

# NOTICE OF DECISION

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



*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION / CLASS 2 ADJUSTMENT CASE NO. PAR-ADJ16-03**

**APPLICATION NO. : 16-113055-LD & 16-113056-ZO**

**NOTICE OF DECISION DATE: August 12, 2016**

**SUMMARY:** A proposed partition to divide an existing unit of land, approximately 0.65 acres in size, into two parcels approximately 11,826 square feet and 16,677 square feet in size with an Adjustment request to reduce the required vehicle use area setback from 5 feet to 3 feet on each parcel.

**REQUEST:** To divide Parcel 1 of Partition Plat No. 2008-81 into 2 parcels with proposed Parcel 1 consisting of approximately 16,677 square feet and proposed Parcel 2 consisting of approximately 11,826 square feet with a Class 2 Adjustment request to reduce the vehicle use area setback from 5 feet to 3 feet on each parcel, a 40 percent reduction, for property approximately 0.65 acres in size, zoned CR (Retail Commercial), and located at 1095 25th Street SE (Marion County Assessor Map and Tax Lot number: 073W35AA / 03100).

**APPLICANT:** Thousand Oaks LLC (Dale and Eleanor Boese)

**LOCATION:** 1095 25<sup>TH</sup> Street SE / 97301

**CRITERIA:** Salem Revised Code Chapters 205.005(d) and 250.005(d)(2)

**FINDINGS:** The findings are in the attached Order.

**DECISION:** The Planning Administrator Granted Partition / Class 2 Adjustment Case No. PAR-ADJ16-03 subject to the applicable standards of the Salem Revised Code, the findings contained herein, prior to final plat approval.

The rights granted by the attached decision must be exercised, or an extension granted, by August 30, 2018 or this approval shall be null and void.

Application Deemed Complete: July 20, 2016  
Notice of Decision Mailing Date: August 12, 2016  
Decision Effective Date: August 30, 2016  
State Mandate Date: November 17, 2016

**Case Manager:** Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net), 503.540.2343

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, August 29, 2015, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem

Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT / CLASS 2 ADJUSTMENT NO. 16-03)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*

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

IN THE MATTER OF THE )  
APPROVAL OF TENTATIVE )  
PARTITION PLAN / CLASS 2 )  
ADJUSTMENT NO. 16-03; )  
1095 25<sup>th</sup> STREET SE )

**FINDINGS AND ORDER  
AUGUST 12, 2016**

**REQUEST**

To divide Parcel 1 of Partition Plat No. 2008-81 into 2 parcels with proposed Parcel 1 consisting of approximately 16,677 square feet and proposed Parcel 2 consisting of approximately 11,826 square feet, with a Class 2 Adjustment to reduce the vehicle use area setback from 5 feet to 3 feet, a 40 percent reduction, for property approximately 0.65 acres in size, zoned CR (Retail Commercial), and located at 1095 25<sup>th</sup> Street SE (Marion County Assessor Map and Tax Lot number: 073W35AA / 03100).

**DECISION**

The Tentative Partition Plan and Class 2 Adjustment are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, prior to final plat approval.

**PROCEDURAL FINDINGS**

On July 12, 2016, an application for Tentative Partition Plan was filed proposing to divide property located at 1095 25<sup>th</sup> Street SE (**Attachment A**) into two parcels and a Class 2 Adjustment application with a request to reduce the minimum vehicle use area setback requirement from 5 feet as required under SRC 522.010(b), Table 552-4, to 3 feet.

The application was deemed complete on July 20, 2016. Notice to surrounding property owners was mailed pursuant to Salem Revised Code (SRC) requirements on July 20, 2016. The state-mandated local decision deadline is November 17, 2016.

**SUBSTANTIVE FINDINGS**

**1. Salem Area Comprehensive Plan (SACP)**

Land Use Plan Map: The subject property is designated "Commercial" on the Salem Area Comprehensive Plan (SACP) Map.

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

Growth Management: The subject property is located within the City's Urban Service Area.

## 2. Zoning

The subject property is zoned CR (Retail Commercial). The zoning of surrounding properties is as follows:

North: Across Claude Street SE, RM II (Multi-Family Residential)  
South: Across Adams Street SE, CO (Commercial Office)  
East: Across 25<sup>th</sup> Street SE, CG (General Commercial)  
West: Across Alley, RS (Single Family Residential)

## 3. Existing Conditions

The subject property is 0.65-acre parcel, developed with two commercial buildings and a parking and vehicle use area. The subject property is a relatively narrow rectangular lot with approximately 104 feet of frontage on Claude Street SE and Adams Street SE on its north and south boundaries. The lot has approximately 260 feet of frontage on 25<sup>th</sup> Street SE on its east boundary. Buildings and parking areas within the commercial complex currently take access from 25<sup>th</sup> Street SE via a driveway approach near the center of the subject property and from the alley on the west boundary of the property. There are 47 parking stalls located on the subject property. Each parcel contains an outpatient medical services and office services building, requiring a total of 42 parking spaces.

## 4. Site Analysis and Parcel Layout

The subject property is approximately 0.65 acres in size (28,314 square feet) and is identified as Parcel 1 of Partition Plat 2008-81. The subject property is currently developed with two commercial buildings and a jointly used parking and vehicle use areas.

