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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION TENTATIVE PLAN / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ24-06

APPLICATION NO.: 24-102934-PLN

NOTICE OF DECISION DATE: April 16, 2024

REQUEST: A Tentative Partition Plan to divide a property into two parcels 1.22-acres in size and the other 0.88-acres in size with two Class 2 Adjustments to reduce the 10-foot vehicle use area setback within an existing parking lot. The subject property is 2.1-acres in size, zoned IC (Industrial Commercial) and located at 4080 Fairview Industrial Dr SE - 97302 (Marion County Assessor's Map and Tax Lot Number 083W12A000806).

APPLICANT: Mark Buehler, of Wachenberg Investments

LOCATION: 4080 Fairview Industrial Dr SE, Salem OR 97302

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 April 16, 2024.

DECISION: The **Planning Administrator APPROVED** Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ24-06 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, a storm drainage easement for the shared stormwater facility must be shown and recorded on the final plat.
- Condition 2:** Prior to final plat approval record a Private Stormwater Facilities Access Agreement for the common system pursuant to SRC 802.040 and PWDS.
- Condition 3:** Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 4:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Industrial Drive SE on the final plat.
- Condition 5:** 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.

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

The rights granted by the attached decision must be exercised, or an extension granted, by May 2, 2026, or this approval shall be null and void.

Application Deemed Complete: March 20, 2024
Notice of Decision Mailing Date: April 16, 2024
Decision Effective Date: May 2, 2024
State Mandate Date: July 18, 2024

Case Manager: Peter Domine, Planner II, pdomine@cityofsalem.net, 503-540-2311

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Wednesday, May 1, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. 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, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

| | | |
|--|---|---------------------------|
| IN THE MATTER OF THE |) | FINDINGS AND ORDER |
| APPROVAL OF TENTATIVE PARTITION |) | |
| CASE NO. PAR-ADJ24-06 |) | |
| 4080 FAIRVIEW INDUSTRIAL DR SE |) | APRIL 16, 2024 |

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 two parcels with adjustments to reduce vehicle use area setbacks.

Request: A Tentative Partition Plan to divide a property into two parcels 1.22-acres in size and the other 0.88-acres in size with two Class 2 Adjustments to reduce the 10-foot vehicle use area setback within an existing parking lot. The subject property is 2.1-acres in size, zoned IC (Industrial Commercial) and located at 4080 Fairview Industrial Dr SE - 97302 (Marion County Assessor’s Map and Tax Lot Number 083W12A / 806).

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

PROCEDURAL FINDINGS

1. Background

On January 31, 2024, an application for a Tentative Partition Plan filed proposing to divide a 2.1-acre property located at 4080 Fairview Industrial Dr SE into two 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 March 20, 2024. The state-mandated local decision deadline for the application is July 18, 2024.

SUBSTANTIVE FINDINGS

2. Proposal

The tentative partition plan proposes to divide the 2.1-acre property into two parcels: Parcel 1 will be 1.22 acres and Parcel 2 will be 0.88 acres, with Parcel 2 having frontage on Fairview Industrial Dr SE. There is a warehouse building and two retail shell buildings and associated vehicle use area currently under construction, approved under land use Case SPR-ADJ21-28. The proposed partition will separate the property with the warehouse building on Parcel 1 and the two retail shell buildings on Parcel 2, with a shared vehicle use area between them. Because the newly created property line will divide the vehicle use area, vehicle use area

setbacks to the new property line will not be met and the applicant has requested two Class 2 Adjustments to eliminate these setback requirements, addressed in Section 9 of this decision. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 1.22 acres
Parcel Dimensions: Approximately 250 feet in width and 220 feet in depth

PROPOSED PARCEL 2

Parcel Size: 0.88 acres
Parcel Dimensions: Approximately 220 feet in width and 175 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: 24-102934.

