

## Urban Growth Area Permit

### **Owner/Developer:**

Neighorly Ventures  
2925 River Road, Suite 100  
Salem, Oregon 97302

### **Applicant's Representative:**

Brandie Dalton, Land-Use Consultant  
Multi/Tech Engineering Services  
1155 SE 13th Street  
Salem, Oregon 97302  
(503) 363-9227  
[bdalton@mtengineering.net](mailto:bdalton@mtengineering.net)

### **Subject Property:**

1700 Baxter Road SE  
RM-II Zone  
9.61 Acres  
083W14BD/Tax Lots 100 and 200

### **Proposed:**

The applicant is proposing a development consisting of 138-apartment units on 6.15 acres (Parcel 1 of the proposed partition) of the subject property as shown on the site plans.



# Tree Variance

SRC 808.045(d)(1)

December 20, 2024

**Tree means:** any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves.

**Significant tree means:**

- (a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- (b) An Oregon white oak (*Quercus garryana*) with a dbh of 20 inches or greater; and
- (c) Any other tree with a dbh of 30 inches or greater, but excluding:
  - (1) Tree of heaven (*Ailanthus altissima*);
  - (2) Empress tree (*Paulownia tomentosa*);
  - (3) Black cottonwood (*Populus trichocarpa*); and
  - (4) Black locust (*Robinia pseudoacacia*).

**Proposal:**

The subject property is 9.61 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200).

The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

There are 36 trees located within the boundary of development. Due to redevelopment of the site, all 36 trees are proposed for removal. The development of Parcel 1 will require the removal of the trees.

A majority of the trees to be removed are all located on Parcel 1:

35" Fir (Significant)	27" Fir	15" Walnut
25" Fir	29" Fir	14" Fir
31" Fir (Significant)	22" Pine	15" Cedar
35" Walnut (Significant)	13" Cherry	49" Walnut (Significant)
16" Walnut	38" Walnut (Significant)	
13" Maple	13" Apple	
13" Apple	15" Maple	
10" Cherry	13" Maple	
25" Fir	27" Fir	

38" Fir (Significant)	12" Maple
14" Cherry	15" Cherry
18" Cherry	27" Maple
24" Maple	22" Maple
10" Maple	15" Maple
18" Walnut	25" Maple
21" Oak (Significant Oak)	17' Fir

When Parcel 1 is further developed, trees and vegetation will be provided throughout the development (see submitted Site Plans and Landscape Plans). As required by code, when developed there will be landscaping and replanting throughout Parcel 1. Landscaping Plans will be provided prior to the development of Parcel 1 with the Site Plan Review applications. These plans will show landscaping and replanting that will be done on the site to mitigate the removal of trees. Therefore, new trees will be provided through the site as required by code.

Applicants' proposed findings of fact are further supported by the following exhibits:

- 1) Tree Plan Showing Critical Root Zone for Trees Being Removed: P3-Tree, P5-Tree Removal Plan
- 2) Grading Plan: Sheet P4
- 3) Proposed (Parcel 1) Site Plan (135 units): Parcel 1 Site Plan, P2-Shadow Plan

## **Criteria**

### **Sec. 808.045. – Tree variances.**

***(a) Applicability. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.***

### **Tree Variance 808.045(d)(1):**

#### ***(1) Hardship-***

***(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and***

**Findings:** The subject property is 9.61 acres in size. Being developed is Parcel 1 of the proposed Partition and is 5.86 acres in size and zoned RM-II. The site is surrounded on three sides by right-of-way (Snowball Avenue (cul-de-sac)/Snowline Street (local street)/Baxter Road (collector street)/Abbie Avenue (cul-de-sac) which limits the area for development due to

development standards. Hardships on the site have been created that make saving all significant trees difficult while trying to efficiently develop the site within Code compliance.

Development in an RM-II zone shall meet a minimum of 15 dwelling units and shall not exceed 31 dwelling units. Therefore, Parcel 1 shall be developed with a minimum of 88 and allowed to have a maximum of 182 units. As shown on the site plan, there are 138 units proposed on the property. The applicant is not proposing maximum density on the site.

The location and number of trees on the site (Parcel 1 of the Partition) create a hardship in maximizing the density on the site and providing needed housing within this area of Salem. Without the removal of the tree the site cannot be developed within Code requirements.

All Oregon White Oaks 20" or greater and Significant Trees 30" or greater in size designated for removal are within the parking/maneuvering areas, the building envelopes or within an area close to the building envelope, which have the potential of being damaged during grading and construction (See Sheets P3-Tree, SDR6-Tree, Parcel 1 Site Plan). The site has been designed to accommodate a safe and efficient circulation system, adequate parking, and meet the standards all while taking into consideration topography, stormwater detention, and street connections on the site.

There are 36 trees located within the boundary of development. Due to redevelopment of the site, all 36 trees are proposed for removal. The development of Parcel 1 will require the removal of 31 trees.

There are six (6) Non-Oak Significant trees proposed for removal and one (1) Significant Oregon White Oak proposed for removal.

**Trees to be Removed: (See Sheet P3-Tree and P5-Tree Removal Plan)**

Tree:	Size:	Location:
Fir	35" (significant)	Accessway onto Snowball Ave
Fir	27"	Accessway Grading Area
Fir	25"	Ped. Path Area
Fir	29"	Ped. Path Grading Area
Fir	31" (significant)	Sidewalk Grading Area
Pine	22"	Accessway onto Snowline St
Walnut	35" (significant)	Building J Grading Area
Cherry	13"	Sidewalk on Snowline St
Walnut	16"	Building F Ped. Path
Walnut	38" (significant)	Parking Area
Maple	13"	Sidewalk on Snowball Ave
Apple	13"	Building Envelope (Building E)

Apple	13"	Building E Grading Area
Maple	15"	Building Envelope (Building G)
Cherry	10"	Sidewalk on Snowline St
Maple	13"	Parking Area
Fir	25"	Building Envelope (Pavilion)
Fir	27"	Pavilion Grading Area
Fir	38" (significant)	Pavilion Grading Area
Maple	12"	Building D Grading Area
Cherry	14"	Building D Grading Area
Cherry	15"	Building D Grading Area
Cherry	18"	Building Envelope (Building C)
Maple	27"	Building C Grading Area
Maple	24"	Building B Grading Area
Maple	22"	Building A Grading Area
Maple	10"	Parking and Maneuvering Area
Maple	15"	Parking and Maneuvering Area
Walnut	18"	Parking Area
Maple	25"	Parking Area
Oak	21" (significant)	Parking and Maneuvering Area
Fir	17"	Located in future R-O-W
Walnut	15"	R-O-W Grading Area
Fir	14"	Grading Area
Cedar	15"	Grading Area
Walnut	49" (significant)	Located in Water Quality Area

In order to develop the site, building location and density on the site had to be taken into consideration. The applicant is also applying for Design Review and Site Plan Review approval for the construction of a 138-unit apartment complex.

Vehicular circulation near all buildings, regardless of parking, is also necessary for emergency vehicles. When the building eaves are more than 30 feet above the ground, at least one side of the building must meet the requirements for aerial access. This means that a fire truck must be no further than 30 feet from the building. In addition, the paved area must be at least 30 feet wide to have adequate room for the fire apparatus outriggers.

Parking areas are required to provide safe and efficient parking areas for all residents. Meaning parking areas must provide ADA accessible parking areas. In order to provide resident parking needs and ADA parking, the layout of the site had to be taken into consideration. The location of the buildings and topography on the site were taken into consideration when locating parking and maneuvering areas to provide safe accessibility. State Laws and Federal Laws

require ADA access parking and sidewalk areas in order to comply with the Fair Housing Act. Therefore, grading and the removal of trees was necessary in order to meet ADA requirements.

The trees proposed for removal are located within the proposed accessways, parking areas, building envelopes, or located in areas which have the potential of being damaged during grading and construction. The removal of these trees are necessary in order to develop the site to its fullest potential while providing needed housing and meeting Code requirements for on-site parking, along with safe and efficient circulation.

Therefore, in order to construct buildings and required improvements, these trees must be removed, or the development cannot be accomplished in a safe and efficient manner.

***(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or***

Findings: The proposed variance is the minimum necessary to allow the lawful development of the site. As stated above, in order to maximum the allowed density of 138-units, removal of the tree is necessary. ORS 197.307 requires the City to allow development that is free of unreasonable standards, criteria, or conditions of approval that either individually or cumulatively discourage this housing proposal through unreasonable cost or delay. The proposal satisfies this criterion, and denial of the variance proposal would violate ORS 197.307.

There are thirty-six (36) trees located on the site. There are six (6) Non-Oak Significant Trees 30" in diameter or greater located throughout the site proposed for removal.

There is one (1) Oregon White Oak 20" in diameter or greater located on the site proposed for removal.

Trees designated for removal are within the building envelope or within an area close to the building envelope, which have the potential of being damaged during grading and construction. Therefore, the removal of these 36 trees is necessary for development of the site.

In order to mitigate for the removal of significant trees, more than adequate landscaping has been provided throughout the site. The landscaping plans meet all requirements. Replanting will be provided as required by Code. Replanting will be a Condition of Approval. The applicant will also provide EV parking spaces when Parcel 1 is developed.

Therefore, the replanting requirements will be met, which will help mitigate the removal of trees. See attached landscape plans.

**Tree Variance 808.045(d)(2):**

***(2)Economical use-***

***(A)Without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property, or otherwise suffer an unconstitutional taking of the applicant's property;***

***(B)The proposed variance is the minimum necessary to prevent a reduction in the fair market value of the applicant's property or otherwise avoid a taking of property; and***

***(C)The proposed variance is consistent with all other applicable local, state, and federal laws.***

Findings: Denial of a variance request would violate ORS 197.307 as discouraging needed housing through unreasonable cost or delay and the application of ambiguous criteria and standards. Moreover, denial of a variance request would violate the Takings Clause of the Fifth Amendment to the United States Constitution under *St. Johns River v. Koontz*. A local government bears the burden of proof that its local laws and application thereof are constitutional. ORS 197.796(4).



# ***Partition***

***December 20, 2024***



**Owner/Developer:**

Neighborly Ventures  
2925 River Road, Suite 100  
Salem, Oregon 97302

**Applicant's Representative:**

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**Site:**

-1700 Baxter Road SE  
-083W14DB/Tax Lots 100 and 200  
-9.61 Acres  
-RM-II (Multi-Family Residential)  
-3 Parcel Partition



**Background:**

On July 8, 2024, a Design Review Pre-Application Conference (PRE-AP24-43) was held with the applicant and City staff to discuss the development of the subject property.