The tentative partition plan proposes to divide the subject property into two parcels (**Attachment B**). Proposed Parcel 1 is approximately 16,677 square feet in size and Proposed Parcel 2 is approximately 11,826 square feet in size. Vehicle access to proposed parcels is provided by an existing approach off of 25<sup>th</sup> Street SE and the abutting alley.

Lot Area: The CR zone does not have a minimum lot area requirement under SRC 522.010(a), Table 522-2. Proposed Parcel 1 is approximately 16,677 square feet in size and proposed Parcel 2 is approximately 11,826 square feet in size. Both proposed parcels meet the minimum lot area requirements.

Lot Dimensions: Minimum lot dimension requirements of the CR zone are established under SRC 522.010(a), Table 522-2. The CR zone does not have a

minimum lot width or a minimum lot depth. Both proposed Parcels 1 and 2 are over 100 feet in width and over 100 feet in depth, consistent with the lot dimension requirements.

**Street Frontage:** The CR zone pursuant to SRC 522.010(a) Table 522-2, requires lots to have a minimum frontage of 16 feet on a street for uses other than single family. Proposed Parcel 1 has 135-feet of street frontage on 25<sup>th</sup> Street SE and 109-feet of frontage on Adams Street and Parcel 2 has 108-feet of frontage on 25<sup>th</sup> Street and 109-feet of frontage on Claude Street. The proposed parcels conform to the street frontage standards of SRC 522.010(a) Table 522-2.

**Setback Requirements:** The CR zone, pursuant to SRC 522.010(b), Table 522-3, establishes the following minimum setbacks for development within the CR zone:

<b>Abutting Street</b>		
<b>Buildings</b>	Min. 5 ft.	
<b>Vehicle Use Areas</b>	Min. 6 ft. to 10 ft.	<i>Per SRC Chapter 806</i>

<b>Interior Side</b>		
<b>Single and Two Family Dwelling</b>	None	
<b>Multiple Family</b>	Min. 15 ft.	
<b>All other uses</b>	Zone-to-Zone Setback	<i>Table 522-4</i>
<b>Multiple Family Vehicle use Areas</b>	Min. 10 ft.	<i>Requires landscaping shall meet the Type C standard set forth in SRC Chapter 807</i>
<b>All other uses Vehicle use Areas</b>	5 ft. min	<i>Table 522-4</i>

<b>Interior Rear</b>		
<b>Single and Two Family Dwelling</b>	None	
<b>Multiple Family</b>	Min. 10 ft.	
<b>All other uses</b>	Zone-to-Zone Setback	<i>Table 522-4</i>
<b>Multiple Family Vehicle use Areas</b>	Min. 10 ft.	<i>Requires landscaping shall meet the Type C standard set forth in SRC Chapter 807</i>
<b>All other uses Vehicle use Areas</b>	None <sup>(1)</sup>	<i>Table 522-4 (1) Zone-to-Zone setbacks are not required abutting an alley.</i>

The applicant has requested an adjustment to reduce the interior side yard setback for the vehicle use area from 5 feet to 3 feet. Findings for the adjustment are contained in Section 11 of this report.

According to City of Salem Public Works Department, 25<sup>th</sup> Street SE is designated as a minor arterial street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 46-foot-wide improvement within up to a 72-foot-wide right-of-way. The frontage of the subject property has a special setback equal to 36 feet from centerline of 25<sup>th</sup> Street SE. required setbacks for buildings and vehicle use areas shall be measured from the special setback line.

Any future development of the proposed parcels will be reviewed for conformance with the setback requirements of the CR zone at the time of building permit review.

**Lot Coverage:** Maximum lot coverage requirements within the CR zone are established under SRC 522.010(c), Table 522-5. The CR zone does not limit the total maximum lot coverage for buildings and accessory structures.

**Landscaping:** *The proposal does not include alterations to the existing parking and vehicle use areas, therefore 522.010(d) is not applicable.*

**Access and Circulation:** The subject property is located on 25<sup>th</sup> Street SE, which is designated as a Minor Arterial street within the Salem Transportation System Plan (TSP). The property also abuts Claude Street SE and Adams Street SE, which are both designated as local streets within the Salem Transportation System Plan (TSP). Proposed Parcel 1 will retain access to 25<sup>th</sup> Street SE and Parcel 2 will retain the existing access from the alley abutting the west property line.

## 5. Neighborhood Association Comments

The subject property is located within the boundaries of the Southeast Salem Association of Neighbors (SESNA) neighborhood association. No comments were received from the neighborhood association.

## 6. Citizen Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. No comments were received from surrounding property owners.

## 7. City Department Comments

- A. The Fire Department reviewed the proposal and indicated that each structure shall provide access to the City of Salem Fire Department.
- B. The Public Works Department reviewed the proposal and provided comments that are included as **Attachment C**.

## 8. Public Agency Comments

Comments were not received from any public agencies.

## 9. Private Service Provider Comments

Comments were not received from any private service providers.

## 10. Criteria for Granting a Partitioning

Salem Revised Code (SRC) 205.005(d) sets forth the following 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 italic***, followed by findings evaluating the tentative partition plan for conformance with the criteria. Lack of compliance with the following land division criteria is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy the criteria.

***A. SRC 205.005(d)(1): The tentative partition complies with all of 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 Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The proposed partition meets all applicable provisions of the UDC as detailed below.

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The partitioning process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed partitioning. The proposed partition conforms to the applicable requirements of SRC Chapter 205.

