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503-588-6173*

**DECISION OF THE PLANNING ADMINISTRATOR  
TENTATIVE PARTITION PLAN / CLASS 2 ADJUSTMENT CASE NO.: PAR-  
ADJ25-07**

**APPLICATION NO.: 24-123531-PLN**

**NOTICE OF DECISION DATE:** June 5, 2025

**REQUEST:** A Tentative Partition Plan to divide a property into three parcels with four Class 2 Adjustments to reduce the five-foot vehicle use area setback along the new property lines within an existing parking lot (SRC 551.010(b)) and a separate Class 2 Adjustment to increase maximum amount of lots served by a flag lot access way from five to seven (SRC 800.025(c)(1)). The subject property is 9.23-acres in size, zoned IC (Industrial Commercial) and located at 650 Hawthorne Avenue SE - 97301 (Marion County Assessor's Map and Tax Lot Number 073W36A00/ 1000).

**APPLICANT:** BRAND Land Use, on behalf of Peregrine Realty Partners, INC (Stephen M. Zotovich, Bradley Lofgren)

**LOCATION:** 650 Hawthorne Ave SE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated June 5, 2025.

**DECISION:** The **Planning Administrator APPROVED** Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ25-07 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 2:** Prior to final plat approval, obtain permits for installation of water services to independently serve each parcel. New meter services shall be installed and private plumbing permits for the new service lines shall be finalized prior to final plat approval. These improvements may be delayed pursuant to an improvement. The following items must be complete prior to executing an Improvement Agreement:
- Payment of permit fees for individual water services to each parcel, including full payment of SDC's for individual meters.
  - Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.

**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**

- Condition 3:** Prior to final plat approval, obtain permits and construct any sewer services necessary to independently serve each parcel to the public system or a private system meeting the criteria of SRC 802.040 and SRC 73.070.
- Condition 4:** Prior to final plat approval, provide a Private Utility Maintenance Agreement or updated CC&R's that meets the standards of SRC 802.040(c) for any private utility systems serving the development site.
- Condition 5:** On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.
- Condition 6:** On the final plat, a storm drainage easement for the shared stormwater facility must be shown and recorded.
- Condition 7:** Prior to final plat approval, dedicate a new easement for the existing 12-inch public water main on the subject to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 8:** On the final plat, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.
- Condition 9:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Hawthorne Avenue SE.
- Condition 10:** Prior to ground disturbing activity for any parcel within the partition, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.
- Condition 11:** Prior to final plat, the applicant shall provide a parking and access agreement or updated CC&Rs for all three parcels.
- Condition 12:** The adjusted setbacks shall only apply to the specific development proposal shown in the attached partition plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by June 24, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>April 1, 2025</u>
Notice of Decision Mailing Date:	<u>June 5, 2025</u>
Decision Effective Date:	<u>June 24, 2025</u>
State Mandate Date:	<u>August 14, 2025</u>

Case Manager: Jacob Brown, [jrbrown@cityofsalem.net](mailto:jrbrown@cityofsalem.net), 503-540-2347

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, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Friday, June 20, 2025. 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 Chapters 205 and 250. 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, 440 Church St SE, Salem, during regular business hours.

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

# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF THE	)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE PARTITION	)	
CASE NO. PAR-ADJ25-07	)	
650 HAWTHORNE AVE SE	)	JUNE 5, 2025

In the matter of the application for a Tentative Partition application submitted by the property owner, Mark Buehler, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

**Summary:** A partition to divide a property into three parcels.

**Request:** A Tentative Partition Plan to divide a property into three parcels with four Class 2 Adjustments to reduce the five-foot vehicle use area setback along the new property lines within an existing parking lot (SRC 551.010(b)) and a separate Class 2 Adjustment to increase maximum amount of lots served by a flag lot access way from five to seven (SRC 800.025(c)(1)). The subject property is 9.23-acres in size, zoned IC (Industrial Commercial) and located at 650 Hawthorne Avenue SE - 97301 (Marion County Assessor's Map and Tax Lot Number 073W36A00/ 1000).

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

## PROCEDURAL FINDINGS

### 1. Background

On November 25, 2025, an application for a Tentative Partition Plan filed proposing to divide a 9.23-acre property located at 650 Hawthorne Avenue SE into three parcels. The proposed partition plan is included as **Attachment B**.

After additional information was provided the application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on April 1, 2025. The 120-day State mandated deadline was extended at the request of the applicant by 14 days to August 13, 2025.

## SUBSTANTIVE FINDINGS

### 2. Proposal

The tentative partition plan proposes to divide the 9.23-acre property into three parcels: Parcel 1 will be 1.98 acres, Parcel 2 will be 4.48 acres, and Parcel 3 will be 2.77 acres with Parcel 1 having frontage on Hawthorne Avenue SE. There are three structures occupied with offices and shared parking across the development. The proposed partition will separate the property

with each existing building being located on a separate parcel, with a shared vehicle use area between them. Because the newly created property lines will divide the vehicle use area, vehicle use area setbacks to the new property line will not be met and the applicant has requested four Class 2 Adjustments to eliminate these setback requirements, addressed in Section 9 of this decision. The three parcels within the tentative partition plan are proposed as follows:

### **PROPOSED PARCEL 1**

Parcel Size: 1.98 acres  
Parcel Dimensions: Approximately 250 feet in width and 220 feet in depth

### **PROPOSED PARCEL 2**

Parcel Size: 4.48 acres  
Parcel Dimensions: Irregular shaped parcel with approximately 250 feet in width and 750 feet in depth

### **PROPOSED PARCEL 3**

Parcel Size: 2.77 acres  
Parcel Dimensions: Approximately 270 feet in width and 450 feet in depth

## **3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24-123531.

## **4. Existing Conditions**

### **Site and Vicinity**

The subject property has approximately 417 feet of frontage on Hawthorne Avenue SE, is currently an irregular shaped parcel with width extending from east property boundaries of Proposed Parcel 1 and Tax lot 10001, and depth extending a maximum of approximately 316 feet from Hawthorne Avenue SE frontage. The existing property is served by 40-foot-wide accessway that serves the subject property and four other lots to the east and north of the accessway. There are three structures occupied with offices and shared parking across the development. The proposed partition will separate the property with each existing building being located on a separate parcel, with a shared vehicle use area between them.

