

Revisions to the Agenda

City Council

Monday, July 9, 2018**6:00 PM****Council Chambers**

6.e. [18-305](#)

Planning Administrator Decision - Urban Growth Preliminary Declaration Case No. UGA18-01 - Approved - Alpha 3, LLC (Hunter Zeeb, Jeffery Zeeb, Oliver Raab) - 1800 Cordon Road SE - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE.

An appeal of this decision was filed by the applicant on Friday, July 6, 2018 (Attachment 2). In summary, the appeal requests access from the subject property to Cordon Road SE. Appeals of Urban Growth Area Preliminary Declarations are heard by the City Council. A public hearing on this matter will be scheduled on a date to be determined.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Add - Added Supplement Report (Version 2 of Staff Report).

Page
Break



Staff Report

File #: 18-305

Version: 2

Date: 7/9/2018

Item #: 6.e.

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Norman Wright, Community Development Director

SUBJECT:

Planning Administrator Decision - Urban Growth Preliminary Declaration Case No. UGA18-01 - Approved - Alpha 3, LLC (Hunter Zeeb, Jeffery Zeeb, Oliver Raab) - 1800 Cordon Road SE - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE.

An appeal of this decision was filed by the applicant on Friday, July 6, 2018 (Attachment 2). In summary, the appeal requests access from the subject property to Cordon Road SE. Appeals of Urban Growth Area Preliminary Declarations are heard by the City Council. A public hearing on this matter will be scheduled on a date to be determined.

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): SEMCA

RECOMMENDATION:

Information Only.

Britany Randall
Planner II

Attachments:

1. Land Use Decision UGA18-01
2. Applicant's Appeal Letter

06/21/2018

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

REVISED

DECISION OF THE PLANNING ADMINISTRATOR

URBAN GROWTH PRELIMINARY DECLARATION CASE NO: UGA18-01

APPLICATION NO. : 18-107978-LD

NOTICE OF DECISION DATE: June 21, 2018

Summary: An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of 19.26 acres located at 1800 Cordon Road SE.

Request: An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE (Marion County Map and Tax Lot Number 082W05 01700 and 01701).

APPLICANT/OWNER(S): Alpha 3, LLC (Hunter Zeeb, Oliver Raab, Jeffery Zeeb)

REPRESENTATIVE(S): Tross Consulting, Inc. (Jeff Tross)

LOCATION: 1800 Cordon Road SE / 97317

CRITERIA: UGA Preliminary Declaration - SRC 200.025(d)(e)

FINDINGS: The findings are in the attached Order dated June 21, 2018.

DECISION: The Planning Administrator **APPROVED** Urban Growth Preliminary Declaration Case No UGA18-01 subject to SRC Chapter 200 and the following conditions of approval:

- Condition 1:** Construct a driveway access or a 30-foot-wide local linking street improvement from the southeast line of the subject property to Gaffin Road and in one of the following alignments to connect to an adequate linking street:
- A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to Cordon Road SE; or
 - A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to west line of the Renewable Energy and Technology Park; or
 - A 5-foot-wide sidewalk along the southeast side of Cordon Road from the northeast line of the subject property to Gaffin Road SE.

NOTICE OF DECISION

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



- Condition 2:** Acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.
- Condition 3:** Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
- Condition 4:** Along the entire frontage on the development side of Cordon Road SE, construct a parkway boundary street improvement, widening the street to 40-feet from centerline.
- Condition 5:** Provide a linking sewer main to an existing public sewer facility. The nearest adequate facilities are located in Gaffin Road and Whitaker Drive.
- Condition 6:** Extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property.
- Condition 7:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-24; or
 - b. Pay a temporary access fee of \$25,000 pursuant to SRC 200.080(a).

The rights granted by the attached decision must be exercised, or an extension granted, by July 7, 2020 or this approval shall be null and void.

