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

#### **DECISION OF THE PLANNING ADMINSTRATOR**

**PARTITION CASE NO.: PAR19-09** 

APPLICATION NO.: 19-111462-LD

**NOTICE OF DECISION DATE: AUGUST 23, 2019** 

**SUMMARY:** A partition to consolidate several underlying units of land into one parcel for 451 Division St NE and one parcel for 465 Division St NE.

**REQUEST:** A Partition to consolidate several underlying lawfully established and unlawfully established units of land into a single 1.21-acre parcel at 451 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09801), which is zoned CB (Central Business District) and located in the General Retail/Office Overlay Zone, and a single 1.46-acre parcel at 465 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09800), which is zoned CR (Retail Commercial) and located in the Broadway/High Street Retail Overlay Zone.

**APPLICANT:** John Shirley, Anderson Shirley Architects, on behalf of Traci Kendall, MAPS Credit Union

LOCATION: 451 and 465 Division St NE / 97301

**CRITERIA:** Salem Revised Code (SRC) Chapter 205.005(d)

**FINDINGS:** The findings are in the attached Decision dated August 23, 2019.

**DECISION:** The **Planning Administrator APPROVED** Partition PAR19-09 subject to the following conditions of approval:

**Condition 1:** Open channel drainage easements shall be dedicated along Mill Creek allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).

**Condition 2:** Construct a new sewer lateral within the right-of-way, connecting directly to the sewer main in Division Street NE to serve parcel 2.

**Condition 3:** Show any easements necessary to serve the parcels with City infrastructure on the final plat, in conformance with PWDS and Oregon State Plumbing Specialty Code.

The rights granted by the attached decision must be exercised, or an extension granted, by <u>September 10, 2021</u> or this approval shall be null and void.

PAR19-09 Decision August 23, 2019 Page 2

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

June 13, 2019

August 23, 2019

September 10, 2019

October 11, 2019

Case Manager: Pamela Cole, pcole@cityofsalem.net, 503-540-2309

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., Monday, September 9, 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 205. 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 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

\\allcity\amanda\amandaforms\\4431Type2-3NoticeOfDecision.doc

# OF THE CITY OF SALEM (CASE NO. PAR18-02)

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

IN THE MATTER OF THE APPROVAL OF	)	FINDINGS AND ORDER
TENTATIVE PARTITION PLAN	)	
<b>CASE NO. PAR19-09</b> ;	)	
451 AND 465 DIVISION STREET NE	)	AUGUST 23, 2019

#### REQUEST

*Summary:* A partition to consolidate several underlying units of land into one parcel for 451 Division St NE and one parcel for 465 Division St NE.

Request: A Partition to consolidate several underlying lawfully established and unlawfully established units of land into a single 1.21-acre parcel at 451 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09801), which is zoned CB (Central Business District) and located in the General Retail/Office Overlay Zone, and a single 1.46-acre parcel at 465 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09800), which is zoned CR (Retail Commercial) and located in the Broadway/High Street Retail Overlay Zone.

#### **DECISION**

The tentative partition plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1: Open channel drainage easements shall be dedicated along Mill Creek allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).
- **Condition 2:** Construct a new sewer lateral within the right-of-way, connecting directly to the sewer main in Division Street NE to serve parcel 2.
- **Condition 3:** Show any easements necessary to serve the parcels with City infrastructure on the final plat, in conformance with PWDS and Oregon State Plumbing Specialty Code.

#### PROCEDURAL FINDINGS

An application for a tentative partition plan was filed on May 15, 2019 by John Shirley on behalf of the applicant and property owner, MAPS Credit Union, represented by Traci Kendall,

to consolidate several underlying parcels to create one parcel of land for 465 Division Street NE (proposed Parcel 1) and another parcel for 451 Division Street NE (proposed Parcel 2) (Attachment B). After receiving additional information from the applicant, staff deemed the application complete on June 13, 2019, and notice was sent on June 17, 2019 pursuant to SRC requirements to owners of property located within 250 feet of the subject property, the Central Area Neighborhood Development Organization, and others entitled to notice under SRC 300.520(b)(1)(B).

The state-mandated local decision deadline for this application is October 11, 2019.

