

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

REPLAT CASE NO. REP17-01

APPLICATION NO. : 17-110039-LD

NOTICE OF DECISION DATE: AUGUST 25, 2017

REQUEST: An application to consolidate previously platted property and vacated easements and rights-of-way into two parcels, with Parcel 1 consisting of approximately 3.49 acres and Parcel 2 consisting of approximately 5.44 acres. The existing flex space building and associated parking would remain on Parcel 2.

The subject property is approximately 8.91 acres in size, zoned IC (Industrial Commercial), and located at 1430 Tandem Avenue NE (Marion County Assessor map and tax lot number 073W11DA01703).

APPLICANT: 1430 Tandem Ave LLC (Joseph Fox, Judith Fox, Mark Fox, Holly Smith, Jennifer Nopp, Jack Ryan Smith, Joshua J. Smith, Wyatt J. Fox, and Gauge F. Nopp)

LOCATION: 1430 Tandem Avenue NE / 97301

CRITERIA: Salem Rived Code 210.035(b)(4)

FINDINGS: The Findings are in the attached Order dated August 25, 2017.

DECISION: The Planning Administrator **APPROVED** Replat REP17-01 subject to the following conditions of approval:

Condition 1: The extent of the replat shall be limited to previously platted portion of the subject property as follows; Lots 10 and 11 of Block 5 and Lots 7, 8 and a portion of Lot 6 of Block 6 of the Cherry Avenue Industrial Center No. 2, resulting in a single consolidated parcel approximately 4.34 acres in size, as shown in Attachment C.

The rights granted by the attached decision must be exercised, or an extension granted, by September 12, 2019 or this approval shall be null and void.

Application Deemed Complete:	<u>June 14, 2017</u>
Notice of Decision Mailing Date:	<u>August 25, 2017</u>
Decision Effective Date:	<u>September 12, 2017</u>
State Mandate Date:	<u>October 12, 2017</u>

Case Manager: Chris Green, cgreen@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., September 11, 2017. 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 210. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(CASE NO. REP17-01)**

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

IN THE MATTER OF THE APPROVAL OF) REPLAT NO. 17-01;) 1430 TANDEM AVENUE NE)	FINDINGS AND ORDER AUGUST 25, 2017
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REQUEST

An application to reconfigure previously platted property, vacated easements and rights-of-way, and unplatted land within a single holding totaling approximately 8.91 acres in size. The existing flex space building and associated parking would remain on the subject property.

The subject property is approximately 8.91 acres in size, zoned IC (Industrial Commercial), and located at 1430 Tandem Avenue NE (Marion County Assessor map and tax lot number 073W11DA01703).

DECISION

The replat is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

Condition 1: The extent of the replat shall be limited to previously platted portion of the subject property as follows; Lots 10 and 11 of Block 5 and Lots 7, 8 and a portion of Lot 6 of Block 6 of the Cherry Avenue Industrial Center No. 2, resulting in a single consolidated parcel approximately 4.34 acres in size, as shown in Attachment C.

PROCEDURAL FINDINGS

1. On May 12, 2017, an application for a Replat was filed Dan Wellert of White Oak Construction on behalf of applicant 1430 Tandem Avenue, LLC for property located at 1430 Tandem Avenue NE (Attachment A).
2. The application was deemed complete for processing on June 14, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on June 20, 2017. The state-mandated local decision deadline for the subject case is October 12, 2017.

SUBSTANTIVE FINDINGS

1. Proposal

The replat application proposes to reconfigure previously platted property, vacated easements and rights-of-way, and unplatted land within a single holding into two parcels, with Parcel 1 consisting of approximately 3.49 acres and Parcel 2 consisting of approximately 5.44 acres. The existing flex space building and associated parking would remain on Parcel 2.

The applicant's supplemental written statement indicates that the purpose of the proposal is to eliminate certain easements on the subject property in order to satisfy lender's requirements. Specifically, the applicant proposes to extinguish the following easements:

- 1) A portion of the utility easement lying in the vacated portion of Tandem Avenue NE which is within the existing building footprint;
- 2) A 10-foot-wide utility easement created by the plat of Cherry Avenue Industrial Center No. 2 subdivision, located along the north line of Lot 8, Block 6 in the Cherry Avenue Industrial Center No. 2 plat; and
- 3) A building setback line shown 20 feet from the north line of Lot 11, Block 5, and Lot 8, Block 6 of the Cherry Avenue Industrial Center No. 2 plat.

Several other public and private utility and access easements would remain on the replatted parcel, as described in the applicant's supplemental written statement. The applicant's proposal includes an area north of the boundary of the Cherry Avenue Industrial Center No. 2 plat, approximately 4.57 acres in size, which has never been part of a plat. As described in findings below regarding compliance with ORS Chapter 92, a condition of approval will limit the extent of the replat to previously platted lots within the Cherry Avenue Industrial Center No. 2 subdivision and previously vacated right-of-way for Tandem Avenue NE, which would be consolidated into a single parcel approximately 4.34 acres in size.

2. Existing Conditions

Site and Vicinity

The subject property consists of a single tax lot approximately 8.91 acres in size, which comprises the following units of land; Lots 10 and 11 of Block 5 and Lots 7, 8, and a portion of Lot 6 of Block 6 of Cherry Avenue Industrial Center No. 2 subdivision, a vacated portion of Tandem Avenue NE, and a portion of unplatted land conveyed by deed. The portions of the subject property within Cherry Avenue Industrial Center No. 2 were platted in 1979. An approximately 56,000 square foot industrial office flex building is located on the site, currently being used as a state agency office building. The subject property fronts the internal street system of the industrial park on either side of a 90-

degree corner, with frontage on Tandem Avenue NE and Del Webb Avenue NE, both designated as local streets in the Salem Transportation System Plan (TSP).

