

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 información, por favor llame
503-588-6173*

ADMINISTRATIVE DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN

CASE NO.: SUB09-02MOD1
AMANDA NO.: 18-121157-LD
DATE OF DECISION: August 22, 2019
PROPERTY LOCATION: 5730 Culver Road SE
APPLICANT: City of Salem, Urban Development Department

REQUEST

Summary: A modification to a previously approved phased tentative subdivision, resulting in a reduction of the amount of development land and preservation of Oregon white oak groves.

Request: A modification to a previously approved phased tentative subdivision (Subdivision Case No. 09-02), resulting in a reduction of the amount of development land and preservation of Oregon white oak groves, for property approximately 52.41 acres in size, zoned IBC (Industrial Business Campus), and located at 5370 Culver Drive SE - 97317 (Marion County Assessors Map and Tax Lot numbers: 082W04B / 01600, 01800, 02000, and 02100).

DECISION

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

Condition 1: Phase 1 shall be the first phase of the subdivision.

Condition 2: Phase 1 conditions are as follows:

- a. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.
- b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.

- c. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.
- d. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.
- e. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.
- f. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 3: ~~Conditions for Phase NW are as follows:~~

- ~~a. Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.~~

As a condition of development on lot 3, extend Gaia Way to Culver Avenue SE as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

Condition 4: ~~Conditions for Phase NC and NE are as follows:~~

- ~~a. Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.~~

As a condition of development on lot 4, construct improvements in Gaia Way to the easterly terminus of the proposed cul-de-sac street as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

Condition 5: ~~The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.~~

Condition 6: All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.

Condition 7: ~~Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.~~

At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road as follows: \$17,286 for lot 1; \$20,744 for lot 2; \$45,394 for lot 3; and \$18,591 for lot 4.

BACKGROUND

The subject property is located generally at 5730 Culver Drive SE (**Attachment A**). On May 13, 2009, the Subdivision Review Committee approved tentative phased Subdivision Case no. SUB09-02 for the former Salem Renewable Energy and Technology Park (**Attachment B**), a proposal to divide approximately 79 acres into 4 phases with 8 lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus). UGA08-03 was issued in connection with the phased tentative subdivision plan.

A subdivision modification application was submitted for review on October 22, 2018. The proposed modified subdivision plan is included as **Attachment C**. The application was deemed complete for processing on November 20, 2018, however, the applicant was advised that a revised Traffic Impact Analysis would be necessary to complete the review of the subdivision modification request.

A revised Traffic Impact Analysis was provided on July 17, 2019. The applicant granted a time extension to the 120-day State mandated decision deadline for this application to October 16, 2019 to allow for the revised Traffic Impact Analysis.

City Department Comments

Salem Fire Department. Fire has no concerns with the land division. Items such as fire department access and water supply will be required at the time of construction. Fire will review items including fire department access and water supply at the time of building permit plan review.

Public Works Department. The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided a memo included as **Attachment D**.

Public Agency and Private Service Provider Comments

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

Neighborhood Association Comments and Public Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.520(b)(1)(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.

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. No public comments were received during the public comment period.

FINDINGS

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.

Tentative Subdivision Case No. SUB09-02 was approved in 2009 under the requirements of former SRC Chapter 63 (Subdivisions). Since that time, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria. The standards and criteria applicable to subdivisions were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions have required modification of the original subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision remain the same.

1. Criteria for Modification of the Approval of a Tentative Subdivision Plan (SRC 205.070(d)):

SRC 205.070(d) establishes the following approval criteria for modification of the approval of a tentative subdivision plan:

- (1) *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*
- (2) *The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

2. Analysis of Modification Approval Criteria:

SRC 205.070(d)(1): The proposed modification is not substantially inconsistent with the conditions of the original approval.

Finding: The proposed modification is consistent with the conditions of the original approval. The modification proposes minor changes to the internal street configuration,

lot boundaries, and phasing. As such, minor changes are necessary to the conditions of approval from the original decision, however the modified conditions of approval remain substantially consistent with the original approval.

Phase 1 of the subdivision is complete. No modification is proposed to conditions 1 or 2 from the original decision.

The original condition 3 from SUB09-02 provides that as a condition of the Phase NW, the applicant shall extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal. The original condition of approval is modified to reflect the revised lot configuration and phasing.

Condition 3: ~~Conditions for Phase NW are as follows:~~

- a. ~~Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.~~

As a condition of development on lot 3, extend Gaia Way to Culver Avenue SE as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

The original condition 4 from SUB09-02 provides that as a condition of the Phase NC and NW, the applicant shall extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal. The original condition of approval is modified to reflect the revised lot configuration and phasing.

Condition 4: ~~Conditions for Phase NC and NE are as follows:~~

- a. ~~Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.~~

As a condition of development on lot 4, construct improvements in Gaia Way to the easterly terminus of the proposed cul-de-sac street as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

Condition 5 is being eliminated because the structural section is specified in the Public Works Design Standards.

Condition 5: ~~The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.~~

No modification is proposed to existing condition 6. Condition 7 is being modified to reflect the updated Traffic Impact Analysis (TIA) submitted by DKS Associates dated June 2019. The TIA recommends that the proposed development is subject to a proportional contribution of the following improvements:

- a. Construct a 150-foot northbound right-turn lane on Cordon Road SE at State Street; and
- b. Construct necessary signal modifications to allow for a permissive plus overlap right-turn phasing on northbound and southbound approaches at the intersection of Cordon Road and State Street.

The TIA specifies that the development's proportionate share of the cost is 45% of the total mitigating improvement, or \$102,015 ($\$226,700 \times 0.45$). This proportionate share is divided among the four developable lots based on land area. The calculation is shown below:

	Area (SF)	Share (%)	Amount
Lot 1	217,800	16.945	\$17,286
Lot 2	261,360	20.334	\$20,744
Lot 3	571,946	44.497	\$45,394
Lot 4	234,242	18.224	\$18,591
Total	1,285,348	100.000	\$102,015

Condition 7: ~~Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.~~

At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road as follows: \$17,286 for lot 1; \$20,744 for lot 2; \$45,394 for lot 3; and \$18,591 for lot 4.

SRC 205.070(d)(2): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding: There are no proposed uses or changes requested to the current IBC (Industrial Business Campus) zoning for the property that would result in changes to the permitted uses for the property. The applicant's proposal retains similar streets and lot layout as approved for the tentative subdivision plan, however the modification will result in larger conservation areas to allow for preservation of significant trees, riparian areas, and wetlands located on the subject property.

The modified street configuration requires much less excavation and fill work than would have been required under the original configuration because the street alignments better conform to the existing topography. The proposed modification provides street connectivity consistent with the conditions of original approval and does not significantly change the physical appearance, use of site, or impacts on surrounding properties.

Because of the similar configuration and identical permitted uses for completed subdivision, the requested modification would not increase or otherwise change impacts on surrounding properties.

The proposal meets this criterion.

3. Effect on Expiration Period of Original Approval:

Pursuant to SRC 205.070(e), the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Finding: The expiration date for the modified subdivision will be extended by two years to **May 29, 2021**. The applicant is permitted to apply for up to four further extensions of the expiration date, in two-year increments, with the final extension expiring no later than **May 29, 2029**.

Pursuant to SRC 200.025(g)(1), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid if the tentative subdivision approval remains valid. Therefore, UGA08-03 and its terms and conditions would remain in effect for the duration of the subject modification and any subsequent extensions.

DECISION

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

Condition 1: Phase 1 shall be the first phase of the subdivision.

Condition 2: Phase 1 conditions are as follows:

- a. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.
- b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.
- c. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.
- d. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.

- e. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.
- f. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 3: ~~Conditions for Phase NW are as follows:~~

- ~~a. Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.~~

As a condition of development on lot 3, extend Gaia Way to Culver Avenue SE as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

Condition 4: ~~Conditions for Phase NC and NE are as follows:~~

- ~~a. Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.~~

As a condition of development on lot 4, construct improvements in Gaia Way to the easterly terminus of the proposed cul-de-sac street as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

Condition 5: ~~The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.~~

Condition 6: All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.

Condition 7: ~~Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.~~

At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road as follows: \$17,286 for lot 1; \$20,744 for lot 2; \$45,394 for lot 3; and \$18,591 for lot 4.



