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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY DECLARATION CASE NO.: SUB-UGA23-07

APPLICATION NO.: 22-123181-PLN

NOTICE OF DECISION DATE: July 11, 2023

SUMMARY: A consolidated application for a proposed five-lot subdivision (Clutch Acres).

REQUEST: A Subdivision Tentative Plan to divide the approximate 390-acre property into five lots ranging in size from approximately 15 acres to 246 acres. Consolidated with an Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development.

The subject property is zoned PS (Public Service), approximately 390 acres in size, and located at 5465 - 5485 Turner Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W17 / 400).

APPLICANT: Britany Randall, Brand Land Use and Chris Blackburn, Clutch Industries

LOCATION: 5465-5485 Turner Road SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 200.025(d) – Urban Growth Preliminary Declaration

FINDINGS: The findings are in the attached Decision dated July 11, 2023.

DECISION: The **Planning Administrator APPROVED** Subdivision Tentative Plan and Urban Growth Preliminary Declaration Case No. SUB-UGA23-07 subject to the following conditions of approval:

- Condition 1:** The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC).
- Condition 2:** Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Prior to development or further division, construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

NOTICE OF DECISION

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



- Condition 4:** Prior to final plat or delayed pursuant to an improvement agreement, if the criteria of ORS 92.090 are not met, the applicant shall design and construct public water, sewer, and stormwater to serve the development, as identified in the Urban Growth Area Preliminary Declaration (SUB-UGA23-07):
- a. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
 - b. Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.
 - c. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.
- Condition 5:** As a condition of development or new sewer service, the applicant shall either:
- a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
 - b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.
- Condition 6:** Prior to plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 7:** Prior to plat approval, dedicate easements for existing public infrastructure on the site to meet current Public Works Design Standards for width.
- Condition 8:** At the time of development or future land division, dedicate a 10-foot public utility easement along the street frontage of all internal streets and Turner Road SE and Gath Road SE.
- Condition 9:** Prior to final plat, where the subdivision has frontage on both sides of Turner Road SE, convey land for dedication equal to a full-width right-of-way of 72-feet for Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 10:** Prior to final plat, where the subdivision has frontage on one side of Turner Road SE, convey land for dedication equal to a half-width right-of-way of 36-feet on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

- Condition 11:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on both sides of Turner Road SE, construct a full-width improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 12:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on one side of Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** Prior to final plat or deferred with Deferral Agreement, construct a three-quarter-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 14:** Prior to development or further land division, provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.
- Condition 15:** Prior to development or further land division, coordinate with Cherriots and provide improvements needed for public transportation service.
- Condition 16:** Prior to final plat, along Mill Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 17:** At the time of future land division or proposed development, the applicant shall submit any applicable information required by SRC Chapter 810 Landslide Hazards based on the landslide hazard risk assessment in SRC Chapter 810.025(a).
- Condition 18:** At the time of future land division or residential development, enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44) and create a lot reserved for conveyance to the City as park property.
- Condition 19:** At the time of future land division or residential development on the site, that is not within one-half-mile walking distance of a neighborhood park, shall pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.
- Condition 20:** At the time of future land division or residential development, construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.

- Condition 21:** At the time of future land division or development (or any phase that generates 140 or more cumulative PM peak hour trips), construct dual northbound left turn lanes on Turner Road SE with approximately 250 feet of vehicle storage in each lane, and construct dual west bound receiving lanes on Kuebler Boulevard SE a minimum of 400 feet in length.
- Condition 22:** At the time of future land division or development (that generate 230 or more cumulative PM peak hour trips), install a single lane roundabout at the intersection of Turner Road SE and Deer Park Drive SE, flatten the curve on Turner Road SE at the intersection of Gath Road SE, and sever the intersection of Gath Road with Turner Road SE.
- Condition 23:** At the time of future land division or development or phase that generates a cumulative PM Peak Hour Volume of 690 vehicles, construct an additional westbound through lane at the intersection of Kuebler Boulevard SE and 36th Avenue SE to the extent practicable. Reconstruct the traffic signal as necessary to accommodate the improvements and extend the through lane along Kuebler Boulevard SE to the northbound ramp of the Interstate-5 freeway interchange.

The rights granted by the attached decision must be exercised, or an extension granted, by July 27, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>April 17, 2023</u>
Notice of Decision Mailing Date:	<u>July 11, 2023</u>
Decision Effective Date:	<u>July 27, 2023</u>
State Mandate Date:	<u>November 14, 2023</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

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., Wednesday, July 26, 2023. 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 and 200. 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 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.

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

DECISION

IN THE MATTER OF THE APPROVAL) FINDINGS AND ORDER
OF TENTATIVE SUBDIVISION &)
URBAN GROWTH PRELIMINARY)
DECLARATION CASE NO. SUB-UGA23-07)
5465 – 5485 TURNER ROAD SE) JULY 11, 2023

REQUEST

A consolidated application for a proposed five-lot subdivision (Clutch Acres).

The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 390-acre property into five lots ranging in size from approximately 15 acres to 246 acres.
- 2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development.

The subject property is zoned PS (Public Service), approximately 390 acres in size, and located at 5465 - 5485 Turner Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W17 / 400).

PROCEDURAL FINDINGS

1. A consolidated application for a Tentative Subdivision and Urban Growth Preliminary Declaration, was filed by Britany Randall, of BRAND Land Use, on behalf of the applicants and property owners, Clutch Industries and State of Oregon, proposing to divide property located at 5465-5485 Turner Road SE into a five-lot subdivision.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing and public notice of the proposal was subsequently sent, pursuant to SRC requirements, on April 17, 2023. Notice of the proposed development was also subsequently posted on the property by the applicant pursuant to SRC requirements on April 21, 2023.
3. After time extension granted by the applicant, the state-mandated local decision deadline for the application is November 14, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling approximately 400-acres in size and located at 5465-5485 Turner Road SE (**Attachment A**) into five lots ranging in size from approximately 15 acres to 246 acres. In addition to the proposed tentative subdivision, the application also includes an Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development.

2. Applicant's Plans and Statement

Land use applications must 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 plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included in the record.

3. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22123181.

4. Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The subject property is designated "Community Service - Government" 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	Employment Center and Industrial
South	Marion County; Outside of the City Limits and UGB
East	Across Turner Road; Community Service - Education
West	Industrial

Relationship to Urban Service Area

The subject property lies outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban

Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal.

5. Zoning

The subject property is zoned PS (Public Service). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Marion County IC (Industrial Commercial) and IP (Industrial Park)
South	Marion County Special Agriculture & Residential Agriculture
East	Across Turner Road; EC (Employment Center) Across Gath Road SE; PS (Public Service)
West	RA (Residential Agriculture) and Marion County UT-5 & UT-10 (Urban Transition)

6. Public and Private Agency Review

City of Salem Building and Safety Division - Reviewed the proposal and identified no objections.

City of Salem Fire Department - Reviewed the proposal and indicated no objections.

City of Salem 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 C**.

7. Neighborhood Association and Public Comments

The subject property is located within the Southeast Mill Creek Neighborhood Association.

Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), the tentative subdivision application included in this proposed land use application request requires neighborhood association contact. The Southeast Mill Creek Neighborhood Association was contacted by the applicant's representative to provide details about the proposed subdivision in conformance with the requirements of SRC 300.310.

Neighborhood Association Comments

Notice of the application was provided to the Southeast Mill Creek 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)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Prior to the comment deadline four comments were received with concerns, which are addressed below.

- A. Impact of proposed development on wildlife. Concerns were raised regarding the impact the subdivision will have on existing wildlife in the area and loss of wildlife habitat.