Application Deemed Complete:	<u>May 3, 2018</u>
Notice of Decision Mailing Date:	<u>June 21, 2018</u>
Decision Effective Date:	<u>July 7, 2018</u>
State Mandate Date:	<u>August 31, 2018</u>

Case Manager: Britany Randall, brandall@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., July 6, 2018.** 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) 200. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem 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 at the Planning Division office, 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
(URBAN GROWTH PRELIMINARY DECLARATION NO. UGA18-01)**

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

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

IN THE MATTER OF THE)	
APPROVAL OF URBAN GROWTH)	FINDINGS AND ORDER
PRELIMINARY DECLARATION NO.)	JUNE 21, 2018
UGA18-01; 1800 CORDON ROAD SE)	

REQUEST

An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE (Marion County Map and Tax Lot Number 082W05 01700 and 01701).

DECISION

The Urban Growth Preliminary Declaration is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval:

- Condition 1:** Construct a driveway access or a 30-foot-wide local linking street improvement from the southeast line of the subject property to Gaffin Road and in one of the following alignments to connect to an adequate linking street:
- a. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to Cordon Road SE; or
 - b. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to west line of the Renewable Energy and Technology Park; or
 - c. A 5-foot-wide sidewalk along the southeast side of Cordon Road from the northeast line of the subject property to Gaffin Road SE.
- Condition 2:** Acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.
- Condition 3:** Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.

- Condition 4:** Along the entire frontage on the development side of Cordon Road SE, construct a parkway boundary street improvement, widening the street to 40-feet from centerline.
- Condition 5:** Provide a linking sewer main to an existing public sewer facility. The nearest adequate facilities are located in Gaffin Road and Whitaker Drive.
- Condition 6:** Extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property.
- Condition 7:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-24; or
 - b. Pay a temporary access fee of \$25,000 pursuant to SRC 200.080(a).

PROCEDURAL FINDINGS

On April 6, 2018, an application for an Urban Growth Preliminary Declaration was filed to determine the public facilities required for development on property approximately 19.26 acres in size, designated IND (Industrial), zoned Marion County UT-5 (Urban Transition – 5 Acres), and located at 1800 Cordon Road SE (**Attachment A**). The application was deemed complete on May 3, 2018, and notice was mailed pursuant to Salem Revised Code (SRC) requirements on May 3, 2018.

SUBSTANTIVE FINDINGS

1. Subject Property

The subject property consists of two tax lots encompassing a total area of 19.26 acres.

The site is located outside of and abutting Salem city limits. Parcel 01700 has frontage on Cordon Road SE on the north property line. The subject property is vacant.

The site is designated “Industrial” in the Comprehensive Plan and zoned UT-5 (Urban Transition – 5 Acres) in Marion County. The applicant provided a narrative indicating that the owners are considering future development of the property that would consist of a possible mix of industrial and commercial uses, such as self-storage, general warehousing, distribution, light industrial, and office, as well as possible multi-family residential uses. The applicant stated that in order to develop the property as desired, a variety of land use actions would be required such as annexation, and potentially a Comprehensive Plan Map Amendment and Zone Change. No other land use applications are being reviewed or approved with this UGA Preliminary Declaration application. Any future applications would be reviewed after the UGA Preliminary Declaration is issued and after the property is annexed.

In 1983, the subject property was assessed a deferred fee (lien) for the construction of offsite utility improvements for the Cascade Economic Development District (CEDD) area. In accordance with the assessment documents, the fees are to be deferred until such time as the property is served or developed.

2. SRC Chapter 200 – Urban Growth Management

The subject property is located outside of the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is required prior to subdivision approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated, if the development is within the Urban Growth Area (UGA), or is within the Urban Service Area (USA), but precedes city construction of required facilities shown in the adopted capital improvement plan, public facilities plan, or comparable plan for the area of the development.

3. Neighborhood Association Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association. The neighborhood association did not submit comments on the proposal prior to the comment deadline.

4. Citizen Comments

Property owners within 250 feet of the subject property were mailed notification of the Urban Growth Preliminary Declaration request.

Two property owners provided written comments on the proposal prior to the close of the comment period.