Aaron Panko,
Planning Administrator Designee

Prepared by Aaron Panko, Planner III

Attachments: A. Vicinity Map
 B. Subdivision Case No. 09-02
 C. Proposed Modified Subdivision Plan
 D. Public Works Memo

Application Deemed Complete:	<u>November 20, 2018</u>
Notice of Decision Mailing Date:	<u>August 22, 2019</u>
Decision Effective Date:	<u>September 7, 2019</u>
State Mandated Decision Date:	<u>October 16, 2019</u>

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

Tentative Subdivision Plan: May 29, 2021

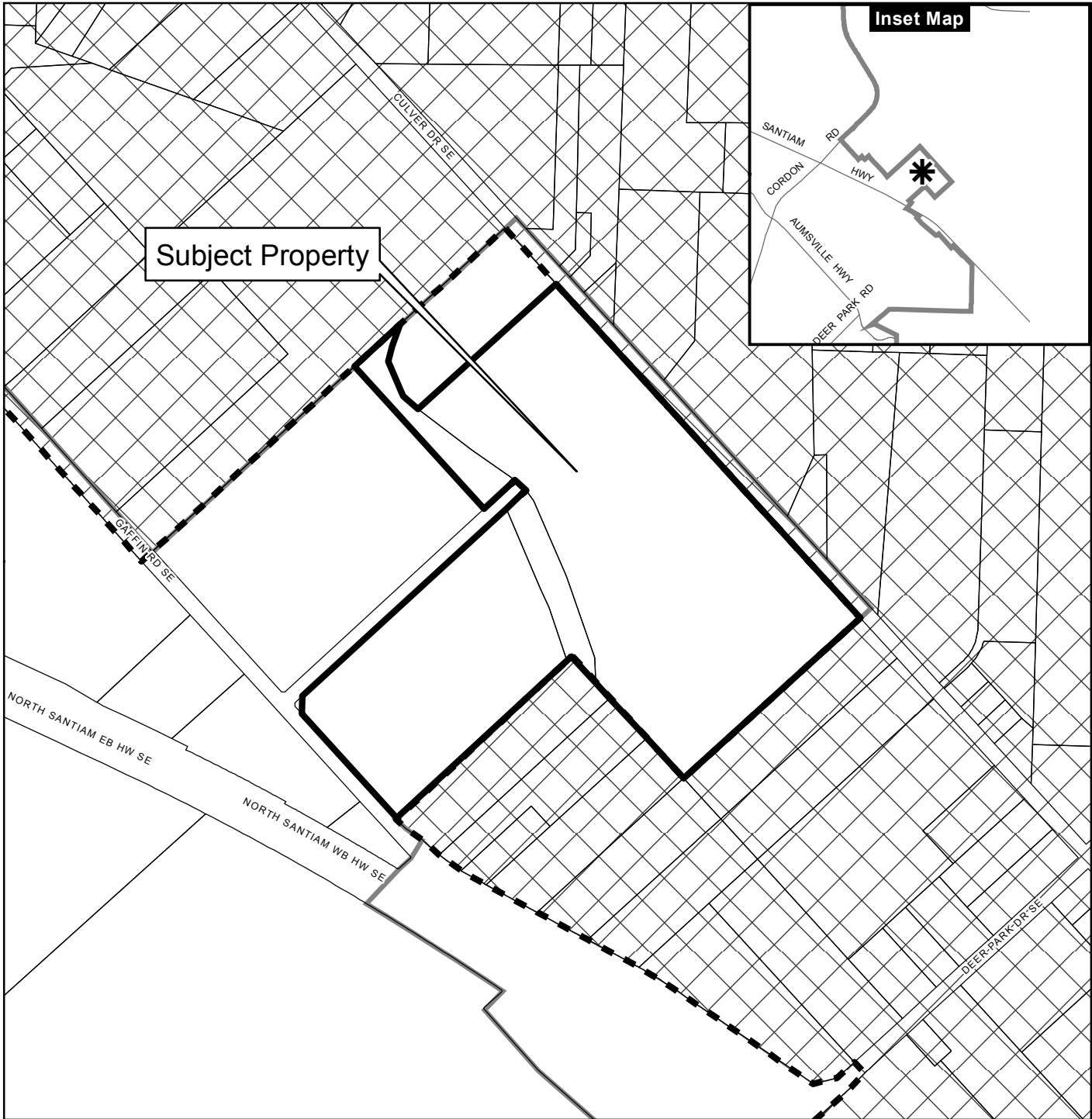
A copy of the complete case file is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

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 **Friday, September 6, 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.

cc: Alan Kessler, GIS

Vicinity Map

5730 Culver Drive SE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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SUBDIVISION REVIEW COMMITTEE

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



ISSUE: Subdivision Plat No. 09-2

DATE OF DECISION: May 13, 2009

APPLICANT: City of Salem

PURPOSE OF REQUEST:

To subdivide approximately 79 acres into 4 phases with 8 lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus) and located at 5475 Gaffin Road SE (also identified as Marion County Assessor's Map and Tax Lot Number 082W04B/1500 & 1600).

ACTION:

IT IS HEREBY ORDERED

That Subdivision Plat No. 09-2 to subdivide approximately 79 acres into 4 phases with 8 lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus) and located at 5475 Gaffin Road SE (also identified as Marion County Assessor's Map and Tax Lot Number 082W04B/1500 & 1600) shall be GRANTED subject to the identified conditions of approval listed below prior to final plat approval unless otherwise indicated

Condition 1: Phase 1 shall be the first phase of the subdivision.

Condition 2: Phase 1 conditions are as follows:

- a. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.
- b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.
- c. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.
- d. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.
- e. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.
- f. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 3: Conditions for Phase NW are as follows:

- a. Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 4: Conditions for Phase NC and NE are as follows:

- a. Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 5: The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.

Condition 6: All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.

Condition 7: Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.

The Findings and Order of the Subdivision Review Committee for Subdivision 09-2 are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of ten years. Under SRC 63.360(g), this tentative decision is void after ten years if not finalized. To finalize the subdivision the applicant must complete the conditions listed above and prepare a final plat for approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicants complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Decision issued according to Salem Revised Code 63.046, 63.332 and 63.360.

Application Deemed Complete: March 3, 2009

Decision Date: May 13, 2009

State Mandated Decision Date: July 3, 2009

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, OR 97301, not later than **May 28, 2009, 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal is to be filed in duplicate with the City of Salem Planning Division. The appeal fee is to be paid at the time of filing. 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.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Lisa Anderson-Ogilvie, Associate Planner, Ext. 7581, lmanderson@cityofsalem.net

LA-O
[Signature]

**BEFORE THE SUBDIVISION REVIEW COMMITTEE
OF THE CITY OF SALEM
(TENTATIVE SUBDIVISION PLAT NO. 09-2)**

**IN THE MATTER OF
TENTATIVE SUBDIVISION
PLAT APPLICATION NO. 09-2;
5475 GAFFIN ROAD SE**

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FINDINGS AND ORDER

PROCEDURAL FINDINGS

1. In August 2008, Urban Growth Area Preliminary Declaration 08-3 was issued which addressed linking facilities such as water, sewer, storm drain and streets necessary for the development of the subject property.
2. In October 2008, Legal Parcel Validation 08-1 was issued which validated two existing units of land that were created through sale rather than through an approved subdivision or partition plat process.
3. On February 27, 2009, an application for a subdivision was submitted to the Community Development Department. The application was deemed complete for processing on March 3, 2009.
4. On March 5, 2009, notification of filing for the proposed subdivision was sent to the owners of all property located within 250 feet of the subject property and to the South East Mill Creek Neighborhood Association.
5. The Subdivision Review Conference was held on March 31, 2009.

SUBSTANTIVE FINDINGS

1. Request

To subdivide approximately 79 acres into 4 phases with 8 lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus) and located at 5475 Gaffin Road SE (also identified as Marion County Assessor's Map and Tax Lot Number 082W04B/1500 & 1600).

A vicinity map of the subject property is made a part of this report as Attachment 1.

2. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is designated as "Industrial" on the Salem Area Comprehensive Plan (SACP) Map.

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

Growth Management: The subject property is outside of the City's Urban Service Area. Urban Growth Area Development Permit No. 08-3 applies to the property.

3. Zoning and Land Uses

The subject property is zoned IBC (Industrial Business Campus). Zoning and uses of surrounding properties include:

Northeast:	Across Culver Drive SE, Marion County SA (Special Agriculture Zone); single-family dwellings on acreage parcels
Northwest:	Marion County SA (Special Agriculture Zone); single-family dwellings on acreage parcels
Southeast:	Marion County SA (Special Agriculture Zone); single-family dwellings on acreage parcels

Southwest: Across Gaffin Road SE, IC (Industrial Commercial) and IBC (Industrial Business Campus); vehicle storage
South: Across Highway 22, RA (Residential Agriculture) and PH (Public and Private Health Services); corrections facility

4. Existing Site Conditions

The subject property, approximately 79 acres in size, is currently being developed as the Salem Renewable Energy and Technology Park. Construction has begun on the southwestern corner of the property by Sanyo Solar. A conditional use permit has been approved for a PGE substation on a five-acre lease site located in the northwestern corner.

Trees: Under the City's tree preservation ordinance, Salem Revised Code (SRC) Chapter 68.100(a) requires tree conservation plans only for development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units. Because the proposal does not involve the creation of lots or parcels for single-family or duplex dwelling unit construction, a tree conservation plan is not required. Pursuant to SRC Chapter 68 "Preservation of Trees and Vegetation," a Tree Removal Permit is required for removal of any significant trees and any removal of trees or native vegetation within a riparian corridor. Furthermore, no heritage tree shall be removed. Exceptions can include the removal of Oregon white oaks where the removal is necessary in connection with construction of a commercial or industrial facility (SRC 68.080(m)).