Staff Response: The subject property is located within the Urban Growth Boundary and within the Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as “Public” which anticipates existing or future development similar to the subdivision proposed with this application. Loss of wildlife habitat is not a criterion for granting or denying a subdivision tentative plan.

- B. Transportation System. A comment received indicated that the proposed street network needs to be improved to accommodate development.

Staff Response: The Public Works Department has evaluated the proposal and submitted comments pertaining to needed street improvements to serve the proposed development. As conditioned below, streets in the vicinity will be adequate to serve the development. A Traffic Impact Analysis (TIA) was conducted for the development that demonstrates the level of traffic generated will not have a negative impact on the transportation system with mitigation described in the TIA and as conditioned. The Assistant City Traffic Engineer reviewed the TIA and concurs with the key findings and recommends mitigation as a condition of approval.

- C. School Capacity. Comments were received about the capacity of Lee Elementary School.

Staff Response: Effect on the school district is not a criterion under the Salem Revised Code for granting or denying a subdivision application. The Salem Keizer School District nor Cascade School District has provided comments.

- D. Privacy and Setbacks. Concerns were submitted about the development so close to the property line and the loss of privacy for existing residential dwellings.

Staff Response: Future development on the proposed lots would be subject to the development standards set forth in SRC Chapter 544, which include requirements for height, setbacks, and lot coverage that are intended to ensure that development of private property or use of public rights-of-way does not adversely impact the privacy of adjacent properties.

If additional development beyond the five large lots is proposed, likely additional notice to the surrounding neighborhood will be provided and given the ability to comment on a development proposal.

- E. Tree and vegetation removal. A comment indicated concerns of tree removal, particularly removal of a stand of Fir trees along get creek near the eastern border.

Staff Response: The applicant states that no tree removal is proposed at this time. Future development or tree removal would be reviewed and regulated by SRC 808.

Homeowners Association

The subject property is not located within a Homeowners Association.

DECISION CRITERIA FINDINGS

8. ANALYSIS OF TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision 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 satisfy the criteria.

*For the purpose of this application, 'Development' as conditioned below, the following definition is applicable:

Development means:

- (a) The division of land;*
- (b) The construction of a planned unit development;*
- (c) The establishment of a mobile home park;*
- (d) The construction or structural alteration of a building or structure which will result in increased usage of a public facility.*

SRC 205.010(d)(1): The tentative subdivision 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.***

SRC Chapter 205 – Land Division and Reconfiguration

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

The Public Works Department indicates the applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and Oregon Administrative Rules 850 020-0015(4)&(10), 820-020-0020(2), and 820 020-0045(5).

Condition 1: The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC).

SRC Chapter 544 – PS (Public Service) Zone

The subject property is zoned PS (Public Service). Development within the PS zone must meet the applicable standards included under SRC Chapter 544. The standards of the PS zone that are applicable to the proposed subdivision are as follows:

▪ ***Lot Standards:***

Lot size and dimension standards within the PS zone are established under SRC 544.010(b), Table 544-2. A summary of the lot size and dimension standards applicable to all uses within the PS zone is provided in the following table:

RS Zone Residential Use Lot Standards		
Lot Area	Min. 10,000 sq. ft.	Applicable to all uses.
Lot Width	Min. 50 ft.	
Lot Depth	Min. 80 ft.	Applicable to all uses
Street Frontage	Min. 16 ft.	

As shown on the tentative subdivision plan (**Attachment B**), the lot sizes of the proposed five lots within the subdivision range from approximately 15 acres to 246 acres; therefore, exceeding the minimum lot area standards of the PS zone.

The lots within the subdivision, as proposed conform to the applicable lot standards of the PS zone and are of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the PS zone are established under SRC 544.010(d), Table 544-3. Any building is required to be a minimum of 20-feet from an abutting street, those buildings over 35-feet in height increase the setback by one foot for each foot over 35-feet. Interior front, Interior Side and Interior rear refer to table 544-4, Zone-to-Zone setbacks. The internal property lines being created will have a setback of 5-feet for vehicle use areas and no setback for buildings, to the north the Comprehensive Plan and Zoning is industrial, requiring a setback of 5-feet for vehicle use areas and no setback for buildings, to the south is zoned Marion County Special Agriculture & Residential Agriculture, requiring a 20-foot setback for buildings and to the west properties are residentially zoned, requiring 20-foot foot setback.

The former correctional facility on the subject property will remain more than 100-feet from any proposed property line which meets the standards of the PS zone.

The setback requirements of the PS zone apply to future development on each of the individual proposed lots. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the setback requirements are generally not applicable. Future development of the proposed lots will be reviewed for conformance with setback requirements at the time of site plan review.

(B) City infrastructure standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

Finding: The subject property is located outside the Urban Service Area. An Urban Growth Area permit is required and consolidated with this application.

A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 71 – Stormwater

The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Future development of each parcel will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. A stormwater design for the subdivision has not been reviewed or approved; rather, stormwater designs are being deferred to time of future development of each lot. At time of future development, the parcels shall be required to comply with the stormwater standards in effect at time of development.

In order to ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following conditions of approval shall apply:

Condition 2: Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition 3: Prior to development or further division, construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

As conditioned, the proposal meets the requirements of SRC Chapter 71.

SRC Chapter 802 (Public Improvements)

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Public Works Department (**Attachment C**).

In summary, the Public Works Department indicates that water, sewer, and stormwater infrastructure is available within surrounding streets/areas and is available to serve the proposed development.

The purpose of the application is to divide approximately 390-acres into 5-lots for future development. Portions of the property are unserved by public water, sewer, and

stormwater infrastructure. In accordance with Oregon Revised Statute (ORS) 92.090, a subdivision plat may be recorded without utility service if certain criteria are met. The applicant shall either be required to comply with ORS 92.090 or provide public utilities to serve the site, as described in the following analysis. If the criteria of ORS 92.090 are met, the applicant may defer construction of public utilities until future development or further subdivision.

Condition 4: Prior to final plat or delayed pursuant to an improvement agreement, if the criteria of ORS 92.090 are not met, the applicant shall design and construct public water, sewer, and stormwater to serve the development, as identified in the Urban Growth Area Preliminary Declaration (SUB-UGA23-07):

- a. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
- b. Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.
- c. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.

Water –The property lies within the S-1, S-2, and (T+) water pressure zones. The applicant shall provide linking water mains consistent with the Water System Master Plan adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Sewer –The applicant shall construct the Salem Wastewater Management Master Plan improvements and link the site to existing facilities that are defined as adequate under 200.005(a). The nearest available sewer facilities are located at the intersection of Turner Road SE and Logistics Street SE. This main feeds into the existing 18-inch sewer that runs under Mill Creek at the Kuebler Boulevard Bridge. This main crossing is nearing capacity and will not have adequate capacity for the full build out of the 390-acre development site. At time of future development, the applicant shall either upgrade the existing 18-inch sewer main with a minimum 27-inch sewer main to provide adequate capacity.

Alternatively, the applicant shall pay a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF is based on approximately 2,294-feet of pipe that requires replacement to upsize the crossing, as well as the additional cost to bore under Mill Creek for the crossing. The total estimated cost of these improvements is \$1,503,406 based on an Engineering News-Record (ENR) Construction Cost Index Average Rate

dated 12/1/2022. The crossing serves approximately 784 acres, which equates to a Temporary Access Fee of \$2,000 per acre ($\$1,503,406 / 784 = \$1,917$ per acre). The TAF will be paid at time of development or further subdivision that is connecting into the public sewer system.

