

TO: Jamie Donaldson, Planner III
Community Planning and Development Department

FROM: Aaron Panko, Infrastructure Planner III
Community Planning and Development Department

DATE: February 4, 2025

SUBJECT: Infrastructure Memo
PAR-SPR 24-13 (24-113032-PLN)
739 23rd Street NE
Gussie Belle Commons Phase II

PROPOSAL

A consolidated Tentative Partition Plan to divide the resulting Parcel 2 from the Phase I development of Gussie Belle Commons (Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08) into two lots, approximately one acre and two acres in size; in conjunction with a Class 3 Site Plan Review for the development of 60 apartment units as Phase II of the Gussie Belle multi-family development. The subject property is currently 10.1 acres in size, zoned MU-I (Mixed Use-I), and located at 739 23rd Street NE (Marion County Assessors map and tax lot numbers: 073W24CC / 4000).

RECOMMENDED CONDITIONS OF APPROVAL

1. Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
3. Construct a sidewalk along Franzen Street NE as shown on the applicant's preliminary site plan from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Taxlot 073W24CC04100 and dedicate a public access easement along Franzen Street NE including the sidewalk.
4. Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

5. Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
6. Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements).

EXISTING CONDITIONS – INFRASTRUCTURE

The subject property abuts Franzen Street NE which is a private local street. The existing conditions of streets adjacent to the subject property, including those abutting Gussie Belle Commons Phase I, are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Center Street NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	78-feet	46-feet
23rd Street NE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	36-feet
D Street NE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	66-feet	36-feet
Grear Street NE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	34-feet
Medical Center Drive NE (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A - Private	20-to-34-feet
Franzen Street SE (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A – Private	24-feet

Improvements to streets abutting Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) are being permitted under 24-116590-BP, 24-116824-CO, and 24-116827-PC.

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 24-inch water main is located in Center Street NE.
	A 24-inch water main is located in 23 rd Street NE

	A 24-inch water main is located in D Street NE.
	A 6-inch water main is located in Gear Street NE.
	A 24-inch public water main is located on private property in an easement.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Center Street NE.
	An 8-inch sanitary sewer main is located in 23 rd Street NE.
	An 8-inch sanitary sewer main is located in D Street NE.
	An 8-inch sanitary sewer main is located in Gear Street NE.
Storm Drainage	An 18-inch public storm main is located at the southern and eastern ends of the subject property in an easement.
Parks	The proposed development is served by D Street Park located to the east of the subject property across 23 rd Street NE.

SITE PLAN REVIEW DECISION CRITERIA

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding— As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

SRC Chapter 200 - Urban Growth Management:

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located outside of the Urban Service Area. However, the proposed development does not precede construction of required facilities, and therefore, no Urban Growth Area Preliminary Declaration is required.

SRC Chapter 200.050(d) - Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that all easements dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 802 below, easements are

required for existing public utilities on the subject property. As a condition of approval, the applicant shall ensure required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition: Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

SRC Chapter 71 – Stormwater:

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 4E and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At time of building permit, the applicant shall be required to submit a final Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 802 – Public Improvements:

▪ Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of Proposed Parcel 1 and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed development conforms to the public improvement standards of SRC Chapter 802.

- **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 18-inch public storm drain main that crosses over the southern portion of the subject property. Included in the tentative partition plan findings below, the applicant is required to dedicate an easement for the existing public storm drain main on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

SRC 803 – Street and Right-of-way Improvements

- ***Boundary Street Improvements and Street Standards***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development. SRC Chapter 803 describes street standards that boundary street improvements must be constructed to.

Finding: The subject property abuts Franzen Street NE a private local street which provides access to the proposed development.

Pursuant to SRC 803.020, private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.

Frazen Street NE is an existing private local street which provides access to the proposed Phase II development site from Medical Center Drive NE. Medical Center Drive NE was reviewed with the Phase I development of Gussie Belle Commons (PAR-SPR-ADJ-DAP-TRV-PLA24-08), where it was indicated that it would not be feasible to construct a public or private street through the subject property due to multiple site constraints, including easements for public infrastructure and significant trees. As such, an Alternative Street Standard was approved for block spacing and connectivity, pursuant to SRC 803.065, provided that a 10-foot-wide shared use path was constructed with a dedicated public easement in lieu of constructing a street through the property. Franzen Street NE currently functions as an accessway and drive aisle providing access to abutting properties and off-street parking areas, terminating in an area where providing further street connectivity to surrounding areas is impractical. A public access easement is required for Franzen Street NE to ensure access to abutting property. Currently, there is not a sidewalk along Franzen Street NE, the proposed site plan for Phase II includes a new proposed sidewalk extending from the shared use path

along Medical Center Street NE in Phase I to the western property boundary. Because of these factors, an Alternative Street Standard for block spacing, connectivity, and pavement widths is approved for Franzen Street NE, pursuant to SRC 803.065(a)(1). The applicant shall dedicate a public access easement on the sidewalk.

