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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE PARTITION PLAN CASE NO.: PAR21-13

APPLICATION NO.: 21-101694-LD

NOTICE OF DECISION DATE: October 20, 2021

SUMMARY: A tentative partition plan to divide an existing property and create two parcels, with Parcel 1 consisting of approximately 8,989 square feet and Parcel 2 consisting of approximately 21,704 square feet.

REQUEST: A tentative partition to create two parcels, with Parcel 1 consisting of approximately 8,989 square feet and Parcel 2 consisting of approximately 21,704 square feet. The subject property is approximately 0.7 acres in size, zoned FMU (Fairview Mixed-Use), and located at 3970 Village Center Drive SE (Marion County Assessor Map and Tax Lot Number: 083W02DC01700).

APPLICANT: Jonathan Schachter on behalf of Sustainable Investments, LLC (Ian Meyer, Annabelle Ahouiyek, Jane Meyer, Quinn Meyer, and Miranda Spackman)

LOCATION: 3970 Village Center Dr SE, Salem OR 97302

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

FINDINGS: The findings are in the attached Decision dated October 20, 2021.

DECISION: The **Planning Administrator APPROVED** Tentative Partition Plan Case No. PAR21-13 subject to the following conditions of approval:

- Condition 1:** Obtain permits for installation of water services to serve Parcels 1 and 2. This may be delayed pursuant to an Improvement Agreement.
- Condition 2:** Design sewer services for Parcels 1 and 2 pursuant to the Public Works Design Standards (PWDS). Construction of sewer services may be delayed pursuant to an Improvement Agreement.
- Condition 3:** Design stormwater systems to serve all proposed parcels in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
- Condition 4:** Any access and utility easements necessary to serve the proposed parcels shall be shown on the final plat.
- Condition 5:** Construct a half-street improvement along the frontage of Cousteau Drive SE (private) to Pringle Creek Community refinement plan and Public Works Design Standards (PWDS). This improvement may be delayed pursuant to an Improvement Agreement.

NOTICE OF DECISION

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



The rights granted by the attached decision must be exercised, or an extension granted, by November 9, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>August 19, 2021</u>
Notice of Decision Mailing Date:	<u>October 20, 2021</u>
Decision Effective Date:	<u>November 9, 2021</u>
State Mandate Date:	<u>December 17, 2021</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

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, November 4, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 21-13)**

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

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF PARTITION)	
PLAT NO. PAR21-13; 3970 VILLAGE)	OCTOBER 20, 2021
CENTER DRIVE SE)	

REQUEST

A tentative partition plan to create two parcels, with Parcel 1 consisting of approximately 8,989 square feet and Parcel 2 consisting of approximately 21,704 square feet. The subject property is approximately 0.7 acres in size, zoned FMU (Fairview Mixed-Use), and located at 3970 Village Center Drive SE (Marion County Assessor Map and Tax Lot Number: 083W02DC01700).

DECISION

The Tentative Partition Plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions prior to final plat approval, unless otherwise indicated:

- Condition 1:** Obtain permits for installation of water services to serve Parcels 1 and 2. This may be delayed pursuant to an Improvement Agreement.
- Condition 2:** Design sewer services for Parcels 1 and 2 pursuant to the Public Works Design Standards (PWDS). Construction of sewer services may be delayed pursuant to an Improvement Agreement.
- Condition 3:** Design stormwater systems to serve all proposed parcels in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
- Condition 4:** Any access and utility easements necessary to serve the proposed parcels shall be shown on the final plat.
- Condition 5:** Construct a half-street improvement along the frontage of Cousteau Drive SE (private) to Pringle Creek Community refinement plan and Public Works Design Standards (PWDS). This improvement may be delayed pursuant to an Improvement Agreement.

PROCEDURAL FINDINGS

1. On January 12, 2021, an application for tentative partition plan was filed by Sustainable Investments, LLC, proposing to divide property located at 3970 Village Center Drive SE (**Attachment A**) into two parcels. After the submittal of additional requested information

by the applicant, the application was deemed complete for processing on August 19, 2021.

2. On August 20, 2021, notice to surrounding property owners and tenants was mailed, pursuant to Salem Revised Code (SRC) requirements. The state-mandated local decision deadline for the application is December 17, 2021.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative partition plan approval to divide property located at 3970 Village Center Drive SE (Marion County Assessor's Map and Tax Lot Number: 083W02DC01700) into two parcels.