Condition 5: As a condition of development or new sewer service, the applicant shall either:

- a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
- b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

Easements –Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. As described above, there are multiple city-owned mains on the property in easements. In addition, the Deer Park Pump station is located on the property in an easement. The applicant shall be required to dedicate easements for all existing and proposed public infrastructure on the site to meet current Public Works Design Standards for easement width.

Condition 6: Prior to plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 7: Prior to plat approval, dedicate easements for existing public infrastructure on the site to meet current Public Works Design Standards for width.

A 10-foot-wide public utility easement is required along the street frontage of Turner Road SE and Gath Road SE pursuant to SRC 803.035(n).

Condition 8: At the time of development or future land division, dedicate a 10-foot public utility easement along the street frontage of all internal streets and Turner Road SE and Gath Road SE.

SRC Chapter 803 (Street and Right-of-Way Improvements)

Turner Road SE abuts the property and does not meet the minimum improvement width or right-of-way width required for a minor arterial street according to the Salem Transportation System Plan (TSP). Portions of the property are bisected by Turner Road SE. Where the subdivision has frontage on both sides of the Turner Road SE right-of-way, the applicant shall dedicate a full-width right-of-way for a minor arterial

street and construct a full street improvement to minor arterial street standards. Where the subdivision has frontage on one side of the Turner Road SE right-of-way, the applicant shall convey 36-feet from the centerline and construct a half street improvement to minor arterial street standards.

- Condition 9:** Prior to final plat, where the subdivision has frontage on both sides of Turner Road SE, convey land for dedication equal to a full-width right-of-way of 72-feet for Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 10:** Prior to final plat, where the subdivision has frontage on one side of Turner Road SE, convey land for dedication equal to a half-width right-of-way of 36-feet on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 11:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on both sides of Turner Road SE, construct a full-width improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 12:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on one side of Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Gath Road SE abuts the property and does not meet the improvement width for a collector street according to the Salem TSP. Gath Road SE has adequate right-of-way for a collector street according to the Salem TSP. The applicant shall be required to construct a three-quarter street improvement along Gath Road SE to collector street standards according to the Salem TSP.

- Condition 13:** Prior to final plat or deferred with Deferral Agreement, construct a three-quarter-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Pursuant to SRC 803.070 boundary street improvements may be deferred until time of Site Plan Review or further Subdivision of the resultant parcels. The applicant shall enter into a Deferral Agreement with the city. The deferral agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of the appropriate county, and shall provide that the required improvements will be constructed at such time as the Director determines or at such other time as may be specified by resolution of the Council.

As described below, “linking” street improvements are required according to SRC 200.055. Turner Road SE and Gath Road SE are considered “major streets” according to SRC 200.055(b) and do not meet the minimum 34-foot-wide linking street improvement requirement. Depending on how the phasing occurs, boundary street improvement or linking street improvements may be required.

Condition 14: Prior to development or further land division, provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.

The application does not meet minimum street connectivity, block spacing, or other minimum street standards established in SRC Chapter 803. The purpose of the application is to divide approximately 390-acres into five-lots for future development. At time of future development through Site Plan Review or further land division application, staff will review the proposed development layout to ensure minimum street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

The existing transportation system does not include public transit to the area and is near a large employment area, where services will be needed if developed in the future. To ensure, multiple modes of transportation can be provided, the following conditions applies:

Condition 15: Prior to development or further land division, coordinate with Cherriots and provide improvements needed for public transportation service.

As conditioned, the proposed subdivision meets the requirements of SRC Chapter 803.

SRC Chapter 601 (Floodplain)

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

SRC Chapter 808 (Preservation of Trees and Vegetation)

SRC Chapter 808 (Preservation of Trees and Vegetation): The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

The subject property is PS zoned and not residential, therefore a Tree Conservation Plan is not required. The applicant has not proposed to remove any trees or Riparian vegetation. Any tree removal would be reviewed with future development.

SRC Chapter 809 (Wetlands)

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

A portion of the Mill Creek runs through the property. PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

Condition 16: Prior to final plat, along Mill Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, the subject property is within a mapped landslide hazard area. City records show there may be category 2-to-3-point landslide hazard areas mapped on the subject property. The applicant's engineer submitted a written statement that indicated further evaluation is required based on site-specific proposals at time of future development. In order to ensure that development of the property conforms to the requirements of SRC Chapter 810, the following condition of approval shall apply:

Condition 17: At the time of future land division or proposed development, the applicant shall submit any applicable information required by SRC Chapter 810 Landslide Hazards based on the landslide hazard risk assessment in SRC Chapter 810.025(a).

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The purpose of the application is to divide approximately 390-acres into five-lots for future development with no remainder. The proposed lots within the subdivision are of sufficient size and dimension to permit development of uses allowed within the zone without impeding the future use or development of the property.

The proposed subdivision similarly does not impede the use or development of adjacent land. As shown on the tentative subdivision plan, the subdivision has street

connectivity and will likely create an internal street network at development or further division as requirement under SRC 803.035(a). This approval criterion is met.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: The Public Works Department reviewed the proposal and determined that water, sewer, and storm infrastructure could be available to serve the lots within the proposed subdivision subject to the conditions of approval established in this decision. The purpose of the application is to divide approximately 390-acres into five-lots for future development. Portions of the property are unserved by public water, sewer, and stormwater infrastructure. In accordance with Oregon Revised Statute (ORS) 92.090, a subdivision plat may be recorded without utility service if certain criteria are met. The applicant shall either be required to comply with ORS 92.090 or provide public utilities to serve the site, as described in the following analysis. If the criteria of ORS 92.090 are met, the applicant may defer construction of public utilities until future development or further subdivision, as conditioned above. This approval criterion is met.

SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: The subject property is located adjacent to or surrounds Turner Road SE, a minor arterial and Gath Road SE, a collector in the City's Transportation System Plan (TSP).

The identified street improvements and public street right-of-way dedications, as proposed by the applicant in the application materials and conditioned with this decision, ensure all streets within and adjacent the subdivision will conform to the TSP. This approval criterion is met.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: The proposed subdivision will have access to existing streets and is proposed to be further divided. Any future division or development will provide a network of public streets that serve the land area. As shown on the tentative subdivision plan and conditioned above, internal streets through the site to provide safe and convenient access to the proposed lots within the subdivision, and proposed streets are extended to the boundary of the property to connect to existing streets on the perimeter of the site and to provide opportunities for future street connectivity to abutting properties.

As identified in the conditions of approval, boundary street improvements will be required along the property's street frontages and will be required to be improved in conformance with the standards included under SRC Chapter 803 and the City's Street Design Standards. These required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

SRC 205.010(d)(6): The tentative subdivision plan 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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The subject property is located within one-half of Coburn University and approximately one mile from Lee Elementary School. The nearest transit service available to the site is provided by Cherriots Route 11 (Lancaster/Verda) on Aumsville Highway and Kuebler Boulevard.

The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property. The Salem Comprehensive Parks System Master Plan identifies two future neighborhood parks to serve this area (NP44 and NP53). Due to the size and location of the property, parks dedication as a condition of future residential development on the site. Pursuant to SRC 200.075 (a) the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan. The parks dedication area shall be a minimum of two-acres, or the minimum size needed to serve the new development, as defined in SRC 200.075, whichever is greater.

In Addition, in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan, the applicant shall construct predevelopment standard amenities in the neighborhood park area. Construction of predevelopment standard amenities on the parcel conveyed to the City of Salem for a future neighborhood park may be deferred until the time of future of future lot development or further land division for residential uses.

Depending on where the park is dedicated on the site, portions of the site may still not be within one-half-mile walking distance of the park. For these areas, payment of a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of final plat and shall not be credited at time of building permit.

