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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO.:** PAR21-14

**APPLICATION NO.:** 21-115747-LD

**NOTICE OF DECISION DATE:** February 11, 2022

**SUMMARY:** An application to divide one lot into three in the Willamette Town Center at 945 Lancaster Drive NE.

**REQUEST:** A tentative partition plan to create three parcels from a 7.58-acre property. Parcel 1 consisting of approximately 3.77 acres, Parcel 2 consisting of approximately 1.80 acres and Parcel 3 consisting of approximately 2.04 acres. The property is a portion of the Willamette Town Center mall and approximately 7.58 acres in size (330,185 square feet), zoned CR (Commercial Retail), and located at 945 Lancaster Drive NE (Marion County Assessor map and tax lot number(s): 072W19CC / 4200).

**APPLICANT:** Lancaster Properties 52 LLC (Margaret Kushner)

**LOCATION:** 945 Lancaster Dr NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition

**FINDINGS:** The findings are in the attached Decision dated February 11, 2022.

**DECISION:** The **Planning Administrator APPROVED** Partition Case No. PAR21-14 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval the applicant shall record an access easement(s) granting access for ingress and egress across the shared driveways to serve 'Parcel 1,' 'Parcel 2,' 'Parcel 3' and the Willamette Town Center shopping center.
- Condition 2:** Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

The rights granted by the attached decision must be exercised, or an extension granted, by March 1, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>January 3, 2022</u>
Notice of Decision Mailing Date:	<u>February 11, 2022</u>
Decision Effective Date:	<u>March 1, 2022</u>
State Mandate Date:	<u>May 3, 2022</u>

**Case Manager:** Kyle Kearns, [kkearns@cityofsalem.net](mailto:kkearns@cityofsalem.net), 503-540-2313

**NOTICE OF DECISION**

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005

**CITY OF Salem**  
**AT YOUR SERVICE**

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, February 28, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM**

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<http://www.cityofsalem.net/planning>*

<b>IN THE MATTER OF THE</b>	)	<b>FINDINGS AND ORDER</b>
<b>TENTATIVE APPROVAL OF</b>	)	
<b>PARTITION PLAT CASE NO. 21-14;</b>	)	
<b>945 LANCASTER DRIVE NE</b>	)	<b>FEBRUARY 11, 2022</b>

**REQUEST**

Summary: Tentative Partition Plan review for the division of a 7.58-acre property into three separate units of land at the Willamette Town Center.

A tentative partition plan to create three parcels from a 7.58-acre property. Parcel 1 consisting of 3.77 acres, Parcel 2 consisting of 1.80 acres and Parcel 3 consisting of approximately two acres. The property is a portion of the Willamette Town Center and approximately 7.58 acres in size (330,185 square feet), zoned CR (Commercial Retail), and located at 945 Lancaster Drive NE (Marion County Assessor map and tax lot number(s): 072W19CC / 4200).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

**PROCEDURAL FINDINGS**

1. On August 31, 2021, a land use application for a tentative partition plan (Case No. PAR21-14) was filed proposing to divide a 7.58-acre property at 945 Lancaster Drive NE into three parcels (see **Attachment B**).
2. Staff requested additional information up until December 14, 2021 and the application was deemed complete on January 3, 2022.
3. Notice of filing was sent pursuant to Salem Revised Code (SRC) requirements on January 3, 2022.
4. The state-mandated local decision deadline for the application is May 3, 2022.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The tentative partition plan proposes to divide 7.58 acres in the northwest corner of Willamette Town Center into three parcels. The proposed parcels are intended to align with the phases identified in an approved Class 3 Site Plan Review (Case No. SPR-ADJ-DAP20-26). As proposed Parcel 1 will retain access from D Street NE, Parcel 2 will retain access from both D Street NE and Lancaster Drive NE, and Parcel 3 will retain access off of Lancaster Drive NE. The three parcels within the tentative partition plan are proposed as follows:

**PROPOSED PARCEL 1**

Parcel Size: 3.77 acres (164,221 square feet)  
Parcel Dimensions: Approximately 351 feet in width and 517 feet in depth,

**PROPOSED PARCEL 2**

Parcel Size: 1.79 acres (77,972 square feet)  
Parcel Dimensions: Approximately 302 feet in width and 270 feet in depth

**PROPOSED PARCEL 3**

Parcel Size: 2.04 acres (88,862 square feet)  
Parcel Dimensions: Approximately 316 feet in width and 280 feet in depth,

**Access and Circulation:** The subject property has frontage on D Street NE and Lancaster Drive NE. Within the Salem Transportation System Plan (TSP), D Street NE is classified as a Minor Arterial and Lancaster Drive NE is classified as a Major Arterial.

