

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

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

DATE: May 9, 2025

SUBJECT: **Infrastructure Memo**
PAR-UGA-SPR-ADJ-TRV-DAP-DR-PLA25-05
(24-125333-PLN)
1700 Baxter Road SE
138-unit Multi-family Development



PROPOSAL

A consolidated application for a Tentative Partition Plan and Property Line Adjustment to separate the northern portion of the property on its own parcel, and divide the remaining 9.5 acres into two parcels with a new street; an Urban Growth Preliminary Declaration, Class 3 Site Plan Review, three Class 2 Driveway Approach Permits, and Class 1 Design Review for development of a new 138-unit multi-family apartment complex on Parcel 1; a Tree Regulation Variance to remove seven significant trees; and five Class 2 Adjustment requests.

The subject properties are approximately 11 acres in total size, zoned RM-II (Multiple Family Residential-II), and located at 1700 and 1709 Baxter Rd SE (Marion County Assessor Map and Tax lot number: 083W14BD / 100 and 200).

RECOMMENDED CONDITIONS OF APPROVAL

- 1) Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- 2) Prior to final plat approval, provide an engineered stormwater design pursuant to Salem Revised Code Chapter 71 and the Public Works Design Standards to accommodate new impervious surfaces in proposed rights-of-way and future impervious surfaces on proposed Parcel 1.
- 3) At time of Development on Lot 2, provide an engineered stormwater design pursuant to Salem Revised Code Chapter 71 and the Public Works Design Standards to

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

accommodate new impervious surfaces in proposed rights-of-way and future impervious surfaces on proposed Parcel 2.

- 4) Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to Salem Revised Code Chapter 71 and the *Public Works Design Standards* to accommodate new impervious surfaces in rights-of-way.
- 5) The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:
 - a. Construct *Salem Water System Master Plan* S-3 water mains to serve the development; or
 - b. Enter into a Temporary Facilities Access Agreement and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent S-3 water facilities are available to serve the property.
- 6) Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch S-2 water main in the new internal street (Snowline Street) and extend 8-inch mains from the new internal street to the eastern and western property boundaries to create a looped system with the existing water mains in Snowball Avenue SE. The mains shall be designed and constructed in accordance with the *Public Works Design Standards*.
- 7) Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 8-inch sanitary sewer main in the new internal street (Snowline Street) and to the eastern property boundary in the future alignment for Snowball Avenue SE. The mains shall be designed and constructed in accordance with the *Public Works Design Standards*.
- 8) Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct public stormwater mains in the new internal street (Snowline Street). The mains shall be designed and constructed in accordance with the *Public Works Design Standards*.
- 9) Prior to final plat approval, dedicate easements for all public infrastructure located on private property to current standards in *Public Works Design Standards* Section 1.8 (Easements).
- 10) On the final plat, convey land for dedication to equal full width right-of-way and cul-de-sac for the extensions and terminus of Snowball Avenue SE and Abbie Avenue

SE along the western property boundary consistent with the standards of SRC Chapter 803, in Table 803-1 (Right-of-way Width).

- 11) Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct full-width street improvement for the extension and terminus of Snowball Avenue SE and Abbie Avenue SE along the western property boundary as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 Table 803-2 (Pavement Width).
- 12) Prior to final plat approval, provide a preliminary engineered alignment and profile for the extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) to demonstrate this street can be designed and constructed in accordance with SRC Chapter 803 and the *Public Works Design Standards*.
- 13) At time of development of Parcel 2, dedicate right-of-way for the extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) consistent with the standards in SRC Chapter 803, in Table 803-1 (Right-of-way Width).
- 14) At time of development of Parcel 2, construct the extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) consistent with City Street Design Standards and consistent with the provisions of SRC Chapter 803 Table 803-2 (Pavement Width).
- 15) On the final plat, dedicate a 60-foot-wide right-of-way for the new internal street (Snowline Street) as shown on the applicant's tentative plan.
- 16) Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct internal streets to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where an Alternative Street Standard has been approved, as described in this Decision.
- 17) Prior to Issuance of a Public Construction Permit, in accordance with the Traffic Impact Analysis, the applicant shall provide plans that show how the adequate intersection sight-distance is provided at the intersection of Baxter Road SE and the new internal street (Snowline Street).
- 18) Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall construct any necessary modifications to Baxter Road SE to ensure adequate sight distance is provided in accordance with the City Street Design Standards.
- 19) At time of development on each parcel, install street trees to the maximum extent

feasible along Baxter Road SE and the new internal streets.

