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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR21-02

APPLICATION NO.: 20-119089-LD

NOTICE OF DECISION DATE: July 21, 2021

SUMMARY: A partition of an existing parcels into two parcels, including development of a private street to connect Fairview Industrial Dr SE to Cascadia Industrial Street SE Cascadia Canvon Avenue SE.

REQUEST: A consolidated application including:

- (1) A Partition to divide an existing property located at 3755 Cascadia Canyon Avenue SE 97302 (Marion County Assessor Map and Tax Lot 083W0201800), zoned IC (Industrial Commercial) and subject to development standards of the IBC (Industrial Business Campus) zone, into two parcels, Parcel 1 (3.42 acres) and Parcel 2 (6.87 acres);
- (2) Construction of a private street under alternative street standards to provide connectivity from Fairview Industrial Drive SE to Cascadia Industrial Drive SE Cascadia Canyon Avenue SE through the subject property and adjacent properties at 3790 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0201801) and 3930 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0202300).

APPLICANT: Paul Beals, White Oak Construction, on behalf of CBK Fairview LLC (Norman L. Brenden, Patrick F. Kennedy) and Fox Fairview LLC (Joseph R. Fox)

LOCATION: 3755 Cascadia Canyon Ave SE, Salem OR 97302

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

FINDINGS: The findings are in the attached Decision dated July 21, 2021.

DECISION: The **Planning Administrator APPROVED** Partition PAR21-02 subject to the following conditions of approval:

Condition 1: Complete construction of a private street improvement within the

subject property as shown on the application materials.

Condition 2: Complete construction of a public water main within the new private

street.

Condition 3: Obtain permits to construct sewer service lines to serve all

proposed parcels and obtain sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.

PAR21-02 Notice of Decision July 21, 2021 Page 2

Condition 4: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The rights granted by the attached decision must be exercised, or an extension granted, by <u>August 10, 2023</u>, or this approval shall be null and void.

Application Deemed Complete: February 8, 2021

Notice of Decision Mailing Date: July 21, 2021

Decision Effective Date: August 10, 2021

State Mandate Date: October 6, 2021

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

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. Thursday, August 5, 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review 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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

PARTITION CASE NO. PAR21-02 DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS AND ORDEI	₹
PARTITION CASE NO. PAR21-02) PARTITION	
3755 CASCADIA CANYON)	
AVENUE SE – 97302) JULY 21, 2021	

In the matter of the application for a Partition submitted by Paul Beals on behalf of the property owners CBK Fairview LLC (Norman L Brenden and Patrick F Kennedy) and Fox Fairview LLC (Joseph R Fox), the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Request: A consolidated application including

- (1) A Partition to divide an existing property located at 3755 Cascadia Canyon Avenue SE 97302 (Marion County Assessor Map and Tax Lot 083W0201800), zoned IC (Industrial Commercial) and subject to development standards of the IBC (Industrial Business Campus) zone, into two parcels, Parcel 1 (3.42 acres) and Parcel 2 (6.87 acres);
- (2) Construction of a private street under alternative street standards to provide connectivity from Fairview Industrial Drive SE to Cascadia Industrial Drive SE Cascadia Canyon Avenue SE through the subject property and adjacent properties at 3790 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0201801) and 3930 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0202300).

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

PROCEDURAL FINDINGS

1. On December 14, 2020, an application for a Tentative Partition Plan was filed for subject property consisting of two parcels (3755 Cascadia Canyon Avenue SE and 3930 Fairview Industrial Drive SE). The proposal included modification of a short segment of the property line between the two parcels and division of the modified 3755 Cascadia Canyon Avenue SE parcel into two parcels, resulting in a total of three parcels. The application was accepted for processing on December 22, 2020 when documentation of required Neighborhood Association Contact was provided.