#### SUBSTANTIVE FINDINGS

# 1. Proposal

The tentative plan proposes to consolidate multiple underlying parcels (indicated by the dash-dot lines on the partition tentative plan (**Attachment B**)) into two parcels. One of the proposed parcels contains the existing administration building and a parking area, and the other contains two vacant buildings, formerly used for auto repair, that will be demolished and replaced by a recently approved retail financial services / office building and a parking area (DR-SPR-ADJ19-05). The partition is required as a condition of approval for DR-SPR-ADJ19-05 and is necessary to eliminate the lawfully established underlying parcels because the proposed retail financial services / office building cannot be built across existing property lines.

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

#### PROPOSED PARCEL 1

Parcel Size: 1.21 acres (52,708 SF)

Parcel Dimensions: Approximately 185 feet in width and 308 feet in depth

#### PROPOSED PARCEL 2

Parcel Size: 1.46 acres (63,598 SF)

Parcel Dimensions: Approximately 169 feet in width and 390 feet in depth

**Access and Circulation:** The subject property has frontage on Liberty Street NE (a Minor Arterial street within the Salem Transportation System Plan (TSP)), Division Street NE (a Local street), and High Street NE (a Minor Arterial street).

Access to the existing development site is provided via a driveway serving proposed Parcel 2 from High Street NE and driveways serving proposed Parcels 1 and 2 from a 22-foot-wide alley that connects to Division Street NE.

#### 2. Existing Conditions

Site and Vicinity

The subject property is irregularly shaped and currently consists of two tax lots with a combined size of approximately 2.67 acres. The current tax lot boundaries correspond to the proposed Parcel boundaries, but there are multiple underlying lawfully established units of land within the tax lots, as indicated by the dash-dot lines on the partition tentative plan (**Attachment B**). The proposed partition will eliminate the underlying units of land. The property has approximately 280 feet of frontage along Liberty Street NE to the west, approximately 326 feet of frontage along Division Street NE to the south, and approximately 377 feet of frontage on High Street NE to the east. The western area of the property contains an administration building and parking area, and the eastern area contains two vacant auto repair buildings and a vehicle storage area that will be removed and replaced with a recently approved retail financial services / office building and a parking area (DR-SPR-ADJ19-05).

# 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: On the Salem Area Comprehensive Plan (SACP) Map, the western area of the subject property is designated Central Business District and the eastern area is designated Commercial. The surrounding properties are designated as follows:

North: Commercial

South: (Across Division Street NE) – Central Business District and Commercial

East: (Across High Street NE) – Commercial

West: (Across Liberty Street NE) -- Central Business District

#### Zoning and Surrounding Land Use

The western area of the subject property is zoned CB (Central Business District) and located within the General Retail/Office Overlay Zone, and the eastern area is zoned CR (Retail Commercial) and located within the Broadway/High Street Retail Overlay Zone. The surrounding properties are zoned and used as follows:

North: CR (Retail Commercial) – Mill Creek, offices

South: (Across Division Street NE) CB (Central Business District) and CR (Retail

Commercial) - auto repair shop, retail

East: (Across High Street NE) CR (Retail Commercial) – vacant, offices, tire and auto

service, barber shop, retail

West: (Across Liberty Street NE) CB (Central Business District) – future City police

station

#### Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

#### <u>Infrastructure</u>

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

10-inch public water main is located in Division Street NE, and a

12- inch public water main is located in High Street NE.

Sewer: An 8-inch sewer main is located in Division Street NE, and an 8-

inch sewer main is located in the alley between the two proposed

parcels.

Storm Drainage: A 10-inch storm main is located in Division Street NE, an 8-inch

storm main is located in High Street NE, and Mill Creek is located

north of the subject property.

Streets: Division Street NE abuts the southern boundary of the subject

property and is designated as a Local street in the Salem

Transportation System Plan (TSP).

 The standard for a Local street classification is a 30-footwide improvement within a 60-foot-wide right-of-way.

 This street has an approximate 40-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

High Street NE abuts the eastern boundary of the subject property and is designated as a Minor Arterial street in the Salem Transportation System Plan (TSP).

- The standard for a Minor Arterial street classification is a 46foot-wide improvement within a 72-foot-wide right-of-way.
- The street has an approximate 60-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

Liberty Street NE abuts the western boundary of the subject property and is designated as a Minor Arterial street in the Salem Transportation System Plan (TSP).

- The standard for a Minor Arterial street classification is a 46foot-wide improvement within a 72-foot-wide right-of-way.
- The street has an approximate 60-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

# 3. Public and Private Agency Review

**Public Works Department** - The City of Salem Public Works Department has reviewed the proposal and provided a memo included as **Attachment C**.