**2. Existing Conditions**

Site and Vicinity

The subject property is irregular in shape and has frontage on two public streets; approximately 585 feet of frontage on D Street NE and approximately 580 feet of frontage on Lancaster Drive NE. The property currently is approximately 500 feet in width and 610 feet in depth. The applicant proposes to retain the existing commercial structures on proposed Parcels 1 and 2; parcel 1 will contain portions of an existing nonconforming structure and parcel 2 contains two, multi-tenant structures. Parcel 3 occupies an off-street parking and vehicle use area for the existing shopping center; additionally, Parcel 3 received Site Plan Review approval for the development of a new building (see Case No: SPR-ADJ-DAP20-26, Phase II-B).

Salem Area Comprehensive Plan (SACP) Designation

*Urban Growth Policies:* The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

*Comprehensive Plan Map:* The subject property is designated “Commercial (COM)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Across D Street NE – Single Family Residential (SF) & Commercial (COM)  
South: Commercial (COM)  
East: Commercial (COM)  
West: Across Lancaster Drive NE – Commercial (COM)

### Zoning and Surrounding Land Use

The subject property is zoned CR (Commercial Retail) and is currently developed with a shopping complex and multiple commercial uses. The surrounding properties are zoned and used as follows:

- North: Across D Street NE – Multiple Zones, CR (Commercial Retail) with an *eating and drinking establishment* use; CO (Commercial Office) and RS (Single Family Residential) with single-family dwellings  
South: CR (Commercial Retail); shopping center  
East: CR (Commercial Retail); shopping center  
West: Across Lancaster Drive NE – CR (Commercial Retail); shopping centers/commercial uses

### Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

### Infrastructure

- Water:* The subject property is located within the G-0 water service level. A 12-inch public water main is located in Lancaster Drive NE; and 8-inch public water main is located in D Street NE. 10-inch public water mains are located on the subject property within easements.
- Sewer:* An 8-inch sewer main is located in D Street NE.
- Storm Drainage:* An 18-inch storm main is located in Lancaster Drive NE; a 10-inch storm main is located in D Street NE.
- Streets:* Lancaster Drive NE abuts the property to the east; D Street NE abuts the subject property to the north. Lancaster Drive NE is designated as a Major Arterial and D Street NE is designated as a Minor Arterial within the Salem Transportation System Plan (TSP).
- Lancaster Drive NE
- The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - This street has an approximate 68-foot-wide improvement within a 82-foot-wide right-of-way abutting the subject property.
  - The frontage of the subject property has a special setback equal to 48 feet from the centerline of Lancaster Drive NE.

## D Street NE

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- This street has an approximate 38-foot-wide improvement within a 68-foot-wide right-of-way abutting the subject property.
- The frontage of the subject property has a special setback equal to 36 feet from the centerline of D Street NE.

### 3. City Department Comments

**Public Works Department** - The City of Salem Public Works Department reviewed the proposal and has provided their comments and recommendations for plat approval. Their memorandum is included as **Attachment C**.

**Building and Safety Division** – The City of Salem Building and Safety Division reviewed the proposal and did not provide any comment.

**Fire Department** – The City of Salem Fire Department reviewed the proposal and that Fire Department access and water supply shall be maintained to existing structures and that it will be required for any new construction.

### 4. Public Agency and Private Service Provider Comments

No outside public agency and/or private service provider provided comment on the proposal prior to the comment period ending.

### 5. Neighborhood Association Comments and Public Comments

The subject property is within the North East Salem Community Association (NESCA) and abuts the East Lancaster Neighborhood Association (ELNA).

#### Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant submitted documentation of Neighborhood Association Contact provided on December 17, 2021 to the NESCA and ELNA chairs.

#### Neighborhood Association Comment

Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.”

No comments were received from the neighborhood association during the comment period for the proposal.

