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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE REPLAT CASE NO.: REP22-06

APPLICATION NO.: 22-111687-LD

NOTICE OF DECISION DATE: July 29, 2022

SUMMARY: An application to consolidate seven existing properties into two lots in order to accommodate future redevelopment.

REQUEST: A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size. The subject property is zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300).

APPLICANT: Sheri Wahrgren – City of Salem Urban Development Department

LOCATION: 300 Block of Commercial St NE and 263 to 291 Chemeketa St NE, Salem, OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.025(d) – Replat

FINDINGS: The findings are in the attached Decision dated July 29, 2022.

DECISION: The **Planning Administrator APPROVED** Tentative Replat Case No. REP22-06 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, demolition permits shall be obtained and all existing buildings on the site shall be removed.
- Condition 2:** Show all existing and proposed easements on the final plat.
- Condition 3:** As shown on the applicant's tentative plan, convey 3.5 feet of land for dedication of right-of-way along the alley adjacent to the property.

The rights granted by the attached decision must be exercised, or an extension granted, by August 16, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>July 13, 2022</u>
Notice of Decision Mailing Date:	<u>July 29, 2022</u>
Decision Effective Date:	<u>August 16, 2022</u>
State Mandate Date:	<u>November 10, 2022</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

NOTICE OF DECISION

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



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. Monday, August 15, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 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 APPROVAL OF) FINDINGS AND ORDER
REPLAT NO. 22-06;)
300 BLOCK OF COMMERCIAL)
STREET NE & 263 to 291 CHEMEKETA)
STREET NE) JULY 29, 2022

REQUEST

A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size. The subject property is zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300).

PROCEDURAL FINDINGS

1. On June 3, 2022, an application for a replat was filed by Otak, Inc. on behalf of the applicant, the City of Salem Urban Development Department, and property owner, the Urban Renewal Agency of the City of Salem, to consolidate seven existing properties into two lots in order to accommodate future redevelopment.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on July 13, 2022, and notice was provided pursuant to Salem Revised Code (SRC) requirements. The state-mandated 120-day local decision deadline for the application is November 10, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed replat seeks to consolidate seven existing properties (*comprised of Lots 1-4 of Block 50 of the Salem plat*) into two lots approximately 37,689 square feet and 15,647 square feet in size in order to accommodate future redevelopment. The properties are located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (**Attachment A**).

2. Applicant's Plans and Statement

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The tentative plan of the proposed replat submitted by the applicant showing the size and configuration of the proposed consolidated lots is included as **Attachment B**.

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment C**.

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: 22 111687.

4. Salem Area Comprehensive Plan (SACP)

The subject property is designated Central Business District on the Salem Area Comprehensive Plan map.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties	
North	Across Center Street NE, Central Business District
South	Across Chemeketa Street NE, Central Business District
East	Across Commercial Street NE, Central Business District
West	Across alley, Central Business District

5. Zoning

The subject property is zoned CB (Central Business District). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Center Street NE, CB (Central Business District)
South	Across Chemeketa Street NE, CB (Central Business District)
East	Across Commercial Street NE, CB (Central Business District)
West	Across alley, CB (Central Business District)

6. Existing Conditions

The subject property consists of seven tax lots (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300) and totals approximately 1.25 acres in size.

The subject property has frontage on two streets, Commercial Street NE to the east and Chemeketa Street NE to the south; abuts an alley to the west; and abuts an alley north, which separates the subject property from Center Street NE. Both Commercial Street and Center Street are designated as a Major Arterials under the Salem Transportation System Plan (TSP) and Chemeketa Street is designated as Collector street. Center Street is under the jurisdiction of the Oregon Department of Transportation (ODOT).

The subject property includes existing buildings and off-street parking areas located throughout the site. As identified on the replat tentative plan (**Attachment B**), all existing buildings, site features, and improvements will be removed in order to accommodate future redevelopment of the two proposed consolidated lot.

7. Public and Private Agency Review.

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no issues or objections.
- B. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.

8. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO) Neighborhood Association.

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), Replat applications do not require neighborhood association contact.

Neighborhood Association Comments

Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The neighborhood association reviewed the proposal and indicated that the CAN-DO board has no position or comments on the case at this time.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. No public comments were received.

Homeowners' Association

SRC 300.520(b)(1)(B)(iv) requires notice to be provided to any active and duly incorporated Homeowners' Association (HOA) applicable to the property. The subject property is not located within a Homeowners' Association.

9. Replat Approval Criteria

Pursuant to SRC 205.025(a), a replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat.

SRC 205.025(d) establishes the approval criteria which must be met in order for a replat to be approved. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the replat, or for the issuance of certain conditions to ensure the criteria are met.

SRC 205.025(d)(1): The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Finding: The purpose of the proposed replat is to consolidate the seven existing properties which make up the subject property (*comprised of Lots 1-4 of Block 50 of the Salem plat*) into two lots approximately 37,689 square feet and 15,647 square feet in size in order to accommodate future redevelopment of the property.

The replat does not propose to vacate any of the public streets that abut the property or any recorded covenants or restrictions. The proposed replat meets this approval criterion.

SRC 205.025(d)(2): The tentative replat will not create non-conforming units of land or non-conforming development, or increase the degree of non-conformity in existing units of land or development.