Parcel Configuration

As illustrated on the tentative partition plan, the size and dimensions of the proposed parcels are as follows:

Proposed Parcel Size & Dimensions			
Parcel No.	Area	Dimensions	
		Width	Depth
Parcel 1	Approx. 8,989 ft. ²	Approx. 66 ft.	Approx. 136.68 ft.
	Approx. 7,698 ft. ² <i>(exclusive of private access & utility easement for Cousteau Drive SE)</i>		Approx. 116.35 ft. <i>(exclusive of private access & utility easement for Cousteau Drive SE)</i>
Parcel 2	Approx. 21,704 ft. ²	Approx. 147 ft.	Approx. 141.69 ft.
	Approx. 19,161.85 ft. ² <i>(exclusive of private access & utility easement for Cousteau Drive SE)</i>		Approx. 122.21 ft. <i>(exclusive of private access & utility easement for Cousteau Drive SE)</i>

Access & Circulation

The subject property is a double frontage lot with frontage on Cousteau Drive SE to the north and Village Center Drive SE to the south. Both Cousteau Drive and Village Center Drive are private streets subject to alternative street standards included in the Pringle Creek Community refinement plan. Due to topographical constraints along the southern boundary of the subject property, vehicular access to the proposed lots will be taken from Cousteau Drive SE.

2. Applicant's Plans and Statement.

The tentative partition plan submitted by the applicant showing the configuration of the proposed parcels is included as **Attachment B**.

Land use applications must also include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant addressing the standards and approval criteria applicable to the proposal is included as **Attachment C**.

3. Summary of the 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.

4. Existing Conditions

The property subject to the proposed partition request is approximately 0.7 acres in size and currently undeveloped.

Salem Area Comprehensive Plan (SACP)

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

Comprehensive Plan Map: The subject property is designated "Mixed-Use" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Cousteau Drive SE, Mixed-Use
South	Across Village Center Drive SE, Mixed-Use
East	Mixed-Use
West	Mixed-Use

Zoning

The subject property is zoned FMU (Fairview Mixed-Use) and is located within the Adaptive Use (AU) overlay area of the zone. The subject property is also within Area 3 of the Pringle Creek Community refinement plan. The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Cousteau Drive SE, FMU (Fairview Mixed-Use)
South	Across Village Center Drive SE, FMU (Fairview Mixed-Use)
East	FMU (Fairview Mixed-Use)
West	FMU (Fairview Mixed-Use)

Relationship to Urban Service Area

The subject property is located outside of the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an application for an Urban Growth Preliminary Declaration is required when property is located outside the boundaries of the Urban Service Area.

Two UGA preliminary declarations have been approved for the Fairview property identifying required linking public facilities for streets, water, sewer, storm water, and parks that are required to be extended to or provided on the site in order to adequately serve the property.

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004 and applied to the 32.5 acres of the Fairview property included within the Pringle Creek Community Refinement Plan. The second UGA preliminary declaration (Case No. UGA04-08) was approved on November 15, 2004 and applied to the remainder of the Fairview property. On August 4, 2011, an amendment to UGA04-08 was approved modifying the public facility requirements.

5. Public and Private Agency Review

- A. The Building and Safety Division reviewed the proposal and indicated no objections to it.
- B. The Fire Department reviewed the proposal and indicated no objections to it. They indicate that Fire Department access and water supply will be required at the time of development.
- C. The Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.

6. Neighborhood Association and Public Comments

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

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), an application for a tentative partition plan requires neighborhood association contact. The Morningside Neighborhood Association was contacted by the applicant prior to application submittal; thereby satisfying the requirements of SRC 300.310.

Neighborhood Association Comments

Notice of the application 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. No comments were received from the neighborhood association.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. No public comments were received.

Homeowners Association

The property is subject to a Homeowners Association (HOA). The HOA applicable to the property is the Pringle Creek Community Association. Notice of the application was provided to the Homeowner's Association pursuant to SRC requirements. No comments were received from the Homeowner's Association.

5. TENTATIVE PARTITION PLAN APPROVAL CRITERIA

SRC Chapter 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 italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

Finding: 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 subject property is zoned FMU (Fairview Mixed-Use). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the FMU zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 530 (Fairview Mixed-Use Zone)

The subject property is zoned FMU (Fairview Mixed-Use). Pursuant to SRC 530.015, all development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set forth in SRC Chapter 530. The Fairview Plan is the master plan that identifies the overall goals and policies for development of the Fairview site and refinement plans are detailed regulatory plans that implement the Fairview Plan.