The east boundary of the subject property is formed by railroad right-of-way for the Portland and Western/Burlington Northern Santa Fe Railroad (formerly Oregon Electric Railroad). The north boundary of the subject property abuts the Hicks-Jones subdivision, recorded in 1943. Between the Cherry Avenue Industrial Center No. 2 plat and the Hicks-Jones subdivision is the unplatted portion of the subject property, which had been reserved as the path of the once-proposed Northgate Avenue roadway, but was later conveyed to the owners of the abutting Cherry Avenue Industrial Center No. 2 lots. At some point in time the entire 8.91-acre holding was consolidated into a single tax lot, but there is no evidence to suggest the units of land were combined for any purpose other than tax assessment.

The right-of-way for Tandem Avenue NE once extended northward through the subject property, between Lots 10 and 11 of Block 5 and Lots 7 and 8 of Block 6 of the Cherry Avenue Industrial Center No. 2 plat, with the exception of a one-foot reserve strip deeded to the City of Salem at the north property boundary. This segment of the Tandem Avenue right-of-way was vacated in 1995 by City Council Ordinance No. 81-95. The existing building on the subject property was developed for the SUMCO silicon wafer manufacturing facility. In 2013, a Class 1 Site Plan Review was approved for a change of use to government services (Oregon Department of Human Services office), and the building remains as a flex industrial/office space used for government services.

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: Industrial Commercial

East: (Across Portland Western Railroad right-of-way) Parks/Open Space/Outdoor Recreation and Industrial

West: Industrial and Industrial Commercial

Zoning and Surrounding Land Use

The subject property is zoned IC (Industrial Commercial) and is developed with an office building, parking spaces, and associated site improvements. The surrounding properties are zoned and used as follows:

- North: IG (General Industrial); single family residence west of Brooks Avenue NE, vacant east of Brooks Avenue NE
- South: IC (Industrial Commercial); government services - flex office building
- East: (Across Portland Western Railroad right-of-way) PA (Public Amusement) and IG (General Industrial); community center and construction office
- West: IC (Industrial Commercial) and IG (General Industrial); parking and vacant

Relationship to Urban Service Area

The subject property is located inside the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is not required when property is located inside the boundaries of the Urban Service Area.

3. Land Use History

- **Subdivision Plat No. 557, Cherry Avenue Industrial Center (1978):** A subdivision dividing approximately 53.9 acres into 46 lots to create an industrial park. The platted portion of the subject property consists of several lots within Phase 2 of this subdivision, which was platted in 1979.
- **Conditional Use Case No. CU08-03 (2008):** Allowed a pre-packaged concrete and mortar company as a conditional use. The application was withdrawn during the appeal phase and the concrete and mortar company never began operations.
- **Comprehensive Plan and Zone Change Case No. CPC-ZC08-13 (2008):** Changed the Comprehensive Plan Map designation and from "Industrial" to "Industrial Commercial" and changed the zoning from IG (General Industrial) to IC (Industrial Commercial) for the subject property and three abutting tax lots (Tax Lots 700, 702, and 801).
- **Class 2 Site Plan Review Case No. 13-112595-RP (2013):** Class 1 Site Plan Review for change of use to government services (Department of Human Services office).
- **Class 2 Site Plan Review Case No. 13-113099-RP (2013):** Class 2 Site Plan Review for alteration of an existing parking lot to include 32 additional spaces.
- **Class 2 Site Plan Review Case No. 16-105380-RP (2016):** A Class 2 Site Plan Review approving a proposed building addition, parking lot expansion, and change of use from general manufacturing to government services for the subject property.

4. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment E.

Fire Department - The Salem Fire Department submitted comments indicating no issues with the replat proposal. The comments also indicate that fire access and water supply will be reviewed for future development at the time of building permit application.

Oregon Department of Transportation, Rail Crossing Safety Section submitted comments indicating no concerns with the proposal.

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

5. Neighborhood Association Comments

The subject property is within the Northgate Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” No comments were received from the neighborhood association prior to the comment deadline.

6. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. No comments were received from adjacent property owners or the public at large prior to the comment deadline.

7. Criteria for Granting a Replat

Salem Revised Code (SRC) 205.025(d) sets forth the following criteria that must be met before approval can be granted to a tentative replat. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the tentative replat for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy the criteria.

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: A previously vacated portion of the Tandem Avenue NE right-of-way ran northward through the platted portion of the subject property, but was vacated in 1995

by City Council ordinance 81-95. The proposed replat would remove certain setback lines and easements within the portion of this previously vacated right-of-way that runs across the footprint of the existing building on site.

Part of the remaining portion of Tandem Avenue NE abuts the south boundary of the subject property. The replat does not propose to vacate this public street, or any recorded covenants or restrictions.

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, as conditioned, conforms to the applicable requirements of SRC Chapter 205.

