

ATTACHMENT 4

ISSUE: Preliminary Declaration for Urban Growth Area Development Permit No. 07-5

DATE OF DECISION: June 13, 2007

APPLICANT: Garret and Alice Berndt

PURPOSE OF REQUEST:

To determine the public facilities required by the Urban Growth Management Program to develop approximately 9.95 acres, zoned RA (Residential Agriculture) and located inside the City of Salem outside the USA (Urban Service Area) and located at 6617 Devon Avenue SE.

ACTION:

The following is a Preliminary Declaration of the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property. The Preliminary Declaration is subject to the terms of Salem Revised Code (SRC) Chapter 66, the Salem Transportation System Plan (STSP), the City of Salem Stormwater Management Master Plan, City of Salem Water System Master Plan, Salem Wastewater Management Master Plan, Public Works Design Standards, Comprehensive Parks System Master Plan, and conditioned on the provision of the public facilities as listed below.

This Preliminary Declaration for a UGA permit addresses only those facility requirements necessary to link the development to adequate facilities and boundary requirements abutting the property (SRC 66.140). All internal facility improvement requirements will be addressed at the time of development of the property. Salem Revised Code (SRC) Chapter 66 "Urban Growth Management" sets forth the City's authority for imposing linking and boundary facility improvement requirements.

The Facts and Findings of the Departments of Public Works and Community Services are attached as Exhibits 1 and 2. The applicant has the responsibility to provide the following facilities pursuant to the requirements of the UGA Development Permit and according to SRC Chapter 66:

A. Linking Street Requirements

1. Along the City-approved Lone Oak Road SE alignment, the applicant shall convey land for dedication of sufficient right-of-way to provide 60 feet (SRC 66.140(a)(4); SRC 63.237).
2. Along the city approved Lone Oak Road SE alignment, the applicant shall construct a full street improvement to the satisfaction of the Public Works Director (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).

B. Boundary Street Requirements

1. Because there is no other right-of-way along the boundary of the property, no boundary street improvements are required.

C. Storm Drainage Requirements

1. The applicant shall be required to design and construct a complete storm drainage system at the time of development. The applicant shall provide an analysis that includes capacity calculations, detention requirements, and evaluation of the connection to the approved point of disposal (SRC 63.195). The applicant shall link the onsite system to existing facilities that are defined as adequate under SRC 66.020(a).

**UGA DEVELOPMENT
REVIEW COMMITTEE**

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



D. Water Service Requirements

1. The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 66.120).
 - a. Construct the Champion Hill Reservoir (S-3) and the Water System Master Plan piping from the Reservoir to the subject property in an alignment approved by the Public Works Director.

E. Sanitary Sewer Requirements

1. The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 66.110).
 - a. The applicant shall construct a Master Plan sewer line to the end of the proposed Lone Oak Road SE improvements as approved by the Director of Public Works.

F. Parks Requirements

Based on the policies of the Comprehensive Park System Master Plan, the provisions of SRC 66.125, and the finding, no neighborhood park land, access route, or other park linkages are required as a part of this UGA Development Permit Application.

Date of Preliminary Declaration: June 13, 2007

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, not later than **June 28, 2007, 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the Urban Growth Management Ordinance (SRC Chapter 66). The 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 appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

This Preliminary Declaration will expire on June 13, 2009

Attachments: Exhibit 1: Facts and Findings of the Department of Public Works
Exhibit 2: Facts and Findings of the Department of Community Services
Exhibit 3: Vicinity Map

Prepared by Jennifer Brown, Assistant Planner

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PUBLIC
CITY OF *Salem*
AT YOUR SERVICE
WORKS

COMMUNITY
DEV. DEPT
MEMO

TO: Jennifer Brown, Assistant Planner
Department of Community Development *JBrown*

FROM: Tony C. Martin, P.E., Senior Development Services Engineer
Public Works Department

DATE: April 24, 2007

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
UGA NO. 07- 5 PRELIMINARY DECLARATION
6617 DEVON AVENUE SE
RESIDENTIAL DEVELOPMENT**

PROPOSAL

To determine the public facilities required by the Urban Growth Management Program to develop a residential subdivision on approximately 9.95 acres in a RA (Residential Agricultural) zone at 6617 Devon Avenue SE.