The South Gateway Neighborhood Association was notified of the proposal in-person at the Neighborhood Association meeting on July 11, 2024, September 12, 2024, and November 14, 2024.

**CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.005(d):**

***UDC 205.005(d)(1):***

**Proposal:** The subject property consists of approximately 9.61 acres, is identified as 083W14BD/Tax Lots 100 and 200, and is zoned RM-II (Multi-Family Residential).

The proposal is to partition the subject property into 3 Parcels:

***Proposed:***

Parcel 1- 6.31 Acres (a development plan has been provided)

Parcel 2- 1.21 Acres (a shadow plan has been provided)

Parcel 3- 2.14 Acres (a shadow plan has been provided)

**Lot Frontage:** All three parcels will have lot frontage along the future street connections to Snowball Avenue (cul-de-sac), Baxter Road (collector street), Abbie Avenue (cul-de-sac) and Snowline Street (local street). Parcels 1 will have frontage on Baxter Road (south), Snowball Avenue (west), Abbie Avenue (west), and Snowline Street (east); Parcel 2 will have frontage on Snowball Avenue (south); Parcel 3 will have frontage on Baxter Road (south) and Snowline Street (west).

**City Infrastructure standards:** Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable land. Public facilities and services are available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

**A Preliminary Stormwater Report dated December 20, 2024, has been submitted as part of this packet.**

The subject property is located outside of the Urban Service Area. Per SRC Chapter 200, a Partition application would not require a UGA permit. However, a UGA has been requested.

***UDC 205.005(d)(2): "The tentative partition plan does not impede the future use or development of the property or adjacent land."***

Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. The redevelopment plan for Parcel 1 and the shadow plans for Parcels 2 and 3 have been provided to show how the land could or will be further divided.

The subject property is not part of an active Homeowners Association (HOA).

Therefore, approval does not impede future use of the remainder surrounding properties. The proposal provides for further development of the site consistent with current zoning standards and the current approval.

***UDC 205.005(d)(3): "Development within the tentative partition plan can be adequately served by City infrastructure."***

The subject property is located outside of the Urban Service Area. Per SRC Chapter 200, a Partition application would not require a UGA permit. Since multi-family development is proposed on Parcel 1 as shown on the development site plan, a UGA application has been submitted as part of this application package.

The City's adopted facility plans, and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements. All existing and proposed utilities have been identified. The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development and provide for future development of any adjoining properties. All conditions of approval will be met at the time of development.

City of Salem water and sewer service is available to the proposed parcels. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District and the Salem-Keizer Transit District serve the site.

***UDC 205.005(d)(4): "The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan."***

General Circulation: The proposed partition will result in the creation of three parcels. The existing and proposed streets will provide safe and efficient access to the parcels and the existing street system, by providing direct access to the site. Access to Snowball Avenue will be for emergency access only.

Boundary Streets: Baxter Road abuts the subject property to the south, Snowball Avenue and Abbie Avenue abut the subject property to the west.

Internal Streets: Snowball Avenue will connect to the Parcel 1 via a cul-de-sac and will be for emergency access only; Abbie Avenue will connect to Parcel 1 via a cul-de-sac; and Snowline Street will eventually run north/south through the subject property.

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

Cherriots Transit Service is available along Baxter Road via Road 6 (12<sup>th</sup>/Battlecreek)

The partition is served with other adequate transportation infrastructure, and the street system adjacent the property will conform to the Salem Transportation System Plan and provide for safe,

orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

***UDC 205.005(d)(5): "The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition."***

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan.

The partition is served with other adequate transportation infrastructure, and the existing street system adjacent the property and the access easement will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property physically connected to the public street system.

***UDC 205.005(d)(6): "The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable."***

The partition code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lot can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The partition plan takes into consideration the topography and vegetation of the site. Due to right-of-way dedication that may be required, there are several trees that need to be removed for improvements with the proposed partition. If additional trees need to be removed, the applicant will apply for an Adjustment to the TCP.

There are 36 trees located within the boundary of development. Due to redevelopment of the site, all 36 trees are proposed for removal. The development of Parcel 1 will require the removal of a majority of the trees. A tree variance has been requested.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan. The subdivision code regulates minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, this criteria has been met.

***UDC 205.005(d)(7): "The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels."***

The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The proposed parcels are of sufficient size and dimensions to permit future development of single-family dwellings on the new parcels. The parcel dimensions are illustrated on the tentative site plan. The subdivision and zone codes regulate minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval. The subject property consists of approximately 9.61 acres, is identified as 083W14BD/Tax Lots 100 and 200, and is zoned RM-II (Multi-Family Residential).

The proposal is to partition the subject property into 3 Parcels:

Proposed:

Parcel 1- 6.31 Acres (a development plan has been provided)

Parcel 2- 1.21 Acres (a shadow plan has been provided)

Parcel 3- 2.14 Acres (a shadow plan has been provided)

Tree Conservation Plan:

There are 36 trees located within the boundary of development. Due to redevelopment of the site, all 36 trees are proposed for removal. The development of Parcel 1 will require the removal of the trees. A tree variance has been requested.

A majority of the trees to be removed are all located on Parcel 1:

35" Fir (Significant)	27" Fir	15" Walnut
25" Fir	29" Fir	14" Fir
31" Fir (Significant)	22" Pine	15" Cedar
35" Walnut (Significant)	13" Cherry	49" Walnut (Significant)
16" Walnut	38" Walnut (Significant)	
13" Maple	13" Apple	
13" Apple	15" Maple	
10" Cherry	13" Maple	
25" Fir	27" Fir	
38" Fir (Significant)	12" Maple	
14" Cherry	15" Cherry	
18" Cherry	27" Maple	
24" Maple	22" Maple	
10" Maple	15" Maple	
18" Walnut	25" Maple	
21" Oak (Significant Oak)	17" Fir	

When Parcel 1 is further developed, trees and vegetation will be provided throughout the development. As required by code, when developed there will be landscaping and replanting throughout Parcel 1. Landscaping Plans will be provided prior to the development of Parcel 1 with the Site Plan Review applications. These plans will show landscaping and replanting that will be done on the site to mitigate the removal of trees. Therefore, new trees will be provided through the site as required by code.

A Tree Removal Variance has been requested.

# Baxter Road

## Adjustment Class-2 Application

December 20, 2024

### Proposal:

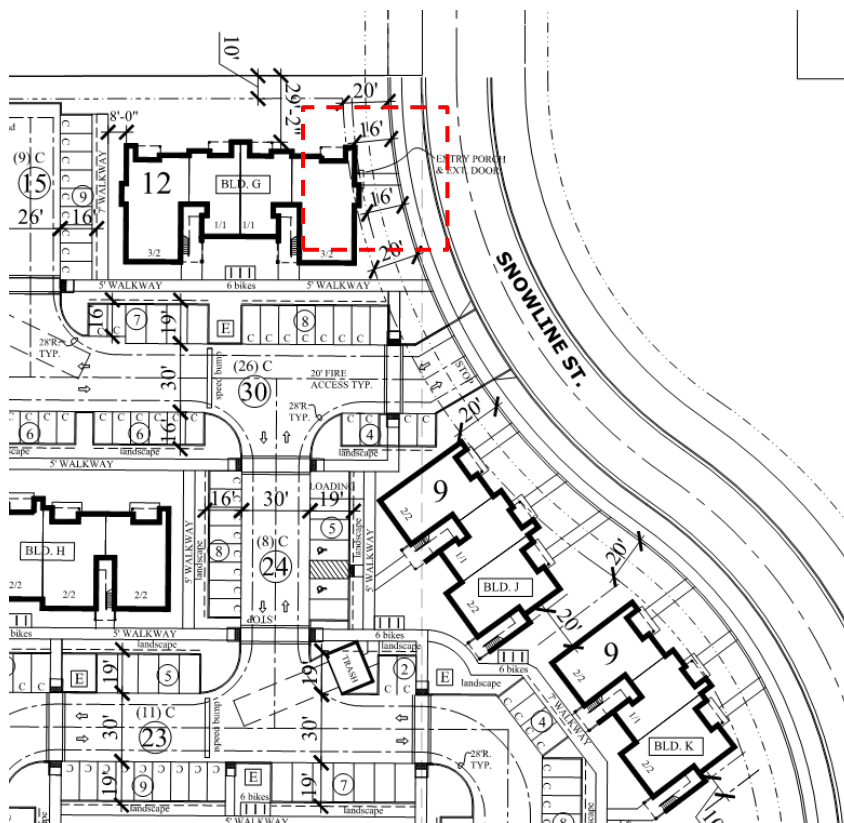
The subject property is 5.86 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200).

The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

The applicant is requesting a 20% adjustment to the front setback along Snowline Street:

***Table 514-4 (Setbacks)-Requires a minimum 12 feet, plus 1-foot for each 1-foot of height over 12 feet, but not to exceed 20 feet in depth.***

Therefore, the applicant is required to provide a 20-foot setback along Snowline Street where 16 feet is being provided.



**Adjustment Criteria-SRC 250.005(d)(2) Criteria:**

- (A) ***The purpose underlying the specific development standard proposed for adjustment is:***
- (i) Clearly inapplicable to the proposed development; or***  
***(ii) Equally or better met by the proposed development.***
- (B) ***If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***
- (C) ***If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Applicant Findings:**

- (A) The purpose of this requirement is to provide a safe and pedestrian friendly area in front of the building, while providing an adequate setback from the building to the sidewalk.

Due to required setbacks and accessways, Building G had to be moved closer to the front property line in order to meet other code requirements. Moving Building G closer to Snowline Street by 4 feet helped to provide a greater setback along the west property line adjacent existing single-family dwellings. Required setbacks, parking, maneuvering area, and landscaping make providing a larger setback along the east property line for Building G not feasible.

The reduction in the setback allows the applicant to provide a larger setback along the west property (adjacent existing single-family dwellings) and provide adequate open space areas.

The subject property still provides more than adequate landscape/open space areas. The location of the building allows for a greater setback and open space area along the west property line.