The subject property is located within an area of the Fairview site that has an approved refinement plan, the *Pringle Creek Community* refinement plan. Pursuant to SRC 530.030, standards and processes stipulated in an approved refinement plan supersede the standards and processes of the Unified Development Code (UDC) and shall be used as review criteria for any specific development proposal within the area covered by the approved refinement plan.

Because the subject property is located within the Pringle Creek Community refinement plan the majority of the standards applicable to the proposed development are contained in the refinement plan. The FMU zone does, however, include the following additional standards which apply generally to development with the FMU zone:

General Development Standards (SRC 530.045):

- Nonresidential development in MI area. Except for activities falling under basic education, no building used exclusively for a nonresidential use within the MI area shall have a building footprint greater than 6,000 square feet. Activities falling under basic education located within the MI area may have a building footprint greater than 6000 square feet.

The subject property is located within the AU (Adaptive Use), not the MI (Mixed-Intensity), overlay area of the refinement plan. This FMU zone standard is therefore not applicable to the proposed development.

- Open space. A minimum of 20 acres of land within the FMU zone shall be reserved as natural open space.

Natural open space areas are identified as part of the refinement plan approval process. The Pringle Creek Community Refinement Plan includes natural open space area along Pringle Creek. The subject property is not identified in the refinement plan as being part of a natural open space area. This FMU zone standard is therefore not applicable to the proposed development.

- Maximum number of dwelling units. The maximum number of dwelling units permitted in the FMU zone shall be 2000.

The number of dwelling units within the FMU zone has not yet reached the maximum limit of 2,000.

- FMU zone boundary setback. All buildings and accessory structures within the FMU zone shall be set back a minimum of 20 feet from the FMU zone boundary.

The subject property is not located on the perimeter of the former Fairview Training Center site adjacent to the FMU zone boundary. This FMU zone standard is therefore not applicable to the proposed development.

Historic Preservation (SRC 530.060):

Any structure existing on December 24, 2003, identified for demolition shall, prior to issuance of a demolition permit, be documented according to the survey and inventory practices set forth by the Oregon State Historical Preservation Office.

There are no existing buildings located on the subject property, but there is an existing smokestack located at the southeast corner of the site. The smokestack is not identified on the "viewsheds, natural features, and historic structures" map included on page 25 of the refinement plan. This FMU zone standard is therefore not applicable to the proposed development.

Natural Resource Guidelines (SRC 530.065):

The FMU Zone recognizes the importance of the presence of natural resources on the site and how those resources help to define the special character of the property. As such, SRC Chapter 530.065 establishes natural resource guidelines to address their preservation. The Fairview Plan, any subsequent refinement plan, and any development within the FMU Zone shall identify how existing natural resources will be protected and how natural hazards will be mitigated through compliance with the following:

- (1) SRC Chapter 808 (Preservation of Trees and Vegetation)
- (2) SRC Chapter 809 (Wetlands)
- (3) SRC Chapter 810 (Landslide Hazards)

SRC Chapter 808 (Preservation of Trees & Vegetation)

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

There are existing trees on the subject property, some of which meet the definition of tree under SRC Chapter 808 based on their size and others that do not. The proposed partition is subject to a tree conservation plan (Case No. TCP06-02) that was previously approved in conjunction with the subdivision that created the existing lots within the Pringle Creek Community refinement plan. The tree conservation plan identifies trees that are required to be preserved along the eastern boundary of the subject property as well as the southern boundary of the property adjacent to Village Center Drive SE. No trees are proposed to be removed in conjunction with the proposed partition. Any future development of the proposed parcels is required to comply with the approved tree conservation plan.

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.

The City's wetlands ordinance, SRC Chapter 809, establishes requirements for notification to the Oregon Department of State Lands 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) and the Pringle Creek Community refinement plan the subject property does not contain mapped wetlands or waterways. There are also no hydric (*wetland type*) soils present. As proposed, the tentative partition plan conforms to all applicable requirements of SRC Chapter 809.

SRC Chapter 810 (Landslide Hazards)

The topography of the site substantially increases along the eastern portion of the property and the southern portion of the property adjacent to Village Center Drive SE.

The City's landslide hazard ordinance, SRC Chapter 810, establishes standards and requirements for the use of land within areas of landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 to 3 landslide hazard susceptibility points. There are 2 activity points associated with the proposed partition. The cumulative total of 4 to 5 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

The applicant submitted a Geotechnical Investigation and Landslide Hazard Study, prepared by Redmond Geotechnical Services and dated December 24, 2020, for the proposed development in conformance with the requirements of SRC chapter 810. The study concludes that subject property is generally suitable for the proposed development and associated site improvements.