Finding: The subject property is zoned CB (Central Business District). The minimum lot size and dimension requirements applicable to the subject property based on its zoning are included under SRC 524.010(a). A summary of the applicable minimum lot size and dimension requirements is provided in the following table:

CB Zone Lot Size & Dimension Standards	
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage	Min. 16 ft. (<i>applicable to all uses except for Single Family</i>)

As shown on the replat tentative plan (**Attachment B**), the two consolidated lots resulting from the proposed replat are approximately 37,689 square feet and 15,647 square feet in size. The proposed consolidated lots exceed the minimum lot area, dimension, and street frontage requirements of the CB zone and do not result in the creation of non-conforming units of land.

Setbacks and lot coverage requirements applicable to the subject property based on its zoning are included under SRC 524.010(c) and (d) (*CB Zone setbacks and lot coverage standards*). Within the CB zone there is a 0 ft. / maximum 10 ft. setback required for buildings abutting a street and there are no minimum building setbacks required abutting interior side or rear property lines (*including property line abutting an alley*). There is also no maximum lot coverage requirement for buildings and accessory structures in the zone.

As shown on the replat tentative plan (**Attachment B**), there are existing structures located on the subject property which are identified for removal to accommodate future redevelopment. The proposed replat will result in the consolidation of the seven existing smaller properties which currently make up the site into two larger consolidated lots. As a result, the existing property lines which divide the property into its current seven distinct properties will be eliminated except for the property line between 325 Commercial Street NE and 345 Commercial Street NE. This property line will remain, but is proposed to be made into a straight line, and will provide the new lot line boundary between Parcel 1 and Parcel 2 of the proposed replat. In addition, in order to provide sufficient width for two-way vehicle circulation and to conform to fire department access requirements, the existing 16.5-foot-wide alley to the west of the subject property is proposed to be widened to a width of 20 ft. As such, 3.5 feet of additional right-of-way is proposed to be dedicated along the entire western boundary of the subject property to accommodate the wider alley width.

Because the CB zone does not establish a minimum interior side setback requirement for buildings and accessory structures or a minimum interior rear setback requirement for buildings, accessory structures, and parking and vehicle use areas, neither the location of the new interior side lot line between proposed Parcels 1 and 2 nor the dedication of additional right-of-way along the western property line to accommodate the widened alley will result in the creation of nonconforming development or an increase in nonconformity in terms of the standards of the City's Unified Development Code (UDC).

The provision of a new interior side lot line between proposed Parcels 1 and 2 that is a straight line, rather than a line with a jog in it in order to follow the boundary between the existing buildings located 325 Commercial Street NE and 345 Commercial Street NE, will, however, result in a portion of the new lot line between these existing buildings being located under the building at 345 Commercial Street. This would make the building nonconforming under the Building Code. As indicated on the replat tentative plan, all existing buildings and site improvements on the subject property are proposed to be removed which will eliminate any issues of nonconformity created as a result of the proposed replat. However, in order to ensure that the proposed replat will not result in the creation of nonconforming development and that the existing building at 345 Commercial Street NE will not become nonconforming with respect to the Building Code due to proposed location of the new lot line between proposed Parcels 1 and 2, the following condition of approval shall apply:

Condition 1: Prior to final plat approval, demolition permits shall be obtained and all existing buildings on the site shall be removed.

As conditioned, the proposed replat will not result in either the creation of non-conforming units of land or non-conforming development; and will not increase the degree of non-conformity in existing units of land or development. This approval criterion is met.

SRC 205.025(d)(3): The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

Finding: The Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The proposed replat meets all applicable provisions of the UDC as detailed below.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. Because the subject property is located within the City's Urban Service Area, and because the proposal is for a replat, an Urban Growth Preliminary Declaration is not required for the development pursuant to SRC 200.020.

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

SRC Chapter 524 (Central Business District Zone): The subject property is zoned CB (Central Business District). The proposed replat seeks to consolidate the seven existing properties which currently make up the subject property into two larger lots approximately 37,689 square feet and 15,647 square feet in size.

The lot areas and dimensions of the proposed replatted lots exceed the minimum lot size, dimension, and street frontage requirements of the CB zone and are of a size and configuration that is suitable for their future development in conformance with the applicable requirements of the CB zone. Future development of the lots will be reviewed for conformance with the applicable development standards of the zone at the time of site plan review and building permit approval for development of the properties.

City Infrastructure Standards: The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve future development of the lots in conformance with the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements). A summary of existing improvements are as follows:

▪ Water

- ❖ The subject property is located within the G-0 water service level.
- ❖ A 12-inch water main is located in Commercial Street NE.
- ❖ A 10-inch water main is located in Center Street NE.
- ❖ A 24-inch water main is located in Chemeketa Street NE.

▪ Sewer

- ❖ An 8-inch sewer main is located in the alley abutting the western boundary of the subject property.

▪ Storm Drainage

- ❖ An 8-inch stormwater main is located in Center Street NE.
- ❖ A 15-inch stormwater main is located in Chemeketa Street NE.

▪ Streets

❖ *Commercial Street NE*

Commercial Street is designated as a Major Arterial street in the Salem Transportation System Plan (TSP). The standard for this classification of street is a 68-foot-wide improvement within a 96-foot-wide right-of-way. The portion of Commercial Street abutting the subject property has an existing approximate 72-foot-wide improvement within a 100-foot-wide right-of-way.

❖ *Chemeketa Street NE*

Chemeketa Street is designated as a Collector street in the Salem TSP. The standard for this classification of street is a 40-foot-wide improvement within a 60-foot-wide right-of-way. The portion of Chemeketa Street abutting the subject property has an existing approximate 60-foot-wide improvement within a 100-foot-wide right-of-way.