One property owner was against any development on the subject property siting the sprawl of the City and the natural resources that are present on the site.

Staff Response: Prior to development of the subject property, the applicant will need to annex the property into the City. Upon annexation, development will be subject to the standards of the Salem Revised Code (SRC), including the City's standards for preservation of natural resources. The property is located inside the City of Salem's urban growth boundary and abutting City limits to the south which means the property may be annexed into the City and developed in the future. One property owner submitted comments indicating the following objections and concerns:

Natural Resources

- The subject property contains a branch of the Little Pudding River, that conveys runoff from 150-200 acres of publicly and privately-owned property.

- This section of the Little Pudding and the subject property experiences annual winter flooding.
- There are approximately two acres of jurisdictional wetlands that were identified by City staff in the late 1990s. With changes to wetland identification rules, there could be significantly more acres identified during a formal delineation process.

Staff Response: Concerns regarding wetlands and future use are not pertinent to the approval criteria.

Access

- No access will be granted to Cordon Road from the City of Salem.
- ODOT owns the property to the south (Highway 22) and the vast majority of frontage to the west and would not allow direct access to the ODOT right-of-way.
- To the northeast of the subject property are privately owned lots that are 90-165 feet wide, all located outside of the City's UGB.
- The properties to the southeast are within the City of Salem, but are privately owned. There are no City streets serving those parcels. There appears to be a private driveway, possibly owned by the Salem-Keizer School District, which is encumbered by an underground petroleum transport line. The private drive intersects Gaffin Road which at that point is under the jurisdiction of Marion County.

Staff Response: Concerns regarding access are addressed in the findings by requiring a linking street connection to Gaffin Road.

Concluding Comments

- The subject parcel's highest and best use might be for the continued use as a flood storage area, a wetland mitigation site, and/or a natural area.
- The neighboring property owner is very opposed to any zone change that would allow any residential development that has a density greater than the surrounding Marion County lands.
- The neighboring property owner wants to receive all updated information on any proposals impacting the area near their property at 5170 Gaffin Road SE – 97317.

Staff Response: The Urban Growth Preliminary Declaration determines the master-planned public facilities needed to service development of property outside of the Urban Service Area, but does not confer an approval to develop land. Future development of the subject property would be subject to the land use and/or development review processes applicable to the type of development proposed. For

instance, single family residential development would be subject to review under the tentative subdivision criteria.

Streets

A more specific analysis of trip generation and traffic safety would be undertaken as part of the review of future development.

Water, Sewer, and Stormwater

The conditions of approval adopted in this order require adequate linking facilities to water and sewer facilities. Water, sewer, and stormwater facilities will be provided at the time of development according to the requirements of the Salem Revised Code and Public Works standards.

5. City Department Comments

Public Works Department - The Public Works Department reviewed the proposal and provided comments regarding existing and required public facilities necessary to serve the subject property. Comments from the Public Works Department are included as **Attachment B**.

Building and Safety Division – The Salem Community Development Department, Building and Safety Division, reviewed the proposal and has no objections to it.

Fire Department – The Salem Fire Department submitted comments indicating that they have no concerns with the proposal. Fire will address issues such as fire department access and water supply at the time of building permit plan review.

6. Public and Private Agency Comments

Salem-Keizer Public Schools – Salem-Keizer Public Schools submitted comments stating that a school bus stop on Gaffin Road or Cordon Road would be needed. A bus stop on Gaffin Road should have sufficient clearance for vehicles turning from Cordon Road to stop safely. A bus stop on Cordon Road and a bus pull-out lane should be planned. A memo with additional comments is included as **Attachment C**.

7. Criteria for Granting Urban Growth Preliminary Declaration

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before approval can be granted to an Urban Growth Preliminary Declaration. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings 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.

