

## NOTICE OF DECISION

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



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

## PLANNING ADMINISTRATOR DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN

**CASE NO.:** SUB09-02MOD3  
**AMANDA NO.:** 21-110378-LD  
**DATE OF DECISION:** September 13, 2021  
**PROPERTY LOCATION:** 5730 Culver Road SE  
**APPLICANT:** City of Salem, Urban Development Department

### REQUEST

Summary: A third modification to the Salem Business Campus subdivision, resulting in an increase in the size of conservation lots, alteration to the alignment of Gaia Street SE, and removal of the proposed eastern cul-de-sac.

Request: A third modification to a previously approved phased tentative subdivision (Subdivision Case No. SUB-ADJ09-02MOD2, SUB09-02MOD1, and SUB09-02), resulting in an increase in the size of conservation lots, alteration to the alignment of Gaia Street SE, and removal of the proposed eastern cul-de-sac, for property approximately 52.41 acres in size, zoned IBC (Industrial Business Campus) and IG (General Industrial), and located at 5370 Culver Drive SE - 97317 (Marion County Assessors Map and Tax Lot numbers: 082W04B / 01600, 01800, 02000, and 02100).

### DECISION

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

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

**Condition 2:** Phase 1 conditions are as follows:

- a. Construct a 34-foot linking street improvement along Gaffin Road SE from the east line of the subject property to the North Santiam Highway junction in an alignment to be approved by City of Salem, Marion County, and Oregon Department of Transportation (ODOT). This improvement is sufficient to serve the development with cumulative impacts less than 1,000 daily vehicle trips.

- b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Gaffin Road SE along the full frontage of the subject property.
- c. Construct a 40-foot-wide arterial pavement section on Gaffin Road SE along the full frontage of the subject property.
- d. Extend the G-0 water line in Gaffin Road SE along the entire frontage of the subject property consistent with the *Water Management Master Plan*.
- e. Extend the sewer line in Gaffin Road SE from its existing terminus to the intersection of Gaffin Road and Gaia Way consistent with the *Salem Wastewater Master Plan*.
- f. Convey land for dedication of right-of-way and construct Gaia Way within Phase 1 as shown on the applicant's Tentative Subdivision Plan Submittal.

**Condition 3:** As a condition of final plat approval for Phase 2:

- a. Design the extension of Gaia Street SE to Culver Avenue SE and the proposed cul-de-sac street in sufficient detail to establish the final right-of-way dimensions pursuant to PWDS.
- b. Dedicate a minimum 60-foot-wide right-of-way for Gaia Street SE from the existing northerly terminus to Culver Avenue SE.
- c. Dedicate a minimum 50-foot-wide right-of-way for the proposed cul-de-sac street.
- d. Construct Gaia Street SE as a minimum 34-foot-wide local street improvement from the existing terminus to the east line of Lot 5.

**Condition 4:** As a condition of final approval for Phase 3:

- a. Construct Gaia Street SE to Culver Avenue SE as a minimum 34-foot-wide Local street improvement as shown on the applicant's tentative plan.
- ~~b. Construct the proposed cul-de-sac street as shown on the applicant's tentative plan.~~

**Condition 5:** Condition 5 was previously eliminated.

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

**Condition 7:** At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the

intersection of State Street and Cordon Road as follows: ~~\$10,406 for lot 1; \$7,039 for lot 2; \$20,709 for lot 3; and \$28,360 for lot 5; \$16,934 for lot 6; and \$18,567 for lot 8.~~

\$14,894 for lot 1; \$8,671 for lot 2; \$23,464 for lot 3; \$35,093 for lot 5; \$8,569 for lot 6, and \$11,324 for lot 7.

**Condition 8:** Street improvements along Gaia Street SE shall include an area for future transit stops in locations consistent with PWDS.

**Condition 9:** At the time of building permit issuance, the applicant shall pay the Gaffin Road Reimbursement District fee pursuant to Resolution No. 2020-5.

