

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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR21-03

APPLICATION NO.: 21-101795-LD

NOTICE OF DECISION DATE: April 23, 2021

SUMMARY: A Partition application to divide the approximately 7.19-acre property into two parcels.

REQUEST: A partition application to divide the approximately 7.19 acre property in to two parcels, zoned CR (Retail Commercial), and located at 855 Hawthorne Avenue SE - 97301 (Marion County Assessors Map and Tax Lot Number: 073W36A / 1100).

APPLICANT: Josh Wells, Westech Engineering Inc., on behalf of PJS Land Development LLC (Steve Freeburg)

LOCATION: 855 Hawthorne Avenue SE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition

FINDINGS: The findings are in the attached Decision dated April 23, 2021.

DECISION: The **Planning Administrator APPROVED** Partition Case No. PAR21-03 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, the applicant shall provide a reciprocal access agreement to establish a flag lot accessway from proposed Parcel 1 to Hawthorne Avenue SE, meeting the flag lot accessway standards in SRC 800.025.
- Condition 2:** Prior to final plat approval of this partition, the applicant shall record the validation of unit of land approved through Case Number: VUL20-04.
- Condition 3:** The applicant shall include the proposed variable access and path maintenance easement and private utility easement for Parcel 1 on the final plat.
- Condition 4:** Prior to final plat approval, or delayed pursuant to an Improvement Agreement, the applicant shall construct a half-street improvement along the frontage of Hawthorne Avenue SE to Major Arterial street standards.

The rights granted by the attached decision must be exercised, or an extension granted, by May 11, 2023, or this approval shall be null and void.

NOTICE OF DECISION

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



| | |
|----------------------------------|--------------------------|
| Application Deemed Complete: | <u>February 18, 2021</u> |
| Notice of Decision Mailing Date: | <u>April 23, 2021</u> |
| Decision Effective Date: | <u>May 11, 2021</u> |
| State Mandate Date: | <u>June 18, 2021</u> |

Case Manager: Steven McAtee, smcatee@cityofsalem.net, 503-540-2363

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, May 10, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(CASE NO. PAR21-03)**

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

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

| | |
|---|---------------------------|
| IN THE MATTER OF THE APPROVAL OF) | FINDINGS AND ORDER |
| TENTATIVE PARTITION PLAN) | |
| CASE NO. PAR21-03;) | |
| 855 HAWTHORNE AVENUE SE, 97301) | APRIL 23, 2021 |

REQUEST

Summary: A Tentative Partition application to divide the subject property into two parcels. Parcel 1 is proposed to be 4.96 acres in size and Parcel 2 is proposed to be 2.12 acres in size.

Request: A Tentative Partition application to divide the subject property into two parcels. Parcel 1 is proposed to be 4.96 acres in size and Parcel 2 is proposed to be 2.12 acres in size. The subject property is zoned CR (Retail Commercial) and located at 855 Hawthorne Avenue SE 9th Street NW - 97304 (Marion County Assessor's Map and Tax Lot number: 073W36A / 1100).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

DECISION

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

- Condition 1:** Prior to final plat approval, the applicant shall provide a reciprocal access agreement to establish a flag lot accessway from proposed Parcel 1 to Hawthorne Avenue SE, meeting the flag lot accessway standards in SRC 800.025.
- Condition 2:** Prior to final plat approval of this partition, the applicant shall record the validation of unit of land approved through Case Number: VUL20-04.
- Condition 3:** The applicant shall include the proposed variable access and path maintenance easement and private utility easement for Parcel 1 on the final plat.
- Condition 4:** Prior to final plat approval, or delayed pursuant to an Improvement Agreement, the applicant shall construct a half-street improvement along the frontage of Hawthorne Avenue SE to Major Arterial street standards.