The applicant submitted an Exhibit M with their application. At this time the applicant is not proposing to remove any trees in the riparian corridor.

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. The Salem-Keizer Local Wetland Inventory (LWI) identifies mapped wetlands and waterways on the subject property. As part of the previous UGA permit application, Legal Parcel Validation application, Conditional Use application, and any building permits applied for, and pursuant to the requirements of the City's wetlands ordinance (SRC Chapter 126), staff mailed notice of the proposed development to the Department of State Lands (DSL). A delineation of the wetlands on the site was conducted in 2007. The locations of the wetlands were concurred with by DSL. The applicant has requested permits from DSL and the US Army Corps of Engineers for the filling of the small area of wetlands located in the area of proposed Lot 2 and for the area of wetlands where Road A is proposed to cross the waterway, with mitigation for these impacts to occur through the purchase of credits from a wetland mitigation bank. Any necessary State or Federal permits must be obtained before beginning a project.

Waterways: Davidson Creek flows through the subject property across the eastern corner. An unnamed waterway also flows directly across the middle of the property and joins up with the West Fork Little Pudding River. The applicant has applied for the necessary State and Federal permits in order to develop the property. Each waterway has a riparian corridor that must be maintained. The riparian corridor is measured fifty feet horizontally from the top of the bank on each side of the waterway. No trees or native vegetation may be removed without a Tree Removal permit within a riparian corridor. At this time the applicant is not proposing to remove any trees in the riparian corridor. The applicant has requested permits from DSL and the US Army Corps of Engineers for the filling of the small area of wetlands located in the area of proposed Lot 2 and for the area of wetlands where Road A is proposed to cross the waterway, with mitigation for these impacts to occur through the purchase of credits from a wetland mitigation bank. Any necessary State or Federal permits must be obtained before beginning a project.

Landslide Susceptibility: SRC Chapter 69 "Landslide Hazards" sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure a safe and healthful development. The subject property features zero (0) mapped landslide hazard points and a subdivision request incurs three (3) "activity" points. A total of three (3) points indicates a low landslide risk; therefore there are no geo-assessment requirements.

5. Site Analysis and Lot Layout

The following analysis is based on the tentative subdivision plan submitted with the application. Phase and lot boundaries and layouts may change as the phased subdivision is developed, within the parameters of SRC Chapter 63.360(f):

Final Plat Approval: Approval of a final plat for a phase of a phased subdivision shall be as set forth in SRC 63.052. Final plat for each phase shall be in substantial conformance with the tentative plan, and shall have satisfied any conditions of approval with respect to the phase involved set forth in the tentative plan approval. The final plat for each phase may diverge from the tentative plan as provided in this subsection, and unless the divergence from the tentative plan would require a modification of any condition of approval, and still be considered in substantial conformance with the approved tentative plan if there is:

- (1) A decrease or increase in the number of lots within the particular phase;
- (2) A change in the location or size of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, does not change the street designation from one classification to another;
- (3) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
- (4) A decrease in the number of phases or area of a specific phase; or
- (5) An increase in the area of a specific phase.

Proposal: The applicant has proposed a phased subdivision with eight lots ranging from 2.98 acres to 19.75 acres, and five open space tracts ranging in size from 1,042 square feet to 4.98 acres in size.

Access and Circulation: Access is provided for the development from Gaffin Road SE and Culver Drive SE. As indicated on the site plan a new public street will be constructed on the subject property which will connect from Gaffin Road SE to Culver Drive SE and will serve internal lots. Proposed Phase 1 will access the subject property from Gaffin Road SE and Culver Drive SE and will also include the southerly portion of the new proposed public street. The street, Road A (Gaia Way), will be constructed from Gaffin Road SE north to the creek that bisects the subject property. Future phases will connect the street to Culver Drive SE and will include an extension of the street to large undeveloped properties to the southeast (Road B). This extension, to be completed with later phases, will provide the required right-of-way to the property line in order to provide for future connectivity. Because the adjacent property is located outside of the Urban Growth Boundary and outside of City limits the road will not be paved to the right-of-way but will probably be improved as a cul-de-sac. The platted right-of-way will allow this street extension to be improved in the future, if needed.

Minimum Lot Area and Dimensions: The applicant's tentative subdivision proposal results in a total of eight lots ranging from 2.98 acres to 19.75 acres, and five open space tracts ranging in size from 1,042 square feet to 4.98 acres in size. Minimum lot size and lot configurations are determined by the underlying zoning of the property. The subject property is zoned IBC (Industrial Business Campus).

IBC (Industrial Business Campus) SRC 156.090: There are no minimum lot area requirements or minimum lot dimensions in an IBC district, except for the street frontage requirements of SRC 130.260, which requires that except for single family dwellings, all uses shall be located on lots having at least 16 feet of frontage along a public road. All proposed lots and tracts meet this requirement.

Lot Standards: The applicant has not requested any variances to required lot standards. All lots, as proposed, meet the lot standards.

Maximum Number of Flag Lots: SRC Chapter 63.295(a) establishes a maximum limitation on the total number of flag lots allowed within a subdivision. Under this requirement, no more than 15 percent of the lots within a subdivision can be developed as flag lots without street frontage. The applicant is not proposing any flag lots.

Block Lengths and Widths (SRC 63.135): Block lengths and widths shall be determined by the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision, and by topography, adequate lot size, need for and direction of flow through the subdivision and local traffic. Blocks shall be a maximum of 600 feet between street centerlines unless the planning administrator determines that the adjacent layout or special conditions justify greater length. Except where topographical or other physical features dictate otherwise, block widths shall be not less than 120 feet and not more than 400 feet.

In the proposed subdivision, block lengths and widths exceed these standards. The 600-foot maximum block length and maximum 400-foot block depth standards are difficult to satisfy in an area which is intended for land-extensive industrial uses. Strict compliance with these maximum standards would limit blocks to no larger than 5.5 acres in size – a size which would severely limit industrial development. The existing physical development around the subject property and the presence of waterways where crossings are discouraged provides justification for an exception to this standard.

The subdivision layout provides for appropriate vehicular and pedestrian circulation through the site in light of the access needs of the properties within the subdivision and the properties adjacent to the subdivision and yet provides large enough industrial parcels for the needs of industries which are likely to locate within the subdivision. Road A (Gaia Way) has been located at the western most possible location of the site along Gaffin Road. Road A is also located 622 feet from the eastern boundary of the site so that it approximates a 600-foot block length in that stretch. Providing another street connection between Gaffin Road SE and Culver Drive SE would require another waterway crossing. The waterway in question is an intermittent stream which has native and endangered vegetation. The waterway is regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. Crossing the waterway in two places may not be permitted. In order to protect the waterway and vegetation to the largest extent possible the applicant has proposed one crossing.

Road A's planned intersection with Culver Road splits the site's frontage into reasonably sized approximate 1,000 foot lengths along that road. The applicant has not proposed additional access to Culver Drive SE to connect to Road A because those connections would not enhance the site access or circulation. All of the lots, as proposed, have adequate access for the intended use. The planned roads and circulation patterns for the subdivision will serve to meet the intent of the block size requirements while creating reasonably sized industrial parcels. The planning administrator evaluated the tentative subdivision plat and determined that the proposed exceptions are justified.

6. Neighborhood Association and Citizen Comments

- A. The subject property is located within the South East Mill Creek Neighborhood Association. The Neighborhood Association was notified of the proposed subdivision. Comments were not received as of the date of this staff report.
- B. All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. As of the date of this staff report one comment was received from a neighbor. The comments have been summarized below.

Comment: The City of Salem, as the owner of this 80 acre parcel, was able to control the annexation, zoning, and provision of utilities to provide development for this site. They also have the ability to make lucrative tax incentives to attract business and purchasers. Although this may be a win - win scenario for the City and a benefit to the community, it is in direct conflict with adjoining property owners. The City has created an industrial zone (on their property) surrounded on 3 sides by acreage tracts zoned SA (Special Agriculture). Adjacent property owners are seriously impacted by this development but are unable to develop their properties in any way. Adjacent property owners cannot even connect to City utilities that border their property.

Staff Response: The subject property was created through a series of conveyances over a number of years at a time when the property was located in Marion County, outside of Salem

city limits. Before annexation the subject property was zoned Marion County (SA) Special Agriculture zone. The subject property was given an Industrial designation on the Salem Area Comprehensive Plan as a result of the "Project 90" industrial study in 1981. The study identified a need for a larger inventory of sites for industrial development. The subject property was annexed into City limits in 1983 and zoned IBC (Industrial Business Campus) which implements the Industrial designation. The City of Salem acquired the subject property in 1993 through a Sheriff's sale due to a tax foreclosure. The City did not own the property when it was designated as Industrial or when it was annexed.

The subject property is surrounded by property that is located outside of City limits (zoned Marion County (SA) Special Agriculture) and outside of the Urban Growth Boundary (UGB). City services are not available to properties located outside of the UGB. Development of adjacent properties is subject to Marion County rules and regulations and is not under the purview of the City of Salem.

