

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

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE PARTITION / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ22-02

APPLICATION NO.: 22-113469-LD, 22-113479-ZO

NOTICE OF DECISION DATE: July 27, 2022

SUMMARY: A consolidated application for a partition and adjustment to create three parcels.

REQUEST: An application for a partition to create three parcels approximately 0.70-acres, 1.22-acres and 4.75 acres with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area.

The subject properties are approximately 6.67 acres, zoned IC (Industrial Commercial) and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300).

APPLICANT: Britany Randall, BRAND Land Use, on behalf of Back Line Properties LLC (Nat Borchers)

LOCATION: 2195 Hyacinth St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Tentative Partition; 250.055(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated July 27, 2022.

DECISION: The **Planning Administrator APPROVED** Tentative Partition / Class 2 Adjustment Case No. PAR-ADJ22-02 subject to the following conditions of approval:

- Condition 1:** Prior to final plat, the applicant shall provide adequate evidence the property was created in conformance to the Salem Revised Code at the time of creation or obtain final approval of a Validation of a Unit of land.
- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 3:** Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.
- Condition 4:** Easements for shared vehicular access shall be shown on the final plat.

NOTICE OF DECISION

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



- Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.
- Condition 6:** Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.
- Condition 7:** The applicant shall meet a Type A landscaping standard with 50% of the plant units being trees in the landscaping island between the trash enclosure on Parcel 3 and the driveway.
- Condition 8:** At the time of development of the 'gravel pad' on Parcel 2, any development shall be setback five feet from the west property line. The setback shall include landscaping at Type A standard.
- Condition 9:** At the time of development of the 'gravel pad' on Parcel 3, any development shall be setback ten feet from the west property line. The setback shall include landscaping at Type A standard and may include a pedestrian path.
- Condition 10:** The adjusted setback, loading space, and driveway spacing standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by August 12, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>July 8, 2022</u>
Notice of Decision Mailing Date:	<u>July 27, 2022</u>
Decision Effective Date:	<u>August 12, 2022</u>
State Mandate Date:	<u>November 5, 2022</u>

Case Manager: Olivia Dias, odias@cityofsalem.net, 503-540-2343

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. Thursday, August 11, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205, 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

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

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

DECISION

IN THE MATTER THE TENTATIVE)	FINDINGS AND ORDER
APPROVAL OF PARTITION AND)	
CLASS 2 ADJUSTMENT)	
CASE NO. PAR-ADJ22-02;)	
2195 HYACINTH STREET NE)	JULY 27, 2022

REQUEST

Summary: A consolidated application for a partition and adjustment to create three parcels.

Request: An application for a partition to create three parcels approximately 0.70-acres, 1.22-acres and 4.75 acres with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area.

The subject properties are approximately 6.67 acres, zoned IC (Industrial Commercial) and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300). A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

1. On June 30, 2022 an application for a consolidated Tentative Partition Plan and Class 2 Adjustment was filed proposing to create three parcels at the 2195 Hyacinth Street NE.
2. On July 8, 2022 additional information was provided and the application was deemed complete for processing. Notice to surrounding property owners and residents was mailed pursuant to Salem Revised Code on July 8, 2022. The state-mandated local decision deadline is November 5, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The subject property consists of two tax lots which are concurrently going through the validation of a unit of land processes (VUL22-05), approximately 6.67 acres in size. The property contains a commercial development and vehicle use area. The proposal is to create three parcels with two adjustments to eliminate the five-foot landscaping setback along east-west property line between the tree parcels.

The three parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 4.75 Acres;

Parcel Dimensions: Approximately 225 feet in width and 790 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 1.22 Acres;
Parcel Dimensions: Approximately 100 feet in width and 480 feet in depth.

PROPOSED PARCEL 3

Parcel Size: 0.70 Acres;
Parcel Dimensions: Approximately 120 feet in width and 230 feet in depth

Access and Circulation: The subject property has frontage located on Hyacinth Street NE, designated as a Major Arterial street within the Salem Transportation System Plan (TSP) and 25th Street NE, designated as a Local Street within the Salem Transportation System Plan (TSP).

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 applicant's written statement can be found in the record and plans submitted by the applicant depicting the proposed development can be found in the record, and attached hereto as **Attachments B**.

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 106238.

4. Existing Conditions

Site and Vicinity

The subject property consists of two tax lots, approximately 6.67 acres in size. The subject property will be created by a validation of a unit of land (VUL22-05), which will be recorded prior to the partition plat recording. The site is mostly a rectangle, approximately 380 feet in from west to east, and approximately 790 feet from north to south. The site currently has an existing commercial development and vehicle use area. The applicant has received approval of a validation of a unit of land (VUL22-05) to validate both tax lots as one unit of land.