**Salem Fire Department** – Salem Fire Department reviewed the proposal and indicated no concerns with the Partition.

**Building and Safety Division –** The Building and Safety Division reviewed the proposal and had no comments.

**PGE** – PGE commented that development cost would be per current tariff and service requirements.

#### 4. Neighborhood Association Comments

The subject property is within the Central Area Neighborhood Development Organization. Notice of the application was provided to the neighborhood association, and the neighborhood association did not submit written comments.

#### 5. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. Three citizen comments were received indicating no objections to the request. One citizen comment was received indicating development or future development of the property does not include adult entertainment such as an adult book store.

**Staff Response**: The proposed development is a financial services branch and office building.

# 6. Criteria for Granting a Tentative Partition

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

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

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

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

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

SRC Chapter 524 (Central Business District): The proposed partition would divide the property into two parcels with no remainder. The western area of the subject property (proposed Parcel 1) is currently zoned CB (Central Business District) and located within the General Retail/Office Overlay zone. Pursuant to SRC 632.015, development within the General Retail/Office Overlay zone must comply with the development standards applicable in the underlying zone. Therefore, the property is subject to the minimum lot requirements of the CB zone, which are established under SRC 524.010(a) as follows:

Lot Standards for CB zone (All uses) (see SRC Chapter 524, Table 524-2)

Requirement	Minimum Standard
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage	40 feet

Proposed Parcel 1 is 1.21 acres and has street frontage of approximately 440 feet. The proposed parcel exceeds minimum lot area, dimension, and frontage requirements and therefore conforms to the applicable standards.

**Setback Requirements for CB zone:** SRC Chapter 524 establishes the following setback standards for development within a CB (Central Business District) zone:

#### Abutting Streets:

- 0-foot or 10-foot building setback
- 6- to 10-foot vehicle use area setback per SRC Chapter 806.

#### Interior Side and Rear Yards:

- No building setback
- 5-foot vehicle use area setback per SRC Chapter 806, except no setback is required abutting an alley.

The existing development on proposed Parcel 1 conforms to the setback standards.

SRC Chapter 522 (Retail Commercial): The proposed partition would divide the property into two parcels with no remainder. The eastern area of the subject property is currently zoned CR (Retail Commercial) and located within the Broadway/High Street Retail Overlay Zone. Pursuant to SRC 613.020, development within the Broadway/High Street Retail Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in SRC 613.020. The development standards in SRC 613.020 are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in SRC 613.020 shall be the applicable development standard. SRC 613.020 contains no lot standards. Therefore, the property is subject to the minimum lot requirements of the CR zone, which are established under SRC 522.010(a) as follows:

# Lot Standards for CR zone (All uses other than single family) (see SRC Chapter 522, Table 522-2)

Requirement	Minimum Standard
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage	16 feet

Proposed Parcel 2 is 1.46 acres and has street frontage of approximately 543 feet. The proposed parcel exceeds minimum lot area, dimension, and frontage requirements and therefore conforms to the applicable standards.

**Setback Requirements for CR zone:** Development of Parcel 2 is subject to setback requirements of SRC Chapter 522 and design standards and guidelines of SRC 613.025(a) and 613.030.

SRC Chapter 522 establishes the following setback standards for development within a CR (Retail Commercial) zone:

#### **Abutting Streets:**

- 5-foot building setback
- 6- to 10-foot vehicle use area setback per SRC Chapter 806.

#### Interior Side and Rear Yards:

- 0-foot building setback abutting a Commercial zone
- 5-foot vehicle use area setback abutting a Commercial zone
- No setback abutting an alley.

SRC 613.025(a) and 613.030 establish design review guidelines and standards for building setbacks. The applicant has received approval for a proposed development on proposed Parcel 2 that complies with the guideline in 613.030(a)(1)(A)(i): Building setbacks from the street shall be minimized; buildings constructed contiguous to the right-of-way of Broadway/High Streets are preferred. The proposed building will be set back 0 to three feet from Division Street NE and two to 10 feet from High Street NE. Because the setback abutting the street under the design guideline conflicts with the minimum 5-foot building setback abutting the street in the CR zone, the applicant requested and was granted an adjustment.

The recently approved development on proposed parcel 2 meets the setback standards, as modified by the approved adjustment to reduce the building setbacks abutting the streets in order to comply with the design review guideline.