- 2. On February 8, 2021, after additional information was submitted, the application was deemed complete for processing, and notice of filing was sent pursuant to Salem Revised Code requirements.
- **3.** On April 16, 2021, staff notified the applicant that the Partition could not be used to modify the property line between 3755 Cascadia Canyon Avenue SE and 3930 Fairview Industrial Drive SE and that a separate Property Line Adjustment would be required to process that modification.
- 4. On May 19, 2021, the applicant authorized a 120-day extension to the state-mandated deadline and submitted a revised Tentative Partition Plan for a two-parcel partition of 3755 Cascadia Canyon Avenue SE with no modification of the property line between 3755 Cascadia Canyon Avenue SE and 3930 Fairview Industrial Drive SE (Attachment B).
- **5.** On June 4, 2021, the revised application was deemed complete for processing, and notice of the revised filing was sent pursuant to Salem Revised Code requirements.
- **6.** The extended state-mandated local decision deadline for the application is October 6, 2021.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide an existing parcel, 3755 Cascadia Canyon Avenue SE (Marion County Assessor Map and Tax Lot 083W0201800) into two parcels. The proposed parcels would take access from a private street approved under Partition-Class 3 Site Plan Review Case No. PAR-SPR19-14 and under construction. The parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 3.42 acres (148,975 square feet)

2.84 acres (123,710 square feet) excluding private street

Parcel Dimensions: Approximately 421 feet in width and 354 feet in depth

Approximately 420 feet in width and 292 feet in depth excluding

private street

PROPOSED PARCEL 2

Parcel Size: 6.87 acres (299,257 square feet)

6 acres (261,360 square feet) excluding private street

Parcel Dimensions: Approximately 939 feet in width and 321 feet in depth

Approximately 939 feet in width and 277 feet in depth excluding

accessway

Access and Circulation: The existing parcel at 3755 Cascadia Canyon Avenue SE obtains access from Cascadia Canyon Avenue SE, a local street. The proposed private

PAR21-02 July 21, 2021 Page 3

street would extend northwest from the northerly terminus of Cascadia Canyon Avenue SE, along the southwestern boundary of Proposed Parcel 2 to the northwestern corner of Proposed Parcel 2, then curve southwest inside the northwestern boundary of 3930 Fairview Industrial Drive SE, and connect to Fairview Industrial Drive SE, a minor arterial street.

2. Summary of Record

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this decision.

3. Existing Conditions

Site and Vicinity

The subject property is partially developed with a parking lot at the southeastern end. The private street is partially completed across the site. Abutting properties are vacant or developed with industrial and commercial uses.

Salem Area Comprehensive Plan (SACP) Designation

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

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

Northeast: Industrial (IND)

Southeast: Industrial-Commercial (IC)
Northwest: Industrial-Commercial (IC)
Southwest: Industrial-Commercial (IC)

Zoning and Surrounding Land Use

The subject property is zoned IC (Industrial Commercial) but is subject to the development standards of the IBC (Industrial Business Campus) zone as a condition of approval of CPC/ZC07-1. The surrounding properties are zoned and used as follows:

Northeast: Industrial Business Campus (IBC) – City-owned waterway

Southeast: Industrial-Commercial (IC) – industrial park, warehouses

Northwest: Industrial-Commercial (IC) – wholesaling

Southwest: Industrial-Commercial (IC) – offices, government services, warehouses

Relationship to Urban Service Area

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

<u>Infrastructure</u>

Water:

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch public water main is located in Fairview Industrial Drive SE.
- c. A 16-inch public water main is located in Cascadia Canyon Avenue SE.

Sewer:

- a. A 12-inch sewer main is located in Fairview Industrial Drive SE.
- b. A 27-inch public sewer main is located within an easement and property owned by the City of Salem, approximately 350 feet northeast of the subject property.

Storm Drainage:

a. The West Middle Fork Pringle Creek abuts the subject property along the northwest boundary.

Streets:

Fairview Industrial Drive SE

- a. <u>Standard</u>—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 52-foot improvement within a 76-foot-wide right-of-way.

Cascadia Canyon Avenue SE

- c. <u>Standard</u>—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- d. <u>Existing Conditions</u>—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

3. City Department Comments

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

Building and Safety Division - The City of Salem Building and Safety Division reviewed the proposal and had no comments.

Fire Department – The City of Salem Fire Department reviewed the proposal and commented that buildings will need to be addressed from the street providing access, and the proposed private street appears to provide fire department access.