- 20) Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Baxter Road SE, the extensions of Snowball Avenue SE and Abbie Avenue SE, and along the new internal street (Snowline Street).
- 21) 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).

ANALYSIS OF URBAN GROWTH PRELIMINARY DECLARATION

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

SRC 200.025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:

- (1) The required facilities necessary to fully serve the development;***
- (2) The extent to which the required facilities are in place or fully committed.***

Finding: Development Services has reviewed the applicable Master Plans and Area Facilities Plans and has determined what facilities are necessary to fully serve the development as well as the extent to which the facilities are in place or will be listed as a condition of approval on the development, as described in the below analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075.

SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

Finding: An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Finding: An adequate linking street is defined as the nearest point on a street that has

a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property abuts Baxter Road SE, Snowball Avenue SE, and Abbie Avenue SE. The streets abutting the subject property have an adequate “linking” improvement for their classification according to SRC Chapter 200. Additional “linking” street improvements are not required.

SRC 200.060—Standards for Sewer Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Baxter Road SE, adjacent to the subject property. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

SRC 200.065—Standards for Storm Drainage Improvements

Finding: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Baxter Road SE, adjacent to the subject property.

SRC 200.070—Standards for Water Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

The subject property is located within the S-2 and S-3 water service levels. There are existing S-2 water facilities located in Baxter Road SE, Snowball Avenue SE, and Abbie Avenue SE. There are no S-3 water facilities available to serve the S-3 portion of the property. The applicant proposes to connect the S-3 portion of the property to the existing S-2 water system and provide a private temporary booster pump station until S-3 service becomes available. Pursuant to SRC 200.080, where a development precedes construction of required facilities that are specified to serve a development, the land use approval may be conditioned to allow the development to access

temporary facilities under conditions specified with a Temporary Facilities Access Agreement.

S-3 water will not become available to serve the development site until additional S-3 public mains are constructed, per the *Salem Water System Master Plan*. In lieu of construction of these facilities, the applicant may construct a temporary private booster pump station and connect to the existing S-2 water system. The applicant will be required to record a Temporary Facilities Access Agreement to allow the development to precede construction of the necessary S-3 water service level facilities

Needed Improvement: The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:

- a. Construct *Salem Water System Master Plan* S-3 water mains to serve the development; or
- b. Enter into a Temporary Facilities Access Agreement and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent S-3 water facilities are available to serve the property.

SRC 200.075—Standards for Park Sites

Findings: Pursuant to SRC 200.075(a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan*. The subject property is served by Wes Bennet Park, located one-quarter-mile east of the subject property.

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:

City Platting Standards

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).

City Utility Infrastructure Standards

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: S-2 and S-3
	A 10-inch water main is located in Baxter Road SE.
	8-inch water mains are located in Snowball Avenue SE.
Sanitary Sewer	8-inch sanitary sewer mains are located in Baxter Road SE, Snowball Avenue SE, and Abbie Avenue SE.
Storm Drainage	A 10-inch storm main is located in Baxter Road SE.

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 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 proposal of partitioning does not meet the definition of "development" in SRC Chapter 200; however, an Urban Growth Preliminary Declaration has been required with the consolidated application to provide adequate facilities for the multi-family development subject to the consolidated Site Plan Review application.

▪ ***Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required for new internal streets. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition: Prior to final plat approval, required right-of-way dedications and 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 Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The applicant has provided a preliminary stormwater design to accommodate impervious surfaces on proposed Parcel 1 and the public right-of-ways. The applicant's stormwater design for Parcel 2 has not been reviewed or approved. A tentative stormwater design for Parcel 1 shall be approved prior to final plat. At time of development on Parcel 2, the applicant shall submit a final stormwater design to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels and rights-of-way.

