

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

FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department



DATE: February 11, 2025

SUBJECT: Infrastructure Memo
SPR-ADJ-DAP-DR24-35 (24-116100-PLN)
5871 Liberty Road S
Multi-family Development

PROPOSAL

A consolidated application for a Class 3 Site Plan Review, two Class 2 Driveway Approach Permits, and Class 1 Design Review for the development of a new 135-unit apartment complex, with three Class 2 Adjustment requests. The subject property is a portion of property approximately 6.7 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 5871 Liberty Rd S (Marion County Assessor Map and Tax lot number: 083W16C / 600).

RECOMMENDED CONDITIONS OF APPROVAL

1. 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) unless a Design Exception is approved by the City Engineer to deviate from these standards.
2. Pursuant to SUB-UGA-ADJ20-05, the applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.
3. Prior to issuance of the final Certificate of Occupancy for any building proposed within the complex, construct streetscape improvements including landscape strips, property line sidewalks, and ADA curb ramps where required along the frontages of Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S. Improvements shall be constructed in accordance with the Public Works Design Standards.

4. Prior to issuance of the final Certificate of Occupancy, install street trees to the maximum extent feasible along Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S.
5. Prior to issuance of a temporary or final Certificate of Occupancy for any building proposed within the complex, the signal at the Liberty Road S and Davis Road S shall be operational.
6. Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the traffic signal at the intersection of Davis Road SE and Liberty Road SE being constructed by the City of Salem. The signal shall be operational prior to issuance of a temporary or final Certificate of Occupancy for any building proposed within the complex.

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Eagle Dance Street S (Local)	Standard:	60-feet	30-feet
	Existing Condition:	Unplatted	30-feet
Big Mountain Avenue S (Local)	Standard:	60-feet	30-feet
	Existing Condition:	Unplatted	30-feet
Rise Street S (Local)	Standard:	60-feet	30-feet
	Existing Condition:	Unplatted	30-feet

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: S-3 and S-4
	8-inch public water mains are available in the streets surrounding the subject property.
Sanitary Sewer	8-inch public sanitary mains are available in the streets surrounding the subject property.
Storm Drainage	12-inch and 18-inch public storm mains are available in the

	streets surrounding the subject property.
Parks	The Comprehensive Park System Master Plan shows that the proposed development is served by the Bryan Johnston Park and Secor Park.

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. The property is part of a subdivision plat, which has not yet been recorded (SUB-UGA-ADJ20-05). Therefore; the property is subject to the UGA requirements established with the subdivision tentative plan approval (SUB-UGA-ADJ20-05). As conditioned within this decision, the proposed development complies with the previous UGA and SRC Chapter 200 relating to Urban Growth Management and the provision of adequate public facilities.

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 subject property is required to provide treatment and detention of runoff from the development site in order to comply with provisions in SRC Chapter 71. A storm treatment facility was constructed to serve the subject property with the subdivision tentative plan approval (SUB-UGA-ADJ20-05). However, stormwater detention will be provided on-site in a proposed stormwater detention basin. The applicant's engineer submitted a preliminary stormwater report which does not demonstrate the proposed detention basin will be constructed in accordance with the Public Works Design Standards and it appears that modifications to the facility will be

required unless a Design Exception is approved by the City Engineer to allow the facility to deviate from requirements of the Public Works Design Standards. Site modifications may be necessary to accommodate a redesigned stormwater system. Prior to issuance of a building permit, the applicant's engineer shall provide a final stormwater management report that complies with the Public Works Design Standards unless a design exception is approved by the City Engineer. The following condition applies:

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) unless a Design Exception is approved by the City Engineer to deviate from these standards.

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: In summary, the proposed development will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. 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.

Water – The subject property is located within the S-3 and S-4 water service levels; however, the site will be fully served by the S-4 water service upon extension of public S-4 water to the subject property. The Subdivision Tentative Plan Approval requires extension of S-4 water to serve the site. The nearest S-4 water service is located in Barbaresco Street S, approximately 2,000-feet west of the subject property. In order to ensure that S-4 water is provided to serve the proposed development, the application shall be conditioned to comply with SUB-UGA-ADJ20-05 and construct an S-4 water main to serve the development. Construction plans for this improvement are currently under review by Development Services (24-115421-PC). The following condition applies:

Condition: Pursuant to SUB-UGA-ADJ20-05, the applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

Sanitary Sewer – There are existing public sanitary sewer mains in the streets surrounding the property to serve the proposed development. No additional sanitary sewer improvements are required.