Lot Standards: The property subject to the proposed partition is approximately 28,314 square feet in size and zoned CR (Commercial Retail). The proposed partition creates two parcels. Proposed Parcel 1 approximately 16,677 square feet in size and Proposed Parcel 2 approximately 11,826 square feet in size.

The minimum lot size, dimension, and frontage requirements of the CR zone are established under SRC 522.010(a), Table 522-2. As identified under Section 4 of this decision, each of the proposed parcels satisfies minimum lot size, dimension, and frontage standards. Each of the parcels within the proposed partition are

suitable for the general purpose for which they are intended to be used, and each of the parcels are of a size and design that will not be detrimental to the public health, safety, and welfare.

***(B) City infrastructure standards.***

**Finding:** The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that the proposed partition conforms to the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements) with regards to provision of City infrastructure.

A summary of existing improvements are as follows:

**Street Improvements and Right-of-Way Dedication:** The property is located on Claude Street SE, Adams Street SE and 25<sup>th</sup> Street SE. Claude Street SE and Adams Street SE are designated as Local streets in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within up to a 60-foot-wide right-of-way.

The subject property is located on 25<sup>th</sup> Street SE which is designated as a minor arterial street within the Salem Transportation System Plan (TSP).

The Public Works Department indicates that 25<sup>th</sup> Street SE has an existing approximate 40-foot-wide improvement within a 66-foot-wide right-of-way. The standard for a minor arterial street within the TSP is a 46-foot-wide improvement within a 72-foot-wide right-of-way. They explain that right-of-way dedication and street improvements along 25<sup>th</sup> Street SE are not warranted based on there being no current or future impact on the level of service, therefore is no nexus to require dedication.

**Water:** The Public Works Department indicates the subject property is located in the G-0 water service level and that there is an existing 6-inch public water line located in 25<sup>th</sup> Street SE, Claude Street SE and Adams Street SE.

**Sanitary Sewer:** The Public Works Department indicates there is an existing 8-inch sewer line located in the alleyway along the western boundary of the subject property.

**Storm Drainage:** The Public Works Department indicates there is a 8-inch storm main located in 25<sup>th</sup> Street SE.

As proposed and conditioned, the tentative partition plan complies with city infrastructure standards.

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



Service Area. The subject property is located within the Urban Service Area; an Urban Growth Preliminary Declaration is not required.

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

**Finding:** There are mapped floodplain areas on the subject property. The partition does not include any modifications in the floodplain, therefore, the requirements of SRC Chapter 601 (Floodplain Overlay Zone) are not applicable.

There is a special setback requirement on 25<sup>th</sup> Street SE of equal to 36 feet from centerline of 25<sup>th</sup> Street SE. There is no vision clearance issue identified with the existing accessways.

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.

The property is currently developed for commercial use. Because the proposed development does not involve the creation of lots or parcels to be used for Single Family or Two Family uses, a tree conservation plan is not required. Any future tree removals from the subject property must conform to the requirements of SRC Chapter 808.

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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands as being present on the subject property.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 0 landslide hazard susceptibility points. There are 2 activity points associated with the proposed partition. Pursuant to the requirements of SRC Chapter 810, the cumulative total of 2 points between those associated with the land and those associated with the proposed development activity indicates a high landslide risk and therefore a geotechnical report is not required.

**B. 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 divides the existing property into 2 parcels. The property is currently developed with two commercial buildings and a parking and

vehicle use area. The proposed partition will not impede the future use or development of any portion of the subject property or any adjacent land. Properties adjoining the subject property are developed and have access to public streets.

The proposed parcels exceed minimum lot size and dimension standards and are of sufficient size to allow development consistent with applicable zoning standards. The existing commercial use on each parcel will require the 47 parking spaces currently being used by the uses. This criterion is met.

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

**Finding:** The Public Works Department reviewed the proposal and indicated that development within the tentative partition plan can be adequately served by City infrastructure.

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. As specified in the findings, private water, sewer, and storm services shall be constructed to serve each lot.

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

**Finding:** 25<sup>th</sup> Street SE abuts the subject property and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 803.040(a), boundary street improvements are required, but a maximum half-street improvement along 25<sup>th</sup> Street SE is not warranted because existing development constraints in the area make the maximum improvement impracticable. Right-of-way dedication is based on Public Works Department Policy GM 4-11. New vehicle trips are the primary factor in calculating right-of-way requirements. The proposed partition does not create vehicle trips; therefore, no right-of-way dedication is required in conjunction with the partition.

This criterion is met.

**E. 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 accessway that serves the proposed parcels are existing and are not proposed to change. The circulation through the site will remain the same and provide for safe, orderly and efficient circulation of traffic.

This criterion is met.

**F. 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 topography of the subject property is relatively flat, with a slight slope towards the alley (western property line). The site is currently developed and the applicant does not propose any future development at this time.

Variances to lot size or lot dimensions are not requested with the proposed partition; however, the applicant has requested an adjustment to reduce the vehicle use area interior front yard setback requirement from 5 feet to 3 feet. With the adjustment, the property line is being located within an existing 6-foot landscaped area which only allows for 3-feet on either side of the property line. This criterion is met.

- G. 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 the site, topography, and vegetation will occur from the reasonable development of the parcels.**

**Finding:** The layout, size, and dimensions of the proposed parcels are sufficient to allow for reasonable development or redevelopment of the site for commercial or other uses allowed in the CR zone, in a manner that minimizes impacts to the site, topography, and vegetation. All of the existing trees and landscaping on the property are proposed to be preserved. This criterion is met.