Salem Area Comprehensive Plan (SACP) Designation

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

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

North: Industrial

South: (Across Hyacinth Street NE) Industrial

East: (Across 25th Street NE) Industrial

West: (Across railroad tracks); Industrial

Zoning and Surrounding Land Use

The subject properties are zoned IC (Industrial Commercial) and contains a commercial development and associated development. The surrounding properties are zoned and used as follows:

North: IG (General Industrial); Industrial buildings and associated development

South: (Across Hyacinth Street NE); IG (General Industrial); Industrial buildings and associated development

East: (Across 25th Street NE); IG (General Industrial); Industrial buildings and associated development

West: (Across railroad tracks); IG (General Industrial); Industrial buildings and associated development

Relationship to Urban Service Area

The subject property is inside of the City’s Urban Service Area.

Infrastructure

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

An 10-inch water main is located in Hyacinth Street NE.

An 8-inch water main is located in 25th Street NE.

Sewer: A 8-inch public sewer main is located in Hyacinth Street NE and 25th Street NE.

Storm Drainage: A 18-inch storm main is located in Hyacinth Street NE.

A 12-inch storm main is located in 25th Street NE.

- Streets:**
- 1) Hyacinth Street NE abuts the west boundary of the subject property. Hyacinth Street NE 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.
 - A portion of Hyacinth Street NE is approximate 58-foot improvement within a 92-to-110-foot-wide right-of-way abutting the subject property.
 - 2) 25th Street NE abuts the southern boundary of the subject property. The Salem TSP designates the abutting portion of 25th Street NE is designated as a Local in the Salem TSP.
 - The standard for a Local Street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - This street has an approximate 50-foot improvement within a 62-foot-wide right-of-way abutting the subject property.

5. City Department Comments

Public Works Department - Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety Division - Reviewed the proposal and indicated no site concerns.

Fire Department - Reviewed the proposal and indicated no site concerns.

6. Public Agency Comments

No Public Agency comments were received by the end of the comment period.

7. Neighborhood Association 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. The applicant submitted documentation of Neighborhood Association Contact provided on June 7, 2022 to the Northgate Neighborhood Association chairs.

Neighborhood Association Comment: Notice of the application was provided to the Northgate Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires 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 have been received from the neighborhood association.

Public Comment: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments from residents were submitted.

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

Decision Criteria Findings

8. Criteria for Granting a Tentative Partition

In order to ensure the Headwaters Subdivision aligns with the reconfigured property boundaries proposed with the two property line adjustments above, the applicant has also requested a tentative partition plan to the subdivision to reconfigure the affected lots and streets to align with all five phases of the subdivision.

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

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

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

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

SRC Chapter 551 (Industrial Commercial): The proposed partition would divide the 15-acre property into three parcels. The subject properties are zoned IC (Industrial Commercial). The minimum lot area requirements of the IC zone are established under SRC 551.010(a) as follows:

Lot Standards for IC zone (Industrial Commercial) (see SRC Chapter 551, Table 551-2)

Requirement	Minimum Standard
Lot Area (All uses)	None
Lot Width (All uses)	None
Lot Depth (All uses)	None
Street Frontage (Single family)	40 feet / 30 feet (on the turnaround of a cul-de-sac)
All other uses	16 feet

Staff Response: Proposed Parcel 1 is approximately 4.75 acres, would have approximately 200 feet of frontage on Hyacinth Street NE and would be approximately 200 feet in width and 900 feet in depth. Proposed Parcel 2 would be approximately 1.22 acres, would have approximately 480 feet of frontage on 25th Street NE and would be approximately 480 feet in width and 100 feet in depth. Proposed Parcel 3 would be approximately 0.70 acres, would have approximately 120 feet of frontage on Hyacinth Street NE and 230 feet of frontage on 25th Street NE, and would be approximately 230 feet in width and 120 feet in depth.

Each of the three proposed parcels in the partition meet the area, width, depth, and frontage lot standards. The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zones.

