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January 21, 2025

## LAND USE APPLICATION - COMPLETENESS REVIEW

### Project Information

Subject Property:	1700 Baxter Road SE
Reference Number:	24-125333-PLN
Application Type:	Partition, UGA, Class 3 SPR, Class 2 Adjustment, Tree Variance, Class 2 Driveway Approach Permit, Class 1 Design Review
Date Application Accepted:	December 23, 2024
Applicant:	Neighborly Development LLC (Laura Robinson) <a href="mailto:laurar@theneighborlyway.com">laurar@theneighborlyway.com</a>
Contact:	Brandie Dalton <a href="mailto:bdalton@mtengineering.net">bdalton@mtengineering.net</a>

### Staff Contact

Land Use Planner:	Jamie Donaldson, Planner III <a href="mailto:jdonaldson@cityofsalem.net">jdonaldson@cityofsalem.net</a> / 503-540-2328
Infrastructure Planner:	Aaron Panko, Infrastructure Planner III <a href="mailto:apanko@cityofsalem.net">apanko@cityofsalem.net</a> / 503-540-2356

### Land Use Review Comments

**Prior to deeming your applications complete, modifications and/or additional information must be provided to address items detailed below.**

**Applicant should provide a response in the last column for each item or indicate if the item is not being provided. Items not addressed or provided may result in conditions of approval or denial of the land use application.**

Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

- (1) All of the missing information.
- (2) Some of the missing information and written notice from you (the applicant) that no other information will be provided.
- (3) Written notice from you (the applicant) that none of the missing information will be provided.

**You have 180 days (June 21, 2025) from the date the application was first submitted (December 23, 2024) to respond in one of the three ways listed above, or the application will be deemed void.**

The Salem Revised Code may be accessed online at the following location:

<https://www.cityofsalem.net/Pages/salem-revised-code.aspx>

<b><u>Completeness Review Items</u></b>		
<b><u>Submittal Requirements</u> – The following items have been identified as required material to be provided by the application(s) prior to deeming the application “complete”:</b>		
<b>Submittal Requirement</b>	<b>Description</b>	<b>Applicant Response <i>i.e. Written Response, Submitted, Not Providing</i></b>
<b>Complete Application</b>	<p>The application form must be signed by the applicant(s), property owner(s), and/or duly authorized representative(s). If the applicant and/or property owner is a Limited Liability Company (LLC), a list of all members of the LLC must be provided with your land use application.</p> <p>Neighborly Development appears to be the applicant for the property, and is noted as an LLC. Please provide the Articles of Organization to identify all LLC members.</p>	
<b>Signing Authority</b>	<p>The property appears to be owned by the Linda K. Turnidge Living Trust, with the title vested to Linda K. Turnidge, Trustee; however, the applications were signed by Louise Turnidge.</p> <p>Please also provide the trust agreement to verify who is authorized to sign on behalf of the Living Trust as the property owner.</p>	
<b>Title Report</b>	A preliminary title report not older than 30 days for each affected property is required. The title report provided is dated August 21, 2024, and is considered expired. Please submit a current title report for the property	
<b>Property Line Adjustment Required</b>	The City Surveyor has reviewed the application and determined that a property line adjustment is required prior to recording of the partition plat. Per ORS 92.010(9)(b), partitioning land does not include adjusting a property line. The applicant needs to apply for a property line adjustment to reconfigure the common property line between tax lots 100 and 200. The PLA may be consolidated into this land use application.	
<b>Grading Plan</b>	<p>A preliminary grading plan is required when grading of the subject property is necessary to accommodate the proposed development per <a href="#">SRC 220.005(e)(1)(D)</a> &amp; (e)(2)(A).</p> <p>Specifically, please include contours around proposed stormwater facilities.</p>	
<b>Stormwater Management and/or Design Exception</b>	The application does not provide sufficient details to identify how the site is compliant with <a href="#">SRC 71</a> , specifically the requirements for Green Stormwater Infrastructure (GSI) pursuant to <a href="#">Public Works Design Standards (PWDS) Appendix 4E</a> . The applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.	

