

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 COMMISSION

SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO.: SUB-ADJ18-04

APPLICATION NO. : 18-120385-LD & 19-102487-ZO

NOTICE OF DECISION DATE: March 18, 2019

SUMMARY: A Tentative Subdivision to divide property approximately 4.08 acres in size into four lots between 0.92 acres and 1.85 acres in size with an adjustment to allow two of the lots to be flag lots.

REQUEST: A Tentative Subdivision application to divide Lot 1 of the Sullivan Acres plat into four lots ranging in size from 0.92 acres to 1.85 acres in size and a Class 2 Adjustment to allow two (50 percent) of the four lots to be flag lots where SRC 800.025(e) allows up to 15 percent of the lots in a subdivision to be flag lots, on a property approximately 4.08 acres in size, zoned IG (General Industrial), and located at 2282 Claxter Road NE - 97301 (Marion County Assessors Map and Tax Lot number 073W01C03400)."

APPLICANT: Ed Christensen for Welkin Engineering PC

OWNER(S): MSC 2282 Claxter, LLC

LOCATION: 2282 Claxter Road NE / 97301

CRITERIA: Subdivision: SRC 205.010(d)
Class 2 Zoning Adjustment: SRC 250.005(d)(2)

FINDINGS: The findings are in the attached Order dated March 18, 2019.

DECISION: The Planning Administrator **APPROVED** Subdivision / Class 2 Adjustment Case No.: SUB-ADJ18-04 subject to the following conditions of approval:

- Condition 1:** Increase the width of the proposed access easement to 30 feet.
- Condition 2:** Modify the accessway to include a turnaround meeting Salem Fire Prevention Code standards.
- Condition 3:** Prior to final subdivision plat approval, "No Parking – Fire Lane" pavement markings or signage shall be applied on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "No Parking" pavement markings or signage shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Pave the access easement to a minimum width of 24 feet.

- Condition 5:** Design and construct water, sewer, and stormwater systems and provide access and utility easements to serve all proposed lots in compliance with PWDS and ORS 92.090.
- Condition 6:** The existing storm main located on the subject property is located in a public storm easement (Reel 204, Page 1444) that does not comply with PWDS. The applicant shall be required to modify the storm main and/or the easement in compliance with PWDS.
- Condition 7:** Dedicate a 10-foot public utility easement along the street frontage of Claxter Road NE.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Claxter Road NE.
- Condition 9:** At the time of development of Lot 2, 3, or 4, provide a paved and marked 5-foot-wide pedestrian pathway on the east side of the access easement from Claxter Road NE to the southerly terminus of the access easement.
- Condition 10:** The adjusted percentage of lots flag lots, 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 the flag lot accessway standards, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by **April 3, 2021** or this approval shall be null and void.

Application Deemed Complete:	<u>November 26, 2018</u>
Notice of Decision Mailing Date:	<u>March 18, 2019</u>
Decision Effective Date:	<u>April 3, 2019</u>
State Mandate Date:	<u>May 10, 2019</u>

Case Manager: Pamela Cole, pcole@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., April 2, 2019**. 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 and 250. 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 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>

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**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(CASE NO. SUB-ADJ18-04)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173
<http://www.cityofsalem.net/planning>*

IN THE MATTER OF THE)	FINDINGS AND ORDER
CONSOLIDATED TENTATIVE)	
SUBDIVISION PLAN AND CLASS 2 ZONING)	
ADJUSTMENT CASE NO. 18-04;)	
2282 CLAXTER ROAD NE)	March 18, 2019

REQUEST

Summary: A Tentative Subdivision to divide property approximately 4.08 acres in size into four lots between 0.92 acres and 1.85 acres in size with an adjustment to allow two of the lots to be flag lots.

Request: A Tentative Subdivision application to divide Lot 1 of the Sullivan Acres plat into four lots ranging in size from 0.92 acres to 1.85 acres in size and a Class 2 Adjustment to allow two (50 percent) of the four lots to be flag lots where SRC 800.025(e) allows up to 15 percent of the lots in a subdivision to be flag lots, on a property approximately 4.08 acres in size, zoned IG (General Industrial), and located at 2282 Claxter Road NE - 97301 (Marion County Assessor's Map and Tax Lot number 073W01C03400).

A vicinity map is included as Attachment A.

DECISION

The tentative subdivision plan 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:** Increase the width of the proposed access easement to 30 feet.
- Condition 2:** Modify the accessway to include a turnaround meeting Salem Fire Prevention Code standards.
- Condition 3:** Prior to final subdivision plat approval, "No Parking – Fire Lane" pavement markings or signage shall be applied on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "No Parking" pavement markings or signage shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Pave the access easement to a minimum width of 24 feet.

- Condition 5:** Design and construct water, sewer, and stormwater systems and provide access and utility easements to serve all proposed lots in compliance with PWDS and ORS 92.090.
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- Condition 7:** Dedicate a 10-foot public utility easement along the street frontage of Claxter Road NE.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Claxter Road NE.
- Condition 9:** At the time of development of Lot 2, 3, or 4, provide a paved and marked 5-foot-wide pedestrian pathway on the east side of the access easement from Claxter Road NE to the southerly terminus of the access easement.
- Condition 10:** The adjusted percentage of lots flag lots, 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 the flag lot accessway standards, unless adjusted through a future land use action.

PROCEDURAL FINDINGS

1. On October 4, 2018, an application for a Tentative Subdivision Plan was filed proposing to divide a 4.08-acre property at 2282 Claxter Road NE (Attachment B) into 4 lots.
2. The application was deemed complete for processing on November 26, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on November 26, 2018. The 120-day state-mandated deadline was March 26, 2018.
3. On December 13, 2018, staff notified the applicant that an adjustment would be required to increase the allowed percentage of flag lots in the subdivision from 15% to 50%. Staff requested additional materials for a Class 2 Adjustment application.
4. On February 1, 2019, the applicant submitted the additional materials and granted a 45-day extension.
5. A revised notice to surrounding property owners was mailed pursuant to Salem Revised Code on February 11, 2019. The extended 120-day state-mandated deadline is May 10, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into 4 lots for industrial development (Attachment B), with lots ranging in size from 0.92 acres to 1.85 acres. All four lots will have access to Claxter Road NE with an existing driveway and proposed reciprocal access easement. Two lots will have frontage along Claxter Road NE and two lots will be flag lots.

The proposal is requesting one Class 2 Adjustment to allow two (50 percent) of the four lots to be flag lots where SRC 800.025(e) allows up to 15 percent of the lots in a subdivision to be flag lots. The applicant's written statement in support of the adjustment is included as Attachment C. The analysis of the requested Class 2 Adjustment for conformance with the applicable approval criteria is included in Section 8 of this report.

The applicant has not proposed any specific phasing for the subdivision. The proposed configuration does not include any corner lots.

2. Existing Conditions

Site and Vicinity

The subject property is a 4.08-acre rectangle platted as Lot 1 of Sullivan Acres. The property contains one industrial building currently occupied by a recreational marijuana and industrial hemp processing facility. The abutting properties to the west and southwest were created by the same subdivision plat. A Union Pacific Railroad-owned parcel abuts the eastern property boundary. The site is approximately 530 feet in length from north to south and approximately 350 feet from east to west. Claxter Road NE, designated as a local street in the Salem Transportation System Plan (TSP), abuts the northern property boundary.

The vicinity is primarily characterized by industrial development. The property is mostly flat. Environmental resource and natural hazard maps show an unverified wetland channel parallel to the west property line and no floodplain. According to the City's Landslide Hazard Maps, there is no mapped landslide susceptibility.

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" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Across Claxter Road NE - Industrial

South: Industrial

East: Industrial

West: Industrial

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

North: Across Claxter Road NE - IG (General Industrial); industrial and warehouse uses

South: IG (General Industrial); lumberyard

East: IG (General Industrial); railroad-owned land

West: IG (General Industrial); United States Postal Service facility

Relationship to Urban Service Area

The subject property is outside the City's Urban Service Area, but the proposed development does not precede construction of required facilities, and an Urban Growth Area Development permit is not required.