### 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 “Industrial Commercial (IC)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
<b>North</b>	IC – Industrial Commercial
<b>East</b>	IND – Industrial
<b>South</b>	COM – Commercial & PA – Public Amusement
<b>West</b>	Right-of-way for Hawthorne Avenue SE

### Zoning and Surrounding Land Use

The subject property is zoned IC (Industrial Commercial) and is developed with a warehouse and retail shell buildings, currently under construction. The surrounding properties are zoned and used as follows:

Zoning of Surrounding Properties	
<b>North</b>	IC (Industrial Commercial)
<b>East</b>	IBC (Industrial Business Campus)
<b>South</b>	IC (Industrial Commercial)
<b>West</b>	Right-of-way for Hawthorne Avenue SE

### Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

### Infrastructure

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

Streets			
Street Name		Right-of-way Width	Improvement Width
	Standard:	96-feet	68-feet

<b>Hawthorne Avenue SE (Major Arterial)</b>	Existing Condition:	100-feet	58-feet
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The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 16-inch water main is located in Hawthorne Avenue SE.
	A 12-inch water main is located in the flag lot accessway (Creekside Corporate Center).
Sanitary Sewer	A 12-inch sanitary sewer main is located in Hawthorne Avenue SE north of the subject property.
	A private sanitary sewer line is located in the flaglot accessway (Creekside Corporate Center).
Storm Drainage	A 10-inch storm main is located in Hawthorne Avenue SE.

5. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Southeast Salem Neighborhood Association (SESNA).

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. On November 7, 2024, the applicant contacted the Southeast Salem Neighborhood Association to provide details about the proposal.

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.” As of the date of completion of this staff report, no comments were received from the Neighborhood Association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. As of the date of completion of this staff report, no comments were received from the public.

## 6. City Department Comments

Development Services Division – Reviewed the proposal and has provided comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

Building and Safety Division – Reviewed the proposal and indicated no concerns.

Fire Department – Reviewed the proposal and indicated no concerns.

## 7. Public Agency and Private Service Provider Comments

No public agencies provided comments.

### **DECISION CRITERIA**

## 8. Analysis of Tentative Partition Plan Approval Criteria

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 of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to 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:

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 IC (Industrial Commercial). The following is an analysis of the applicable standards of the IC zone, and other applicable provisions of the UDC specific to the proposed tentative partition plan, as required by this approval criterion. 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 land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to City staff signing the final partition plat.

**Finding:** The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC. If said



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

### ***SRC Chapter 551 – IC (Industrial Commercial) Zone***

#### ▪ ***Lot Standards:***

Lot size and dimension standards within the IC zone are established in SRC 511.010(b), Table 551-2. A summary of the standards applicable to existing development on the subject property.

Requirement	Minimum Standard
Lot Area (All uses)	None
Lot Width (All uses)	None
Lot Depth (All uses)	None
Street Frontage (All uses)	Min. 16 feet

**Finding:** As shown on the tentative partition plan (**Attachment B**), proposed parcels measure 1.98, 4.48, 2.77 acres in size with varying lot dimensions. Each parcel will be served via an existing 40-foot-wide flag lot accessway; therefore, street frontage requirements are not applicable. The proposed parcels meet the applicable lot area, width, depth, and street frontage standards.

The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zone.

#### ▪ ***Setbacks:***

Setbacks for all uses within the IC zone are established in 551.010(b), Table 551-3.

Requirement	Standard	
Abutting Street	Buildings	5 feet
	Vehicle Use Areas	Per SRC 806
Interior Front, Side, and Rear	Buildings	Zone-to-zone, Table 552-4
	Vehicle Use Areas	Zone-to-zone, Table 552-4

**Finding:** The subject property abuts Hawthorne Avenue SE to the west. The existing development of the property is not proposed to be modified and includes three multistory

office buildings and off-street parking area. The proposed partition will result in each structure to be located on one parcel with the off-street parking area to be divided across the partition parcels. Per Table 551-4, there are no building setbacks abutting another IC zoned property and vehicle use areas require a minimum five-foot setback. The proposed partition will divide the property through the vehicle use area, requiring a five-foot setback on either side. The applicant has requested a Class 2 Adjustment to eliminate this setback standard, addressed in Section 9 of this report. With approval of the requested Adjustment, the proposed parcels will meet all applicable setbacks of the IC zone.

▪ ***Lot Coverage:***

Maximum lot coverage requirements within the IC zone are established under SRC 551.010(d), Table 551-5. There is no maximum lot coverage and the maximum height for all buildings and accessory structures is 70 feet.

**Finding:** The existing development is not proposed to be modified under this proposal as such the maximum height standard is not applicable.

***SRC Chapter 800 – General Development Standard***

▪ ***Flag Lots***

*SRC 800.025(c) – Flag Lot Accessways*

Establishes standards for flag lots and the flag lot accessways that serve them, and SRC 800.025(c), Table 800-1 limits the maximum length and width for a flag lot accessway based on the number of units to be served by the accessway.

**Finding:** The proposal includes one flag lot, Lot 5, with one duplex proposed to be served by the flag lot accessway. The site plan indicates an accessway approximately 150 feet long and 25 feet wide, with 22 feet of paved width. As conditioned above, prior to final plat, the tentative subdivision plan shall be revised so that the accessway is extended 13 feet to meet the front property line of Lot 5. As measured from here, the flag lot accessway will be 163 feet. While only Lot 5 is a flag lot, the accessway is proposed to serve Lots 2 and 3, which are also proposed to be developed with duplexes, for a total of six units. The flag lot accessway is within the maximum 400-foot length of serving three to four units.