4. Public Agency and Private Service Provider Comments

PGE - PGE submitted comments prior to the close of the comment period for the original proposal, stated that a public utility easement (PUE) is needed along the private street, and provided a map of the approximate location of the needed PUE (**Attachment D**).

5. Neighborhood Association Comments and Public Comments

The subject property is within the boundaries of Morningside Neighborhood Association.

Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant submitted documentation of Neighborhood Association Contact provided on December 7, 2020 to the Morningside chair and on December 22, 2020 to the Morningside land use chair.

Neighborhood Association Comment

Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." No comments were received from the neighborhood association during the comment period for the original proposal or the comment period for the modified proposal.

Public Comment

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period for the original proposal, one comment was received with no objections. No other comments were received prior to the close of the comment period for the modified proposal.

Homeowners Association

The subject property is not located within a Homeowners Association.

6. Criteria for Granting a Tentative Partition

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

Salem Revised Code (SRC) 205.005(d) sets forth the following 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.

- A. SRC 205.005(d)(1): The tentative partition complies with all of 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.
 - (B) City infrastructure standards.
 - (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Finding: The proposed partition meets all applicable provisions of the UDC as detailed below.

The Public Works Department commented that 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), and

672.060(4), Oregon Administrative Rules 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The partitioning process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed partitioning. The proposed partition conforms to the applicable requirements of SRC Chapter 205.

SRC 255.005 (Naming of New Public and Private Streets): Naming of new public and private streets in land divisions, planned unit developments, manufactured dwelling parks, and site plan approvals.

- (a) Applicability. All new public and private streets created as part of a land division, planned unit development, manufactured dwelling park, or site plan approval shall be named using the standards set forth in SRC 255.015.
- (b) Coordination with county government. The naming of new public and private streets within land divisions, planned unit developments, manufactured dwelling parks, or site plan approvals shall be coordinated with the appropriate county.
- (c) Procedure.
 - (1) The naming of new public and private streets within land divisions, planned unit developments, manufactured dwelling parks, and site plan approvals shall be conducted as part of the land division, planned unit development, manufactured dwelling park, or site plan approval, and shall follow the procedures set forth in this section.
 - (2) Prior to submission of the final plat or final PUD plan, or at the time of submission of application for manufactured dwelling park or site plan approval, the applicant shall submit a list of proposed street names. Upon receiving the list of street names, the list shall be reviewed to determine if they comply with the street naming criteria under SRC 255.015. If they meet the criteria, the applicant shall be informed of their approval. If proposed names do not meet the criteria, the applicant shall submit alternative names.
- (d) Names to be used on final plat, final PUD plan, or in development. The names approved by the Director pursuant to this section shall be used as the names of the streets on the final subdivision plat, the final planned unit development plan, or in the manufactured dwelling park or development subject to the site plan approval.

Preliminary review by Public Works indicates that the name of the private street will remain Cascadia Canyon Avenue SE abutting the subject property. The final plat for the Partition must use the private street name approved in the process for naming of a new private street.

SRC 255.015 (Street Naming Standards):

- (f) Private streets.
 - (1) Private streets shall be designated "private way."
 - (2) If a private street with the designation of "private way" becomes a public street, the designation shall be removed, and if the street name does not include an appropriate street designation, the designation shall be changed to the appropriate designation for a public street as set forth in this section.

Preliminary review by Public Works indicates that the name of the private street will remain Cascadia Canyon Avenue SE abutting the subject property. Signage may be used to differentiate the private way from the public right-of-way.

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

SRC Chapter 552 (Industrial Business Campus) Zone:

The property subject to the proposed partition is zoned IC (Industrial Commercial). However, the following condition of CPC-ZC07-01 applies to the property:

All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include (1) Height; (2) Lot area and Dimensions; (3) Yards Adjacent to Streets; (4) Yards Adjacent to other Districts; (5) Side and Rear Yards; (6) lot Coverage; (7) Open Storage; (8) Landscaping; (9) Off-Street Parking and Loading; and (10) Lighting, unless a variance is approved provided for in Chapter 115 of the SRC.