PROCEDURAL FINDINGS

An application was filed on January 14, 2021 for a tentative partition plan, submitted by Josh Wells of Westech Engineering, on behalf of the applicant and property owner, PJS Land Development, LLC, represented by Steve Freeburg, to divide property located at 855 Hawthorne Avenue SE into two parcels. After receiving additional information from the applicant, the application was deemed complete on February 19, 2021, and notice was sent pursuant to SRC requirements to owners and tenants of property located within 250 feet of the subject property, the Southeast Salem Neighborhood Association, and others entitled to notice under SRC 300.520(b)(1)(B). The applicant's tentative partition plan and written findings are included as **(Attachment B)**.

The state-mandated local decision deadline for this application is June 18, 2021.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into two parcels; both proposed parcels are currently vacant land, but development has been approved under SPR-DAP18-03 and SPR-DAP18-03MOD1 for the construction of a government services building on proposed Parcel 1 and an office building on proposed Parcel 2. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 4.96 acres (215,925 SF)
Parcel Dimensions: Approximately 412 feet in width and 534 feet in depth

PROPOSED PARCEL 2

Parcel Size: 2.12 acres (92,200 SF)
Parcel Dimensions: Approximately 354 feet in width and 260 feet in depth

Access and Circulation: The subject property has frontage located on Hawthorne Avenue SE which is designated as a Major Arterial street within the Salem Transportation System Plan (TSP). Access to the existing development site is provided via Hawthorne Avenue SE and from Ryan Drive SE through the adjacent property to the south.

Existing Conditions

Site and Vicinity

The subject property is irregularly shaped with the north property line abutting IP (Industrial Park) zoned property. Mill Creek flows the entire portion of the north property line. To the west, the property abuts PS (Public Service) zoned property, and to the south it abuts CR (Retail Commercial) zoned property. The property has approximately 293-feet of frontage along Hawthorne Avenue SE to the east.

Salem Area Comprehensive Plan (SACP) Designation

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

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

North: Industrial
South: Commercial
East: (Across Hawthorne Avenue SE) – Industrial Commercial
West: Community Service Government

Zoning and Surrounding Land Use

The subject property is zoned CR (Retail Commercial) and was recently approved for a two-building commercial development with shared parking. The surrounding properties are zoned and used as follows:

North: IP (Industrial Park)
South: CR (Retail Commercial)
East: (Across Hawthorne Avenue SE) – IC (Industrial Commercial)
West: PS (Public Service)

Relationship to Urban Service Area

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

Infrastructure

- | | |
|------------------------|--|
| <i>Water:</i> | The subject property is located within the G-0 water service level. An 8-inch water main is located in 9 th Street NW. A 16-inch water main is located in Hawthorne Avenue SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute. A 16-inch water main is located within an easement on the adjacent property to the south. New connections to this main will not be permitted. |
| <i>Sewer:</i> | An 8-inch sewer line is located within an easement on the adjacent property to the south. |
| <i>Storm Drainage:</i> | A 12-inch storm main is located in Hawthorne Avenue SE adjacent to the subject property. |
| <i>Streets:</i> | <p><i>Hawthorne Avenue SE</i> abuts the eastern boundary of the subject property and is designated as a Major Arterial street in the Salem Transportation System Plan (TSP).</p> <ul style="list-style-type: none">○ The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right of way.○ This street has a varied 57-to-68-foot improvement within a 100-foot-wide right-of-way abutting the subject property. |

Public and Private Agency Review

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

Salem Fire Department – Salem Fire Department reviewed the proposal has indicated that Fire Department access is required to be provided and maintained for both parcels.

Building and Safety Division – The Building and Safety Division reviewed the proposal and indicated that they have no concerns with the proposal.

Oregon Department of Administrative Services - Oregon Department of Administrative Services commented that there is not an access easement from Hawthorne Avenue SE, through proposed Parcel 2, to serve proposed Parcel 1. They contend that without this access agreement, future owners of proposed Parcel 2 could close access to proposed Parcel 1 from Hawthorne Avenue SE.

Staff Response: As provided in Condition 1 below, prior to final plat approval, the applicant shall record an irrevocable, reciprocal access easement from proposed Parcel 1, through proposed Parcel 2, to Hawthorne Avenue SE. As conditioned, this concern is addressed.