7. City Department Comments

- A. The Police Department has reviewed the proposal and indicated they have no comments.
- B. The Building and Safety Division has reviewed the proposal and indicated they have no comments.
- C. The Public Works Department, Parks and Transportation Service Division, reviewed the proposal and commented that any tree removal from right-of-way requires a 'no cost' tree removal permit from the Urban Forester (503-361-2215) as required by SRC 86.020.
- D. The Fire Department has reviewed the proposal and indicated they have no concerns.
- E. The Public Works Department, Stormwater Services Section has reviewed the proposal and submitted the following comments: West Fork Little Pudding flows through the middle of this property. A Total Maximum Daily Load (TMDL) and load reduction targets have been recently issued by the DEQ for this creek. Consistent with the TMDL, development may require additional attention to the following parameters: Bacteria - consider means of reducing loading if waterfowl or other sources are likely present; Total Suspended Solids (TSS) - TSS has a target in-stream level of 6 mg/L and is a surrogate for multiple pollutants in the TMDL. Consider if additional erosion control or post-construction controls are necessary to minimize in-stream TSS impacts from the site.

8. Public Agency Comments

- A. The Salem-Keizer Public School District reviewed the proposal and indicated no objections.
- B. Marion County Public Works reviewed the proposal and provided comments. In summary they request that a condition of approval requiring a right turn lane on Gaffin Road at the intersection with Cordon Road be constructed when the development reaches 900 Average Daily Trips (ADT). They want to work with the City to develop a funding methodology to provide for mitigation on County facilities. They also requested that future improvements on Culver Drive shall be constructed to Marion County standards at the time that adjacent parcels are developed.

Staff Response: Marion County staff has identified deficiencies on adjacent streets that are located within Marion County jurisdiction. City regulations do not authorize street improvement requirements outside City jurisdiction. The conditions of approval specify the following: (a) the applicant shall submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property; and (b) the applicant shall construct mitigating transportation improvements as specified in the approved TIA.

At the time of Site Plan Review for any development on the subject property, mitigating improvements will be specified in conformance with the approved TIA. Marion County staff will have the opportunity to comment on the TIA and the Site Plan Review requirements for each development proposal. If the TIA specifies that improvements are required within Marion County jurisdiction, the applicant and City staff will need to coordinate those

improvements with Marion County staff as appropriate.

City staff is working with County staff to develop an intergovernmental agreement to allow for mitigation for County facilities when impacted by development within the City limits. This is an ongoing process.

- C. Marion County Planning division has reviewed the proposal and provided comments. In summary they stated that the County had not yet concurred on an amendment to the Salem Area Comprehensive Plan (SACP) related to the subject property.

Staff Response: Since receiving these comments the Marion County Commissioners have reviewed the amendment to the SACP and concurred. They have adopted an ordinance (Ordinance No. 1287) regarding the matter.

9. Private Service Providers

- A. PGE commented that development costs are per tariff and service requirements. Ten-foot public utility easements are required on all front street lots. Additional easements will be determined with approved civil drawings.

10. Criteria for Granting Approval to Tentative Subdivision

Salem Revised Code (SRC) Chapter 63.046(b) and 63.051 set forth the criteria that must be met before approval can be granted to a subdivision request. This staff report addresses the approval criteria of SRC 63.046 (decision of the Planning Administrator for a Subdivision) and evaluates the considerations of SRC 63.051(Purpose of Tentative Plan Review; Requirements and Conditions).

The following subsections are organized with approval criteria shown in **bold**, followed by findings of fact upon which the Planning Administrator bases his findings. The requirements of SRC 63.051 are addressed within the specific findings which evaluate the proposal's conformance with the criteria of SRC 63.046. Lack of compliance with the following land division standards is grounds for denial of tentative plat approval or for the issuance of certain conditions necessary to more fully satisfy such conditions. The applicant's proposed subdivision, for the purpose of dividing the subject property as described above, was reviewed for compliance with the following standards, and as detailed in the facts and findings of this staff report, including all attachments hereto, the following approval criteria have been sufficiently addressed to warrant approval of the tentative subdivision plan, subject to conditions.

Note: A second review will occur for the created lots at the time of building permit application to assure compliance with the zoning ordinance. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final subdivision plat.

- A. **SRC 63.046(b)(1): Approval of the tentative subdivision plan does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto:**

Finding: The subject property consists of 79 acres, all of which shall be affected by the proposed subdivision. As proposed, and with conditions of approval, the tentative plan is consistent with applicable development standards and uses permitted within the IBC (Industrial Business Campus) zone. Transportation circulation has been determined to be adequate and all lots are suitable for their intended uses. Sufficient public and private infrastructure can be provided to ensure that all proposed lots can be adequately served. All natural hazards affecting the subject property will be investigated and, if necessary, mitigated to ensure a safe and healthful development. Approval of the proposed subdivision does not impede future use of the subject property or any adjoining land or access. Therefore, this criterion has been satisfied.

- B. **SRC 63.046(b)(2): Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan:**

Finding: The Public Works Department has reviewed the request and provided comments regarding the provisions for water, sewer, streets, and storm drainage facilities. They are included as Attachment 3.

Storm Drainage: The subject property is within a Stormwater Management Area as specified in an Intergovernmental Agreement between the City of Salem, City of Keizer, and Marion County. The agreement requires that runoff from the subject property be limited because of downstream flooding potential between the subject property and the Willamette River.

Fruitland and Davidson Creeks are located on the subject property. There are existing roadside ditches located along Gaffin Road SE. The ditch along the southern side of Gaffin Road SE is a jurisdictional stream that flows into the West Middle Fork Little Pudding River. The *Stormwater Master Plan* specifies that culverts downstream of the subject property at Cordon Road SE and Gaffin Road SE are undersized.

Water: The subject property is within the G-0 water service level. The G-0 service serves properties to the 234 elevation. As specified in UGA 08-3, a new 20-inch G-0 water line is currently under construction in Gaffin Road SE along the entire property frontage.

Sanitary Sewer: As specified in UGA 08-3, a new 15-inch sewer main is currently under construction in Gaffin Road SE to serve the proposed development.

Streets: The subject property has frontage on Gaffin Road SE and Culver Drive SE. Gaffin Road SE 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. It has an approximate 15-foot turnpike improvement on the development side with a 9-foot turnpike improvement opposite within a 58-foot-wide right-of-way. There is 28 feet of right-of-way adjacent to the subject property and 30 feet of right-of-way opposite. The street improvements required in UGA 08-3 will provide safe, orderly, and efficient circulation of traffic to the subdivision.

Culver Drive SE is located within Marion County jurisdiction. There is an approximate 30-foot improvement within a 60-foot-wide right-of-way. There is an approximate 10-foot improvement within 30 feet of right-of-way adjacent to the subject property and 30 feet of right-of-way opposite centerline.

All boundary and internal streets will be constructed at widths specified in the *Salem Transportation System Plan* to provide safe vehicular, bicycle, and pedestrian access within and abutting the subdivision. The street system in the vicinity of the proposed development is inadequate to provide safe and convenient bicycle and pedestrian access as described in the applicant's TIA, and the requirements are addressed in the recommended conditions of development.

Marion County staff has identified deficiencies on adjacent streets that are located within Marion County jurisdiction. City regulations do not authorize street improvement requirements outside City jurisdiction. The conditions of approval specify the following: (a) the applicant shall submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property; and (b) the applicant shall construct mitigating transportation improvements as specified in the approved TIA.

At the time of Site Plan Review for any development on the subject property, mitigating improvements will be specified in conformance with the approved TIA. Marion County staff will have the opportunity to comment on the TIA and the Site Plan Review requirements for each development proposal. If the TIA specifies that improvements are required within Marion County jurisdiction, the applicant and City staff will need to coordinate those improvements with Marion County staff as appropriate.

The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* identify specific projects needed to mitigate deficiencies in the water, sewer, and storm drainage systems. The applicant's preliminary utility plan appears to provide adequate utility systems to serve the proposed development. At the time of development, the applicant's engineer shall design and construct the utility systems in conformance with the City's *Public Works Design Standards* and the conditions of approval. In order to ensure that provisions for water, sewer, streets, and storm drainage facilities to serve the proposed development comply with the City's public facility plans as is required by this approval criterion the following conditions of approval shall be established:

Condition 1: Phase 1 shall be the first phase of the subdivision.

Condition 2: Phase 1 conditions are as follows:

- a. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.
- b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.
- c. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.
- d. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.
- e. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.
- f. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 3: Conditions for Phase NW are as follows:

- a. Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 4: Conditions for Phase NC and NE are as follows:

- a. Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 5: The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.

Condition 6: All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.

Condition 7: Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.

C. 63.046(b)(3): The tentative subdivision plan complies with all applicable provisions of the Salem Revised Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter:

The Salem Revised Code (SRC), including the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The proposed subdivision has been reviewed for compliance with all applicable SRC provisions and, as conditioned, is found to be in compliance with the relevant criteria.