Infrastructure

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

A 42-inch public water transmission main and 10-inch public water main are located in Claxter Road NE. An 8-inch private water main extends into the subdivision from the 10-inch water main within an easement.

Sewer: An 8-inch sewer main is located in an easement abutting Claxter Road NE. The easterly terminus of the existing main does not comply with Public Works Design Standards (PWDS).

Storm Drainage: An 18-inch storm main is located in Claxter Road NE. A 24-inch storm main is located within an easement on the subject property and extends into Claxter Road NE.

Streets: Claxter Road NE currently abuts the northern boundary of the subject property. Claxter Road NE is designated as a Local cul-de-sac street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a half-width improvement of 15 feet within a 25-foot half-width right-of-way.
- The abutting portion of Claxter Road NE currently has an approximately 15-foot wide half-width improvement within a 25-foot-wide half-width right-of-way. No additional right-of-way or street improvements are required.

3. Land Use History

- **SUB96-05** – Subdivision to divide 17.58 acres into four lots. The plat was recorded in 1996 as Sullivan Acres with three lots.
- **PAR99-13** – Partition to divide a lot of approximately 4.07 acres into three parcels with Parcel 1 consisting of approximately 1.24 acres, Parcel 2 consisting of approximately 0.99 acres, and Parcel 3 consisting of approximately 1.84 acres. The application expired in 2003 and a final plat was not recorded.

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 D.

Fire Department – The Salem Fire Department reviewed the proposal and submitted comments indicating that they have no concerns with the land division. Items such as fire department access and water supply will be required at the time of construction. The Fire Department will review items including fire department access and water supply at the time of building permit plan review.

Building and Safety Division – The Salem Building and Safety Division reviewed the proposal and submitted comments indicating that they have no objections.

PGE – PGE reviewed the proposal and commented that development cost would be per current tariff and service requirements and a 10-foot public utility easement is required on all front street lots.

5. Neighborhood Association Comments

The subject property is within the Northgate Neighborhood Association. Notice of the revised 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.” The Northgate Neighborhood Association commented that they have no objections.

6. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. No comments were received prior to the comment deadline.

7. Criteria for Granting a Tentative 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 subdivision 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 lots 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 subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. 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 205.010(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 205.010(d)(1): The tentative subdivision complies with all 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 554 (General Industrial): The proposed subdivision would divide the 4.08-acre property into 4 lots. The site is currently zoned IG (General Industrial). The minimum lot area requirements of the IG zone are established under SRC 554.010(a) as follows:

Lot Standards for IG zone (see SRC Chapter 554, Table 554-2)

Requirement	Minimum Standard
Lot Area (Single Family)	None
Lot Width	None
Lot Depth (Single Family)	None
Street Frontage	16 feet (uses other than Single Family)

Two of the proposed lots in the subdivision have street frontages exceeding the minimum and the other two lots are flag lots that meet the applicable standards with the proposed adjustment to increase the allowed percentage of flag lots from 15% to 50%. Findings for the adjustment are included in Section 8 below. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapter 554.010(b) and Tables 554-3 and 554-4 establish the following setback standards for development within an IG (General Industrial) zone:

Yards Abutting Streets:

- Minimum 5 feet for buildings
- Minimum 6 to 10 feet for parking and vehicle use areas per SRC Chapter 806

Interior Front Yards (abutting IG zone):

- No minimum for buildings
- Minimum 5 feet for parking and vehicle use areas with Type A landscaping

Rear Yards (abutting IG zone):

- No minimum for buildings
- Minimum 5 feet for parking and vehicle use areas with Type A landscaping

Interior Side Yards:

- No minimum for buildings
- Minimum 5 feet for parking and vehicle use areas with Type A landscaping

Setback requirements for future development on proposed lots will be reviewed at the time of application for building permits on those individual parcels.

Setbacks abutting a flag lot accessway shall be measured from one of the following lines, whichever is most interior to the lot or parcel: (1) the property line; or (2) the most interior access easement line, if an access easement exists (SRC 112.050(c)).

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; where two or more lots are under single

ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. The subject property is occupied by a single building and parking and vehicle use area at this time. Future development shall meet all applicable setbacks relative to the proposed lot boundaries.

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots or double frontage lots proposed within the subdivision. No corner lots or double frontage lots are proposed. Two lots are proposed to have frontage abutting Claxter Road NE and two lots will be considered flag lots.

For flag lots, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots. For proposed Lot 3, the front lot line may be either the north or east property line. For proposed Lot 4, the front lot line may be either the north or west property line.

SRC 800.025 (Flag Lots): Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving 1-4 lots on nonresidential zoned property must have a maximum length of 400 feet, minimum width of 25 feet, and minimum pavement width of 20 feet. The tentative plans submitted by the applicant show an approximately 300-foot-long, 24-foot-wide access easement that is currently paved within proposed Lots 1 and 2 and currently unpaved in proposed Lots 3 and 4. The conditions of approval for the adjustment require a 5-foot-wide paved pedestrian path on the east side of the vehicle accessway. To conform to the flag lot accessway standards and accommodate a paved pedestrian path, the following condition is required:

Condition 1: Increase the width of the proposed access easement to 30 feet.

Subsection (c)(1) allows a maximum of four lots to be served by a flag lot accessway. The proposed accessway serves four lots and conforms to this standard.

Subsection (c)(2) requires flag lot accessway grade to conform to the Salem Fire Prevention Code. The subject property is nearly flat, and the Fire Department has not indicated concerns over the grade. The proposal conforms to the standard.

Subsection (c)(3) requires Fire Department access and flag lot accessway turnarounds. Unobstructed fire apparatus access shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal. Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler

systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal. The tentative plan does not include a turnaround, no buildings are proposed for proposed Parcels 2, 3, and 4 at this time, and no geographic features make a turnaround impractical. The following conditions are required to ensure compliance:

Condition 2: Modify the accessway to include a turnaround meeting Salem Fire Prevention Code standards.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that emergency access remains unobstructed, the following condition shall apply:

Condition 3: Prior to final subdivision plat approval, “No Parking – Fire Lane” pavement markings or signage shall be applied on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and “No Parking” pavement markings or signage shall be posted on both sides of any remaining portion of the accessway.

Subsection (e) allows a maximum of 15 percent of lots in a subdivision to be flag lots. The applicant has requested an adjustment to this standard. Findings are included in Section 8 of this report.

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

SRC 806.035 (Off-Street Parking and Loading Development Standards for Uses or Activities Other Than Single Family and Two Family): Proposed Lot 1 currently is developed with a parking lot, and the other lots may be developed with additional parking. For standard 90-degree parking spaces, the minimum width is 9 feet, minimum length is 19 feet, and minimum drive aisle width is 24 feet. A 5-foot-wide paved pedestrian pathway or landscaped area is required between a building and parking area.

The existing conditions plan indicates that the existing parking area on proposed Lot 1 has the 5-foot-wide paved pedestrian pathway abutting the building, striping for space lengths of approximately 18 feet, striping for space widths of 8 to 9 feet, and a drive aisle width of approximately 60 feet serving those spaces; adequate area exists to provide 19-foot-long spaces. The proposed tentative plan indicates that the access easement would be within the current 60-foot-wide drive aisle; the closest edge of the access easement would be approximately 17 feet from the end of a 19-foot-long standard space. The access easement, which would be widened to 30 feet in width as conditioned, straddles the property lines between proposed Lots 1 and 2 and proposed Lots 3 and 4.

The proposed access easement serves as part of the drive aisle for the existing parking area on Lot 1. The access easement width of 30 feet as conditioned would exceed the minimum drive aisle width of 24 feet for 90-degree standard spaces.

Perimeter setbacks of 5 feet are generally required between a parking and vehicle use area and an interior lot line. Setbacks abutting a flag lot accessway shall be measured from one of the following lines, whichever is most interior to the lot or parcel: (1) the property line; or (2) the most interior access easement line, if an access easement exists (SRC 112.050(c)). However, the access easement functions as a shared driveway that straddles the common property line, and no perimeter setbacks are required in this circumstance under SRC 806.040, below.