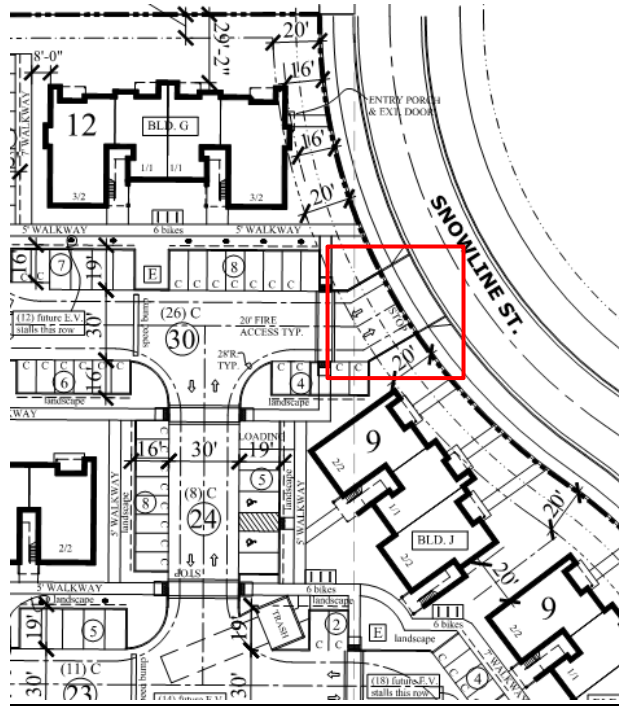
Therefore, the location of the buildings and the required standards creates a difficulty in the placement of Building G on the site. The building location will provide a pedestrian friendly area by being located closer to the sidewalks, along with providing landscaping and paved pathways. The reduction in this requirement is equally or better for the development. The 4-foot reduction in the setback will have no impacts on the development, and therefore is equally or better for the development.

- (B) The apartment development will provide landscaped areas, paved sidewalks throughout the site, along with visual appealing buildings. All of which will create a pedestrian friendly development for residents and adjacent uses.
- (C) There is more than one adjustment being requested for this proposal. The adjustment does not have any effect on the project as stated in the findings for all requested adjustments. The adjustments are all minimal requests to the standards.

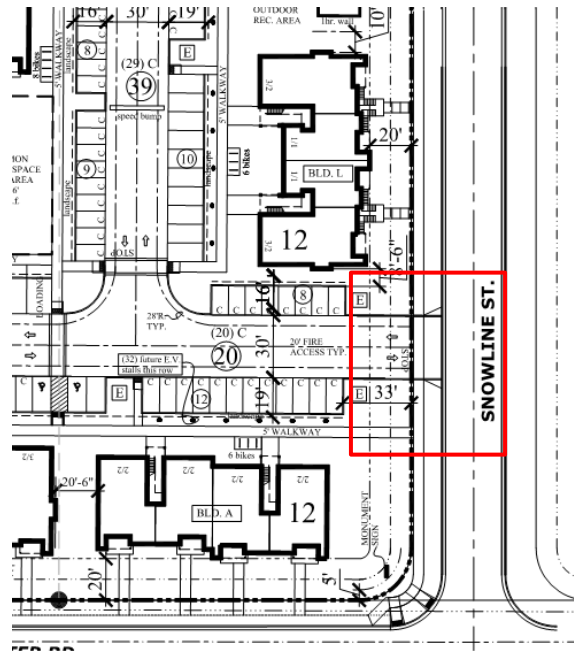


**Class 2-Driveway Approach Permit**  
**December 20, 2024**

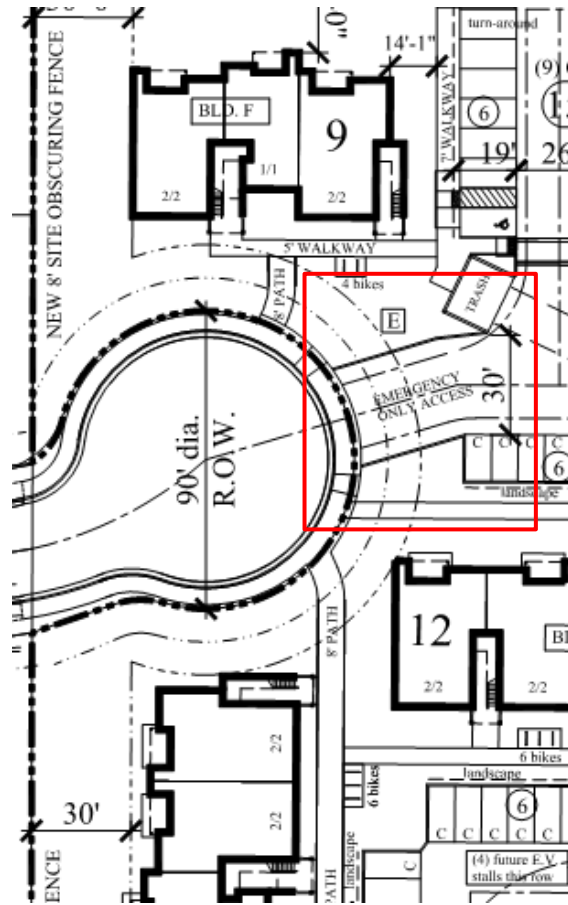
Thirty-foot (30) wide two-way access way onto Snowline Street.



Thirty-foot (30) wide two-way access way onto Snowline Street.



Thirty-foot (30) wide two-way emergency access only onto Snowball Avenue.



***SRC 804.025 (d) Criteria. A Class 2 Driveway Approach Permit shall be granted if:***

***(1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;***

Applicant Response: The subject property is 6.15 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200).

The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

The proposed development will have access onto Snowball Avenue located to the west of the site and Snowline Street located to the east of the site.

Snowball Avenue (cul-de-sac) and Snowline Street will be designated a 'local' streets. There will be 2 driveways proposed onto Snowline Street and there is 1 emergency only driveway proposed onto Snowball Avenue.

As shown on the site plan, the three (3) driveways are required for access to the site and are in compliance with Public Works design standards. The development will have direct access onto both streets via 30-foot-wide two-way driveways.

There is no accessways proposed onto the cul-de-sac to the west onto Abbie Avenue.

***(2) No site conditions prevent placing the driveway approach in the required location;***

Applicant Response: The location of the driveways was taken into consideration prior to laying the site out. All access for the development is taken to and from Snowline Street (local street) to the east. The location of the proposed driveways takes into consideration the location of internal streets adjacent to the site and access onto the existing local streets. Therefore, all factors were taken into consideration and there are no conditions on the site that prevent the driveway approach.

***(3) The number of driveway approaches onto an arterial are minimized;***

Applicant Response: There are no driveways proposed onto an arterial. Therefore, this criterion is not applicable.

***(4) The proposed driveway approach, where possible:***

***(A) Is shared with an adjacent property; or***

***(B) Takes access from the lowest classification of street abutting the property;***

Applicant Response to (4)(B): The subject property is located on Snowball Avenue to the west of the site, Snowline Street to the east, Abbie Avenue to the west, and Baxter Road to the south. No accessways are proposed onto Baxter Road to the south or Abbie Avenue to the west. All access for the development will be to and from Snowball Street to the east which will be constructed to local street standards.

Access onto Snowball Avenue to the west will be gated and for emergency access only.

There are no adjacent driveways to share access with the proposed development. Therefore, this criterion has been met.

***(5) The proposed driveway approach meets vision clearance standards;***

Applicant Response: Through the pre-app process, the applicant has been working with Public Works to ensure that the four driveway approaches are in the required location and meets vision clearance standards. As shown on the site plan, this criterion has been met.

***(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;***

Applicant Response: The driveway approaches do not create traffic hazards. As shown on the site plan, this criterion has been met.

***(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;***

Applicant Response: During the pre-app process, Public Works has had the opportunity to review the site plan for any adverse impacts. No adverse impacts to the vicinity have been identified. As shown on the site plan, the location of the driveways will not have any impacts on the subject property or adjacent properties. This criterion has been met.

***(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and***

Applicant Response: The applicant has been working with Public Works to ensure that the driveway approaches are in the required locations to minimize impacts to adjacent streets and intersections. As shown on the site plan, this criterion has been met.

***(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.***

Applicant Response: The applicant has been working with Public Works to ensure that the driveway approaches are in the required location to help balance the adverse impacts to residentially zoned property. The location of the proposed driveways takes into consideration the location of the streets adjacent to the site and access onto proposed street extensions. As shown on the site plan, this criterion has been met.

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# Baxter Road Apartments

## Adjustment Class-2 Application

December 20, 2024

### Proposal:

The subject property is 6.15 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200).

The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

The applicant is requesting an adjustment greater than 20% adjustment to Sec. 702.020(e)(4) Façade and building design:

**“(4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.”**

### **Adjustment Criteria-SRC 250.005(d)(2) Criteria:**

**(A) The purpose underlying the specific development standard proposed for adjustment is:**

- (i) Clearly inapplicable to the proposed development; or**
- (ii) Equally or better met by the proposed development.**

**(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

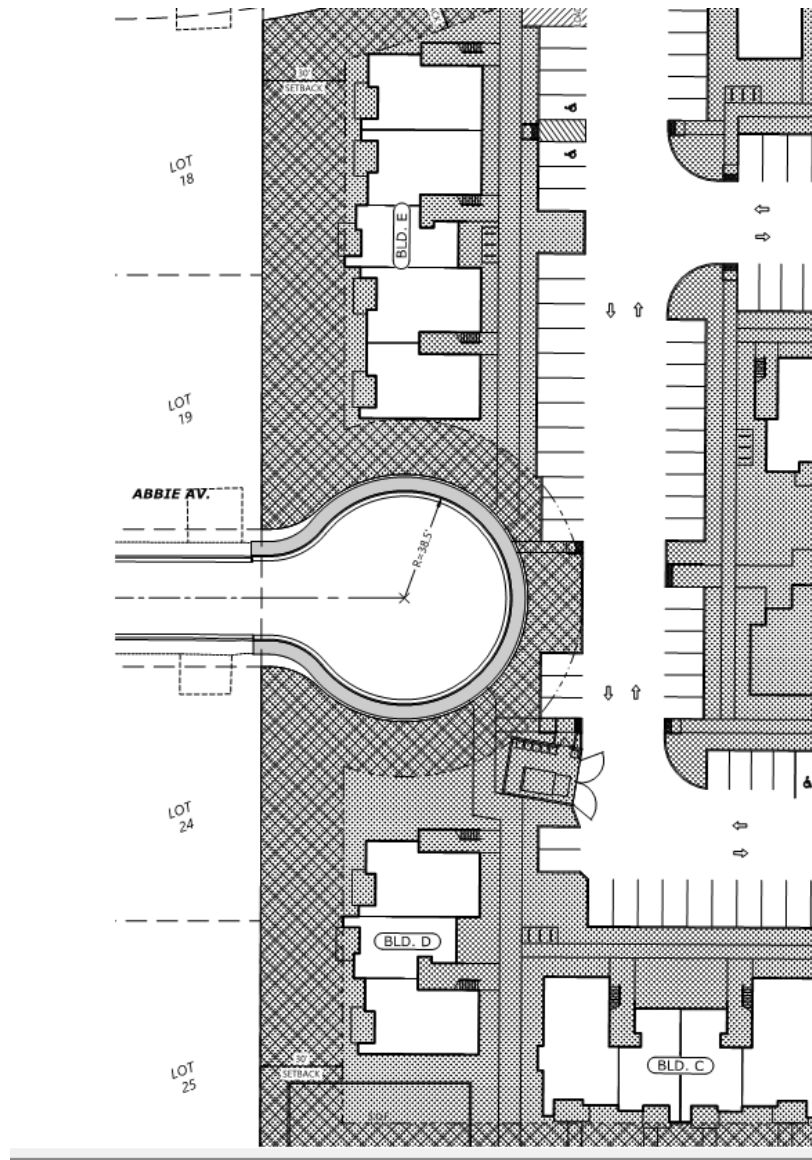
### Applicant Findings:

- (A)** The purpose of this requirement is to provide a pedestrian friendly development with building located close to the sidewalks.