Public Works staff has analyzed the proposed development for compliance with applicable provisions of *Salem Revised Code* Chapters 21, 63, 65, 66, 69, 70, 72, 73, 74, 75, 76, 77, 78, 80, and 140. Any Code provisions found to be out of compliance are addressed in the recommended conditions of development.

SRC Chapter 63 (Subdivisions): The intent of the SRC Chapter 63 Subdivision ordinance is to provide for orderly development through the application of appropriate standards and regulations. The applicant met all application submittal requirements necessary for adequate review of the proposed subdivision. As proposed, and with conditions of approval, the proposed subdivision conforms to all applicable SRC Chapter 63 requirements.

Parcel Configuration: Staff evaluated the proposal in terms of all applicable lot size and dimensional standards, as well as block standards. A detailed analysis of the proposed lot configuration can be found in Section 5. In summary, the proposal is consistent with all applicable lot and block standards as proposed and with conditions of approval.

Adequate Utilities: Staff evaluated the proposal in order to determine which utilities are present to serve the proposed subdivision and what the applicant must provide. In summary, staff analysis has demonstrated that sufficient public utilities can be made available to the proposed lots, both as proposed and with conditions of approval. Please refer to Section 10.B and the attached Public Works comments for additional information pertaining to the provision of utilities.

Street Connectivity: SRC Chapter 63.225(p) requires that applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the planning administrator determines that one or more of the following conditions exist:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or
2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
3. Streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

The Tentative Subdivision Plat indicates connections to existing streets along the boundary of the subject property at intervals that exceed the maximum of 600 feet allowed by SRC 63.225(p). The planning administrator has determined that physical or topographic conditions make additional connections impracticable. Provision of street connectivity to the west from the proposed development is precluded based on buildings being under construction on proposed Lot 1 and Lot 3 and wetlands and a creek between Lot 1 and Lot 3. Street connectivity is provided to the undeveloped large parcel to the east.

Hazards, Site Disruption, and Limitations to Development: Planning staff reviewed the proposed subdivision to ensure that the applicant has adequately mitigated any possible natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

According to the City of Salem adopted Landslide Hazard Susceptibility Maps the subject property features zero (0) mapped landslide hazard points and a subdivision request incurs three (3) "activity" points. A total of three (3) points indicates a low landslide risk; therefore there are no geo-assessment requirements.

The Salem-Keizer Local Wetland Inventory (LWI) identifies wetlands and waterways as being present on the property. Two waterways cross the subject property. The applicant has applied for the necessary State and Federal permits in order to cross the waterways.

The City of Salem requires a National Pollutant Discharge and Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ) for all construction activities that disturb one acre or more of land. Proof of a valid permit must be submitted at the time of plans submittal. The subject property consists of approximately 79 acres, thus, the NPDES permit requirement applies to this subdivision request. Pursuant to SRC Chapter 75, an erosion control permit is required prior to the start of any ground-disturbing activities.

Private landowners who wish to conduct activities on land that incidentally take (harm) species listed as endangered or threatened must first obtain an incidental take permit from the U.S. Fish & Wildlife Service. It is the responsibility of the land owner to prevent a takings without first obtaining proper permits. For further information, interested parties may contact the Oregon Department of Fish & Wildlife (ODFW) at 503-378-6925.

SRC Chapter 64 (Comprehensive Planning): The subdivision, as proposed and with conditions of approval, conforms to the Salem Area Wastewater Management Master Plan, Stormwater Master Plan, Water System Master Plan, and Salem Transportation System Plan as detailed in the findings under Section 10.B of this report. The proposal meets the requirements of the Park System Master Plan.

SRC Chapter 65 (Excavation and Fills): The provisions of SRC Chapter 65 ensure that any excavation or fill adjacent to public right-of-way, or within a public easement, designated waterway, or floodplain overlay zone creates no imminent danger to public safety or public facilities and does not create a public nuisance. SRC Chapter 65 also prohibits excavation or fill that causes surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the grading occurred. A complete storm drainage system that does not allow any increases in drainage to adjacent properties shall be required at the time of development. Provided that the developer obtains all necessary permits, there is no evidence that the subject property cannot be developed in a manner consistent with the provisions of SRC Chapter 65.

SRC Chapter 66 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to subdivision of property outside of the Salem Urban Service Area, an Urban Growth Area (UGA) Development Permit must be obtained. The subject property is located outside of the Urban Service Area, therefore, a UGA development permit was required for the proposed development. Development of the property must conform to the requirements of the Preliminary Declaration for UGA Development Permit No. 08-3.

SRC Chapter 68 (Preservation of Trees and Vegetation): Pursuant to SRC Chapter 68, for a development other than a subdivision or partition that would create lots for single family dwelling or duplex dwelling units, tree removal permits are required for removal of significant or heritage trees or trees or native vegetation in riparian corridors, except Oregon white oaks may be removed without a permit when removal is necessary in connection with construction of a commercial or industrial facility (SRC 68.080(m)).

The subject property contains no heritage trees. The applicant's inventory indicates the presence of significant trees. According to maps on the City's geographic information system, there are mapped intermittent and perennial waterways within the subject property. Tracts A, B, and E are designated as open space and would preserve riparian vegetation associated with the waterways on the subject property. Removal of trees or native vegetation within riparian corridors is not permitted unless the removal is an exception under SRC 68.080, undertaken pursuant to a permit issued under SRC 68.090, undertaken pursuant to a tree conservation plan approved under SRC 68.100, or permitted by a variance granted under SRC 68.130.

Any trees located within the public right-of-way are under the jurisdiction of the City's Urban Forester.

SRC Chapter 69 (Landslide Hazards): The proposed subdivision has been reviewed for conformance with the requirements of SRC Chapter 69 in order to assess whether the proposed activity will adversely affect the stability and landslide susceptibility of the area. According to the City of Salem adopted Landslide Hazard Susceptibility Maps the subject property features zero (0) mapped landslide hazard points and a subdivision request incurs three (3) "activity" points. A total of three (3) points indicates a low landslide risk; therefore there are no geo-assessment requirements.

SRC Chapter 126 (Wetlands): Designated wetlands are under the purview of the U. S. Army Corps of Engineers, with regulatory authority in Oregon delegated to the Oregon Department of State Lands (DSL). State and Federal wetlands laws are also administered by DSL and the US Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. The City of Salem's adopted "Local Wetland Inventory" (LWI) identifies several wetlands on the subject property. The applicant has requested permits from DSL and the US Army Corps of Engineers for the filling of the small area of wetlands located in the area of proposed Lot 2 and for the area of wetlands where Road A is proposed to cross the waterway, with mitigation for these impacts to occur through the purchase of credits from a wetland mitigation bank. Any necessary State or Federal permits must be obtained before beginning a project.

SRC Chapter 132 (Landscaping): The provisions of SRC Chapter 132 require that all significant trees located within required yards, e.g., setback areas, be retained, or if removed, that the impact of the removal be mitigated through replanting measures. This provision of the code is a standard requirement that is applied ministerially and no additional conditions of approval are required to ensure that the subdivided property meets SRC Chapter 132 requirements.

SRC Chapter 133 (Off-street Parking, Loading, and Driveways): SRC Chapter 133 establishes minimum off-street parking space requirements and standards for the development of parking areas and driveways. At the time of development of the proposed subdivision the requisite number of parking spaces, as provided for in SRC Chapter 133, will be required.

SRC Chapter 156 (Industrial Business Campus): The subject property is zoned IBC (Industrial Business Campus). As detailed in Section 5 of this report, the subdivision, as proposed and conditioned, conforms to the provisions of SRC Chapter 155.

D. 63.046(b)(4): The proposed subdivision 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.

Finding: The proposed subdivision is accessed by two existing streets, one local and one a 'Minor Arterial'. As described in the Salem Transportation System Plan (STSP), "the City of Salem shall design its streets to safely accommodate pedestrian, bicycle, and motor vehicle travel." This multi-modal approach is manifested in the "Street Classification System and Basic Design Guidelines" contained in Section 3, Table 11 of the STSP. In essence, all new streets are required to accommodate multiple-modal transportation options, including bicycles and pedestrians. In the case of local streets, all new streets are required to be "shared roadways" or include bicycle routes. This is possible because of the low-volume, low-speed design intent for local streets. Furthermore, streets are required to include sidewalks to ensure pedestrian accessibility and safety. As these new streets are required to accommodate multi-modal transportation options, the proposed subdivision will be required to provide for safe and convenient bicycle and pedestrian transportation within internal streets. In order to connect internal multi-modal transportation with the existing street system, boundary street improvements are required. The proposed subdivision has one new internal street, which will have sidewalks.

Street improvements help enact the multi-modal design standards for existing streets, with a scope that includes, at a minimum, the full frontage of the subject property. The end result of this two-tiered transportation approach is a multi-modal connection of each proposed parcel to adjacent existing developments.

Provided that the applicant complies with all conditions of approval related to transportation and transit, and that all streets are constructed to the satisfaction of the Director of Public Works with regards to bicycle and pedestrian accommodations, this subdivision is consistent with this criterion.