**Lot Coverage:** There is no maximum lot coverage standard within the CB zone pursuant to SRC 524.010(c), Table 524-4; within the CR zone pursuant to SRC 522.010(c), Table 522-5; within the General Retail/Office Overlay Zone pursuant to SRC 632.015; or within the Broadway/High Street Retail Overlay Zone pursuant to SRC 613.020.

**Designation of Front and Rear Lot Lines:** Proposed Parcels 1 and 2 are corner lots. SRC 800.020(a)(2) states that, for a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant, provided, however, that lot dimension requirements are met. Both tax lots currently have addresses on Division Street NE. The applicant may choose either Division Street NE or High Street NE as the front lot line for the proposed building on proposed Parcel 2.

#### 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. Each of the two proposed parcels will contain a building located entirely on that proposed parcel.

# (B) City Infrastructure Standards.

<u>Finding:</u> The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve

the proposed development prior to final plat approval without impeding service to the surrounding area.

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

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water, sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition.

SRC 802.015 (Development to be Served by City Utilities). Water, sewer and stormwater services are provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). The proposal meets the requirements of SRC Chapter 802, provided that development complies with several conditions of approval.

Mill Creek abuts the subject property to the north and provides storm drainage. Open channel drainage easements shall be dedicated along the waterway allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)). The following condition is required to comply with this standard:

Condition 1: Open channel drainage easements shall be dedicated along Mill Creek allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).

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

SRC 803.015 (Traffic Impact Analysis): The proposed partition and development of a financial services branch and office building would generate less than 1,000 additional average daily vehicle trips, therefore a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. The subject property has frontages on Liberty Street NE, Division Street NE, and High Street NE, which are all public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): Liberty Street NE, Division Street NE, and High Street NE meet the right-of-way width and pavement width standards per the Salem TSP; therefore no additional right-of-way dedications or street improvements are required as a condition of the proposed partition plat.

SRC 803.030 (Street Spacing): The limited size of the proposal, existing development, and natural features of the property preclude development of further street connections as part of the proposal. The proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Liberty Street NE, Division Street NE, and High Street NE meet the right-of-way width and pavement width standards per the Salem TSP; therefore no additional right-of-way dedications or street improvements are required as a condition of the proposed partition plat.

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

<u>Finding:</u> The proposal complies with special development standards as described below.

SRC Chapter 601 (Floodplain Overlay Zone): The northern portion of the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. No new structures are proposed as part of this application.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance (SRC Chapter 808) 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. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

The subject property has multiple trees, including trees within the riparian zone of Mill Creek, and the applicant indicates that they will be protected and remain. Any removal of trees or native vegetation will be required to comply with the requirements of SRC Chapter 808. There are also existing trees present in the rights-of-way of both High Street NE and Division Street NE. Because these trees are located within the public street right-of-way, they are classified as City trees. Removal or pruning of any trees from the public street right-of-way is subject to the requirements of SRC Chapter 86 (Trees on City Owned Property) and requires a separate permit.

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.

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

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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

**Finding:** The proposed partition would reconfigure multiple existing lawfully established units of land within a 2.67-acre developed property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. Access to the existing development site is provided via a driveway on High Street NE and driveways on a public alley. These driveways will remain after the partition. The proposed configuration of parcels is consistent with applicable zoning standards. The proposal meets this criterion.

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

**Finding:** Water, sewer, and stormwater infrastructures are available along the perimeter of the site and are adequate to serve the property. Parcel 1 is currently served and no new connections to public infrastructure are proposed as part of this application. Parcel 2 is served with water and stormwater and was previously served by a sewer main located in the alley, however the sewer connection was permanently disconnected in conjunction with the demolition of the building onsite. The existing sewer main in the alley only serves parcel 1 and will likely be privatized in the future. Pursuant to SRC 73.065, the applicant shall construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2. The following condition is necessary to comply with this requirement:

**Condition 2:** Construct a new sewer lateral within the right-of-way, connecting directly to the sewer main in Division Street NE to serve parcel 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Stormwater design will be addressed at the time of Site Plan Review.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

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

**Condition 3:** Show any easements necessary to serve the parcels with City

infrastructure on the final plat, in conformance with PWDS and Oregon

State Plumbing Specialty Code.