❖ *Center Street NE*

Center Street is designated as a Major Arterial street in the Salem TSP and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this classification of street is a 68-foot wide improvement within a 96-foot-wide right-of-way. The portion of Center Street abutting the subject property has an existing approximate 70-foot-wide improvement within a 100-foot-wide right-of-way.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (*including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree with a dbh of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust*);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

In addition, tree conservation plans are required in conjunction with any development proposal involving the creation of lots or parcels to be used for the construction of single family dwelling units or middle housing, if the development proposal will result in the removal of trees.

As shown on replat tentative plan (**Attachment B**), there are no existing trees on the subject property. The tree preservation requirements of SRC Chapter 808 are therefore not applicable.

SRC Chapter 809 (Wetlands): Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways. The subject property also does not contain any hydric or wetlands-type soils. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the replat and future development of the subject property.

SRC Chapter 810 (Landslide Hazards): The topography of the subject property is flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the future development of the subject property.

As identified above, the proposed replat complies with the standards of SRC Chapter 205 and with all applicable provisions of the UDC. This approval criterion is met.

SRC 205.025(d)(4): The tentative replat complies with all applicable provisions of ORS Chapter 92.

ORS 92.185 establishes standards for replatting, including standards for reconfiguration of lots or parcels and public easements, vacation, notice, and utility easements. The proposed replat meets all applicable provisions of ORS 92.185 as detailed below:

ORS 92.185(1): *A replat, as defined in ORS 92.010, shall only apply to a recorded plat.*

Finding: The land subject to the proposed replat consists of properties comprised of Lots 1-4 of Block 50 of the Salem plat. The proposal complies with this requirement.

ORS 92.185(2): *Notice shall be provided as described in ORS 92.225(4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.*

Finding: Streets and infrastructure have been constructed to serve the platted subdivision lots subject to the proposed replat. The existing subdivision is therefore defined as a "developed" subdivision pursuant to ORS 92.225 and this requirement is not applicable to the proposal.

ORS 92.185(3): *Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property contiguous to the proposed replat.*

Finding: As described in the procedural findings included in this decision, notice was provided to owners of property, including any contiguous property, located within 250 feet of the subject property. The public notice provided for replats is the same type of notice provided for subdivisions and other Type II land use applications under SRC 300.520. The proposal therefore satisfies this requirement.

ORS 92.185(4): *When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of the property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body within 14 days of the mailing or other service of the notice.*

Finding: In addition to providing notice to owners of property located within 250 feet of the subject property, notice of the proposed replat was also provided to public and private utility providers serving the subject property. The replat does not propose to realign, reduce in width, or omit any utility easements. The proposal therefore satisfies this requirement.

ORS 92.185(5): *A replat shall not serve to vacate any public street or road.*

Finding: The proposed replat does not vacate any public street or road. The public streets abutting the property will remain in place and the right-of-width of the alley to the west of the property will be increased in width from 16.5 ft. to 20 ft. in order to accommodate two-way vehicular traffic and to meet fire department access requirements. The proposal therefore satisfies this requirement.

ORS 92.185(6): *A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.*

Finding: Staff has reviewed the proposed replat for compliance with the applicable provisions of the ORS Chapter 92 and the Salem Revised Code. As described in the findings in this decision regarding conformance with the approval criteria under SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot size and dimensions, access and circulation, and availability of public and private utility infrastructure. The proposal therefore satisfies this requirement. The proposal complies with the requirements of ORS Chapter 92.

SRC 205.025(d)(5): *The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.*

Finding: There are no past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat. This approval criterion is met.

SRC 205.025(d)(6): The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Finding: The Public Works Department reviewed the proposal and indicated in summary, as specified in **Attachment D**, that water, sewer, and storm drainage facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802 (Public Improvements), and public streets abutting the subject property are available to provide adequate street access to the property in conformance with SRC Chapter 803 and the Salem Transportation System Plan (TSP).

In order to ensure applicable rights of access are maintained to existing and proposed utilities on the property following the replat and consolidation of the existing lots, the following condition of approval shall apply:

Condition 2: Show all existing and proposed easements on the final plat.

In addition, the Public Works Department indicates there's an existing public sewer main within the unnamed alley directly adjacent to the subject property. Because the exiting alley is only approximately 16.5 feet in width and the Public Works Design Standards (PWDS) require a minimum 20-foot easement or 20-foot right-of-way to provide unobstructed access to a public sewer main, the following condition of approval shall apply in order to ensure access to the sewer main in conformance with the Public Works Design Standards.

Condition 3: As shown on the applicant's tentative plan, convey 3.5 feet of land for dedication of right-of-way along the alley adjacent to the property.

The proposed replat, as conditioned, meets this criterion.

CONCLUSION

Based upon review of SRC 205.025(d), the findings contained under section 9 above, the comments described, and subject to the condition(s) of approval adopted herein, the tentative replat complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size, for property zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300), is hereby **APPROVED** subject to SRC Chapters 205 and 524, and the following conditions prior to final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval, demolition permits shall be obtained and all existing buildings on the site shall be removed.

Condition 2: Show all existing and proposed easements on the final plat.

Condition 3: As shown on the applicant's tentative plan, convey 3.5 feet of land for dedication of right-of-way along the alley adjacent to the property.