### Public Comment

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period for the original proposal, no comments were received.

### Homeowners Association

The subject property is not located within a Homeowners Association.

## **6. Criteria for Granting a Tentative Partition Plan**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. 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.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

**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.**

**Finding:** The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned CR (Commercial Retail). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the CR zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 522 (Retail Commercial): The proposed partition would divide the 7.58-acre property into two parcels with no remainder. The subject property is currently zoned CR (Retail Commercial). The minimum lot area requirements of the CR zone are established under SRC 522.010(a) as follows:

**Lot Standards for CR zone (Uses other than Residential) (see SRC Chapter 522, Table 522-2)**

Requirement	Minimum Standard
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage	16 feet

**Finding:** As proposed 'Parcel 1' is 3.77-acres (164,221 square feet) in area, approximately 351 feet in width and 517 feet in depth, and has approximately 245 feet of frontage on D Street NE. 'Parcel 2' is 1.79-acres (77,972 square feet) in area, and approximately 302 feet in width and 270 feet in depth and has approximately 348 feet of frontage on D Street NE and 260 feet of frontage on Lancaster Drive NE; per the applicant's written statement D Street NE is designated as the front property line for 'Parcel 2'. Lastly, 'Parcel 3' is 2.04-acres (88,862 square feet) in area, approximately 316 feet in width and 280 feet in depth, and has approximately 319 feet of frontage on Lancaster Drive NE. As proposed, the proposed parcels meet the lot standards for the CR zone.

Setbacks

SRC Chapter 522 establishes setback standards for development within a CR (Retail Commercial) zone, including a zero-foot building setback and a five-foot vehicle use area zone-to-zone setback abutting commercial zoned properties.

**Finding:** The subject property received site plan review approval for the development of a new building and associated site improvements (Case No: SPR-ADJ-DAP20-26, Phase II-B); the new building reviewed under the site plan review is on 'Parcel 3.' Conformance with the development standards will be reviewed at the time of building permit review and the proposed partition does not prevent the development on proposed 'Parcel 3.' Setbacks to abutting streets and interior yards were evaluated under that review and meet minimum setback standards of SRC 522. The remaining structures are existing and the setbacks to the new property lines will meet the applicable standards. The nonconforming setbacks for the existing structure in the southwest corner of the proposed Parcel 1, will remain, as the property line in question will remain the same.

The proposed property lines location shall meet zone-to-zone setbacks established in SRC 522. The applicant's tentative partition plan demonstrates that the proposed property lines of proposed 'Parcel 1' and 'Parcel 2' are meeting the standards or not increasing the degree of nonconformity of the proposed units of land.

'Parcel 1' has an existing setback for a vehicle use area along D Street NE of approximately four feet, making it nonconforming with the perimeter setbacks for vehicle use areas as established in SRC 806.035(c)(2) with a minimum setback and landscaped area of six to ten feet. The interior side property lines are proposed to be in the middle of driveways/drive-aisles and need not provide a perimeter setback or landscaping per SRC 806.040(c)(1)(A-B). The proposed interior rear setback is not proposed to change and is currently nonconforming as it runs through an existing building.

'Parcel 2' has an existing setback for a vehicle use area along D Street NE of approximately zero feet, making it nonconforming with the perimeter setbacks for vehicle use areas as established in SRC 806.035(c)(2) with a minimum setback and landscaped area of six to ten feet. The existing setback for the vehicle use area along Lancaster Drive NE is approximately six to 18 feet with landscaping meeting the standards of SRC 806.035(c)(2). The interior side and rear property lines are proposed to be in the middle of driveways and need not provide a perimeter setback or landscaping per SRC 806.040(c)(1)(A-B).

'Parcel 3' has an existing setback for a vehicle use area along Lancaster Drive NE of approximately zero feet, making it nonconforming with the perimeter setbacks for vehicle use areas as established in SRC 806.035(c)(2) with a minimum setback and landscaped area of six to ten feet. The proposed interior side and rear setbacks, except for the southern property line, are proposed within existing driveways and provide direct access to a street; therefore, the north (interior side) and west (interior rear) property lines of 'Parcel 3' need not be setback or landscaped pursuant to SRC 806.040(c)(1). As proposed on the south property line (interior side) the vehicle use area setbacks are not met as a five foot setback is required between parking and vehicle use areas abutting CR zoned property. A site plan review was approved (see Case No. SPR-ADJ-DAP20-26) with an adjustment to this standard for this southern property line; the adjustment allowed for a zero-foot setback on the southern property line for vehicle use areas. This standard is met.