*SRC 800.025(c)(1) – Maximum development served by flag lot accessway*

A maximum of four lots may be served by a flag lot accessway. For residential lots created after November 28, 2022, a maximum of four residential units may be served by the flag lot accessway.

**Finding:** The existing property is served by a 40-foot-wide flag accessway currently serving as access to Hawthorne Avenue SE for five parcels. The proposed development does not propose to modify the existing accessway; however, will be partitioning an existing parcel served by the accessway into three parcels. The proposal exceeds the maximum number of lots served by a flag lot accessway, for which the applicant has requested a Class 2 Adjustment to this standard, addressed in Section 9 of this decision.

*SRC 800.025(d) – Parking prohibited on flag lot accessways*

Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway.

**Finding:** The existing accessway has already been marked to show no parking on both sides of the accessway. Therefore, this standard is met.

***(A) City Infrastructure Standards.***

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

***SRC Chapter 200 – Urban Growth Management***

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

**Finding:** The subject property is located outside of the Urban Service Area. The proposal of partitioning does not meet the definition of "development" in SRC Chapter 200; therefore, no UGA permit is required. Future development on the subject property may require an UGA.

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

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

**Finding:** As described in the analysis of SRC Chapter 802 below, easements are required to be dedicated for public infrastructure serving the proposed parcels. As a condition of approval, the applicant shall ensure all required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition 1:** Prior to final plat approval, required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

***SRC Chapter 71 – Stormwater***

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

**Finding:** The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. The three existing buildings were constructed between 1998 and 2003 and contain a shared stormwater facility capturing runoff from each building and the shared off-street parking to Mill Creek. If at

such time the property is redeveloped, a stormwater management system would be required to meet the standards in effect at time of redevelopment.

▪ ***Private stormwater, wastewater, and water systems:***

SRC 802.040 allows private stormwater, wastewater, and water systems under certain circumstances.

**Finding:** Private water collection systems are not permitted under SRC 802.040 for the proposed use. Private sanitary sewer and stormwater systems are allowed per SRC 802.040. The proposed public and private utility systems are described based on each utility type:

**Water** – Currently, all three existing buildings are served by one water meter and service line from the 12" public water main located in the flaglot accessway (Creekside Corporate Center). Each building located on its own parcel is required to have an independent water connection as a private collection system is not permitted per SRC 802.040. The applicant indicates that the assumed water connection points are as follows:

*650 Hawthorne Avenue SE (Proposed Parcel 3) – This building will be served by a new service line and meter connecting to the public water main in the private access easement (Creekside Corporate Center).*

*660 Hawthorne Avenue SE (Proposed Parcel 2) – This building will be served by a new service line and meter connecting to the public water main in the private access easement (Creekside Corporate Center).*

*670 Hawthorne Avenue SE (Proposed Parcel 1) – This building does not have frontage along the private access easement, instead this building will be served by a new service line and meter connecting to the public water main in Hawthorne Avenue SE.*

The applicant shall either complete all necessary water system improvements prior to final plat or enter into an improvement agreement with the city. If the applicant chooses to enter into an Improvement Agreement, the following items must be complete prior to executing an Improvement Agreement:

- Payment of permit fees for individual water services to each parcel, including full payment of SDC's for individual meters.
- Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.

The Improvement Agreement will require a tangible security pursuant to SRC 110.100, equal to 100% of the estimate costs of improvements to separate water services to each parcel.

**Condition 2:** Prior to final plat approval, obtain permits for installation of water services to independently serve each parcel. New meter services shall be installed and private plumbing permits for the new service lines shall be finalized prior to final plat approval. These improvements may be delayed pursuant to an improvement. The following items must be complete prior to executing an Improvement Agreement:

- Payment of permit fees for individual water services to each parcel, including full payment of SDC's for individual meters.

- Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.

**Sewer** – Currently, all three existing buildings are served by an existing private wastewater collection system which discharges to the public sewer main located in Hawthorne Avenue SE. SRC 73.065 provides that the wastewater system of each new building shall be separate and independent from that of any other building. Private wastewater systems are permitted under SRC 802.040 and SRC 73.070, provided compliance with the chapters can be demonstrated. The applicant has not provided a utility plan showing how each building is independently connected to a public or private collection system. Prior to final plat approval the applicant is required to demonstrate that separate and independent connections to the public wastewater collection system are, or will be, provided for each building..

**Condition 3:** Prior to final plat approval, obtain permits and construct any sewer services necessary to independently serve each parcel to the public system or a private system meeting the criteria of SRC 802.040 and SRC 73.070.

**Stormwater** - The three existing buildings were constructed between 1998 and 2003 and contain a shared stormwater facility capturing runoff from each building and the shared off-street parking to Mill Creek. With this land division, portions of the existing stormwater facility will be split between each of the three parcels. Private storm systems are permitted under SRC 802.040 with appropriate easements and agreements, conditioned within the decision.

**Private Utility Access Agreements** – Pursuant to SRC 802.040, when a proposed private utility system serves multiple properties under separate ownership, an agreement is required to ensure the development has a perpetual right of access to maintain the system, and that the persons served by the system are responsible for repairs. As a condition of approval, the applicant shall provide a Private Utility Maintenance Agreement that complies with SRC Chapter 802.040 for all private systems (stormwater and sanitary sewer). Updated CC&R's including an agreement between the utility owner and the property owners served by the system for access and maintenance in compliance with SRC 802.040 may also satisfy this requirement.

**Condition 4:** Prior to final plat approval, provide a Private Utility Maintenance Agreement or updated CC&R's that meets the standards of SRC 802.040(c) for any private utility systems serving the development site.

▪ **Easements:**

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

**Finding:** As described above, private stormwater and sanitary sewer systems will cross the new property lines. Additionally, easements may be required for water service to each parcel. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition 5:** On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.

**Condition 6:** On the final plat, a storm drainage easement for the shared stormwater facility must be shown and recorded.