	<p>Comments and concerns with the preliminary stormwater report dated December 20, 2024, include errors in pre-developed calculation, clarification on whether both storm facilities will be public, or only the facility at the east, and whether walled facilities, which would require a design exception, are needed.</p> <p>Additional comments will be provided to the applicant's engineer. The applicant is advised that site modifications may be required if these items are not addressed.</p>	
<b>Traffic Impact Analysis</b>	<p>Pursuant to <a href="#">SRC 220.005(e)(2)(F)</a> and <a href="#">803.015(b)(1)</a>, a Traffic Impact Analysis (TIA) is required. The applicant's traffic engineer is advised to contact Tony Martin, Assistant City Traffic Engineer, at 503-588-6211 or <a href="mailto:tmartin@cityofsalem.net">tmartin@cityofsalem.net</a> to discuss the scope needed and if there are any questions about the TIA requirements.</p> <p>The Assistant City Traffic Engineer has reviewed the TIA dated December 2024 and has the following concerns and has not approved the TIA:</p> <ol style="list-style-type: none"> <li>1) The TIA does not address sight distance for the new street connection to Baxter Road SE, other than a statement that a PE needs to evaluate the sight distance.</li> <li>2) The plans submitted do not have street profiles to evaluate potential sight distance limitations. The sight distance for public street intersection with Baxter has not been addressed.</li> <li>3) The TIA will need to include analysis for development of proposed Parcels 2 and 3 as future phases.</li> <li>4) The site plan in the TIA does not match the plans submitted, and trip distribution could be affected.</li> </ol> <p>The TIA has a "DRAFT" stamp. Please submit a final, stamped TIA that addresses the City's concerns.</p>	
<b>Landscape Plan</b>	<p>A landscape plan is required, and must show the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.</p> <p>*The new plans were not able to be reviewed prior to meeting the 30-day response deadline. Additional comments may follow once reviewed.</p>	<u>Note</u> : a landscape plan was provided 3 weeks after submittal*
<b>CFEC Tree Plan</b>	<p>For developments that include more than one-half acre of new off-street surface parking, a tree plan shall be provided, that includes the perimeter and soil depth of all proposed tree planting areas, the expected tree canopy area after 15 years for all trees not removed by the proposed development, and the caliper of all proposed new trees at the time of planting in addition to the other requirements of the tree planting plan.</p> <p>The plans provided labeled for the Climate Mitigation standards do not provide enough information to verify the requirements are being met. All of the required</p>	<u>Note</u> : an updated tree canopy plan was provided 3 weeks after submittal*

	<p>information listed above has not been provided for review of conformance with the standards.</p> <p>*The new plans were not able to be reviewed prior to meeting the 30-day response deadline. Additional comments may follow once reviewed.</p>	
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### **Advisory Comments**

**Items of Concern** - The following items are not listed in the SRC as specific requirements for a complete application; however, are advisories that address areas of concern on the application. **Failure to address advisory comments could result in condition of approval or denial of the application(s).**

Item	Description	Applicant Response <i>i.e. Written Response, Submitted, Not Providing</i>
<b>Application Review</b>		
<b>Floor Plans</b>	Floor plans for each building were not provided to verify conformance with all multi-family design standards, like windows, balconies, patios, etc. These can likely be conditioned, but the applicant should provide floor plans if they would like staff to verify all standards are met, and reduce corrections at the time of building permit review.	
<b>Tree Variance</b>	<p>The written statement submitted does not provide enough evidence that 100 percent of the trees on site are necessary to remove for the proposed development. The code allows for disturbance within a tree's critical root zone up to 30 percent with an arborist report. In addition, disturbance beyond 30 percent of the CRZ may be allowed with the Tree Variance and an arborist report. The applicant has not provided any evidence from an arborist on the state of the trees, and review of whether any of the trees can withstand nearby grading and construction; including, but not limited to:</p> <ul style="list-style-type: none"> <li>• The trees on Parcel 2 do not appear to be affected by any grading at this time;</li> <li>• The written statement does not explain why the water quality facility to the east cannot be relocated and save the 49-inch Walnut tree; and</li> <li>• The group of Fir trees to the west near the Abbie Avenue cul-de-sac appear in an open area, whereas the written statement mentions grading for a pavilion. Therefore, it is not clear why they require removal.</li> </ul> <p><u>Please note:</u> Comments provided by staff are intended to help the applicant move through the application process with minimal challenges, and help to save the applicant time and costs of additional hearings. It may be best to schedule a call or meeting with staff to discuss the tree plans and challenges further, and to understand the documentation requested at this time that would benefit the project in the long run.</p>	