### Lawfully Created Property

The subject property received is the remnant of an existing legal unit of land that was created by deed (Volume 614, Page 468) after the conveyance of land described in a deed described in Volume 687, Page 53. Additionally, the southern boundary of the existing parcel (Tax Lot 4200) was adjusted pursuant to a Property Line Adjustment (Case No. PLA20-28). The subject property was lawfully created.

### SRC Chapter 205.035 (Final Plat)

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).

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC.

**Finding:** The subject property was approved for the development of with one new commercial building and associated site improvements (SPR-ADJ-DAP20-26) to be located entirely on 'Parcel 3.' Additionally, 'Parcel 2' will contain two buildings entirely on the proposed lot. 'Parcel 1' has an existing building that crosses property lines that is considered nonconforming. The degree of nonconformity not proposed to increase.

**Lot Coverage:** There is no maximum lot coverage requirement within the CR zone pursuant to SRC 522.010(c), Table 522-5.

**Finding:** This standard is not applicable.

*SRC 800.025 – Flag Lots*

As conditioned above, a flag lot accessway will connect proposed Parcel 1 to Hawthorne Avenue SE. There is a recorded reciprocal access agreement to access Ryan Drive SE from the site.

- (a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.
- (b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.
- (c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

**Finding:** There is no minimum lot size or lot dimensions in the CR zone. The proposal does not include flag lots therefore these standards are not applicable to the proposal.

**(B) City Infrastructure Standards.**

**Finding:** The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining 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.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and

appears to be adequate to serve the proposed partition. Comments also indicated There are existing 10-inch public water mains located on the subject property within easements. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

*SRC 802.015 (Development to be Served by City Utilities).* Water, sewer and stormwater services is provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). The proposal meets the requirements of SRC Chapter 802.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

*SRC 803.015 (Traffic Impact Analysis):* The proposed three parcel partition generates fewer than 1,000 average daily vehicle trips (ADTs) to a major/minor arterial; therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

*SRC 803.020 (Public and Private Streets):* There are no internal streets proposed within the partition. The subject property has frontages on D Street NE and Lancaster Street NE, which are public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Lancaster Drive NE is designated as a Major Arterial Street and D Street NE is designated as a Minor Arterial street in the Salem Transportation System Plan (TSP). The standard for the Major Arterial street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. Lancaster Street NE has an approximate 68-foot improvement within a 82-foot-wide right-of-way abutting the subject property. As described below, the partition will not result in additional Average Daily Trips (ADT's) therefore the partition does not require right-of-way dedication. As a result, the frontages have a special setbacks. The special setback for Lancaster Drive NE is equal to 48-feet from the centerline of Lancaster Drive NE. The standard for the Minor Arterial street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way D Street NE has an approximate 38-foot improvement within a 68-foot-wide right-of-way abutting the subject property; therefore, the frontage has a special setback equal to 36-feet from the centerline of D Street NE.

*SRC 803.035 (Street Standards):* The subject property is not providing a street connection.

*SRC 803.040 (Boundary Streets):* Lancaster Drive NE and D Street NE do not meet the right-of-way width standards per the Salem TSP; However, Pursuant to Public Works Department Policy 4-11, no additional right-of-way is needed as no new Average Daily Trips (ADTs) are produced by the proposed partition. Future development may require right-of-way dedication. Further, right-of-way dedication is a condition of approval for the site plan review (Case No. SPR-ADJ-DAP20-26) proportional to the proposed improvements. No additional right-of-way dedication is required as a condition of the proposed partition plat.

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

**Finding:**

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. For commercial development, tree and vegetation removal must be performed consistent with SRC 808.030, tree and vegetation removal permits.

The proposed partition is not for the purpose of creating parcels for single family or duplex dwelling units, and does not result in the removal of trees, therefore a tree conservation plan is not required. Additionally, no trees are proposed for removal therefore no tree and vegetation removal permit is required.

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.

Public Works staff 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. According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas.