There is an existing public 12" water main that runs within the access easement (Creekside Corporate Center), located partially on the subject property. Records indicate the easement has a total width of 10 feet. Public Works Design Standards Section 1.8 (Easements) requires a 20-foot-wide easement for water mains between 12-48 inches in diameter. As a condition of approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the PWDS.

**Condition 7:** Prior to final plat approval, dedicate a new easement for the existing 12-inch public water main on the subject to current standards in Public Works Design Standards Section 1.8 (Easements).

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

▪ ***Watercourses:***

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

**Finding:** Mill Creek runs along the southern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. According to PWDS 1.8(d) and SRC 802.030(b), open channel easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.

**Condition 8:** On the final plat, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.

***SRC Chapter 802 – Public Improvements***

▪ ***Development to be served by City utilities:***

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

**Finding:** Public water, sanitary sewer, and stormwater 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 utility plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

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

### **▪ *Boundary Street Improvements***

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

**Finding:** Hawthorne Avenue SE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). The ultimate right-of-way width for a major arterial street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a major arterial is 68 feet according to SRC 803.025 Table 803-2 (Pavement Width). Hawthorne Avenue SE has an existing right-of-way width of approximately 100 feet meeting the current standard but has an existing 58-foot-wide improvement, which does not meet the improvement width standard for a major arterial street. The subject property contains three existing separate buildings, the proposed partition will divide the property so that each building is on its own parcel, no other development is occurring at this time. If at such time further development occurs on the resulting parcels, boundary street improvements may be required as a condition of approval if the criteria of SRC 803.040 are met.

### **▪ *Street Trees***

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

**Finding:** There are existing street trees located along the frontage of Hawthorne Avenue SE in compliance with the requirements of SRC Chapter 86, no additional street trees are required at this time.

### **▪ *Public Utility Easements***

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

**Finding:** As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Hawthorne Avenue SE.

**Condition 9:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Hawthorne Avenue SE.

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

### ***SRC Chapter 601 – Floodplain***

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flow water discharges and to minimize danger to life and property.

**Finding:** The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit at time of Building Permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

### ***SRC Chapter 809 – Wetlands***

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

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way.

### ***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 single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more diameter at breast height (DBH), and possesses an upright arrangement of branches and leaves."

**Finding:** The proposed partition is not for the creation of lots or parcels to be used for residential uses; therefore, this section is not applicable.

### ***SRC Chapter 810 – Landslide Hazards***

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

**Finding:** According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The activity susceptibility rating for a partition adds 2 activity points, which results in a total of 5 points indicating a moderate landslide risk. A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property contains three existing commercial buildings, the applicant’s proposal is to divide the property so that each of the buildings is on its own separate parcel. Because no



portion of a mapped landslide hazard area is proposed to be disturbed with the partition, a geological assessment is not required at this time.

Upon future ground disturbing activities, including but not limited to trenching for new utility connections, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment, or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.

**Condition 10:** Prior to ground disturbing activity for any parcel within the partition, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.

***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 subject property is fully developed as part of the Creekside Corporate Center business complex, with existing development served by an existing shared private accessway. The proposed partition simply divides an existing parcel that is developed with three existing buildings. Mill Creek along the southern boundary, Interstate 5 to the east, and abutting natural areas that are within the floodplain or wetlands provide barriers to future street connectivity with adjacent land. The tentative partition maintains access to existing buildings in the complex utilizing the shared accessway and does not otherwise impede future access to developable adjacent land. This approval criterion is met.

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

**Finding:** The Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

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

**Finding:** As described in the findings above, the subject property is located adjacent to Hawthorne Avenue SE, which is classified as a major arterial street under the City's Transportation System Plan (TSP). Hawthorne Avenue SE does not currently meet standards for a major arterial street; however, improvements to Hawthorne Avenue SE are not warranted with this partition application. As conditioned, improvements to Hawthorne Avenue SE will be required at the time of future development. This criterion is met.

***SRC 200.005(d)(5): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***

**(C) *The proposed parcels are at least 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.

## **9. Analysis of Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 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) Equally or better met by the proposed development.***

**Finding:**

*Reduce the five-foot vehicle use area setback along the new property lines within an existing parking lot (SRC 551.010(b))*

The applicant is requesting four Class 2 Adjustments to eliminate the vehicle use area setback and landscaping on either side of the three newly partitioned parcels, as required by SRC 551.010(c). The proposed partition will divide a property with an existing shared vehicle use area between the three parcels. Per SRC 521.010(c), Table 551-3 and Table 551-4, vehicle use areas within the IC zone require a minimum five-foot setback abutting other IC zoned property.

The intent of the setback is to provide separation between vehicle use areas and break up the mass of new paved surfaces with landscaping. Because the property was developed with a shared vehicle use area and common landscaping, the new property lines create a required setback on either side, which would require redesign and eliminate much of the already developed parking area. As such, the applicant has requested a Class 2 Adjustment to eliminate this setback on either side of the new property line of the vehicle use area. Although not along the proposed property lines, the existing parking area contains contiguous landscape areas planted with shade providing tree species with each row of parking. In addition, there are large open landscape areas around the existing buildings therefore providing effective break up of the mass of the paved area. Furthermore, as indicated by the applicants plans, each resulting parcel will contain landscaping area covering more than half of the parcel's area. To ensure that the parking area will be able to continue to operate as one area following the partition, the following is conditioned:

**Condition 11:** Prior to final plat, the applicant shall provide a parking and access agreement or updated CC&Rs for all three parcels.

Given the existing development of the vehicle use area, which included landscaping in excess of the minimum required, the proposal equally meets the intent of the provision and is in compliance with the approval criterion.