Neighborhood Association Comments

The subject property is within the Southeast Salem Neighborhood Association (SESNA). Notice of the application was provided to the neighborhood association, the neighborhood association did not submit written comments.

Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed partition. No comments were received.

2. Criteria for Granting a Tentative Partition

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

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

compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

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

SRC Chapter 522 (Retail Commercial): The proposed partition would divide the 3.03-acre property into two parcels with no remainder. The subject property is currently zoned CR (Retail Commercial). The minimum lot area requirements of the CR zone are established under SRC 522.010(a) as follows:

Lot Standards for CR zone (Uses other than Residential) (see SRC Chapter 522, Table 522-2)

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

Proposed Parcel 1 is approximately 4.96 acres in size. The applicant has provided a recorded reciprocal access easement, granting access to Ryan Drive SE, through the adjacent properties to the south. However, the applicant's tentative partition plan does not show that Parcel 1 has frontage along any public street, and therefore does not meet the minimum 16-foot frontage requirements established in the CR zone. As conditioned below, Parcel 1 will have access to Hawthorne Avenue SE via a flag lot accessway, which satisfies the street frontage requirements. To ensure that Parcel 1 had adequate access to Hawthorne Avenue SE, the following condition applies:

Condition 1: Prior to final plat approval, the applicant shall provide a reciprocal access agreement to establish a flag lot accessway from proposed

Parcel 1 to Hawthorne Avenue SE, meeting the flag lot accessway standards in SRC 800.025.

Proposed Parcel 2 is approximately 2.12 acres in size and has approximately 293-feet of frontage along Hawthorne Avenue SE to the east. Proposed Parcel 2 meets the lot dimensions and frontage requirements of the CR zone.

Setbacks

SRC Chapter 522 establishes setback standards for development within a CR (Retail Commercial) zone, including a zero-foot building setback and a five-foot vehicle use area zone-to-zone setback abutting commercial zoned properties.

Finding: The subject property received site plan review approval for the development of two buildings (Case No: SPR-ADJ-DAP18-02). Setbacks to abutting streets and interior yards were evaluated under that review and meet minimum setback standards of SRC 522. This proposal would partition the property with a new property line extending north to south. The proposed property line location shall meet zone-to-zone setbacks established in SRC 522. The applicant's tentative partition plan demonstrates that the proposed property line is approximately seven feet from the closest vehicle use area on the subject properties. This standard is met.

Lawfully Created Property

The subject property received tentative approval to validate the unit of land that was unlawfully created by deed prior to January 1, 2007 (Case Number: VAL20-04). The applicant has submitted an application for a Validation Final Plat review of this validation (21-103304-PL), which is under review. To ensure that the Validation Final Plat is recorded prior to the partition, the following condition applies:

Condition 2: Prior to final plat approval of this partition, the applicant shall record the validation of unit of land approved through Case Number: VUL20-04.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC.

Finding: The subject property was approved for the development of with two new commercial buildings and a shared parking lot (SPR-ADJ-DAP18-02). Each of the two proposed parcels will contain a building located entirely on that proposed parcel.

Lot Coverage: There is no maximum lot coverage requirement within the CR zone pursuant to SRC 522.010(c), Table 522-5.

Finding: This standard is not applicable.

SRC 800.025 – Flag Lots

As conditioned above, a flag lot accessway will connect proposed Parcel 1 to Hawthorne Avenue SE. There is a recorded reciprocal access agreement to access Ryan Drive SE from the site.

- (a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.
- (b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.
- (c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

Finding: There is no minimum lot size or lot dimensions in the CR zone. As conditioned above, the flag lot accessway will connect proposed Parcel 1 to Hawthorne Avenue SE. As conditioned, the flag lot accessway will be approximately 255-feet long, and approximately 26-feet wide, which meets the maximum 400-foot accessway length standard, and minimum 25-foot width standard. The proposal meets the requirements of SRC Chapter 800.025.

(B) City Infrastructure Standards.

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located outside of the Urban Service Area but does not preclude the construction of required facilities. Therefore, an Urban Growth Area permit is not required.