SRC 806.040 (Driveway Development Standards for Uses or Activities Other Than Single Family and Two Family): The access easement is proposed to serve four lots and will serve as a two-way driveway as well as a drive aisle for parking areas on all of the proposed lots. The minimum width for a two-way driveway is 22 feet with a 25-foot radius measured at curb or pavement edge. The proposed access easement is not currently paved beyond proposed Lots 1 and 2. The following condition is required to ensure that the pavement within the easement meets the minimum two-way driveway width and drive aisle width:

Condition 4: Pave the access easement to a minimum width of 24 feet.

Perimeter setbacks of 5 feet in width and landscaping are generally required for driveways abutting interior front, side and rear property lines in the IG zone. However, perimeter setbacks and landscaping are not required where (a) the driveway provides direct access to the street, alley, or abutting property or (b) the driveway is a shared driveway located over a common lot line and providing access to two or more uses.

As conditioned, the proposal conforms to the requirements of SRC Chapter 806.

(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 subdivision 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.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

To ensure compliance with these standards, the following conditions are required:

Condition 5: Design and construct water, sewer, and stormwater systems and provide access and utility easements to serve all proposed lots in compliance with PWDS and ORS 92.090.

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. The applicant's engineer submitted a report stating that the future stormwater system will comply with PWDS and SRC Chapter 71. To ensure compliance with these standards, the following condition is required:

Condition 6: The existing storm main located on the subject property is located in a public storm easement (Reel 204, Page 1444) that does not comply with PWDS. The applicant shall be required to modify the storm main and/or the easement in compliance with PWDS.

As conditioned, the proposal meets the requirements of SRC Chapter 71.

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 outside of the Urban Service Area, but the proposed development does not precede construction of required facilities, therefore an Urban Growth Area Development permit is not required. 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 subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated February 6, 2018 (Attachment D).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. 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 utility plan, except as follows: The easterly terminus of the existing sewer main does not comply with PWDS. The applicant's tentative utility plan proposes a public sewer main to be located within the subject property; this proposal does not meet PWDS except under a Design Exception approved by the City Engineer. At a minimum, the applicant shall be required to extend the existing sewer main abutting the subject property as needed to serve all lots pursuant to PWDS.

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

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

SRC 803.015 (Traffic Impact Analysis): The proposed 4-lot industrial subdivision generates fewer than 1,000 average daily vehicle trips to Claxter Road NE, a major arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

SRC 803.020 (Public and Private Streets): The applicant does not propose any new streets; the property will be served by Claxter Road NE and a private accessway.

SRC 803.025 (Right-of-Way and Pavement Widths):

Claxter Road NE abuts the northern boundary of the subject property. The abutting portion of the Claxter Road NE right-of-way has a 15-foot half-width improvement within a 25-foot half-width right-of-way abutting the subject property, and no additional right-of-way or street improvements are required.

The proposal meets this requirement.

SRC 803.030 (Street Spacing): The subdivision consists of one tax lot which is a rectangular site that is surrounded by existing industrial subdivision lots. Two of the proposed subdivision lots will have frontage on Claxter Road NE, which is existing on the north property line, and the lots with street frontage and the two flag lots will be served by the shared accessway. There are no new streets proposed. Based on the existing development pattern in the vicinity, the proposed subdivision is precluded from making connections to adjacent properties and is excepted from this requirement under SRC 803.030(a)(2).

SRC 803.035 (Street Standards): Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts Claxter Road NE to the north, platted and built-out industrial properties to the south and west which have street access, and railroad-owned property to the east which has frontage on Claxter Road NE. The proposed subdivision plan does not include any new public streets. The applicant is proposing a private accessway which will provide access to the four lots. There are no new streets proposed. Based on the existing development pattern in the vicinity, the proposed subdivision is precluded from making connections to adjacent properties.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Portland General Electric, the franchise utility provider of electricity for the subject property, typically requests 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 7: Dedicate a 10-foot public utility easement along the street frontage of Claxter Road NE.

As conditioned above, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Claxter Road NE abuts the northern boundary of the subject property. The abutting portion of the Claxter Road NE right-of-way has a 15-foot half-width improvement within a 25-foot half-width right-of-way abutting the subject property, and no additional right-of-way or street improvements are required.

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

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

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. A tree is defined as any living, woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. No Tree Conservation Plan is required for the industrial subdivision.

The applicant submitted an existing tree inventory that identifies deciduous trees and evergreen trees. There are no significant trees on the property. Trees identified as 8 to 10 inches in diameter, which are not protected, are likely to be removed upon construction of the required utilities.

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 (LWI) shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. Comments received from the Oregon DSL included that state and federal permits may be required. The applicant should contact the Oregon DSL to review for concurrence the wetland delineation that was submitted to the City, and verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard susceptibility points. There are 3 activity points

associated with the proposed subdivision. The proposed development has no greater than 3 landslide hazard points and is a low landslide hazard risk.

The tentative subdivision plan is in compliance with the applicable special development standards.

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed subdivision would divide a 4.08-acre property into four lots with a shared private driveway and reciprocal access easement. The lots within the proposed subdivision are of sufficient size and dimensions to permit future development of SRC Chapter 554 "permitted," "special," or "conditional" uses. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties. This criterion has been met.

The proposal meets this criterion.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property, except as follows: The easterly terminus of the existing sewer main does not comply with PWDS. The applicant's tentative utility plan proposes a public sewer main to be located within the subject property; this proposal does not meet PWDS except under a Design Exception approved by the City Engineer. At a minimum, the applicant shall be required to extend the existing sewer main abutting the subject property as needed to serve all lots pursuant to PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant's engineer submitted a report stating that the future stormwater system will comply with PWDS and SRC Chapter 71. The applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The existing storm main located on the subject property is located in a public storm easement (Reel 204, Page 1444) that does not comply with PWDS. The applicant shall be required to modify the storm main and/or the easement in compliance with PWDS.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

With conditions of approval above, the proposal meets this criterion.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: Claxter Road NE, a local cul-de-sac street, abuts the subject property at the northern boundary. The applicant proposes to provide access to the street network for all four lots via a paved private access easement rather than a street and has requested an adjustment so that 50 percent of the four lots may be flag lots, exceeding the standard of 15 percent. Findings for the adjustment are in Section 8. The conditions of approval require a minimum access easement width of 30 feet and minimum paved width of 24 feet. The easement will provide an adequate connection to the existing street network via Claxter Road NE.

The portion of Claxter Road NE abutting the subject property meets the current standard for a local cul-de-sac street, as established by the Salem Transportation System Plan (TSP). Therefore, no additional right-of-way or street improvements are required.

As proposed and conditioned, the access serving the subdivision conforms to the TSP. The proposal meets this criterion.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Claxter Road NE, a local cul-de-sac street, abuts the subject property at the northern boundary and dead-ends at the railroad right-of-way east of the subject property. The applicant proposes to provide access to the street network for all four lots via a paved private access easement rather than a street and has requested an adjustment so that 50 percent of the four lots may be flag lots, exceeding the standard of 15 percent. Findings for the adjustment are in Section 8. The conditions of approval above require a minimum width of 30 feet and minimum paved width of 24 feet. The easement will provide adequate circulation of vehicular traffic into and out of the proposed subdivision.

The property is bounded on the west and south by fully developed properties that have frontage on and access from Salem Industrial Drive NE. No additional street connections through the subject property are necessary to serve those properties.

The existing sidewalk along the Claxter Road NE frontage contains portions that do not meet current standards. With future development, pedestrian access to new buildings will be required. The following condition is required to ensure safe pedestrian circulation from the subject property to the existing sidewalk network:

Condition 8: Replace non-conforming portions of existing sidewalk along the frontage of Claxter Road NE.