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

- (A) The property is zoned residential;**
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and**
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimensions less than 100 feet.**

**Finding:** Comments from the Public Works Department indicate that sewer and water infrastructure is available to serve the property in compliance with the City's public facility plan. Because the subject property can be served by sewer in compliance with the City's public facility plan, and because the partitioned property is not intended to be served by on-site sewage disposal systems, this criterion is not applicable.

## **11. Criteria for Granting a Class 2 Adjustment**

The applicant has requested a Class 2 Adjustment in conjunction with the proposed partition to reduce the minimum interior side yard setback from 5 feet, as required under SRC 522.010(b), Table 522-3, to 3 feet. The applicant's written statement addressing the Class 2 Adjustment approval criteria is included as **Attachment D**.

Pursuant to SRC 250.005(d)(2), an application for a Class 2 Adjustment shall be granted if the following criteria are met:

- A. 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:**
- (i) Clearly inapplicable to the proposed development; or**
  - (ii) Clearly satisfied by the proposed development.**

**Finding:** The purpose of minimum setback requirement for the interior side yard setback is to provide for adequate landscaping for vehicle use areas abutting a property lines. The newly created property line is located between two existing parking areas, which includes an existing six foot landscaped area. An adjustment is requested for each newly created parcel to reduce the setback abutting the interior side yard to three feet for each parcel.

The property line will be located between the two existing parking areas. There is an existing six foot landscape strip between the two parking area, which provides for a buffer between the two areas. The location of the property line between the parking areas will not change the effectiveness of the buffered area between the parking areas. The parking areas are jointly used by each parcel. Since the parking areas will still be used as a jointly and the adjustment for three feet from the property will still provide the same six foot landscaped buffer area between each parking area; this criterion is met.

- B. If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** The subject property is zoned CR (Retail Commercial) and not within a residential zone.

- A. If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** Only one adjustment has been requested by the applicant. As such, this criterion is not applicable to the proposed development.

## **12. Conclusion**

Based upon review of SRC 205.005(d) and 250.005(d)(2), the findings contained under Sections 10 and 11 above, the tentative partition plan and Class 2 Adjustment comply with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

To divide Parcel 1 of Partition Plat No. 2008-81 into 2 parcels with proposed Parcel 1 consisting of approximately 16,677 square feet and proposed Parcel 2 consisting of approximately 11, 826 square feet with a Class 2 Adjustment request to reduce the

vehicle use area setback from 5 feet to 3 feet, a 40 percent reduction, for property approximately 0.65 acres in size, zoned CR (Retail Commercial), and located at 1095 25<sup>th</sup> Street SE is hereby GRANTED subject to SRC Chapters 205, 250, and 511.

  
\_\_\_\_\_  
Olivia Glantz, Planning Administrator Designee

- Attachments: A. Vicinity Map  
B. Applicant's Tentative Partition Plan  
C. Salem Public Works Department Memo  
D. Applicant's Written Statement

Application Deemed Complete: July 20, 2016  
Notice of Decision Mailing Date: August 12, 2016  
Decision Effective Date: August 30, 2016  
State Mandated Decision Date: November 17, 2016