SRC Chapter 551 (Industrial Commercial): The proposed replat, as conditioned, would result in a single parcel of approximately 4.57 acres. Compliance with development standards within the IC zone are addressed in the following findings:

SRC 551.010(a) – Lot Standards: There is no minimum lot area or lot dimension requirement in the IC zone. The minimum street frontage requirement is 16 feet. The proposed replat, as conditioned, would result in a single parcel of approximately 4.57 acres, with approximately 200 feet of frontage along Del Webb Avenue NE and 110 feet of frontage along Tandem Avenue NE.

SRC 551.010(b) – Setbacks: Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

Abutting Street:

- *South:* The subject property is adjacent to Del Webb Avenue NE to the south. There is a minimum 5 foot building setback adjacent to a street; vehicle use areas require a minimum 6-10 foot setback.
- *West:* The subject property is adjacent to Tandem Avenue NE to the west. There is a minimum 5 foot building setback adjacent to a street; vehicle use areas require a minimum 6-10 foot setback.

Interior Front, Side, and Rear:

- *North:* As conditioned, the replatted parcel would abut an IC (Industrial Commercial) property to the north.
- *South:* The subject property is adjacent to an IC (Industrial Commercial) zone to the south.
- *West:* The subject property is adjacent to IC (Industrial Commercial) and IG (General Industrial) zones to the west. There is no building setback required adjacent to an IC zone; the minimum 5 foot vehicle use area setback is required adjacent to an IC zone. There is a minimum 10 foot building and vehicle use area setback required adjacent to an IG zone.

As described in further detail in findings below evaluating compliance with SRC 800.015(a), the location of the northern property boundary of the replatted parcel, as established subject to conditions of approval, in fact remains in the same location. Therefore, to the extent that existing development on the subject property is non-conforming with respect to SRC 800.015(a), or required setbacks, the proposed replat does not increase that non-conformity. The proposed replat would not alter the location of the south, east, or west boundaries nearest to the existing development.

The subject property is currently improved with an existing building together with corresponding off-street parking and other site improvements. The proposed replat, as conditioned, does not involve any new building or parking and vehicle use area construction, but instead only consolidates existing lots and the vacated right-of-way of Tandem Avenue NE into one parcel. Setback requirements for future development on the proposed parcel will be reviewed at the time of application for building permits.

The proposal conforms to the requirements of SRC Chapter 551.

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 lot 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 public water line is located within a portion of the former right-of-way of Tandem Avenue NE on the subject property.
- A 12-inch public water main is located within a public easement within the subject property, within the current parking area.
- Sewer:* 12-inch and 8-inch public sewer mains are located along the western boundary of the subject property.
- A 6-inch public sewer main is located within a portion of the former right-of-way of Tandem Avenue Ne on the subject property.
- Storm Drainage:* 8-inch and 12-inch storm mains are located along the southern and eastern boundaries of the property.
- Streets:* Tandem Avenue NE and Del Webb Avenue NE currently abut the subject property on either side of a corner along the south and west boundaries of the subject property. Tandem Drive NE is designated as a Local street in the Salem Transportation System Plan (TSP).
- The standard for this street classification is a 30-foot improvement within a 60-foot right-of-way.
 - The abutting portion of Tandem Drive NE currently has an approximate 38-foot-wide improvement within a 60-foot-wide right-of-way.

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. As described in findings above, the subject property is a single tax lot that consists of several platted lots, a previously vacated segment of right-of-way, and unplatted land. Pursuant to conditions of approval, the replat would create a single platted parcel in the place of approximately 4.34 acres of platted lots and vacated right-of-way. The unplatted portion of the subject property would not be included in this parcel, and the boundary between the replatted parcel and remainder of the subject property would cross the existing footprint of the building on the subject property.

However, at present the boundaries of each of the platted lots within the subject property, as well as the boundaries of the vacated Tandem Avenue NE right-of-way already overlap the footprint of the existing building. While Tax Lot 703 consists of both platted and unplatted land consolidated for tax purposes, the underlying boundary of the

Cherry Avenue Industrial Center No. 2 plat has never been erased or relocated. The proposed replat does not create any new lot line which overlaps with the footprint of the existing building, and in fact would remove many of the lot lines which currently pass through the area occupied by the building. Therefore, to the extent that existing development on the subject property is non-conforming with respect to SRC 800.015(a), the proposed replat does not increase that non-conformity. Further development of the site may require that the location of the remaining property line (at the boundary of Parcel 1) be addressed through a property boundary verification or other land reconfiguration process.

The proposal conforms to the requirements of SRC Chapter 800.

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.

Because the proposed development does not involve the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, a tree conservation plan is not required for the proposed replat. Future development or any future proposed tree removals from the proposed lot must conform to the requirements of SRC Chapter 808.

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

SRC Chapter 809 requires notice to DSL for applications for development or land use in areas designated as wetlands on the official wetlands map. The Salem-Keizer Local Wetland Inventory (LWI) does not identify any mapped wetlands or waterways on the subject property. Therefore, there will be no impacts related to jurisdictional wetlands or waterways as a result of the proposal and future development of the property.

SRC Chapter 810 (Landslide Hazards): SRC Chapter 810 (Landslide Hazards) establishes requirements for development within areas mapped for potential landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property does not include several very small areas of mapped landslide hazard susceptibility points. Pursuant to the requirements of SRC 810.025, a geologic assessment or geotechnical report may be required in conjunction with future development on the subject property.

The proposal meets this criterion.