A. SRC 200.025(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.*

B. 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: The Public Works Department reviewed the proposed Urban Growth Preliminary Declaration to identify those public facilities that must be constructed in order to fully serve the proposed development consistent with the City's adopted Master Plans and Area Facilities Plans. Findings provided by the Public Works Department are included in **Attachment B**. The proposed development will be fully served by Public Facilities as required under SRC Chapter 200 as follows:

I. SRC 200.055 – Street Improvements.

SRC 200.055 requires development to be connected, through a linking street, to an adequate public street. An adequate linking street is defined under SRC 200.055(b) 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 boundary of a property shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Linking Streets:

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).

The property abuts Cordon Road SE, which is designated a Parkway in the Salem Transportation System Plan. Pursuant to SRC 804.040(a), access to the site is limited to uses generating 10,000 or more vehicle trips per day. Additionally, SRC 804.040(c) prevents additional driveway approaches due to the proximity of the intersection of Cordon Road SE and Gaffin Road SE. Therefore, the applicant will need to secure access to Gaffin Road SE through one or more adjacent parcel(s) to the east.

Gaffin Road SE is designated a Minor Arterial in the Salem Transportation System Plan and is under the jurisdiction of Marion County. It currently has an approximate 25-foot improvement within a 58-foot right-of-way between the intersection with Cordon Road SE and the western property line of the Renewable Energy and Technology Park, a length of approximately 2,600 feet.

Therefore, the following conditions shall apply:

- Condition 1:** Construct a driveway access or a 30-foot-wide local linking street improvement from the southeast line of the subject property to Gaffin Road and in one of the following alignments to connect to an adequate linking street:
- a. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to Cordon Road SE; or
 - b. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to west line of the Renewable Energy and Technology Park; or
 - c. A 5-foot-wide sidewalk along the southeast side of Cordon Road from the northeast line of the subject property to Gaffin Road SE.
- Condition 2:** Acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.

The applicant shall acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.

Boundary Streets:

Cordon Road is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way. The applicant shall convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE. Along the entire frontage on the development side of Cordon Road SE, the applicant shall construct a parkway boundary street improvement, widening the street to 40-feet from centerline.

This portion of street meets the criterial for deferral pursuant to SRC 803.070(a)(1))(A)(iv), "Unusual or special conditions exist that, in the opinion of the Director, would warrant a deferral of all or a part of the improvement." This street is in the influence area of the future Highway 22/Cordon interchange, so the improvement may be delayed until a later time in order to better integrate into the future interchange alignment.

The following conditions shall apply:

- Condition 3:** Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
- Condition 4:** Along the entire frontage on the development side of Cordon Road SE, construct a parkway boundary street improvement, widening the street to 40-feet from centerline.

II. SRC 200.060 – Sewer Improvements.

SRC 200.060 requires development to be linked to existing adequate sewer facilities through construction of sewer lines and pumping stations necessary to connect to such existing sewer facilities.

The nearest available sewer facility is located in Gaffin Road SE, northeast of the subject property. 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 adequate facilities are located in Gaffin Road and Whitaker Drive.

The applicant shall construct the improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

- Condition 5:** Provide a linking sewer main to an existing public sewer facility. The nearest adequate facilities are located in Gaffin Road and Whitaker Drive.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003).

III. SRC 200.065 – 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 applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). Two existing waterways are located on the subject property. By complying with the flow control and water quality requirements of SRC Chapter 71, the applicant shall meet the requirements of this chapter.

IV. SRC 200.070 – 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). 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.

An existing 24-inch water main is located along a portion of the subject property frontage. The applicant shall extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property as specified in the Water Master Plan. The following condition shall apply:

Condition 6: Extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property.

These improvements ensure that permanent water service is available in accordance with the Water System Master Plan.

V. SRC 200.075 – Park Sites.

SRC 200.075 requires that 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 Parks System Master Plan.

As a condition of residential use, the applicant shall acquire and convey for dedication prior to development approval that property which is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Parks System Master Plan.

The Comprehensive Parks System Master Plan shows that a future Neighborhood Park (NP 24) is planned near the subject property. The applicant shall acquire and convey a 2-acre property for dedication of neighborhood park facility NP-24 based on sizing established in the Master Plan.