As proposed and conditioned, the subdivision conforms to the TSP. The proposal meets this criterion.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: Within ½ mile of the proposed subdivision, existing development is predominantly industrial and commercial, with residential neighborhoods in the City of Keizer on the western side of Salem Parkway NE, several multi-family residential developments east of the railroad right-of-way, and the Kroc Center recreational area to the south. The proposed subdivision is accessed by a local cul-de-sac street abutting the subject property. With the proposed conditions, the proposal provides bicycle and pedestrian access via Claxter Road NE, Salem Industrial Drive NE, and Hyacinth Street NE to these activity centers.

The Comprehensive Parks Master Plan Update shows that the subject property is served by developed parks. Because the subject property is not in a residential zone, no park-related improvements are recommended as a condition of development.

The proposal meets this criterion.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Finding: The Public Works Department has reviewed the proposal and finds that the proposed 4-lot subdivision will generate less than 200 average daily vehicle trips to Claxter Road NE, designated in the Transportation System Plan as a Local street. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan.

SRC 200.010(d)(8): The tentative subdivision 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 subdivision 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 property is generally flat except for an area near an identified wetland channel. No protected riparian vegetation or significant trees are present on the subject property. No variances are required.

The proposal meets this criterion.

SRC 200.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: The tentative subdivision plan configures lots to allow industrial or commercial development of the site while minimizing disruptions to topography and vegetation. The lots make efficient use of the flat property. The property is generally flat except for an area near an identified wetland channel. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. Comments received from the Oregon DSL included that state and federal permits may be required. No protected riparian vegetation or significant trees are present on the subject property.

The proposal meets this criterion.

SRC 200.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located outside of the Urban Service Area, but the development does not precede construction of required facilities, and an Urban Growth Area Development Permit is not required. Therefore, this criterion does not apply.

8. Criteria for Granting a Class 2 Adjustment

The applicant has requested a Class 2 Adjustment with the subdivision to increase the number of flag lots within the subdivision from the maximum of 15 percent allowed pursuant to SRC 800.025(c)(1) to 50 percent.

Pursuant to SRC 250.005(d)(2), an application for a Class 2 Adjustment shall be granted if the following criteria are met:

A. 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.

Applicant's Statement: The proposed and current access to the back parcels is more than adequate to serve the future access requirements for this development when fully built out, just as it is. Requiring the development to build a public road into the site with a cul-de-sac bulb will not improve the access. The driveway entrance to the site is 40 feet wide which will accommodate any emergency vehicle. The drive aisle between parking spaces is approximately 44 feet wide which is wider than collector street

requirements. The access to the site is gated and will remain so in the future for security reasons. Building a public road would complicate security measures.

Enhanced access for the future buildout will be accommodated. Each parcel will have approximately 10,000 square foot buildings and full access to each building. The requirement of Fire Department is to have fire truck access to within 150 feet of all portions of each building. This requirement includes a 20 foot clear accessway with a minimum 12 foot drivable surface for a fire truck and a 28 foot minimum inside radius for maneuvering around buildings.

Findings:

SRC 800.025(e) provides that no more than 15 percent of the lots within a subdivision may be flag lots. This requirement serves in part to ensure that the lot configuration of a new subdivision provides orderly and efficient circulation, with the majority of lots fronting on public streets and to reduce the number of flag lot accessways intersecting with the City street network. The applicant has proposed 2 flag lots within a four-lot industrial subdivision, or 50% of the total lots.

The applicant states that the existing driveway and proposed accessway are adequate for future development and fire department vehicle access. The existing driveway approach at Claxter Road NE is 40 feet wide, which is the maximum allowed for a two-way driveway approach for uses other than single family or two family. The applicant has proposed a 24-foot-wide lot accessway which is completely paved, well in excess of the 20-foot paved width required for a flag lot accessway under SRC 800.025(c). The accessway would straddle the common property line between proposed Lots 1 and 2. The proposed access easement functions as part of the drive aisle for the existing parking area. The existing pavement behind the existing parking spaces, including pavement on proposed Lots 1 and 2, is approximately 61 feet in width.

In comparison, a public cul-de-sac street would have a minimum right-of-way width of 50 feet with a curb-to-curb pavement width of 30 feet in the stem and 38-foot radius for the turnaround. A 5-foot-wide sidewalk would be required and could be located parallel to and abutting the curb; landscape strips for signs, street lights, and shade trees would be required to conform to Public Works Design Standards.

The applicant states that the development is gated and will remain gated for security reasons. This would not be possible under the land constraints posed by dedicating land for a public street and cul-de-sac. A public cul-de-sac could not be gated.

A public street within a subdivision would include sidewalks on both sides for safe pedestrian circulation. In order for the proposed access easement to provide a safe pedestrian connection within the subject property that is similar to a public sidewalk, the following condition is required:

Condition 9: At the time of development of Lot 2, 3, or 4, provide a paved and marked 5-foot-wide pedestrian pathway on the east side of the

access easement from Claxter Road NE to the southerly terminus of the access easement.

The proposed flag lots are large, private lots that are set off of the street and are of adequate size and configuration to obtain building permits for 10,000-square foot buildings without the need for a variance or adjustments to setbacks.

The proposal would result in a lot configuration that provides orderly and efficient circulation within the development and would result in only one accessway intersecting with the City street network at the location of an existing commercial driveway.

The requested adjustment would permit the subject property to be divided into four lots and permit the preservation of a single gated, secure access. The proposal equally meets the purpose underlying the development standards proposed for adjustment.

Condition 10: The adjusted percentage of lots flag lots, 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 the flag lot accessway standards, unless adjusted through a future land use action.

This criterion is met.

B. 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 zoned IG (General Industrial). This approval criterion is inapplicable to the applicant's requested adjustment.

C. 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: One adjustment is requested. This criterion is inapplicable to the applicant's requested adjustment.

9. Conclusion

Based upon review of SRC 205.005, the findings contained under Sections 7 and 8 above, and the comments described, the tentative subdivision 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 Subdivision Plan and Class 2 Adjustment Case No. 18-04, on property zoned IG (General Industrial), and located at 2282 Claxter Road NE - 97301 (Marion County Assessor's Map and Tax Lot number 073W01C03400), is **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:** Increase the width of the proposed access easement to 30 feet.
- Condition 2:** Modify the accessway to include a turnaround meeting Salem Fire Prevention Code standards.
- Condition 3:** Prior to final subdivision plat approval, "No Parking – Fire Lane" pavement markings or signage shall be applied on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "No Parking" pavement markings or signage shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Pave the access easement to a minimum width of 24 feet.
- Condition 5:** Design and construct water, sewer, and stormwater systems and provide access and utility easements to serve all proposed lots in compliance with PWDS and ORS 92.090.
- Condition 6:** The existing storm main located on the subject property is located in a public storm easement (Reel 204, Page 1444) that does not comply with PWDS. The applicant shall be required to modify the storm main and/or the easement in compliance with PWDS.
- Condition 7:** Dedicate a 10-foot public utility easement along the street frontage of Claxter Road NE.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Claxter Road NE.
- Condition 9:** At the time of development of Lot 2, 3, or 4, provide a paved and marked 5-foot-wide pedestrian pathway on the east side of the access easement from Claxter Road NE to the southerly terminus of the access easement.
- Condition 10:** The adjusted percentage of lots flag lots, 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 the flag lot accessway standards, unless adjusted through a future land use action.