#### Abbie Avenue (cul-de-sac/west)

The subject property has 216 feet of buildable width (this excludes required side setbacks) along Abbie Avenue. Buildings D and E are located along Abbie Avenue. Code requires a minimum of 40% of the buildable width be occupied by buildings placed on the setback line. As shown on the site plan, only Building E is located on the setback line and totals 42 feet of the buildable width along the street frontage. Therefore, occupying 19% of the buildable width of street frontage along Baxter Road.

However, due to the location of additional landscaping on the site and the fact that no access will be aloud onto Abbie Avenue, proposed parking is located closer to the cul-de-sac then the buildings. This allows for a large, landscaped area around the cul-de-sac and additional open space.

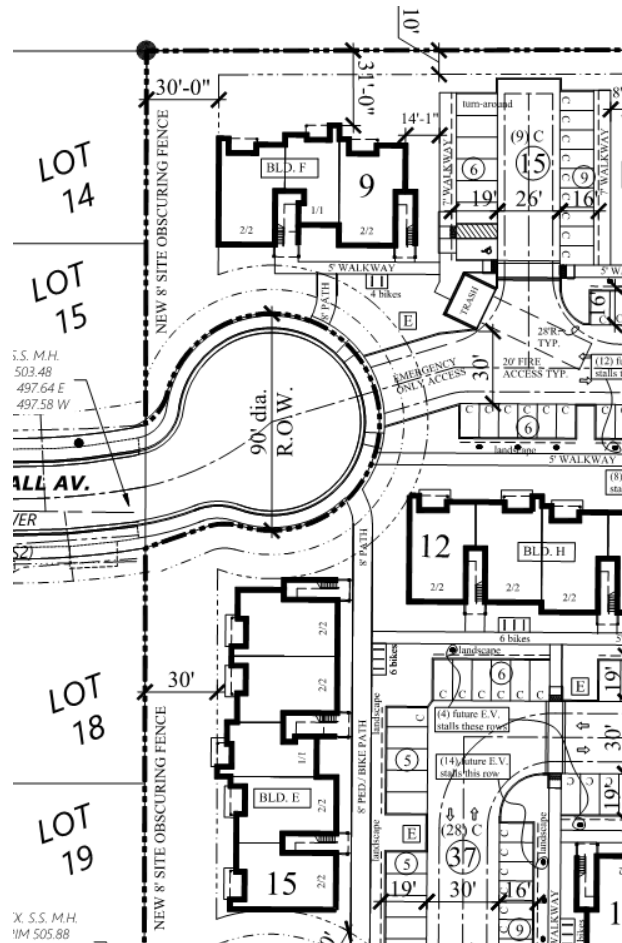


#### Snowball Avenue (cul-de-sac/west)

The subject property has 186 feet of buildable width (this excludes required side setbacks and accessways) along Snowball Avenue. Buildings E, F, and H are located along Snowball Avenue. Code requires a minimum of 40% of the buildable width to be occupied by buildings placed on the setback line. As shown on the site plan, only Building E is located on the setback line, the building totals 42 feet of the buildable width along the street frontage. Occupying 23% of the buildable width of street frontage along Snowball Avenue.

Due to topography, pedestrian path locations, the location of additional landscaping on the site and the emergency only accessway onto Snowball Avenue, buildings cannot be located closer to the cul-de-sac. This does allow for a landscaped area around the cul-de-sac and additional open space

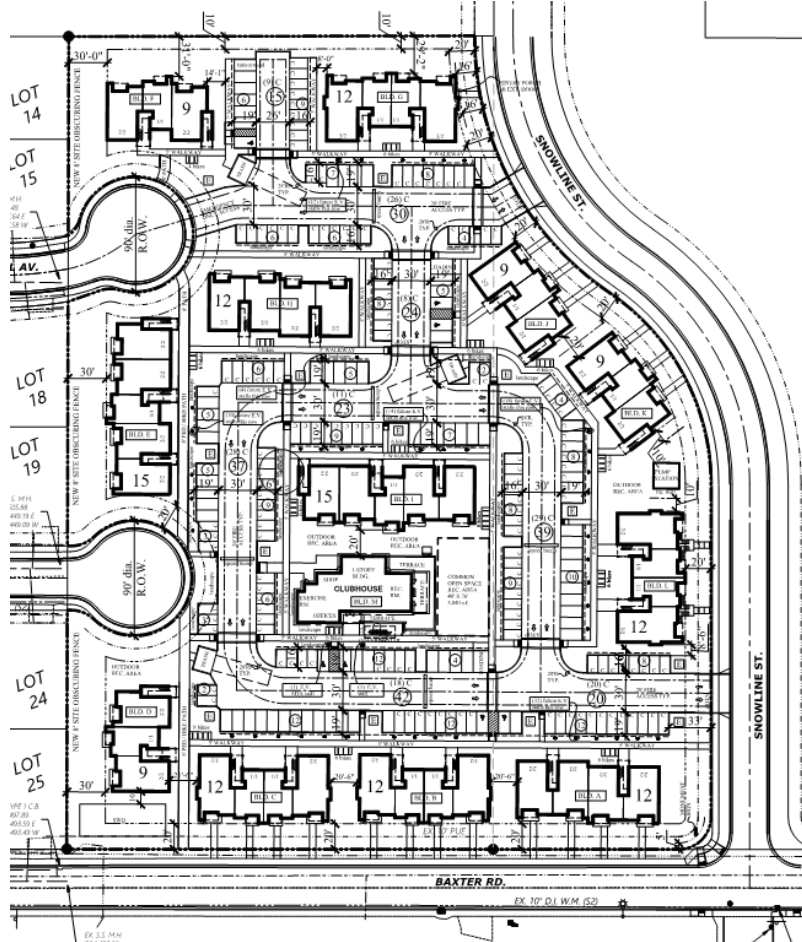




- (B) The apartment development will provide additional landscaped areas throughout the site with a pedestrian path and sidewalks throughout, along with visual appealing buildings. All of which will create a pedestrian friendly development. The reduction of buildings along the setback line will have no effect on the proposed use or surrounding uses.
- (C) There are more than two adjustments being requested for this proposal. The adjustments do not have any effect on the project.

# Baxter Road Apartments- Adjustment Class-2

December 20, 2024



## Proposal:

The subject property is 6.15 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200). The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

The applicant is requesting an adjustment greater than 20% adjustment to Sec. 702.020(d) Façade and building design:

***“SRC 702.020(d)(2): “To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.”***

**Adjustment Criteria-SRC 250.005(d)(2) Criteria:**

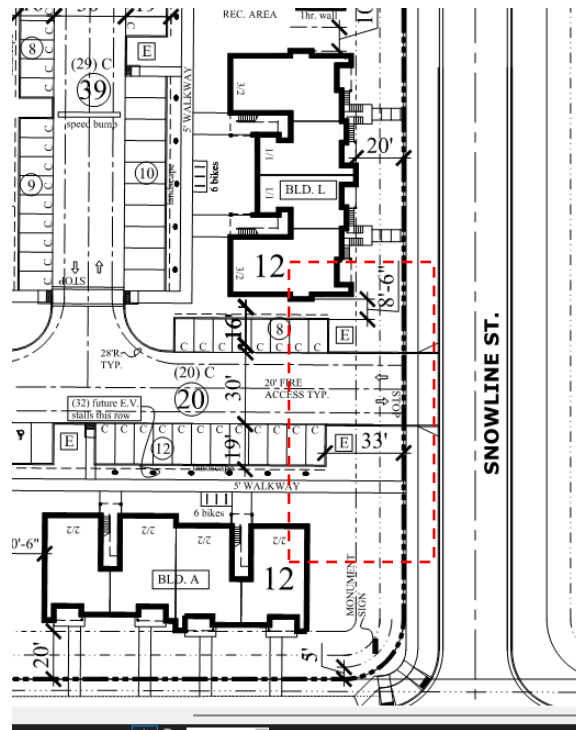
- (A) **The purpose underlying the specific development standard proposed for adjustment is:**
- (i) **Clearly inapplicable to the proposed development; or**
  - (ii) **Equally or better met by the proposed development.**
- (B) **If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**
- (C) **If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Applicant Findings:**

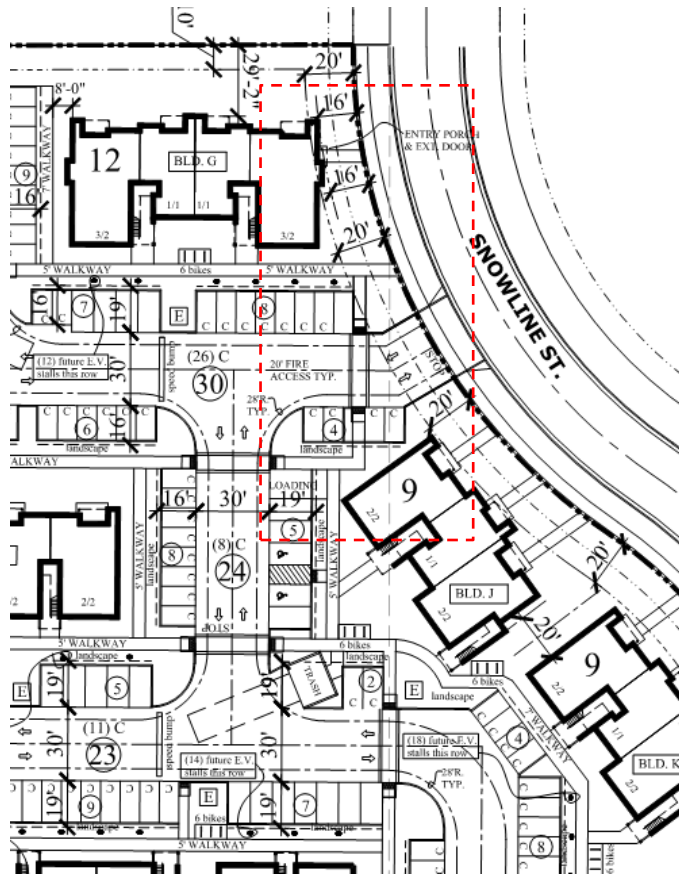
- (A) The purpose of this requirement is to provide a pedestrian friendly development with buildings located close to the sidewalks instead of parking areas.

