



LAND USE APPLICATION

Application Type: SUBDIVISION

APPLICANT INFORMATION

(Check one box below for designated contact person regarding this application)

☐ Applicant Name: M&T Partners Inc.

Daytime Phone: 503.624.6300

Mailing Address: 15350 SW Sequoia Parkway STE 300

Fax Number: _____

City/State: Portland, OR

Zip: 97224

Email: scottH@pactrust.com; mattO@pactrust.com

☒ Agent: W. Josh Wells, P.E. - Westech Engineering Inc

Daytime Phone: 503.585.2474

Mailing Address: 3841 Fairview Industrial Drive SE STE 100

Fax Number: _____

City/State: Salem, OR

Zip: 97302

Email: jwells@westech-eng.com

PROPERTY INFORMATION

2531 Boone Road

7.57 acres

TL 600 (8 3W 12C)

TL 702 (8 3W 11D)

(Street Address or Location of Subject Property)

(Total Size of Subject Property)

(Assessor Tax Lot Numbers)

2 Existing Buildings on separate TL's and associated parking lot and utilities.

CO & CR

Commercial

(Existing Use, Structures, and/or Other Improvements On Site)

(Zoning)

(Comp Plan Designation)

PROPOSED PROJECT INFORMATION

Subdivide the two parcels into a total of 6 parcels

(Describe the Proposed Use or Development of Subject Property)

NEIGHBORHOOD ASSOCIATION:

CONTACTED? ☐ Yes ☒ No

The City of Salem recognizes, values, and supports the involvement of residents in land use decisions affecting neighborhoods across the city and strongly encourages anyone requesting approval for any land use proposal to contact the affected neighborhood association(s) as early in the process as possible.

(Describe Contact with the Affected Neighborhood Association)

Date Contacted _____

SALEM - KEIZER TRANSIT CONTACTED?

☐ Yes ☒ No

(Describe Contact with Salem - Keizer Transit)

Date Contacted _____

AUTHORIZATION BY PROPERTY OWNER(S) / APPLICANT

***If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your land use application.**

(Property owners and contract purchasers are required to authorize the filing of this application and must sign below)

① All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

② I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.

③ I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

Signature U.A. President

(Signature)

Signature Scott D. Horson U.P.

(Print Name)

12/27/13

(Date)

15350 SW Sequoia Parkway Ave STE 300 Portland, OR 97224

(Address - Include Zip)

(Signature)

(Print Name)

(Date)

(Address - Include Zip)

STAFF USE ONLY - DO NOT WRITE BELOW - STAFF USE ONLY

Received By: BTE

Date: _____

Receipt No. 13-11992-LD

**APPLICANT'S STATEMENT FOR M&T PARTNERS, INC. -
KUEBLER GATEWAY COMMERCIAL PROJECT SUBDIVISION**

Background

M&T Partners, Inc. (M&T) proposes to subdivide its 7.32 acre property located along the east side of Battle Creek Road, between Kuebler Blvd. and Boone Road. The M&T property makes up the western end of the Kuebler Gateway commercial project, which consists of a 28 acre tract situated between Kuebler Blvd., Boone Road, 27th Avenue, and Battle Creek Road. The contiguous Kuebler Gateway site is planned and zoned for a commercial retail and office center. M&T Partners, Inc. is a wholly-owned subsidiary of Pacific Realty Associates, L.P., which owns the rest of the commercial property adjacent to the east of M&T. The first phase of the development, consisting of two office buildings, has been built on the M&T property. One of the buildings is occupied by Salem Clinic.

The M&T property currently exists as two contiguous Tax Lots, identified as Tax Lot 600 on Assessor's map T8S-R3W-Section 11D, and Tax Lot 702 on map -12C. Tax Lot 600 is 4.73 acres and has frontage along Battle Creek Road, Boone Road, and Kuebler Blvd. Tax Lot 702 is 2.59 acres and has frontage along Boone Road. The parcels currently share two common property boundaries, a north-south line that constitutes an eastern/western boundary, and an east-west line that constitutes a northern/southern boundary.

The M&T property is zoned CO and CR (Zone Change Case 09-3). The CO zoning borders Boone Road, and includes Tax Lot 702 and the southern part of Tax Lot 600. The two office buildings are within the CO zoned area of the property. The remaining land to the north, which is all within Tax Lot 600 and borders Kuebler Blvd., is zoned CR and is vacant.

Access to the property is provided by a driveway to Boone Road, which runs along the east side of the property. This driveway will also serve as an access in common with the adjoining commercial land to the east, in keeping with a condition of approval adopted at the time of zoning approval, Comp Plan Amendment/Zone Change Case 06-6.

Subdivision Preliminary Plan

The purpose of the proposed subdivision is to create future building lots for the next stage of the site's development. The proposal is to divide the property into six lots, two of which will contain the existing buildings. As shown on the preliminary subdivision plan provided by Westech Engineering, the Project Engineer, Lot 1 is at the corner of Battle Creek Road and Kuebler; Lots 2 and 3 are located along the Kuebler frontage; Lot 4 is situated in between Lots 2 and 3 on the north, Lot 5 on the south, and the common access drive; Lot 5 is located along the Boone Road frontage and is the site of the Salem Clinic Building, and Lot 6 borders Boone Road and Battle Creek Road, and includes the second office building.