SRC 552.010(a) (Land division in IBC zone): In addition to the approval criteria set forth in SRC Chapter 205, no land shall be divided within the IBC zone unless the following criteria are met:

- (1) The configuration of the lots does not require the creation of other smaller lots as the only way to develop the remainder of the property within the IBC District;
- (2) The lots are complementary and compatible to other uses within the IBC District; and
- (3) The lots do not preclude expansion of existing industries.

Finding: The proposal complies with SRC 552.010(a): The configuration of lots does not require the creation of other smaller lots as the only way to develop the remainder of the property within the IBC District; the lots are complementary and compatible to other uses within the IBC District; and the lots do not preclude expansion of existing industries.

SRC 552.010(b) (Lot standards): SRC 552.010(b) and SRC Table 552-2 require no minimum lot area, lot width, or lot depth and require a minimum street frontage of 16 feet.

Finding: Each proposed parcel satisfies the applicable frontage standard on the proposed private street. Each parcel within the proposed partition is suitable for the general purpose for which it is intended to be used. Each parcel is of a size and

design to permit development of uses allowed within the zone and will not be detrimental to the public health, safety, and welfare. The proposed partition (**Attachment B**) meets the applicable requirements of SRC Chapter 552.

SRC 552.010(c) (Setbacks): Setbacks within the IBC zone shall be provided as set forth in Tables 552-3 and 552-4.

Finding: An existing parking area is located near the southeastern boundary of Proposed Parcel 1. The minimum parking and vehicle use area setbacks are 20 feet from an abutting street and 10 feet from an interior side lot line. The easement for the private street is 20 feet from the existing parking area. The northwestern boundary of Proposed Parcel 1 is more than 10 feet from the existing parking area. The proposal meets applicable setbacks.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of lot lines): Pursuant to SRC 800.020(a), the front lot line for an interior lot shall be the property line abutting the street.

The front lot lines of proposed Parcels 1 and 2 shall be their southwest lot lines abutting the proposed private street.

The proposal meets the applicable requirements.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative 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): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. The subject property is currently located inside the Urban Service Area. An Urban Growth Preliminary Declaration is not required.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water, sewer, and stormwater infrastructure are available in the vicinity of the site and appear to be adequate to serve the property as shown on the applicant's preliminary plans. Water and sewer infrastructure are available in Cascadia Canyon Avenue SE. Construction of a new public water main is warranted within the new private street to provide water service to abutting lots. In order to ensure that each property can be served with sewer, the applicant shall obtain permits to construct sewer service lines to serve all proposed parcels and obtain

sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to Site Plan Review approval for any future development.

All public and private City infrastructure shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment C).

SRC 802.015 (Development to be Served by City Utilities). Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). In order to ensure water, sewer, and stormwater service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

Condition 1: Complete construction of a private street improvement within the subject property as shown on the application materials.

Condition 2: Complete construction of a public water main within the new private street.

Condition 3: Obtain permits to construct sewer service lines to serve all proposed parcels and obtain sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.

Condition 4: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

As conditioned, 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 less than 1,000 average daily vehicle trips to Fairview Industrial Drive SE, designated as a Minor Arterial street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): The applicant is proposing to extend a private street from the northwesterly terminus of Cascadia Canyon Avenue SE to Fairview Industrial Drive SE, which provides safe, orderly, and efficient circulation of traffic. The private street meets the criteria for an alternate street pursuant to SRC 803.065 because the existing development to the south, and physical constraints of

the lot dimensions make compliance with the standards set forth in this chapter impracticable.

To ensure compliance with these requirements, Condition 1 above requires completion of construction of the private street improvement.

As conditioned, the proposal meets the requirements of SRC 803.020.

