existing highway use. The subject area is not currently used or available for water-dependent or water-related uses and is not suitable for such uses given the established high-volume highway use (designated freeway) and relatively steep riverbank. The expansion of OR 22 will not impact or interfere with the existing boat ramp in Wallace Marine Park underneath the existing bridge structures.

In summary, because the footprint for the preferred alternative minimizes direct impacts to active use areas of Wallace Marine Park (including canoe and boat launch areas), there is no significant reduction in sites available for water-related or water-dependent uses.

Significant Public Benefit. The Marion and Center Street bridges currently function as the only vehicular crossings of the Willamette River in the Salem-Keizer area. The nearest bridge crossings (2 lanes for each bridge) are in Independence (10 river miles to the south) and Newberg (35 river miles to the north). In addition to serving a local role in connecting west Salem to the balance of the Salem-Keizer area, OR 22 and the existing bridges also serve important regional and statewide transportation functions in moving people and freight over longer distances from rural and urban areas of Polk, Lincoln, and Tillamook Counties to the state's capital city and the I-5 corridor.

The EIS and other studies have concluded that, without additional transportation capacity across the river, the levels of service on the existing bridge system and the connecting infrastructure and bridgehead areas in both Downtown Salem and close-in West Salem will continue to deteriorate over time. Not only will congestion increase significantly, but it will also occur over a longer time frame during the day.

Constructing a third bridge over the Willamette River as proposed with the preferred alternative will have significant public benefits. Locating a new bridge approximately 1 mile north of the existing bridges will:

- Improve multi-modal access (auto, truck, transit, bicycle and pedestrian) and connectivity between east and west parts of Salem;
- Broadly distribute traffic over a larger geographic area to minimize bottlenecks at the existing bridgehead locations;
- Provide “redundancy” in the transportation system and reduce vulnerability in case either or both of the existing bridges are rendered unusable; and
- Provide improved regional mobility through inclusion of ramps connecting Marine Drive and OR 22, and direct surface street connections from the east bridgehead to the Salem Parkway and I-5.

The existing bridges currently have substandard bicycle/pedestrian accommodations and constructing bicycle and pedestrian facilities on the new bridge will significantly expand opportunities to safely and efficiently cross the river, thereby encouraging non-auto travel that helps reduce congestion and improve air quality. In summary, the proposed use (new bridge crossing and related transportation improvements) will provide a significant public benefit and a Greenway Goal Exception is justified.

Use is Consistent with Legislative Findings in ORS 390.314. There are currently 25 highway bridges across the Willamette River in the span of almost 180 river miles between the St. Johns Bridge in Portland and the Springfield Bridge in the Eugene-Springfield area. Goal 15 provides that the qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1975. Similar to the majority of Willamette River bridges, the segment of OR 22 and the existing Marion and Center Street Bridges are lawful uses within the Greenway.

The State of Oregon and units of local government, including the cities of Salem and Keizer, Polk County and Marion County, have cooperated in the implementation of greenway planning as required by legislative intent. The preferred alternative, subject to this goal exception application, will be considered through this established local and statewide greenway planning process.

DEIS Alternative 2A involved widening the existing bridges (adding a total of three lanes) and would be considered continuation and intensification of existing uses of lands within the greenway. While Alternative 2A could be compatible with the preservation of the natural, scenic, historical and recreational qualities of the greenway, the City of Salem is initiating the consolidated plan amendments because Alternative 2A cannot reasonably meet the identified transportation need (see Subsection 4.4.2.4).

The segment of the preferred alternative that includes widening OR 22 within the Greenway represents continuation of the existing state highway use within ODOT right-of-way. The

highway corridor is included in the Greenway Development District in Salem's Greenway Plan to reflect the existing use. An exception to Goal 15 for the fill associated with the new ramps connecting Marine Drive to OR 22 can be justified under the criteria in OAR 660-004-0022(6). That exception identifies impacts to Greenway values and demonstrates how those impacts are or can be minimized such that existing uses of land within the Greenway can remain compatible with the preservation of Greenway values to the greatest degree possible. Following plan amendment approval and prior to construction, a Greenway Development Permit will be required under Chapter 600 of the Salem Revised Code. The standards for the Greenway Development Permit take natural, scenic, historical and recreational resources and other concerns into account. Through approval conditions to mitigate adverse impacts, which can be imposed during the permitting process, the legislative policy in ORS 390.314(2)(b) can and will be met.

3. General Exceptions Criteria

The criteria for taking an exception to Goal 15 are very similar to the criteria applied to the consideration of Urban Growth Boundary alternatives. Many of the impacts compared for the evaluation of UGB alternatives (such as park impacts, riparian impacts, displacement impacts, visual impacts, etc.) are also relevant to the alternatives analysis for the Greenway Goal Exception. The summary of impacts in Table 1 of this technical report is incorporated by this reference to provide a broader context for consideration of Greenway impacts.