4. Existing Conditions

Site and Vicinity

The subject property has approximately 146 feet of frontage on Fairview Industrial Drive SE, is currently approximately 250 feet in width and 390 feet in depth. There are a warehouse and two retail shell buildings and associated vehicle use area currently under construction, approved under land use Case No. SPR-ADJ21-28. The proposed partition will separate the property with the warehouse building on one parcel and the two retail shell buildings on the other, 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 | |
|--|-----------------------|
| North | Industrial |
| East | Industrial Commercial |
| South | Industrial Commercial |

| | |
|-------------|---|
| West | Right-of-way for Fairview Industrial Drive 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 | |
|---|---|
| North | IBC (Industrial Business Campus) |
| East | IC (Industrial Commercial) |
| South | IC (Industrial Commercial) |
| West | Right-of-way for Fairview Industrial Drive SE |

Relationship to Urban Service Area

The subject property lies within the City's 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.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. However, the proposal is a partition application, which does not meet the definition of "development" under SRC Chapter 200, and therefore, no UGA development permit is required for the proposed development.

Infrastructure

Water: The subject property is located within the G-0 water service level. A 12-inch public water main is located in Fairview Industrial Drive SE.

Sewer: An 12-inch sewer main is located in Fairview Industrial Drive SE. The public main extends along the northwestern property line within an easement.

Storm Drainage: An 8-to-15-inch storm main is located in Fairview Industrial Drive SE.

Streets: Fairview Industrial Drive SE:

- a. Standard – This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 52-foot improvement within a 76'-foot-wide right-of-way abutting the subject property.

5. 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.

6. Public Agency and Private Service Provider Comments

No public agencies provided comments.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association.

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 December 17, 2023, the applicant contacted the Morningside 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.

DECISION CRITERIA

8. Analysis of Tentative Partition Plan Approval Criteria

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.035 (Final Plat) requires 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. 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) can be requested.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

The subject property is currently zoned IC (Industrial Commercial) as approved under land use Case No. CPC/ZC11-08, which included the following condition of approval:

Condition 1: All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Yards Adjacent to Other Districts; 5) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting, unless a zoning variance is approved.

The minimum lot area requirements of the IBC zone are established under SRC 552.010(b) as follows:

SRC Chapter 552 – IBC (Industrial Business Campus) Zone

▪ ***Lot Standards:***

Lot size and dimension standards within the RS zone are established in SRC 511.010(b), Table 511-2. A summary of the standards applicable to residential uses within the RS zone is provided in the following table:

| 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 Parcel 1 is 1.22 acres in size and is approximately 250 feet in width and 220 feet in depth and would be an interior lot with access off of a shared driveway. Proposed Parcel 2 is 0.88 acres in size with 146 feet of frontage on Fairview Industrial Drive SE and is approximately 220 feet in width and 175 feet in depth. 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 IBC zone are established in 552.010(c), Table 552-3.

| Requirement | Minimum Standard | Limitations & Qualifications |
|--------------------------------|-------------------|--|
| Abutting Street | Buildings | 40 feet applicable where abutting a street other than an IBC internal street |
| | Vehicle Use Areas | 20 feet |
| 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 Fairview Industrial Drive SE to the southwest. As approved under SPR-ADJ21-28, the buildings and vehicle use areas currently under construction meet all applicable setback standards for the IBC zone. Per Table 552-4, there are no building setbacks abutting an IBC zoned property and vehicle use areas require a minimum ten-foot setback. The proposed partition will divide the property through the vehicle use area, requiring a ten-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 IBC zone.

▪ **Lot Coverage:**

Maximum lot coverage requirements within the IBC zone are established under SRC 552.010(d), Table 552-5. There is no maximum lot coverage and the maximum height for all buildings and accessory structures is 70 feet.

Finding: As approved under SPR-ADJ21-28, the buildings currently under construction meet the applicable lot coverage and height standards, and the proposed partition will not create a nonconformity. The proposal meets the standard.

(B) 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 inside the Urban Service Area and adequate facilities are available; therefore, no Urban Growth Area permit is required.

(C) 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: Development Services staff has reviewed the Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulated floodplain or floodway areas exist on the subject property.

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 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC

Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

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, there are no areas of landslide susceptibility on the subject property.