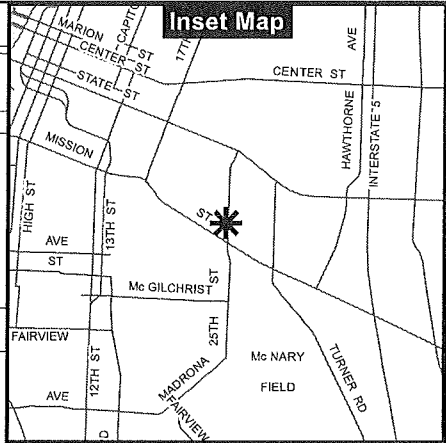
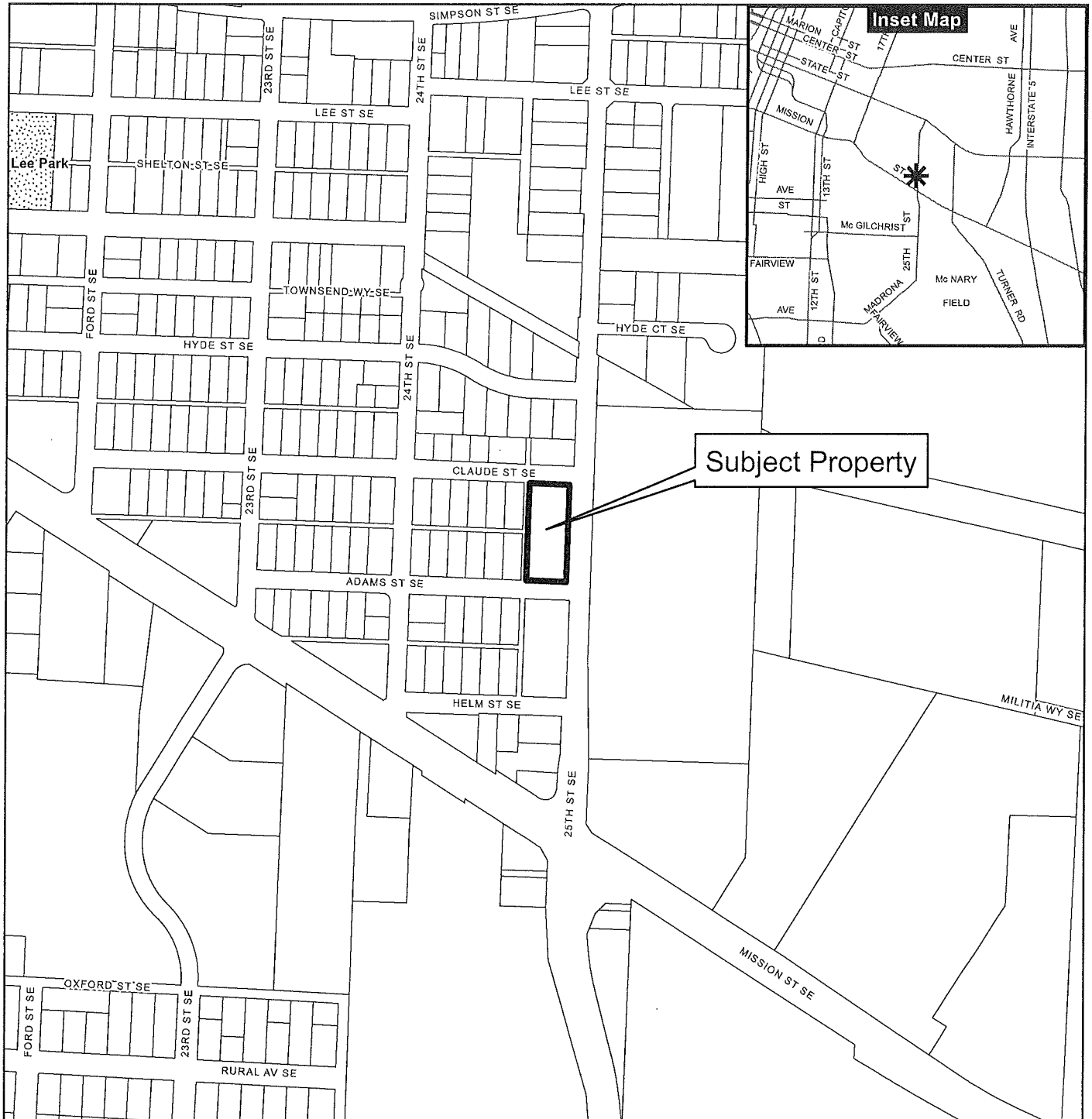
The rights granted by this decision must be exercised, or an extension granted, by the following dates or this approval shall be null and void:

**Tentative Partition Plan:** August 30, 2018  
**Class 2 Adjustment:** August 30, 2018

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, August 29, 2015, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