Taking a Goal 15 exception requires and results in an amendment to the Salem Comprehensive Plan. The exception is required to accommodate the components of the preferred alternative that involve fill within the Greenway Overlay because the transportation facility is not considered a water-dependent or water-related use.

All of the Build alternatives evaluated in the DEIS, including improvements to the existing bridges (Alternative 2A), would require an exception to Goal 15. The purpose of the project, to improve transportation mobility and safety across the Willamette River, requires a location on/over resource land (the Willamette River).

The preliminary design for the preferred alternative has placed a high priority on reducing impacts within the Greenway by minimizing the number of in-water piers and piers within the riparian buffer. However, it is not possible to avoid piers or impacts entirely because of the length of the bridge span over the river. In addition, the preferred alternative includes a connection of OR 22 to Marine Drive to link to the new bridge and provide needed connectivity for local, regional, and through trips. OR 22 is a high-volume transportation corridor within the Greenway, and the widening of OR 22 toward the river represents an intensification of that existing transportation use. Piers/fill in this segment will extend onto the bank, but will not encroach over or into the Willamette River itself.

The state policy embodied in Goal 15 prohibits uses that are not water-dependent or water-related within the Greenway setback. Under Goal 15, roads and highways are not generally considered dependent on or related to water location needs. It is notable that Goal 15 does not explicitly state if a bridge over the Willamette River is considered a water-dependent or water-related use. There is no option to meet the purpose of the Salem River Crossing Project (stated in the DEIS) without improving the existing bridges or constructing a new bridge across the Willamette River. Therefore, there are reasons why the state policy

embodied in Goal 15 that prohibits uses that are not water-dependent or water-related in the Greenway setback, should not apply to the proposed transportation use.

Areas that do not require a new exception cannot reasonably accommodate the use

The preferred alternative and all Build alternatives evaluated in the DEIS require a Greenway Goal Exception. The DEIS documents why other alternatives that do not require an exception are not reasonable; in particular, the Two-Way Bridges Alternative (DEIS, p. 2-25), TSM/TDM Alternative (DEIS, p. 2-26); and No Build.

Given that fill would be required for pier support and bridge approaches regardless of where in the vicinity the bridge is located, there are no alternative areas crossing the Willamette River in the Salem-Keizer region that would not also require a new Greenway Goal Exception.

Long-term environmental, economic, social and energy (ESEE) consequences are not significantly more adverse than would typically result from the same proposal being located in other area requiring a Greenway Goal Exception

A summary of traffic and transportation, environmental, economic, social, and energy consequences of DEIS alternatives is provided in Table 3.21-1 of the DEIS. Highlights from the DEIS table are presented in Table 4.4-4 of this technical report.

Many of the City of Salem Willamette River Greenway policies and standards focus on protection of riparian vegetation, floodplains and wetlands, existing parks, and scenic vistas within the Greenway (see Salem Greenway policies in Subsection 2.3.3.1). Table 1 summarizes DEIS information on the number of riverbank piers (within the riparian zone), riparian habitat directly impacted, wetlands directly impacted, hydraulic conditions, direct park impacts and visual impacts for each of the Build alternatives. Similar information is provided for the preferred alternative – drawing from technical report addendums for the FEIS.

Long-term ESEE consequences (focused on greenway values) are summarized below for the three primary bridge crossing locations and Build alternatives.

Existing Bridges Crossing Location – Alternatives 2A and 2B

Alternative 2A would widen the existing Center Street and Marion Street Bridges. Two lanes would be added to the Marion Street Bridge traveling west, and one lane would be added to the Center Street Bridge traveling east. While Alternative 2A expands the footprint of the existing bridge crossing, the “net” impacts to greenway values would be considered relatively minor. As shown in Table 1, Alternative 2A does not include new riverbank piers (within the riparian zone) and directly impacts less than 1 acre of riparian vegetation. No wetlands are directly impacted and there is a very minor rise in the 100-year floodplain elevation because new in-water piers would line up with existing bridge piers.

Alternative 2A would result in direct impacts to three parks within the Greenway Overlay (Wallace Marine Park, Riverfront Park and Marion Square Park) and a total of 5.3 acres of parkland would be acquired (inside and outside of the Greenway). The DEIS concluded that the impact of Alternative 2A on Marion Square Park were significantly more adverse than would result from other Build alternatives (that also require a Greenway Goal Exception). As noted previously, the project team and the City of Salem have concluded that a modification of the design of Alternative 2A to eliminate the free right-turn lane from Commercial Street to Marion Street could be considered a “de minimus” level of impact on Marion Square Park.