11. Phased Subdivision Approval Criteria

This application is for a phased subdivision. Salem Revised Code (SRC) 63.360 sets forth additional criteria that must be met before approval can be granted to a tentative plat for a phased subdivision. The applicant's Tentative Subdivision Plat application and subdivision phasing plan (Attachment 2) shall be considered in light of the following approval criteria, and a decision thereon shall be issued. In addition to any other approval criteria set forth in this Chapter, a phased subdivision shall:

- A. Show tentative connectivity for streets and utilities between each phase to ensure the orderly and efficient construction of required public improvements among all phases;
- B. Demonstrate that each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements; and
- C. Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Applicant's Statement: The enclosed site plan illustrates how the roads and utilities will be provided with each phase. The subdivision is designed so that all road and utility improvements necessary for development of subsequent phases must follow development of the initial phase. All four of the phases will contribute important elements of the infrastructure to serve development of the subdivision as a whole.

Findings: The applicant's Tentative Subdivision Plan indicates proposed phase boundaries, as well as connectivity for streets and utilities between phases and proposed public improvements. The proposed conditions of development (Section 10.B.) include phasing considerations in order to ensure compliance with these criteria. The conditions restrict the sequence of phasing and identify specific requirements needed to serve the individual and cumulative impacts of each proposed Development Area. The subdivision, as proposed and conditioned, meets the criteria.

12. Based upon the review of SRC 63.046(b) and SRC 63.360, the Findings set forth in Sections 10 and 11 the tentative plan complies with the applicable provisions of the Subdivision Code and the Salem zoning ordinance, and is in conformance with the purpose expressed in SRC 63.020 and the Salem Area Comprehensive Plan.

IT IS HEREBY ORDERED

That Subdivision Plat No. 09-2 to subdivide approximately 79 acres into 4 phases with 8 lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus) and located at 5475 Gaffin Road SE (also identified as Marion County Assessor's Map and Tax Lot Number 082W04B/1500 & 1600) shall be GRANTED subject to the identified conditions of approval listed below prior to final plat approval unless otherwise indicated

Condition 1: Phase 1 shall be the first phase of the subdivision.

Condition 2: Phase 1 conditions are as follows:

- a. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.
- b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.
- c. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.
- d. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.
- e. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.

- f. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 3: Conditions for Phase NW are as follows:

- a. Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 4: Conditions for Phase NC and NE are as follows:

- a. Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.

Condition 5: The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.

Condition 6: All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.

Condition 7: Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.

The Findings and Order of the Subdivision Review Committee for Subdivision 09-2 are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of ten years. Under SRC 63.360(g), this tentative decision is void after ten years if not finalized. To finalize the subdivision the applicant must complete the conditions listed above and prepare a final plat for approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicants complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Decision issued according to Salem Revised Code 63.046, 63.332 and 63.360.

Application Deemed Complete: March 3, 2009

Decision Date: May 13, 2009

State Mandated Decision Date: July 3, 2009

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, OR 97301, not later than May 28, 2009, 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal is to be filed in duplicate with the City of Salem Planning Division. The appeal fee is to be paid at the time of filing. 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.



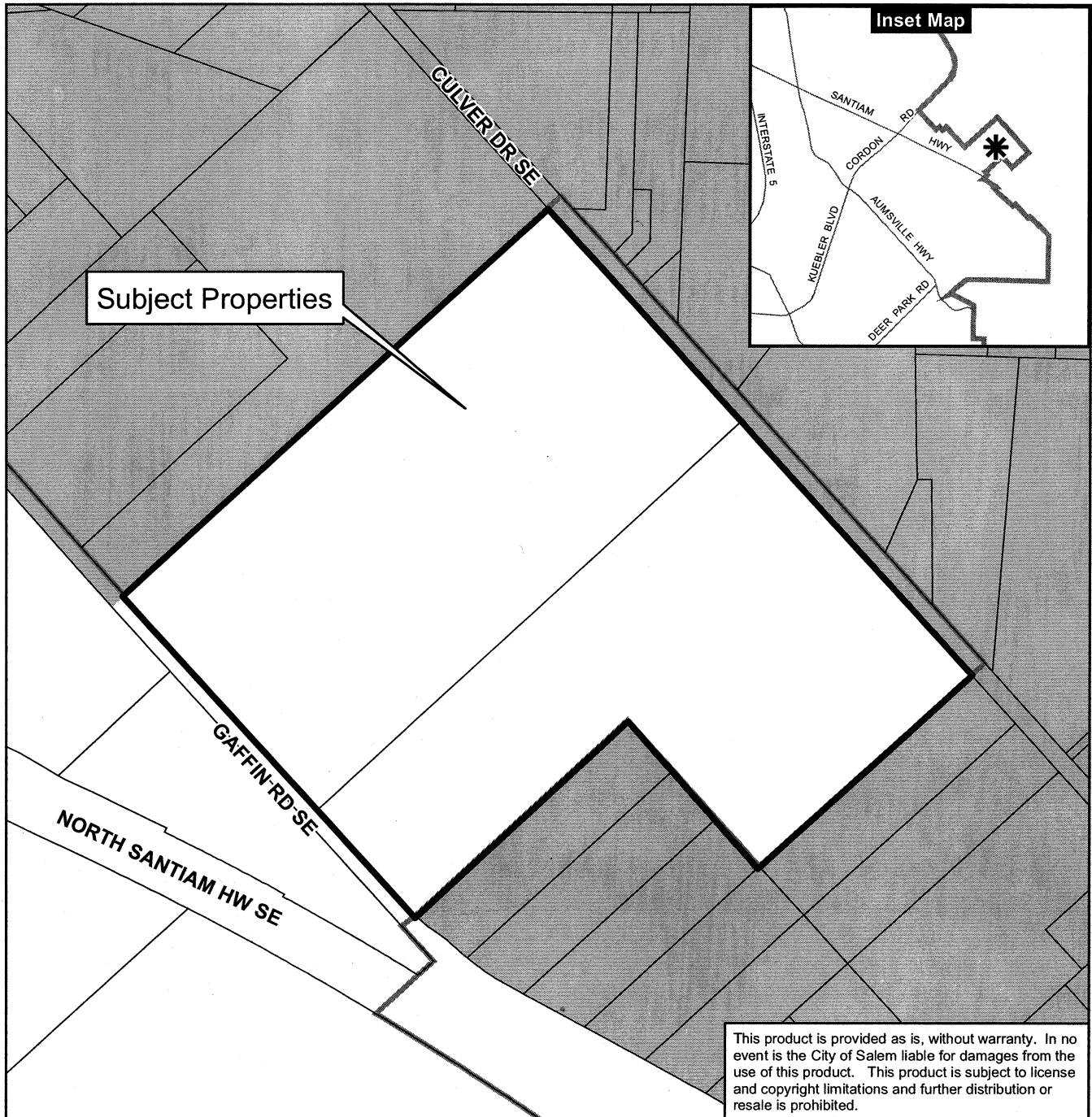
Glenn W. Gross, Urban Planning Administrator

Attachments: 1. Vicinity Map
2. Applicant's Tentative Subdivision Plan
3. Public Works Memo, dated April 1, 2009

Prepared by Lisa Anderson-Ogilvie, Associate Planner

G:\CD\PLANNING\STFRPRTS\2009\Subdivision\SUB09-2.f&o.lma-o.doc

Vicinity Map 5475 Gaffin Road SE



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.