Condition: Construct a sidewalk along Franzen Street NE as shown on the applicant's preliminary site plan from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Taxlot 073W24CC04100 and dedicate a public access easement along Franzen Street NE including the sidewalk.

SRC Chapter 804 – Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The proposed site plan for Gussie Belle Commons Phase II shows a new off-street parking area served by a driveway approach to Franzen Street NE, a private local street. A Driveway Approach Permit pursuant to SRC Chapter 804 is not required for a driveway providing access from a private street; therefore, this chapter is not applicable to the proposed development.

SRC Chapter 805 – Vision Clearance:

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The applicant's preliminary site plan shows vision clearance areas at all street intersections and driveway approaches. The proposal does not cause a vision clearance obstruction per SRC Chapter 805 and meets the vision clearance standards established in SRC Chapter 805.

Natural Resources:

SRC Chapter 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 – Wetlands: Grading and construction activities within wetlands are

regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 – Landslide Hazards: The City’s landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 2, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report.

Criteria: SRC 220.005(f)(3)(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

Finding— Access to the proposed development will be provided by the network of existing public and private streets that surround the property. Required transportation improvements conditioned for Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding— The proposed site plan for Gussie Belle Commons Phase II includes development of a new off-street parking area served by a driveway approach to Franzen Street NE, a private local street. The proposed driveway access provides for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding— The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval. This approval criterion is met.

PARTITION DECISION CRITERIA

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

(B) City infrastructure standards

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71, and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at time of development on each parcel. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the "Site Plan Review Decision Criteria" section of this memorandum, the applicant has provided a preliminary stormwater system for proposed Parcel 1.

Proposed Parcel 2 will be dedicated to the City of Salem and will be left primarily undeveloped in its current state. A tentative stormwater design is not required for Proposed Parcel 2 at this time.

SRC Chapter 802 – Public Improvements

▪ Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: As described in the "Site Plan Review Decision Criteria" section of this memorandum, proposed Parcel 1 (Gussie Belle Commons Phase II) will be adequately served by City utilities. Proposed Parcel 1 does not have frontage on a public street. The land use decision for Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) included conditions of approval requiring the design and construction of public water, sanitary sewer, and stormwater infrastructure adequate to serve proposed Parcel 1 at the time of development.

Proposed Parcel 2 will be dedicated to the City of Salem and will be left primarily undeveloped in its current state; however, the tentative partition plan approval criteria require the City to ensure that any parcel created can be adequately served by city infrastructure. Proposed Parcel 2 does not have frontage on a public street; to ensure

proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and any utility easements needed to serve proposed Parcel 2 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels are served by public utilities, the following conditions apply:

Condition: Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: As described above, proposed Parcel 2 does not have frontage on a public street. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

There is an existing 18-inch public storm drain main that crosses along the southern boundary of the subject property. As a condition of plat approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

Condition: Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements).

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC Chapter 803 – Street and Right-of-way Improvements

▪ ***Boundary Street Improvements***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified

in SRC 803.025 as a condition of approval for partition applications.

Finding: For the proposed development, proposed Parcel 1 does not have frontage on a public street which would require right-of-way dedications or boundary street improvements, and proposed Parcel 2 will be dedicated to the City of Salem as a conservation parcel for the long-term preservation and management of the land in its natural state. As described in the “Site Plan Review Decision Criteria” section of this memorandum, boundary street improvements and right-of-way dedications have previously been required as a condition of approval for Phase I of Gussie Belle Commons (PAR-SPR-ADJ-DAP-TRV-PLA24-08) but are not required for proposed Phase II.

(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Finding: As described in the “Site Plan Review Decision Criteria” section of this memorandum, the proposal complies with all special development standards, including floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

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

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve proposed Parcel 1 within the proposed partition, subject to the conditions of approval established in this decision. Proposed Parcel 2 will be managed long-term by the City of Salem as a conservation parcel, meeting the requirements of SRC 205.045. Because Parcel 2 will remain undeveloped, City infrastructure is not required to serve this parcel. This approval criterion is met.

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

Finding: As described in the Site Plan Review findings above, the subject property abuts Franzen Street NE, a private local street. Phase I of Gussie Belle Commons abuts to Center Street NE (major arterial); D Street NE (minor arterial); and 23rd Street NE (collector). The conditions of approval established with PAR-SPR-ADJ-DAP-TRV-PLA24-08 require improvements to the surrounding transportation system. No additional improvements to the transportation system are warranted with proposed Phase II. This criterion is met.

SRC 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.

Finding: Access to the proposed partition will be provided by the network of existing public and private streets that surround the property. Required improvements with Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) will ensure that the street system in and adjacent to the proposed development will provide for the safe, orderly, and efficient circulation of traffic to and from the subject property. This criterion is met.

SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A)The property is zoned residential;***
- (B)The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C)The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

Finding: The site is served by available public water and sewer; therefore, this criterion is not applicable.

SRC 205.040: For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

Finding: The subject property is located in a mixed-use zone; therefore, this criterion is not applicable.

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