- Condition 18:** At the time of future land division or residential development, enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44) and create a lot reserved for conveyance to the City as park property.
- Condition 19:** At the time of future land division or residential development on the site, that is not within one-half-mile walking distance of a neighborhood park, shall pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.
- Condition 20:** At the time of future land division or residential development, construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: The applicant submitted a Traffic Impact Analysis (TIA) to evaluate the development potential of the site and the anticipated impact to the transportation system. The TIA found that at full buildout of the development that four study intersections would be anticipated to fail to meet City Operating Standards for traffic. As such, the TIA identifies the following mitigation will be required:

- Kuebler Boulevard/36th Avenue: Widen the westbound approach to include a westbound through lane and westbound shared through-right turn lane.
- Kuebler Boulevard/Turner Road: Install a dedicated eastbound right turn lane and a second northbound left turn lane. Construct a second receiving westbound lane on the west leg.
- Turner Road/Deer Park Drive: Install a single-lane roundabout and realign the south leg of Turner Road so it no longer intersects with Gath Road.

Turner Road/Gath Road: Realign Gath Road to the north so it no longer intersects Turner Road.

- Staff finds that this improvement cannot be constructed independently of the Turner Road/Deer Park Drive improvement and recommends they be constructed together. Any other Phase of this development travels through this intersection. These improvements are necessary to improve the safety and operation of Turner Road SE and the intersections with Deer Park Drive SE and Gath Road SE. The required roundabout cannot be constructed without flattening the curve on Turner Road SE and severing the intersection of Gath Road SE.

The Assistant City Traffic Engineer has reviewed the TIA, agrees with the findings, and recommends the following mitigation be required as a condition of development:

- Condition 21:** At the time of future land division or development (or any phase that generates 140 or more cumulative PM peak hour trips), construct dual northbound left turn lanes on Turner Road SE with approximately 250 feet of vehicle storage in each lane, and construct dual west bound receiving lanes on Kuebler Boulevard SE a minimum of 400 feet in length.
- Condition 22:** At the time of future land division or development (that generate 230 or more cumulative PM peak hour trips), install a single lane roundabout at the intersection of Turner Road SE and Deer Park Drive SE, flatten the curve on Turner Road SE at the intersection of Gath Road SE, and sever the intersection of Gath Road with Turner Road SE.
- Condition 23:** At the time of future land division or development or phase that generates a cumulative PM Peak Hour Volume of 690 vehicles, construct an additional westbound through lane at the intersection of Kuebler Boulevard SE and 36th Avenue SE to the extent practicable. Reconstruct the traffic signal as necessary to accommodate the improvements and extend the through lane along Kuebler Boulevard SE to the northbound ramp of the Interstate-5 freeway interchange.

SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings above, the lot and street configuration established by the proposed subdivision meet applicable development standards; and the configuration of the proposed lots makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC. This approval criterion is met.

SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots to allow for future development of the site. The proposed lots are also of sufficient size and dimension to

permit future development of uses allowed within the zone. This approval criterion is met.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located outside of the Urban Service Area. Therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements. This approval criterion is met.

9. ANALYSIS OF URBAN GROWTH PRELIMINARY DECLARATION APPROVAL CRITERIA

Pursuant to SRC 200.020, properties located outside the City's Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. Because the subject property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration is required for the proposed development.

SRC 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:

- (1) The required facilities necessary to fully serve the development;***
- (2) The extent to which the required facilities are in place or fully committed.***

SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

Finding: Analysis of the development based on the relevant standards in SRC 200.055 through SRC 200.075 is below. Requirements listed have been incorporated as conditions of approval of the subdivision addressed above.

SRC 200.055 - Standards for Street Improvements

An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Turner Road SE and Gath Road SE are considered “major streets” according to SRC 200.055(b) and do not meet the minimum 34-foot-wide linking street improvement requirement. Linking Street improvements may be deferred until time of Site Plan Review or Subdivision application for each lot. Depending on how the phasing occurs, boundary street improvement or linking street improvements may be required.

Requirement: Provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.

SRC 200.060 - Standards for Sewer Improvements

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 200.060). The nearest available sewer facilities are located at the intersection of Turner Road SE and Logistics Street SE. This main feeds into the existing 18-inch sewer that runs under Mill Creek at the Kuebler Boulevard Bridge. This main crossing is nearing capacity and will not have adequate capacity for the full build out of the 390-acre development site. At time of future development, the applicant shall either upgrade the existing 18-inch sewer main with a minimum 27-inch sewer main to provide adequate capacity.

Alternatively, the applicant shall pay a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF is based on approximately 2,294-feet of pipe that requires replacement to upsize the crossing, as well as the additional cost to bore under Mill Creek for the crossing. The total estimated cost of these improvements is \$1,503,406 based on an Engineering News-Record (ENR) Construction Cost Index Average Rate dated 12/1/2022. The crossing serves approximately 784 acres, which equates to a Temporary Access Fee of \$2,000 per acre ($\$1,503,406 / 784 = \$1,917$ per acre).

Requirement: As a condition of sewer service, the applicant shall either:

- Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
- Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

The applicant shall construct the Salem Wastewater Management Master Plan improvements and link the site to existing facilities that are defined as adequate under 200.005(a).

Requirement: Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.

SRC 200.065 - Standards for Storm Drainage Improvements

The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Turner Road SE along the property frontage from the Mill Creek Bridge to approximately 850-feet northwest of the intersection of Turner Road SE and Deer Park Drive SE. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Requirement: Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.

SRC 200.070 - Standards for Water Improvements

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 200.070). Portions of the property are unserved by public water. The property lies within the S-1, S-2, and (T+) water pressure zones. The applicant shall provide linking water mains consistent with the Water System Master Plan adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Requirement: Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.

SRC 200.075 - Standards for Park Sites

The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property. The Salem Comprehensive Parks System Master Plan identifies two future neighborhood parks to serve this area (NP44 and NP53). Due to the size and location of the property, staff recommends parks dedication as a condition of future residential development on the site. Pursuant to SRC 200.075 (a) the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan. The parks dedication area shall be a minimum of 2-acres or the minimum size needed to serve the new development, as defined in SRC 200.075, whichever is greater. In addition, in

accordance with Appendix F of the Salem Comprehensive Parks System Master Plan, the applicant shall construct predevelopment standard amenities in the neighborhood park area.

Depending on where the park is dedicated on the site, portions of the site may still not be within one-half-mile walking distance of the park. For these areas, staff recommends payment of a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of final plat and shall not be credited at time of building permit.

Requirement: Enter into an agreement with the City for conveying an open space area to the City after plat approval for a future park use (NP44). In accordance with Appendix F of the Salem Comprehensive Parks System Master Plan, construct predevelopment standard amenities in the open space area.