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

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

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

SRC 803.015 (Traffic Impact Analysis): The proposed two parcel partition generates fewer than 1,000 average daily vehicle trips to a major arterial; therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. The subject property has frontages on Hawthorne Avenue SE, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): Hawthorne Avenue SE is designated as a Major Arterial street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. This street has a varied 57-to-68-foot improvement within a 100-foot-wide right-of-way abutting the subject property; therefore, no additional right-of-way dedication is required as a condition of the proposed partition plat. As conditioned below, the applicant shall construct, or delay pursuant to an Improvement Agreement, a half street improvement along the frontage of Hawthorne Avenue SE.

SRC 803.035 (Street Standards): The subject property is not providing a street connection to the north or west property lines. The subject property contains wetlands and approximately two-thirds is in the FEMA 100-year flood plain of Mill Creek to the north which precludes a connection due to physical conditions as described in SRC 803.035(a)(1). The property to the east of the subject property is currently developed with the State of Oregon Motor Pool, which would preclude development of a street connecting to Ryan Drive.

SRC 803.040 (Boundary Streets): Hawthorne Avenue SE meets the right-of-way width standards per the Salem TSP; therefore, no additional right-of-way dedication is required as a condition of the proposed partition plat. Hawthorne Avenue SE does not meet the current standard for a Major Arterial street. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the frontage of Hawthorne Avenue.

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

Finding:

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The proposed partition is not for the purpose of creating parcels for single family or duplex dwelling units, and does not result in the removal of trees, therefore a tree conservation plan is not required.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structures are not proposed within the regulatory floodplain area.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a land division adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated May 23, 2017, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

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

Finding: The proposed partition would divide a 7.19-acre property into two proposed parcels with no remainder. The subject property has been approved for the development of a 35,000 square foot, two-story government services use building and, separately, a 24,000 square foot three-story office use building. The proposed partition would not impede the future use or development of any portion of the property. Access to the existing development site is provided via a driveway on Hawthorne Avenue SE, the applicant will be providing a shared access easement for both parcels in the development site allowing for shared use of the existing parking lot and driveways. The proposed configuration of parcels is consistent with applicable zoning standards. The proposal meets this criterion.

SRC 800.065(a)(4) Connection to existing or planned paths and trails

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- A. Be constructed, and a public access easement or dedication provided; or*
- B. When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.*

The applicant shows on the tentative partition plan a variable width path along Mill Creek at the north of the property. To ensure access is established and maintained, the following condition applies:

Condition 3: The applicant shall include the proposed variable access and path maintenance easement and private utility easement for Parcel 1 on the final plat.

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

Finding: Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property, as shown on the applicant's preliminary partition plan. Water and sewer services for proposed Parcels 1 were constructed under Permit Number 20-114150-CO. Water service for proposed Parcel 2 was constructed under Permit Number 20-116978-WA. The applicant has provided a private utility easement sufficient to construct future sewer service to Parcel 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS adopted in Administrative Rule 109, Division 004. The applicant submitted an approved stormwater design and obtained Permit Number 20-114150-CO for construction of the common stormwater facility.

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

Finding: Hawthorne Avenue SE abuts the subject property and does not meet the current standard for a Major Arterial street. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the frontage of Hawthorne Avenue SE. Construction plans for the Hawthorne Avenue SE frontage improvements have been approved under Permit Number 20-114188-PC and the applicant provided a performance guarantee pursuant to SRC 110.100. If the boundary street improvements are not complete prior to submittal of the final plat application, an Improvement Agreement shall be provided pursuant to SRC 205.035(c)(7)(B). To ensure improvements to Hawthorne Avenue SE are completed, the following condition applied:

Condition 4: Prior to final plat approval, or delayed pursuant to an Improvement Agreement, the applicant shall construct a half-street improvement along the frontage of Hawthorne Avenue SE to Major Arterial street standards.

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

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The subject property is relatively flat land, except at the northern boundary where it slopes downward into Mill Creek. The subject property was approved for the development of two new buildings. One building on proposed Parcel 1 and one building on proposed Parcel 2. The presence of Mill Creek was taken into consideration for the layout of site, but the site was able to development without variances. The proposal meets this criterion.