Pringle Creek Community Refinement Plan

Because the subject property is located within the boundaries of the Pringle Creek Community refinement plan, the proposed development is subject to the development standards included in this refinement plan.

Allowed uses and development standards within the Pringle Creek Community refinement plan are differentiated based on the specific overlay areas of the FMU zone established under SRC 530.010 and by nine separate delineated geographic areas within the refinement plan.

As shown in the refinement plan, the subject property is located within the Adaptive Use (AU) overlay area of the FMU zone and is within Area 3 of the refinement plan.

Allowed Uses: Uses allowed within the refinement plan are established under Appendix C of the refinement plan (*Permitted Land Uses*). Any future use of the proposed parcels must be an allowed use within the refinement plan.

Lot Standards: Lot standards within Area 3 are established on page 13 of the refinement plan. Within Area 3 the following lot standards are applicable to the proposed partition.

Area 3 Lot Standards		
	Residential	Non-Residential
Lot Area	None	None
Lot Width	Min. 16 ft. / Max. None	Min. 16 ft. / Max. None
Lot Depth	Min. 50 ft. / Max. None	None

As shown on the tentative partition plan, the size and dimensions of the proposed parcels are as follows:

Proposed Parcel Size & Dimensions			
Parcel No.	Area	Dimensions	
		Width	Depth
Parcel 1	Approx. 8,989 ft. ²	Approx. 66 ft.	Approx. 136.68 ft.
	Approx. 7,698 ft. ² (exclusive of private access & utility easement for		Approx. 116.35 ft. (exclusive of private access & utility easement for

	<i>Cousteau Drive SE)</i>		<i>Cousteau Drive SE)</i>
Parcel 2	Approx. 21,704 ft. ²	Approx. 147 ft.	Approx. 141.69 ft.
	Approx. 19,161.85 ft. ² <i>(exclusive of private access & utility easement for Cousteau Drive SE)</i>		Approx. 122.21 ft. <i>(exclusive of private access & utility easement for Cousteau Drive SE)</i>

As identified above, both proposed parcels exceed the minimum lot area, width, and depth requirements of the refinement plan.

Additional Development Standards: The refinement plan establishes additional site development standards for density, building setbacks, building frontage, lot coverage, building height, parking, loading, and driveways. These requirements of the refinement plan are applicable to the specific proposed development of each proposed parcel. Because the proposal includes only the partition of the land to create two individual parcels, and no buildings or specific development is proposed for the parcels as part of this application, the additional site development standards included in the refinement plan are not applicable at this time. Future development of the proposed parcels will be reviewed for conformance with the applicable site development standards of the refinement plan at the time of building permit/site plan review approval for development of the individual parcels.

SRC Chapter 205 (Land Division and Reconfiguration)

The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate development standards and regulations. 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.

The applicant has met all application submittal requirements necessary for adequate review of the proposed partition. The proposed partition, as conditioned, conforms to the applicable requirements of SRC Chapter 205.

SRC Chapter 802 (Public Improvements) & SRC Chapter 803 (Streets & Right-of-Way Improvements)

The Public Works Department reviewed the proposal and indicated the subject property is currently served by the following existing City infrastructure:

Water: The subject property is located within the S-1 water service level. An 8-inch public water main is located in Village Center Drive SE (private) and Cousteau Drive SE (private).

- Sewer:** An 8-inch public sewer main is located in Cousteau Drive SE (private) at the eastern boundary of the subject property. An 8-inch public sewer main is located in Village Center Drive SE (private). A 6-inch private sewer lateral is located within a private easement on the western boundary of the subject property.
- Storm Drainage:** Cousteau Drive SE (private) is constructed of pervious pavement.
- Streets:** The subject property abuts Cousteau Drive SE on the north and Village Center Drive SE on the south. The streets within the refinement plan have been approved with alternative standards to those included within the Salem Transportation System Plan (TSP) and SRC Chapter 803 (Streets & Right-of-Way Improvements).
- Both Cousteau Drive SE and Village Center Drive SE are private streets within the refinement plan that function as the equivalent of Local streets under the Salem Transportation System Plan.
- Cousteau Drive is part of an identified woonerf hardscape plaza within the refinement plan. The street has a variable-width pervious pavement improvement within a variable width easement along the frontage of the subject property.
- Village Center Drive has an approximate 18-foot-wide improvement within a 26-foot-wide common property.