Requirement: As a condition of residential development on the site that is not within one-half-mile walking distance of a neighborhood park, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

10. Conclusion

Based upon review of SRC 205.010(d), 200.025(e), and SRC 250.005(d), the findings contained under Sections 8-9 above, and the comments described, the Tentative Subdivision and Urban Growth Preliminary Declaration, comply 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 Subdivision and Urban Growth Preliminary Declaration, Case No. SUB-UGA23-07, for property located at 5465 - 5485 Turner Road SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, requirements of development and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC).
- Condition 2:** Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Prior to development or further division, construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Prior to final plat or delayed pursuant to an improvement agreement, if the criteria of ORS 92.090 are not met, the applicant shall design and construct public water, sewer, and stormwater to serve the development, as identified in the Urban Growth Area Preliminary Declaration (SUB-UGA23-07):
- a. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
 - b. Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.
 - c. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.
- Condition 5:** As a condition of development or new sewer service, the applicant shall either:
- a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
 - b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

- Condition 6:** Prior to plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 7:** Prior to plat approval, dedicate easements for existing public infrastructure on the site to meet current Public Works Design Standards for width.
- Condition 8:** At the time of development or future land division, dedicate a 10-foot public utility easement along the street frontage of all internal streets and Turner Road SE and Gath Road SE.
- Condition 9:** Prior to final plat, where the subdivision has frontage on both sides of Turner Road SE, convey land for dedication equal to a full-width right-of-way of 72-feet for Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 10:** Prior to final plat, where the subdivision has frontage on one side of Turner Road SE, convey land for dedication equal to a half-width right-of-way of 36-feet on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 11:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on both sides of Turner Road SE, construct a full-width improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 12:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on one side of Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** Prior to final plat or deferred with Deferral Agreement, construct a three-quarter-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 14:** Prior to development or further land division, provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.
- Condition 15:** Prior to development or further land division, coordinate with Cherriots and provide improvements needed for public transportation service.
- Condition 16:** Prior to final plat, along Mill Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either the 100-year floodway, 15 feet from the

channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

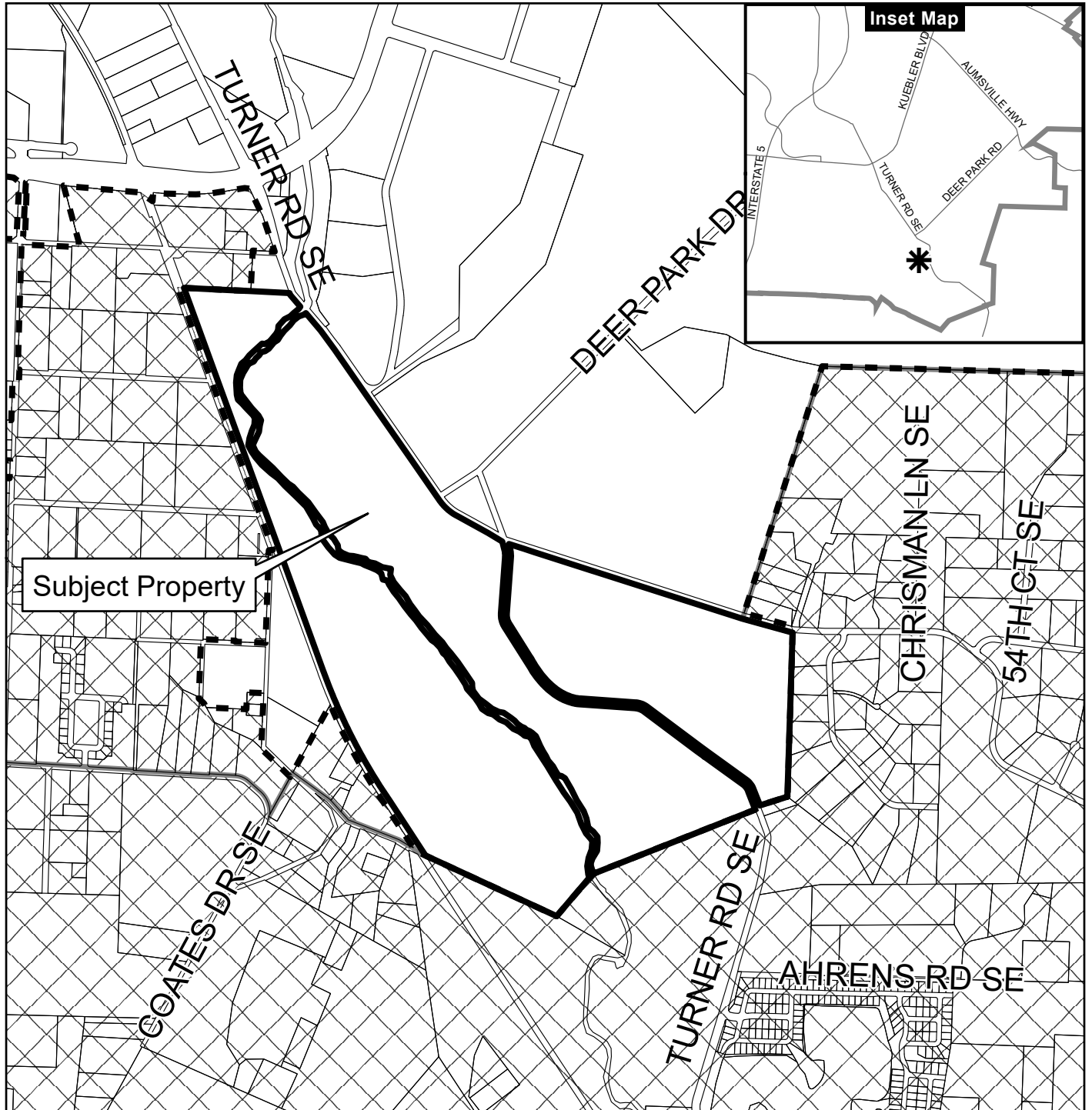
- Condition 17:** At the time of future land division or proposed development, the applicant shall submit any applicable information required by SRC Chapter 810 Landslide Hazards based on the landslide hazard risk assessment in SRC Chapter 810.025(a).
- Condition 18:** At the time of future land division or residential development, enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44) and create a lot reserved for conveyance to the City as park property.
- Condition 19:** At the time of future land division or residential development on the site, that is not within one-half-mile walking distance of a neighborhood park, shall pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.
- Condition 20:** At the time of future land division or residential development, construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.
- Condition 21:** At the time of future land division or development (or any phase that generates 140 or more cumulative PM peak hour trips), construct dual northbound left turn lanes on Turner Road SE with approximately 250 feet of vehicle storage in each lane, and construct dual west bound receiving lanes on Kuebler Boulevard SE a minimum of 400 feet in length.
- Condition 22:** At the time of future land division or development (that generate 230 or more cumulative PM peak hour trips), install a single lane roundabout at the intersection of Turner Road SE and Deer Park Drive SE, flatten the curve on Turner Road SE at the intersection of Gath Road SE, and sever the intersection of Gath Road with Turner Road SE.
- Condition 23:** At the time of future land division or development or phase that generates a cumulative PM Peak Hour Volume of 690 vehicles, construct an additional westbound through lane at the intersection of Kuebler Boulevard SE and 36th Avenue SE to the extent practicable. Reconstruct the traffic signal as necessary to accommodate the improvements and extend the through lane along Kuebler Boulevard SE to the northbound ramp of the Interstate-5 freeway interchange.



Olivia Dias, Current Planning Manager,
on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Applicant's Tentative Subdivision Plan
C. Public Works Department Comments








Vicinity Map 5465 Turner Road SE



Subject Property

Inset Map

Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

010000 400 Feet


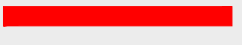


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Attachment B

LOT 5 – 53.78 Ac.