The size, zoning, and existing condition of each proposed lot is as follows:

Lot 1	.841 acre/36,634 squ. ft.	CR	vacant
Lot 2	.795 acre/34,630 squ. ft.	CR	vacant
Lot 3	.920 acre/42,835 squ. ft.	CR	vacant
Lot 4	.872 acre/37,984 squ. ft.	CR	vacant
Lot 5	2.346 acres/102,192 squ. ft.	CO	developed, Salem Clinic
Lot 6	1.549 acres/67,474 squ. ft.	CO/ CR (northern edge),	developed, office building

There is no minimum lot size in the CR zone. The minimum lot size for most non-residential uses in the CO zone is 6,000 squ. ft. The proposed lots satisfy the applicable lot size requirements.

The primary access to all of the proposed lots is the common driveway to Boone Road. None of the lots have individual access to any of the bordering public streets. Reciprocal access easements will allow all six of the lots in this subdivision to access the common driveway to Boone Road, as well as lots created in the future from the commercial area to the east as it is developed. As more than four lots will have access to the easement; more than 15% of the lots in this subdivision will be "flag lots", and the length of the flag lot access easement will be greater than 400', Class 2 Adjustments to SRC 63.295(a) and (d) (ref Table 63-1) are required. The requirements for the Adjustments are addressed as part of this report.

Findings for Approval of a Subdivision, SRC 63.046

(b) Before approval of a tentative plan, the planning administrator shall make affirmative findings that :

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

The proposed subdivision constitutes all of the land in the ownership of M&T Partners, Inc., at this location. The subdivision is proposed to create building lots that will promote and enhance the future use of the property. The development of the property is being coordinated with the future development of the commercial land to the east with regards to building placement, driveway access, parking and circulation, internal utility infrastructure, and public improvements, among other factors. Both the subject property and the adjoining commercial land to the east are subject to the conditions of approval adopted in the decision for CPC-ZC 06-6, which assures that incremental development provides for the future use of remaining portions of the 28 acre site. Because the development of the overall 28 acre site is coordinated by the conditions of approval with regards to on-site and off-site improvements, and these requirements are incorporated into the subdivision design, the future use of the M&T property will not be impeded, and the safe and healthful development of the remaining adjoining commercial land to the east, and the access to it, will not be adversely affected. Approval of the subdivision will benefit the future use and development of the contiguous property by including incremental development of facilities that will serve both properties.

(2) Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plan.

The water, sewer, street and storm drainage facilities have been designed by Westech Engineering, the Project Engineer, and permits for construction were issued by the City. As stated by the Project Engineer, during 2013 the applicant submitted private and public construction drawings that were reviewed and approved by the City of Salem. The private improvements consisted of two buildings, a parking lot, private sanitary sewer system, private water system, and a private storm drain system. The storm drain system included detention and stormwater quality treatment for a 7.57 acre site. The public improvements consisted of

widening Boone Road, Battle Creek Road SE and a portion of Kuebler Blvd., as well as public sanitary sewer, storm and water line infrastructure. After City plan approval the applicant constructed the private (PERMIT # 12-115538-CO et al) and public improvements (PERMIT # 12-107400-02-PC) later that year in 2013. To date, the City has accepted the public improvements, thereby acknowledging that the improvements were constructed per City standards. Improvements constructed during this project provide the necessary infrastructure consisting of private sanitary sewer, private storm sewer, and public water that are available to fully serve this proposed subdivision.

(3) The tentative plan complies with all applicable standards of this Code, including the Salem zoning ordinance, unless a variance or adjustment therefor has been obtained.

The subdivision property is zoned CO and CR. There is no minimum lot size in the CR zone. The minimum lot size for most non-residential uses in the CO zone is 6,000 square feet. The two proposed lots in the CO part of the property are substantially larger than 6,000 square feet, and they are developed. All applicable standards of the Code were met at the time of development. The proposed undeveloped lots also meet the applicable lot standards of 63.145. The subdivision borders the adjacent, vacant CR land to the east only along the east line of Lot 3. Because the proposed lot and the adjoining land are zoned CR it is expected that the bufferyard setback requirement will be minimal.

Three features of the subdivision require Adjustments. More than four lots will be served by an access easement; Lots 1, 2, 3, and 6 are flag lots; and the length of the accessway exceeds 400'. Class 2 Adjustments to the standards of SRC 63.295(a) and (d) and Table 63-1 are requested for these features, and the criteria of SRC 250.005(d)(2) are addressed below.

At the time the development of a lot is proposed, the site plan will be required to demonstrate compliance with the applicable standards for property line setbacks, parking, access, landscaping, etc.

(4) The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

There are no residential areas adjacent to the proposed subdivision, and no neighborhood activity centers within a half-mile. The nearest residential area is located to the north-east, across Boone Road. An internal driveway along the east side of the subdivision provides access to Boone Road. This driveway will also serve as access to the adjoining commercial land to the east of the subdivision. Easements will provide access to each proposed lot, as well as future lots. Bicycle and pedestrian access will be available along Boone Road, and along the internal driveway providing access to the subdivision. Boone Road is a public street, and sidewalks and a bike lane will be located along Boone Road. By providing a direct link to Boone Road, the public street that serves the nearest residential area, safe and convenient bicycle and pedestrian access will be available from within the subdivision.