SRC 803.025 (Right-of-Way and Pavement Widths): The adjacent segment of Cascadia Canyon Avenue SE is designated as a Local street and has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way, meeting the current standards. Fairview Industrial Drive SE is designated as a Minor Arterial street in the TSP and has an approximate 52-foot improvement within a 76-foot-wide right-of-way near the southwestern terminus of the proposed private street, meeting the current standards. The proposal meets the applicable requirements.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 10.29-acre lot within an established industrial area where a network of streets is in place. The proposal includes a private street that will reduce the distance between streets on the northern side of Fairview Industrial Drive SE from approximately 2,850 feet to approximately 1,750 feet. The limited size of the property, existing development on adjacent properties, and the presence of the West Middle Fork Pringle Creek northwest of the subject property preclude development of further street connections as part of the proposal.

SRC 803.035 (Street Standards): Pursuant to subsection (a), Connectivity, local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:

- (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
- (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
- (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.

The proposed development includes a segment of a private street that connects Cascadia Canyon Avenue SE to Fairview Industrial Drive SE, providing connectivity to the subject properties and adjoining properties.

The size of the subject property and its location abutting a City-owned waterway parcel to the northwest preclude additional connections to undeveloped properties.

SRC 803.035 (Street Standards): Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. The proposed partition has frontage on a public street, and the resulting parcels will have frontage on a private street. The conditions of approval above require that easements needed to serve the proposed parcels with City infrastructure and other utilities shall be shown on the final plat.

SRC 803.040 (Boundary Streets): The property abuts Cascadia Canyon Avenue SE. The adjacent portion of Cascadia Canyon Avenue SE is designated as a Local street and has and approximate 34-foot-wide improvement within a 60-foot-wide right-of-way, meeting the current standards. The proposal meets the applicable requirements.

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

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

SRC Chapter 808 (Preservation of Trees and Vegetation): 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. SRC Chapter 808 requires preservation of (1) trees on lots or parcels 20,000 square feet or greater prior to site plan review or building permit approval, (2) significant trees, (3) trees in a riparian corridor, and (4) native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.

There are no protected trees located on the subject property. No trees are proposed for removal in connection with development of the private street.

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

According to the Salem-Keizer Local Wetland Inventory (LWI), any wetland areas historically located on the subject property have been mitigated.

SRC Chapter 810 (Landslide Hazards): The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped landslide hazard areas of 2 points on the subject property. No geologic assessment is required for the proposed partition.

B. 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 divides the 10.29-acre property into two parcels. The proposed partition will not impede the future use or development of any portion of the subject property or any adjacent land. The proposed private street will provide access to abutting and adjacent properties to promote development of those properties. Other nearby properties are developed and have access to public streets.

The proposed parcels exceed applicable lot standards and are of sufficient size to allow development consistent with applicable zoning standards. As indicated in the findings for the street system below, the proposed private street is adequate to provide safe, orderly, and efficient circulation of traffic into and out of the proposed partition. This criterion is met.

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

Finding: The Public Works Department reviewed the proposal and indicated that water, sewer, and stormwater infrastructure are available in the vicinity of the site and appear to be adequate to serve the property as shown on the applicant's preliminary plans.

Water and sewer infrastructure are available in Cascadia Canyon Avenue SE. Construction of a new public water main is warranted within the new private street to provide water service to abutting lots. In order to ensure that each property can be served with sewer, the applicant shall obtain permits to construct sewer service lines to serve all proposed parcels and obtain sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to Site Plan Review approval for any future development.

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

As conditioned above, this criterion is met.

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

Finding: The public street abutting the subject property is Cascadia Canyon Avenue SE, which meets the right-of-way width and pavement width standards per the Salem TSP. The other public street near the subject property is Fairview Industrial Drive SE, which meets the right-of-way width and pavement width standards per the Salem TSP. The proposed development plan shows a private street being constructed through the subject property from Cascadia Canyon Avenue SE. The private street meets the criteria for an alternate street pursuant to SRC 803.065 because the existing development to the south, and physical constraints of the lot dimensions make compliance with the standards set forth in this chapter impracticable. The existing and proposed streets conform to the Salem Transportation System Plan.

As conditioned above, this criterion is met.