Due to the shape of the lot, setback requirements, and the four street frontages several buildings cannot be moved in front of the parking.

Buildings A and L cannot be moved in front of the parking along Snowline Street:



Buildings G and J cannot be moved in front of the parking along Snowline Street:



- (B) The apartment development will provide landscaped areas throughout the site with a pedestrian path and sidewalks throughout, along with visual appealing buildings. There will be landscaping adjacent to all proposed buildings, and the parking areas, to enhance the pedestrian experience. All of which will create a pedestrian friendly development. The parking location will have no effect on the proposed use or surrounding uses.
- (C) There is more than one adjustment being requested for this proposal. The adjustments do not have any effect on the project.

# **Baxter Road Apartments**

## ***Design Review Class-1***

*December 20, 2024*

### **Owner/Developer:**

Neighborly Ventures  
2925 River Road, Suite 100  
Salem, Oregon 97302

### **Applicant's Representative:**

Brandie Dalton, Land-Use Consultant  
Multi/Tech Engineering Services  
1155 SE 13<sup>th</sup> Street  
Salem, Oregon 97302  
(503) 363-9227  
[bdalton@mtengineering.net](mailto:bdalton@mtengineering.net)

### **Background:**

On July 8, 2024, a Design Review Pre-Application Conference (PRE-AP24-43) was held with the applicant and City staff to discuss the development of the subject property.

The South Gateway Neighborhood Association was notified of the proposal in-person at the Neighborhood Association meeting on July 11, 2024, September 12, 2024, and November 14, 2024.

### **Proposal:**

The subject property is 6.15 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200).

The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

### **Applications Requested:**

- \*Site Plan Review (SPR) Class-3
- \*Design Review (DR) Class-1
- \*Driveway Approach Permit (DAP)
- \*Urban Growth Area Permit (UGA)
- \*Partition
- \*Tree Variance

Adjustments Requested:

- \*SRC 702.020(d)(2) Façade and Building Design
- \*SRC 702.020(e)(4) Façade and Building Design
- \* SRC 514.010(d) Table 514-4 (Setbacks)-Front Yard Setback

**Multi-Family Residential (RM-II) Chapter 514**

SHEET INDEX	
SDR1	COVER SHEET
SDR2	EXISTING CONDITIONS PLAN
SDR3	SITE PLAN
SDR4	SHADOW PLAN
SDR5	OPEN SPACE PLAN
SDR6	GRADING PLAN
SDR7	PRIVATE STORM DRAIN PLAN
SDR8	PRIVATE SANITARY SEWER PLAN
SDR9	PRIVATE DOMESTIC WATER PLAN
SDR10	PRIVATE FIRE SERVICE PLAN

The following statement addresses the applicable Design Review Standards in the SRC Chapter 702 (Multiple Family Design Review) and the requirements under the RM-II Zone District. Information provided on the site plans for the Design Review application further address applicable code requirements. Information provided on the site plans for the Design Review and Site Plan Review applications further address applicable code requirements.

Density (Table 514-3): The site being developed is 6.15 acres in size. Development in an RM-II zone shall meet a minimum of 15 dwelling units and shall not exceed 31 dwelling units. Therefore, the site shall be developed with a minimum of 92 and allowed to have a maximum of 191 units. As shown on the site plan, there are 138 units proposed on the property.

The development is in compliance with the minimum and maximum density requirements.

Setbacks (Table 514-4): Setbacks are shown on the tentative plan.

*North:* Buildings F and G: Adjacent RMII zoned property; 29.2 to 31-foot setbacks/Parking: 10-foot setback  
Building E: Adjacent Snowball Avenue cul-de-sac; 20-foot setback  
Building D: Adjacent Abbie Avenue cul-de-sac; 35-foot setback

*East:* Buildings J, K, and L: Adjacent Snowline Street; 20-foot setback  
Building G: Adjacent Snowline Street; 16-foot setback (an adjustment has been requested)  
Building A: Adjacent Snowline Street; 35-foot setback

*South:* Buildings A, B, and C: Adjacent Baxter Road; 20-foot setback  
Building D: Adjacent Baxter Road; 45-foot setback  
Building E: Adjacent Abbie Avenue cul-de-sac; 20-foot setback  
Building F: Adjacent Snowball Avenue cul-de-sac; 25-foot setback

*West:* Buildings D, E, and F: Adjacent RS zoned property; 30-foot setback with 8-foot



sight obscuring fence

**Note**-Per SRC Section 702.020(e)(2)(A): A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.

Maximum Height (Table 514-6/See Building Elevations): Maximum building height allowed in the RM-II area is 50'.

- \*Building A is 33.6 feet in height (measured to the middle of the gable)
- \*Building B is 34.11 feet in height (measured to the middle of the gable)
- \*Building C is 34.11 feet in height (measured to the middle of the gable)
- \*Building D is 33.9 feet in height (measured to the middle of the gable)
- \*Building E is 33.6 feet in height (measured to the middle of the gable)
- \*Building F is 33.6 feet in height (measured to the middle of the gable)
- \*Building G is 34.11 feet in height (measured to the middle of the gable)
- \*Building H is 34.2 feet in height (measured to the middle of the gable)
- \*Building I is 33.6 feet in height (measured to the middle of the gable)
- \*Building J is 33.6 feet in height (measured to the middle of the gable)
- \*Building K is 33.6 feet in height (measured from highest grade to the middle of the gable)
- \*Building L is 34.11 feet in height (measured from highest grade to the middle of the gable)
- \*Building M (Recreation Building) is 18.11 feet in height (measured to the middle of the gable)

Therefore, the buildings are in compliance with the building height requirement.

Parking: The development is for a 138-unit apartment complex. Code does not require a minimum amount of parking for multi-family developments. However, the maximum parking allowed is 1.75 spaces per dwelling unit. Therefore, the maximum parking spaces allowed on the site are 242 spaces. As shown on the site plan, 230 on-site parking spaces are being provided.

Total:

74	Standard Parking Stalls
149	Compact Parking Stalls
7	Handicap Parking Stalls
<b>230</b>	<b>Total Parking Stalls</b>

<u>PARKING PROVIDED:</u>	
STANDARD STALLS:	74 STALLS
COMPACT STALLS:	149 STALLS (65% OF STALLS< 75% ALLOWED)
HANDICAP STALLS:	7 STALLS
<u>TOTAL PARKING PROVIDED=</u>	<u>230 STALLS</u>

As required by code, 40% of the parking spaces provided (230) are set up for EV vehicle parking.

Therefore, there are 92 EV parking spaces being provided on-site.

Two (2) loading zones have been provided on-site as well. One in front of Building J and one in front of Building M (Recreation Building).

All parking areas will be served by 30-foot wide internal two-way accessways that run through the development. The parking area between Buildings F and G is only 26 feet in width because aerial access for Fire can still be achieved adjacent the buildings.

Bicycle Parking: The Code requires 1 bicycle parking space per dwelling unit. Bike racks will be provided on the site and located in a convenient location for the residents. One hundred and thirty-eight (138) bicycle spaces are required. One hundred and thirty-eight (138) have been provided on-site.

BICYCLE PARKING REQUIRED: 1 BIKE STALL PER UNIT X 138 UNITS = 138 BIKE STALLS

BICYCLE PARKING PROVIDED:

(1) STALL PER GROUND FLOOR LIVING UNIT = (46) LONG TERM BIKE STALLS  
(12) SIX BIKE, + (2) EIGHT BIKE + (1) 4 BIKE RACK = (92) SHORT TERM BIKE STALLS  
TOTAL BIKE PARKING PROVIDED= 138 BIKE STALLS

Recycling: There are 3 covered trash/recycle areas provided within the Development. The trash areas are accessible for all residents via the paved internal sidewalk system in the development. The trash/recycle areas will be screened and enclosed with a sight-obscuring fence or wall. Detail plans for the trash receptacles have been provided.

Lot Coverage: The buildings on the site cover 20% (53,124sq.ft.) of the lot. Therefore, lot coverage is under the 50% maximum allowed and in compliance with code.

Stormwater: As stated on the Grading and Drainage Plan, the proposal is treating at least 80% hard surface with Green Water Infrastructure. Therefore, meeting the requirements of the Public Works Department.

A Preliminary Drainage Report dated December 20, 2024, has been submitted as part of this application.

### **Multiple Family Design Review Standards- Chapter 702.020**

**702.020(a):**

**702.020(a)(1) Open Space (Sheet SDR4):**

***(1) To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and***

***permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.***

Applicant Findings: In multi-family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that open space is an integral part of the overall development design.

The minimum open space area required for this development is 80,368 square feet (30%) of the site. The portion of the subject property being developed is zoned RMII and is 268,018 (6.15 acres) square feet in size with 106,256 square feet of common open space (landscape area 102,848sq.ft/rec. building 3,408sq.ft= 106,256sq.ft). Therefore, 40% of common open space is being provided.