## **BACKGROUND**

The subject property is located generally at 5730 Culver Drive SE (**Attachment A**). On May 13, 2009, the Subdivision Review Committee approved tentative phased Subdivision Case no. SUB09-02 for the former Salem Renewable Energy and Technology Park (decision provided in attachments for SUB09-02MOD1), a proposal to divide approximately 79 acres into 4 phases with 8 lots ranging in size from approximately 2.98 acres to 19.75 acres for property zoned IBC (Industrial Business Campus). UGA08-03 was issued in connection with the phased tentative subdivision plan.

A subdivision modification application, case no. SUB09-02MOD1, was submitted for review on October 22, 2018 and was later approved on August 22, 2019. The subdivision modification resulted in a reduction of the amount of development land in order to preserve existing Oregon white oak groves.

A second subdivision modification application, case no. SUB-ADJ09-02MOD2, was submitted for review on April 7, 2020 and was later approved on October 30, 2020. The modification altered the phasing plan for the subdivision by adding one more phase for a total of three phases, and resulted in phased street improvements for Gaia Street SE.

On June 21, 2021 a third subdivision modification application was received. The application was deemed complete for processing and notice of filing was sent on July 2, 2021. The 120-date state mandated deadline for this application was October 30, 2021, however, the applicant granted a 30-day time extension extending the deadline to November 29, 2021.

The applicant's proposed modified tentative phased subdivision plan is included in **Attachment B** and written statement addressing the approval criteria is included as **Attachment C**.

## **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 report.

### **City Department Comments**

**Salem Fire Department.** The Fire Department has reviewed the proposal and has no concerns with the modification request. Items including fire department access and water supply will be required for future building construction.

**Building and Safety Division.** The Building and Safety Division has reviewed the proposal and indicated no concerns.

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

### **Public Agency and Private Service Provider Comments**

**Marion County.** Marion County provided comments regarding the proposed connection to Culver Drive SE (county jurisdiction) and the amount of traffic proposed to utilize this roadway.

**Staff Response:** The TIA submitted by DKS Associates in 2019 identified a full build-out of 320,000 square feet and estimated approximately 1,083 daily trips from the site. An updated analysis was provided by DKS Associates August 25, 2021 to reflect the current proposed modifications to the site and estimated traffic volumes. The estimated full build-out is now only 75,000 square feet, and the corresponding estimated daily trips for the proposed subdivision is now only 253. The DKS updated analysis adequately addresses Marion County's concerns regarding the volume of traffic on Culver Drive SE. The analysis indicates that fewer than a total of 600 daily trips (including those from the Amazon Distribution Facility) will utilize Culver Drive SE.

**Cherriots.** Cherriots reviewed the application and reiterated their support for previous condition requiring transit stops on Gaia Street SE.

**Staff Response:** A condition of approval was added to the last subdivision modification (Case No. SUB-ADJ09-02MOD2) requiring the applicant to coordinate with Cherriots to develop bus stops along Gaia Street. This condition of approval remains and is not modified.

### **Neighborhood Association Comments and Public Comments**

The subject property is located within the Southeast Mill Creek Association (SEMCA). Notice of the application was sent to SEMCA, and surrounding property owners and tenants of record within 250 feet of the subject property.

**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 Table 300-2, the proposed subdivision tentative plan modification included in this proposed land use application request does not require neighborhood association contact.

### **Neighborhood Association Comments**

Notice of the proposed modification of tentative phased subdivision plan approval was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

Comments were received from the Southeast Mill Creek Association indicating that they do not support the Gaia Street SE realignment, removal of the cul-de-sac, and connection out on Culver Drive SE, and that Gaia Street SE should remain a cul-de-sac as most recently shown in prior land use documents.

**Staff Response:** The last subdivision modification (SUB-ADJ09-02MOD2) allowed for an interim cul-de-sac on Gaia Street SE for Phase 2 but required Gaia Street to be complete with Phase 3. The eventual completion of Gaia Street SE from Gaffin Road SE to Culver Drive SE has consistently been a requirement of the subdivision. Terminating Gaia Street SE as a permanent cul-de-sac does not comply with street connectivity standards in the Salem Revised Code, nor would it comply emergency vehicle access requirements.

### Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed modification of tentative phased subdivision plan approval. One public comment was received in support of the proposal, and 40 public comments were submitted indicating concerns and/or objections to the proposed subdivision modification.