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

Finding: The proposed partition would divide the 2.1-acre property into two parcels, both of which are currently being developed for a warehouse building and two retail shell buildings, as approved under SPR-ADJ21-28. The proposed partition would not impede the future use or development of any portion of the property, allowing for reasonable development of the parcels in accordance with the UDC.

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

Finding: Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. Utility connections for Parcel 1 were completed for the development approved under permit number 21-119033-CO. It is unclear if any utilities were stubbed to proposed Parcel 2 at the time of development on Parcel 1; therefore, the applicant is responsible for constructing water and sewer services to serve Parcel 2 at time of development on Parcel 2.

The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. A stormwater facility was approved and constructed, taking into account future development on Parcel 2, under permit number 21-119033-CO. With this land division, the stormwater facility will be located on both Parcel 1 and Parcel 2. The applicant shall dedicate a storm and drainage easement prior to final plat. Additionally, Pursuant to SRC 802.040, when a proposed stormwater 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, a Private Stormwater Facilities Agreement (PSFA) is required for the system in order to ensure compliance with SRC Chapter 802.040.

Condition 1: Prior to final plat approval, a storm drainage easement for the shared stormwater facility must be shown and recorded on the final plat.

Condition 2: Prior to final plat approval record a Private Stormwater Facilities Access Agreement for the common system pursuant to SRC 802.040 and PWDS.

There are existing easements on the subject property for public infrastructure, including a sanitary sewer main easement, a storm drainage easement, and multiple private access and maintenance easements. Additional easements will be needed for common stormwater facilities and to provide access and utilities to each parcel. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition 3: Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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

Finding: The subject property abuts Fairview Industrial Drive SE which is classified as a Minor Arterial Street according to the Salem Transportation System Plan (TSP). Fairview Industrial Drive SE is fully developed and meets the minimum right-of-way width and improvement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed land division.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. There is no room for additional street tree plantings within the planter strip along the property frontage; therefore, additional street trees are not required to be planted.

A 10-foot-wide public utility easement is required along the street frontage of Fairview Industrial Drive SE pursuant to SRC 803.035(n).

Condition 4: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Industrial Drive SE on the final plat.

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 partition, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the partitioned property will provide for safe, orderly, and efficient circulation of traffic into, through, and out of the partition. This criterion is met.

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

Finding: As described in findings above, the parcels are already currently being developed. The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. No existing conditions of topography or vegetation have

been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of the parcels without any anticipated variances from the UDC. This criterion is met.

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

Finding: As addressed in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

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

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

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: The applicant is requesting two Class 2 Adjustments to eliminate the vehicle use area setback and landscaping on either side of the two newly partitioned parcels, as required by SRC 552.010(c). The proposed partition will divide a property currently under development with a shared vehicle use area between the two parcels. Per SRC 552.010(c), Table 552-3 and Table 552-4, vehicle use areas within the IBC zone require a minimum ten-foot setback abutting other IBC zoned property. Because the development was approved with a shared vehicle use area and common landscaping, the new property line creates a required setback on either side, which would require redesign and eliminate much of the already approved parking area, making it unusable for the overall development site. 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. The intent of the setback is to provide separation between vehicle use areas and break up the mass of new paved surfaces with landscaping. Given the previous approval of the vehicle use area, which included landscaping in excess of the minimum required, including a rain garden separating the parking area where the proposed property line will divide the two parcels, the proposal equally meets the intent of the provision and is in compliance with the approval 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: Two 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 5: 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-ADJ24-06, 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, a storm drainage easement for the shared stormwater facility must be shown and recorded on the final plat.

Condition 2: Prior to final plat approval record a Private Stormwater Facilities Access Agreement for the common system pursuant to SRC 802.040 and PWDS

- Condition 3:** Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 4:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Industrial Drive SE on the final plat.
- Condition 5:** 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.