Stormwater – There are existing public stormwater mains in the streets surrounding the property to serve the proposed development. No additional public stormwater improvements are required.

As conditioned, the proposed development conforms to the public improvement standards of SRC Chapter 802.

SRC 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 certain development.

Finding: The property is surrounded by three streets, which will become public streets upon recording of the Liberty Road Subdivision plat, Phase 2 (SUB-UGA-ADJ20-05). Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S abutting the property are classified as local streets. These streets have been constructed along the property frontage, but the right-of-way for these streets has not been dedicated. As conditioned above, the plat for the Liberty Road Subdivision, Phase 2 (SUB-UGA-ADJ20-05) shall be recorded to ensure public access to the proposed development through the abutting boundary streets (Condition 2). While these streets have been constructed to meet their improvement width requirements, no streetscape improvements have been constructed. Specifically, landscape strips, property line sidewalks, and curb ramps at street intersections are required along the frontages of Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S. The following condition applies:

Condition: Prior to issuance of the final Certificate of Occupancy for any building proposed within the complex, construct streetscape improvements including landscape strips, property line sidewalks, and ADA curb ramps where required along the frontages of Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S. Improvements shall be constructed in accordance with the Public Works Design Standards.

▪ *Street Trees*

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: As described in the written findings, above landscape strips will be constructed along Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S. In order to comply with SRC 803.035 and SRC Chapter 86, the applicant shall plant street trees along all street frontages abutting the property. The following condition applies:

Condition: Prior to issuance of the final Certificate of Occupancy, install street trees to the maximum extent feasible along Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S.

▪ Traffic Impact Analysis

Pursuant to SRC 803.015(b) a Traffic Impact Analysis (TIA) is required for any development which generates 200 Average Daily Trips onto a local street or 1,000 Average Daily Trips onto a collector or arterial street. The TIA is required in order to analyze the functionality of adjacent streets and intersections to ensure development does not have a significant impact on the functionality of adjacent street intersections.

Finding: The proposed development requires submittal of a Traffic Impact Analysis (TIA) pursuant to SRC 308.015(b)(1). A TIA prepared by Associated Transportation Engineering & Planning, Inc. dated March 2019 and a TIA memo prepared by Enloe Consulting, LLC dated October 2020 were submitted as part of the application package. In addition, the site is subject to conditions of approval for a previous Comprehensive Plan Map Amendment (CPC/ZC19-03) for the subject property. The CPC/ZC requires the following mitigation for the proposed development, which is consistent with the findings in the TIA:

CPC/ZC19-03 Condition 1: Construct a traffic signal at the intersection of Liberty Road S and Davis Road S City of Salem Standards, The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE and shall be designed to accommodate the east leg extension of Rainier Drive SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

CPC/ZC19-03 Condition 2: Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Liberty Road S and Davis Road S Signal: The Liberty and Davis signal is to be constructed by City through a Capital Improvement Project (CIP 1638) budgeted for Fiscal Year 2025. Construction of the signal is anticipated to begin during the Summer

of 2025 and be completed in 2026. As the signal is required by the CPC/ZC and TIA for the subject property, the signal shall be operational prior to issuance of a Certificate of Occupancy for any structure within the development. This will ensure the proposed development does not have a functional impact on the intersection and that the negative impacts of the proposed development are adequately mitigated as required by the TIA and conditions on the CPC/ZC. The following condition applies:

Condition: Prior to issuance of a temporary or final Certificate of Occupancy for any building proposed within the complex, the signal at the Liberty Road S and Davis Road S shall be operational.

Liberty Road S and Mildred Lane SE Signal: In order to comply with the applicant's TIA and previous conditions of approval on the CPC/ZC, the applicant shall be required to construct the Liberty Road S and Mildred Lane S signal, prior to issuance of a Certificate of Occupancy for any structure within the development. This will ensure the proposed development does not have a functional impact on the intersection and that the negative impacts of the proposed development are adequately mitigated as required by the TIA and CPC/ZC. The following condition applies:

Condition: Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the traffic signal at the intersection of Davis Road SE and Liberty Road SE being constructed by the City of Salem. The signal shall be operational prior to issuance of a temporary or final Certificate of Occupancy for any building proposed within the complex.