Condition: Prior to final plat approval, provide an engineered stormwater design pursuant to Salem Revised Code Chapter 71 and the Public Works Design Standards to accommodate new impervious surfaces in proposed rights-of-way and future impervious surfaces on proposed Parcel 1.

Condition: At time of development on Parcel 2, provide an engineered stormwater design pursuant to Salem Revised Code Chapter 71 and the Public Works Design Standards to accommodate new impervious surfaces in proposed rights-of-way and future impervious surfaces on proposed Parcel 2.

Condition: Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to Salem Revised Code Chapter 71 and the *Public Works Design Standards* to accommodate new impervious surfaces in rights-of-way.

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: 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-2 and S-3 water service levels. There are existing S-2 water facilities located in Baxter Road SE, Snowball Avenue SE, and Abbie Avenue SE. There are no S-3 water facilities available to serve the S-3 portion of the property. The applicant proposes to connect development occurring within the S-3 portion of the property to the existing S-2 water system and provide a private temporary booster pump station until S-3 service becomes available. Pursuant to SRC 200.080, where a development precedes construction of required facilities that are specified to serve a development, the land use approval may be conditioned to allow the development to access temporary facilities under conditions specified with a Temporary Facilities Access Agreement.

S-3 water will not become available to serve the development site until additional S-3 public mains are constructed, per the *Salem Water System Master Plan*. In lieu of construction of these facilities, the applicant may construct a temporary private booster pump station and connect to the existing S-2 water system. The applicant will be required to record a Temporary Facilities Access Agreement to allow the development to precede construction of the necessary S-3 water service level facilities.

Condition: The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:

- a. Construct *Salem Water System Master Plan* S-3 water mains to serve the development; or
- b. Enter into a Temporary Facilities Access Agreement and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent S-3 water facilities are available to serve the property.

The applicant's preliminary utility plan shows extension of a new 8-inch S-2 water main in the new internal street (Snowline Street) to serve the proposed development. However, according to the Public Works Design Standards and the Salem Water System Master Plan, a minimum 12-inch main is necessary to provide adequate flows in consideration of the pump station and due to the higher elevation of the property. Additionally, 8-inch mains are required to extend to Snowball Avenue SE along the eastern and western property boundaries to create a looped system. In conjunction with the proposed development, the applicant shall construct a 12-inch public water main in the new internal street (Snowline Street) from Baxter Road SE to the northern property line and shall extend 8-inch mains from the new internal street (Snowline Street) to the eastern and western property lines where Snowball Avenue SE stubs to the subject property. An 8-inch public water main will need to cross private property to connect between Snowline Street and Snowball Avenue SE (west) to complete the looped system.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch S-2 water main in the new internal street (Snowline Street) and extend 8-inch mains from the new internal street to the eastern and western property boundaries to create a looped system with the existing water mains in Snowball Avenue SE. The mains shall be designed and constructed in accordance with the Public Works Design Standards.

Sanitary Sewer – The applicant's preliminary utility plan shows construction of a new sanitary sewer main within the new internal street (Snowline Street) that extends within the undeveloped alignment of Snowball Avenue SE to the eastern property boundary. As a condition of approval, the applicant shall extend public sewer mains in the new internal streets and future street alignment to serve the proposed development.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 8-inch sanitary sewer main in the new internal street (Snowline Street) and to the eastern property boundary in the

future alignment for Snowball Avenue SE. The mains shall be designed and constructed in accordance with the Public Works Design Standards.

Stormwater – The applicant’s preliminary utility plan shows extension of a public storm main in the new internal street (Snowline Street) to provide conveyance of stormwater to the new public facility along Baxter Road SE. As a condition of approval, the applicant shall extend public stormwater mains to serve the proposed development.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct public stormwater mains in the new internal street (Snowline). The mains shall be designed and constructed in accordance with the Public Works Design Standards.

As conditioned, 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: The applicant’s preliminary plans show new public utility mains on private property. As a condition of approval, the applicant shall dedicate easements for public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

Condition: Prior to final plat approval, dedicate easements for all public infrastructure located on private property to current standards in *Public Works Design Standards* Section 1.8 (Easements).