In lieu of acquiring and conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is \$25,000 based on the following analysis:

- Acquisition and development of the 2-acre park known as Miller Area Park is estimated to cost a total of \$663,200 according to Table E-1 of the Master Plan. City staff estimates that acquisition costs account for approximately 40 percent of the total cost, or \$265,280.

- The service area of NP-24 is estimated to be 204 acres, so the proportional cost for all property within the service area for park acquisition is \$265,280 divided by 204 acres, or \$1,300 per acre.
- For a 19.26-acre site at \$1,300 per acre, the proportional contribution to NP-24 is \$25,000 (rounded).

The temporary access fee will contribute to the permanent park facility by providing revenue for acquiring the property being proposed for NP-24.

The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, as defined in SRC 200.075(b), as conditioned below:

Condition 7: As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-24; or
- b. Pay a temporary access fee of \$25,000 pursuant to SRC 200.080(a).

8. Conclusion

Based upon review of SRC Chapter 200, the findings contained herein, and due consideration of the comments received, the Urban Growth Preliminary Declaration complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The Urban Growth Preliminary Declaration request to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE (Marion County Map and Tax Lot Number 082W05 01700 and 01701) is hereby GRANTED subject to SRC Chapter 200 and the following conditions of approval:

- Condition 1:** Construct a driveway access or a 30-foot-wide local linking street improvement from the southeast line of the subject property to Gaffin Road and in one of the following alignments to connect to an adequate linking street:
- d. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to Cordon Road SE; or

- e. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to west line of the Renewable Energy and Technology Park; or
- f. A 5-foot-wide sidewalk along the southeast side of Cordon Road from the northeast line of the subject property to Gaffin Road SE.

- Condition 2:** Acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.
- Condition 3:** Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
- Condition 4:** Along the entire frontage on the development side of Cordon Road SE, construct a parkway boundary street improvement, widening the street to 40-feet from centerline.
- Condition 5:** Provide a linking sewer main to an existing public sewer facility. The nearest adequate facilities are located in Gaffin Road and Whitaker Drive.
- Condition 6:** Extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property.
- Condition 7:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
- c. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-24; or
 - d. Pay a temporary access fee of \$25,000 pursuant to SRC 200.080(a).



Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Salem Public Works Department Comments
C. Salem-Keizer Public Schools Comments