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

Finding: The public street abutting the subject property is Cascadia Canyon Avenue SE, which meets the right-of-way width and pavement width standards per the Salem TSP. The other public street near the subject property is Fairview Industrial Drive SE, which meets the right-of-way width and pavement width standards per the Salem TSP. The proposed development plan shows a private street being constructed through the subject property from Cascadia Canyon Avenue SE. The private street meets the criteria for an alternate street pursuant to SRC 803.065 because the existing development to the south, and physical constraints of the lot dimensions make compliance with the standards set forth in this chapter impracticable. The proposed private street improvements include a sidewalk on the side adjacent to the subject property. The streets, existing and proposed, provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

As conditioned above, this criterion is met.

F. 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 purpose of the proposed partition is to create separate units of land for future buildings. The size and configuration of the proposed parcels are sufficient to accommodate the proposed buildings and parking without the need for variances or adjustments.

This criterion is met.

G. 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 the site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: The configuration of the proposed parcels is based on the amount of land needed to create separate parcels for proposed buildings and associated parking. The proposed parcels conform to the applicable lot size and dimensional standards of the IBC zone, are suitable for the general purpose for which they may be used, and are of size and design that is not detrimental to the public health, safety, or welfare.

This criterion is met.

- H. SRC 205.005(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 dimensions less than 100 feet.

Finding: The subject property is less than 300 feet from an available sewer main and will connect to City water and sewer. This criterion is not applicable.

9. Conclusion

Based upon review of SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, 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. 21-02 to divide an existing property located at 3755 Cascadia Canyon Avenue SE 97302 (Marion County Assessor Map and Tax Lot 083W0201800), zoned IC (Industrial Commercial) and subject to development standards of the IBC (Industrial Business Campus) zone, into two parcels, Parcel 1

(3.42 acres) and Parcel 2 (6.87 acres), including construction of a private street under alternative street standards to provide connectivity from Fairview Industrial Drive SE to Cascadia Industrial Drive SE Cascadia Canyon Avenue SE through the subject property and adjacent properties at 3790 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0201801) and 3930 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0202300), is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: Complete construction of a private street improvement within the subject property as shown on the application materials.

Condition 2: Complete construction of a public water main within the new private street.

Condition 3: Obtain permits to construct sewer service lines to serve all proposed parcels and obtain sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.

Condition 4: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Pamela Cole, Planner II, on behalf of Lisa Anderson-Ogilvie, AICP Planning Administrator

and Col

Attachments: A. Vicinity Map

B. Applicant's Partition Plan

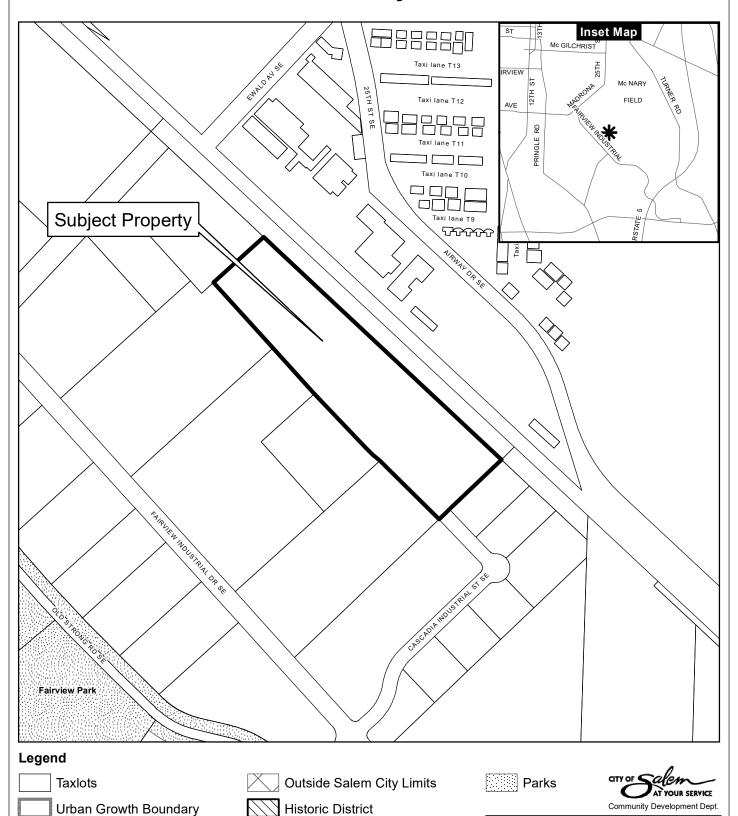
C. City of Salem Public Works Department Memorandum

D. PGE Comments and Easement Map

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\PARTITION\2021\Staff Reports - Decisions\PAR21-02.pjc.doc

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.