City Street and Right-of-way Standards

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Baxter Road SE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	34-feet
Abbie Avenue SE (Local/Cul-de-sac)	Standard:	50-feet	30-feet
	Existing Condition:	50-feet	30-feet
Snowball Avenue SE (Local/Cul-de-sac)	Standard:	50-feet	30-feet
	Existing Condition:	50-feet	30-feet

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 partition applications.

Finding: Baxter Road SE abuts the subject property and is classified as a collector street according to the Salem Transportation System Plan (TSP). Baxter Road SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Baxter Road SE are not required. There is an existing curblined sidewalk constructed along the Baxter Road frontage that is in good condition. SRC Chapter 803 requires sidewalk to be constructed at the property line, however, there are existing overhead power lines in this area creating a conflict. Per SRC 803.035(l)(2)(B), due to this conflict, the existing curblined sidewalk can remain.

Snowball Avenue SE and Abbie Avenue SE stub into the property along the western property boundary. These streets are local streets according to the Salem Transportation System Plan (TSP). As shown on the applicant's plans, these streets will be extended into the property and terminate in a cul-de-sac. As a condition of approval, the applicant shall dedicate the minimum right-of-way width required for a cul-de-sac street and construct the cul-de-sac on the subject property in accordance with the standards in SRC Chapter 803 and the Public Works Design Standards.

Condition: On the final plat, convey land for dedication to equal full width right-of-way and cul-de-sac for the extensions and terminus of Snowball Avenue SE and Abbie Avenue SE along the western property boundary consistent with the standards of SRC Chapter 803, in Table 803-1 (Right-of-way Width).

Condition: Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct full-width street improvement for the extension and terminus of Snowball Avenue SE and Abbie Avenue SE along the western property boundary as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 Table 803-2 (Pavement Width).

Snowball Avenue stubs into the property along the eastern property boundary. Extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) is proposed with development of Parcel 2. To ensure this street connection can feasibly connect with the new internal street (Snowline

Street), the applicant shall provide a preliminary engineered profile and alignment for this street. The right-of-way for this street, and construction of the street, shall be completed at time of development on Parcel 2.

Condition: Prior to final plat approval, provide a preliminary engineered alignment and profile for the extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) to demonstrate this street can be designed and constructed in accordance with SRC Chapter 803 and the *Public Works Design Standards*.

Condition: At time of development of Parcel 2, dedicate right-of-way for the extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) consistent with the standards in SRC Chapter 803, in Table 803-1 (Right-of-way Width).

Condition: At time of development of Parcel 2, construct the extension of Snowball Avenue SE from the eastern property boundary to the new internal street (Snowline Street) consistent with City Street Design Standards and consistent with the provisions of SRC Chapter 803 Table 803-2 (Pavement Width).

▪ ***Street Standards – New Internal Streets:***

All new public and private streets shall be improved pursuant to the standards outlined in SRC 803.030 and 803.035.

Finding: The applicant's site plan shows one new internal street to be constructed within the partition, Snowline Street SE. This street will be classified as a local street. The applicant's plans show a 60-foot-wide right-of-way and 30-foot-wide improvement width for this street, which is consistent with standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). However, the following Alternative Street Standards are requested for this street:

Block Spacing - SRC 803.030 establishes a 600-foot block spacing standard. The new internal street has a block spacing along the western right-of-way of 720-feet from Baxter Road to the northern property line, as no connection to the west is proposed. As shown on the applicant's plan, Snowball Avenue SE and Abbie Avenue SE along the western property boundary are proposed to terminate in a cul-de-sac and not extend through the multi-family portion of the property. As described in the written UGA findings, Parcel 1 is proposed to be served by a private pump station for water, which requires the entirety of the S-3 portion of the property to be one parcel. As such, these streets will terminate and not be extended to divide the property, which would necessitate construction of multiple private pump stations. Pursuant to SRC 803.065(a)(3), an Alternative Street Standard is approved to allow a greater block spacing for the new internal street (Snowline Street) to allow for adequate water service

to be provided to the development site.

In order to comply with SRC Chapter 803, relating to street standards, the applicant shall dedicate right-of-way for the new internal street (Snowline Street) and shall design and construct the street to meet SRC Chapter 803 and the *Public Works Design Standards*, except where an Alternative Street Standard has been approved by this decision.