<b>SITE AREAS</b>	
<b>TOTAL SITE</b>	<b>267,970 S.F.</b>
<b>NET DEVELOPABLE</b>	<b>267,970 S.F.</b>
<b>COMMON OPEN SPACE</b>	<b>141,583 S.F. (52.84%)</b>
<b>COMMON OPEN SPACE WITHIN SETBACKS</b>	<b>46,977 S.F. (33.18%)</b>
<b>LANDSCAPE</b>	<b>102,848 S.F.</b>

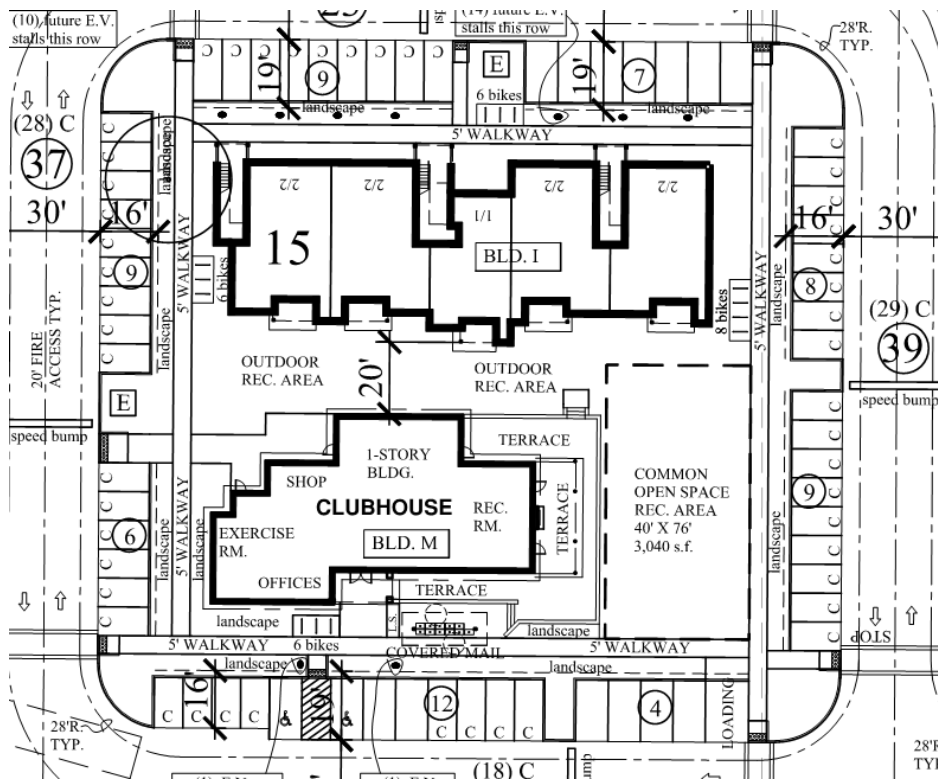
The recreation building, open space areas, and play areas are available to all 138 dwelling units and accessible via the proposed pedestrian pathways. The interior pathways are 5-foot-wide paved sidewalks and all sidewalks throughout the development are paved. There is an 8-foot-wide paved pedestrian pathway that runs north/south through the site. The recreation building, play areas, and open space areas are located in convenient and safe areas for the residents.

Therefore, this standard has been met. See attached site plans and open space plan.

**702.020(a)(1)(A) Common Open Space Area Size and Dimensions:**

***(A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.***

Applicant Findings: The applicant is proposing a development consisting of 138-apartment units as shown on the site plans. The apartments will be developed with the RM-II zoned portion of the site that consists of 6.15 acres. Per Table 702-3, the development shall provide an open space area of 2,500 square feet in size with a minimum dimension of 25 feet. As shown on the site plan, an outdoor open space area adjacent Building M (the recreation building) has been provided and is 3,040sq.ft. A 3,408 square foot recreation building is also being provided on the site for indoor common open space for the residents.



702.020(a)(1)(B):

**(B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.**

Applicant Findings: There are no slopes on the site greater than 25 percent. This criteria is not applicable.

702.020(a)(1)(C) and (D): Private Open Space (See Building Elevations):

- (C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.**
- (D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.**

Applicant Findings: Each unit will have private open space as required by the code. Ground floor units will have patio areas that are 96 square feet in size, with no dimension less than 6 feet. All second and third story units will have balconies/decks that are a minimum of 60 square feet in size. All private open space areas are located contiguous to the dwelling unit and will be screened with 5-foot-high screening. This private open space includes the patios and balconies/decks. Therefore, this standard has been met.

702.020(a)(1)(E):

***(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.***

- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and***
- (ii) Include at least one of the following types of features:***
  - a. Covered pavilion.***
  - b. Ornamental or food garden.***
  - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.***
  - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).***
  - e. Swimming pool or wading pool.***

Applicant Findings: In multi-family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that usable open space is an integral part of the overall development design. As shown on the site plan, there are usable open space recreation areas that total about 3,040 square feet in size located adjacent Building M. There is also a 3,408 square foot recreation building (Building M).

702.020(a)(1)(F):

***(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.***

Applicant Findings: The subject property is located within community and neighborhood parks in the area. Pringle Elementary School and Wes Bennett Park are located about ½ a mile to the east of the site. Both school and park can be utilized by the residents within the proposed

development. However, the proposed development will also have adequate open space areas on-site.

702.020(b)(1) Landscaping Standards:

***(1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.***

Applicant Findings: Landscaping is being provided adjacent to all property lines and within the interior of the development. Landscaping has been provided throughout the site as identified on the landscape plans. A minimum of 1 tree will be planted for every 2,000 square feet of the site.

There are 36 trees located within the boundary of development. Due to redevelopment of the site, all 36 trees are proposed for removal. The development of Parcel 1 will require the removal of the trees. A tree variance has been requested.

A majority of the trees to be removed are all located on Parcel 1:

35" Fir (Significant)	27" Fir	15" Walnut
25" Fir	29" Fir	14" Fir
31" Fir (Significant)	22" Pine	15" Cedar
35" Walnut (Significant)	13" Cherry	49" Walnut (Significant)
16" Walnut	38" Walnut (Significant)	
13" Maple	13" Apple	
13" Apple	15" Maple	
10" Cherry	13" Maple	
25" Fir	27" Fir	
38" Fir (Significant)	12" Maple	
14" Cherry	15" Cherry	
18" Cherry	27" Maple	
24" Maple	22" Maple	
10" Maple	15" Maple	
18" Walnut	25" Maple	
21" Oak (Significant Oak)	17" Fir	

Trees and vegetation have been provided throughout the development as shown on the landscape plans. There is 106,397 square feet of landscaped area throughout the site. Therefore, 39,7% of the site is landscaped.

A permanent underground irrigation system will be provided when development plans are final.



New trees will be provided through the site as required by code. A tree removal variance has been requested.

702.020(b)(2):

- (2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:(A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and(B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.***

Applicant Findings: The subject property does abut RS property along the west property line. Adequate setbacks have been provided along the west property lines, along with required landscaping and an 8-foot-high site obscuring fence.

702.020(b)(3), (4), (5):

- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.***
- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.***
- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.***

Applicant Findings: Landscaping has been provided around the proposed buildings as shown on the plans.

702.020(b)(6):

- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.***

Applicant Findings: All private ground level open space areas are located contiguous to the dwelling unit and will be screened with a 5-foot-high screening. This will help to ensure privacy for the patio areas designated as private open space for residents.

702.020(b)(7) and (8):

- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).***
  - (A) A minimum of one canopy tree shall be planted within each planter bay.***
  - (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).***
- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.***

Applicant Findings: All parking areas are within the requirements of the code and are separated by planter bays that are a minimum of 9 feet in width. All parking areas are landscaped as required and separated by landscaped bays that meet the minimum width as shown on the site plan. The parking areas and landscaped areas provide for visually appealing apartment grounds. There is 8,092 square feet of landscaping within the parking areas.

702.020(c)(1) and (2) Site Safety and Security Standards (Sheet A1.1/Building Elevations:

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.***
- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.***

Applicant Findings: All buildings have windows provided in habitable rooms and windows that face the parking lots and open space areas. This helps provide an eye on the development. Lighting on the buildings and along the sidewalks have been provided as well.

702.020(3) and (4):

- (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.***
- (4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.***

Applicant Findings: Safety of the residents is very important, and all requirements are met to assure safety and compliance with code. There are no fences or plant materials located in

areas within the development that obstruct visibility. All landscaping adjacent to open space areas will not exceed 3 feet in height.

702.020(d)(1), (2), (3) and (4) Parking and Site Design Standards:

- (1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).***
- (2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.***
- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.***
- (4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width.***

Applicant Findings: The subject property has street frontage on Snowball Street (local street), Snowball Avenue (cul-de-sac), Abbie Avenue (cul-de-sac), and Baxter Road (collector street) along the property lines. Internal accessways are proposed within the development.

1.Per SRC 702.020(d)(1): *“To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway.”*

All parking areas greater than 6,700 square feet in area are within the requirements of the code and are separated by planter bays that are a minimum of 9 feet in width. The layout of the parking areas has been taken into consideration and provides for safe and efficient circulation throughout the development. In order to take into consideration circulation, pedestrian access, landscaping, and the requirements of the code, the parking areas have been carefully designed. All parking areas are landscaped as required, and separated by landscaped bays that meet the minimum width as shown on the site plan. The parking areas and landscaped areas provide visually appealing apartment grounds. There are 8,092 square feet of

landscaping within the parking areas.

2. There are a few areas within the development where the parking area is not setback behind the buildings. Therefore, an adjustment to SRC 702.020(d)(2) has been requested for the parking areas adjacent Buildings A and L, Buildings D and E, Buildings G and J.

3. The subject property does abut RS zoned property to the west. However, the parking area located adjacent to the RS zoned property is not uphill from the existing single family dwellings. As shown on the site plans, all buildings and parking areas meet the required setbacks.

4. As shown on the site plan, all buildings are separated from all pathways. The intent of this standard is to provide privacy for residents. The development does provide setbacks between the buildings and pathways. All the pathways connect the buildings, open space, parking areas, and surrounding uses.

There is also an 8-foot-wide paved pedestrian path that will run north/south through the site for resident convenience.

Therefore, meeting this standard.

702.020(e)(1) through (8) Façade and Building Design: These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.

***(1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.***

Applicant Findings: The building design does not have long flat walls or roof lines. The buildings will have an offset that breaks up the front of the buildings and the roof lines. All buildings within the development will not exceed 150 feet in length. The length of the buildings and structures conform to the measuring requirements in code.

Buildings D, F, J, & K:	82' in length
Buildings A & H:	110' in length
Buildings B, C, G, & L:	104' in length
Buildings E & I:	137' in length
Building M (Clubhouse):	102' in length

***(2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.***

Applicant Findings: The subject property does abut RS zoned property along the west property line. Therefore, a setback of minimum 1 foot for each 1 foot of building height is provided, along with an 8-foot sight obscuring fence. Setbacks (Sheets SDR4 and A1.1/Building Elevations) are shown on the tentative plan.

West: Adjacent RS zoned property; Buildings D, E, and F: 30-foot setback with 8-foot sight obscuring fence.

\*Building D is 33.9 feet in height (measured to the middle of the gable)

\*Building E is 33.6 feet in height (measured to the middle of the gable)

\*Building F is 33.6 feet in height (measured to the middle of the gable)

Per Section 702.020: ***“A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.”***

An 8-foot-tall fence is being proposed along the west property line. Therefore, the setbacks for Buildings D, E, and F are in compliance with the Code.

***(3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.***

Applicant Findings: The rear side of Buildings D and E face the RS zoned property to the west. Both buildings have balconies that will face the RS zoned properties and the balconies with railings. If required, sight-obscuring railings will be provided for those balconies facing the RS zoned properties to the west.