*Increase maximum amount of lots served by a flag lot access way from five to seven (SRC 800.025(c)(1)).*

The applicant is requesting a Class 2 Adjustments to increase the number of lots served by a flag lot access way from five to seven. Currently, five lots are served by the 40-foot-wide accessway which provides access to Hawthorne Avenue SE. Per SRC 800.025(c)(1), the number of non-residential lots that can be served by an accessway is four. The existing accessway was allowed to increase the number of lots served by an accessway originally under PAR-ADJ15-01 which increased the number of lots served from four to five. As indicated in that approval, the surrounding development utilizing the accessway is the Creekside Corporate Center which contains various existing offices and hotels. Fire current application and prior partition of the Creekside Corporate Center and has not indicated any concerns with the proposed partition or regarding the accessway. As the existing accessway provides safe and convenient access to the development, the proposal equally meets the purpose of the standard. The proposal meet this criterion.

***SRC 250.005(d)(2)(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 located within an IC (Industrial Commercial) zone; therefore, the criterion is not applicable.

***SRC 250.005(d)(2)(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.***

**Finding:** Four separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 12:** The adjusted setbacks shall only apply to the specific development proposal shown in the attached partition plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

## **10. Conclusion**

Based upon review of SRC 205.005 and 250.005 and the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

**IT IS HEREBY ORDERED**

Final approval of Tentative Partition Plan, Case No. PAR-ADJ25-07, is hereby **APPROVED** subject to SRC Chapter 205 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval, required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 2:** Prior to final plat approval, obtain permits for installation of water services to independently serve each parcel. New meter services shall be installed and private plumbing permits for the new service lines shall be finalized prior to final plat approval. These improvements may be delayed pursuant to an improvement. The following items must be complete prior to executing an Improvement Agreement:
- Payment of permit fees for individual water services to each parcel, including full payment of SDC's for individual meters.
  - Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.
- Condition 3:** Prior to final plat approval, obtain permits and construct any sewer services necessary to independently serve each parcel to the public system or a private system meeting the criteria of SRC 802.040 and SRC 73.070.
- Condition 4:** Prior to final plat approval, provide a Private Utility Maintenance Agreement or updated CC&R's that meets the standards of SRC 802.040(c) for any private utility systems serving the development site.
- Condition 5:** On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.
- Condition 6:** On the final plat, a storm drainage easement for the shared stormwater facility must be shown and recorded.
- Condition 7:** Prior to final plat approval, dedicate a new easement for the existing 12-inch public water main on the subject to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 8:** On the final plat, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.
- Condition 9:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Hawthorne Avenue SE.

- Condition 10:** Prior to ground disturbing activity for any parcel within the partition, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.
- Condition 11:** Prior to final plat, the applicant shall provide a parking and access agreement or updated CC&Rs for all three parcels.
- Condition 12:** The adjusted setbacks shall only apply to the specific development proposal shown in the attached partition plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.



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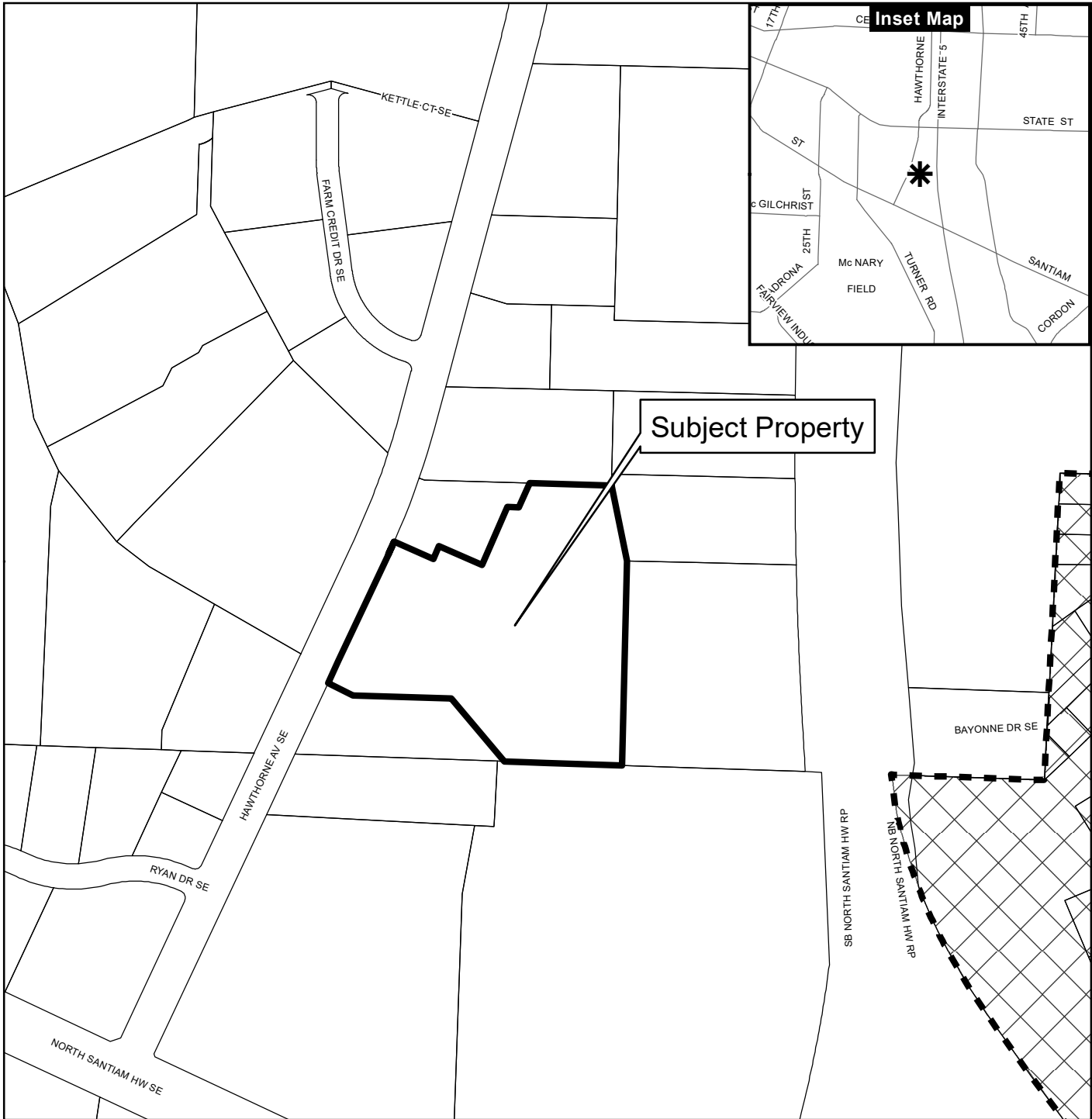
Jacob Brown, Planner II, on behalf of,  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Applicant's Tentative Partition Plan
- C. City of Salem Development Services Memo