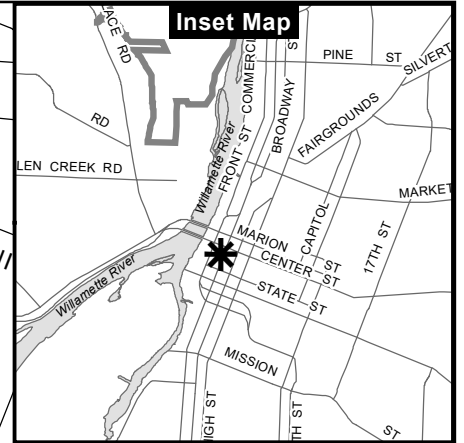
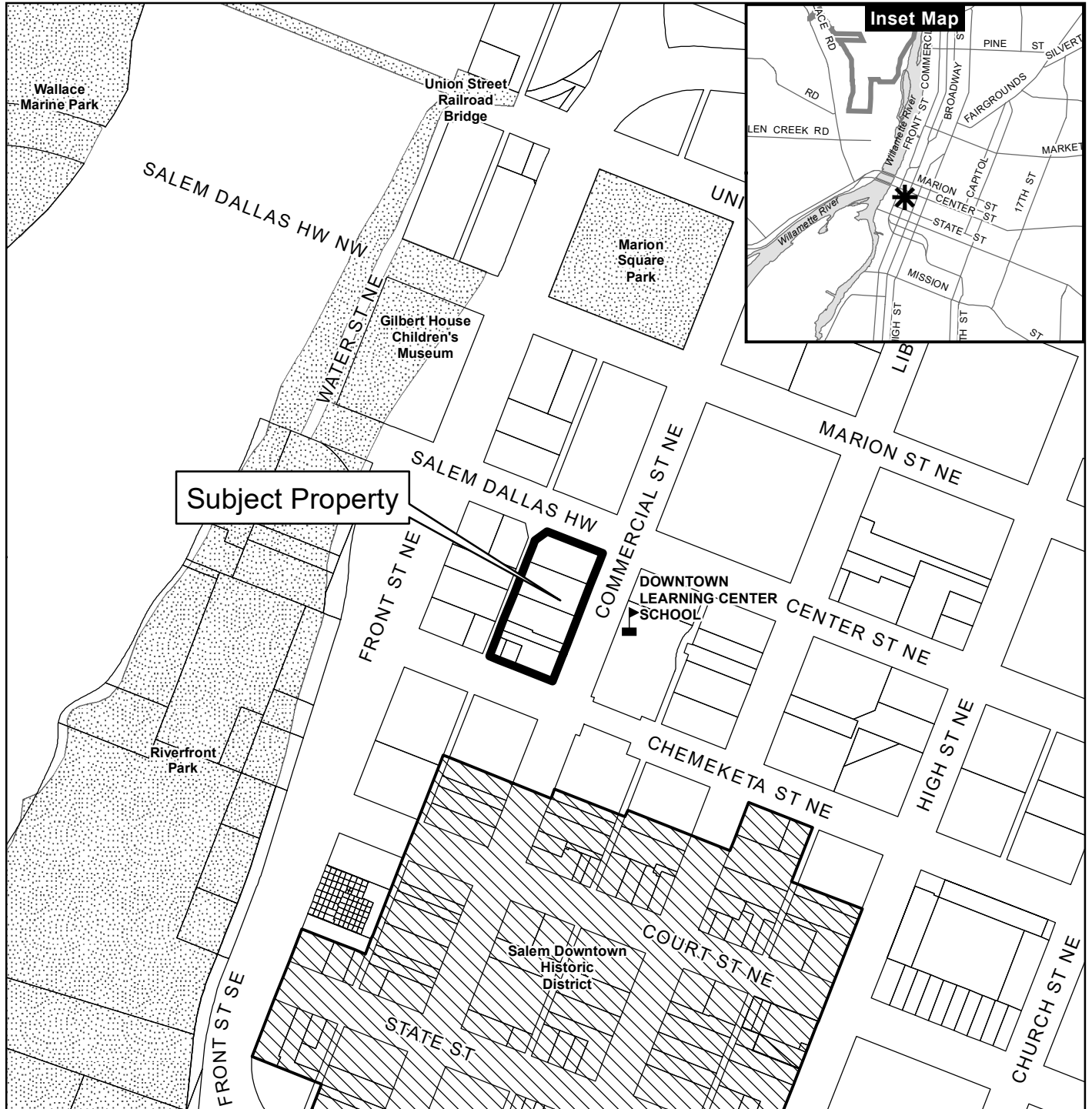


Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Replat Tentative Plan
 - C. Applicant's Written Statement
 - D. City of Salem Public Works Department Comments








Vicinity Map

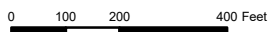
300 Block of Commercial Street NE & 263 to 291 Chemeketa Street NE