# Vicinity Map 1095 25TH Street SE



Subject Property

**Legend**

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

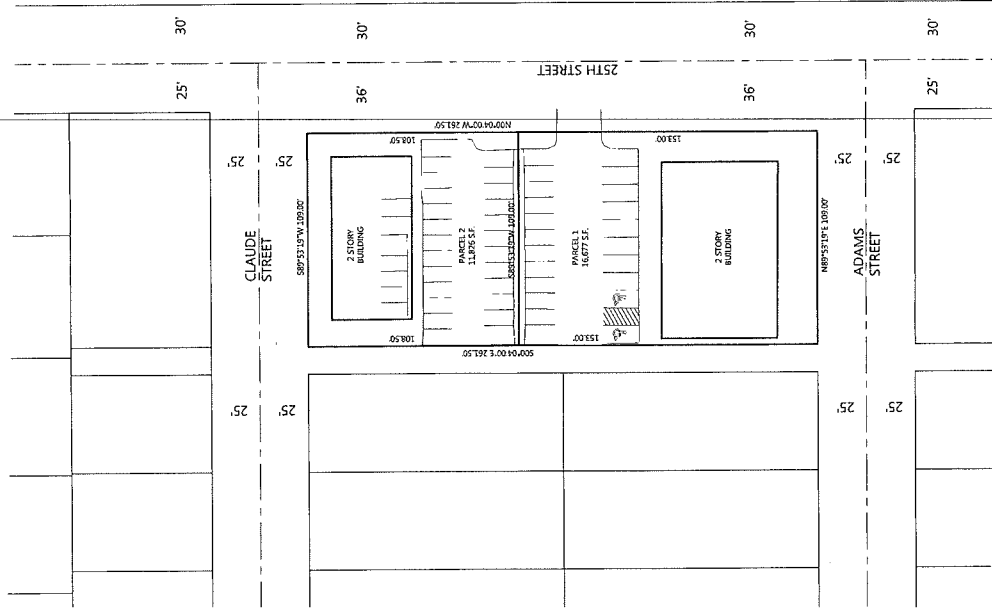


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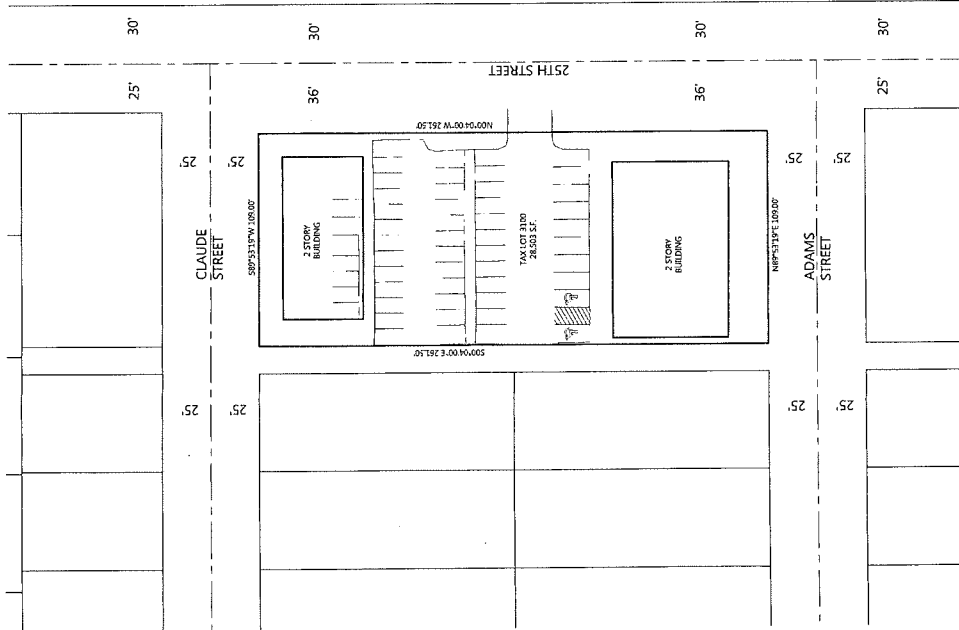
PROPOSED PARTITION PLAT

108E 27TH STREET  
IN THE 1/4 OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 3 WEST, OF THE  
WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON

BY  
MULTITECH ENGINEERING SERVICES, INC.  
1135 13TH ST. SE. SALEM, OREGON 97302  
503-960-9427



PROPOSED




EXISTING



# MEMO

**TO:** Olivia Glantz, Planner II  
Community Development Department

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

**DATE:** August 4, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
PARTITION PLAT NO. 16-03 (16-113055)  
1095 25<sup>TH</sup> STREET SE  
2-LOT PARTITION

## PROPOSAL

To divide approximately .65 acres into 2 parcels in a CR (Retail Commercial) zone at 1095 25<sup>TH</sup> Street SE.

## RECOMMENDED CONDITIONS OF PLAT APPROVAL

The proposed partition meets applicable criteria related to Public Works infrastructure.

## FACTS

### 1. Claude Street SE

- a. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within up to a 60-foot-wide right-of-way.

### 2. Adams Street SE

- a. Existing Conditions —This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

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).



- b. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within up to a 60-foot-wide right-of-way.

3. 25<sup>th</sup> Street SE

- a. Existing Conditions—This street has an approximate 40-foot improvement within a 66-foot-wide right-of-way abutting the subject property.
- b. 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 up to a 72-foot-wide right-of-way.
- c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of 25<sup>th</sup> Street SE.

**Storm Drainage**

1. Existing Conditions

- a. An 8-inch storm main is located in 25th Street SE.

**Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.

There are 6-inch public water lines in Claude Street SE, 25<sup>th</sup> Street SE, and Adams Street SE.

**Sanitary Sewer**

1. Existing Sewer

- a. An 8-inch sewer line is located in Alleyway along western boundary of the site.
- b. An 8-inch sewer line is located in Claude Street SE.

**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).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped site points for the property pursuant to SRC Chapter 810. The proposed activity of a partition adds two activity points to the proposal, which results in a total of 2 points. Therefore, the proposed partition is classified as a low landslide risk. Per SRC 810.025(b)(1) no further landslide hazard permitting or approval is required.

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

**Findings**—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. Private water, sewer, and storm services have been constructed to serve each proposed lot.

**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.

**Finding**—25<sup>th</sup> Street SE abuts the subject property and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 803.040(a), boundary street improvements are required, but a maximum half-street improvement along 25<sup>th</sup> Street SE is not warranted because existing development constraints in the area make the maximum improvement impracticable. Right-of-way dedication is based on Public Works Department Policy GM 4-11. New vehicle trips are the primary factor in calculating right-of-way requirements. The proposed partition does not create vehicle trips; therefore, no right-of-way dedication is required in conjunction with the partition. Claude Street SE and Adams Street SE also abut the subject property, however both meet the current standard for a local street.

Prepared by: Nathan Coapstick, Project Coordinator  
cc: File

# 1095 25<sup>th</sup> Street SE

## Partition

### **SITE CHARACTERISTICS:**

The subject property is approximately 0.65 acres in size, is zoned CR (Commercial Retail), and is addressed as 1095 25<sup>th</sup> Street SE (073W35AA/Tax Lot 3100).

The site is bounded on the east by 25<sup>th</sup> Street, on the north by Claude Street, and on the south by Adams Street. There are two existing commercial buildings located on the site. The applicant request is to divide site into two Parcels.

### **PROPOSAL:**

The proposal is to divide approximately 0.65 into two parcels, with Parcel 1 consisting of 16,677 square feet and Parcel 2 consisting of 11,826 square feet.

Along the newly created property line, located down the middle of the parking area, there is a 5-foot wide setback (SRC Table 522-4 and SRC 806.035(c)(3)) required between the vehicular use area and the newly created interior property lines. The applicant has requested a Class 2-Adjustment to this standard.

### **CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.005(d):**

The decision criteria for partitions under UDC Chapter 205.005(d) must be found to exist before an affirmative decision may be made for a partition application.

***UDC 205.005(d)(1):*** The subject property is zoned CR. There are no minimum lot size, street frontage, or depth requirements.