Condition: On the final plat, dedicate a 60-foot-wide right-of-way for the new internal street (Snowline Street) as shown on the applicant's tentative plan.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct internal streets to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where an Alternative Street Standard has been approved, as described in this Decision.

- ***Traffic Impact Analysis***

SRC 803.015 establishes the requirement to submit a Traffic Impact Analysis to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.

Finding: Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) was required to be submitted as part of the application package. The TIA finds that all study intersections will meet City operating standards, and that no off-site mitigation is required. However, the TIA finds that at the intersection of Baxter Road SE and the new internal street (Snowline Street), modifications to the intersection and street profile are required to ensure that required intersection sight distance requirements are met. As such, prior to issuance of Public Construction Permits for the new internal street, the applicant shall provide construction plans that demonstrate minimum sight distance standards are met for the intersection of the new internal street (Snowline Street) and Baxter Road SE.

Condition: Prior to Issuance of a Public Construction Permit, in accordance with the Traffic Impact Analysis, the applicant shall provide plans that show how the adequate intersection sight-distance is provided at the intersection of Baxter Road SE and the new internal street (Snowline Street).

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall construct any necessary modifications to Baxter Road SE to ensure adequate sight distance is provided in accordance with the City Street 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: The applicant is constructing new internal streets to serve the development. Additionally, street trees may be planted along Baxter Road SE behind the existing curbline sidewalk. The applicant shall be required to provide street trees along all street frontages at the time of development on each lot.

Condition: At time of development on each parcel, install street trees to the maximum extent feasible along Baxter Road SE and the new internal streets.

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the frontage of Baxter Road SE, the extensions of Snowball Avenue SE and Abbie Avenue SE, and along the new internal street (Snowline Street).

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Baxter Road SE, the extensions of Snowball Avenue SE and Abbie Avenue SE, and along the new internal street (Snowline Street).

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 flow 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 mapped 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 no mapped landslide hazard areas on the subject property.

SRC 205.005(d)(2): The tentative partition plan does not impede future access to adjacent land.

Finding: The tentative partition plan proves one north-south street connection to adjoining undeveloped land and provides for the future extension of Snowball Avenue SE to the new internal street. The tentative partition plan does not impede future access to adjacent land, rather it provides new access opportunities. This criterion is met.

SRC 205.005(d)(3): Development within the tentative partition plan can be 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 the parcels within the proposed partition, subject to the conditions of approval established in this decision. 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 findings above, the subject property is located adjacent to local and collector streets under the City's Transportation System Plan (TSP). The conditions of approval established with the partition decision will require street extensions and provide for future extension opportunities. This criterion is met.

SRC 205.005(d)(5): 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: As conditioned, the application meets the requirements of SRC Chapter 803 for a partition application. The application has also been conditioned to ensure that Snowball Avenue SE is extended through proposed Parcel 2 at time of development on that parcel. This criterion is met.

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:

City Utility Infrastructure Standards

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. As such, an Urban Growth Preliminary Declaration (UGA) has been required as part of the consolidated application. As identified in the UGA findings, and conditions of approval established with this decision, the proposed development will meet the standards listed in SRC Chapter 200 relating to the provision of adequate public infrastructure.

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 development is subject to SRC Chapter 71 and requires the use of green stormwater infrastructure to treat and detain stormwater generated by the development. The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. Prior to issuance of a Building Permit, the applicant shall submit a final stormwater report that demonstrates the stormwater system will be designed and constructed in accordance with the Public Works Design Standards.

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 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: Pursuant to SRC 76.110, utility mains are to be laid with construction of streets and as such, the utilities necessary to serve the proposed development are conditioned to be constructed in conjunction with the partition plat and required street improvements. In order to ensure public utilities are provided to serve the multi-family development, the partition plat shall be recorded and improvement shall be constructed or secured prior to issuance of a Building Permit. As conditioned within this decision, adequate public utilities will be provided to serve the development, in compliance with SRC Chapter 802.

City Street and Right-of-way Standards

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 certain development.

Finding: Boundary street improvements and internal street improvements are conditioned on the consolidated application as part of the tentative partition plan approval. As the final plat has been conditioned to be recorded prior to issuance of building permits, the boundary improvements to serve the multi-family development will be secured and improved.