<b>Adjustment Requests</b>	<p>A single adjustment request was made for the buildable width along two streets; however, an adjustment is required for each street that does not meet the standard. If the applicant does not wish to revise the plan to meet the standard at either location, please inform staff so that the additional fee can be billed for payment.</p> <p>If any other development standard cannot be met, an Adjustment to the standard may be requested. The applicant shall inform staff and pay the applicable fee(s), and submit written findings that demonstrate how each request meets the criteria under <a href="#">SRC 250.005</a>.</p>	
<b>Chapter 514 – RM-II Zone</b>		
<b>Setbacks</b>	Vehicle use areas abutting a street require a minimum setback of 12 feet, per SRC 514.010(d), Table 514-4. The cul-de-sacs of Snowball Avenue and Abbie Avenue are still considered streets, and the vehicle use areas abutting Abbie Avenue do not meet the 12-foot setback.	
<b>Height</b>	The clubhouse building exceeds the maximum allowed height of 15 feet for accessory structures.	
<b>Chapter 702 – Design Review</b>		
<b>Open Space</b>	<p>The open space plan does not provide the same square footage for areas as the main site plan, and the total including building footprints and parking lot area from the site plan add up to more than the total size of the lot. However, the information provided on the site plan appears accurate and demonstrates conformance with the requirement. *This item will not hold up completeness.</p> <p>The open space plan does also not include any private open space areas. The elevations suggest there are balconies and patios; however, floor plans were not provided to verify the minimum size and dimensions are met. This can be a condition of approval.</p>	
<b>Landscaping</b>	Several of the landscape planter bays do not meet the minimum requirement of nine feet in width, pursuant to <a href="#">SRC 702.020(b)(7)</a> . All landscaped planter bays shall be meet the minimum requirement for the area of landscape provided inside the planter curbs, as measured from inside-of-curb to inside-of-curb. This can be a condition of approval, but will likely reconfigure or remove some parking on site.	
<b>Site Safety &amp; Security: Windows</b>	Floor plans were not provided to verify that windows are be provided in all habitable rooms. This can be a condition of approval.	
<b>Site Safety &amp; Security: Retaining Wall</b>	There appears to be a retaining wall near the water pump station, in front of two buildings and abutting the street. Pursuant to SRC 702.020(c)(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. Please provide construction details for the retaining wall to verify conformance, and how the pedestrian connections to the units will function.	
<b>Façade &amp; Building Design: Buildable Width</b>	As indicated during the pre-ap stage, portions of buildings that are set back further than the setback line can count toward the 40 percent requirement, when located within 10 feet of that setback line; portions setback beyond 10 feet of the setback line do not count. As such, staff does not measure 318 feet of buildable width along Snowline Street as indicated in the written statement. Please address how this standard is met, and/or revise the plans.	
<b>Façade &amp; Building Design: Architecturally Defined Entryways</b>	<p>Pursuant to SRC 702.020(e)(5), buildings within 25 feet of the property line abutting a street shall have an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks. Building E is within 25 feet of both new cul-de-sacs from Snowball Avenue and Abbie Avenue on either side of the building. As such, Building E requires an architecturally defined primary building entrance with direct pedestrian access facing both cul-de-sacs for Snowball Avenue and Abbie Avenue.</p> <p>In addition, an architecturally defined primary building entrance is not provided for the shared pedestrian access on Buildings K and L, which instead provide decks that do not meet the standard.</p> <p>Porches or architecturally defined entry areas shall also be provided for each ground level dwelling unit, pursuant to SRC 702.020(e)(6). Using only balconies above ground floor units make the entrances look like rear patios abutting the street, and not primary entrances. Please revise for all unit entrances abutting a street.</p>	
<b>Façade &amp; Building Design:</b>	Buildings D and E require sight-obscuring railings for the balconies that face the RS-zoned properties, pursuant to SRC 702.020(e)(3); however, the elevations do not show conformance with this standard. This will likely be a condition of approval.	
<b>Chapter 800 – General Standards</b>		
<b>Solid Waste Area</b>	Only elevations were provided for the trash enclosures. Please provide dimensions and design details for the proposed trash enclosure(s) to verify conformance with <a href="#">SRC 800.055</a> .	
<b>Chapter 803 – Street and Right-of-way Improvements</b>		
<b>Street Connectivity – West</b>	The applicant proposes to cul-de-sac the western stub of Snowball Avenue SE on the development site rather than providing a street connection to the new Snowline Street SE. Staff is supportive of this due to the water pump station requirements; however, recommends as a condition of approval for the Alternative Street Standard	



	that the applicant provide a mid-block multi-modal path within an easement that connects Snowball Avenue to the new north/south Snowline Street. This should be shown on the applicant's plans.	
<b>Street Connectivity – East</b>	The applicant's plans show a future extension of the eastern stub of Snowball Avenue SE to the new Snowline Street SE. This extension shall be designed with sufficient detail in order to require the construction of the street and dedication of right-of-way with development of Lot 2. Comments on the street profiles will be sent directly to the Applicant's Engineer.	
<b>Chapter 806 – Off-Street Parking, Loading, and Driveways</b>		
<b>Climate Mitigation</b>	Please see comments above. Plans provided late; additional comments may follow once fully reviewed.	
<b>Bicycle Parking</b>	Please indicate the proposed bike rack details, including spacing dimensions and bike rack design, that illustrate compliance with the standards set forth in <a href="#">SRC 806.060</a> .	
<b>Chapter 807 – Landscaping and Screening</b>		
<b>Tree Replanting</b>	Pursuant to <a href="#">SRC 807.015</a> (d)(2), when existing trees are proposed for removal from within required setbacks, or more than 75 percent of the existing trees are proposed for removal, two new trees shall be planted for each tree removed within a setback and in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. Please indicate this replanting requirement for each tree removed in excess of 75 percent, or within a required setback.	
<b>Chapter 808 – Tree Preservation</b>		
<b>Tree Plan</b>	The applicant's written statement for the Tree Variance references a tree plan showing the critical root zones of the trees to be removed, but none of the plans provided that show the trees indicate their CRZs. Please provide a plan showing the critical root zones of all removed trees on the new grading plan, to illustrate <u>why</u> each tree creates a hardship where removal is necessary.	
<b>Tree Removal</b>	<p>The applicant should reconsider the preservation of some trees within the development that can withstand disturbance within their critical root zone, pursuant to <a href="#">SRC 808.046</a>(a)(3)(A). An arborist report should be provided for any tree proposed for preservation where development or grading of the site will impact more than 30 percent of the critical root zone.</p> <p>The current Tree Variance application can also address disturbance beyond 30 percent of the critical root zone, if an arborist can confirm the health and stability of the tree.</p>	