LEGEND

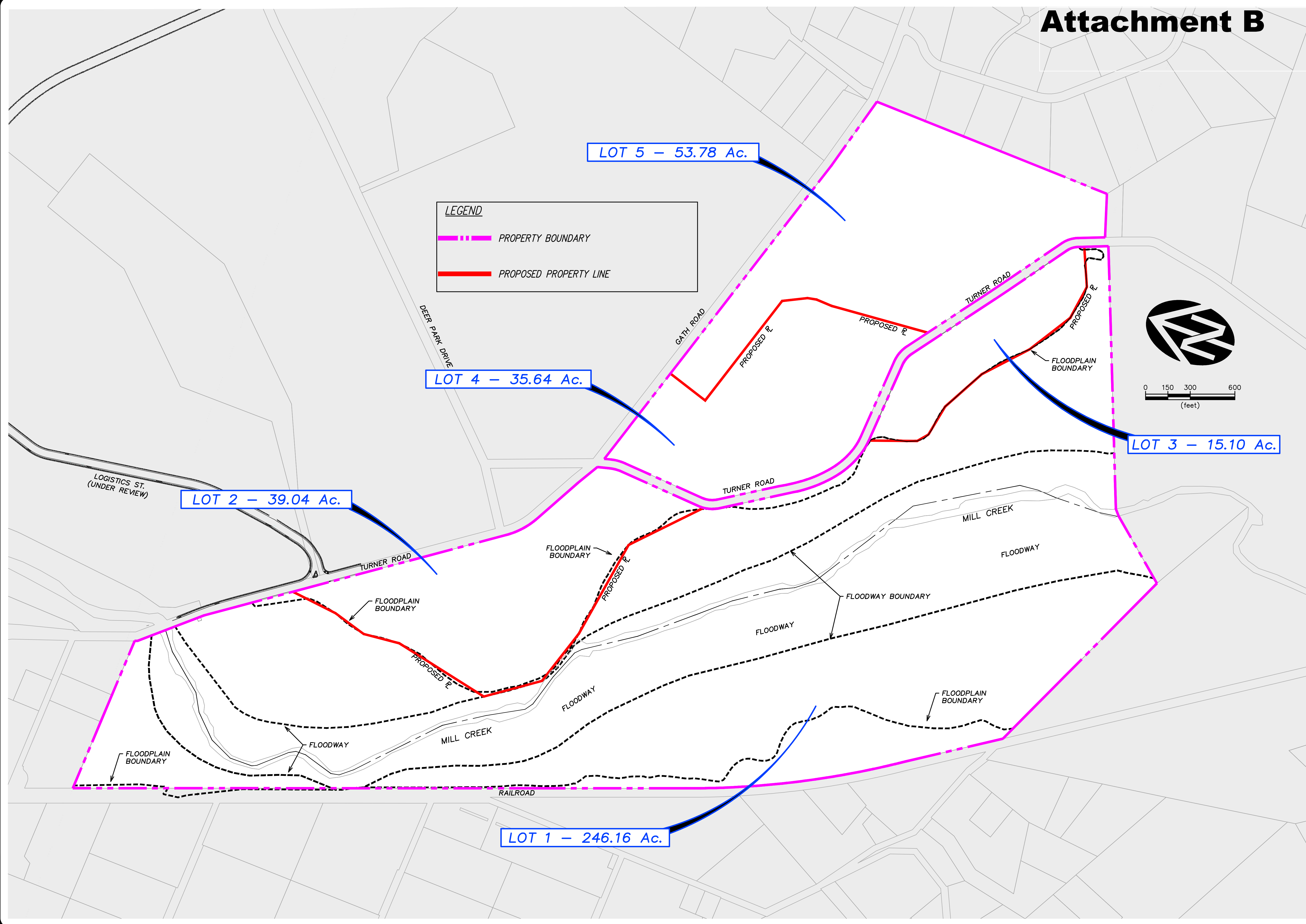
-  PROPERTY BOUNDARY
-  PROPOSED PROPERTY LINE

LOT 4 – 35.64 Ac.

LOT 3 – 15.10 Ac.

LOT 2 – 39.04 Ac.

LOT 1 – 246.16 Ac.



VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON SCALES ACCORDINGLY

NO.	DATE	DESCRIPTION	BY
1			

DSN. DRN. CKD. DATE: 01/2023

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 565-2474 Fax: (503) 585-3966
E-mail: westtech@westtech-eng.com

CLUTCH INDUSTRIES, INC.

TURNER ROAD STATE PROPERTY –
SALEM, OREGON

SUBDIVISION PLAN


DRAWING
EXH 2

JOB NUMBER
3395.0000



MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

FROM: Laurel Christian, Planner II 
Public Works Department

DATE: July 6, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-UGA23-07 (22-123181)
5465 TURNER ROAD SE
FIVE-LOT SUBDIVISION**

PROPOSAL

A consolidated application for a proposed five-lot subdivision (Clutch Acres). The application includes:

1. A Subdivision Tentative Plan to divide the approximate 390-acre property into five lots ranging in size from approximately 15 acres to 246 acres.
2. An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development.

The subject property is zoned PS (Public Service), approximately 390 acres in size, and located at 5465 - 5485 Turner Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W17 / 400).

URBAN GROWTH AREA NEEDED IMPROVEMENTS

1. Provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.
2. Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.
3. As a condition of sewer service, the applicant shall either:
 - a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,

- b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.
4. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.
5. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
6. Enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44). The proposed subdivision plat shall be modified to include a parcel reserved for conveyance to the City for future park use. In accordance with Appendix F of the *Salem Comprehensive Parks System Master Plan*, construct predevelopment standard amenities in the open space area.
7. As a condition of residential development on the site that is not within one-half-mile walking distance of a neighborhood park, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

RECOMMENDED CONDITIONS APPROVAL - SUBDIVISION

The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:

1. The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC.
2. Prior to plat approval, dedicate a 10-foot public utility easement along the street frontage of all internal streets and Turner Road SE and Gath Road SE.
3. Prior to final plat, along Mill Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.
4. Prior to plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
5. Prior to plat approval, dedicate easements for existing public infrastructure on the site to meet current PWDS for width.

6. Prior to final plat, where the subdivision has frontage on both sides of Turner Road SE, convey land for dedication equal to a full-width right-of-way of 72 feet for Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
7. Prior to final plat, where the subdivision has frontage on one side of Turner Road SE, convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):

8. Prior to final plat or delayed pursuant to an improvement agreement, if the criteria of ORS 92.090 are not met, the applicant shall design and construct public water, sewer, and stormwater to serve the development, as identified in the Urban Growth Area Preliminary Declaration (SUB-UGA23-07):
 - a. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
 - b. Construct Salem Wastewater Management Master Plan improvements needed to serve the development, and link the site to existing facilities that are defined as adequate under SRC 200.060.
 - c. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.

The following conditions of approval shall be completed prior to final plat approval or completed as a condition of future lot development as specified in a recorded Deferral Agreement per SRC 803.070:

9. Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on both sides of Turner Road SE, construct a full-width improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
10. Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on one side of Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

11. Prior to final plat or deferred with Deferral Agreement, construct a three-quarter street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The following conditions of approval shall be completed as a condition of future lot development or further land division:

12. Prior to development or further land division, provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.
13. Prior to development or further land division, coordinate with Cherriots and provide improvements needed for public transportation service.
14. At the time of future land division or development, the applicant shall submit any applicable information required by SRC Chapter 810 Landslide Hazards based on the landslide hazard risk assessment in SRC Chapter 810.025(a).
15. Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
16. Prior to development or further division, construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
17. As a condition of development or new sewer service, the applicant shall either:
 - a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
 - b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.
18. At the time of future land division or proposed residential development on the site, enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44), and create a lot reserved for conveyance to the City as park property.
19. At the time of future land division or residential development on the site that is not within one-half-mile walking distance of a neighborhood park, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

20. At the time of future land division or residential development, construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.
21. At the time of future land division or proposed development (or a phase that generates 140 or more cumulative PM peak hour trips), construct dual northbound left-turn lanes on Turner Road SE with approximately 250 feet of vehicle storage in each lane, and construct dual west-bound receiving lanes on Kuebler Boulevard SE a minimum of 400 feet in length.
22. As required mitigation described in the Traffic Impact Analysis (TIA), at the time of future land division or proposed development (that generate 230 or more cumulative PM peak hour trips), install a single-lane roundabout at the intersection of Turner Road SE and Deer Park Drive SE, flatten the curve on Turner Road SE at the intersection of Gath Road SE, and sever the intersection of Gath Road SE with Turner Road SE.
23. At the time of future land division or proposed development or phase that generates a cumulative PM Peak Hour Volume of 690 vehicles, construct an additional westbound through lane at the intersection of Kuebler Boulevard SE and 36th Avenue SE to the extent practicable. Reconstruct the traffic signal as necessary to accommodate the improvements and extend the through lane along Kuebler Boulevard SE to the northbound ramp of the Interstate 5 freeway interchange.