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. As conditioned, 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: Tax Lot 1703 is the subject property proposed for the replat. This tax lot encompasses five platted lots within the Cherry Avenue Industrial Center No. 2 subdivision, a previously vacated segment of right-of-way for Tandem Avenue NE, and approximately 4.57 acres of unplatted land. Pursuant to subsection (1) of ORS 92.185, the replat may only the portions of the subject property within a recorded plat. In order to ensure that the replat is consistent with this provision of ORS 92.185, the following condition shall apply:

Condition 1: The extent of the replat shall be limited to previously platted portion of the subject property as follows; Lots 10 and 11 of Block 5 and Lots 7, 8 and a portion of Lot 6 of Block 6 of the Cherry Avenue Industrial Center No. 2, resulting in a single consolidated parcel approximately 4.34 acres in size, as shown in Attachment C.

As conditioned, the proposal complies with the provisions of ORS 92.185(1).

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, water, and sewer infrastructure were constructed to serve the lots within the existing Cherry Avenue Industrial Center No. 2 subdivision. 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 and substantive findings included in this report, notice was provided to owners of property, including contiguous property, located within 250 feet of the subject property. 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 utilities serving the subject property. The proposal therefore satisfies this requirement.

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

Finding: A segment of right-of-way for Tandem Avenue NE once extended northward across the subject property. In 1995, the City Council adopted Ordinance No. 81-95, which vacated this segment of the Tandem Avenue right-of-way. The proposed replat does not vacate any public street or road. 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 report regarding criterion SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot configuration and dimensions, access and circulation, and availability of public and private utility infrastructure. The proposal therefore satisfies this requirement.

Comments from the Public Works Department also note that prior to final plat, the applicant shall verify with the Marion County Surveyor that the subdivision plat name is an accepted and valid plat name per ORS 92.090(1).

As conditioned, 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: The City has previously approved several land use decisions on the subject property, as detailed in Section 3 of this report. The following cases were adopted with conditions of approval:

- Subdivision Plat No. 557, Cherry Avenue Industrial Center was approved in 1978. Conditions of approval were determined to be met prior to the recording of the final plat of Phases 1 and 2 in 1979.
- Conditional Use Case No. CU08-03 was approved subject to the following condition:

Condition 1: Prior to the issuance of a change of occupancy permit, the applicant shall comply with the provisions of the noise mitigation plan. If the noise mitigation plan fails to achieve the desired noise reduction levels, additional requirements may be enforced at that time.

Staff Response: The conditional use granted by this case was never commenced, and the proposed replat would not change the use of the site or otherwise impact noise levels.

- Comprehensive Plan Map and Zone Change Case No. 08-13 was approved in 2008 subject to the following conditions of Zone Change approval:

Condition 1: All of the uses within the Industrial Commercial (IC) zone shall be allowed except for the following: fast food with drive-thru, supermarket, gasoline service station, discount superstore, and garden supply center.

Condition 2: Traffic impacts from future development shall be limited such that a maximum of 2,600 average daily trips are generated by the proposed use or uses. At the time of development review for any proposed use on the property subject to the restrictive covenant, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual. No development on the property shall be allowed that causes average daily trips of the property subject to the covenant to exceed 2,600 average daily trips.

Condition 3: No residential uses shall be allowed.

Condition 4: The property owner of the subject property shall record in the land records of Marion County, in a form approved by the Salem City Attorney, restrictive covenants that substantively comply with the following restrictions:

All of the uses within the Industrial Commercial (IC) zone shall be allowed except for the following: fast food with drive-thru, supermarket, gasoline service station, discount superstore, and garden supply center.

No development on the property shall be allowed that causes average daily trips from the development to exceed 2,600 average daily trips, as calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

No residential uses shall be permitted.

These covenants shall run with the land.

These covenants may only be amended or terminated upon written approval by the City of Salem.

Staff Response: The proposed replat would not result in any change of uses on the subject property or result in development that would increase average daily trips. Therefore, the tentative replat is not prohibited by the conditions of approval adopted for CPC-ZC08-13.

Upon review of previous land use cases in the record, staff finds that the tentative replat is not prohibited by any existing City land use approval or previous condition of approval affecting the subject property.

SRC 205.010(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, as specified in Attachment E, 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). Comments from the Public Works Department also indicate that existing public infrastructure is located within the subject property, and City records do not show that easements are in place that meet the Public Works Design Standards (PWDS). The applicant shall provide easements for existing public infrastructure pursuant to PWDS. The proposed replat ensures adequate provision of City infrastructure and streets to serve the proposed lots and its future development. The proposal meets this criterion.

8. Conclusion

Based upon review of SRC 205.025(d), the findings contained under section 7 above, and the comments described, and subject to the conditions of approval adopted herein, the tentative replat complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to replat previously platted property and the vacated portion of the right-of-way of Tandem Avenue NE, which runs through the subject property, for property totaling approximately 8.91 acres in size, zoned IC (Industrial Commercial), and located at 1430 Tandem Avenue NE (Marion County Assessor map and tax lot number 073W11DA01703), is hereby GRANTED subject to SRC Chapters 205, 551, and the following condition prior to final plat approval:

Condition 1: The extent of the replat shall be limited to previously platted portion of the subject property as follows; Lots 10 and 11 of Block 5 and

Lots 7, 8 and a portion of Lot 6 of Block 6 of the Cherry Avenue Industrial Center No. 2, resulting in a single consolidated parcel approximately 4.34 acres in size, as shown in Attachment C.