SRC Chapter 804 – Driveway Approaches:

SRC Chapter 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 applicant proposes two new driveway approaches onto Eagle Dance Street S and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for the Class 2 Driveway Approach Permits; therefore, the proposed development meets the applicable criteria in SRC Chapter 804 relating to driveway approaches.

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 proposal does not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources:

SRC 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: The 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 2-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 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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 streets that surround the property and will be dedicated upon recording of the Liberty Road Subdivision Plat, Phase 2 (SUB-UGA-ADJ20-05). 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 applicant proposes two driveways to serve the proposed development from an adjacent local street, Eagle Dance Street S. The driveway access onto Eagle Dance Street S will provide for safe turning movements into and out of the property. This approval criterion is met.

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 subject property is located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration was required with the tentative subdivision approval plan for the subject property (SUB-UGA-ADJ20-05). As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. With the required improvements, water, sewer, and storm infrastructure will be available and adequate to serve the proposed development. This approval criterion is met.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

The applicant proposes two driveway approaches onto Eagle Dance Street S, which is classified as a local street according to the Salem Transportation System Plan (TSP). One driveway approach shown on the applicant's plans is labeled as "Emergency Access Only"; however, this approach meets the applicable criteria for a driveway approach permit, as described in the following analysis. Therefore, both driveway approaches serving the development site can be accessible to the public and have been permitted as driveway approaches. Both driveway approaches meet the approval criteria for a Class 2 Driveway Approach Permit, as described in the following analysis:

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveways meet the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in

the required location.

Finding: Development Services has reviewed the proposal and determined that no existing site conditions prohibit the location of the proposed driveways. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The proposal includes two new driveway approaches onto a local street, Eagle Dance Street S. No access onto an arterial street is proposed. This criterion is met.

SRC 804.025(d)(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

Finding: The subject property has frontage on three local streets, Eagle Dance Street S, Big Mountain Avenue S, and Rise Street S. It is not feasible to serve the development through a shared access as the property is landlocked between these three public streets. The proposed accesses are taken from the lowest classification of street abutting the property, which is local. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveways meet the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveways indicate that they will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveways and the evidence that has been submitted indicates that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approaches are located on a local street and do not create a significant impact to adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is surrounded by residentially zoned property. The proposed development abuts local streets. The proposed driveways are taken from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

Response to Public Comments

- 1. Pump Station:** Comments received express concerns for water pressure in the area and how the proposed development would impact existing water pressures.

Staff Response: The previous Subdivision Tentative Plan and Urban Growth Preliminary Declaration approval for the subject property, Case No. SUB-UGA-ADJ20-05, requires two Salem Water System Master Plan Improvements:

SUB-UGA-ADJ20-05 Condition 15: The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.

SUB-UGA-ADJ20-05 Condition 16: The applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

The proposed development will not have a negative impact of existing water pressures in the area because it will be served by a higher elevation system. As described in the written findings above, the property is located within both the S-3 and S-4 water service levels; however, the proposed development phase will be served exclusively from the S-4 pressure zone through extension of a new S-4 water main to serve the property. Therefore, there is no requirement for the proposed development to construct the Skyline #2 S-3 reservoir, or pay a temporary access fee for construction of this facility by the City. As such, there are no plans or existing conditions for a pump station to be constructed to serve the proposed development, but the proposed development will not have a negative impact of existing water pressures in the area because it will be served by a higher elevation system.

2. **Traffic:** Comments received express concerns for the additional traffic generated by the development and the impacts to the existing transportation system.

Staff Response: As described in the written findings and conditions of approval, two traffic signals are required to be constructed and operational prior to occupancy of the proposed development. With these conditions of approval, the development will adequately mitigate the traffic generated by the development, according to the applicant's TIA and conditions of approval on the CPC/ZC for the property.

In addition, the Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

3. **Stormwater Runoff:** Comments received express concerns for how stormwater runoff from the development would be managed to ensure neighboring downstream properties are not negatively affected.

Staff Response: As shown on the applicant's preliminary utility plan, stormwater runoff will be contained through a private pipe system and conveyed to a stormwater basin for detention before discharging at a controlled rate into the public system. The proposed stormwater management system is conditioned to be designed and constructed to meet the Public Works Design Standards. The private system conveys flows towards existing drainage patterns and provides stormwater detention and treatment as required by SRC Chapter 71 and the Public Works Design Standards.

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