Adjustments, SRC Chapter 250

Class 2 Adjustments are requested to allow more than four lots to be served by the accessway, to allow the number of flag lots in the subdivision to exceed 15%, and to allow the length of the access to the flag lots to be greater than 400'. The criteria for a Class 2 Adjustment in SRC 250.005(d)(2) are addressed as follows:

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is*
 - (i) Clearly inapplicable to the proposed development, or*
 - (ii) Equally or better met by the proposed development*

The application satisfies (A)(ii). The property is subject to the conditions of approval of CPC/ZC 06-6, which apply to the entire contiguous 28 acres. Those conditions limit the number and the location of the driveways that can provide access to the public streets. These are one driveway to Boone Road, one driveway to 27th Avenue (at the far east end of the 28 acre site), and one right-in only from Kuebler Blvd. The limited number and specific location of the driveways makes it necessary to serve the development property with reciprocal easements for access to the driveways. In addition, the size and dimensions of the subdivision, in particular its depth to the west of the Boone Road driveway, results in the necessity for four flag lots, and an accessway length that exceeds 400'.

The large size of the property is a geographic feature that makes it impractical to limit the length of the accessway to 400' (ref Table 63-1 footnote 4). There will be adequate turn-around space for emergency vehicles at the end of the accessway within each lot. The conditions of approval that limited the number of driveways to the public street, and specified their locations, was adopted to assure adequate access to the contiguous development and efficient flow of traffic on the public streets. The proposed access to the lots and the property provides them with appropriate access to the common driveway, as required by the conditions of approval. For these reasons, the purpose underlying the three specific development standards proposed for adjustment are equally or better met by the proposed development, and this criterion is satisfied.

(B) (This criterion applies only to property located in a residential zone. The subject property is zoned CR. Therefore, this criterion does not apply.)

(C) If more than one adjustment has been requested the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone. Three Adjustments are requested; to allow more than four lots to be served by the accessway, to allow more than 15% of the lots to be flag lots, and to allow the length of the accessway to exceed 400'. The purpose of the zone in this case was established through the zone change cases that applied the CR and CO zones, CPC/ ZC 06-6 and ZC 09-3. The purpose was to enable a consolidated, coordinated retail and office center on the contiguous 28 acre site. Conditions of approval specify how aspects of the development, including access to the public street, are to be coordinated. The requested Adjustments fulfill the requirements of those conditions by providing internal access to the property from the common driveway that will access the public street. The proposed flag lots lie greater than 400' distant from the common driveway as a result of the size of the property. However, the project remains consistent with the overall purpose of limiting access to the public street to the specified number and location of common driveways. Therefore, the cumulative effect of the three requested Adjustments results in a project that conforms to the zoning conditions of approval, and which is still consistent with the overall purpose of the zone. These factors satisfy this criterion.

Summary

The land to be subdivided is part of the larger, approved, commercial center project. The subdivision organizes the future development of this part of the overall commercial site, and it coordinates future development with the provision of public services. It will have no effect on off-site properties and it will not change the relationship of the commercial center to adjoining properties. The exterior boundaries of the larger, approved, project site will not change as a result of the subdivision. Access to the subdivision lots from the external streets will remain as specified in the project conditions of approval. The proposed subdivision covers all of the property in the M&T ownership and there is no remainder that is not part of the subdivision. The subdivision will not adversely affect the safe and healthful development of the remaining commercial land within the project site to the east, or affect its access. The provisions made for water, sewer, streets, and storm drainage facilities for the subdivision comply with the City's public facility plan. The tentative subdivision plan addresses the applicable standards of the Zone Code, through compliance with the standards and by showing how the three requested Adjustments are equally consistent with the standards. The subdivision provides for all private and public facilities needed to serve the project.







For the facts and reasons presented, the subdivision addresses and satisfies the criteria for approval.

LEGEND

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC.	STREAM, LAKE, ETC.
TAX LOT BOUNDARY	NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BDY.
TAX CODE BOUNDARY	EASEMENT

SYMBOL TYPES

D.L.C.		
CONTROL POINTS		
SURVEY MONUMENTS		
G.L.O. CORNERS		
SECTION	1/4 SEC	1/16 SEC
	 1/4 COR	 1/16 COR

NUMBERS

TAX CODE NO.
000 00 00 0

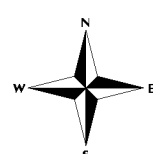
ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

226.00
169.00

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 200'
or 1:2400

Plot file created: April 23, 2013
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SE1/4 SEC.11 T8S R3W WM, MARION COUNTY

8 3W 11D

Cancelled
201
301
501
502
603
700A1
701
702
703
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1901
2000
2001
2002
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2302
2303



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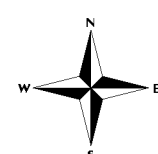
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225.00
169.00

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