Christopher Green, AICP, Planning Administrator Designee

- Attachments: A. Vicinity Map
B. Tentative Replat Plan – as submitted
C. Tentative Replat Plan – showing boundary of Parcel 1 pursuant to Condition 1
D. Applicant's Written Statement
E. City of Salem Public Works Department Comments

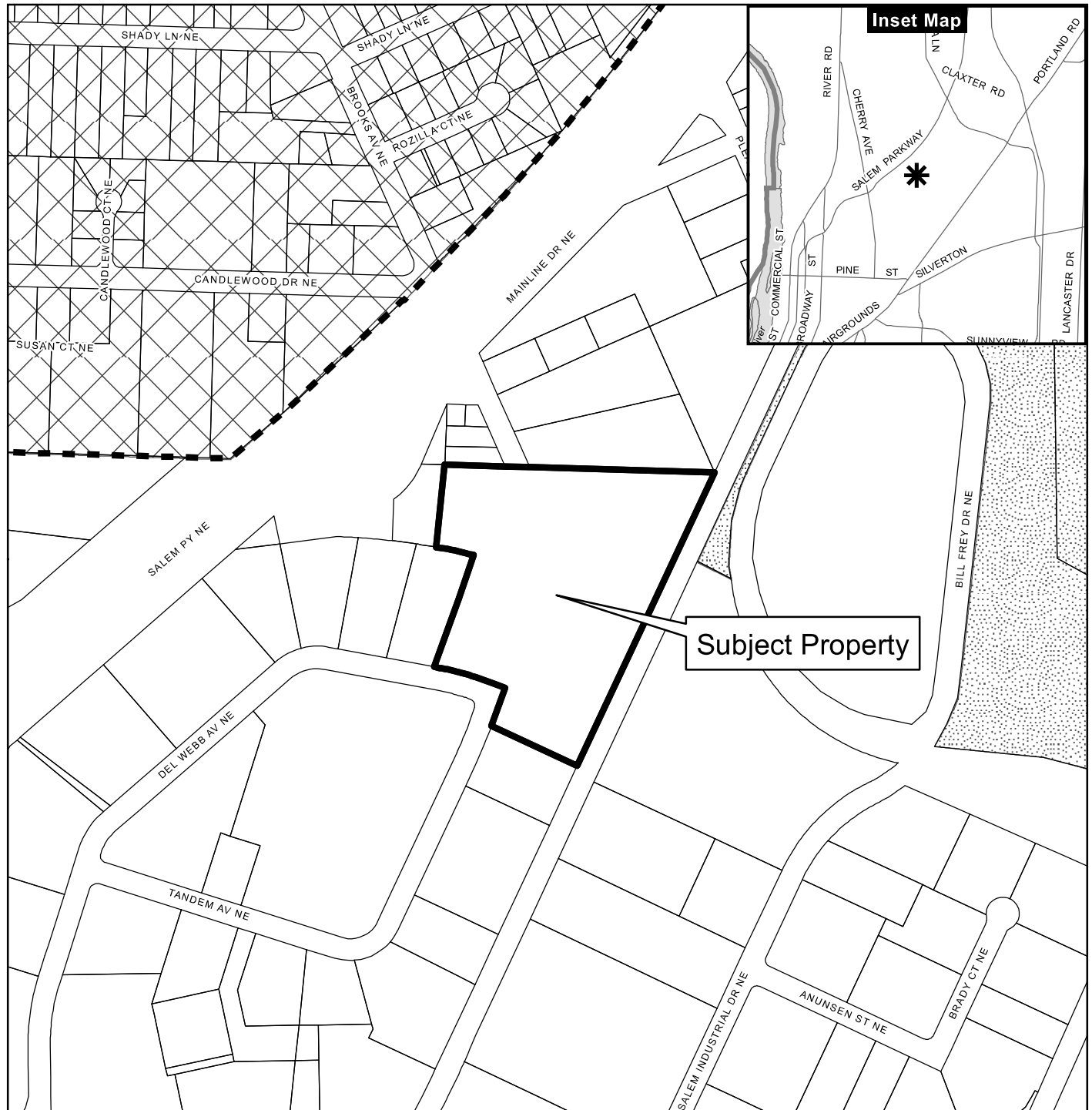
Application Deemed Complete: June 14, 2017
Notice of Decision Mailing Date: August 25, 2017
Decision Effective Date: September 12, 2017
State-Mandated Decision Deadline: October 12, 2017

The rights granted by this decision must be exercised or extension granted by September 12, 2019 or this approval shall be null and void.

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, September 11, 2017, 2017, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 1430 Tandem Avenue NE