***(4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.***

Applicant Findings:

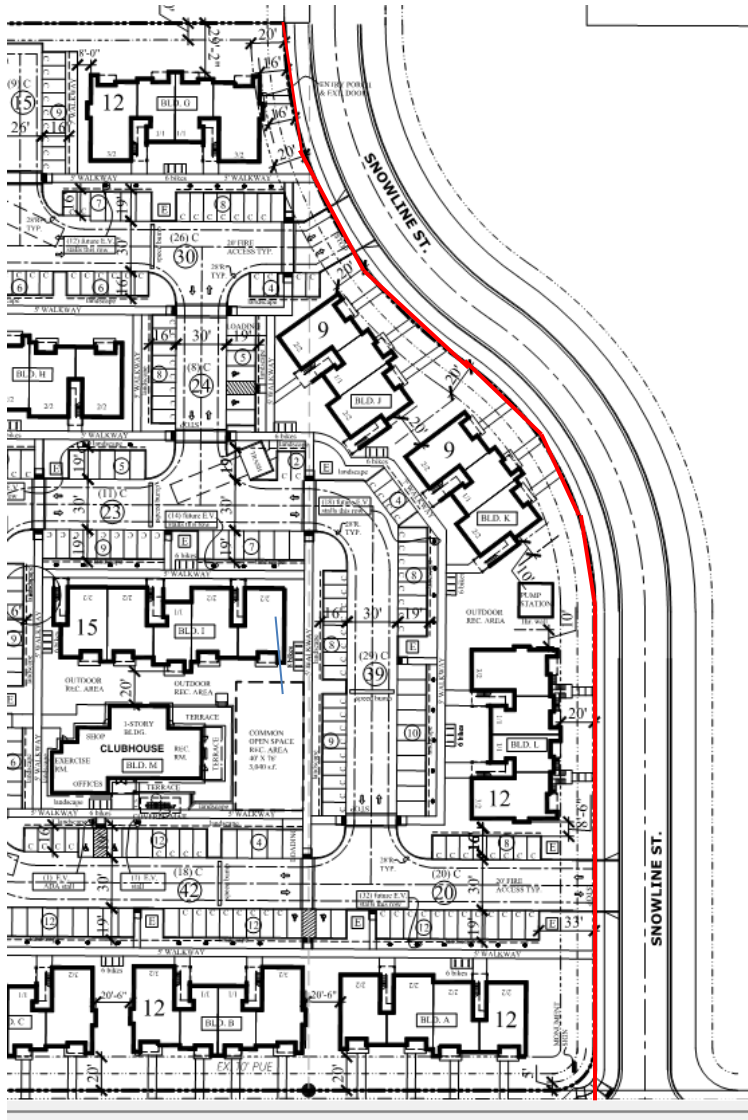
Snowball Avenue (cul-de-sac)

The subject property has 186 feet of buildable width (this excludes required side setbacks and

[illegible]

Snowline Street (local street)

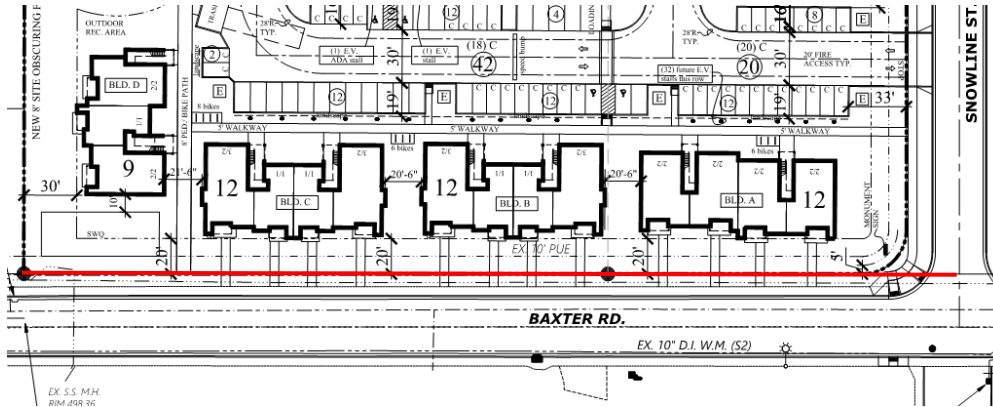
December 20, 2024



Therefore, this standard has been met.

#### Baxter Road (collector)

The subject property has 430 feet of buildable width (this excludes required side setbacks) along Baxter Road. Buildings A, B, and C are located on the setback line along Baxter Road. Code requires a minimum of 40% of the buildable width be occupied by buildings placed on the setback line. As shown on the site plan, the buildings total 318 feet of the buildable width along the street frontage. Therefore, occupying 74% of the buildable width of street frontage along Baxter Road.



Therefore, this standard has been met.

### Abbie Avenue (cul-de-sac)

The subject property has 216 feet of buildable width (this excludes required side setbacks) along Abbie Avenue. Buildings D and E are located along Abbie Avenue. Code requires a minimum of 40% of the buildable width be occupied by buildings placed on the setback line. As shown on the site plan, only Building E is located on the setback line and totals 42 feet of the buildable width along the street frontage. Therefore, occupying 19% of the buildable width of street frontage along Baxter Road.





In order to provide safety and convenience for the residents, all buildings will face the interior of the lot. This provides more eyes on the site, which provides greater safety for residents. This also provides convenience since all parking is located within the interior of the site.

Baxter Road: Direct pedestrian paths are provided from Buildings A, B, and C to the proposed sidewalk system within Baxter Road. Building D has direct access to the sidewalk system in Baxter Road and Abbie Avenue via a paved 8-foot-wide pedestrian pathway.

Snowline Road: Direct pedestrian paths are provided from Buildings A, G, J, K, and L to the proposed sidewalk system within Snowball Street. Due to the topography of the site, individual pedestrian pathways from Buildings J, K, and L to Snowline Street are provided via stairways.

Snowball Avenue: Direct pedestrian paths are provided from Buildings E, F, and H to the proposed sidewalk system within Snowball Avenue via a paved 8-foot-wide pedestrian pathway.

Abbie Avenue: Direct pedestrian paths are provided from Buildings D and E to the proposed sidewalk system within Abbie Avenue via a paved 8-foot-wide pedestrian pathway.

A shared 8-foot-wide pedestrian pathway running north/south through the site will provide access to Abbie Avenue, along with internal and external sidewalks.

Therefore, standard has been met.

***(6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.***

Applicant Findings: The primary entrances for each individual unit are provided through a covered entry way. All building entries are clearly defined and easily accessible. The design of the building with the use of roofline offsets and covered entry ways, promote a positive sense of neighborhood.

***(7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.***

Applicant Findings: All roof-mounted equipment will be screened and integrated into the building design. Further review of this requirement will take place at the time of building permits. Therefore, this guideline has been met.

**(8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.**

Applicant Findings: The building design does not have long flat walls or roof lines. The buildings will have an offset that breaks up the front of the buildings and the roof lines. All buildings will have a minimum of 4-foot offsets, balconies, patios, eaves, and windows incorporated into the design of each of the buildings.

702.020(e)(9) and (10) (See Building Elevations): Varied materials and textures are being used on the building facade. The applicant has provided building elevations to show how this is being complied with.

The materials used on the front, rear, and sides of the apartments are the same; shake siding, trim board, lap siding, and stone around the pillars. See attached building elevations.

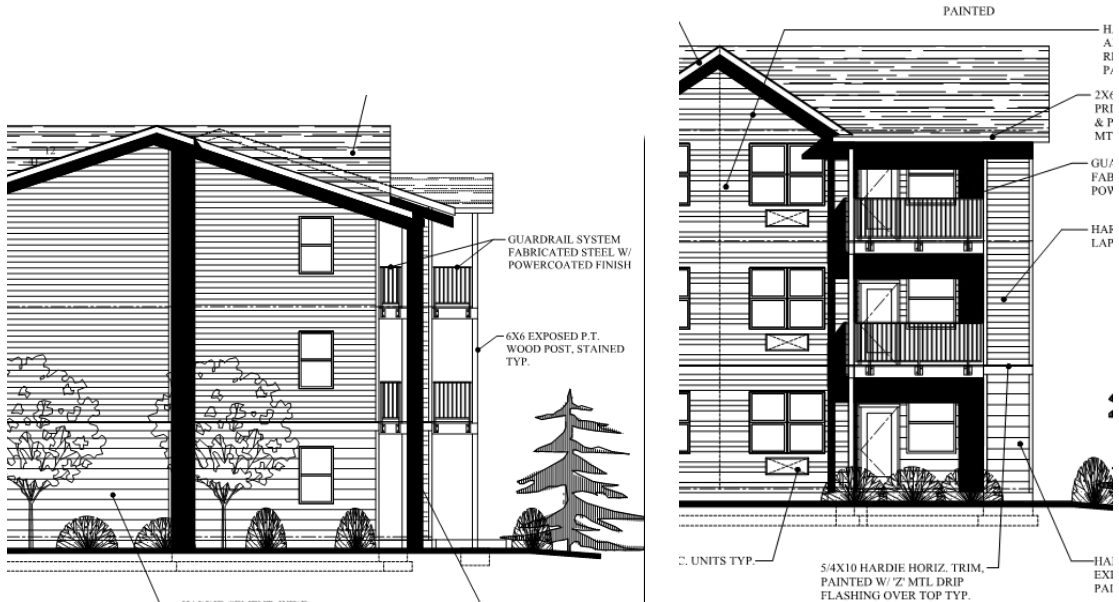


The proposed buildings provide the required offsets and design elements as shown on the building elevations.

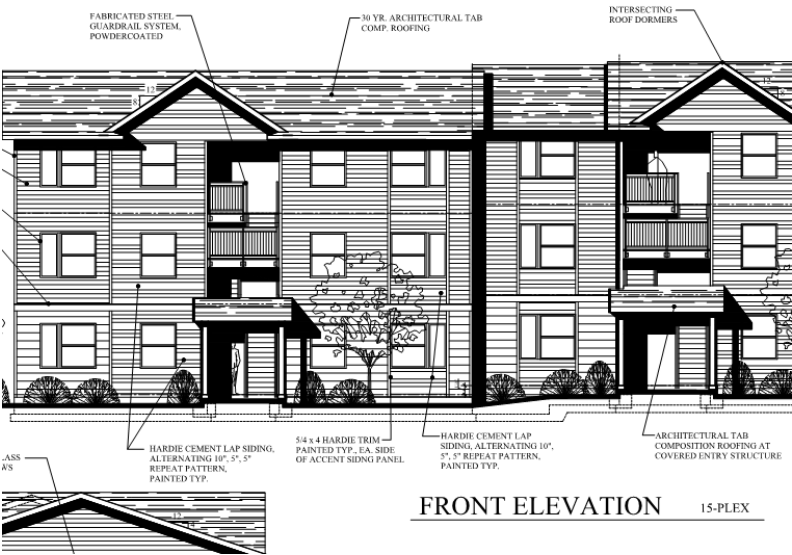
The proposed buildings provide offsets:



Covered Decks and Recessed Balconies:



Covered Entrance:



## **Climate Mitigation**

Under the new Climate Mitigation requirements, an applicant has options for how they want to mitigate the climate impacts of their proposed development.