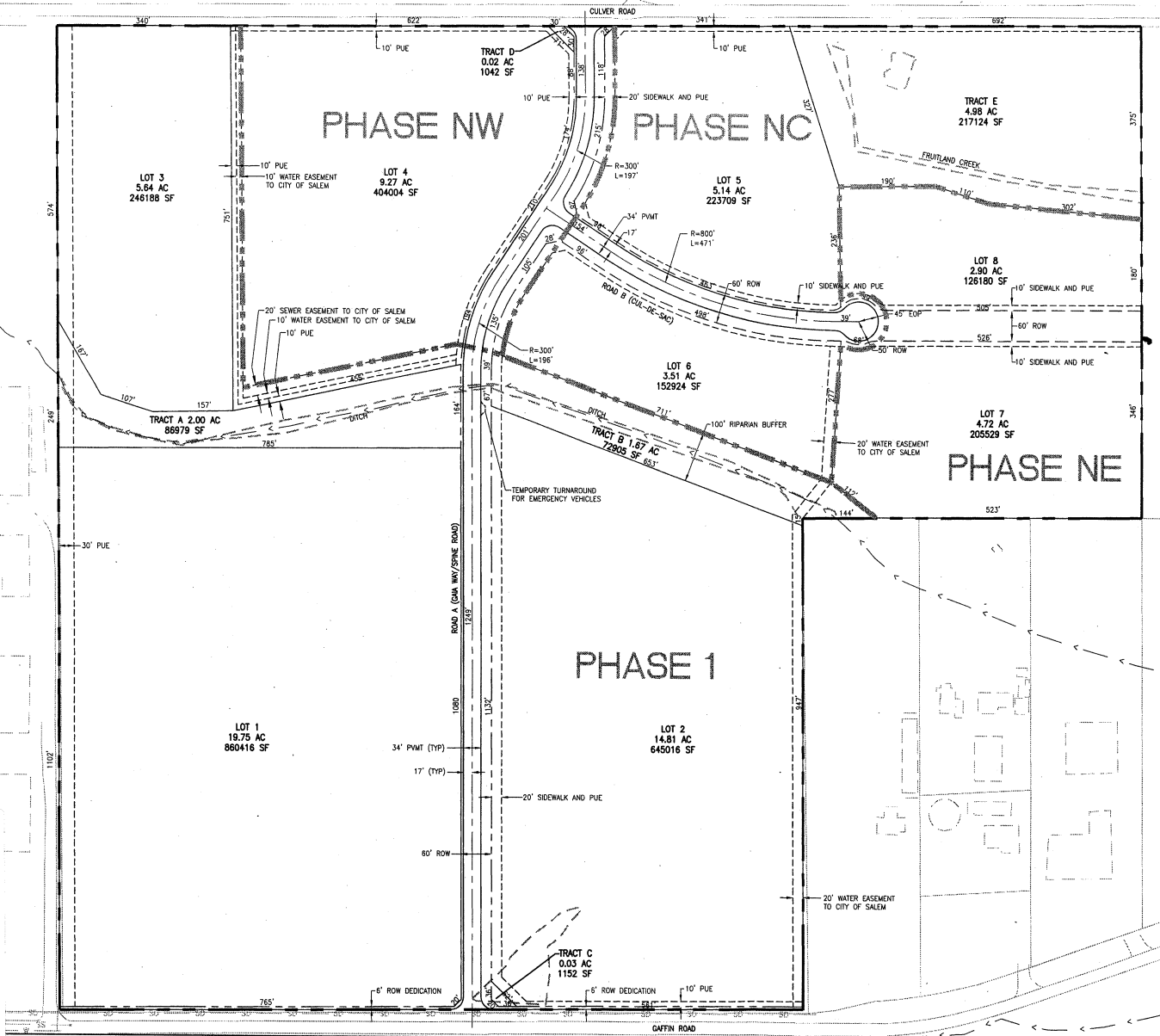
Legend

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

0 125 250 500 Feet



ATTACHMENT 1



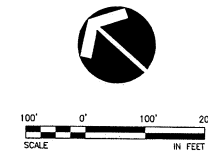
NW 1/4 SEC 4, T.8S., R.2W., W.M.

LEGEND

EXISTING SITE BOUNDARY	---
EXISTING DITCH CENTERLINE	---
EXISTING WETLAND BOUNDARY	---
PROPOSED ROAD CENTERLINE	---
PROPOSED RIGHT OF WAY	---
PROPOSED LOT LINE	---
PROPOSED EASEMENT LINE	---
PROPOSED CURB LINE	---

NOTES:

1. TRACTS A, B & E ARE CONSERVATION AREAS OWNED AND MAINTAINED BY THE CITY OF SALEM.
2. TRACTS C AND D ARE RESERVED FOR IMPROVEMENTS OWNED AND MAINTAINED BY THE OWNERS ASSOCIATION.
3. CULVER ROAD IS A MINOR COLLECTOR, GAFFIN ROAD IS A MINOR ARTERIAL, AND ALL OTHER INTERNAL STREETS ARE LOCAL STREETS.
4. PHASES AND LOTS AFTER PHASE 1 MAY OCCUR IN A DIFFERENT SEQUENCE THAN THE NUMBERING SYSTEM.



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Salem, OR 97301
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REGISTERED PROFESSIONAL
LANDSCAPE ARCHITECT
48067
DRAFT
JAN 13, 2009
RICHARD E. WILSON

EXPIRES: 12/31/09

TENTATIVE SUBDIVISION PLAN SUBMITTAL, 02-26-09

NO.	DESCRIPTION	DATE	BY/APP
1	RENEWABLE ENERGY AND TECHNOLOGY PARK PRELIM SITE PLAN-PHASES 1, NW, NC, NE		
P.N.	15019	CHKD:	
SHEET	3 OF 10	APPR:	

FEB 27 2009

COMMUNITY
DEV. SEPT.

RECEIVED

APR 2 2009



COMMUNITY DEVELOPMENT

MEMO

TO: Lisa Anderson-Ogilvie, Associate Planner
Department of Community Development

FROM: Glenn Davis, P.E., Chief Development Services Engineer *GD*
Public Works Department

DATE: April 1, 2009

**SUBJECT: REVISED PUBLIC WORKS RECOMMENDATIONS
SUBDIVISION NO. 09-2 (09-103627)
5475 GAFFIN ROAD SE
INDUSTRIAL SUBDIVISION**

PROPOSAL

To subdivide approximately 79 acres into four phases with eight lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus) and located at 5475 Gaffin Road SE (also identified as Marion County Assessor's Map and Tax Lot Number 082W04B/1500 & 1600).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

Phasing:

1. Phase 1 shall be the first phase of the subdivision.

Conditions for Phase 1 are as follows:

1. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.
2. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.
3. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.

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

ATTACHMENT 3

4. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.
5. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.
6. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

Conditions for Phase NW are as follows:

1. Extend Gaia Way to Culver Avenue SE as shown on the applicant's Tentative Subdivision Plan Submittal.

Conditions for Phase NC and NE are as follows:

1. Extend Gaia Way to Culver Avenue SE and construct Road B as shown on the applicant's Tentative Subdivision Plan Submittal.

Conditions for all phases are as follows:

1. The structural section for all streets abutting and within the subject property shall be constructed to arterial pavement standards as specified in the Street Design Standards, Development Bulletin 33.
2. All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.
3. Submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property. Construct mitigating transportation improvements as specified in the approved TIA.

FACTS AND FINDINGS

Urban Growth Area Development (UGA) Permit

Comply with the conditions of the Preliminary Declaration for Urban Growth Area Development Permit No. 08-3 issued August 21, 2008.

Water

The subject property is within the G-0 water service level. The G-0 service serves properties to the 234 elevation.

As specified in UGA 08-3, a new 20-inch G-0 water line is currently under construction in Gaffin Road SE along the entire property frontage.

Sewer

As specified in UGA 08-3, a new 15-inch sewer main is currently under construction in Gaffin Road SE to serve the proposed development.

Storm

The subject property is within a Stormwater Management Area as specified in an Intergovernmental Agreement between the City of Salem, City of Keizer, and Marion County. The agreement requires that runoff from the subject property be limited because of downstream flooding potential between the subject property and the Willamette River.

Fruitland and Davidson Creeks are located on the subject property. There are existing roadside ditches located along Gaffin Road SE. The ditch along the southern side of Gaffin Road SE is a jurisdictional stream that flows into the West Middle Fork Little Pudding River.

The *Stormwater Master Plan* specifies that culverts downstream of the subject property at Cordon Road SE and Gaffin Road SE are undersized.

Streets

1. Gaffin Road SE

- a. Existing Conditions – This street has an approximate 15-foot turnpike improvement on the development side with a 9-foot turnpike improvement opposite within a 58-foot-wide right-of-way. There is 28 feet of right-of-way adjacent to the subject property and 30 feet of right-of-way opposite.
- b. Standard – Gaffin Road SE 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.
- c. Improvement Requirements – The street improvements required in UGA 08-3 will provide safe, orderly, and efficient circulation of traffic to the subdivision.
- d. Access Control – For Arterial streets, a minimum of 200 feet on center is required between (collector or arterial) street intersections and driveways (PWDS Development Bulletin No. 34).

2. Culver Drive SE

- a. Standard – This street is located within Marion County jurisdiction.
- b. Existing Conditions – There is an approximate 30-foot improvement within a 60-foot-wide right-of-way. There is an approximate 10-foot improvement within 30 feet of right-of-way adjacent to the subject property and 30 feet of right-of-way opposite centerline.

CRITERIA

Salem Revised Code 63.046(b) and 63.051 indicate the criteria that must be found to exist before an affirmative decision may be made. These criteria and the corresponding findings are as follows:

SRC 63.046(b)(1): Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto.

Findings:

The tentative plan does not impede the future use of the property.

SRC 63.046(b)(2): Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan.

Findings:

The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* identify specific projects needed to mitigate deficiencies in the water, sewer, and storm drainage systems. The applicant's preliminary utility plan appears to provide adequate utility systems to serve the proposed development. At the time of development, the applicant's engineer shall design and construct the utility systems in conformance with the City's *Public Works Design Standards* and the conditions of approval.

SRC 63.046(b)(3): The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.

Findings:

Public Works staff has analyzed the proposed development for compliance with applicable provisions of *Salem Revised Code* Chapters 21, 63, 65, 66, 69, 70, 72, 73, 74, 75, 76, 77, 78, 80, and 140. Any Code provisions found to be out of compliance will be addressed in the recommended conditions of development.

SRC 63.046(b)(4): The proposed subdivision 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.