***Setbacks-***The buildings are existing and were all approved through the building permit process. Therefore, all setbacks have been met. However, along the newly created property line, located down the middle of the parking area, there is a 5-foot wide setback (SRC Table 522-4) required between the vehicular use area and the newly created interior property lines. Therefore, a Class 2-Adjustment has been requested.

***Parking-***The proposed partition will divide the parcel into 2 parcels. Each parcel will have its own parking area as shown on the site plan. However, parking will be shared. A parking agreement will be provided prior to final plat approval.

Parcel 1 is used for outpatient medical services and office services (1 parking space per 350 square feet). The existing building Parcel 1 is about 10,750 square feet in size. Therefore, requiring 31 vehicle parking spaces.

Parcel 2 is used for outpatient medical services and office services (1 parking space per 350 square feet). The existing building on Parcel 2 is about 3,957 square feet in size. Therefore, requiring 11 vehicle parking spaces.

Both uses require a total of 42 on-site parking spaces. As shown on the site plan, there are 47 on-site parking spaces and 7 parking spaces located under the existing building on Parcel 2. As stated above, parking will be shared by both parcels. There is more than adequate on-site parking spaces to accommodate both buildings.

Therefore, parking requirements have been met.

***City Infrastructure standards-*** The buildings on the site are existing and will remain. All water, sewer, and all infrastructure is already in place.

***Special development standards-***The subject property is not located within any overlay, wetlands, floodplain, or vision clearance issues on the site. There are no special development standards that apply to this site.

***UDC 205.005(d)(2): "The tentative partition plan does not impede the future use or development of the property or adjacent land."***

Approval of the proposed partition does not impede future use of the subject property. The adjoining properties have improved access and frontage on abutting public streets. The proposal provides for further development of the site consistent with current zoning standards.

The applicant is not proposing a public street through the site. This is a commercial partition with a common parking area. The subject property will have adequate circulation throughout the site by way of the existing driveways through the parking lot that will serve both lots. The proposed property lines will run through the parking lot. Both lots will have their own parking areas, but share parking.

Both Parcels along with surrounding parcels have access. Since the property is fully developed, there is no remainder property. Therefore, the approval does not impede future use of the remainder.

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

At the time of the original development, the Salem Public Works Department reviewed the proposal and determined that water, sewer, streets, and storm drainage facilities are and can be provided to the proposed parcels in compliance with the City's public facility plans.

The property is inside the Urban Services Area (USA) and the provision of the Code has been met. Partitioning the property does not require a UGA Preliminary Declaration.

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

General Circulation: The proposed partition will result in the creation of two parcels. Vehicular access to proposed Parcel 1 will continue to be taken from 25<sup>th</sup> Street to the east and from the alleyway located to the west of the parcel. Parcel 2 will have access to and from the alleyway located to the west of the parcel.

Boundary Streets: There are three streets and an alley abutting the subject property, 25<sup>th</sup> Street to the east, which is designated as a 'minor arterial' street, Claude Street to the north and Adams Street to the south, which are both designated as a 'local' streets in the Salem Transportation System Plan (TSP). The alley is located on the west side of both parcels.

Internal Streets: There are no internal streets proposed within the development.

Transportation Planning Rule Review: Oregon Administrative Rule (OAR) 660-012-0055(4)(b) states:

Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, must apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule has been adopted.

The City of Salem has not adopted code amendments to fully comply with OAR 660-012-0045(3) or (4), the Oregon Transportation Planning Rule (TPR). The city is currently under periodic review for compliance with those sections of the TPR. Thus, the City of Salem must apply the relevant sections of OAR 660-012-0055(4)(b) to all land use and limited land use decisions. The TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) Mass Transit: The nearest transit service available to the site is provided via Route 7 on Mission Street to the south of the site.
- (b) Pedestrian Connectivity: Improved pedestrian access already exists on the site and surrounding the site.

As an infill proposal, the transportation network in the area is already established. Connections to the existing system are provided by existing streets and existing access to serve the new parcel. The subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

***UDC 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."***

This subsection does not require the submittal of facility construction plans for this partition plan. Final approval requires facilities be made available to serve the site. Cost for the installation and extension of these facilities is the responsibility of the developer.

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the property conforms to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property.

***UDC 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."***

The subdivision code, requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot. The minimum standards in this subsection are meant for residential lots, not lots zoned commercial or industrial.

The proposed lots are of sufficient size and dimensions to permit future development of the subject property

as shown in the findings and on the site plan. The two proposed parcels provide sufficient lot area in order for the developments to meet the minimum lot size, setbacks, and lot coverage, and parking (SRC 133) requirements.

Along the newly created property line, located down the middle of the parking area, there is a 5-foot wide setback (SRC Table 522-4)) required between the vehicular use area and the newly created interior property lines. Therefore, a Class 2-Adjustment has been requested.

***UDC 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 the site, topography, and vegetation will occur from the reasonable development of the parcels."***

SRC Chapter 65 pertains to excavation and fill permits needed for development within public right-of-ways, public utility easements and flood plains. If needed, permits are required at the time of construction. Applicable partition improvements will conform the proposed partition to any applicable requirements of SRC Chapter 65 concerning cuts and fills.

If granted, construction on the site requires the builder to meet the development standards and height restrictions of the Salem Zoning Code. Applicable partition improvements will conform the proposed partitioning to any applicable requirements of SRC Chapter 65 concerning cuts and fills. Construction plans for all public facilities in the partition will be submitted, reviewed and approved for compliance with standards before development.