Pamela Cole, Planning Administrator Designee

- Attachments: A. Vicinity Map
B. Tentative Subdivision Plan
C. Applicant's Written Statement for Class 2 Adjustment
D. City of Salem Public Works Department Comments

Application Deemed Complete:	<u>November 26, 2018</u>
Notice of Decision Mailing Date:	<u>March 18, 2019</u>
Decision Effective Date:	<u>April 3, 2019</u>
State Mandated Decision Date (Extended):	<u>May 10, 2019</u>

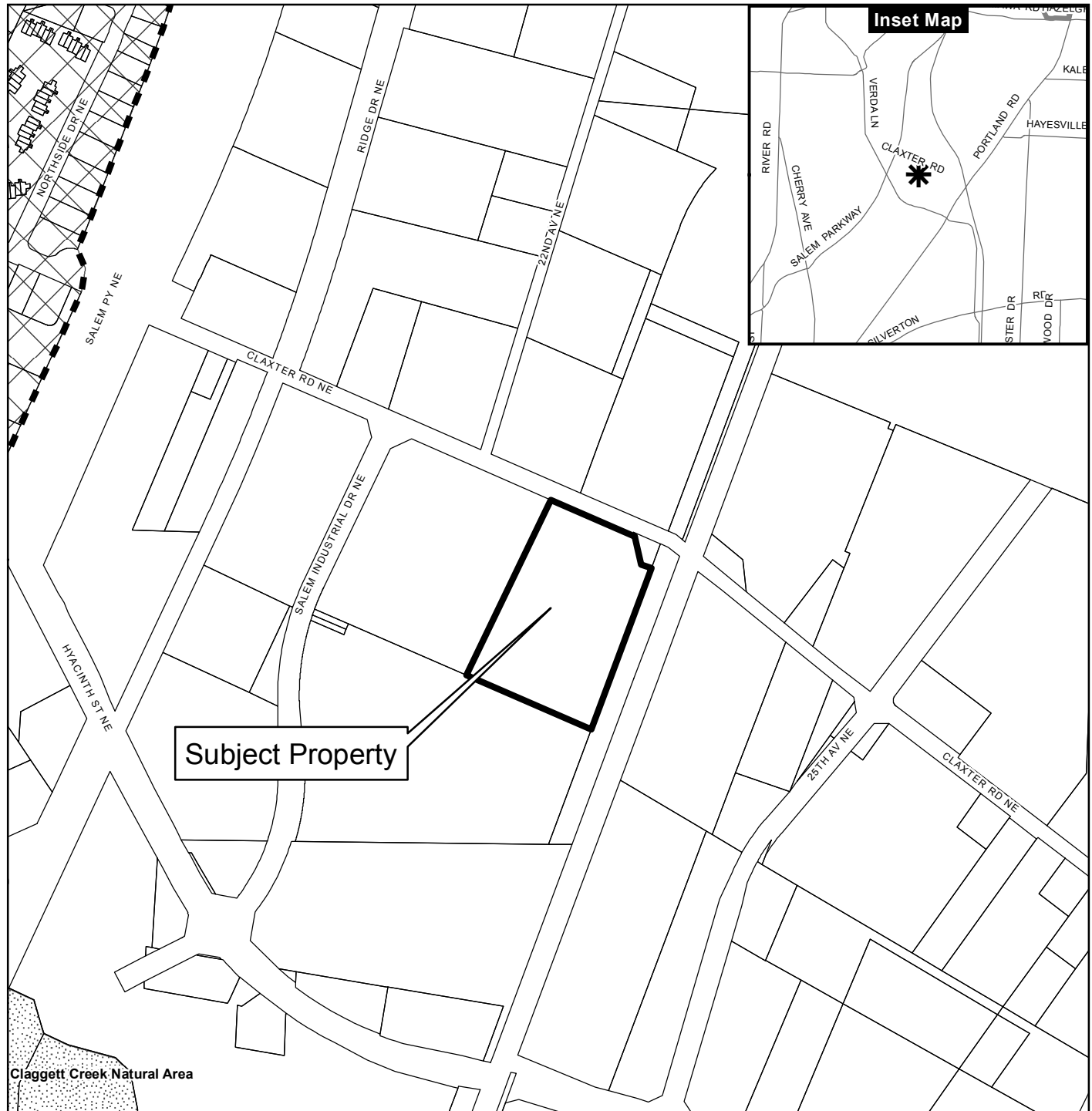
The rights granted by this decision must be exercised or extension granted by **April 3, 2021** or this approval shall be null and void.

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 **Tuesday, April 2, 2019, 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

2282 Claxter Road NE



Legend

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

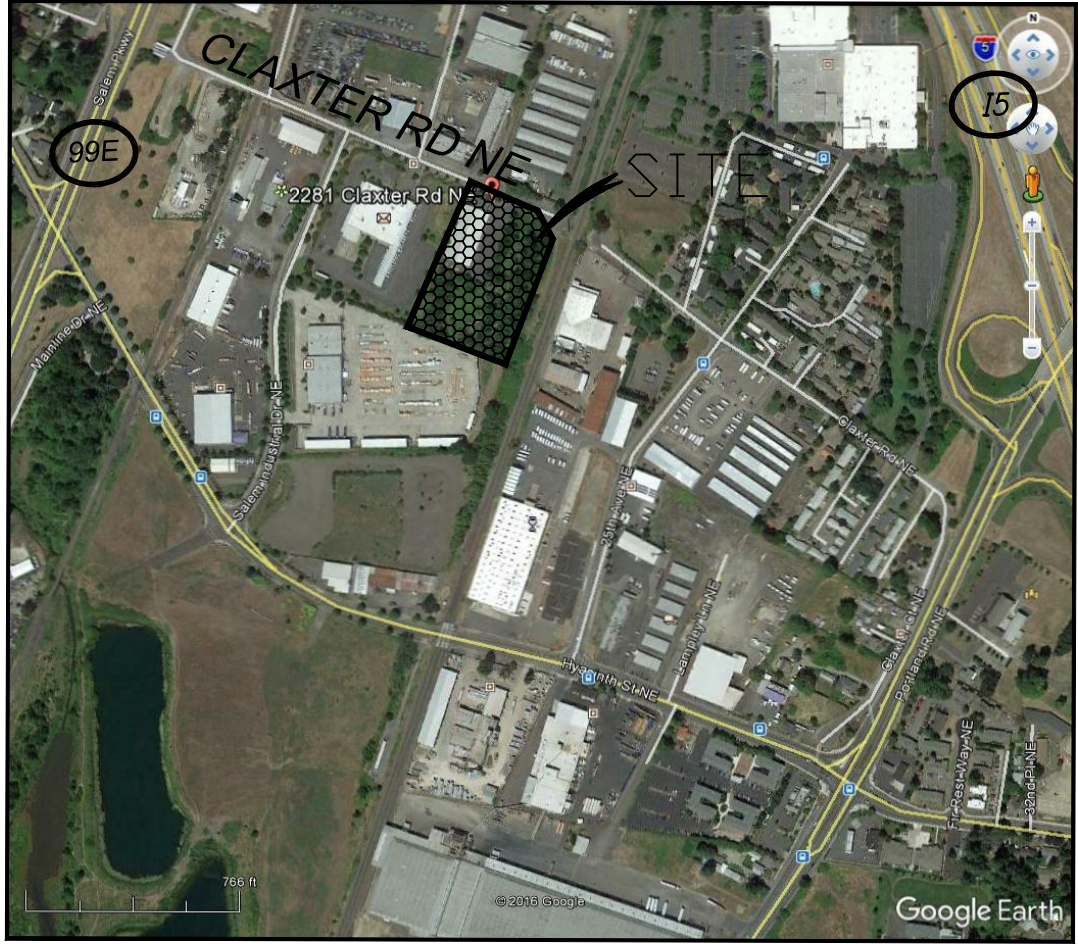
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

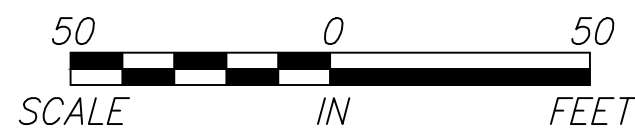
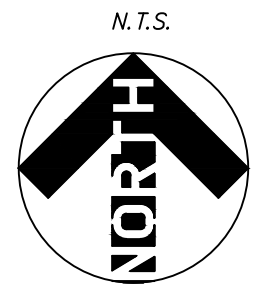
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet





VICINITY MAP



ADDRESS: 2282 CLAXTER ROAD, SALEM OR.
TAX LOT; 7S3W01C-3400
LOT SIZE: 4.08 ACRES
JURISDICTION: CITY OF SALEM

ENGINEER:
ED CHRISTENSEN PE
CELL: (503) 380-5324

SURVEYOR:
DAN SPORER PLS

25260 SW PARKWAY AVE., SUITE G
WILSONVILLE, OR 97070
TEL: (503) 598-1866
FAX: (503) 598-1868
ekc@WelkinPC.com
www.WelkinPC.com