Per the Climate Mitigation requirements: ***“You may choose to either provide canopy coverage (at least 40% of the parking lot within 15 years), solar power generation (0.5 kilowatts per parking space), or payment (\$1,500 per parking space) to help fund wind and solar power generation at affordable housing developed by the Salem Housing Authority. You may also choose a combination of these options.”***

The applicant has chosen to provide at least 40% tree canopy coverage as shown on the tree plan provided. The proposed parking area is about 86,361 square feet in size, with 35,623 square feet (34,544sq.ft. required) of tree canopy coverage being provided. Therefore, providing 41% tree coverage (See attached mitigation plans).

## **Airport Overlay SRC 602.000**

The subject property appears to be located within the Conical Surface Area as shown on the map below.

***“Conical surface. In the conical surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the periphery of the horizontal surface, 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.”***

The proposal is for a 138-unit multi-family development. Maximum building height allowed in the RM-II area is 50'. All proposed apartment buildings will meet the height requirements. Height compliance will be reviewed at the time of building permit submittal. The height of the dwellings will not have an impact on the Airport Overlay Height.

The FAA will be notified of the proposal. Prior to development of the site, the applicant will apply for an Airport Overlay Variance with the City and submit the required Form 7460-1 forms with the FAA.

## ***Baxter Road Apartments***

### ***Class 3-Site Plan Review***

***December 20, 2024***

#### **SRC 220.005(f)(3) Class 3 Site Plan Review Criteria:**

***(A) The application meets all applicable standards of the UDC;***

**Applicant Findings:** The subject property is 6.15 acres in size, zoned RM-II, and located at 1700 Baxter Road SE (083W14BD/Tax Lots 100 and 200).

The applicant is proposing a development consisting of 138-apartment units as shown on the site plans.

#### **Applications Requested:**

- \*Site Plan Review (SPR) Class-3
- \*Design Review (DR) Class-1
- \*Driveway Approach Permit (DAP)
- \*Urban Growth Area Permit (UGA)
- \*Partition
- \*Tree Variance

#### **Adjustments Requested:**

- \*SRC 702.020(d)(2) Façade and Building Design
- \*SRC 702.020(e)(4) Façade and Building Design
- \*SRC 514.010(d) Table 514-4 (Setbacks)-Front Yard Setback

#### **Multi-Family Residential (RMII) Chapter 514**

SHEET INDEX	
SDR1	COVER SHEET
SDR2	EXISTING CONDITIONS PLAN
SDR3	SITE PLAN
SDR4	SHADOW PLAN
SDR5	OPEN SPACE PLAN
SDR6	GRADING PLAN
SDR7	PRIVATE STORM DRAIN PLAN
SDR8	PRIVATE SANITARY SEWER PLAN
SDR9	PRIVATE DOMESTIC WATER PLAN
SDR10	PRIVATE FIRE SERVICE PLAN

**Density (Table 514-3):** The site being developed is 6.15 acres in size. Development in an RMII zone shall meet a minimum of 15 dwelling units and shall not exceed 31 dwelling units. Therefore, the site shall be developed with a minimum of 92 and allowed to have a maximum of 191 units. As shown on the site plan, there are 138 units proposed on the property.

The development is in compliance with the minimum and maximum density requirements.

Setbacks (Table 514-4): Setbacks are shown on the tentative plan.

*North:* Buildings F and G: Adjacent RMII zoned property; 29.2 to 31-foot setbacks/Parking: 10-foot setback  
Building E: Adjacent Snowball Avenue cul-de-sac; 20-foot setback  
Building D: Adjacent Abbie Avenue cul-de-sac; 35-foot setback  
*East:* Buildings J, K, and L: Adjacent Snowline Street; 20-foot setback  
Building G: Adjacent Snowline Street; 16-foot setback (an adjustment has been requested)  
Building A: Adjacent Snowline Street; 35-foot setback  
*South:* Buildings A, B, and C: Adjacent Baxter Road; 20-foot setback  
Building D: Adjacent Baxter Road; 45-foot setback  
Building E: Adjacent Abbie Avenue cul-de-sac; 20-foot setback  
Building F: Adjacent Snowball Avenue cul-de-sac; 25-foot setback  
*West:* Buildings D, E, and F: Adjacent RS zoned property; 30-foot setback with 8-foot sight obscuring fence

**Note**-Per SRC Section 702.020(e)(2)(A): A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.

Maximum Height (Table 514-6/See Building Elevations): Maximum building height allowed in the RMII area is 50'.

- \*Building A is 33.6 feet in height (measured to the middle of the gable)
- \*Building B is 34.11 feet in height (measured to the middle of the gable)
- \*Building C is 34.11 feet in height (measured to the middle of the gable)
- \*Building D is 33.9 feet in height (measured to the middle of the gable)
- \*Building E is 33.6 feet in height (measured to the middle of the gable)
- \*Building F is 33.6 feet in height (measured to the middle of the gable)
- \*Building G is 34.11 feet in height (measured to the middle of the gable)
- \*Building H is 34.2 feet in height (measured to the middle of the gable)
- \*Building I is 33.6 feet in height (measured to the middle of the gable)
- \*Building J is 33.6 feet in height (measured to the middle of the gable)
- \*Building K is 33.6 feet in height (measured from highest grade to the middle of the gable)
- \*Building L is 34.11 feet in height (measured from highest grade to the middle of the gable)
- \*Building M (Recreation Building) is 18.11 feet in height (measured to the middle of the gable)

Therefore, the buildings are in compliance with the building height requirement.

Parking: The development is for a 138-unit apartment complex. Code does not require a minimum amount of parking for multi-family developments. However, the maximum parking allowed is 1.75 spaces per dwelling unit. Therefore, the maximum parking spaces allowed on the site is 242 spaces. As shown on the site plan, 230 on-site parking spaces are being provided. The applicant is requesting an adjustment.



Total:

74	Standard Parking Stalls
149	Compact Parking Stalls
7	Handicap Parking Stalls
230	Total Parking Stalls

As required by code, 40% of the parking spaces provided (230) are set up for EV vehicle parking. Therefore, there are 92 EV parking spaces being provided on-site.

Two (2) loading zones have been provided on-site as well. One in front for Building J and one in front of Building M (Recreation Building).

All parking areas will be served by 30-foot wide internal two-way accessways that run through the development. The parking area between Buildings F and G is only 26 feet in width because aerial access for Fire can still be achieved adjacent the buildings.

Bicycle Parking: The Code requires 1 bicycle parking space per dwelling unit. Bike racks will be provided on the site and located in a convenient location for the residents. One hundred and thirty-eight (138) bicycle spaces are required. One hundred and thirty-eight (138) have been provided on-site.

Recycling: There are 3 covered trash/recycle areas provided within the Development. The trash areas are accessible for all residents via the paved internal sidewalk system in the development. The trash/recycle areas will be screened and enclosed with a sight-obscuring fence or wall. Detail plans for the trash receptacles have been provided.

Lot Coverage: The buildings on the site cover 20% (53,124sq.ft.) of the lot. Therefore, lot coverage is under the 50% maximum allowed and in compliance with code.

Stormwater: As stated on the Grading and Drainage Plan, the proposal is treating at least 80% hard surface with Green Water Infrastructure. Therefore, meeting the requirements of the Public Works Department.

A Preliminary Drainage Report dated December 20, 2024, has been submitted as part of this application.

**(B)     *The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;***

**Applicant Findings:** A TGE form has been submitted as part of this packet. The size of the development does not warrant a TIA.

As shown on the site plan, safe and efficient access and circulation has been provided into and throughout the development. The proposed development has 30-foot-wide driveways throughout the site. The parking area between Buildings F and G is only 26 feet in width because aerial access for Fire can still be achieved adjacent the buildings. The driveways provide circulation throughout the site and onto the surrounding street system.

The design of on-site circulation is clearly identifiable, safe, pedestrian friendly and interconnected.

The subject property is located in a developing area where improved streets and sidewalks continue as required by the City. Improved access is required by code. Approval does not adversely affect the safe and healthful development of any adjoining land or access thereto.

**(C)      *Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and***

**Applicant Findings:** Parking: The development is for a 138-unit apartment complex. Code does not require a minimum amount of parking for multi-family developments. However, the maximum parking allowed is 1.75 spaces per dwelling unit. Therefore, the maximum parking spaces allowed on the site is 242 spaces. As shown on the site plan, 230 on-site parking spaces are being provided. The applicant is requesting an adjustment.

Total:

74	Standard Parking Stalls
149	Compact Parking Stalls
7	Handicap Parking Stalls
230	Total Parking Stalls

As required by code, 40% of the parking spaces provided (230) are set up for EV vehicle parking. Therefore, there are 92 EV parking spaces being provided on-site.

Two (2) loading zones have been provided on-site as well. One in front for Building J and one in front of Building M (Recreation Building).

All parking areas will be served by 30-foot wide internal two-way accessways that run through the development. The parking area between Buildings F and G is only 26 feet in width because aerial access for Fire can still be achieved adjacent the buildings.

Bicycle Parking: The Code requires 1 bicycle parking space per dwelling unit. Bike racks will be provided on the site and located in a convenient location for the residents. One hundred and thirty-eight (138) bicycle spaces are required. One hundred and thirty-eight (138) have been provided on-site.

The design of pedestrian circulation systems shall provide clear and identifiable connections within the multiple family development and to adjacent uses and public streets/sidewalks. The proposed development provides safe and convenient bicycle and pedestrian access from within the development to adjacent residential areas. Therefore, this standard has been met.

**(D)      *The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.***

**Applicant Findings:** Utility plans have been provided that show how the site will be served with City water, sewer, storm water facilities, and other utilities appropriate to the development. As stated on the Grading and Drainage Plan, the proposal is treating at least 80% hard surface with Green Water Infrastructure. Therefore, meeting the requirements of the Public Works Department.

A Preliminary Drainage Report dated December 20, 2024, has been submitted as part of this application.