# Vicinity Map

## 650 Hawthorne Avenue SE



**Legend**

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

Parks



0 100 200 400 Feet

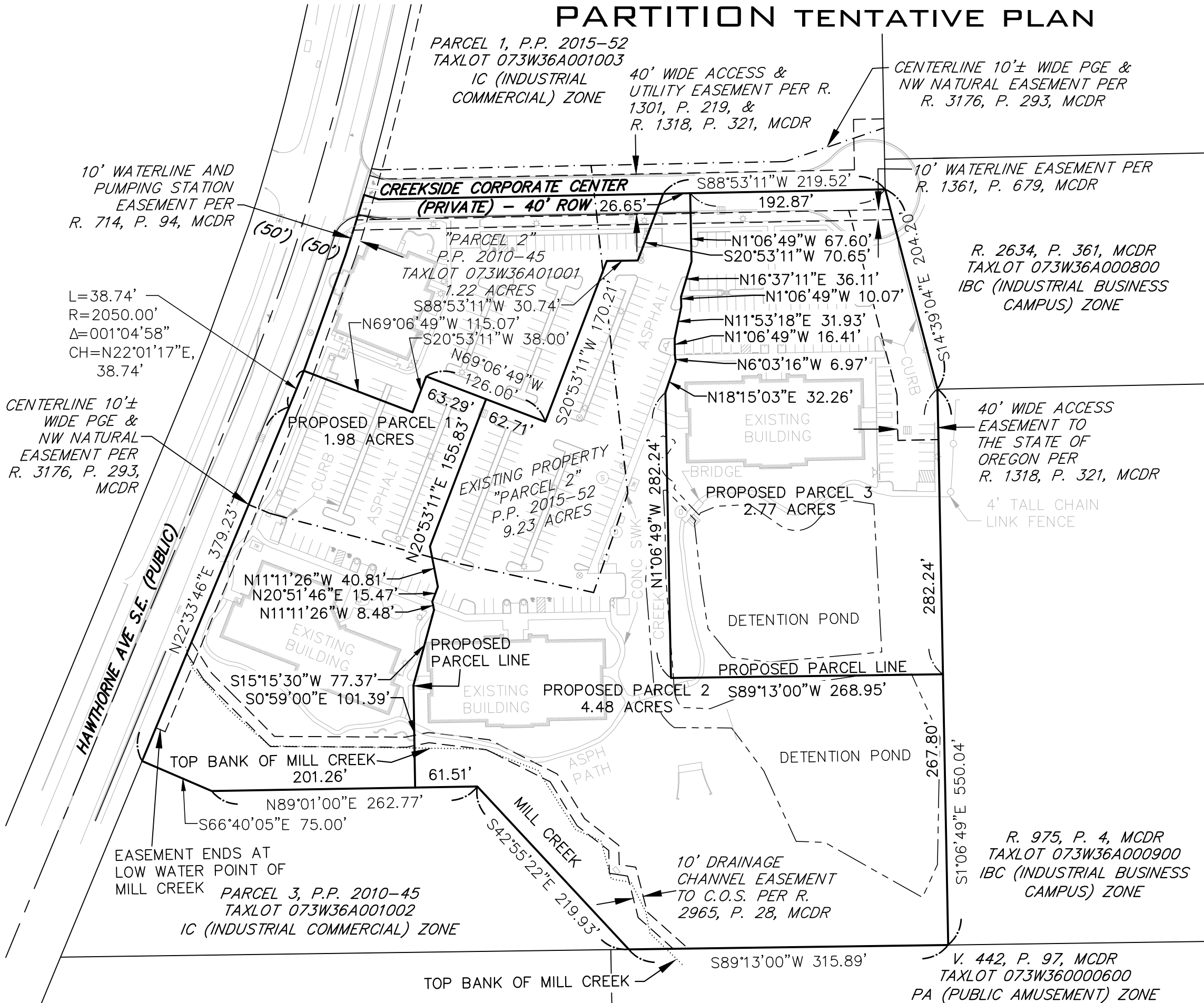


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PARTITION TENTATIVE PLAN



1" = 100'



**DATE**  
NOVEMBER 4TH, 2024

**LOCATION**  
IN THE N.E. 1/4 OF SECTION 36, T. 7 S.,  
R. 3 W., W.M., CITY OF SALEM, MARION  
COUNTY, OREGON

**ADDRESS**  
660 HAWTHORNE AVE SE

**OWNER**  
CREEKSIDE CORPORATE CENTER  
INVESTORS 46.ET AL  
1201 DOVE ST STE 650  
NEWPORT BEACH, CA 92660

**TAX LOT**  
073W36A001000

**ZONING:**  
IC (INDUSTRIAL COMMERCIAL)

**SURVEYOR:**  
BRAD R. HARRIS  
3657 KASHMIR WAY SE  
SALEM OR 97317

**TOTAL AREA:**  
9.23 ACRES

**LANDSCAPE AREA TOTALS**

	PARCEL1	PARCEL2	PARCEL3
AREA (ACRES)	1.98	4.48	2.77
LANDSCAPE	1.06	3.09	1.59
	53.5%	69.0%	57.4%

SYMBOLS

	CATCH BASIN		MANHOLE STORM DRAIN
	FIRE HYDRANT		MANHOLE SANITARY SEWER
	FIRE DEPT. CONNECT		LIGHT POLE
	WATER VALVE		POWER TRANSFORMER