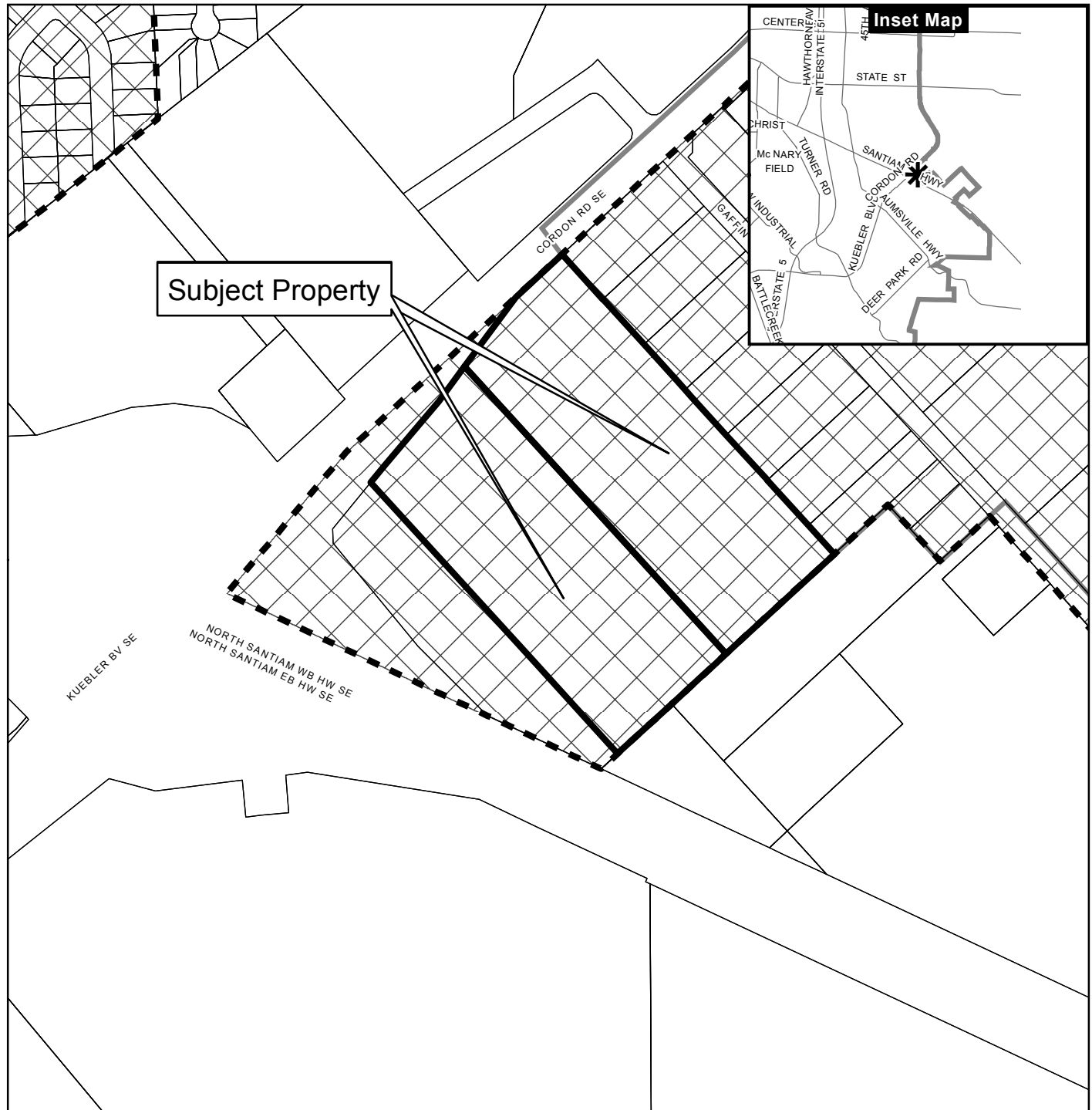
Application Deemed Complete:	<u>May 3, 2018</u>
Notice of Decision Mailing Date:	<u>June 21, 2018</u>
Decision Effective Date:	<u>July 7, 2018</u>
State Mandated Decision Date:	<u>August 31, 2018</u>

The rights granted by this decision must be exercised, or an extension granted, by **July 7, 2020** or this approval shall be null and void.

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

This decision is final unless written appeal from a party with standing to appeal, along with the appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Friday, July 6, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem City Council will review the appeal at a public hearing. The City Council may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 1800 Cordon Road SE



Legend

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

Parks

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Community Development Dept.

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0 100 200 400 Feet





MEMO

TO: Britany Randall, Planner II
Community Development Department

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

DATE: June 20, 2018

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
UGA NO. 18-01 (18-107978)
1800 CORDON ROAD SE
PROPOSED DEVELOPMENT**

PROPOSAL

An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE (Marion County Map and Tax Lot Numbers 082W05 01700 and 01701).

RECOMMENDED CONDITIONS

1. Construct a driveway access or a 30-foot-wide Local linking street from the southeast line of the subject property to Gaffin Road SE and in one of the following alignments to connect to an adequate linking street:
 - a. A 34-foot-wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to Cordon Road SE; or
 - b. A 34-foot-wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to west line of the Renewable Energy and Technology Park; or
 - c. A 5-foot-wide sidewalk along the southeast side of Cordon Road SE from the northeast line of the subject property to Gaffin Road SE.
2. Acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.
3. Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
4. Along the entire frontage on the development side of Cordon Road SE, construct a Parkway Boundary street improvement, widening the street to 40 feet from centerline.