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

<u>Finding:</u> Liberty Street NE, Division Street NE, and High Street NE meet the right-ofway width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed partition plat.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

<u>Finding:</u> Liberty Street NE, Division Street NE, and High Street NE meet the right-ofway width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed partition plat.

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

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The subject property slopes downward from south to north toward Mill Creek. The subject property has previously been developed with an administration building on proposed Parcel 1 and auto repair buildings on proposed Parcel 2. The slope and riparian vegetation adjacent to Mill Creek were taken into consideration for the layout of site, and the site was able to be developed without variances. The proposal meets this criterion.

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

**Finding:** As described in findings above, the subject property slopes downward from south to north toward Mill Creek. The subject property has previously been developed with an administration building on proposed Parcel 1 and auto repair buildings on proposed Parcel 2. The slope and riparian vegetation adjacent to Mill Creek were taken into consideration for the layout of site, and the site was able to be developed with no disruption to the riparian vegetation and minimal disruption to the site and topography. The proposal meets this criterion.

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

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

<u>Finding:</u> The site is served by available sewer and water. Therefore, this criterion is not applicable.

#### 9. Conclusion

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

#### IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 19-09, to consolidate several underlying lawfully established and unlawfully established units of land into a single 1.21-acre parcel at 451 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09801) and a single 1.46-acre parcel at 465 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09800), is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1: Open channel drainage easements shall be dedicated along Mill Creek allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).
- **Condition 2:** Construct a new sewer lateral within the right-of-way, connecting directly to the sewer main in Division Street NE to serve parcel 2.
- **Condition 3:** Show any easements necessary to serve the parcels with City infrastructure on the final plat, in conformance with PWDS and Oregon State Plumbing Specialty Code.

PAR19-09 Decision August 23, 2019 Page 14

Pamela Cole, Planning Administrator Designee

and Col

Attachments: A. Vicinity Map

B. Applicant's Tentative Partition Plan

C. City of Salem Public Works Department Comments

D. Applicant's Findings

Application Deemed Complete: June 13, 2019
Notice of Decision Mailing Date: August 23, 2019
Decision Effective Date: September 10, 2019
State Mandated Decision Date: October 11, 2019

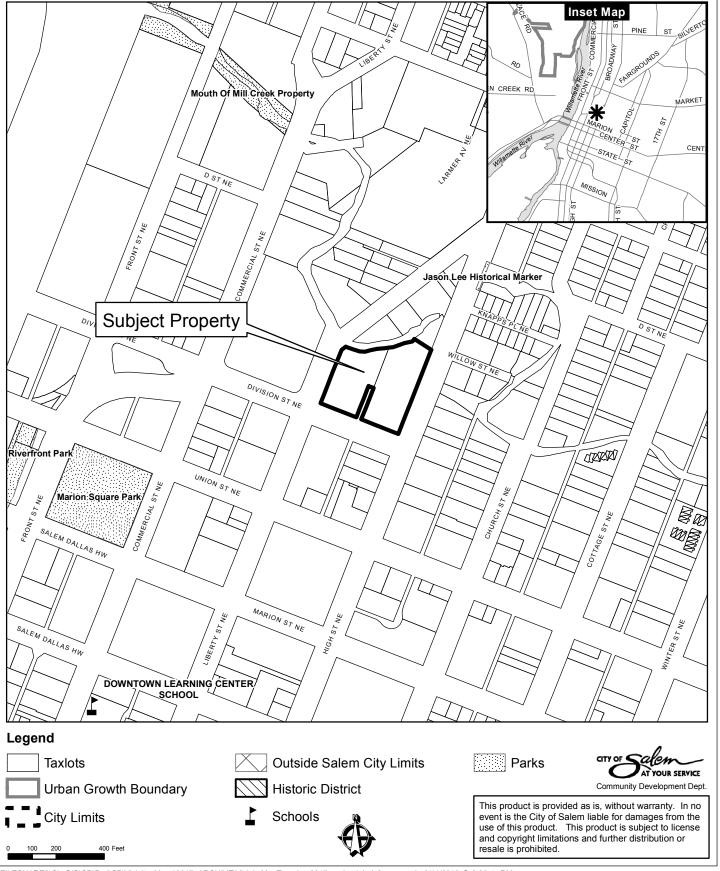
The rights granted by this decision must be exercised or extension granted by **September 10**, **2021**, or this approval shall be null and void.