VESTEE:
MSC 2282 CLAXTER, LLC
24371/2 UNIVERSITY BV
HOUSTON, TX 77005

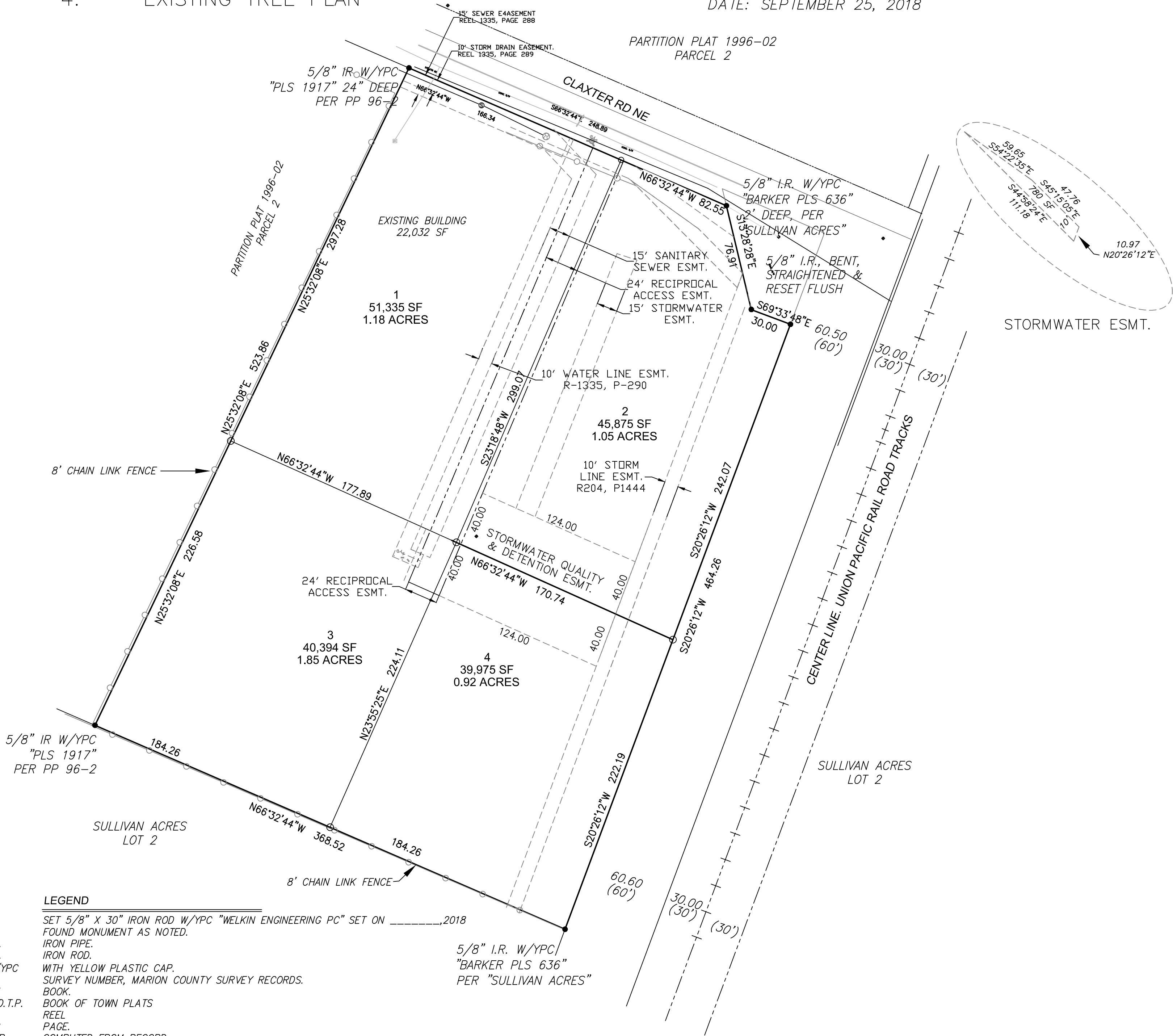
PROPOSED EXISTING

- | | |
|----|-------------------------|
| TC | TOP OF CURB |
| AC | TOP OF PAVEMENT SURFACE |
| TW | TOP OF WALL |
| TB | TOP OF BANK |
- EXISTING SANITARY SEWER
 - EXISTING STORM PIPE
 - WATER MAIN
 - EXISTING SANITARY MANHOLE
 - EXISTING CATCH BASIN
 - EXISTING STORM DRAIN MANHOLE
 - WATER VALVE
 - HYDRANT
 - EXISTING DRAINAGE DITCH
 - SANITARY SEWER LINE
 - SANITARY SEWER MANHOLE
 - STORM PIPE
 - CATCH BASIN
 - STORM MANHOLE
 - CURB INLET
 - CLEANOUT
 - BLOWOFF
 - WATER LINE
 - WATER VALVE
 - WATER METER THRUST BLOCK
 - FIRE HYDRANT SIGN
 - UTILITY POLE
 - EDGE OF PAVEMENT
 - TEMPORARY CONSTRUCTION DRIVEWAY
 - STREET BARRICADE
 - OVERHEAD ELECTRIC
 - LIGHT POLE
 - TELEPHONE RISER
 - WELL - AS NOTED
 - SURFACE STORM WATER DRAINAGE
 - MONUMENT BOX
 - FENCE - AS NOTED

INDEX OF DRAWINGS:

1. TENTATIVE PLAT
2. EXISTING CONDITIONS
3. TENTATIVE UTILITY PLAN
4. EXISTING TREE PLAN

CLAXTER BUSINESS AND INDUSTRIAL PARK
REPLAT TENTATIVE PLAN
REPLAT OF LOT 1, "SULLIVAN ACRES"
IN THE S.W. 1/4 OF SECTION 1 & THE N.W. 1/4 OF SECTION 12, T.7S., R.3W., W.M.,
CONTAINING: 4.0767 ACRES OR 177,579 SF
CITY OF SALEM, MARION COUNTY, OREGON
DATE: SEPTEMBER 25, 2018



LEGEND

- SET 5/8" X 30" IRON ROD W/YPC "WELKIN ENGINEERING PC" SET ON _____ 2018
- FOUND MONUMENT AS NOTED.
- I.P. IRON PIPE.
- I.R. IRON ROD.
- W/YPC WITH YELLOW PLASTIC CAP.
- SN SURVEY NUMBER, MARION COUNTY SURVEY RECORDS.
- BK BOOK.
- B.O.T.P. BOOK OF TOWN PLATS
- R REEL
- PG PAGE.
- CFR COMPUTED FROM RECORD.
- (C) CALCULATED.
- CR COUNTY ROAD.
- () RECORD DATA.
- ()R1 RECORD DATA PER PLAT OF "SULLIVAN ACRES" (CLARENCE BARKER, PLS, AUGUST 1996).