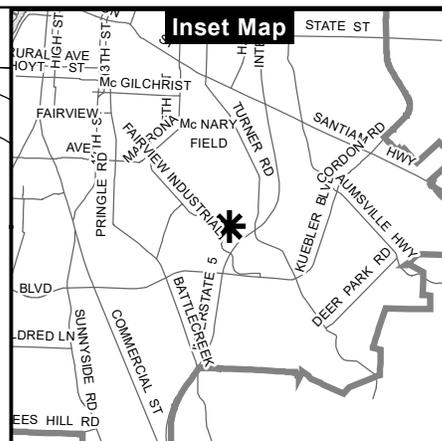
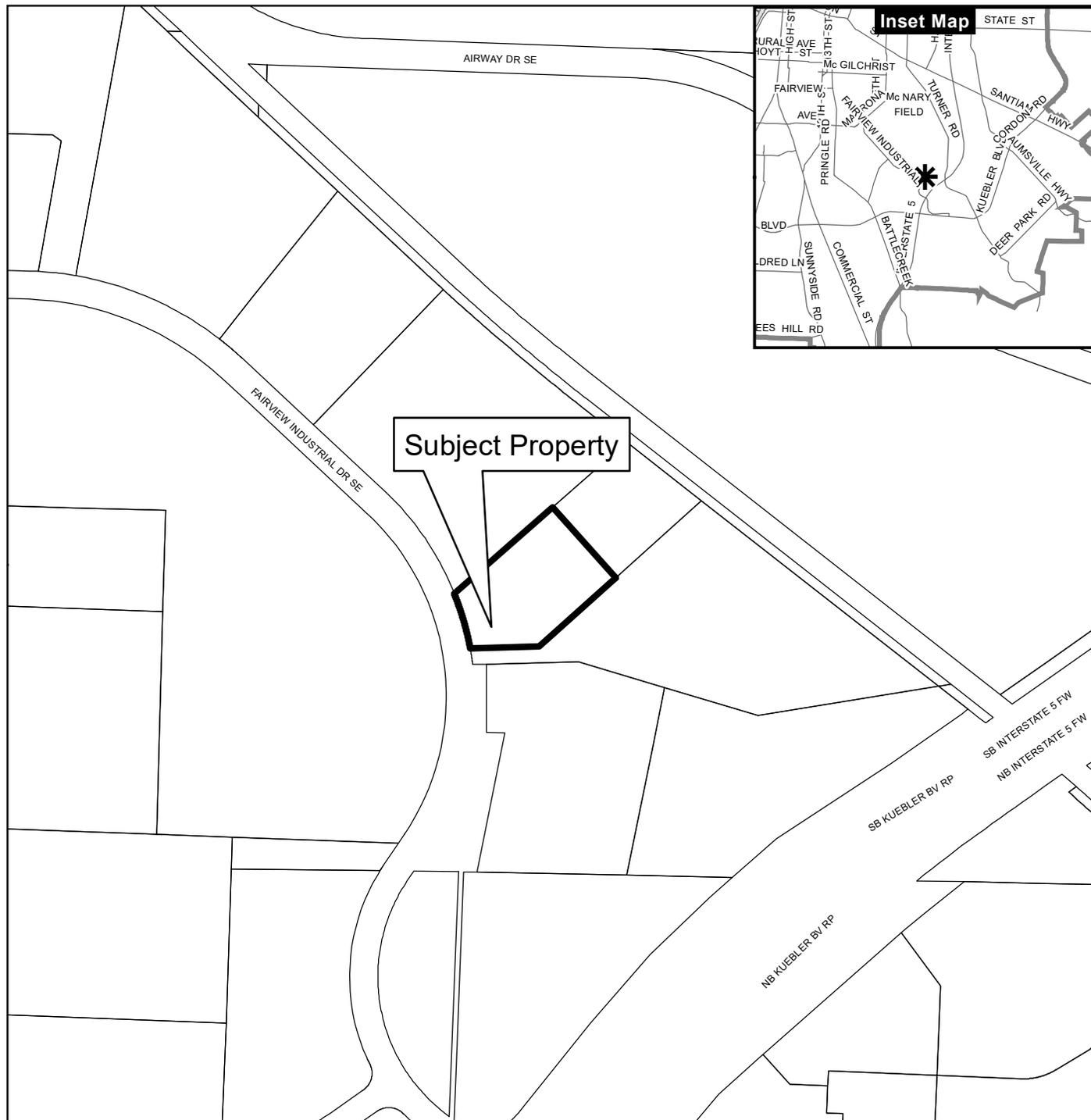
Peter Domine, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