Findings:

All boundary and internal streets will be constructed at widths specified in the *Salem Transportation System Plan* to provide safe vehicular, bicycle, and pedestrian access within and abutting the subdivision. The street system in the vicinity of the proposed development is inadequate to provide safe and convenient bicycle and pedestrian access as described in the applicant's TIA, and the requirements are addressed in the recommended conditions of development.

Marion County staff has identified deficiencies on adjacent streets that are located within Marion County jurisdiction. City regulations do not authorize street improvement requirements outside City jurisdiction. The conditions of approval specify the following:

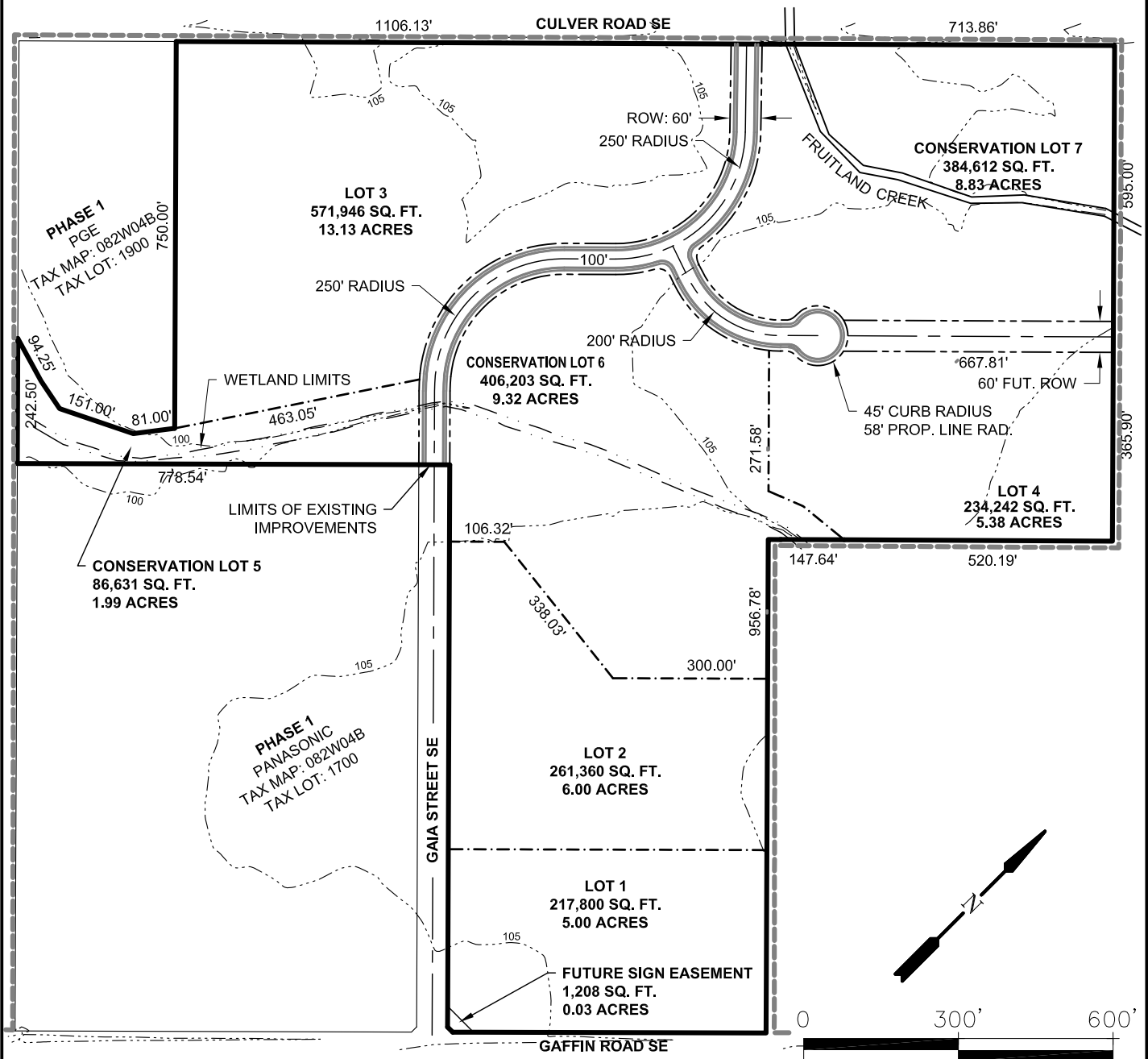
- (a) the applicant shall submit a complete Traffic Impact Analysis (TIA) prior to development that creates 1,000 cumulative vehicle trips on the subject property; and
- (b) the applicant shall construct mitigating transportation improvements as specified in the approved TIA.

At the time of Site Plan Review for any development on the subject property, mitigating improvements will be specified in conformance with the approved TIA. Marion County staff will have the opportunity to comment on the TIA and the Site Plan Review requirements for each development proposal. If the TIA specifies that improvements are required within Marion County jurisdiction, the applicant and City staff will need to coordinate those improvements with Marion County staff as appropriate.

Prepared by: Leah deVries Administrative Analyst II

TENTATIVE SUBDIVISION PLAN - SUBDIVISION MODIFICATION OF THE SALEM BUSINESS CAMPUS

A PORTION OF THE REPLAT RECORDED UNDER VOL. H47, PG. 18, MARION COUNTY B.O.T.P.
TOWNSHIP 8 SOUTH, RANGE 2 WEST, SECTION 4



OWNER INFORMATION
CITY OF SALEM
555 LIBERTY ST SE
SALEM, OR 97301

- SIGNIFICANT TREE
- CITY OF SALEM/ UGB LIMITS
- GAIA ST CENTERLINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED INTERIOR LOT LINES

NOTE:
THIS EXHIBIT IS FOR CONCEPTUAL PURPOSES ONLY AND IS NOT BASED OFF OF ORIGINAL SURVEY DATA.

CITY OF Salem
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PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION
555 Liberty Street SE, Room 325
Salem, OR 97301-3513
Phone 503-588-6211
www.cityofsalem.net

**SALEM BUSINESS
CAMPUS CONCEPTUAL
DRAWING**

PN 649210

04-22-19



MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: August 21, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB09-02MOD1 (18-121157-LD)
5730 CULVER DRIVE SE
SUBDIVISION MODIFICATION**

PROPOSAL

A modification to a previously approved phased tentative subdivision (Subdivision Case No. 09-02), resulting in a reduction of the amount of development land and preservation of Oregon white oak groves, for property approximately 52.41 acres in size, zoned IBC (Industrial Business Campus), and located at 5370 Culver Drive SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 082W04B / 01600, 01800, 02000, and 02100).

RECOMMENDED CONDITIONS OF MODIFICATION APPROVAL

1. Modify condition 3 to read as follows:

As a condition of development on lot 3, extend Gaia Street SE to Culver Avenue SE as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

2. Modify condition 4 to read as follows:

As a condition of development on lot 4, construct improvements in Gaia Street SE to the easterly terminus of the proposed cul-de-sac street as a minimum 34-foot-wide local street improvement as shown on the applicant's tentative plan.

3. Eliminate condition 5.

4. Modify condition 7 to read as follows:

At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road SE as follows: \$17,286 for lot 1; \$20,744 for lot 2; \$45,394 for lot 3; and \$18,591 for lot 4.

CRITERIA AND FINDINGS

SRC 205.070(d) indicates the criteria for a modification that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.070(d)(1)—The proposed modification is not substantially inconsistent with the conditions of the original approval

Finding— The proposed modification is consistent with the conditions of the original approval. The modification proposes minor changes to the internal street configuration, lot boundaries, and phasing.

Conditions 3 and 4 are modified to reflect the revised lot configuration and phasing.

Condition 5 is being eliminated because the structural section is specified in the Public Works Design Standards.

Condition 7 is being modified to reflect the updated Traffic Impact Analysis (TIA) submitted by DKS Associates dated June 2019. The TIA recommends that the proposed development is subject to a proportional contribution of the following improvements:

1. Construct a 150-foot northbound right-turn lane on Cordon Road SE at State Street; and
2. Construct necessary signal modifications to allow for a permissive plus overlap right-turn phasing on northbound and southbound approaches at the intersection of Cordon Road SE and State Street.
3. The TIA specifies that the development's proportionate share of the cost is 45 percent of the total mitigating improvement, or \$102,015 ($\$226,700 \times 0.45$). This proportionate share is divided among the four developable lots based on land area. The calculation is shown below:

	Area (SF)	Share (%)	Amount
Lot 1	217,800	16.945	\$17,286
Lot 2	261,360	20.334	\$20,744
Lot 3	571,946	44.497	\$45,394
Lot 4	234,242	18.224	\$18,591
Total	1,285,348	100.000	\$102,015

SRC 205.070(d)(2)—The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties

Finding – The modified street configuration requires much less excavation and fill work than would have been required under the original configuration because the street alignments better conform to the existing topography. The proposed modification provides street connectivity consistent with the conditions of original approval and does not significantly change the physical appearance, use of site, or impacts on surrounding properties.

Prepared by: Jennifer Scott, Program Manager
cc: File