Setback Standards for IC zone (Industrial Commercial) (see SRC Chapter 551, tables 551-3 and 551-4)

Adjacent to Streets:

- Buildings: Minimum 5 feet
- Vehicle Use Areas: Per SRC Chapter 806

Interior Front, Side, and Rear:

- Buildings:
 - o Single family and two family: No minimum
 - o Multiple family: Minimum 15 feet
 - o All other uses: Zone-to-zone setback (Table 551-4)
- Vehicle Use Areas:
 - o Single family and two family: Per SRC Chapter 806
 - o Multiple family: Minimum 15 feet
 - o All other uses: Zone-to-zone setback (Table 551-4)

Staff Response: There is an existing structure on the proposed parcels, which meet setback to new property lines. The applicant has not provided a development plan at this time. Future development within the parcels will be reviewed for adherence to setback requirements at the time of application for building permits or site plan review or design review. The proposed parcels greatly exceed the minimum parcels size for their respective zones, which provide sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the IC zone are established under SRC 551.010(c), Table 551-4. The IC zone does not have a maximum lot coverage standard for any uses.

Staff Response: The proposed parcels meet minimum lot coverage standards. New development will be reviewed at the time of development.

Landscaping: Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards meeting this requirement.

Staff Response: The proposed parcels do not meet minimum landscaping requirements to new property lines, the applicant has requested an adjustment which is addressed below.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot.

Staff Response: The existing structures on the proposed parcels meet setbacks to new property lines. Future development on the parcels will be reviewed against this standard at the time of site plan review and/or building permit.

The proposal meets the requirements of SRC Chapter 800.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC 806.015(a) (Minimum Required Off-Street Parking): SRC 806.015(a) specifies minimum parking requirements.

Staff Response: Off-street parking requirements for the proposed parcels will be reviewed at the time of development.

The proposal meets the requirements of SRC Chapter 806.

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).

The applicant has not provided adequate evidence that the subject property was created legally, therefore the following condition applies:

Condition 1: Prior to final plat, the applicant shall provide adequate evidence the property was created in conformance to the Salem Revised Code at the time of creation or obtain final approval of a Validation of a Unit of land.

(B) City Infrastructure Standards.

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located inside the Urban Service Area; therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated July 26, 2022 (**Attachment C**).

SRC 802.015 (Development to be Served by City Utilities). Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. Private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

SRC 803.015 (Traffic Impact Analysis): The proposed three parcel partition is to divide an already developed parcel. All traffic impacts were analyzed accordingly with any future development. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.030 (Street Spacing): The proposed partition is not creating new streets.

SRC 803.035 (Street Standards): The proposed partition is not creating new streets.

Hyacinth Street NE abuts the subject property and does not meet the current standard for a major arterial street. As conditioned below, the applicant is required to convey right-of-way equal to 48-feet from the centerline of Hyacinth Street NE where the existing right-of-way is inadequate. 25th Avenue NE also abuts the subject property and meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required to 25th Avenue NE.

Condition 2: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 3: Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

SRC Chapter 804 (Driveway Approaches)

The subject property is served by three (3) existing driveway approaches: one (1) approach onto Hyacinth Street NE and two (2) approaches onto 25th Avenue NE. Pursuant to SRC 804.045 staff recommends no additional driveways be granted for redevelopment of the subject property. The applicant shall show access easements on the final plat for shared access between the proposed parcels.

Condition 4: Easements for shared vehicular access shall be shown on the final plat.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single

family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant has not proposed removal of any trees and the development is not for single family or two-family development.

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.

The Salem-Keizer Local Wetland Inventory does not show that there are wetland channels and/or hydric soils mapped on the property.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped points landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 2 points. Therefore, the proposed development is classified as a low landslide risk and requires no additional information.

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 partitions would divide one property into three proposed parcels the proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

Finding: Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified

Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition 5: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Prior to final plat approval, the applicant is required to submit a preliminary utility plan to demonstrate easements needed for utilities which may cross proposed property boundaries. Easements shall be dedicated on the plat.

Condition 6: Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown 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: As described in findings above, pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 48-feet from centerline along the entire frontage of Hyacinth Street, including sufficient right-of-way to accommodate public infrastructure at the corner and to meet arterial street standards.

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: As indicated in Section 4 and the Public Works Memo (**Attachment H**), the streets abutting the subject property do not meet the current standards for their street designation according to the Salem TSP. As conditioned, the transportation system will remain safe, orderly and efficient.

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

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The proposal meets this criterion.

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

Finding: The proposal is to create parcels, the layout, size, and dimensions of the parcels have been evaluated and consistent with the Code. The partition is not proposing to remove any trees on the subject property. No heritage trees, riparian areas, or significant trees are identified on the tree conservation plan, and none are currently present on the subject property. The proposal meets this criterion.

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

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

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

8. 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 four Class 2 Adjustments to:

- 1) Reduce the required 15-foot vehicle use area setback standard to ten-feet abutting Washington Street SE; and
- 2) Reduce the required 15-foot vehicle use area setback standard to ten-feet abutting residential property to the south.