Legend

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

- Parks

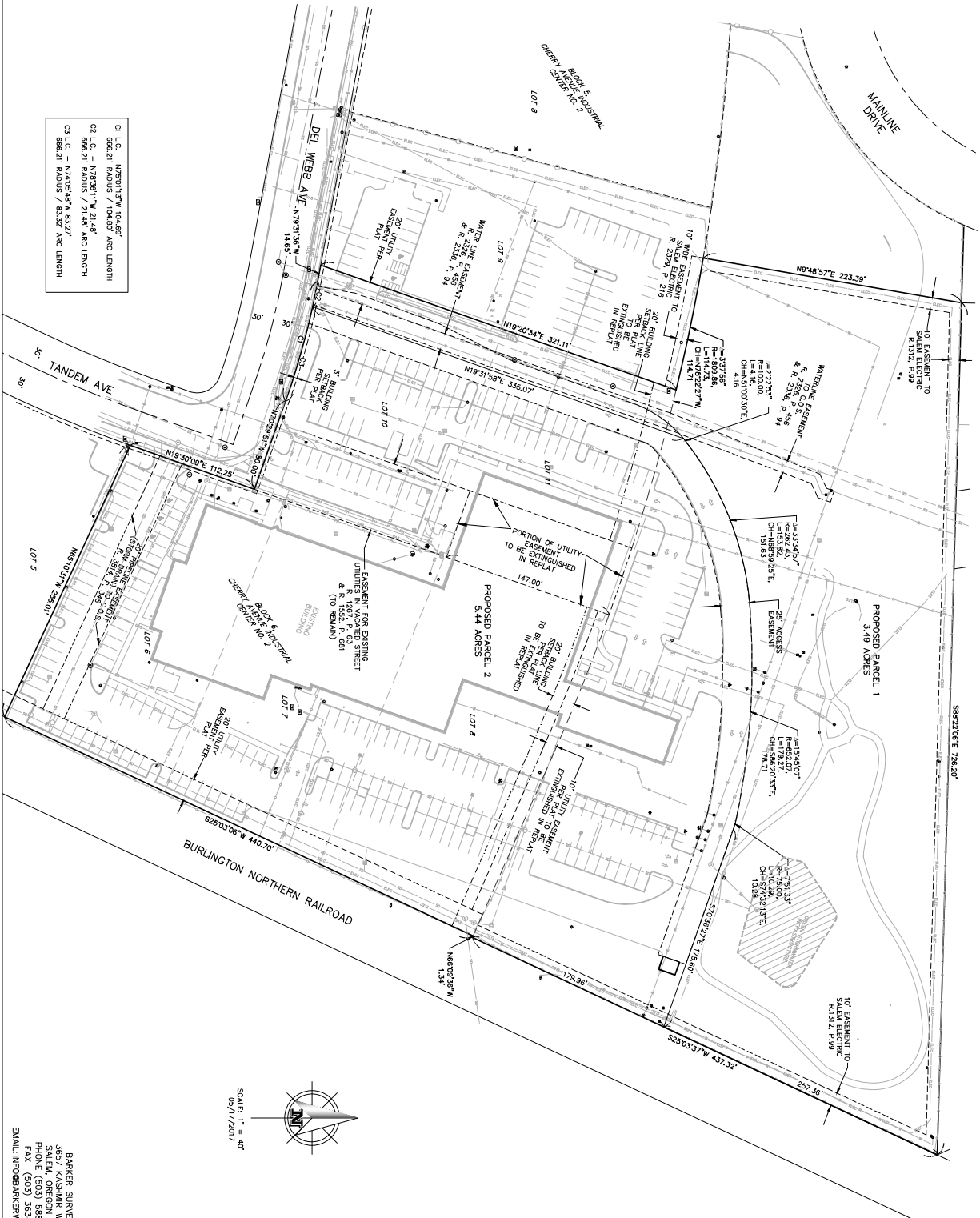
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



PRELIMINARY PARTITION PLAT



C L.C. - N 93° 13' 36" W, 104.60'
 666.2' HINDS / 104.60' ARC LENGTH
 C2 L.C. - N 93° 13' 36" W, 21.48'
 666.2' HINDS / 21.48' ARC LENGTH
 C3 L.C. - W 72° 54' 49" E, 83.27'
 666.2' HINDS / 83.27' ARC LENGTH

BARBER SURVEYING
 3657 KASIMIR WAY SE
 SALEM, OREGON 97317
 PHONE: (503) 588-8800
 FAX: (503) 363-2469
 EMAIL: INFO@BARBERSURV.COM

APPLICANT:
 1430 TANDEM AVE LLC
 ATTN: JOSEPH FOX
 2282 MOSEL CREST ST SE
 SALEM, OR 97302
 SURVEYOR:
 GREGORY L. WILSON
 BARBER SURVEYING
 3657 KASIMIR WAY SE
 SALEM, OREGON 97317
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 GREG@BARBERSURV.COM