Alternative 2B proposes a new bridge crossing between the Marion Street Bridge and the Union Street Pedestrian Bridge. As shown in Table 1, the “net” impacts to Greenway values generally fall within the low to mid-range of impacts of the other Build alternatives for most elements. Alternative 2B includes 22 new riverbank piers and directly impacts 6.5 acres of riparian habitat. No wetlands are directly impacted and there is a very minor rise in the 100-year floodplain elevation.

However, the total area of parkland acquired for Alternative 2B (8.7 acres) would be the highest of all Build alternatives. In particular, impacts to Wallace Marine Park (7.7 acres) would be significantly more adverse than all other Build alternatives. Approximately 10 piers associated with the proposed new bridge ramps would be installed in the area of the park located between the existing Marion Street and Union Street Railroad and Pedestrian and Bicycle Bridges. This would impact an existing park road, an existing parking lot, and the lawn area between that parking lot and the canoe launch area on the river. The introduction of an overhead structure would have a substantial adverse impact on the active use part of the park.

Hope to Pine Bridge Crossing Location – Alternatives 4A through 4E, Preferred Alternative

All Build alternatives in the Hope to Pine/Hickory crossing location share similar design elements.

Alternative 4A would have the same crossing point (Hope to Pine/Hickory couplet) as all of the Alternative 4 crossings. As shown in Table 1, the impacts of Alternative 4A on Greenway values are at the low to mid-range of all Build alternatives. In particular, Alternative 4A includes 9 riverbank piers (relative to a low of 0 piers for Alternative 2A and a high of 55 piers for Alternatives 4C, 4D, and 4E) and directly impacts 8.6 acres of riparian habitat (relative to a low of 0.9 acre for Alternative 2A and a high of 160 acres for Alternatives 4C and 4D). Direct wetland impacts are lower for Alternative 4A (8.6 acres) relative to 4C-4E. The maximum rise in the 100-year floodplain elevation for 4A (0.35 feet) is slightly higher than Alternatives 2A, 2B, and 3 and is the same as other Alternative 4 crossings. City of Salem regulations do not allow any rise in the base flood elevation. Therefore, mitigation would be required as part of any Build alternative.

Alternative 4A would acquire a total of 1.9 acres of parkland, the second lowest amount of all Build alternatives. The impacts would be associated with the placement of bridge footings in the northern panhandle section of Wallace Marine Park. The impacted area is undeveloped and contains predominantly non-native forest and other vegetation. This alternative would not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

Alternative 4B would combine Alternative 4A and Alternative 2A. This alternative would increase capacity at the existing bridge crossing location and add a new bridge at the Hope to Pine/Hickory crossing location. As shown in Table 1, the impacts of Alternative 4B are also in the low to mid-range of all Build alternatives for most Greenway values (riverbank piers, riparian habitat, wetlands and maximum rise in 100-year flood elevation). City of Salem regulations do not allow any rise in the base flood elevation. Therefore, mitigation would be required as part of any Build alternative.

However, Alternative 4B would acquire a total of 7.2 acres of parkland, the second highest of all Build alternatives (only Alternative 2B has higher impacts on parkland at 8.7 acres). The total combined impacts to Wallace Marine Park, Riverfront Park and Marion Square Park would be significantly more adverse than other Build alternatives. Eliminating the free right-turn lane from Commercial Street onto the bridge could minimize the impacts to Marion Square Park (similar to the refinement discussed above for Alternative 2A).

Alternatives 4C, 4D, and 4E would all have the same river crossing point and would have similar impacts on Greenway values. As shown in Table 1, the Greenway impacts for these alternatives would be at the high end of the range for all Build alternatives. There would be more riverbank piers (44), a larger area of riparian habitat impacted (14.3 to 16 acres), and higher wetland impacts (about 2.5 acres). The maximum rise in the 100-year floodplain elevation would be 0.35 foot for these alternatives. City of Salem regulations do not allow any rise in the base flood elevation. Therefore, mitigation would be required as part of any Build alternative.

The parkland impacts of Alternatives 4C-4E (2.9 - 4.9 acres) fall in the mid-range of all Build alternatives. Alternatives 4C, 4D and 4E would have similar impacts on Wallace Marine Park associated with the placement of bridge footings in the northern panhandle of the park in the same manner as under Alternative 4A. The construction of Marine Drive would incorporate a thin strip of land along the western edge of the park between Glen Creek and the softball complex. As summarized in the DEIS 4(f) evaluation, the primary active uses of Wallace Marine Park would not be adversely affected under Alternatives 4C, 4D, or 4E. These alternatives would not impact Riverfront Park or Marion Square Park.

For the Preferred Alternative, see the discussion in Subsection 4.4.3.2.

Hope to Tryon Bridge Crossing Location- Alternative 3

Alternative 3 is the northernmost of the three crossing locations. An objective of this alignment is to avoid affecting Wallace Marine Park. This alignment connects directly to Salem Parkway near Tryon Avenue on the east side of the Willamette River and to Wallace Road at Hope Avenue on the west side of the river.