Reduce the required five-foot vehicle use area setback standard to zero;

The purpose of requiring a setback five-feet to a property line abutting a vehicle use area is to provide green space and provide shade to the parking areas. The vehicle use area is existing and the location of new property lines require the setback. The applicant can provide additional landscaping in the small areas that meet the five-foot setback and the area that is setback four feet from the new property line on Parcel 3, which will equally meet the standard. In addition, on all three parcels any expansion or new vehicle use will meet the five-foot setback on either side of the property line.

The new property line running north-south between Parcel 1 and Parcels 2 and 3 is approximately 750-feet, with the existing development not meeting the setback along 280-feet of that property line. There is 80-feet of that section that meets the setback on the east side but not on the west, as conditioned below extra plantings in this area will equally meet the intent of the remaining area being reduced to zero.

Condition 7: The applicant shall meet a Type A landscaping standard with 50% of the plant units being trees in the landscaping island between the trash enclosure on Parcel 3 and the driveway.

In addition, there are sections on Parcels 2 and 3 that have not yet been developed. Any future development in this area can meet the required setback and potentially better meet the intent to off-set the zero setback on the remainder of the property line.

Condition 8: At the time of development of the 'gravel pad' on Parcel 2, any development shall be setback five feet from the west property line. The setback shall include landscaping at Type A standard.

Condition 9: At the time of development of the 'gravel pad' on Parcel 3, any development shall be setback ten feet from the west property line. The setback shall include landscaping at Type A standard and may include a pedestrian path.

The criterion is met.

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 10: The adjusted setback, loading space, and driveway spacing standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site 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.

9. Conclusion

Based upon review of SRC 205.005 and 250.055, the findings contained under Sections 7 and 8 above, and the comments described, the property line adjustments and tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. PAR-ADJ22-02, to divide 6.67 acres into three parcels as outlined above with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area for properties zoned IC (Industrial Commercial) and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300) is hereby **APPROVED** subject to 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, the applicant shall provide adequate evidence the property was created in conformance to the Salem Revised Code at the time of creation or obtain final approval of a Validation of a Unit of land.
- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 3:** Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.
- Condition 4:** Easements for shared vehicular access shall be shown on the final plat.
- Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.
- Condition 6:** Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

- Condition 7:** The applicant shall meet a Type A landscaping standard with 50% of the plant units being trees in the landscaping island between the trash enclosure on Parcel 3 and the driveway.
- Condition 8:** At the time of development of the 'gravel pad' on Parcel 2, any development shall be setback five feet from the west property line. The setback shall include landscaping at Type A standard.
- Condition 9:** At the time of development of the 'gravel pad' on Parcel 3, any development shall be setback ten feet from the west property line. The setback shall include landscaping at Type A standard and may include a pedestrian path.
- Condition 10:** The adjusted setback, loading space, and driveway spacing standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site 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.