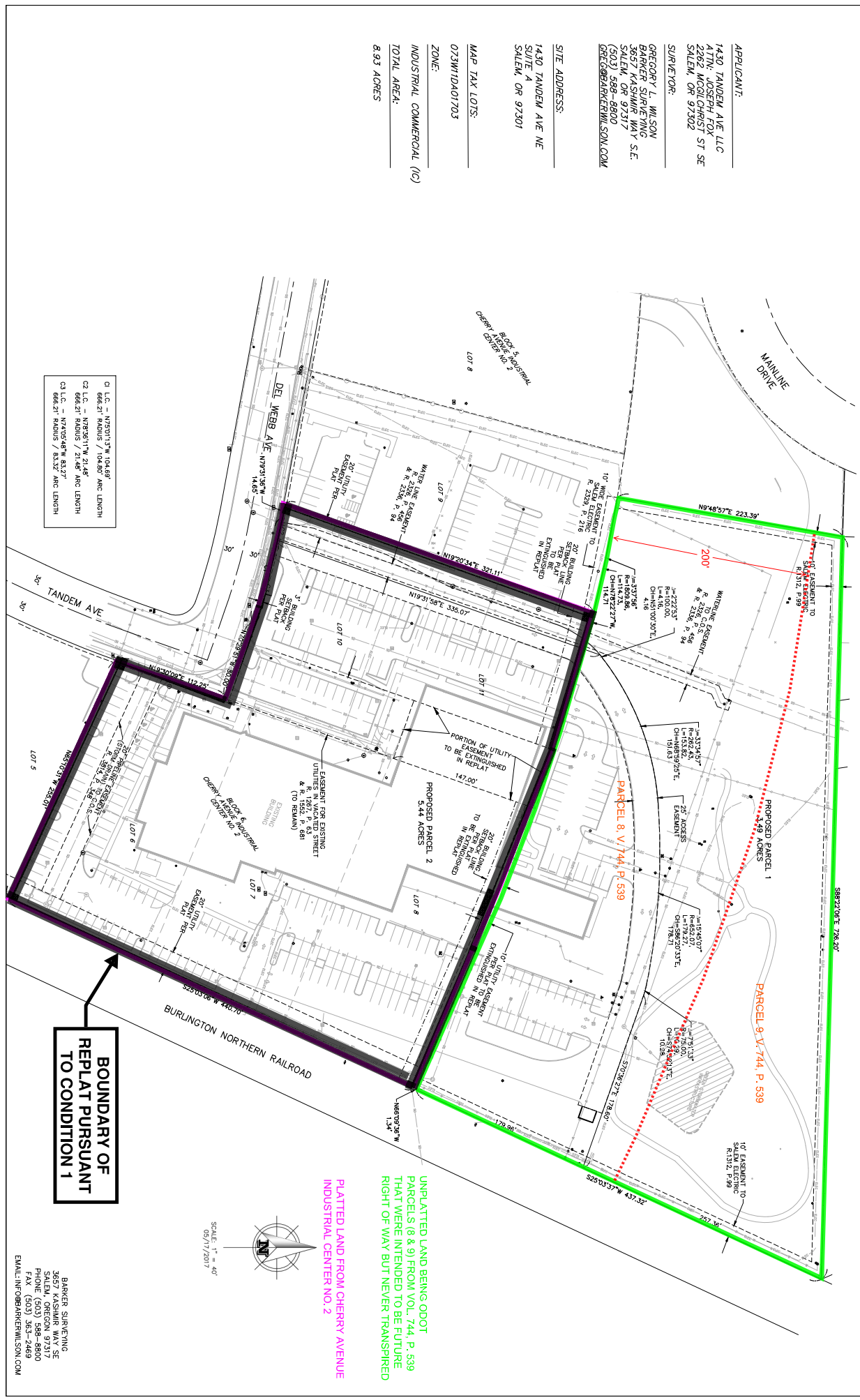
SITE ADDRESS:
 1430 TANDEM AVE NE
 SUITE A
 SALEM, OR 97301

MAP TAX LOTS:
 073W1D401703

ZONE:
 INDUSTRIAL COMMERCIAL (IC)

TOTAL AREA:
 8.93 ACRES

PRELIMINARY PARTITION PLAT



C.L.C. - N75°01'17"W 104.69'
666.2' HINDS / 104.69' ARC LENGTH
C2 L.C. - N75°01'17"W 214.8'
666.2' HINDS / 214.8' ARC LENGTH
C3 L.C. - N75°01'17"W 83.27'
666.2' HINDS / 83.27' ARC LENGTH

BOUNDARY OF
REPLAT PURSUANT
TO CONDITION 1

UNPLATTED LAND BEING ODOT
PARCELS (8 & 9) FROM VOL. 744, P. 539
THAT WERE INTENDED TO BE FUTURE
RIGHT OF WAY BUT NEVER TRANSFERRED
PLATTED LAND FROM CHERRY AVENUE
INDUSTRIAL CENTER NO. 2

BARBER SURVEYING
3657 KASIMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARBERWILSON.COM

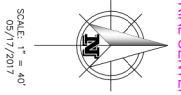
APPLICANT:
1430 TANDEM AVE LLC
ATTN: JOSEPH FOX
2282 JOSEPH CROST ST SE
SALEM, OR 97302
SURETOR:
GREGORY L. WILSON
BARBER SURVEYING
3657 KASIMIR WAY SE
SALEM, OREGON 97317
(503) 588-8800
GREG@BARBERWILSON.COM

SITE ADDRESS:
1430 TANDEM AVE NE
SUITE A
SALEM, OR 97301

MAP TAX LOTS:
073W1D401703

ZONE:
INDUSTRIAL COMMERCIAL (IC)

TOTAL AREA:
8.93 ACRES





Barker Surveying

August 5, 2017

Christopher Green
Planner II
City of Salem
Community Development Dept.
555 Liberty St. SE / Room 305
Salem, OR 97301

RE: 1430 Tandem Avenue Proposed Replat Summary

Dear Chris,

In order to satisfy lender's requirements for the subject property, the owners of the property at 1430 Tandem Avenue NE are proposing to replat their property to remove the existing encumbrances that are detrimental to the property's title as it relates to the lender. The easements to be extinguished are as follows:

- 1) a portion of the utility easement lying in the vacated portion of Tandem Avenue which lies in the existing building location;
- 2) a 10' utility easement created by the plat of CHERRY AVENUE INDUSTRIAL CENTER NO. 2, located along the north line of Lot 8, Block 6 in said plat;
- 3) 20' Building Setback Line per plat of CHERRY AVENUE INDUSTRIAL CENTER NO. 2 along the north line of Lot 11, Block 5 and Lot 8, Block 6 in said plat.