Concerns and opposition received can be summarized into the following main categories:

**A. Traffic, Gaia Street SE Extension.** Comments received indicate concerns with traffic safety. Culver Drive SE is a narrow rural road, with vehicles speeding in the area exiting driveways must be done with caution. The proposal for Gaia Street SE to connect to Culver Drive SE will further increase traffic levels and conflicts on Culver Drive SE.

**Staff Response:** Previous subdivision approvals have required Gaia to connect from Gaffin Road SE to Culver Drive SE to meet connectivity requirements of the Salem Revised Code. This modification will alter the alignment of Gaia Street SE, but will not remove the requirement for the eventual extension and connection of Gaia Street SE from Gaffin Road SE to Culver Drive SE. The Salem Revised Code requires such connections to existing streets to fill in gaps within the current street network and provide for safe, orderly, and efficient circulation of vehicles, pedestrians and bicycles into, through, and out of the subdivision.

As previously indicated, an updated traffic impact analysis was provided by DKS Associates August 25, 2021, to reflect the current proposed modifications to the site and estimated traffic volumes. The updated TIA demonstrates an overall reduction in the number of anticipated trips as a result of this subdivision modification, and indicates that fewer than 600 daily trips (including those from the Amazon Distribution Facility) will utilize Culver Drive SE.

**B. Increase crime, trash and illegal camping.** Comments received express concern that the proposal could increase property crime in the area, and that illegal camping may occur on the property.

**Staff Response:** Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for modification of a tentative phased subdivision plan do not address changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated in the area would exceed what would otherwise occur from any other legal development of property within the City.

**C. Notification and Public Engagement.** Comments submitted express concern about adequate notice to affected residents.

**Staff Response:** Notice for this modification of a tentative phased subdivision plan approval was mailed to all surrounding property owners of record and addresses within 250 feet of the boundaries of the subject property in accordance with the Type II land use procedures in the Salem Revised Code. In addition, on June 1, 2021, the applicant contacted the Southeast Mill Creek Association (SEMCA) to provide an update on the Salem Business Campus and the request to modify the subdivision to protect sensitive wetland areas. The notification provided and early contact made by the applicant to the neighborhood association satisfies the citizen involvement requirements of the Salem Revised Code and applicable Statewide Planning Goals.

## **FINDINGS**

The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

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

Tentative Subdivision Case No. SUB09-02 has been previously modified twice by Subdivision Modification Case No. SUB09-02MOD1 approved on August 22, 2019 and SUB-ADJ09-02MOD2 approved on November 16, 2020.

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

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

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

**2. Analysis of Modification Approval Criteria:**

***SRC 205.070(d)(1): The proposed modification does not substantially change the original approval.***

**Finding:** The proposed modification is consistent with the conditions of the original approval. The modification proposes minor changes to the internal street configuration, lot boundaries, phasing, and in addition, the overall developable area of the subdivision is proposed to be reduced in size from 1,286,541 square feet as approved under SUB-ADJ09-02MOD2 to 1,041,016 square feet in size, resulting in approximately 245,525 square feet (5.63 acres) of additional conservation land for wetlands, riparian areas and significant trees. As such, minor changes are necessary to the adopted conditions of approval from the latest subdivision modification decision (SUB-ADJ09-02MOD2). However, the modified conditions of approval remain substantially consistent with the original approval.

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

Phase 2 of the subdivision is complete. No modification is proposed to condition 3 from SUB-ADJ09-02MOD2.

Condition 4 is proposed to be modified to remove the requirement to construct a cul-de-sac that would serve proposed Lot 8 from SUB-ADJ09-02MOD2. This modification proposes a reduction in the developable area of the subdivision, Lot 8 is now proposed to be part of a larger conservation lot that will not be developed. Because Lot 8 is no longer proposed as a developable lot, the requirement for this cul-de-sac is no longer required as a condition of approval.

**Condition 4:** As a condition of final approval for Phase 3:

- a. Construct Gaia Street SE to Culver Avenue SE as a minimum 34-foot-wide Local street improvement as shown on the applicant's tentative plan.
- ~~b. Construct the proposed cul-de-sac street as shown on the applicant's tentative plan.~~

Condition 5 from the original decision was eliminated by SUB09-02MOD1.