SRC Chapter 810 (Landslide Hazards): 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 the future use or development of the property or adjacent land.**

**Finding:** The proposed partition would divide a 7.58-acre property into three proposed parcels with no remainder. The subject property has been approved for the development of an approximate 6,7000 square foot, one-story retail use building. The proposed partition would not impede the future use or development of any portion of the property. Access to the existing development site is provided via driveways on Lancaster Drive NE and D Street NE. As proposed, the property lines are split between the driveways allowing each proposed parcel to maintain access to either Lancaster Drive NE (i.e. 'Parcel 2' and 'Parcel 3') and D Street NE (i.e. 'Parcel 1' and 'Parcel 2'). To ensure access is provided for all three parcels, the following condition of approval applies:

**Condition 1:** Prior to final plat approval the applicant shall record an access easement(s) granting access for ingress and egress across the shared driveways to serve 'Parcel 1,' 'Parcel 2,' 'Parcel 3' and the Willamette Town Center shopping center.

The proposed configuration of parcels is consistent with applicable zoning standards. The proposal meets this criterion.

SRC 800.065(a)(4) Connection to existing or planned paths and trails

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- A. *Be constructed, and a public access easement or dedication provided; or*
- B. *When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.*

No trail or path, existing or planned, is proposed to go through the subject property therefore these standards are not applicable to the proposal.

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

**Finding:** Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property, as shown on the applicant's preliminary partition plan. There are existing 10-inch public water mains located on the subject property within easements. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

To ensure easements needed to serve the proposed parcels are accurately conveyed the following condition shall apply.

**Condition 2:** Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS adopted in Administrative Rule 109, Division 004.

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

**Finding:** The existing condition of Lancaster Drive NE and D Street NE do not meet current standards for their classification of street per the Salem TSP. The proposed tentative plat approval does not proposed right-of-way dedication to conform to the standards for their

classifications in the TSP. However, the proposed tentative partition plan does not generate new Average Daily Trips (ADTs); therefore, no right-of-way dedication is required pursuant to Public Works Department Policy 4-11 and SRC 803.040(d)(5). Future right-of-way dedication may be required, pursuant to SRC 803.040. Right-of-way dedication along Lancaster Drive NE is a condition of approval for the approved site plan review (Case No. Case No. SPR-ADJ-DAP20-26), for Phase II-B (i.e. 'Parcel 3'), for the portions of the development site that are proposed for development, proportional to the scale of development proposed in the site plan review. The proposal meets this criterion.

**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:** The public streets abutting the subject property, D Street NE and Lancaster Drive NE, do not meet the right-of-way width and pavement width standards per the Salem TSP. Lancaster Drive NE is built with auto-travel lanes, sidewalk and bicycle lanes on both sides; D Street NE is built with auto-travel lanes and sidewalk on both sides. Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication is required along Lancaster Drive NE and D Street NE. Additionally, because the impacts to the transportation system are limited for a three-lot partition, the applicant is eligible for deferring the required improvements pursuant to SRC 803.070 until the time of future development.

As proposed in Phase II-B (i.e. 'Parcel 3') in the approved site plan review (Case No. SPR-ADJ-DAP20-26) a new pedestrian connection from Lancaster Drive NE that will serve 'Parcel 3' and the development site at large with a new pedestrian connection on an existing driveway that does not currently have a pedestrian connection, leading to Lancaster Drive NE. The proposed connection is shown to connect from the sidewalk along Lancaster Drive NE to the interior pedestrian connections that provide access throughout the shopping center. This driveway provides access for safe, orderly, and efficient circulation of traffic into, through, and out of the site.

As proposed, 'Parcel 1' and 'Parcel 2' share driveway access that provides ingress and egress along D Street NE for both vehicular and pedestrian traffic. This driveway provides access for safe, orderly, and efficient circulation of traffic into, through, and out of the site. This criterion is met.

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

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The subject property was approved for the development of one new building on proposed 'Parcel 3.' No vegetation is proposed for removal. The proposal meets this criterion.

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

**Finding:** The subject property is relatively flat land with only landscaped vegetation on site. The subject property was approved for the development of one new building on 'Parcel 3.' The proposed building is located within an existing off-street parking and vehicle use area and does not proposed the removal of vegetation. Further, the development would be subject to the landscaping standards of SRC 807. The proposal meets this criterion.