EXISTING DECIDUOUS TREE (COTTONWOOD, CHERRY AND ASPEN)

EXISTING CONIFER TREE (DOUGLAS FIR)

PRELIMINARY PLAT

SCALE: 1" = 50'

NO.	DATE	REVISION

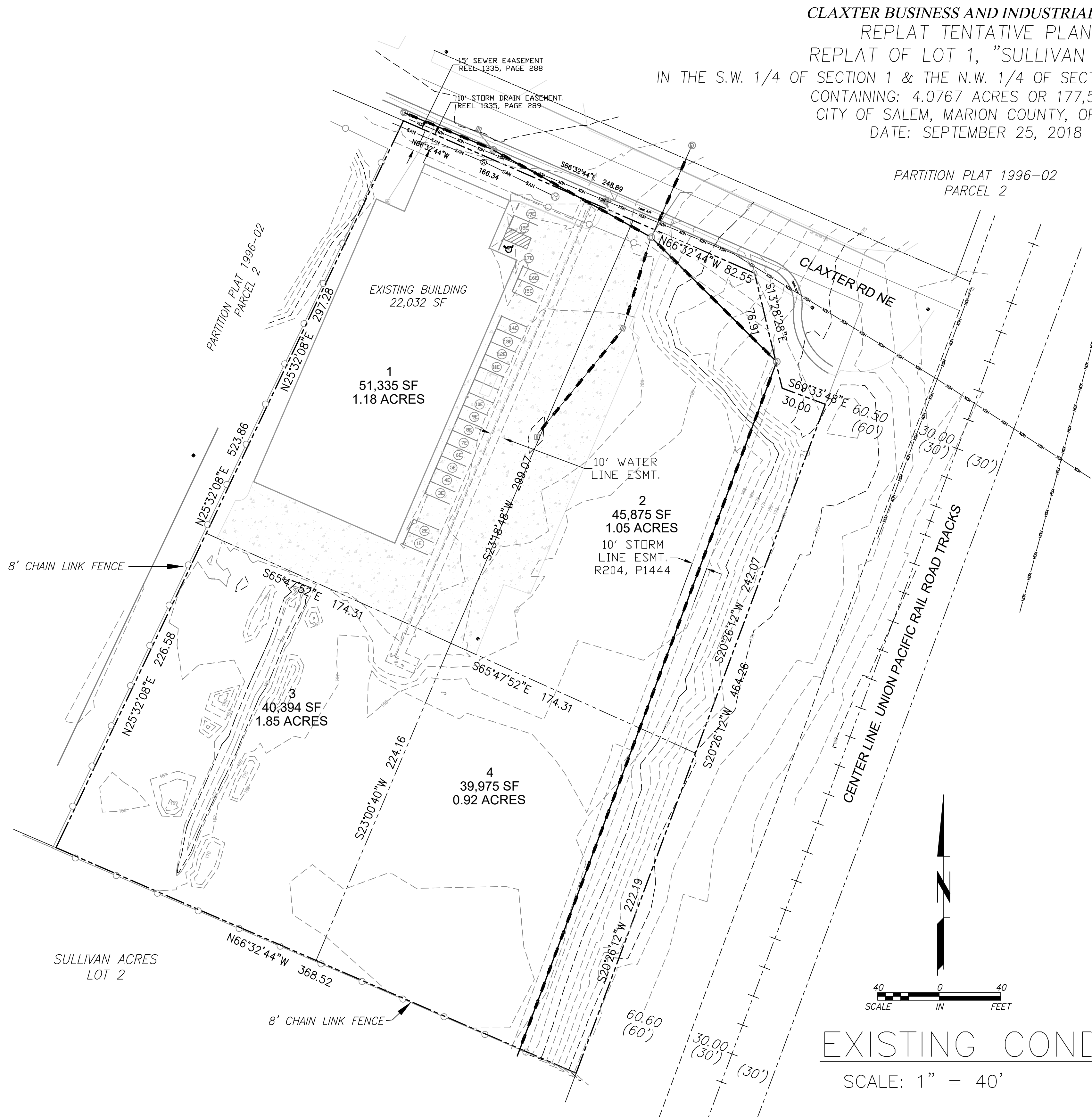
ENGINEERING
SURVEYING PLANNING
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WILSONVILLE, OR 97070
TEL: (503) 598-1866
FAX: (503) 598-1868
ekc@WelkinPC.com
www.WelkinPC.com

TENTATIVE SUBDIVISION
PLAN

2282 CLAXTER ROAD NE

DESIGNED BY:	EKC
DRAWN BY:	
CHECKED BY:	
DATE:	11/14/18
SCALE:	1"=50' HORIZONTAL
	VERTICAL
PROJECT NO:	17-500.04
SHEET	1

DATE PLOTTED: Nov 13, 2018 - 3:26pm
WFPC DRAWING FILE: P:\Project Data\17-500.04 Claxter\Draw Planning\PLANING CLAXTER.dwg



CLAXTER BUSINESS AND INDUSTRIAL PARK
REPLAT TENTATIVE PLAN
REPLAT OF LOT 1, "SULLIVAN ACRES"
IN THE S.W. 1/4 OF SECTION 1 & THE N.W. 1/4 OF SECTION 12, T.7S., R.3W., W.M.,
CONTAINING: 4.0767 ACRES OR 177,579 SF
CITY OF SALEM, MARION COUNTY, OREGON
DATE: SEPTEMBER 25, 2018

PARTITION PLAT 1996-02
PARCEL 2

ADDRESS: 2282 CLAXTER ROAD, SALEM OR.
TAX LOT: 7S3W01C-3400
LOT SIZE: 4.08 ACRES
JURISDICTION: CITY OF SALEM

ENGINEER:
ED CHRISTENSEN PE
CELL: (503) 380-5324

SURVEYOR:
DAN SPORER PLS

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VESTEE:
MSC 2282 CLAXTER, LLC
24371/2 UNIVERSITY BV
HOUSTON, TX 77005

NO.	DATE	REVISION

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ekc@WelkinPC.com
www.WelkinPC.com

TENTATIVE SUBDIVISION
& EXISTING CONDITIONS PLAN


2282 CLAXTER ROAD NE

DESIGNED BY:	EKC
DRAWN BY:	
CHECKED BY:	
DATE:	10/4/18
SCALE:	1"=50' HORIZONTAL
	VERTICAL
PROJECT NO:	17-500.04
SHEET	2

IN THE S.W. 1/4 OF SECTION 1 & THE N.W. 1/4 OF SECTION 12, T.7S., R.3W., W.M.,
CONTAINING: 4.0767 ACRES OR 177,579 SF
CITY OF SALEM, MARION COUNTY, OREGON
DATE: SEPTEMBER 25, 2018

ENGINEER:
ED CHRISTENSEN PE
CELL: (503) 380-5324

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WELKIN
ENGINEERING, P.C.

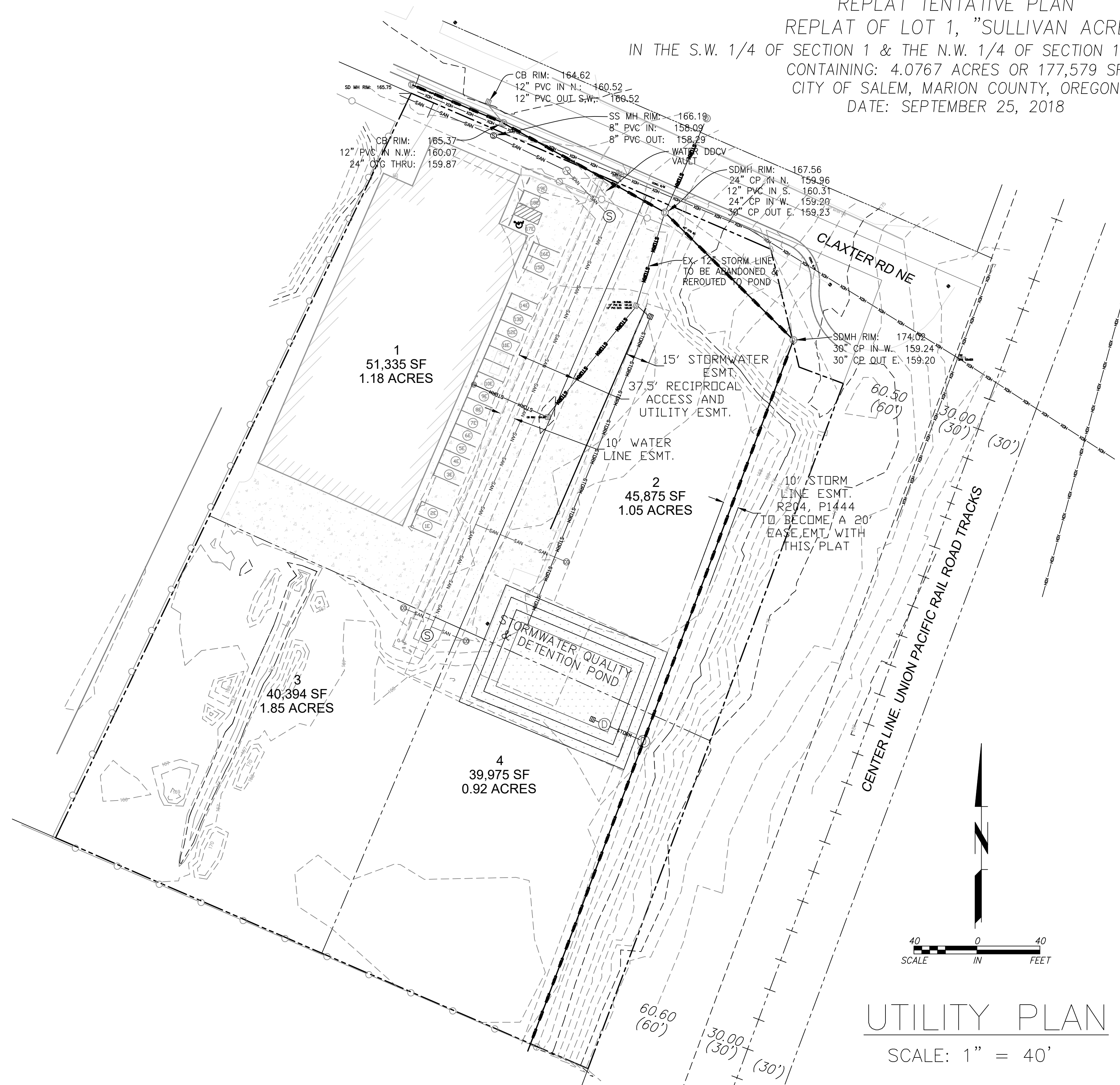
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WILSON, OR 97150
TEL: (503) 596-1870
FAX: (503) 596-1868
eic@WelkinPC.com
www.WelkinPC.com