RECOMMENDED CONDITIONS

1. Linking Street - Construct a linking street connection from the west line of the subject property to the nearest adequate facility along the Lone Oak Road SE alignment as approved by the Public Works Director.
2. Linking Storm - Submit an engineered drainage study and capacity calculations from the proposed development to the approved points of disposal, and construct the necessary improvements to provide adequate capacity as specified in the Stormwater Management Design Standards.
3. Linking Water - Link the proposed development to adequate facilities by the construction of the Champion Hill Reservoir (S-3) and the *Water System Master Plan* piping from the Reservoir to the subject property in an alignment approved by the Public Works Director.
4. Linking Sewer - Construct a Master Plan sewer line to the end of the Lone Oak Road SE improvements as approved by the Director of Public Works.

EXHIBIT 1

UGA INFRASTRUCTURE DETAIL

Urban Growth Area Development (UGA) Permit

The subject property is located outside of the Urban Service Area (USA), or inside the USA in an area without required facilities. An Urban Growth Area Development (UGA) Permit is required (SRC 66.050). A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 66.

CURSORY REVIEW OF DEVELOPMENT REQUIREMENTS

Streets

1. Linking Streets - The subject property is not currently linked to an adequate linking street. An adequate linking street is defined as: (1) The nearest point on a street that has a minimum 34-foot improvement within a 60-foot-wide right-of-way (collectors or arterials); or (2) a street which has a minimum 30-foot-wide improvement within a 60-foot-wide right-of-way (local) (SRC 66.100(b)).
 - a. Lone Oak Road SE Extension - The applicant shall be required to provide a linking street connection from the west line of the subject property to the nearest adequate facility as approved by the Public Works Director.
 - i. Existing Conditions - Lone Oak Road SE is an under improved boundary street identified in the Salem TSP as a north/south collector street. Lone Oak Road SE is being built within phases to the north as part of the Creekside Development. There is a street section that will need to be constructed from Sahalee Drive SE to the west line of the subject property.
 - ii. Standard - This street is designated as **collector** street in the *Salem Transportation System Plan*. The linking street standard for this street is a 34-foot turnpike improvement within a 60-foot-wide right-of-way (SRC 66.100(b)).
 - iii. Improvement Requirements

Dedication - Along the City-approved Lone Oak Road SE alignment, the applicant shall convey land for dedication of sufficient right-of-way to provide 60 feet (SRC 66.140(a)(4); SRC 63.237).

Improvements - Along the City-approved Lone Oak Road SE alignment, the applicant shall construct a full-street improvement to the satisfaction of the Public Works Director (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).

2. Boundary Streets - All streets abutting the property boundaries shall be designed to the greater of the standards of SRC 63.225 and SRC 63.235 and the standards of linking streets in SRC 66.100(c). There was a 25-foot right-of-way section of Devon Avenue SE along the north line of the subject property. Because there is no other right-of-way along the boundary of the property, no boundary street improvements are required. The internal streets shall provide the connection to Lone Oak Road SE from the subject property.
3. Right-of-Way Acquisition - Right-of-way required for boundary and linking street improvements is the obligation of the applicant. If the applicant is unable to obtain the required right-of-way after good faith attempts, they shall prepare the legal descriptions thereof and transmit them to the City Attorney, who shall proceed to acquire them through exercise of the City's power of eminent domain as though the public improvements were to be funded by the City. All costs incurred as a part of this procedure shall be paid by the applicant (SRC 66.090). All rights-of-way, easements, and titles to property acquired by the developer shall be deeded or dedicated, free of all liens and encumbrances, to the City prior to commencement of any construction of required facilities (SRC 66.090).
4. Rees Hill Road SE and Devon Avenue SE are under the jurisdiction of Marion County. Marion County has requested improvements to Rees Hill Road SE if alternate routes for construction traffic are not available. Applicant shall coordinate with Marion County regarding the use and any improvements to Rees Hill Road SE and Devon Avenue SE.