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

Finding: The subject property is relatively flat land, except at the northern boundary where it slopes downward into Mill Creek. The subject property was approved for the development of two new buildings. One building on proposed Parcel 1 and one building on proposed Parcel 2. The presence of Mill Creek was taken into consideration for the layout of site, but the site was able to development without variances. The proposal meets this criterion.

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

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

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

3. Conclusion

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

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 21-03, to divide approximately 7.19 acres into two parcels, 2.12 acres to 4.96 acres in size, for property zoned CR (Retail Commercial) and located at 855 Hawthorne Avenue SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval, the applicant shall provide a reciprocal access agreement to establish a flag lot accessway from proposed Parcel 1 to Hawthorne Avenue SE, meeting the flag lot accessway standards in SRC 800.025.
- Condition 2:** Prior to final plat approval of this partition, the applicant shall record the validation of unit of land approved through Case Number: VUL20-04.
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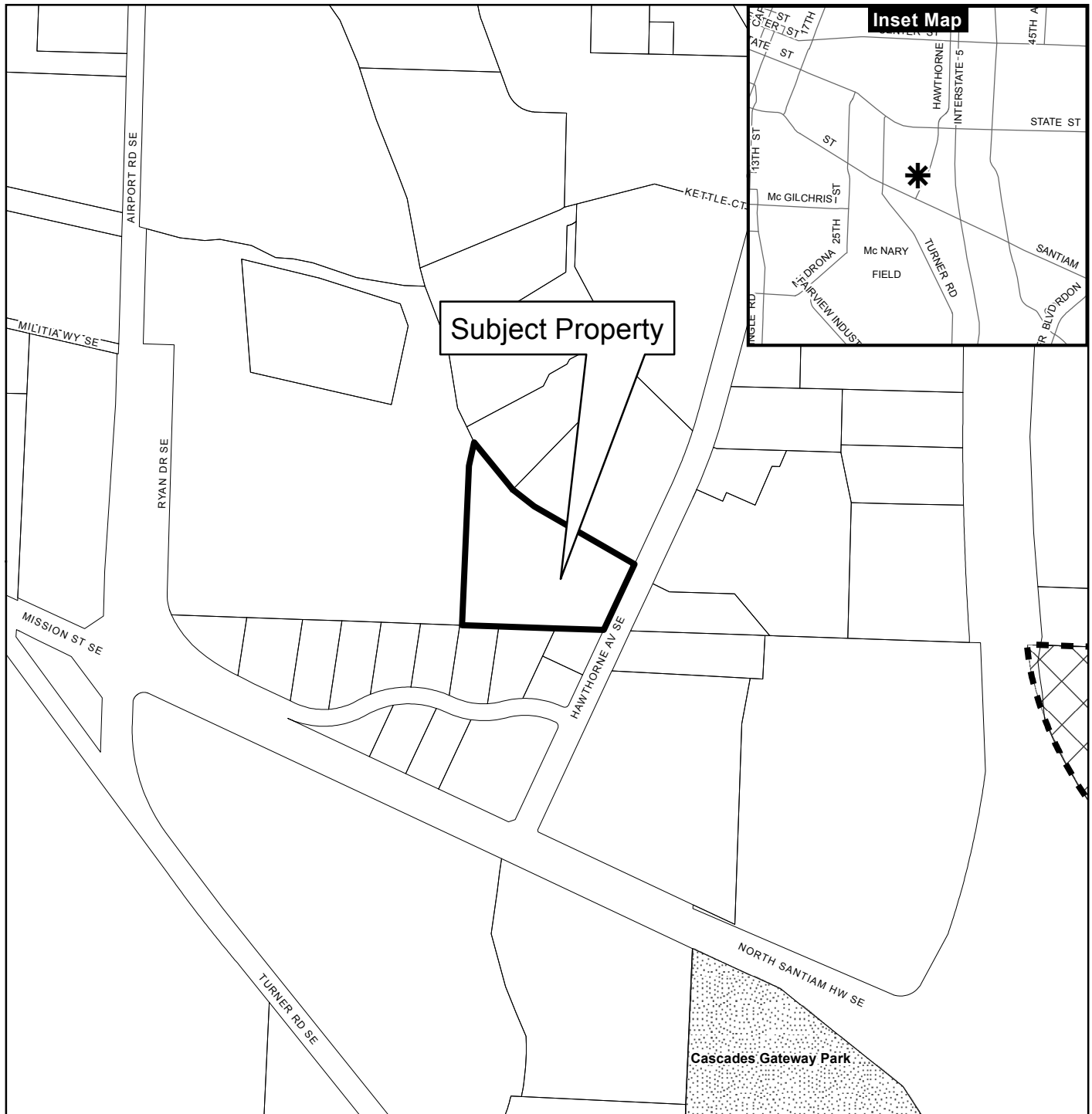
Steven McAtee, On behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Prepared by Steven McAtee, Planner II