FACTS AND FINDINGS

Streets

1. Turner Road SE
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 26-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
2. Gath Road SE
 - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-to-40-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the S-1, S-2, and (T+) water service level.
- b. An 18-inch S-1 water main is located in Turner Road SE and extends along the property's frontage from the Mill Creek Bridge to the intersection of Turner Road SE and Deer Park Drive SE.
- c. There are multiple City-owned water mains on the property within easements:
 - i. A 48-inch G-0 transmission main.
 - ii. A 12-inch S-1 main.
 - iii. An 18-inch S-1 main.
- d. The Deer Park Water Pump Station is located on the property in an easement.

Sanitary Sewer

1. Existing Conditions

- a. An 18-inch sewer main is located at the intersection of Turner Road SE and Logistics Street SE.
- b. A 14-inch sewer trunk main is located on the property in an easement.

Storm Drainage

1. Existing Conditions

- a. A 12-inch-to-18-inch storm main is located in Turner Road SE along the property frontage from the Mill Creek Bridge to approximately 850 feet northwest of the intersection of Turner Road SE and Deer Park Drive SE.

Parks

The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property.

URBAN GROWTH PRELIMINARY DECLARATION FINDINGS

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is

as follows:

SRC 200.055—Standards for Street Improvements

Findings: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets, or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Turner Road SE and Gath Road SE are considered major streets according to SRC 200.055(b) and do not meet the minimum 34-foot-wide linking street improvement requirement. Linking Street improvements may be deferred until time of Site Plan Review or Subdivision application for each lot. Depending on how the phasing occurs, boundary street improvement or linking street improvements may be required.

Needed Improvement: Provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.

SRC 200.060—Standards for Sewer Improvements

Findings: 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 200.060). The nearest available sewer facilities are located at the intersection of Turner Road SE and Logistics Street SE. This main feeds into the existing 18-inch sewer that runs under Mill Creek at the Kuebler Boulevard Bridge. This main crossing is nearing capacity and will not have adequate capacity for the full build out of the 390-acre development site. At time of future development, the applicant shall upgrade the existing 18-inch sewer main with a minimum 27-inch sewer main to provide adequate capacity.

Alternatively, the applicant shall pay a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF is based on approximately 2,294 feet of pipe that requires replacement to upsize the crossing, as well as the additional cost to bore under Mill Creek for the crossing. The total estimated cost of these improvements is \$1,503,406 based on an *Engineering News-Record (ENR) Construction Cost Index Average Rate* dated 12/1/2022. The crossing serves approximately 784 acres, which equates to a Temporary Access Fee of \$2,000 per acre ($\$1,503,406 / 784 = \$1,917$ per acre).

Needed Improvement: As a condition of development or new sewer service, the applicant shall either:

- a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
- b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates

for Los Angeles, Seattle, and San Francisco.

The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a).

Needed Improvement: Construct *Salem Wastewater Management Master Plan* improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.

SRC 200.065—Standards for Storm Drainage Improvements

Findings: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Turner Road SE along the property frontage from the Mill Creek Bridge to approximately 850 feet northwest of the intersection of Turner Road SE and Deer Park Drive SE. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Needed Improvement: Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.

SRC 200.070—Standards for Water Improvements

Findings: 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 200.070). Portions of the property are unserved by public water. The property lies within the S-1, S-2, and (T+) water pressure zones. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Needed Improvement: Construct *Salem Water System Master Plan* improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.

SRC 200.075—Standards for Park Sites

Findings: The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property. The Salem Comprehensive Parks System Master Plan identifies two future neighborhood parks to serve this area (NP44 and NP53). Due to the size and location of the property, staff recommends parks dedication as a condition of future residential development on the

site. Pursuant to SRC 200.075 (a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.* The parks dedication area shall be a minimum of 2 acres, or the minimum size needed to serve the new development, as defined in SRC 200.075, whichever is greater. In addition, in accordance with Appendix F of the *Salem Comprehensive Parks System Master Plan*, the applicant shall construct predevelopment standard amenities in the neighborhood park area.

Depending on where the park is dedicated on the site, portions of the site may still not be within one-half-mile walking distance of the park. For these areas, staff recommends payment of a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of final plat and shall not be credited at time of building permit.

Needed Improvement: Enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44) and create a lot reserved for conveyance to the City as park property.

Needed Improvement: Construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.

Needed Improvement: As a condition of residential development on the site that is not within one-half-mile walking distance of a neighborhood park, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

SUBDIVISION CRITERIA AND FINDINGS

The following Code references indicate 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 205.010(d)(1)—The tentative subdivision 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:

- 1. 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;**
- 2. City infrastructure standards; and**
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings: The applicants tentative plan does not comply with minimum submittal requirements established in SRC Chapter 205. The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the ORS and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Condition: The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the ORS and the SRC.

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

A 10-foot-wide public utility easement is required along the street frontage of Turner Road SE and Gath Road SE pursuant to SRC 803.035(n).

Condition: Prior to plat approval, dedicate a 10-foot public utility easement along the street frontage of all internal streets and Turner Road SE and Gath Road SE.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

A portion of Mill Creek runs through the property. Per PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

Condition: Prior to final plat, along Mill Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

City records show that the subject property may be located within a landslide hazard area. The applicant's engineer submitted a written statement that indicated further evaluation is required based on site-specific proposals at time of future development.

Condition: At the time of future land division or development, the applicant shall submit any applicable information required by SRC Chapter 810 Landslide Hazards based on the landslide hazard risk assessment in SRC Chapter 810.025(a).

SRC 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings: The purpose of the application is to divide approximately 390 acres into 5 lots for future development. Portions of the property are unserved by public water, sewer, and stormwater infrastructure. In accordance with ORS 92.090, a subdivision plat may be recorded without utility service if certain criteria are met. The applicant shall either be required to comply with ORS 92.090 or provide public utilities to serve the site, as described in the following analysis. If the criteria of ORS 92.090 are met, the applicant may defer construction of public utilities until future development or further subdivision.

Condition: Prior to final plat or delayed pursuant to an improvement agreement, if the criteria of ORS 92.090 are not met, the applicant shall design and construct public water, sewer, and stormwater to serve the development, as identified in the Urban Growth Area Preliminary Declaration (SUB-UGA23-07):

- a. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
- b. Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.

- c. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.

Water –The property lies within the S-1, S-2, and (T+) water pressure zones. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Sewer –The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). The nearest available sewer facilities are located at the intersection of Turner Road SE and Logistics Street SE. This main feeds into the existing 18-inch sewer that runs under Mill Creek at the Kuebler Boulevard Bridge. This main crossing is nearing capacity and will not have adequate capacity for the full build out of the 390-acre development site. At time of future development, the applicant shall upgrade the existing 18-inch sewer main with a minimum 27-inch sewer main to provide adequate capacity.