Traffic

Transportation Impact Analysis (TIA) - As a requirement of development, the applicant may be required to provide a Transportation Impact Analysis (TIA) to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; PWDS Bulletin No. 19). The City Traffic Engineer will determine the need for a TIA based on the development proposed for the site, and review and approve the TIA for conformance with City Standards. Construction plans for the development will not be reviewed without an approved TIA or a waiver from the City Traffic Engineer. Pending completion of the TIA, the applicant is advised that the following are minimum requirements.

Storm Drainage

1. Existing Conditions
 - a. The subject property is located within the Battle Creek Drainage Basin. The drainage from this site will go to Battle Creek.
 - b. The Champion Drainage Swale is just to the west of the subject property. This swale will be affected by the proposed construction of the Lone Oak Road SE alignment.
2. Linking Storm Facilities - The applicant shall be required to design and construct a complete storm drainage system at the time of development. The applicant shall

provide an analysis that includes capacity calculations, detention requirements, and evaluation of the connection to the approved point of disposal (SRC 63.195) The applicant shall link the onsite system to existing facilities that are defined as adequate under SRC 66.020(a).

Water

1. Existing Conditions
 - a. The subject property is located within the S-3 water service level.
 - b. There is a 10-inch S-3 public water line in Sahalee Court S. The S-3 water system is currently at or near capacity and is not adequate to serve this site.
2. Linking Water Facilities - The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 66.120).
 - a. Construct the Champion Hill Reservoir (S-3) and the *Water System Master Plan* piping from the Reservoir to the subject property in an alignment approved by the Public Works Director.
3. Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.

Sanitary Sewer

1. Existing Sewer
 - a. There is a 12-inch public sanitary sewer line is located within the Creekside Golf Course.
 - b. There is an 8-inch public sanitary sewer line in Sahalee Court S.
 - c. There is an 8-inch public line under construction in Lone Oak Road SE that terminates just past Sahalee Drive SE.
2. Linking Sewer Facilities - The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 66.110).
 - a. The applicant shall construct a Master Plan sewer line to the end of the proposed Lone Oak Road SE improvements as approved by the Director of Public Works.
3. Any existing septic tank systems shall be abandoned (SRC 73.110).

Prepared by: Leta Gay Snyder, Development & Inspection Specialist
Public Works Department

MEMORANDUM

TO: Jennifer Brown, Assistant Planner, Dept. of Community Development
THROUGH: Thom Kaffun, Parks Project Section Manager, Dept. of Community Services
FROM: Lisa Tyler, Landscape Architect, Dept. of Community Services
DATE: 5 June 2007
SUBJECT: UGA Development Permit Application No. 07-05
6617 Devon Avenue SE

ISSUE: What park facilities would be required by Chapter 66, the Urban Growth Management Program, to develop the subject property?

FACTS AND FINDINGS:

1. The approximately 9.95 acre subject property is located outside the Urban Service Area (USA). Because the development is proposed before becoming part of the USA, an Urban Growth Area Development Permit is required and must conform to the requirements of the Urban Growth Management Plan, SRC Chapter 66. This means that certain public facilities may be required. Park requirements are based on policies in the adopted Comprehensive Park System Master Plan (CPSMP).
2. SRC 66.125, Standards for Park Sites, stipulates that the Development Review Committee shall require that an Urban Growth Area (UGA) Development Permit applicant reserve property necessary for an adequate neighborhood park, access to park sites, recreation route or similar uninterrupted linkage based upon the CPSMP.
3. Neighborhood park locations are based on average service areas having a radius of 1/3 mile, a middle distance used to implement the 1/4 to 1/2 mile service area radius required in the CPSMP.
4. The subject property is zoned Residential Agriculture (RA).
5. Policy states that to determine if a property is served it should be within 1/2 mile of a neighborhood park. The 1/2 mile distance is measured from the nearest point on the park property to the farthest point on the subject property. The farthest point on the property is approximately 4025 feet (0.76 mile) from Lone Oak Reservoir Park, an undeveloped neighborhood park. The subject property is not within the service area of a neighborhood park.
6. A series of detailed park land siting criteria, known as "administrative procedures," are used to assist in determining the location of the neighborhood Preferred Park Area and also generally described in the CPSMP as policy 1.7, which delineates "preferred" neighborhood park locations. The site selection criteria states: "Site selection criteria shall be used to evaluate and select new park and recreation sites. These criteria should address the following issues: 1. Central location; 2. Neighborhood access; 3. Location of complimentary public facilities (e.g. schools); 4. Population distribution within the service area; 5. Available sites; 6. Land acquisition costs 7. Location of other park and recreation facilities in adjoining service areas; and 8. Unique features and/or natural assets.
7. A response to each of the park siting criteria is as follows:
 1. *Central location:* The 9.95 acre subject property is partially wooded with some outbuildings on the property. The property is located in the area south of the Creekside Golf Course and residential development.

2. *Neighborhood access:* The subject property is in an area of underdeveloped properties. The majority of the properties are outside the Salem City Limits. The area to the northeast is developed into 1/2 acre residential lots and a multi-family condominium. Until new roads are developed in the area there is not good pedestrian access.

3. *Location of complimentary public facilities (e.g. schools):* The closest elementary school is Rosedale Elementary (Outside the UGB) and Sumpter Elementary. (Both over 1 mile) The closest Middle school is Crossler, located approximately 1.3 miles to the northwest. Sprague High School is approximately 2 miles to the northwest.

4. *Population distribution within the service area:* Residential development exists mainly to the to the north and east.

5. *Available sites:* Vacant, undeveloped, and/or underdeveloped land is available in the area. At this time opportunities for purchase have not been identified.

6. *Land acquisition costs:* The subject property and surrounding properties are underdeveloped and zoned for residential development. The county zoning for the area is Urban Transition (UT-10). The property costs would reflect residential development potential. The properties outside the City Limits may appraise at a lower cost.

7. *Location of other park and recreation facilities in adjoining service area:* Rees Park a 1 acre developed neighborhood park is located to the east across Sunnyside Road; 3 acres of undeveloped park land is located to the northeast on Wiltsey Road and approximately 12 acres of undeveloped park land is located to the northwest at the Lone Oak Water Reservoir.