# MEMO

**TO:** Jacob Brown, Planner II  
Community Planning and Development Department

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

**DATE:** May 30, 2025

**Infrastructure Memo**  
**PAR-ADJ 25-07 (24-123531-PLN)**  
**650 Hawthorne Avenue SE**  
**Three-Parcel Partition**

## PROPOSAL

A Tentative Partition Plan to divide a property into three parcels with four Class 2 Adjustments to reduce the five-foot vehicle use area setback along the new property lines within an existing parking lot (SRC 551.010(b)) and a separate Class 2 Adjustment to increase maximum amount of lots served by a flag lot access way from five to seven (SRC 800.025(c)(1)). The subject property is 9.23-acres in size, zoned IC (Industrial Commercial) and located at 650 Hawthorne Avenue SE - 97301 (Marion County Assessors Map and Tax Lot Number 073W36A00/ 1000).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to final plat approval, required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. Prior to final plat approval, obtain permits for installation of water services to independently serve each parcel. New meter services shall be installed and private plumbing permits for the new service lines shall be finalized prior to final plat approval. These improvements may be delayed pursuant to an improvement. The following items must be complete prior to executing an Improvement Agreement:
  - Payment of permit fees for individual water services to each parcel, including full payment of SDC's for individual meters.
  - Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.



3. Prior to final plat approval, obtain permits and construct any sewer services necessary to independently serve each parcel to the public system or a private system meeting the criteria of SRC 802.040 and SRC 73.070.
4. Prior to final plat approval, provide a Private Utility Maintenance Agreement or updated CC&R's that meets the standards of SRC 802.040(c) for any private utility systems serving the development site.
5. On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.
6. On the final plat, a storm drainage easement for the shared stormwater facility must be shown and recorded.
7. Prior to final plat approval, dedicate a new easement for the existing 12-inch public water main on the subject to current standards in Public Works Design Standards Section 1.8 (Easements).
8. On the final plat, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.
9. On the final plat, provide a 10-foot-wide public utility easement along the frontage of Hawthorne Avenue SE.
10. Prior to ground disturbing activity for any parcel within the partition, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.

### **DECISION CRITERIA**

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

***SRC 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC:***

### **City Platting Standards**

#### ***SRC Chapter 205 – Land Division and Reconfiguration***

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

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

### **City Utility Infrastructure Standards**

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

<b>Utilities</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level: G-0
	A 16-inch water main is located in Hawthorne Avenue SE.
	A 12-inch water main is located in the flag lot accessway (Creekside Corporate Center).
<b>Sanitary Sewer</b>	A 12-inch sanitary sewer main is located in Hawthorne Avenue SE north of the subject property.
	A private sanitary sewer line is located in the flaglot accessway (Creekside Corporate Center).
<b>Storm Drainage</b>	A 10-inch storm main is located in Hawthorne Avenue SE.

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

infrastructure improvements are as follows:

### ***SRC Chapter 200 – Urban Growth Management***

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

**Finding:** The subject property is located outside of the Urban Service Area. The proposal of partitioning does not meet the definition of “development” in SRC Chapter 200; therefore, no UGA permit is required. Future development on the subject property may require an UGA.

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

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

**Finding:** As described in the analysis of SRC Chapter 802 below, easements are required to be dedicated for public infrastructure serving the proposed parcels. As a condition of approval, the applicant shall ensure all required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition:** Prior to final plat approval, required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

### ***SRC Chapter 71 – Stormwater***

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

**Finding:** The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. The three existing buildings were constructed between 1998 and 2003 and contain a shared stormwater facility capturing runoff from each building and the shared off-street parking to Mill Creek. If at such time the property is redeveloped, a stormwater management system would be required to meet the standards in effect at time of redevelopment.

### ***SRC Chapter 802 – Public Improvements***

#### **▪ *Development to be served by City utilities:***

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

**Finding:** Public water, sanitary sewer, and stormwater 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 utility plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

▪ ***Private stormwater, wastewater, and water systems:***

SRC 802.040 allows private stormwater, wastewater, and water systems under certain circumstances.

**Finding:** Private water collection systems are not permitted under SRC 802.040 for the proposed use. Private sanitary sewer and stormwater systems are allowed per SRC 802.040. The proposed public and private utility systems are described based on each utility type:

**Water** – Currently, all three existing buildings are served by one water meter and service line from the 12" public water main located in the flaglot accessway (Creekside Corporate Center). Each building located on its own parcel is required to have an independent water connection as a private collection system is not permitted per SRC 802.040. The applicant indicates that the assumed water connection points are as follows:

*650 Hawthorne Avenue SE (Proposed Parcel 3) – This building will be served by a new service line and meter connecting to the public water main in the private access easement (Creekside Corporate Center).*

*660 Hawthorne Avenue SE (Proposed Parcel 2) – This building will be served by a new service line and meter connecting to the public water main in the private access easement (Creekside Corporate Center).*

*670 Hawthorne Avenue SE (Proposed Parcel 1) – This building does not have frontage along the private access easement, instead this building will be served by a new service line and meter connecting to the public water main in Hawthorne Avenue SE.*

The applicant shall either complete all necessary water system improvements prior to final plat or enter into an improvement agreement with the city. If the applicant chooses to enter into an Improvement Agreement, the following items must be complete prior to executing an Improvement Agreement:

- Payment of permit fees for individual water services to each parcel, including full

- payment of SDC's for individual meters.
- Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.

The Improvement Agreement will require a tangible security pursuant to SRC 110.100, equal to 100% of the estimate costs of improvements to separate water services to each parcel.

**Condition:** Prior to final plat approval, obtain permits for installation of water services to independently serve each parcel. New meter services shall be installed and private plumbing permits for the new service lines shall be finalized prior to final plat approval. These improvements may be delayed pursuant to an improvement. The following items must be complete prior to executing an Improvement Agreement:

- Payment of permit fees for individual water services to each parcel, including full payment of SDC's for individual meters.
- Submittal of a proposed construction schedule for required improvements, including start and completion dates, and identifying the contractor.