As shown in Table 1, the impacts of Alternative 3 would be in the low range of all Build alternatives for most Greenway values (riverbank piers, riparian habitat, wetlands and maximum rise in 100-year flood elevation). City of Salem regulations do not allow any rise in the base flood elevation. Therefore, mitigation would be required as part of any Build alternative. Overall, the typical positive and negative consequences of Alternative 3 in terms of Greenway values would have significantly fewer adverse impacts than other Build alternatives.

Summary

The preferred alternative and all Build alternatives would require a Greenway Goal Exception. In general, Alternatives 2A, 2B, and 3 would have less direct impacts on riparian habitat, wetlands and floodplains than the other Build alternatives. Alternatives 3, 4A, and 4E would have lower direct impacts on parkland, as shown in Table 1. Each of the Build alternatives would result in minimal rise in base flood elevations. City of Salem regulations do not allow any rise in the base flood elevation. Therefore, mitigation would be required as part of any Build alternative. Minimizing the number of in-water piers, shaping piers in a streamlined manner, and removing existing fills could reduce the base flood elevation change.

Based on the information in the DEIS and Table 1, the net adverse impacts on the Willamette River Greenway are not expected to be “significantly more adverse” for the preferred alternative or any specific Build alternative, particularly when accompanied by mitigation measures. The one exception is Alternative 2B, because the impacts to Wallace Marine Park are considered significantly more adverse than other Build alternatives.

The preferred alternative and Alternatives 4A through 4E all cross the Greenway in the same location to the north of Wallace Marine Park. Alternative 3 traverses a larger portion of the Greenway within Polk County. However, Polk County has designated this area as a significant aggregate resource and has applied a Mineral Aggregate Overlay to the approximately 350-acre site (Walling Sand & Gravel). In protecting the aggregate site, Polk County found that appropriate setbacks from the Willamette River and protection of riparian vegetation would adequately protect Goal 15 resource values, including scenic views.

As shown in Table 1, the impacts of the preferred alternative are not “significantly more adverse” than would typically result from the same proposal being located at any of the three bridge crossing locations. In selecting the preferred alternative, the Oversight Team and partner agencies and jurisdictions balanced a range of factors and impacts, including but not limited to:

- Whether and how each alternative met the project purpose and need
- Transportation performance
- Right-of-way and displacement impacts
- Park impacts
- Land use, socioeconomic and environmental justice impacts
- Environmental impacts (riparian habitat, wetlands, air quality, noise, etc.)

Mitigation of impacts on Greenway values is feasible and will be required and detailed in the FEIS. In addition, subsequent Greenway Development Permitting for the preferred alternative will provide the opportunity to apply conditions to achieve compliance with all development standards in the Greenway Overlay. Therefore, the impacts of the preferred alternative are not significantly more adverse than would typically result from an expanded or new bridge crossing in any of the three crossing locations evaluated in the DEIS and the legal standard in OAR 660-004-0020(2)(c) can be met with approval of the Greenway Goal Exception.²⁸

²⁸ While Alternative 2A is considered in this discussion for the Greenway Goal Exception, it has been determined elsewhere (in the analysis for the UGB amendment) that Alternative 2A cannot reasonably accommodate the identified transportation need.

TABLE 1

Willamette River Greenway Impacts by Build Alternative

Land Use Technical Report, Salem River Crossing Project FEIS

Element	Preferred Alternative	Alternative 2A	Alternative 2B	Alternative 3	Alternative 4A	Alternative 4B	Alternative 4C	Alternative 4D	Alternative 4E
Total pier area of in-stream habitat	0.10 acres	0.05 acres	0.22 acres	0.54 acres	0.66 acres	0.71 acres	0.68 acres	0.68 acres	0.67 acres
Total pier area in critical shallow water habitat	0.09 acres	0.01 acres	0.15 acres	0.28 acres	0.46 acres	0.59 acres	0.60 acres	0.60 acres	0.60 acres
Riparian habitat directly impacted	5 acres	0.9 acre	6.5 acres	7.6 acres	8.6 acres	9.5 acres	16.0 acres	16.0 acres	14.3 acres
Wetlands directly impacted	0.01 acres	None	None	0.6 acre	2.3 acres	2.3 acres	2.5 acres	2.5 acres	2.4 acres
Maximum rise in 100-year flood water surface elevation from No Build Alternative	0.27 feet	0.01 feet	0.16 feet	0.15 feet	0.35 feet	0.35 feet	0.35 feet	0.35 feet	0.35 feet
Total area of parkland acquired	1.4 acres	5.3 acres	8.7 acres	None	1.9 acres	7.2 acres	4.9 acres	4.9 acres	2.9 acres