Subject Property

Legend

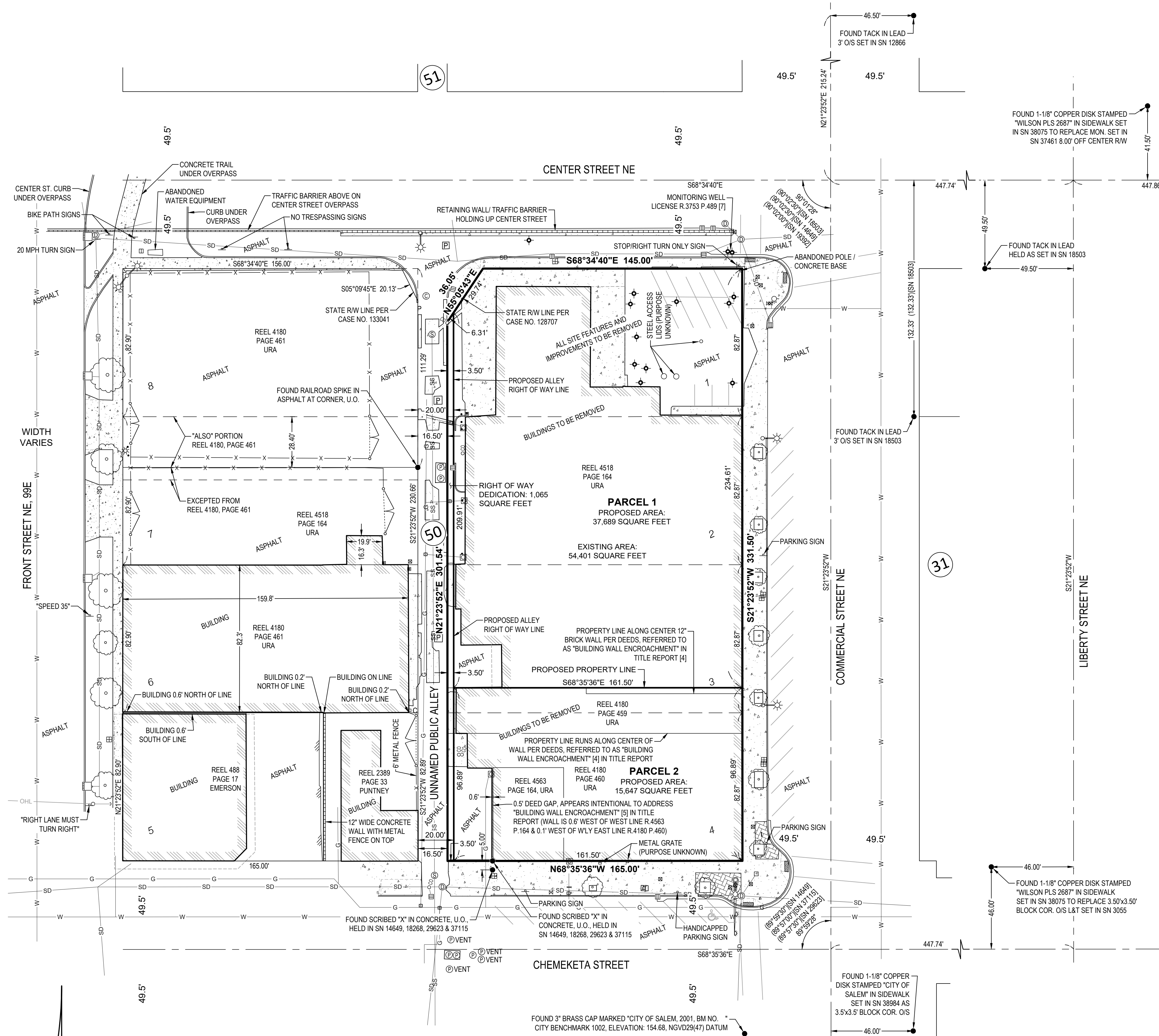
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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Attachment B

REVISIONS
PROPERTY LINE DIMENSIONS
ADDED, PARCEL 1/2 LINE REVISED,
AREAS CORRECTED
06-22-2022 MDS



- C COMMUNICATION VAULT OR JUNCTION BOX
 - G GATE
 - GA GUY ANCHOR
 - J JUNCTION BOX
 - M MONITORING WELL
 - SM SURVEY MONUMENT AS NOTED
 - GM GAS METER
 - GV GAS VALVE
 - SLP STREET OR PARKING LOT LIGHT
 - GM GUY OR MISC. POLE
 - L LIGHT
 - TP TRAFFIC SIGNAL POLE
 - PM POWER MANHOLE
 - PM POWER METER
 - PV POWER VAULT
 - SP SIGN ON POST
 - C CLEANOUT
 - SS SANITARY SEWER MANHOLE
 - CB CATCH BASIN
 - CI CURB INLET
 - SDM STORM DRAIN MANHOLE
 - ST STUMP
 - DS DECIDUOUS STREET TREE
 - FH FIRE HYDRANT
 - IB IRRIGATION BOX
 - WM WATER METER
 - WV WATER VALVE
 - YD YARD DRAIN
 - 31 "SALEM" BLOCK NUMBER
 - [#] EXCEPTION NUMBER IN TITLE REPORT
-
- OHL OVERHEAD WIRE
 - SB SITE BOUNDARY
 - PP PROPOSED PROPERTY LINE
 - EL EXISTING PROPERTY LINE
 - OLP OLD PLAT LINE
 - PRD PEDESTRIAN RAMP OR DRIVEWAY
 - BE BUILDING EAVE
 - BUILDING
 - F FENCE
 - EA EDGE ASPHALT
 - RW RETAINING WALL
 - W WATER
 - SS SANITARY SEWER
 - SD STORM DRAIN
 - G GAS
 - CONCRETE
 - BRICK PAVERS
 - DWP DETECTABLE WARNING PAD