**SRC 200.005(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 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

**Finding:** The site is served by available sewer and water. Therefore, this criterion is not applicable.

### **3. Conclusion**

Based upon review of SRC 205.005, the findings contained under Section 6 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### **IT IS HEREBY ORDERED**

That Tentative Partition Plan Case No. 21-14, to divide approximately 7.58 acres into three parcels, 1.79, 2.04 and 3.77 acres in size, for property zoned CR (Retail Commercial) and located at 945 Lancaster Drive NE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval the applicant shall record an access easement(s) granting access for ingress and egress across the shared driveways to serve 'Parcel 1,' 'Parcel 2,' 'Parcel 3' and the Willamette Town Center shopping center.
- Condition 2:** Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.



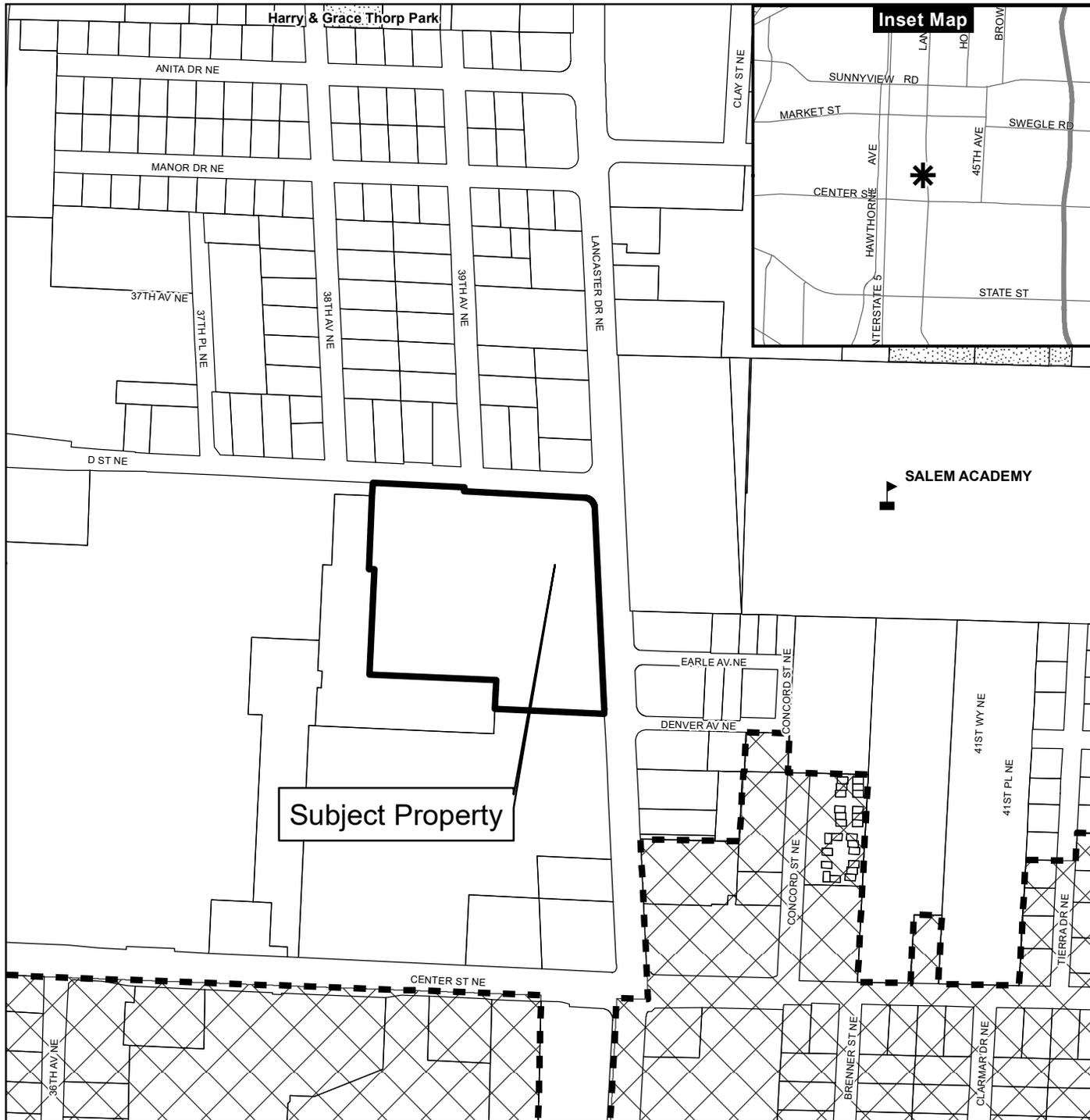
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Kyle Kearns, AICP, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Partition Plan
  - C. City of Salem Public Works Department Memorandum