No modification is proposed to existing condition 6.

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

Condition 7 is being modified to reflect new allocations based on the revised lot configuration and phasing. The Traffic Impact Analysis (TIA) submitted by DKS Associates dated June 2019 recommends that the proposed development is subject to a proportional contribution of the following improvements:

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

	Area (SF)	Share (%)	Amount
Lot 1	151,560	14.6	14,894
Lot 2	88,956	8.5	8,671
Lot 3	239,601	23.0	23,464
Lot 5	358,077	34.4	35,093
Lot 6	87,006	8.4	8,569
Lot 7	115,516	11.1	11,324
Total	1,041,016	100.000	\$102,015

**Condition 7:** At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road as follows:  
~~\$10,406 for lot 1; \$7,039 for lot 2; \$20,709 for lot 3; and \$28,360 for lot 5;~~  
~~\$16,934 for lot 6; and \$18,567 for lot 8.~~

\$14,894 for lot 1; \$8,671 for lot 2; \$23,464 for lot 3; \$35,093 for lot 5;  
\$8,569 for lot 6, and \$11,324 for lot 7.

Condition 8 was added by SUB-ADJ09-02MOD2, no modification is proposed to existing Condition 8.

Condition 9 is added to clarify the additional requirement of the Gaffin Road Reimbursement District placed upon the subject property pursuant to Council adoption of Resolution No. 2020-5.



**Condition 9:** At the time of building permit issuance, the applicant shall pay the Gaffin Road Reimbursement District fee pursuant to Resolution No. 2020-5.

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

**Finding:** There are no approved uses or development currently proposed on the remaining vacant lots and the requested modification does not result in changes to the permitted uses for the property. The applicant's proposal increases the size of conservation areas for the subdivision resulting in long term protections for riparian areas, wetlands and significant trees located on the subject property.

Conservation lots are required to meet the standards in SRC 205.045 which in summary require the lots to be primarily undeveloped and in a natural state and requires long-term preservation and management of the lots as a significant natural resource.

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

The proposal meets this criterion.

### **3. Effect on Expiration Period of Original Approval:**

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

**Finding:** The expiration date for this subdivision was previously extended to November 17, 2022 by SUB-ADJ09-02MOD2. The proposed modification does not change the expiration date for the consolidated application. The applicant is permitted to apply for up to four further extensions of the expiration date, in two-year increments, with the final extension expiring no later than **November 17, 2030.**

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

### **DECISION**

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

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

**Condition 2:** Phase 1 conditions are as follows:

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

**Condition 3:** As a condition of final plat approval for Phase 2:

- a. Design the extension of Gaia Street SE to Culver Avenue SE and the proposed cul-de-sac street in sufficient detail to establish the final right-of-way dimensions pursuant to PWDS.
- b. Dedicate a minimum 60-foot-wide right-of-way for Gaia Street SE from the existing northerly terminus to Culver Avenue SE.
- c. Dedicate a minimum 50-foot-wide right-of-way for the proposed cul-de-sac street.
- d. Construct Gaia Street SE as a minimum 34-foot-wide local street improvement from the existing terminus to the east line of Lot 5.

**Condition 4:** As a condition of final approval for Phase 3:

- a. Construct Gaia Street SE to Culver Avenue SE as a minimum 34-foot-wide Local street improvement as shown on the applicant's tentative plan.
- ~~b. Construct the proposed cul-de-sac street as shown on the applicant's tentative plan.~~

- Condition 5:** Condition 5 was previously eliminated.
- Condition 6:** All phases shall design and construct utility infrastructure within the phase as specified in *Appendix Two – Utility Report*, and *Appendix Three – Stormwater Master Plan*, of the application materials.
- Condition 7:** At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road as follows:  
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~~\$16,934 for lot 6; and \$18,567 for lot 8.~~  
  
\$14,894 for lot 1; \$8,671 for lot 2; \$23,464 for lot 3; \$35,093 for lot 5;  
\$8,569 for lot 6, and \$11,324 for lot 7.
- Condition 8:** Street improvements along Gaia Street SE shall include an area for future transit stops in locations consistent with PWDS.
- Condition 9:** At the time of building permit issuance, the applicant shall pay the Gaffin Road Reimbursement District fee pursuant to Resolution No. 2020-5.



Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Prepared by Aaron Panko, Planner III

- Attachments:
- A. Vicinity Map
  - B. Proposed Modified Subdivision Plan
  - C. Applicant's Written Statement
  - D. Public Works Memo

Application Deemed Complete:	<u>July 2, 2021</u>
Notice of Decision Mailing Date:	<u>September 13, 2021</u>
Decision Effective Date:	<u>September 29, 2021</u>
State Mandated Decision Date:	<u>November 29, 2021</u>

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

**Tentative Phased Subdivision Plan:** November 17, 2022

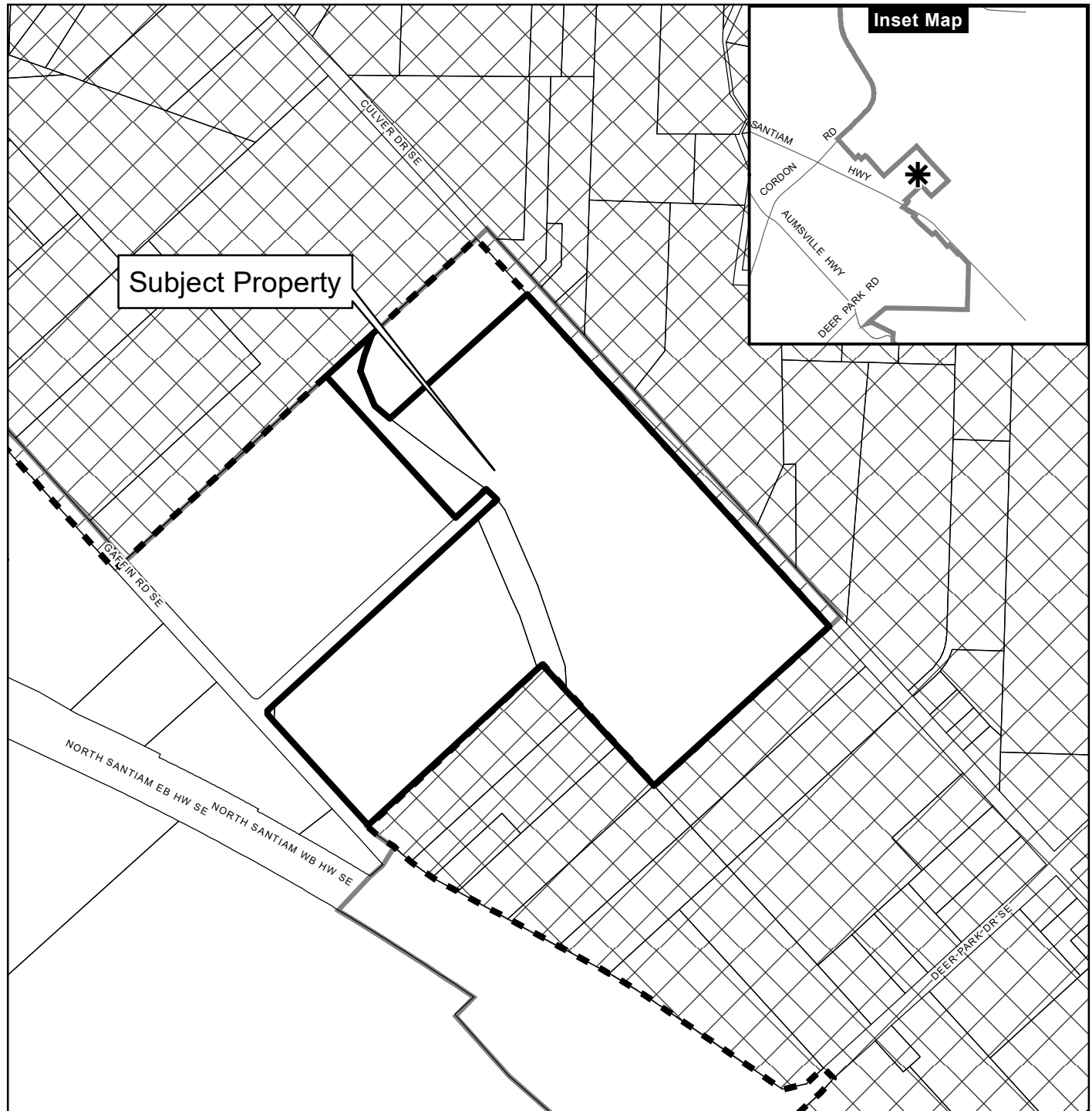
A copy of the complete case file is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, September 28, 2021, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