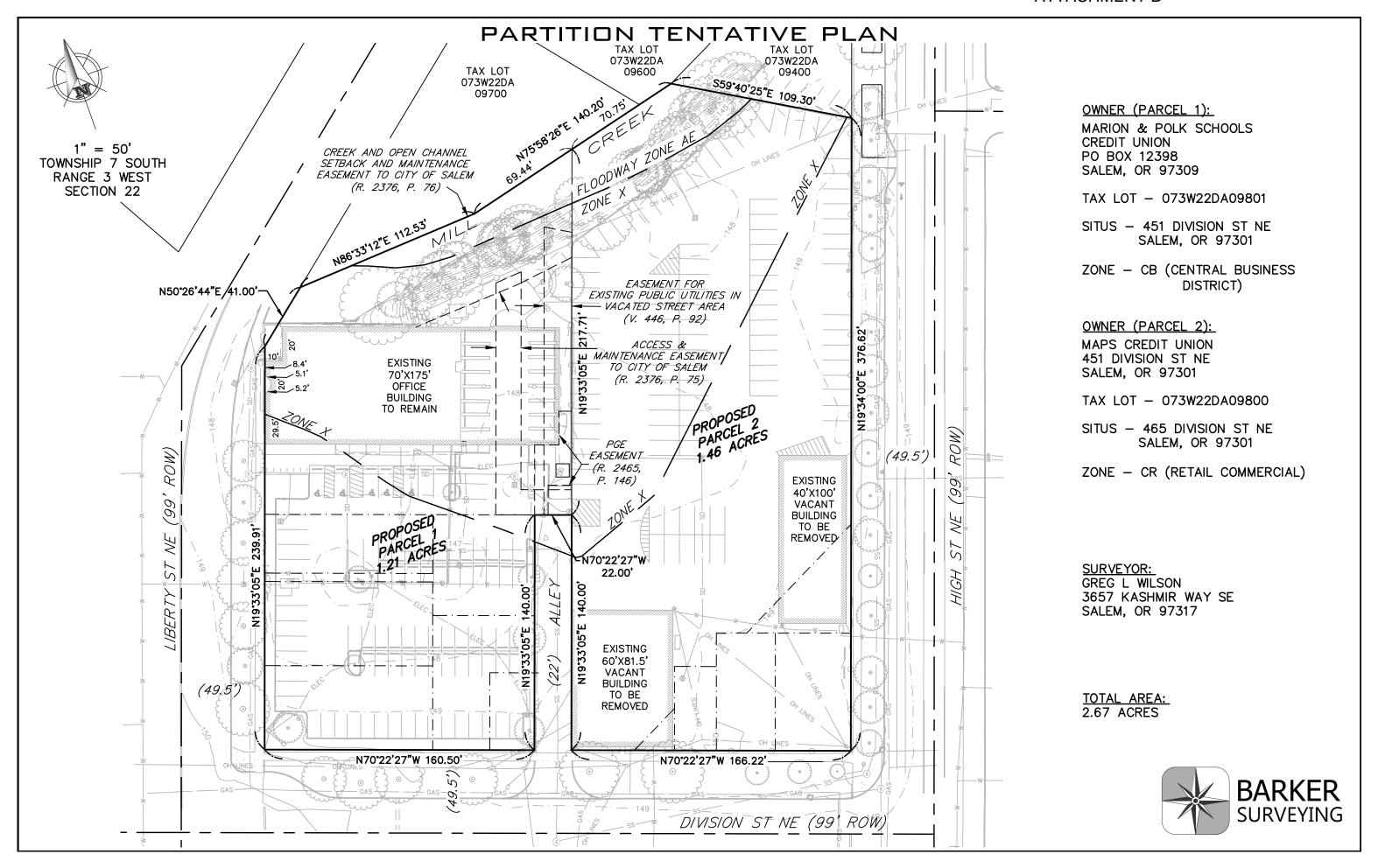
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

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 Monday, September 9, 2019, by 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.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\PARTITION\2019\Staff Reports - Decisions\PAR19-09.pjc.docx

# Vicinity Map 451 and 465 Division Street NE







MEMO

TO:

Pamela Cole, Planner II

Community Development Department

FROM:

Glenn J. Davis, PE, CFM, Chief Development Engineer

Public Works Department

DATE:

August 14, 2019

SUBJECT:

PUBLIC WORKS RECOMMENDATIONS

PAR19-07 (19-111462-LD)