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 three new driveway approaches onto the local streets internal to the development and has applied for Class 2 Driveway Approach Permits; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway Approach Permits, the proposed development meets 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 proposed structures do not cause a vision clearance obstruction per 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 no mapped landslide hazard areas on the subject property.

SRC 220.005(f)(3)(B): The transportation system into and out of the proposed development conforms to all applicable city standards.

Finding: Access to the proposed development will be provided by the network of existing public streets that surround the property. As shown on the preliminary site plan an internal street is extended through the site to provide safe and convenient access to the proposed lots within the development. As conditioned, the required improvements 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.

SRC 220.005(f)(3)(C): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) was required to be submitted as part of the application package. The TIA finds that all study intersections will meet City operating standards and that no off-site mitigation is required. However, the TIA finds that the intersection of Baxter Road SE and the new internal Street (Snowline Street) does not meet required intersection sight distance requirements and modifications to the intersection are required to ensure intersection sight distance is met. As such, prior to issuance of Public Construction Permits for the new internal street, the applicant shall provide construction plans that demonstrate minimum sight distance standards are met for the intersection of the new internal street (Snowline Street) and Baxter Road SE. The mitigation has been required as a condition of approval. With the listed conditions of approval, the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis.

SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, storm drainage, and other utilities.

Finding: The subject property is located outside of the Urban Service Area, therefore; an Urban Growth Preliminary Declaration has been required which establishes needed improvements to serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal. As a condition, 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.

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

Finding: The applicant proposes three driveway approaches to serve the development. Two driveway approaches take access onto the new internal street (Snowline Street) and a third driveway approach is proposed for emergency vehicle access only from the proposed cul-de-sac on Snowball Avenue SE. These streets are classified as local streets according to the Salem Transportation System Plan (TSP). The driveway approaches meet standards for driveway approaches onto local streets and meet the construction standards in the Public Works Design Standards. 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 site conditions existing prohibiting 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: No driveway approaches are proposed onto an arterial street. The proposed driveway approaches access local street. 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 abuts Baxter Road SE, a collector street, and existing and proposed local streets. The new driveway approaches will take access onto the local street internal to the development and are therefore, taken from the lowest classification of street abutting the property. 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 indicates 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 indicate 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 property is located along a collector street (Baxter Street SE) and existing and proposed local streets. Three driveways are proposed to the lower classification of street abutting the property, and they each meet the spacing requirements of SRC Chapter 804. By complying with the requirements of this chapter, the applicant has minimized impacts to the functionality of 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 a collector street as well as existing and proposed local

streets. The proposed driveways are all proposed to take access 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 COMMENTS

1. **Street Connectivity:** Comments received indicate objections to the plan for construction of cul-de-sacs at the two stub streets along the western property boundary and to the proposed driveway connection to Snowball Avenue SE for the proposed multi-family use.

Staff Response: Snowball Avenue SE and Abbie Avenue SE are existing local streets constructed as part of the Kilgore Heights Subdivision (SUB3-07). City street spacing and connectivity standards required all new developments to extend streets to abutting undeveloped property for eventual connection to the street system.

In this case, street spacing and connectivity standards in SRC Chapter 803 require the full extension of Snowball Avenue SE and Abbie Avenue SE through the subject property; however, the applicant is requesting alternative street standards to terminate these stub streets in a cul-de-sac rather than extending them through the subject property as full east-west local streets.

As described in the findings for this decision, Parcel 1 is zoned for multi-family residential use and is proposed to be served by a private pump station for water service, City standards require the entirety of the S-3 service level portion of the property to be one parcel. If these streets are extended the subject property would be further divided, which would necessitate construction of multiple private pump stations and would significantly reduce the developable area of the property. Staff is therefore supportive of the request to terminate these stub streets in a cul-de-sac rather than extending them through the subject property as full east-west local streets.

Primary access for the proposed multi-family use will be by two driveway approaches providing access to Snowline Street SE, a new local street connecting to Baxter Road SE and extending north. The applicant's development plan and statement indicate that emergency vehicle access only will be provided at the driveway connection to the cul-de-sac on Snowball Avenue SE. No driveway connection is proposed to the cul-de-sac on Abbie Avenue SE. Pedestrian access and connectivity is provided from the proposed multi-family use to the cul-de-sacs.