cc: Alan Kessler, GIS

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# Vicinity Map 5730 Culver Drive SE



## Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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## **EXHIBITS**

1. Land Use Application Form
2. Deeds/Title
3. Pre-Application Waiver
4. Owner's Association (City Owned Property and Majority Holder)
5. TIA and TIA Update
6. Transportation Planning Rule Analysis (NA, no change to Comp Plan)
7. Existing Conditions Plan



## I. PROJECT SUMMARY

<b>Owner:</b>	City of Salem 555 Liberty Street SE Salem, OR 97301
<b>Applicant:</b>	City of Salem 555 Liberty Street SE Salem, OR 97301
<b>Site Address:</b>	5730 Culver Dr SE
<b>Site Acreage:</b>	40.96 acres
<b>Zoning:</b>	Industrial Business Campus & General Industrial
<b>Zoning Overlay(s):</b>	None
<b>Comprehensive Plan:</b>	Industrial (I)
<b>Neighborhood Association:</b>	Southeast Mill Creek Association (SEMCA)
<b>Adjacent Zoning:</b>	Marion County Special Agricultural (SA) to the North, Northwest, East and Southeast. Marion County Commercial (C) to the South. City of Salem General Industrial to West and Southwest.
<b>Existing Structures:</b>	None
<b>Request:</b>	A modification to Phase 3 of the Salem Business Campus subdivision to increase the size of conservation lots, reduce the size of development lots, and eliminate the road curvature and eastern cul-de-sac to protect sensitive wetlands.
<b>Project Contact:</b>	Tory Banford City of Salem Urban Development Dept 350 Commercial St. NE Salem, OR 97301 503-540-2445 tbanford@cityofsalem.net

## **II. INTRODUCTION**

The Salem Business Campus, formerly the Salem Renewable Energy and Technology Center, was created in 2006, at the direction of the Salem City Council, to prepare land for traded sector companies to locate and benefit the community through a variety of new jobs and wages.

In 2009, the City (as applicant) submitted a tentative phased Subdivision application to divide approximately 79 acres into 4 phases with lots ranging in size from approximately 2.98 acres to 19.75 acres. The installation of utilities, extension of Gaia St SE, and new development on lots of phase 1 followed.

In 2018, a subdivision modification application was submitted and subsequently approved in 2019. The approval resulted in the reduction of the amount of developable land in order to preserve an existing Oregon white oak grove. The modified plan created conservation lots that would not be developed.

A second subdivision modification was approved in 2020 to add phases to the new lot configuration. It also served to create a cul-de-sac to temporarily serve phase 2 until development interest in phase 3 materialized and Gaia St SE would extend to Culver Dr SE.

This application is for a third modification to the tentative phased subdivision plan. This modification is being proposed due to an updated wetland survey which increased the size of the wetlands compared to previous delineations. As a result, the applicant is proposing to modify the lot lines to increase the conservation areas, which will also decrease the developable areas. In addition, the cul-de-sac referred to as Road B in original approval and the couverture in Gaia Street SE will be removed.

### **Proposal**

The applicant is seeking approval of a subdivision modification. The impetus for the modification is an updated wetland delineation which increased the wetland area 6.6 acres on the eastern properties since the 2009 permit. As a result, the applicant is proposing several minor changes to the lot sizes and Gaia St SE extension to avoid these sensitive areas. No change to the phasing plan is proposed.