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Partition Plan and Findings
 - C. City of Salem Public Works Department Comments

Vicinity Map

855 HAWTHORNE AVE SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

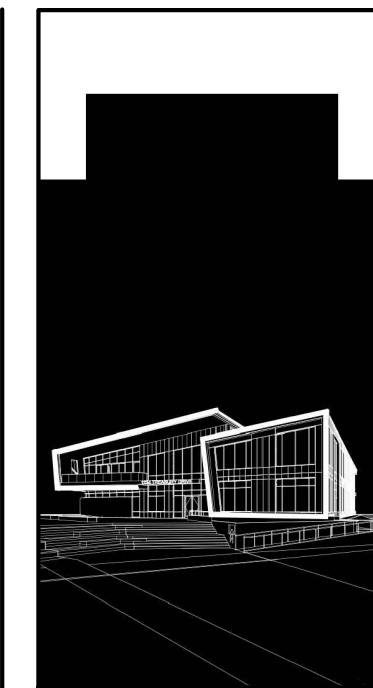
Parks

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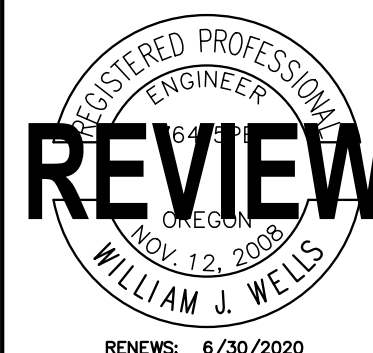




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E-mail: weston@weston-eng.com



PROJECT
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DEVELOPMENT LLC

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allow the owner to make
payment within 30 days after
the date a billing or estimate is
submitted. Notice of Alternate
Billing Cycle: The contract will
allow the owner to require the
submission of billings or
estimates in billing cycles
other than 30-day cycles.
Billings or estimates for the
contract shall be submitted as
follows: Each calendar month
ending on the last day of the
applicable month.
REVISIONS