**451 AND 465 DIVISION STREET NE** 

2-PARCEL PARTITION

## **PROPOSAL**

A Partition to consolidate several underlying lawfully established and unlawfully established units of land into a single 1.21-acre parcel at 451 Division Street NE (Marion County Assessor Map and Tax Lot Number: 073W22DA09801), which is zoned CB (Central Business District) and located in the General Retail/Office Overlay Zone, and a single 1.46-acre parcel at 465 Division Street NE (Marion County Assessor Map and Tax Lot Number: 073W22DA09800), which is zoned CR (Retail Commercial) and located in the Broadway/High Street Retail Overlay Zone.

#### RECOMMENDED CONDITIONS OF PLAT APPROVAL

- 1. Construct a new sewer lateral within the right-of-way, connecting directly to the sewer main in Division Street NE to serve parcel 2.
- 2. Open channel drainage easements shall be dedicated along Mill Creek allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).

# **FACTS**

## 1. Division Street NE

- a. <u>Standard</u>—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. <u>Existing Condition</u>—This street has an approximate 40-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

### 2. High Street NE

- a. <u>Standard</u>—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. <u>Existing Condition</u>—This street has an approximate 60-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

# 3. <u>Liberty Street NE</u>

- a. <u>Standard</u>—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. <u>Existing Condition</u>—This street has an approximate 60-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

# Storm Drainage

# 1. Existing Conditions

- a. A 10-inch storm main is located in Division Street NE.
- b. An 8-inch storm main is located in High Street NE.
- c. Mill Creek is located north of the subject property.

#### Water

# 1. Existing Conditions

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

- b. A 10-inch public water main is located in Division Street NE.
- c. A 12-inch public water main is located in High Street NE.

## Sanitary Sewer

- Existing Sewer
  - a. An 8-inch sewer main is located in Division Street NE.
  - b. An 8-inch sewer main is located in the alley between the two proposed parcels.

#### **CRITERIA AND FINDINGS**

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
- (B) City infrastructure standards; and
- (C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

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

Pamela Cole, Planner II August 14, 2019 Page 4

**MEMO** 

The northern portion of the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. No new structures are proposed as part of this application.

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

Mill Creek abuts the subject property to the north. Open channel drainage easements shall be dedicated along the waterway allowing for access and maintenance along the property frontage. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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

**Findings**—Water, sewer, and stormwater infrastructures are available along the perimeter of the site and are adequate to serve the property. Parcel 1 is currently served and no new connections to public infrastructure are proposed as part of this application. Parcel 2 is served with water and stormwater and was previously served by a sewer main located in the alley; however, the sewer connection was permanently disconnected in conjunction with the demolition of the building onsite. Pursuant to SRC 73.065, the applicant shall construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2. The existing sewer main in the alley only serves parcel 1 and will likely be privatized in the future.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Stormwater design will be addressed at the time of Site Plan Review.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Pamela Cole, Planner II August 14, 2019 Page 5

**MEMO** 

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

**Finding**—Division Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

High Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Liberty Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Prepared by: Jennifer Scott, Program Manager

cc: File



MAPS CREDIT UNION 465 Division St. NE Salem, OR 97301

Proposed Partition Plat for Tax Lot 9800 and 9801, Marion County Assessor's Map 07 3W 22DA, commonly known as 465 and 451 Division St. NE, Salem, Oregon 97301.

#### WRITTEN STATEMENT:

We would like to Partition the subject property to allow consolidation of several parcels and proposed development over existing property lines. The current configuration is 2.67 Acres, and the proposed Parcels are 1.21 Acres and 1.46 Acres.

Per 205.005 (d) Partition Tentative Plan:

- There is no standard for lot area, and the proposed configuration meets the standards for lot dimensions and frontage.
- The tentative partition plan does not impede the future use or development of the property or adjacent land.
- Both proposed Parcels are currently served by city infrastructure.
- Access to both Parcels is currently in place, and provides safe, orderly, and efficient circulation of traffic into, through, and out of the proposed Partition.
- No variances are necessary to our knowledge.
- The layout and size of the Parcels take into account the existing improvements, and do not disrupt the topography or vegetation.
- The properties are currently served by city sewer and water services.

Respectfully Submitted

Maps Credit Union

Name (Print)Traci Kendall

Title: SVP of Retail Operations

By: Maci Kindell