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# Vicinity Map 945 Lancaster Drive NE



**Legend**

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools

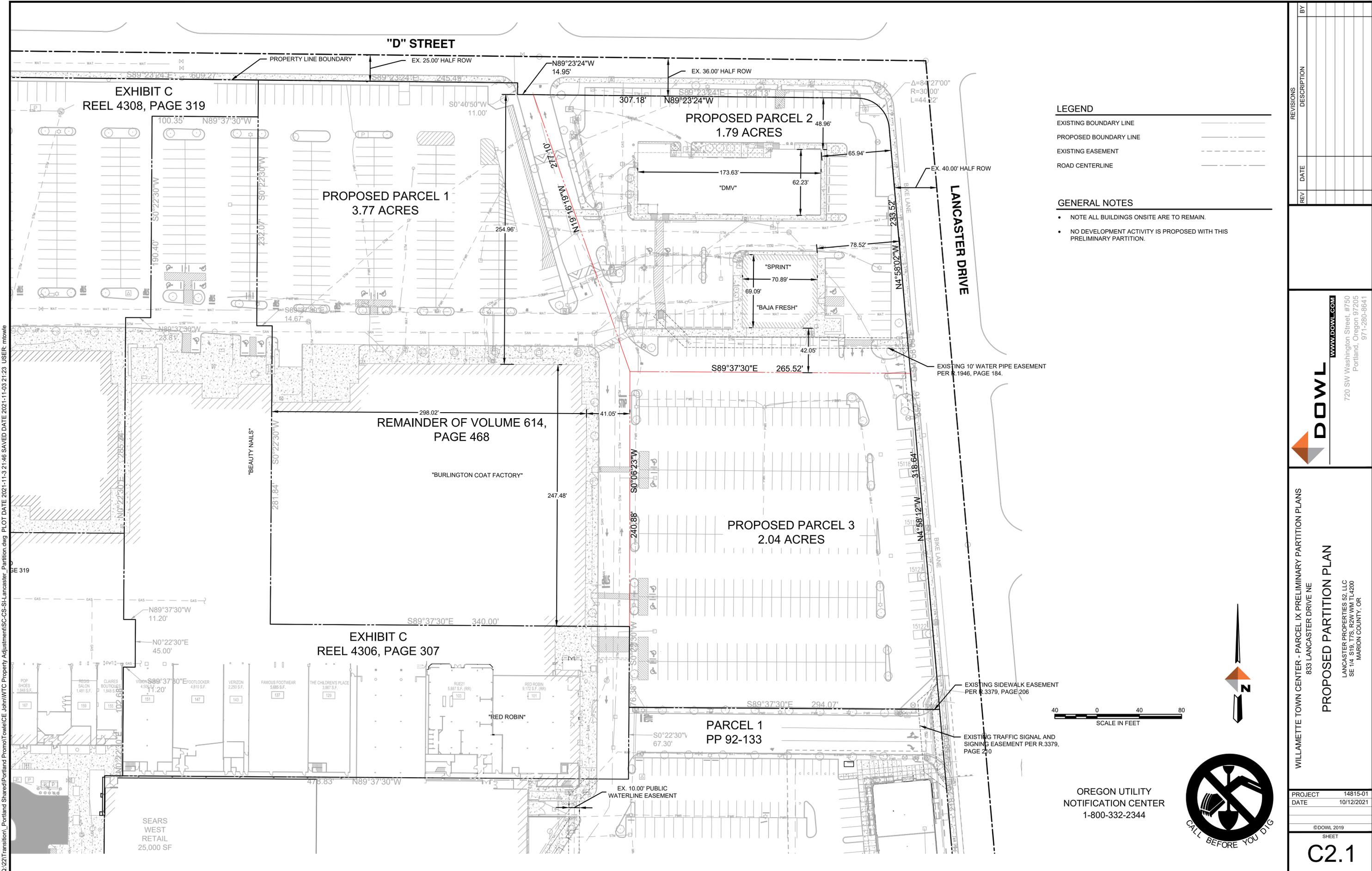
 Parks



0 100 200 400 Feet



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**LEGEND**

EXISTING BOUNDARY LINE	---
PROPOSED BOUNDARY LINE	---
EXISTING EASEMENT	---
ROAD CENTERLINE	---

- GENERAL NOTES**
- NOTE ALL BUILDINGS ONSITE ARE TO REMAIN.
  - NO DEVELOPMENT ACTIVITY IS PROPOSED WITH THIS PRELIMINARY PARTITION.

REV	DATE	DESCRIPTION

**DOWL**  
[WWW.DOWL.COM](http://WWW.DOWL.COM)  
 720 SW Washington Street, #750  
 Portland, Oregon 97205  
 971-280-8641

WILLAMETTE TOWN CENTER - PARCEL IX PRELIMINARY PARTITION PLANS  
 833 LANCASTER DRIVE NE  
**PROPOSED PARTITION PLAN**  
 LANCASTER PROPERTIES S2, LLC  
 SE 1/4 S19, T7S, R2W, WM TL4200  
 MARION COUNTY, OR

PROJECT	14815-01
DATE	10/12/2021
©DOWL 2019	
SHEET	
<b>C2.1</b>	

Q:\22\Transition\_Portland Share\Portland Promot\Towle\CE John\WTC Property Adjustment\SC-CS-SI-Lancaster\_Partition.dwg PLOT DATE 2021-11-03 21:46 SAVED DATE 2021-11-03 21:23 USER: mtowle



# MEMO

**TO:** Kyle Kearns, Planner II  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer   
Public Works Department

**DATE:** January 24, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PARTITION PLAT NO. PAR21-14 (21-115747)  
945 LANCASTER DRIVE NE  
3-LOT PARTITION**

## PROPOSAL

A tentative partition plan to create three parcels from a 7.58-acre property. Parcel 1 consisting of approximately 3.77 acres, Parcel 2 consisting of approximately 1.80 acres and Parcel 3 consisting of approximately 2.04 acres. The property is a portion of the Willamette Town Center mall and approximately 7.58 acres in size (330,185 square feet), zoned CR (Commercial Retail), and located at 945 Lancaster Drive NE (Marion County Assessor map and tax lot number(s): 072W19CC / 4200).

## RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Easements for existing and proposed utility infrastructure and shared access shall be shown on the final plat pursuant to PWDS.

## FACTS

### **Streets**

1. Lancaster Drive NE
  - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 68-foot improvement within an 82-foot-wide right-of-way abutting the subject property.