- Lot 6 – decrease from 4.90 acres to 2.00 acres
- Lot 7 – decrease from 8.83 acres to 2.65 acres. Lot 7 is moved outside the constrained area and is no longer a designated conservation lot.
- Lot 8 – increase from 5.38 acres to 16.32 acres. Lot 8 merges with the majority of what was Lot 7.
- Reduce the curvature from the Gaia St SE extension.
- Remove the eastern cul-de-sac, road B, because access is no longer needed given there is no development lot and the intent to protect environmentally sensitive habitat.

The lot layout is similar to what was originally approved, the main change being an expansion of the conservation area and a reduction in size of developable lots. The reduction in the curvature is to avoid construction in the sensitive areas and is very similar to the original design from the 2009 Tentative Subdivision Plan. Finally, the cul-de-sac is proposed to be removed as no development is no longer proposed in that area. The property is bounded by the Salem Urban Growth Boundary and there is large lot Marion County Special Agriculture zoned property to the east. A future eastern road connection would be challenging and unnecessary.

It is anticipated that these proposed changes will impact Condition 4 and 7 of Sub-ADJ-02MOD-02.

### III. APPROVAL CRITERIA

#### Salem Revised Code

##### **Sec. 205.070. - Modification of approval.**

*(a) Applicability. The approval of a tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat.*

**Response:** This application is for approval to modify a phased subdivision plan. The original Tentative Subdivision (NO. SUB09-02) was approved in 2009. Since then, that approval has been modified two additional times, once in 2019 and once in 2020 (Case No. SUB09-02MOD1 & Case No. SUB09-02MOD2). This proposal is for an additional modification to the approval. This section applies.

*(b) Procedure type. Modifications pursuant to this section are processed as a Type II procedure under SRC chapter 300.*

**Response:** The applicant acknowledges that a modification will be processed as a Type II procedure and has met the applicable requirements and standards.

*(c) Submittal requirements. In addition to the submittal requirements under SRC chapter 300, an application for a modification pursuant to this section shall include the following:*

*(3) For modification of a tentative phased subdivision plan approval, the information required under SRC 205.015(c).*

**Response:** This application package includes the items referenced in SRC 205.015 (c) and SRC 205.030 as required by SRC 205.015 (c).

*(d) Criteria.*

*(1) The proposed modification does not substantially change the original approval; and*

**Response:** The requested modification proposes minor changes to the internal street configuration and lots sizes for Phase 3. The overall result is increasing the total acreage in the conservation lots and a reduction of developable land by approximately 5.63 Acres.

It is anticipated that the proposed changes will impact Conditions 4 and 7 of Sub-ADJ-02MOD-02. Specifically, by no longer proposing development in Lot 8 the trigger to construct road B will not occur. Not constructing the road will help to preserve an environmentally sensitive area.

The proposed changes to lot size will also likely modify the proportionate share of cost for mitigating improvements at the intersection of State Street and Cordon Rd SE.

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

**Response:** This application does not propose any changes to uses or changes to the current zoning.<sup>1</sup> Lot layouts were modified to conserve significant trees and wetlands, while maximizing developable area.

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<sup>1</sup> A Zone Change from IBC (Industrial Business Campus) to IG (General Industrial) for Lots 1, 2, 3 and 5 of Phase 2, and Lots 6 and 8 of Phase 3 for the Salem Business Campus Subdivision was approved March 8, 2021. See ZC20-02.

The removal of Road B is proposed as a result of the new layout and to protect significant trees, wetland and riparian areas and is not anticipated to have significant impacts on the transportation network in the area. As shown in proposed layout, the lot that Road B was intended to serve has been converted into a conservation lot and therefore this roadway wouldn't serve any proposed development. In addition, the requirement to build the road would disturb the sensitive environmental areas, this proposal is intended to protect.

The modified street configuration and removal of Road B also improves circulation by significantly reducing the curve on Gaia St SE which results in a more direct connection between Gaffin Rd SE and Culver Dr SE.