Alternatively, the applicant shall pay a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF is based on approximately 2,294 feet of pipe that requires replacement to upsize the crossing, as well as the additional cost to bore under Mill Creek for the crossing. The total estimated cost of these improvements is \$1,503,406 based on an *Engineering News-Record (ENR) Construction Cost Index Average Rate* dated 12/1/2022. The crossing serves approximately 784 acres, which equates to a Temporary Access Fee of \$2,000 per acre ($\$1,503,406 / 784 = \$1,917$ per acre). The TAF will be paid at time of development or further subdivisions that is connecting into the public sewer system.

Condition: As a condition of development or new sewer service, the applicant shall either:

- a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
- b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

Stormwater –The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Future development of each parcel will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. A stormwater design for the subdivision has not been reviewed or approved; rather, stormwater designs are being

deferred to time of future development of each lot. At time of future development, the parcels shall be required to comply with the stormwater standards in effect at time of development.

Condition: Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition: Prior to development or further division, construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Easements—Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. As described above, there are multiple City-owned mains on the property in easements. In addition, the Deer Park Pump station is located on the property in an easement. The applicant shall be required to dedicate easements for all existing and proposed public infrastructure on the site to meet current PWDS for easement width.

Condition: Prior to plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition: Prior to plat approval, dedicate easements for existing public infrastructure on the site to meet current PWDS for width.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Turner Road SE abuts the property and does not meet the minimum improvement width or right-of-way width required for a minor arterial street according to the Salem TSP. Portions of the property are bisected by Turner Road SE. Where the subdivision has frontage on both sides of the Turner Road SE right-of-way, the applicant shall dedicate a full-width right-of-way for a minor arterial street and construct a full street improvement to minor arterial street standards. Where the subdivision has frontage on one side of the Turner Road SE right-of-way, the applicant shall convey 36 feet from the centerline and construct a half-street improvement to minor arterial street standards.

Condition: Prior to final plat, where the subdivision has frontage on both sides of Turner Road SE, convey land for dedication equal to a full-width right-of-way of 72 feet for Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition: Prior to final plat, where the subdivision has frontage on one side of Turner Road SE, convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition: Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on both sides of Turner Road SE, construct a full-width improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition: Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on one side of Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Gath Road SE abuts the property and does not meet the improvement width for a collector street according to the Salem TSP. Gath Road SE has adequate right-of-way for a collector street according to the Salem TSP. The applicant shall be required to construct a three-quarter street improvement along Gath Road SE to collector street standards according to the Salem TSP.

Condition: Prior to final plat or deferred with Deferral Agreement, construct a three-quarter-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Pursuant to SRC 803.070, boundary street improvements may be deferred until time of Site Plan Review or further Subdivision of the resultant parcels. The applicant shall enter into a Deferral Agreement with the City. The deferral agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of the appropriate county, and shall provide that the required improvements will be constructed at such time as the Director determines or at such other time as may be specified by resolution of the Council.

As described above, “linking” street improvements are required according to SRC 200.055. Turner Road SE and Gath Road SE are considered “major streets” according to SRC 200.055(b) and do not meet the minimum 34-foot-wide linking street improvement requirement. Depending on how the phasing occurs, boundary street improvement or linking street improvements may be required.

Condition: Prior to development or further land division, provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.

The application does not meet minimum street connectivity, block spacing, or other minimum street standards established in SRC Chapter 803. The purpose of the application is to divide approximately 390 acres into 5 lots for future development. At time of future development through Site Plan Review or further Subdivision application, staff will review the proposed development layout to ensure minimum street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

The existing transportation system does not include public transit to the area and is near a large employment area, where services will be needed if developed in the future. Pursuant to SRC 803.035, streets shall include transit facilities. To ensure multiple modes of transportation can be provided, the following conditions applies:

Condition: Prior to development or further land division, coordinate with Cherriots and provide improvements needed for public transportation service.

SRC 205.010(d)(6)—The tentative subdivision plan 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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings: The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property. The Salem Comprehensive Parks System Master Plan identifies two future neighborhood parks to serve this area (NP44 and NP53). Due to the size and location of the property, staff recommends parks dedication as a condition of future residential development on the site. Pursuant to SRC 200.075 (a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.* The parks dedication area shall be a minimum of 2 acres, or the minimum size needed to serve the new development, as defined in SRC 200.075, whichever is greater. In addition, in accordance with Appendix F of the *Salem Comprehensive Parks System Master Plan*, the applicant shall construct predevelopment standard amenities in the neighborhood park area.

Depending on where the park is dedicated on the site, portions of the site may still not be within one-half-mile walking distance of the park. For these areas, staff recommends payment of a Temporary Access Fee (TAF) pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010, or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of final plat and shall not be credited at time of building permit.

Condition: At the time of future land division or proposed residential development on the site, enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44) and create a lot reserved for conveyance to the City as park property.

Condition: At the time of future land division or residential development on the site, that is not within one-half-mile walking distance of a neighborhood park, shall pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

Condition: At the time of future land division or residential development, construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.

Construction of predevelopment standard amenities on the parcel conveyed to the City for a future neighborhood park may be deferred until the time of future lot development or further land division for residential uses.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings: As part of the application package, the applicant submitted a Traffic Impact Analysis (TIA) to evaluate the development potential of the site and the anticipated impact to the transportation system. The TIA found that at full buildout of the development, four study intersections would be anticipated to fail to meet City Operating Standards for traffic. As such, the TIA identifies the following mitigation will be required:

- Kuebler Boulevard/36th Avenue: Widen the westbound approach to include a westbound through lane, and westbound shared through-right turn lane.
- Kuebler Boulevard/Turner Road: Install a dedicated eastbound right turn lane

and a second northbound left turn lane. Construct a second receiving westbound lane on the west leg.

- Turner Road/Deer Park Drive: Install a single-lane roundabout and realign the south leg of Turner Road SE so it no longer intersects with Gath Road SE.
- Turner Road/Gath Road: Realign Gath Road SE to the north so it no longer intersects Turner Road SE.
 - Staff finds that this improvement cannot be constructed independently of the Turner Road/Deer Park Drive improvement and recommends they be constructed together. Any other Phase of this development travels through this intersection. These improvements are necessary to improve the safety and operation of Turner Road SE and the intersections with Deer Park Drive SE and Gath Road SE. The required roundabout cannot be constructed without flattening the curve on Turner Road SE and severing the intersection of Gath Road SE.

The Assistant City Traffic Engineer has reviewed the TIA, agrees with the findings, and recommends the following mitigation be required as a condition of development:

Condition: At the time of future land division or proposed development (or a phase that generates 140 or more cumulative PM peak hour trips), construct dual northbound left turn lanes on Turner Road SE with approximately 250 feet of vehicle storage in each lane, and construct dual west bound receiving lanes on Kuebler Boulevard SE a minimum of 400 feet in length.

Condition: As required mitigation described in the Traffic Impact Analysis (TIA), at the time of future land division or proposed development (that generate 230 or more cumulative PM peak hour trips), install a single-lane roundabout at the intersection of Turner Road SE and Deer Park Drive SE, flatten the curve on Turner Road SE at the intersection of Gath Road SE, and sever the intersection of Gath Road with Turner Road SE.

Condition: At the time of future land division or proposed development or phase that generates a cumulative PM Peak Hour Volume of 690 vehicles, construct an additional westbound through lane at the intersection of Kuebler Boulevard SE and 36th Avenue SE to the extent practicable. Reconstruct the traffic signal as necessary to accommodate the improvements and extend the through lane along Kuebler Boulevard SE to the northbound ramp of the Interstate 5 freeway interchange.

SRC 205.010(d)(10)— When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth

Preliminary Declaration, construction of any off-site improvements is assured.

Findings: The subject property is located outside of the Urban Service Area; and, therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan can is designed to accommodate required on-site and off-site improvements.

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cc: File