Vicinity Map 3755 Cascadia Canyon Avenue SE



City Limits

Schools

ATTACHMENT B



JOB NO. 20-187

SHEET 1/1



MEMO

TO: Pamela Cole, Planner II

Community Development Department

FROM:

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

Public Works Department

DATE: July 14, 2021

PUBLIC WORKS RECOMMENDATIONS SUBJECT:

PAR21-02 (20-119089)

3755 CASCADIA CANYON AVENUE SE

2-PARCEL PARTITION

PROPOSAL

A consolidated application including:

- 1. A Partition to divide an existing property located at 3755 Cascadia Canyon Avenue SE 97302 (Marion County Assessor Map and Tax Lot 083W0201800), zoned IC (Industrial Commercial), and subject to development standards of the IBC (Industrial Business Campus) zone, into two parcels, Parcel 1 (3.42 acres) and Parcel 2 (6.87 acres); and
- 2. Construction of a private street under alternative street standards to provide connectivity from Fairview Industrial Drive SE to Cascadia Industrial Street SE through the subject property and adjacent properties at 3790 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0201801) and 3930 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot 083W0202300).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

- 1. Complete construction of a private street improvement within the subject property as shown on the application materials.
- 2. Complete construction of a public water main within the new private street.
- 3. Obtain permits to construct sewer service lines to serve all proposed parcels and obtain sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.
- 4. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

FACTS

1. Fairview Industrial Drive SE

- a. <u>Standard</u>—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 52-foot improvement within a 76-foot-wide right-of-way abutting the subject property.

2. Cascadia Canyon Avenue SE

- a. <u>Standard</u>—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

a. The West Middle Fork Pringle Creek abuts the subject property along the northwest boundary.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch public water main is located in Fairview Industrial Drive SE.
- c. A 16-inch public water main is located in Cascadia Canyon Avenue SE.

Sanitary Sewer

1. Existing Sewer

- a. A 12-inch sewer main is located in Fairview Industrial Drive SE.
- b. A 27-inch public sewer main is located within an easement and property owned by the City of Salem, approximately 350 feet northeast of the subject property.

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).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI), any wetland areas historically located on the subject property have been mitigated.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

MEMO

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 in Cascadia Canyon Avenue SE. Construction of a new public water main is warranted within the new internal private street to provide water service to abutting lots. In order to ensure that each property can be served with sewer, the applicant shall obtain permits to construct sewer service lines to serve all proposed parcels and obtain sewer service line easement(s) as needed pursuant to Oregon State Plumbing Specialty Code.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to Site Plan Review approval for any future development.

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

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—The proposed development plan shows a private street being constructed through the subject property from Cascadia Canyon Avenue SE. The private street meets the criteria for an alternate street pursuant to SRC 803.065 because the existing development to the south, and physical constraints of the lot dimensions make compliance with the standards set forth in this chapter impracticable. The streets, existing and proposed, provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Prepared by: Jennifer Scott, Program Manager

cc: File

Pamela Cole

From: Ken Spencer < Kenneth.Spencer@pgn.com>
Sent: Thursday, February 11, 2021 8:04 AM

To: Pamela Cole

Subject: RE: Notice of Filing / Request for Comments - PAR21-02 for 3755 Cascadia Canyon Ave SE / 3930

Fairview Industrial Dr SE

Attachments: PGE comment re PUE.pdf

Hello,

I have one comment regarding the need for a public utility easement (PUE) along the private street. The attached file shows the approximate location of the needed PUE.

My contact information appears below.

Thanks.

Ken Spencer, PE Customer Operations Engineer | 503.970.7200

4245 Kale St. NE, Salem, OR 97305 E-mail: kenneth.spencer@pgn.com