2. **On-Street Parking:** Comments received indicate concerns that future residents will park vehicles on the streets in surrounding neighborhoods.

Staff Response: On-street parking is permitted on existing local streets surrounding the subject property, including Snowball Avenue SE, Abbie Avenue SE and Mac Street SE. On-street parking is prohibited on Baxter Road SE. The Salem Revised Code limits the maximum number of off-street parking spaces that can be developed on private property to serve new uses but does not require new developments to provide a minimum number of on-street parking spaces. In general, where permitted, on-street parking is available to the public and may be used for parking by any user; the City cannot prevent future residents of this multi-family complex from parking in any designated on-street parking areas. On-street parking may occur on surrounding local streets.

3. **Traffic:** Comments received indicate a concern that the proposed development will cause excess traffic and congestion, that there will be more speeding on nearby streets, and questioned whether a Traffic Impact Analysis was required for this development.

Staff Response: The City of Salem Transportation System Plan (TSP) provides a framework of goals, objectives, and policies for a comprehensive system of streets that serve the mobility, and multimodal travel needs of the Salem Urban Area. One of the ways this purpose is implemented is through establishment of a classification system for the City's streets based on the levels of traffic they are intended to accommodate as a result of existing and projected land use activities, the long-range mobility needs of the community, and how those streets function in terms of geographic location in relation to other streets in the City's transportation system network.

In this case, the subject property has frontage on Baxter Road SE, designated as a collector street, and local streets that are stubbed to the east and western property boundaries. A new local street will be constructed connecting to Baxter Road and extending to the northern property boundary.

SRC Chapter 804 provides development standards for driveway approaches, including minimum spacing standards between driveway approaches and intersections, or to other driveways. In general, driveways are encouraged to provide access from the lowest street classification abutting the property where fewer vehicle trips and lower vehicle speeds are expected. To minimize vehicle conflicts, all driveway approaches serving the proposed multi-family use are positioned on local streets, with no direct driveway access proposed to Baxter Road SE.

A Traffic Impact Analysis prepared by DKS Associates, dated January 2025, was submitted with this land use application. The TIA indicated that the proposed multi-family use will generate approximately 960 average daily trips. Included in the TIA is a sight distance evaluation for the proposed public street connection of Snowline Street SE to Baxter Road SE, an analysis of the driveways servicing the multi-family use and on-site circulation, and intersection operations. The Assistant City Traffic

Engineer has reviewed the applicant's TIA has indicated that the site plan, with the recommended conditions of approval outlined in this decision, adequately addresses concerns traffic safety and operation.

Regarding speeding, residents and neighborhood associations can at any time choose to go through the City's Neighborhood Traffic Management Program. That program provides a two-step process for addressing traffic and speeding problems. The Neighborhood Traffic Management Program Information and Application Packet provides different types of traffic calming measures that are allowed. This includes everything from the use of speed trailers that indicate approaching vehicle speeds to road closures.

4. **Public Infrastructure:** Comments received indicate concerns that the proposed development may cause stormwater runoff to impact downstream homes and concerns that development may impact water pressure in the area.

Staff Response: The developer is required to design and construct a storm drainage system with development of the subject property that is in compliance with the City of Salem standards for stormwater management found in SRC Chapter 71 and Public Works Street Design Standards (PWDS). City standards require post-development peak runoff rates for large projects, such as the proposed multi-family complex, not exceed the predevelopment peak runoff rate for different types of storm events, which reduce the risk of impacts to the adjacent properties. Stormwater quality facilities are required to be constructed that will collect stormwater runoff from new impervious surfaces, provide flow control during storm events, and water quality treatment before being discharged into the public stormwater system.

PWDS require all new development to provide public water mains of sufficient size and capacity to maintain minimum pressure during periods of maximum use and to provide sufficient volumes of water at adequate pressures to provide the expected maximum daily consumption, plus fire flows at minimum energy loss. As proposed and conditioned, the Public Works Department finds the water distribution system to be in compliance with all applicable PWDS and SRC requirements.

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