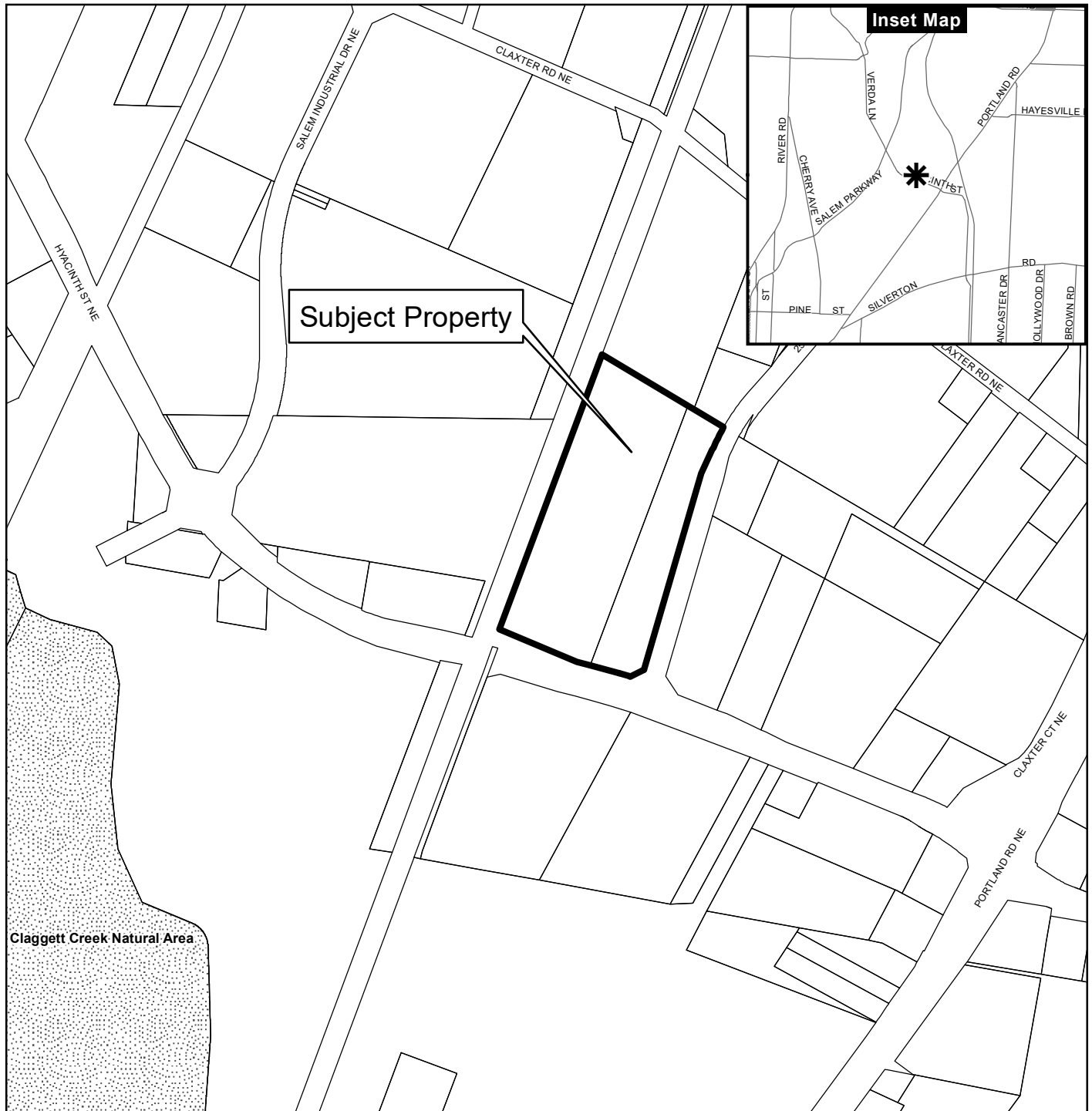


Olivia Dias, Current Planning Manager, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Tentative Partition Plan
C. Public Works Department Memorandum

Vicinity Map

2195 Hyacinth Street NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.


0 100 200 400 Feet





MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

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

DATE: July 26, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. PAR-ADJ22-02 (22-113469; 22-113479)
2195 HYACINTH STREET NE
THREE-PARCEL PARTITION**

PROPOSAL

An application for a partition to create three parcels of approximately 0.70 acres, 1.22 acres, and 4.75 acres with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area. The subject properties are approximately 6.67 acres, zoned IC (Industrial Commercial), and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval:
 - a. Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - b. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.
 - c. Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.
 - d. Easements for shared vehicular access shall be shown on the final plat.
 - e. Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

FACTS

Streets

1. Hyacinth 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 58-foot improvement within a 92-to-110-foot-wide right-of-way abutting the subject property.

2. 25th Avenue NE

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 50-foot improvement within a 62-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm main is located in Hyacinth Street NE.
- b. A 12-inch storm main is located in 25th Avenue NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch public water main is located in Hyacinth Street NE.
- c. An 8-inch public water main is located in 25th Avenue NE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Hyacinth Street NE and 25th Avenue NE.

- b. A 15-inch sewer main is located on the subject property 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—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along the entire frontage of Hyacinth Street NE and 25th Avenue NE pursuant to SRC 803.035(n).

Condition: Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

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

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

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

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

Redevelopment of the subject property is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Prior to final plat approval, the applicant is required to submit a preliminary utility plan to demonstrate easements needed for utilities that may cross proposed property boundaries. Easements shall be dedicated on the plat.

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

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Findings—Hyacinth Street NE abuts the subject property and does not meet the current standard for a major arterial street. As identified in the conditions of approval, the applicant is required to convey right-of-way equal to 48 feet from the centerline of Hyacinth Street NE where the existing right-of-way is inadequate. 25th Avenue NE also abuts the subject property and meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required to 25th Avenue NE.

Condition: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners

The subject property is served by three (3) existing driveway approaches: one (1) approach onto Hyacinth Street NE, and two (2) approaches onto 25th Avenue NE. Pursuant to SRC 804.045, staff recommends no additional driveways be granted for redevelopment of the subject property. The applicant shall show access easements on the final plat for shared access between the proposed parcels.

Condition: Easements for shared vehicular access shall be shown on the final plat.

Prepared by: Laurel Christian, Program Coordinator
cc: File