TENTATIVE PLAN FOR REPLAT FOR CONSOLIDATION

PROPERTY OWNER: URBAN RENEWAL AGENCY OF THE CITY OF SALEM, AN OREGON QUASI-MUNICIPAL CORPORATION (URA), 350 COMMERCIAL STREET NE, SALEM, OR 97301

ADDRESSES: 365 COMMERCIAL STREET NE, SALEM, OR 97301
355 COMMERCIAL STREET NE, SALEM, OR 97301
345 COMMERCIAL STREET NE, SALEM, OR 97301
325 COMMERCIAL STREET NE, SALEM, OR 97301
311 COMMERCIAL STREET NE, SALEM, OR 97301
283 CHEMEKETA STREET NE, SALEM, OR 97301
285 CHEMEKETA STREET NE, SALEM, OR 97301

TAX LOT NUMBERS: 3700, 3800, 3900, 4000, 4100, 4200 & 4300, MAP 07 3W 22DC

AREA: 54,401 SQUARE FEET (1.25 ACRES) EXISTING

EASEMENTS: PLOTTABLE EASEMENTS AND EXCEPTIONS ARE SHOWN PER TITLE (OWNERSHIP AND ENCUMBRANCES) REPORT BY FIDELITY NATIONAL TITLE, ORDER NO. 60222202100, WITH AN EFFECTIVE DATE OF MARCH 17, 2022.

PROPOSED CONFIGURATION: THE EXISTING ALLEY WILL BE WIDENED TO 20' BY DEDICATING 3.50' OF ADDITIONAL RIGHT OF WAY ALONG THE WEST EDGE OF THE PROPERTIES. THE LOCATION OF THE LINE BETWEEN PARCELS 1 AND 2 IS BETWEEN THE PROPERTIES DESCRIBED IN DEED DOCUMENT RECORDED IN REEL 4518, PAGE 164 AND IN REEL 4180, PAGE 459.

SURVEY DATA: BEARINGS ARE BASED ON THE OREGON STATE PLANE COORDINATE SYSTEM, NAD83, NORTH ZONE. BOUNDARY WAS RESOLVED FROM DEEDS NOTED AND ORIGINAL PLAT OF "SALEM" AS INTERPRETED HISTORICALLY BY OTHER SURVEYS IN THE VICINITY, HOLDING MONUMENTS AT OFFSETS AS NOTED. FINAL PARTITION PLAT WILL SHOW ALL MONUMENTS FOUND AND INCLUDE A NARRATIVE OF RESOLUTION. BOUNDARY SURVEY AND PLANIMETRIC MAPPING PERFORMED ON THE GROUND BY OTAK BETWEEN MARCH 22 AND APRIL 15, 2022.

EXISTING UTILITIES: EXISTING UNDERGROUND SANITARY SEWER, STORM DRAIN, WATER, AND GAS SYSTEM LINES ARE SHOWN FROM CITY (DATASALEM) AND NW NATURAL GIS MAPPING AVAILABLE ONLINE WHICH WAS ADJUSTED TO ALIGN WITH THE MANHOLES, VALVES AND SIMILAR OBSERVABLE UTILITY FACILITIES WHICH WERE GROUND SURVEYED.

EXISTING & PROPOSED STORMWATER CONDITIONS: MOST OF THE STORMWATER CONVEYANCE SYSTEMS SHOWN ARE IN THE PUBLIC RIGHT OF WAY RATHER THAN ON THE SITE AND CONVEY RUNOFF AWAY FROM THE SITE. THE SITE DOES NOT CONTAIN ANY PONDS OR DETENTION FACILITIES. NO ATTEMPT WAS MADE TO MAP ROOF DRAINAGE SYSTEMS OR OTHER SMALL PRIVATE SYSTEMS BY WHICH RUNOFF IS CONVEYED INTO THE RIGHT OF WAY OR THE FACILITIES THEREIN. IT IS OUR UNDERSTANDING THAT ALL EXISTING IMPROVEMENTS ON THE SITE WILL BE DEMOLISHED. PROPOSED REDEVELOPMENT WILL BE REQUIRED TO DESIGN AND CONSTRUCT STORMWATER FACILITIES THAT CONVEY RUNOFF TO THE EXISTING FACILITIES SHOWN IN THE PUBLIC RIGHT OF WAY IN ACCORDANCE WITH CITY STANDARDS AND APPROVALS.

TENTATIVE PLAN

FOR A REPLAT FOR CONSOLIDATION OF LOTS 1, 2, 3 AND 4, BLOCK 50, SALEM, IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS
RENEWS: JUNE 30, 2024



Commercial Street NE Replat Application East

City of Salem, Oregon

Prepared for:
City of Salem, Oregon
555 Liberty Street SE
Salem, OR 97301

June 06, 2022

Prepared By:
Otak, Inc.
808 SW Third Ave, Suite 800
Portland, OR 97204

Project No. 20106D.000

Requests

Replat approval is requested for Tax Lot No. 073W22DC 4300, 4200, 4100, 4000, 3800, and 3700.