**Sewer** – Currently, all three existing buildings are served by an existing private wastewater collection system which discharges to the public sewer main located in Hawthorne Avenue SE. SRC 73.065 provides that the wastewater system of each new building shall be separate and independent from that of any other building. Private wastewater systems are permitted under SRC 802.040 and SRC 73.070, provided compliance with the chapters can be demonstrated. The applicant has not provided a utility plan showing how each building is independently connected to a public or private collection system. Prior to final plat approval the applicant is required to demonstrate that separate and independent connections to the public wastewater collection system are, or will be, provided for each building.

**Condition:** Prior to final plat approval, obtain permits and construct any sewer services necessary to independently serve each parcel to the public system or a private system meeting the criteria of SRC 802.040 and SRC 73.070.

**Stormwater** – The three existing buildings were constructed between 1998 and 2003 and contain a shared stormwater facility capturing runoff from each building and the shared off-street parking to Mill Creek. With this land division, portions of the existing stormwater facility will be split between each of the three parcels. Private storm systems are permitted under SRC 802.040 with appropriate easements and agreements, conditioned within the decision.

**Private Utility Access Agreements** – Pursuant to SRC 802.040, when a proposed private utility system serves multiple properties under separate ownership, an

agreement is required to ensure the development has a perpetual right of access to maintain the system, and that the persons served by the system are responsible for repairs. As a condition of approval, the applicant shall provide a Private Utility Maintenance Agreement that complies with SRC Chapter 802.040 for all private systems (stormwater and sanitary sewer). Updated CC&R's including an agreement between the utility owner and the property owners served by the system for access and maintenance in compliance with SRC 802.040 may also satisfy this requirement.

**Condition:** Prior to final plat approval, provide a Private Utility Maintenance Agreement or updated CC&R's that meets the standards of SRC 802.040(c) for any private utility systems serving the development site.

▪ ***Easements:***

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

**Finding:** As described above, private stormwater and sanitary sewer systems will cross the new property lines. Additionally, easements may be required for water service to each parcel. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition:** On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.

**Condition:** On the final plat, a storm drainage easement for the shared stormwater facility must be shown and recorded.

There is an existing public 12" water main that runs within the access easement (Creekside Corporate Center), located partially on the subject property. Records indicate the easement has a total width of 10 feet. Public Works Design Standards Section 1.8 (Easements) requires a 20-foot-wide easement for water mains between 12-48 inches in diameter. As a condition of approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the PWDS.

**Condition:** Prior to final plat approval, dedicate a new easement for the existing 12-inch public water main on the subject to current standards in Public Works Design Standards Section 1.8 (Easements).

▪ ***Watercourses:***

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

**Finding:** Mill Creek runs along the southern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. According to PWDS 1.8(d) and SRC 802.030(b), open channel easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.

**Condition:** On the final plat, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.

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

### **City Street and Right-of-way Standards**

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Hawthorne Avenue SE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	100-feet	58-feet

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

#### **▪ Boundary Street Improvements**

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

**Finding:** Hawthorne Avenue SE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). The ultimate right-of-way width for a major arterial street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a major arterial is 68 feet according to SRC 803.025 Table 803-2 (Pavement Width). Hawthorne Avenue SE has an existing right-of-way width of approximately 100 feet meeting the current standard but has an existing 58-foot-wide improvement, which does not meet the

improvement width standard for a major arterial street. The subject property contains three existing separate buildings, the proposed partition will divide the property so that each building is on its own parcel, no other development is occurring at this time. If at such time further development occurs on the resulting parcels, boundary street improvements may be required as a condition of approval if the criteria of SRC 803.040 are met.

▪ ***Street Trees***

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

**Finding:** There are existing street trees located along the frontage of Hawthorne Avenue SE in compliance with the requirements of SRC Chapter 86, no additional street trees are required at this time.

▪ ***Public Utility Easements***

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

**Finding:** As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Hawthorne Avenue SE.

**Condition:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Hawthorne Avenue SE.

**Natural Resources**

***SRC Chapter 601 – Floodplain***

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flow water discharges and to minimize danger to life and property.

**Finding:** The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit at time of Building Permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

***SRC Chapter 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal



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

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way.

### ***SRC Chapter 810 – Landslide Hazards***

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

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The activity susceptibility rating for a partition adds 2 activity points, which results in a total of 5 points indicating a moderate landslide risk. A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property contains three existing commercial buildings, the applicant's proposal is to divide the property so that each of the buildings is on its own separate parcel. Because no portion of a mapped landslide hazard area is proposed to be disturbed with the partition, a geological assessment is not required at this time.

Upon future ground disturbing activities, including but not limited to trenching for new utility connections, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment, or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.

**Condition:** Prior to ground disturbing activity for any parcel within the partition, the developer shall demonstrate compliance with SRC Chapter 810 by either providing a geological assessment or submitting a statement from an engineer demonstrating that development proposed is a low landslide hazard risk based on SRC Chapter 810.

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

**Finding:** The subject property is fully developed as part of the Creekside Corporate

Center business complex, with existing development served by an existing shared private accessway. The proposed partition simply divides an existing parcel that is developed with three existing buildings. Mill Creek along the southern boundary, Interstate 5 to the east, and abutting natural areas that are within the floodplain or wetlands provide barriers to future street connectivity with adjacent land. The tentative partition maintains access to existing buildings in the complex utilizing the shared accessway and does not otherwise impede future access to developable adjacent land. This approval criterion is met.

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

**Finding:** The Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

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

**Finding:** As described in the findings above, the subject property is located adjacent to Hawthorne Avenue SE, which is classified as a major arterial street under the City's Transportation System Plan (TSP). Hawthorne Avenue SE does not currently meet standards for a major arterial street; however, improvements to Hawthorne Avenue SE are not warranted with this partition application. As conditioned, improvements to Hawthorne Avenue SE will be required at the time of future development. This criterion is met.

***SRC 205.005(d)(5): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

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

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

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cc: File