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

Vicinity Map

4080 Fairview Industrial Dr SE



Subject Property

Legend

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



0 100 200 400 Feet



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MEMO

TO: Peter Domine, Planner II
Community Planning and Development Department

FROM: Shelby Guizar, Infrastructure Planner I
Community Planning and Development Department

DATE: April 15, 2024

Infrastructure Memo
Partition Plat No. 24-06 (24-102934-PLN)
4080 Fairview Industrial Drive SE
2-Parcel Partition

PROPOSAL

A Tentative Partition Plan to divide a property into two parcels 1.22-acres in size and the other 0.88-acres in size with two Class 2 Adjustments to reduce the 10-foot vehicle use area setback within an existing parking lot. The subject property is 2.1-acres in size, zoned IC (Industrial Commercial) and located at 4080 Fairview Industrial Dr SE - 97302 (Marion County Assessors Map and Tax Lot Number 083W12A000806).

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval shall be completed prior to final plat approval:

1. Prior to final plat approval, a storm drainage easement for the shared stormwater facility must be shown and recorded on the final plat.
2. Prior to final plat approval, record a Private Stormwater Facilities Access Agreement for the common system pursuant to SRC 802.040 and PWDS.
3. Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
4. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Industrial Drive SE on the final plat.

FACTS

Streets

1. Fairview Industrial Drive SE
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 52-foot improvement within a 76-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. An 8-to-15-inch storm main is located in Fairview Industrial Drive SE.

Water

1. Existing Conditions
 - a. The subject property is located in the G-0 water service level.
 - b. A 12-inch public water main is located in Fairview Industrial Drive SE.

Sanitary Sewer

1. Existing Sewer
 - a. A 12-inch sewer main is located in Fairview Industrial Drive SE. The public main extends along the northwestern property line within an easement.

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—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

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. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 205.035 (Final Plat): The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 601 (Floodplain): Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 805 (Vision Clearance): The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

SRC Chapter 809 (Wetlands): The Salem-Keizer Local Wetland Inventory shows that there are 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. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

Findings—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. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

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. Utility connections for Parcel 1 were completed for the development approved under permit number 21-119033-CO. It is unclear if any utilities were stubbed to proposed Parcel 2 at the time of development on Parcel 1; therefore, the applicant is responsible for constructing water and sewer services to serve Parcel 2 at time of development on Parcel 2.

The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. A stormwater facility was approved and constructed, taking into account future development on Parcel 2, under permit number 21-119033-CO. With this land division, the stormwater facility will be located on both Parcel 1 and Parcel 2. The applicant shall dedicate a storm and drainage easement prior to final plat. Additionally, Pursuant to SRC 802.040, when a proposed stormwater 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, a Private Stormwater Facilities Agreement (PSFA) is required for the system in order to ensure compliance with SRC Chapter 802.040.

Condition: Prior to final plat approval, a storm drainage easement for the shared stormwater facility must be shown and recorded on the final plat.

Condition: Prior to final plat approval record a Private Stormwater Facilities Access Agreement for the common system pursuant to SRC 802.040 and PWDS.

There are existing easements on the subject property for public infrastructure, including a sanitary sewer main easement, a storm drainage easement, and multiple private access and maintenance easements. Additional easements will be needed for common stormwater facilities and to provide access and utilities to each parcel. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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— The subject property abuts Fairview Industrial Drive SE which is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Fairview Industrial Drive SE is fully developed and meets the minimum right-of-way width and improvement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed land division.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. There is no room for additional street tree plantings within the planter strip along the property frontage; therefore, additional street trees are not required to be planted.

A 10-foot-wide public utility easement is required along the street frontage of Fairview Industrial Drive SE pursuant to SRC 803.035(n).

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Industrial Drive SE on the final plat.

Prepared by: Shelby Guizar, Infrastructure Planner I
cc: File