Site Information

Subject Property:	Tax Lot No. 073W22DC 4300, 4200, 4100, 4000, 3800, and 3700
Site Area:	54,129 sq. ft./1.2 acres. (Combined)
Comprehensive Plan Designation:	Central Business District
Zoning Designation:	CB (Central Business District)
Overlay Zone:	None

Applicant/Property Owner

Applicant:	City of Salem Public Works 350 Commercial St. NE Salem, OR 97301 Contact: Sherri Wahrgren 503.588.3211 swahrgren@cityofsalem.net
Owner:	City of Salem, Oregon 555 Liberty Street SE Salem, OR 97301

Project Development Team

Applicant's Representative	Otak, Inc. 808 SW Third Avenue, Suite 800 Portland, OR 97204
Land Use Planner:	Contact: Steven McAtee, Planner 503.415.2376 steven.mcatee@otak.com
Surveyor:	Contact: Mike Spelts, PLS 503.415.2321 mike.spelts@otak.com

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Appendices

Appendix A Pre-Application Summary Report

Appendix B Title Reports

Appendix C Property Deeds

Plan Set

Exhibit 1 Tentative Plan

1. Requests

Replat approval is requested consolidate four properties into two properties. This application is the second of two associated with this site.

2. Project Description

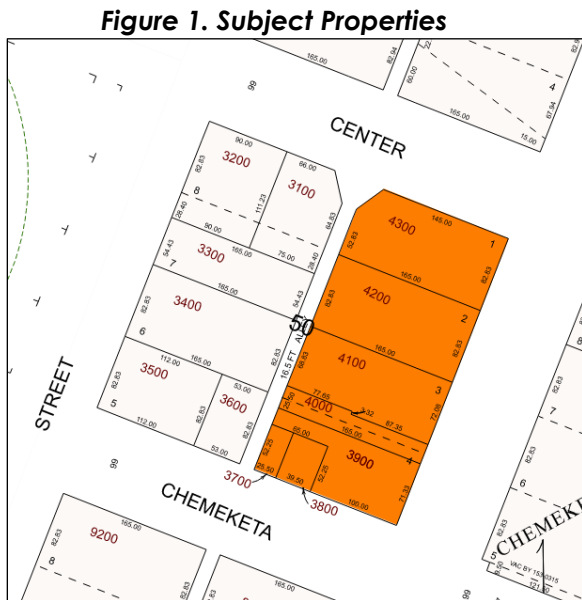
The City of Salem Public Works Department submits this application to consolidate existing property boundaries into two properties. The subject properties are identified by Tax Lot No. 073W22DC 4300, 4200, 4100, 4000, 3800, and 3700. They are located abutting Commercial Street NE in downtown Salem, in the block bound by Front St NE, Chemeketa St NE, Center St NE, and Commercial Street NE. The subject properties are located on the west side of the alley and are zoned CB and are within the General Retail/Office and Front Street Overlay zones.

As documented in the Pre-App Planning Summary (Appendix A) the properties were found by City of Salem staff to be lawfully created units of land, and were platted as Lots 1, 2, 3, and 4 of Block 50 of the Salem plat.

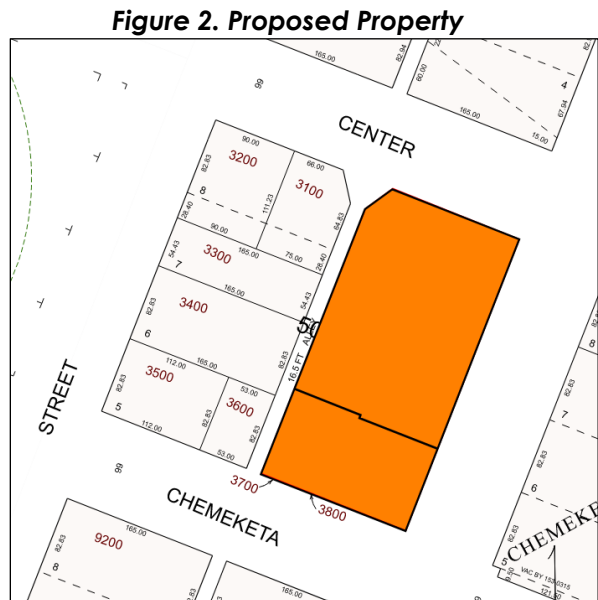
A separate Replat application will be submitted to consolidate all properties on the east side of the alley into two properties.

A 3.5 ft. public right-of-way dedication is anticipated on the east side of the alley as part of this project.

Figure 1. illustrates the existing tax lot boundaries of the subject properties and **Figure 2** shows the proposed consolidation into one lot for future development.



Source: Marion County Tax Assessor



3. Salem Revised Code: 205.025 – Replat.

- a. *Applicability.* A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.
- b. *Procedure type.* A tentative replat is processed as a Type II procedure under SRC chapter 300.

Response: This proposal involves consolidating four lawfully created units of land into one unit of land. Because the properties were found by Planning Staff to be platted lots, a Replat is an applicable procedure for this proposal.

- c. *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

Response: As addressed immediately below, all submittals required for a Replat application have been provided with this application.

Sec. 205.030. Additional submittal requirements.

- a. *A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information: [...]*

Response: A tentative plan meeting the above requirements has been submitted with this application as Exhibit 1.

- b. *A current title report for the property;*

Response: Response: A current title report has been submitted with this application as Appendix B. Property deeds have been included as Appendix C.

- c. *A completed tree inventory on a form as provided by the Director accurately identifying all existing trees on the property as of the date of application submittal and, if required under SRC chapter 808, a tree conservation plan;*

Response: The proposed replat is not intended to create parcels to be used for single-family, two-family, three-family, four-family uses, or cottage clusters. A tree plan is not required or provided, because a tree conservation plan is not required for this Replat application.

- d. *A geological assessment or geo-technical report, if required by SRC chapter 810;*

Response: There is no proposed development of the properties at this time. A geologic assessment or geo-tech report will be submitted for review upon future development of the subject site.