  - c. Special Setback—The frontage of the subject property has a special setback equal to 48 feet from centerline of Lancaster Drive NE.

## 2. D Street NE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 38-foot improvement within a 68-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of D Street NE.

### **Storm Drainage**

#### 1. Existing Conditions

- a. An 18-inch storm main is located in Lancaster Drive NE.
- b. A 10-inch storm main is located in D Street NE.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch public water main is located in Lancaster Drive NE.
- c. An 8-inch public water main is located in D Street NE.
- d. There are 10-inch public water mains located on the subject property within easements.

### **Sanitary Sewer**

#### 1. Existing Sewer

- a. An 8-inch sewer main is located in D Street NE.

### **CRITERIA AND FINDINGS**

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 Unified Development Code, 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;**
- (B) City infrastructure standards; and**
- (C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

**Findings**—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).

Public Works staff 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.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas.

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)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.**

**Findings**—Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004.

There are existing 10-inch public water mains located on the subject property within easements. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition:** Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

**SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. 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.**

**Findings—**The existing condition of Lancaster Drive NE and D Street NE do not meet current standards for their classification of street per the Salem TSP. The existing street system is adequate to serve the proposed development. The proposed partition does not generate new ADTs; therefore, no right-of-way dedication is required pursuant to Public Works Department Policy 4-11. Future right-of-way dedication may be required pursuant to SRC 803.040.

Prepared by: Laurel Christian, Program Coordinator  
cc: File