In order to ensure that infrastructure is provided to serve the proposed development consistent with the Unified Development Code and the refinement plan the following conditions of approval are established:

- Condition 1:** Obtain permits for installation of water services to serve Parcels 1 and 2. This may be delayed pursuant to an Improvement Agreement.
- Condition 2:** Design sewer services for Parcels 1 and 2 pursuant to the Public Works Design Standards (PWDS). Construction of sewer services may be delayed pursuant to an Improvement Agreement.
- Condition 3:** Design stormwater systems to serve all proposed parcels in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
- Condition 4:** Any access and utility easements necessary to serve the proposed parcels shall be shown on the final plat.

The proposed partition, as conditioned, ensures that the proposed partition will be served with City infrastructure in conformance with the requirements of SRC Chapters 802 and 803.

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 approximate 0.7-acre property into two parcels with no remainder. The proposed configuration of the parcels allows for their vehicular access to be taken from Cousteau Drive SE. Abutting property to the west of the subject property is developed with an existing building and abutting property to the east is a common open space tract. The relative small size of these abutting properties, their existing and intended use, and their separate street frontages preclude the need for shared access or internal connectivity between the properties.

The proposed partition will not impede the future use or development of any portion of the subject property and adjoining properties have separate access to streets. This criterion is met.

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 determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition subject to the conditions of approval established in this decision. This criterion is met.

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 subject property is located within the Pringle Creek Community refinement plan which is currently served by a network of private streets that were approved with Fairview Refinement Plan Case No. FRP05-01. The private streets and alternative street standards approved with the refinement plan implement the Salem Transportation System Plan for this portion of the former Fairview Training Center site.

The subject property is bordered by Cousteau Drive SE to the north and Village Center Drive SE to the south. Both Cousteau Drive SE and Village Center Drive SE are subject to the alternative approved street cross sections included in the Pringle Creek Community refinement plan. The refinement plan requires Cousteau Drive SE to be improved as a woonerf hardscape plaza. The subject property's frontage along Cousteau Drive SE has not been fully improved to the standards required in the refinement plan. In order to ensure that Cousteau Drive is improved to its applicable refinement plan standard along the frontage of the subject property the following condition of approval shall apply:

Condition 5: Construct a half-street improvement along the frontage of Cousteau Drive SE (private) to Pringle Creek Community refinement plan and Public Works Design Standards (PWDS). This improvement may be delayed pursuant to an Improvement Agreement.

The partition, as conditioned, satisfies this approval criterion and ensures that the street system in and adjacent to the tentative partition plan conforms to the TSP.

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: Access to the proposed partition will be provided by a network of existing streets within both the Pringle Creek community refinement plan and the Legacy Heights subdivision to the south. The existing streets are designed for safe, orderly, and efficient circulation of traffic. This approval criterion is met.

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: Property within the FMU zone requires a master planning process in order to facilitate sustainable mixed-use development. Required refinement plans must address how proposed development will address a number of principles of sustainability included in the Fairview Plan, including respecting the landscape by preserving the natural features and topography of a site to the maximum.

The street system and lot configuration within the Pringle Creek Community refinement plan was largely established through a previous subdivision that not only created the subject property but also the other lots within the refinement plan area.

The proposed partition represents a further division of one of the previously approved and platted lots within the Pringle Creek Community subdivision. The two parcels proposed with this partition will allow for additional buildings to be constructed consistent with the development pattern envisioned by the refinement plan. Though the topography of the site increases along the southern and eastern portions of the subject property, the size and configuration of the proposed parcels are sufficient to allow for their further development consistent with the refinement plan without the need for variances or adjustments. This criterion is met.

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

Finding: As is explained in the findings establishing conformance with SRC 205.005(d)(6) above, the layout of the proposed partition takes into account the topography and vegetation of the site in order to minimize the amount of grading and vegetation removal that will be necessary for the proposed development. Both proposed parcels are of sufficient size to accommodate development of uses envisioned for the property under the refinement plan. This criterion is met.

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

(A) The property is zoned residential;

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

Finding: As identified in the comments from the Public Works Department, City infrastructure, including water and sewer, is available to serve the property and both proposed parcels will be required to connect to these services. Because City water and sewer are available and the proposed parcels will connect to them, this approval criterion is not applicable to the proposed partition.