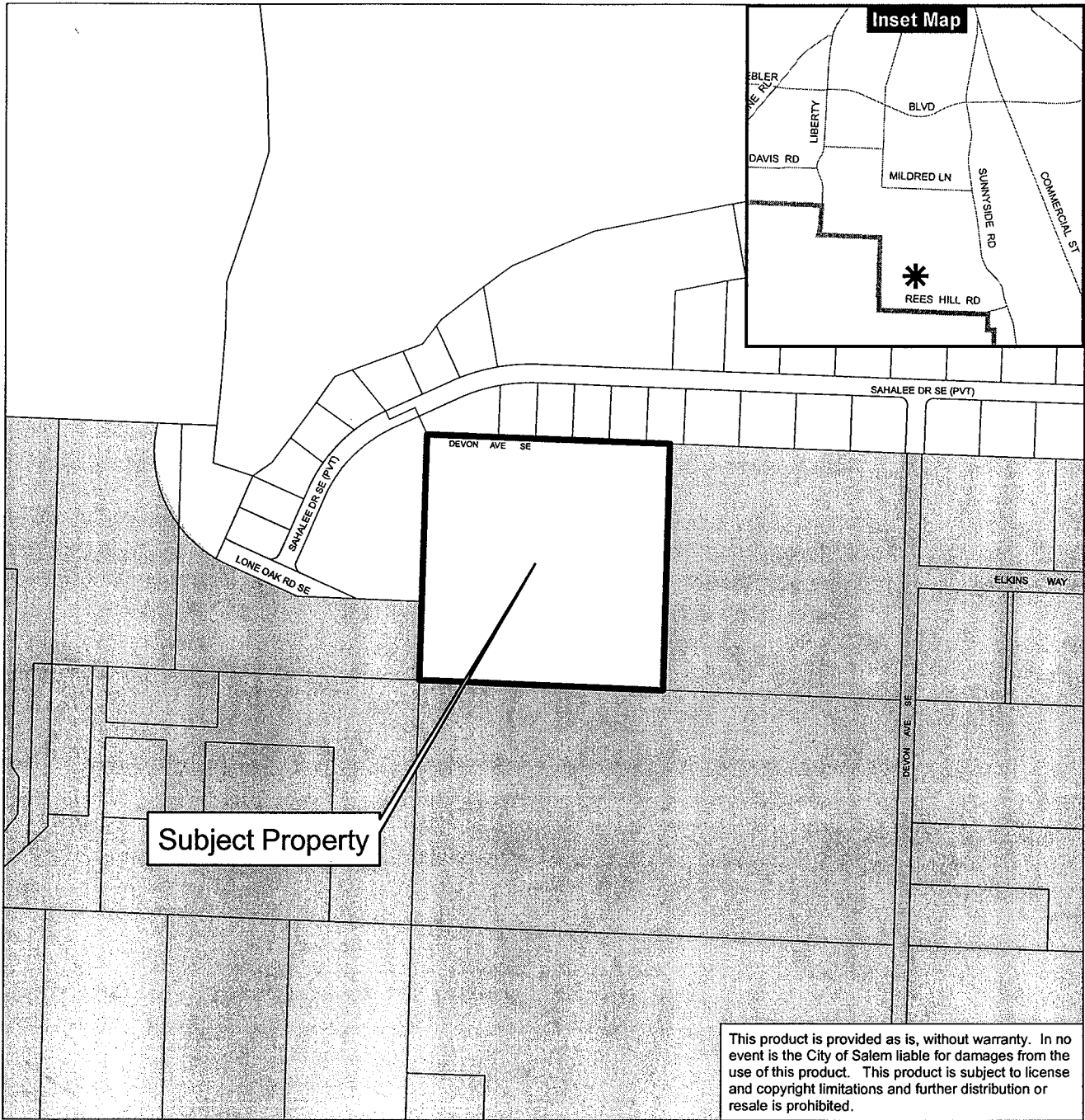
8. *Unique features and/or natural assets.* No know unique features or natural assets. The property contains mature trees and has an average 12% slope.

8. The Park System Master Plan does indicate the need for two neighborhood parks within 1/2 mile of the subject property. There is approximately 223 acres, within the UGB, outside of any park service area. There are approximately 330 acres bounded by Sunnyside Road, Creek Side Golf Course, and the UGB that would be served by park(s) in this area. Approximately 10.7 acres would serve the 330 acres of unserved or under served area between Sunnyside Road and the Urban Growth Boundary.
9. Conclusion: The subject property is not served by park land. The property is in the preferred park service area, especially if it is determined that a single neighborhood park could service the unserved areas. Due to the property having average slopes of 12% and the availability of land with less slopes, Staff has determined that park land will not be required as part of this UGA permit. Access will be reviewed during application for subdivision.

RECOMMENDATION:

1. Based on the policies of the Comprehensive Park System Master Plan, the provisions of SRC 66.125, and the findings above, no neighborhood park land, access route, or other park linkages are required as a part of this UGA Development Permit Application.

Vicinity Map 6617 Devon Avenue SE



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Legend






-  Outside Salem City Limits
-  Urban Growth Boundary
-  Taxlots
-  Schools
-  Parks



EXHIBIT 3