#### **IV. SUMMARY**


The findings presented above have summarized the proposal to modify the Tentative Subdivision Plan for Phase 3 of the Salem Business Campus. As described, the impetus for this proposal was an updated wetland delineation which identified more wetlands than had been shown in previous reports. To protect sensitive areas the applicant is proposing to modify several lot lines to increase the conservation areas. In addition, the extension of Gaia St SE is proposed without a couverture, and the cul-de-sac will be removed as that road would no longer serve development and is located within an environmentally sensitive area.

With this submittal, the applicant has demonstrated that the proposed modification is consistent with relevant decision criteria and requests approval.



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** September 10, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUB-ADJ09-02MOD3 (21-110378-LD)  
5730 CULVER DRIVE SE  
SUBDIVISION MODIFICATION**

## **PROPOSAL**

A third modification to a previously approved phased tentative subdivision (Subdivision Case No. SUB09-02 and SUB09-02MOD1, and SUB09-02), resulting in an increase in the size of conservation lots, alteration to the alignment of Gaia Street SE, and removal of the proposed eastern cul-de-sac, for property approximately 52.41 acres in size, zoned IBC (Industrial Business Campus) and IG (General Industrial), and located at 5370 Culver Drive SE - 97317 (Marion County Assessors Map and Tax Lot numbers: 082W04B / 01600, 01800, 02000, and 02100).

## **RECOMMENDED CONDITIONS OF MODIFICATION APPROVAL**

1. Modify Condition 4 to read as follows: "As a condition of final approval for Phase 3, construct Gaia Street SE to Culver Avenue SE as a minimum 34-foot-wide Local street improvement as shown on the applicant's tentative plan."
2. Modify condition 7 to read as follows: "At the time of building permit issuance, the applicant shall pay the following proportionate share of the cost for the mitigating improvements needed at the intersection of State Street and Cordon Road SE as follows: \$14,894 for lot 1; \$8,671 for lot 2; \$23,464 for lot 3; \$35,093 for lot 5; \$8,569 for lot 6, and \$11,324 for lot 7."
3. Add condition 9 to read as follows: "At the time of building permit issuance, the applicant shall pay the Gaffin Road Reimbursement District fee pursuant to Resolution No. 2020-5."

## **CRITERIA AND FINDINGS**

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

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

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

Condition 4 is proposed to be modified to remove the requirement to construct a cul-de-sac that would serve proposed Lot 8 from SUB-ADJ09-02MOD2. This modification proposes a reduction in the developable area of the subdivision, Lot 8 is now proposed to be part of a larger conservation lot that will not be developed. Because Lot 8 is no longer proposed as a developable lot, the requirement for this cul-de-sac is no longer required as a condition of approval.

Condition 7 is being modified to reflect new allocations based on the revised lot configuration and phasing. The Traffic Impact Analysis (TIA) submitted by DKS Associates dated June 2019 recommends that the proposed development is subject to a proportional contribution of the following improvements:

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

	<b>Area (SF)</b>	<b>Share (%)</b>	<b>Amount</b>
Lot 1	151,860	14.6	14,894
Lot 2	88,956	8.5	8,671
Lot 3	239,601	23.0	23,464
Lot 5	358,077	34.4	35,093
Lot 6	87,006	8.4	8,569
Lot 7	115,516	11.1	11,324
Total	1,041,016	100.000	\$102,015

Condition 9 is added to clarify the additional requirement of the Gaffin Road Reimbursement District placed upon the subject property pursuant to Council adoption of Resolution No. 2020-5.

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

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

## **RESPONSE TO CITIZEN COMMENTS**

Marion County provided comments regarding the proposed connection to Culver Drive SE (county jurisdiction) and the amount of traffic proposed to utilize this roadway.

*Staff response:* The TIA submitted by DKS Associates in 2019 identified a full build-out of 320,000 square feet and estimated approximately 1,083 daily trips from the site. An updated analysis was provided by DKS Associates August 25, 2021, to reflect the current proposed modifications to the site and estimated traffic volumes. The estimated full build-out is now only 75,000 square feet, and the corresponding estimated daily trips for the proposed subdivision is now only 253. The DKS updated analysis adequately addresses Marion County's concerns regarding the volume of traffic on Culver Drive SE. The analysis indicates that fewer than a total of 600 daily trips (including those from the Amazon Distribution Facility) will utilize Culver Drive SE.

cc: File