6. Conclusion

Based upon review of SRC 205.005 and the findings contained under Section 5 above, 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. PAR21-13, for property located at 3970 Village Center Drive SE, 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:

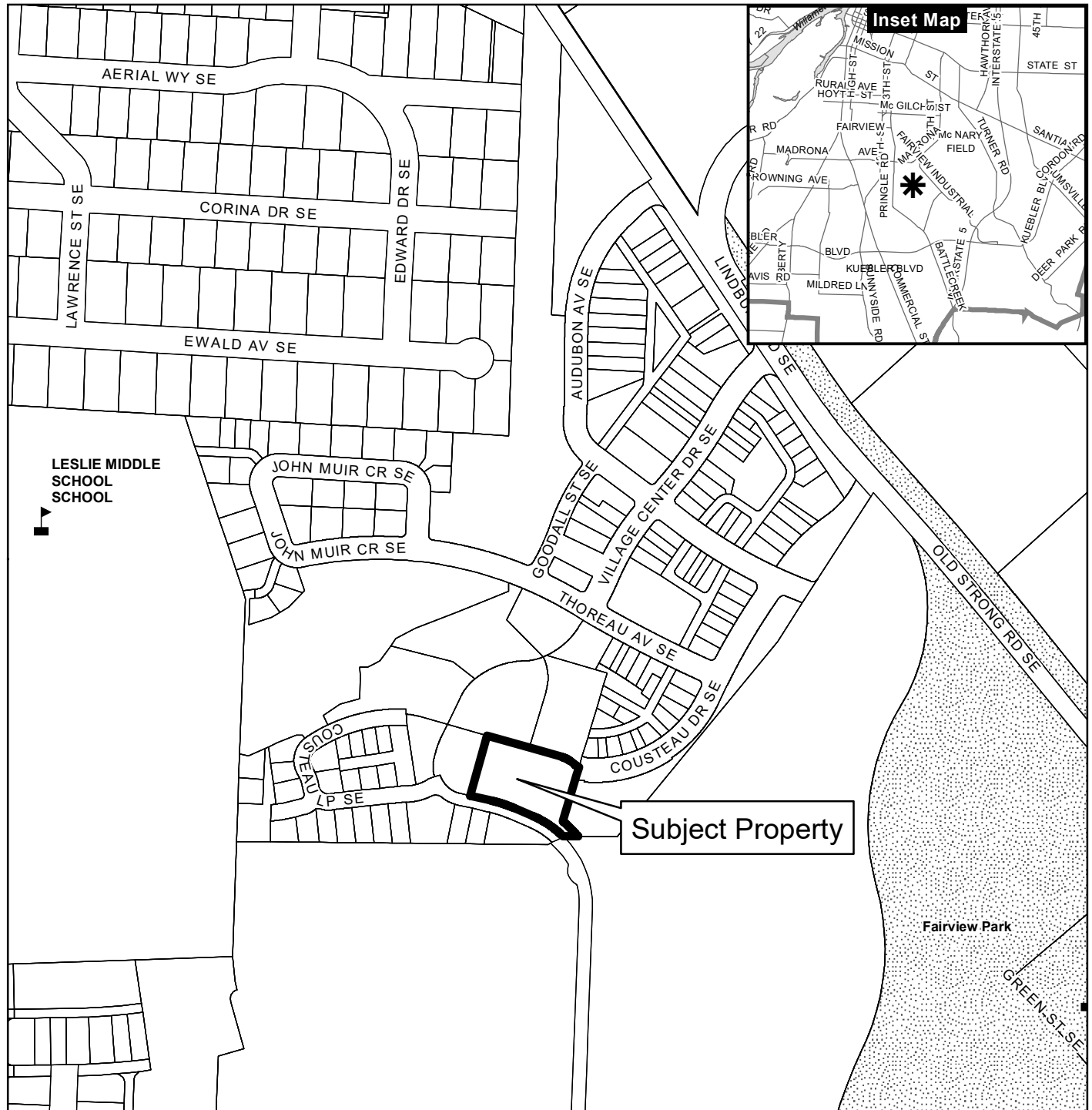
- Condition 1:** Obtain permits for installation of water services to serve Parcels 1 and 2. This may be delayed pursuant to an Improvement Agreement.
- Condition 2:** Design sewer services for Parcels 1 and 2 pursuant to the Public Works Design Standards (PWDS). Construction of sewer services may be delayed pursuant to an Improvement Agreement.
- Condition 3:** Design stormwater systems to serve all proposed parcels in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
- Condition 4:** Any access and utility easements necessary to serve the proposed parcels shall be shown on the final plat.
- Condition 5:** Construct a half-street improvement along the frontage of Cousteau Drive SE (private) to Pringle Creek Community refinement plan and Public Works Design Standards (PWDS). This improvement may be delayed pursuant to an Improvement Agreement.



Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map 3970 Village Center Drive SE



Legend

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

- Parks

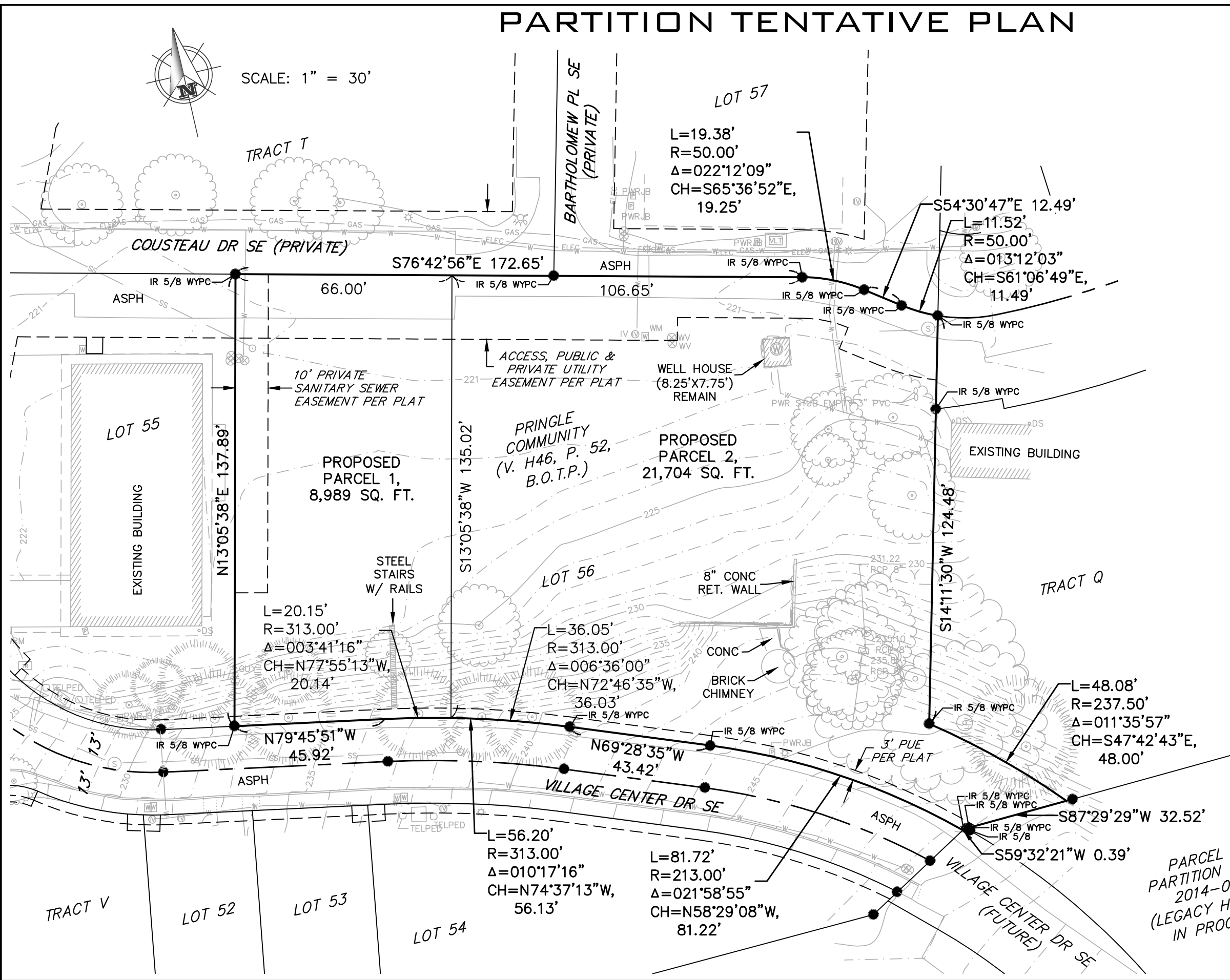
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



PARTITION TENTATIVE PLAN



APPLICANT:
OWNER:
SUSTAINABLE INVESTMENTS LLC
3700 NW FALCON RIDGE
BEND, OR 97701

SURVEYOR:
GREGORY L WILSON
3657 KASHMIR WAY SE
SALEM, OR 97317

SITE ADDRESS/TAX LOT:
3970 VILLAGE CENTER DR SE
083W02DC01700

TOTAL AREA:
30,692 SQ. FT.