The subject property is zoned CR. Therefore, a tree conservation plan is not required.

The subject property is flat. No geological assessment is needed.

**Class 2-Adjustment Criteria-SRC 250.005(d)(2) Criteria**

***(A) The purpose underlying the specific development standard proposed for adjustment is:***

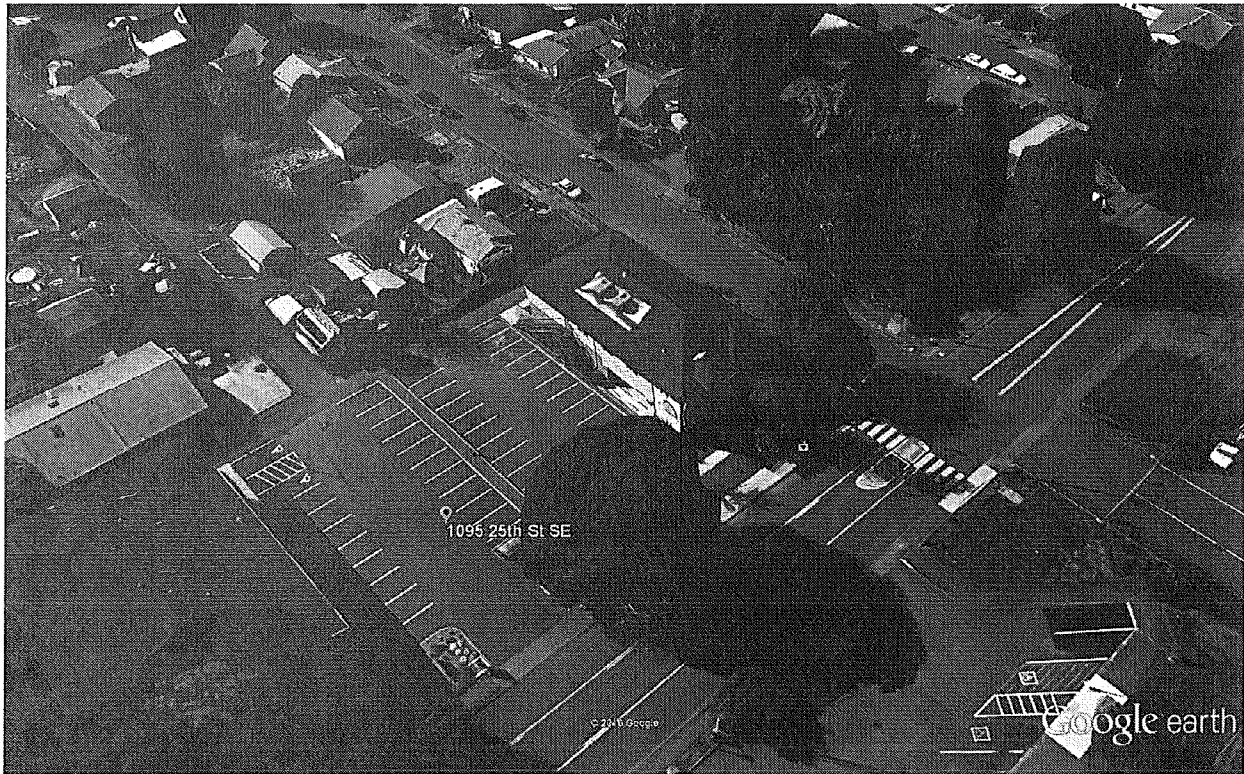
- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

***(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

The applicant has request a Class 2-Adjustment to SRC Table 522-2 and SRC 806.035(c)(3) which requires a 5 feet landscaped setback for parking areas abutting an interior front, side, or rear property line. Along the newly created property line, located down the middle of the parking area, there is a 5-foot wide setback (SRC Table 522-4 and SRC 806.035(c)(3)) required between the vehicular use area and the newly created interior property lines. Therefore, a Class 2-Adjustment to eliminate this landscape setback has been requested.

Code requires the applicant to provide landscaped buffer yards adjacent the property lines running through the parking area. As shown on the site plan, the proposed property lines run through the parking area located within the development. There is a landscape strip located between the parking areas adjacent the new property line. This landscape area will remain and is about 6 feet in width. Which means there will only be a 3-foot wide landscape buffer on Parcel 1 and Parcel 2. However, since it does not meet the code requirements of SRC 806.035(c)(3), the applicant has requested a Class 2-Adjustment.



Applicant Findings:

- (A) The subject property is fully developed with existing commercial buildings. A portion of the parking lot will be included in each parcel. Both lots will have their own parking areas and access onto the existing street system. However, parking will be shared by both parcels. The area adjacent the proposed property line that requires a landscaped bufferyard is located within the parking area. There is an existing landscape buffer area located adjacent the proposed property line. It does not meet the requirements of SRC Chapter 806. However, since a landscape bufferyard of 6 feet in width exists and will remain, the requirement unnecessary. There will be a 3-foot landscape bufferyard provided on each side of the new property line within the existing parking area. The proposed adjustment will have no effect on either parcel. There is no way to add additional landscaping in this area without significantly reducing the number of parking spaces. Therefore, providing landscaped bufferyards adjacent the newly proposed property line and within an existing parking lot is not feasible and clearly inapplicable to the fully developed property.
- (B) The subject property is not located within a residential area. This area is commercial in zoning and use.
- (C) Only one adjustment is being requested.