TENTATIVE SUBDIVISION
UTILITY PLAN

2282 CLAXTER ROAD NE

DESIGNED BY:	<i>EKC</i>
DRAWN BY:	
CHECKED BY:	
DATE:	<i>10/4/18</i>
SCALE:	<i>1"=50'</i> HORIZONTAL
	VERTICAL
PROJECT NO:	<i>17-500.04</i>
SHEET	3

[illegible]

UTILITY PLAN

SCALE: 1" = 40'

DATE PLOTTED: Nov 13, 2018 - 3:29pm
 WEPC DRAWING FILE: P:\Project Data\17-500.04 Cloxter\dwg\Planning\CLAYTER.dwg

Class 2 Adjustment for Accessway

**2282 Claxter Rd. NE
in Salem, Oregon**



An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; **Response: Not applicable**
- or (ii) Equally or better met by the proposed development.

Response: The proposed and current access to the back parcels is more than adequate to serve the future access requirements for this development when fully built out, just as it is. Requiring the development to build a public road into the site with a cul-de-sac bulb, will not improve the access. The driveway entrance to the site is 40 feet wide which will accommodate any emergency vehicle. The drive aisle between parking spaces is ±44 feet wide which is wider than collector street requirements. The access to the site is gated and will remain so in the future for security reasons. Building a public road would complicate security measures.

Enhanced access for the future buildout will be accommodated. Each parcel will have ±10,000 sf buildings and full access to each building. The requirement of the Fire Department is to have fire truck access to within 150 feet of all portion of each building. This requirement includes a 20 foot clear accessway with a minimum 12 foot drivable surface for a fire truck and a 28 foot minimum inside radius for maneuvering around buildings.

Our proposed access is equally or better met by the proposed access the development will provide.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area (not applicable). **Response: Not applicable**

(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 (not applicable). **Response: Not applicable**

Edward K. Christensen, P.E.

JO: 17-500.04

Submitted: 1/31/19

Welkin Engineering, PC
25260 S.W. Parkway Avenue, Suite G, Wilsonville, Oregon 97070
Tele: 503-380-5324



MEMO

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: February 14, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
SUB-ADJ18-04 (18-120385-LD and 19-102487-ZO)
2282 CLAXTER ROAD NE
4-LOT SUBDIVISION

PROPOSAL

A Tentative Subdivision application to divide Lot 1 of the Sullivan Acres plat into four lots ranging in size from 0.92 acres to 1.85 acres in size, and a Class 2 Adjustment to allow two (50 percent) of the four lots to be flag lots where SRC 800.025(e) allows up to 15 percent of the lots in a subdivision to be flag lots, on a property approximately 4.08 acres in size, zoned IG (General Industrial), and located at 2282 Claxter Road NE (Marion County Assessor's Map and Tax Lot number 073W01C03400).

RECOMMENDED SUBDIVISION CONDITIONS

1. Replace non-conforming portions of existing sidewalk along the frontage of Claxter Road NE.
2. Dedicate a 10-foot public utility easement along the street frontage of Claxter Road NE.
3. Design and construct water, sewer, and stormwater systems and provide access and utility easements to serve all proposed lots in compliance with PWDS and ORS 92.090.
4. The existing storm main located on the subject property is located in a public storm drain easement (Reel 204, Page 1444) that does not comply with PWDS. The applicant shall be required to modify the storm main and/or the easement in compliance with PWDS.

FACTS

Urban Growth Area Development Permit

The subject property is located outside of the Urban Service Area. However, because the proposed development does not precede construction of required facilities, an Urban Growth Area Development permit is not required.

Streets

1. Claxter Road NE

- a. Standard—This street is designated as a Local cul-de-sac street in the Salem TSP. The standard for this street classification is a half-width improvement of 15 feet within a 25-foot half-width right-of-way.
- b. Existing Conditions—This street has an approximate 15-foot half-width improvement within a 25-foot half-width right-of-way abutting the subject property. No additional right-of-way or street improvements are required.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm main is located in Claxter Road NE.
- b. A 24-inch storm main is located within an easement on the subject property and extends into Claxter Road NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 42-inch public water transmission main is located in Claxter Road NE.
- c. A 10-inch public water main is located in Claxter Road NE.
- d. An 8-inch private water main extends into the subdivision from the 10-inch water main within an easement.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in an easement abutting Claxter Road NE. The easterly terminus of the existing main does not comply with PWDS.

CRITERIA AND FINDINGS

The following code references indicate 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 205.010(d)(1)—The tentative subdivision 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:

1. 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;
2. City infrastructure standards; and
3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601–Floodplain; 802–Public Improvements; 803–Streets and Right-of-Way Improvements; 804–Driveway Approaches; 805–Vision Clearance; 809–Wetlands; and 810–Landslides.

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.

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.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. Comments received from the Oregon DSL included that state and federal permits may be required. The applicant should contact the Oregon DSL to review for concurrence the wetland delineation that

was submitted to the City, and verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

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 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property, except as follows: The easterly terminus of the existing sewer main does not comply with PWDS. The applicant's tentative utility plan proposes a public sewer main to be located within the subject property; this proposal does not meet PWDS except under a Design Exception approved by the City Engineer. At a minimum, the applicant shall be required to extend the existing sewer main abutting the subject property as needed to serve all lots pursuant to PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant's engineer submitted a report stating that the future stormwater system will comply with PWDS and SRC Chapter 71. The applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The existing storm main located on the subject property is located in a public storm easement (Reel 204, Page 1444) that does not comply with PWDS. The applicant shall be required to modify the storm main and/or the easement in compliance with PWDS.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—**The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

Finding—Claxter Road NE abuts the subject property and meets the current standard for a Local cul-de sac street. Therefore, no additional right-of-way or street improvements are required.

The existing sidewalk along the frontage contains portions that do not meet current standards. The applicant shall replace non-conforming portions of existing sidewalk along the frontage of Claxter Road NE.

SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The Comprehensive Parks Master Plan Update shows that the subject property is served by developed parks. Because the subject property is not in a residential zone, no park-related improvements are recommended as a condition of development.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The proposed 4-lot subdivision generates less than 200 average daily vehicle trips to Claxter Road NE. Therefore, a TIA was not required as part of the proposed subdivision submittal.

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cc: File