- e. *A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;*

Response: Utilities are provided on the site plan/tentative plan. Because there is not development proposed under this review, there is no proposed stormwater management system. Future development, reviewed under separate applications for development, will include applicable stormwater information.

f. *A schematic plan showing the location of existing and proposed city infrastructure;*

Response: The site plan included with this application includes existing City infrastructure.

g. *A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;*

Response: The application is not for a partition, subdivision, or phased subdivision. There is no proposed development of the properties at this time. A grading plan will be submitted for review upon future development of the subject site.

h. *For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.*

Response: The subject site is zoned CB and is not a residential zoning. This requirement is not applicable.

i. *For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing: [...]*

Response: The proposed application is a replat, not a partition. The subject site is located in Downtown Salem and within 300 ft. of an available sewer main. This requirement is not applicable.

j. *For subdivisions and phased subdivisions: [...]*

Response: This is an application for a Replat. This requirement is not applicable.

- d. *Criteria. A tentative replat shall be approved if all of the following criteria are met:*
- (1) *The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.*

Response: This replat application does not propose to vacate any public street, road, covenants or restrictions. This standard is met.

- (2) *The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.*

Response: This proposed replat complies with the standards of this chapter and all provisions of the Salem Unified Development Code. There are no minimum or maximum lot dimension requirements in the CB zone.

- (3) *The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.*

Response: This proposed replat complies with the standards of this chapter and all provisions of the Salem Unified Development Code.

(4) *The tentative replat complies with all applicable provisions of ORS ch. 92.*

Response: The proposed Replat application complies with applicable sections of ORS Ch. 92.

(5) *The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.*

Response: There are no known approvals or conditions of approval that affect any units of land associated with this replat application. This standard is met.

(6) *The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.*

Response: The proposed Replat application is being requested by the City of Salem. It does not adversely affect availability or access to city infrastructure.

- e. *Notice to utilities. When a utility easement is proposed to be realigned, reduced in width, or eliminated by a replat, notice of the tentative replat application shall be mailed as provided in SRC [300.520\(b\)\(1\)](#) to all affected utility companies or public agencies. Any utility company that desires to maintain an easement that would be realigned, reduced in width, or eliminated by a proposed replat must notify the Director in writing within 14 days of the mailing date of the notice. If an objection to the realignment, reduction in width, or elimination of an easement is received within the 14-day period, the utility easement shall not be realigned, reduced in width, or eliminated.*

Response: There are no proposed utility easement relocations.

- f. *Expiration. Tentative replat approval shall expire as provided in SRC [300.850](#), unless an application for final plat is submitted within the time limits set forth in SRC [300.850](#), or an extension is granted pursuant to SRC [300.850\(b\)](#).*

Response: Table 300-3 indicates Replat applications shall expire two years from the decision effective date, with the ability to request up to four extensions, for a maximum of two additional years. The applicant acknowledges these timelines.



MEMO

TO: Bryce Bishop, Planner III
Community Development Department

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

DATE: July 27, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
REP22-06 (22-111687)
370 COMMERCIAL STREET NE
REPLAT OF SEVEN LOTS**

PROPOSAL

A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size. The subject property is zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Show all existing and proposed easements on the final plat.
2. As shown on the applicant's tentative plan, convey 3.5 feet of land for dedication of right-of-way along the alley adjacent to the property.

FACTS

Streets

1. Commercial Street NE
 - a. Standard - This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
 - b. Existing Conditions - This street has an approximate 72-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

2. Chemeketa Street NE

- a. Standard - This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions - This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

3. Salem Dallas Highway

- a. Standard - This street is designated as a major arterial street in the Salem TSP and is under jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions - This street has an approximate 70-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

4. Unnamed Alley

- a. Standard—This right-of-way is designated as an alley in the Salem TSP. The standard for this classification is a 10-to-20-foot-wide right-of-way.
- b. Existing Conditions—This right-of-way has an approximate 16-foot improvement within a 16.5-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 8-inch stormwater main is located in Salem Dallas Highway.
- b. A 15-inch stormwater main is located in Chemeketa Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Commercial Street NE.

- c. A 10-inch water main is located in Salem Dallas Highway.
- d. A 24-inch water main is located in Chemeketa Street NE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in the unnamed alley abutting the subject property.

CRITERIA AND FINDINGS

SRC 205.025(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 205.025(d)(1)—The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Findings—The applicant’s proposal does not vacate any public rights-of-way.

SRC 205.025(d)(3)—The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

Findings—The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the subdivision replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation.

SRC 205.025(d)(4)—The tentative replat complies with all applicable provisions of ORS Chapter 92.

Findings—The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review.

SRC 205.025(d)(6)—The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Findings—The Public Works Department has reviewed the applicant’s preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Public streets abutting the subject property are available to provide adequate street access.

There is an existing public sewer main within the unnamed alley directly adjacent to the subject property. The alley is approximately 16.5 feet in width. PWDS require a minimum 20-foot easement or 20-foot right-of-way to provide unobstructed access to a public sewer main. As shown on the applicant's tentative plan, the applicant shall dedicate 3.5 feet of right-of-way to the alley adjacent to the property.

The applicant shall ensure relocated property lines coincide with future driveway locations and do not create conflicts with existing utility poles, cable boxes, fire hydrants, etc. All existing and proposed easements shall be shown on the final plat.

Prepared by: Laurel Christian, Program Coordinator
cc: File