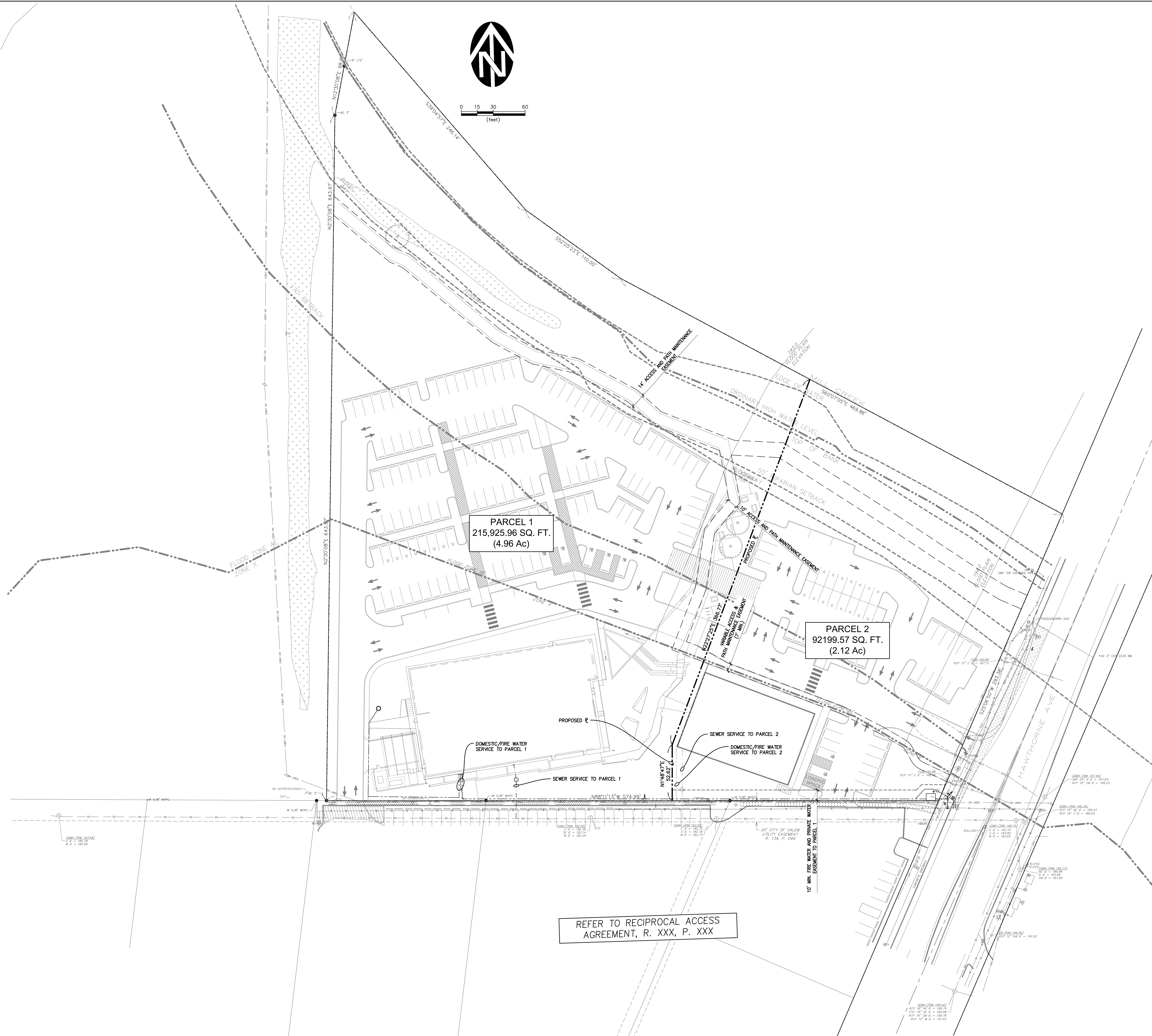
DATE
4-10-2020

PROJECT NUMBER
3010.0000.0

SCALE
AS SHOWN

SHEET TITLE
PARTITION PLAN

C1.2



Treasury Partition - WRITTEN FINDINGS

WRITTEN STATEMENT. A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Partition Tentative Plan (SRC 205.005(d)):

Criteria: The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

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

Applicants Statement: The applicants partition is proposing to meet all lot standards. Any city infrastructure required for the partition can be built to City standards and verified with a plan review. The partition does include special development standards because the property is located within a floodplain, this can be ensured with a condition of approval.

Criteria: The tentative partition plan does not impede the future use or development of the property or adjacent land.

Applicants Statement: The partition is bounded on the north by Mill Creek, an existing restaurant and hotel development to the south, Hawthorne Ave to the east and Oregon State property to the east. Therefore, the partition plan does not impede the future development of the adjacent property.

Criteria: Development within the tentative partition plan can be adequately served by City infrastructure.

Applicants Statement: Refer to the Partition / Utility Plan. As shown, there is existing 8 inch public sewer located along the south property line that can service both properties, an existing 16 inch public water line in Hawthorne that can service both parcels with an easement through parcel 2. Both parcels plan to share stormwater and the outfall on the Oregon State property with shared maintenance and access agreements.