ZONED:
FMU

PARCEL 1,
PARTITION PLAT
2014-003
(LEGACY HEIGHTS,
IN PROCESS)

Lot 56 Partition
Sustainable Investments, LLC

STATEMENT REGARDING TENTATIVE PARTITION

SUMMARY OF PROPOSAL

To partition Lot 56 for the development of a 2 story, 3560 square foot live/work building facing Pringle Creek Community's Village Center Plaza. The partition will create a common property line partitioning Lot 56 into two lots. The western parcel will be approximately 66' wide and 138' deep (.21 acres; 9,108 square feet) and will be the site of the live/work development. The eastern parcel will be approximately 136.67' wide by 138' (.46 acres; 20,086.93 square feet) and is reserved for future mixed-use or commercial development.

CRITERIA FOR PARTITION MET

- (1) The tentative partition plan complies with the criterion set out in SDR Sec. 205.005 (d) 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; and
 - (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
- (2) The tentative partition plan does not impede the future use or development of the property or adjacent land.
- (3) Development within the tentative partition plan can be adequately served by city infrastructure.
- (4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

(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.


(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.

(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.



MEMO

TO: Bryce Bishop, Planner III
Community Development Department

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

DATE: October 15, 2021

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 21-13 (21-101694)
3970 VILLAGE CENTER DRIVE SE
TWO-PARCEL PARTITION**

PROPOSAL

To divide approximately 0.7 acres into two parcels in a Fairview Mixed Use (FMU) zone at 3970 Village Center Drive SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Obtain permits for installation of water services to serve Parcels 1 and 2. This may be delayed pursuant to an Improvement Agreement.
2. Design sewer laterals to serve Parcels 1 and 2 pursuant to PWDS. Construction of the sewer laterals may be delayed pursuant to an Improvement Agreement.
3. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2.

FACTS

Streets

1. Village Center Drive SE (private)
 - a. Standard—This street is designated as a Local private street in the Pringle Creek Community Refinement Plan.

- b. Existing Conditions—This street has an approximate 18-foot-wide improvement within a 26-foot-wide property.

2. Cousteau Drive SE (private)

- a. Standard—This street is designated as a Local private street in the Pringle Creek Community Refinement Plan.
- b. Existing Conditions—This street has a variable-width pervious pavement improvement within a variable-width easement along the subject property frontage.

Storm Drainage

1. Existing Conditions

- a. Cousteau Drive SE (private) is constructed of pervious pavement.

Water

1. Existing Conditions

- a. The subject property is located in the S-1 water service level.
- b. An 8-inch public water main is located in Village Center Drive SE (private) and Cousteau Drive SE (private). Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch public sewer main is located in Cousteau Drive SE at the eastern boundary of the subject property.
- b. An 8-inch public sewer main is located Village Center Drive SE (private).
- c. A 6-inch private sewer lateral is located within a private easement on the western boundary 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), the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2- and 3-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 4 to 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Investigation and Landslide Hazard Study, prepared by Redmond Geotechnical Services and dated December 24, 2020, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

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

Findings—Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the

applicant's preliminary partition plan. Private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval or delayed pursuant to an Improvement Agreement.

The existing 6-inch sewer line located in the private easement at the western boundary of the property is a private lateral serving Lot 55 of the Pringle Community replat of the Pringle Creek Community Subdivision. This lateral connects to an 8-inch public sewer main located in Village Center Drive SE (private) at the intersection with Cousteau Drive SE (private). An 8-inch public sewer main is located at the eastern boundary of the subject property in Cousteau Drive SE (public). For the proposed partition, the applicant has the following options to provide sewer service to the subject property:

- a. Extend an 8-inch public sewer main, approximately 110 feet in length, from the existing public sewer main terminus in Cousteau Drive SE. Provide a public sewer easement as needed for the placement of the public main on private property pursuant to PWDS. This option may be delayed pursuant to an Improvement Agreement; or
- b. Construct independent sewer connections for the proposed parcels to either: (i) the 8-inch public sewer main located in Village Center Drive SE (private) west of the subject property, (ii) the 8-inch public sewer main located in Cousteau Drive SE (public) east of the subject property, or (iii) a newly constructed 8-inch public sewer main located in Cousteau Drive SE (private). This option may be delayed pursuant to an Improvement Agreement.

The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

All proposed 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.

Prepared by: Jennifer Scott, Program Manager
cc: File