The existing easements encumbering the subject property to remain in the replat are:

- 1) 20' utility easements along the west line of Lots 10 and 11, Block 5 and adjacent to the Burlington Northern Railroad right of way as created in the plat of CHERRY AVENUE INDUSTRIAL CENTER NO. 2
- 2) Utility easement lying in the vacated portion of Tandem Avenue being that portion of said easement lying Southerly of the existing building.
- 3) A 20' pipeline easement (Storm Drain to City of Salem), recorded in Reel 3814, Page 348.
- 4) A waterline easement to City of Salem recorded in Reel 2326, Page 456 and Reel 2336, Page 94.
- 5) 10' easement to Salem Electric recorded in Reel 2329, Page 216 and Reel 1312, Page 99.
- 6) A private access easement allowing access to the existing lease parcel (Proposed Parcel 2), to be granted in the replat as a reciprocal private access and public utility easement to benefit the two proposed parcels.

The second purpose of the proposed replat is to reconfigure the several individual lawfully established units of land that make up the subject property into two legal parcels. Those existing units of land making up the subject property are: Lots 10 & 11, Block 5 and Lots 7, 8 and a portion of Lot 6, Block 6, CHERRY AVENUE INDUSTRIAL CENTER NO. 2; The vacated portion of

Tandem Avenue per Reel 1267, Page 63; Parcels 7 and 8 in Volume 744, Page 539 (being the portion of the original property from Volume 458, Page 487 lying East of Parcel 6 in said Volume 744, Page 539). One of the proposed parcels will consist of the same property described in that lease agreement with ODOT, being 5.44 acres in size. The other proposed parcel will be the remainder of the subject property. Both parcels will utilize a shared access easement off Del Webb Avenue along the westerly line of the subject property. Proposed Parcel 2 will have direct access off of Tandem Avenue. It is not known at this time if the owners wish to make an agreement for Parcel 1 to also utilize the Tandem Avenue access.

If you have any questions in regards to any other details involving the subject property in relation to the current proposed replat, please contact me at your earliest convenience, as time is of the essence.

Sincerely,

Gregory L. Wilson, President
Barker Surveying

1. The proposed replat does not involve the vacation of any public street or road or any recorded covenants or restrictions. This replat will remove certain setbacks and easements within a previously vacated Street.
2. The re-plat will not create non-conforming units of land.
3. The replat will comply with all standards of SRC Chapter 205. The replat will consolidate five or six smaller parcels into two parcels which will be larger and provide better use in the zone.
4. The replat complies with all provisions of ORS Chapter 92.
5. The tentative replat is not prohibited by any existing City land use approval or previous condition of approval affecting the units of land of being affected. Instead it implements a portion of the decision granting the vacating a portion of Tandem Avenue NE which occurred in 1995. Ordinance number 81-95 vacated the street but preserved certain aspects of the utility easements in the roadway. The ordinance also allowed the owner to vacate those easements upon establishment that existing easements had been relocated or abandoned at the expense of the owner. This re-plat is the method of establishing that the utilities have been relocated or abandoned.
6. The provision of infrastructure and public or private utilities has been provided for on the new plat. The re-plat will not adversely affect the availability of or access to city infrastructure or public or private utilities are streets.



MEMO

TO: Christopher Green, Planner II
Community Development Department

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

DATE: August 24, 2017

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
REPLAT NO. 17-01 (17-110039-LD)
1430 TANDEM AVENUE NE

PROPOSAL

An application to consolidate previously platted property, vacated easements, and rights-of-way into two parcels, with Parcel 1 consisting of approximately 3.49 acres and Parcel 2 consisting of approximately 5.44 acres. The existing flex space building and associated parking would remain on Parcel 2.

The subject property is approximately 8.91 acres in size, zoned IC (Industrial Commercial), and located at 1430 Tandem Avenue NE (Marion County Assessor map and tax lot number 073W11DA01703).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

The applicant shall provide easements for existing public infrastructure pursuant to PWDS.

FACTS**Streets**

Tandem Avenue NE / Del Webb Avenue NE—This Local-designated street is a 38-foot improvement within a 60-foot right-of-way.

Storm Drainage

Existing Condition—18-inch and 12-inch storm mains are located along the southern and eastern boundaries of the property.

Water**Existing Conditions**

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

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

2. A 12-inch public water line is located within the Tandem Avenue NE private access on the subject property.
3. A 12-inch public water main is located within a public easement within the subject property, within the current parking area.

Sanitary Sewer

Existing Sewer

1. Twelve-inch and 8-inch public sewer mains are located along the western boundary of the subject property.
2. A 6-inch public sewer main is located within the Tandem Avenue NE private access on 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 Unified Development Code.

Findings—Public Works staff has analyzed the proposed development for compliance with applicable provisions of SRC Chapters 21, 70-78, 200, 205, 601, 802-804, and 810. Any Code provisions found to be out of compliance are shown in the recommended conditions of development.

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 as per SRC 205.035(a), the approval of the Planned Unit Development replat 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 applicant shall verify with the Marion County Surveyor that the subdivision plat name is an accepted and valid name per ORS 92.090(1).

Christopher Green, Planner II

August 24, 2017

Page 3

MEMO

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. Existing public infrastructure is located within the subject property, and City records do not show that easements are in place that meet PWDS. The applicant shall provide easements for existing public infrastructure pursuant to PWDS.

Prepared by: Curt Pellatz, Project Coordinator

cc: File