Criteria: The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Applicants Statement: The applicant proposes to access both parcels from the existing Hawthorne Ave, construct street frontage improvements, along with a right in right out access in conformance with City Standards. Access through Parcel 2 to Parcel one will be completed using a reciprocal parking and access agreement. This agreement will also include the property to the south allowing access to Ryan Drive.

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

Applicants Statement: The applicant is not proposing a street through the partition rather private access ways. However, access through Parcel 2 to Parcel one will be allowed using a reciprocal parking and access agreement. This agreement will also include the property to the south allowing access to

Ryan Drive. The accessway width is proposed to be 26 feet, which is in conformance with SRC and can be confirmed through plan review upon development.

Criteria: The tentative partition plan takes into account the topography and vegetation of the site so the need for variances or adjustments is minimized to the greatest extent practicable.

Applicants Statement: *Per the attached plan there is floodplain located along the north property line, the proposed partition places the buildable area farthest away from the creek as possible to minimize variances or adjustments.*

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

Applicants Statement: *The applicant proposes to protect all the trees onsite except for the trees that are required to be removed for the required parks path.*

Criteria: When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:


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

Applicants Statement: *The criteria is not applicable.*



MEMO

TO: Steven McAtee, Planner II
Community Development Department

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

DATE: April 20, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 21-03 (21-101795-LD)
855 HAWTHORNE AVE SE
TWO-PARCEL PARTITION**

PROPOSAL

A partition application to divide the approximately 7.19 acre property into two parcels, zoned CR (Retail Commercial), and located at 855 Hawthorne Avenue SE - 97301 (Marion County Assessors Map and Tax Lot Number: 073W36A / 1100).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval:
 - a. Provide a variable access and path maintenance easement and private utility easement for Parcel 1 as shown on the tentative partition plan.
2. The following condition of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
 - a. Construct a half-street improvement along the frontage of Hawthorne Avenue SE to Major Arterial street standards.

FACTS

Urban Growth Area Development Permit

The subject property is located outside of the Urban Service Area, but does not precede the construction of required facilities. Therefore, an Urban Growth Area permit is not required.

Streets

1. Hawthorne Avenue SE

- a. Existing Condition—This street has a varied 57-to-68-foot improvement within a 100-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Hawthorne Avenue SE adjacent to the subject property.
- b. A 24-inch storm main is located on the far side of Hawthorne Avenue SE adjacent to the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 16-inch water main is located in Hawthorne Avenue SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.
- c. A 16-inch water main is located within an easement on the adjacent property to the south. New connections to this main will not be permitted.

Sanitary Sewer

1. Existing Condition

- a. An 8-inch sewer line is located within an easement on the adjacent property to the south.

CRITERIA AND FINDINGS

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

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

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

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

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structures are not proposed within the regulatory floodplain area.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a land division adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated May 23, 2017, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

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

Findings—Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property, as shown on the applicant's preliminary partition plan. Water and sewer services for proposed Parcels 1 were constructed under Permit Number 20-114150-CO. Water service for proposed Parcel 2 was constructed under Permit Number 20-116978-WA. The applicant has provided a private utility easement sufficient to construct future sewer service to Parcel 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS adopted in Administrative Rule 109, Division 004. The applicant submitted an approved stormwater design and obtained Permit Number 20-114150-CO for construction of the common stormwater facility.

As shown on the tentative plan, the applicant shall include the proposed variable access and path maintenance easement and private utility easement for Parcel 1 on the final plat.

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

Findings—Hawthorne Avenue SE abuts the subject property and does not meet the current standard for a Major Arterial street. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the frontage of Hawthorne Avenue SE. Construction plans for the Hawthorne Avenue SE frontage improvements have been approved under Permit Number 20-114188-PC and the applicant provided a performance guarantee pursuant to SRC 110.100. If the boundary street improvements are not complete prior to submittal of the final plat application, an Improvement Agreement shall be provided pursuant to SRC 205.035(c)(7)(B).

Prepared by: Robin Dalke, Development Services Operations Manager
cc: File