5. As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
 - a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-24; or
 - b. Pay a temporary access fee of \$25,000 pursuant to SRC 200.080(a).
6. Provide a linking sewer main to an existing public sewer facility. The nearest adequate facilities are located in Gaffin Road SE and Whitaker Drive SE.
7. Extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property.

FACTS

General

The subject property is within the Cascade Economic Development District initiated in 1983. The existing liens against the property will need to be paid or satisfied prior to issuance of building permits.

Streets

1. Cordon Road SE
 - a. Standard—This street is designated as a Parkway street in the *Salem Transportation System Plan* (TSP). The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 36-foot improvement within a variable-width (minimum of 100-foot) right-of-way abutting the subject property.
2. Gaffin Road SE
 - a. Standard—This street is designated as a Minor Arterial street in the *Salem TSP* and is under the jurisdiction of Marion County. 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 25-foot improvement within a 58-foot-wide right-of-way.

Storm Drainage

1. Existing Conditions
 - a. The subject property is within the Little Pudding Drainage Basin.

- b. The West Middle Fork of the Little Pudding River is located on the property in the southern and eastern quadrants. An unnamed waterway is located on the property at the western corner.
- c. There are multiple mapped wetlands located on the property.
- d. The subject property is located in a Stormwater Management Area as specified in an agreement among the City of Salem, Marion County, and the City of Keizer. The agreement limits discharge from the subject property to amounts not exceeding pre-existing runoff.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An existing 24-inch G-0 water line is located in Cordon Road SE.
- c. An existing 24-inch G-0 water line is located in Gaffin Road SE.

Sanitary Sewer

1. Existing Sewer

- a. An existing 30-inch sewer line is located in Gaffin Road SE.
- b. The nearest adequate linking facility is the existing 30-inch sewer line at Gaffin Road SE.

Parks

The Salem Comprehensive Parks System Master Plan shows that the subject property is served by a future neighborhood park NP-24, which is a 2-acre park located to the northwest of the subject property.

CRITERIA AND FINDINGS

SRC 200.055—Standards for Street Improvements

Findings:

Linking Streets:

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).

The property abuts Cordon Road SE, which is designated a Parkway in the *Salem TSP*. Pursuant to SRC 804.040(a), access to the site is limited to uses generating 10,000 or more vehicle trips per day. Additionally, SRC 804.040(c) prevents additional driveway approaches due to the proximity of the intersection of Cordon Road SE and Gaffin Road SE. Therefore, the applicant will need to secure access to Gaffin Road SE through one or more adjacent parcel(s) to the east.

Gaffin Road SE is designated a Minor Arterial in the *Salem TSP* and is under the jurisdiction of Marion County. It currently has an approximate 25-foot improvement within a 58-foot right-of-way between the intersection with Cordon Road SE and the western property line of the Renewable Energy and Technology Park, a length of approximately 2,600 feet.

Therefore, the applicant shall be required to construct a driveway access or a 30-foot-wide Local linking street from the southeast line of the subject property to Gaffin Road SE and in one of the following alignments to connect to an adequate linking street:

- a. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to Cordon Road SE; or
- b. A 34-foot wide linking street improvement along Gaffin Road SE from the approved access point of the subject property to west line of the Renewable Energy and Technology Park; or
- c. A 5-foot-wide sidewalk along the southeast side of Cordon Road SE from the northeast line of the subject property to Gaffin Road SE.

The applicant shall acquire right-of-way along the linking street(s) sufficient to construct the required street improvements as specified by the Public Works Director.

Boundary Streets:

Cordon Road is designated as a Parkway street in the *Salem TSP*. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way. The applicant shall convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE. Along the entire frontage on the development side of Cordon Road SE, the applicant shall construct a Parkway Boundary street improvement, widening the street to 40 feet from centerline.

This portion of street meets the criterial for deferral pursuant to SRC 803.070(a)(1))(A)(iv), "Unusual or special conditions exist that, in the opinion of the Director, would warrant a deferral of all or a part of the improvement." This street is in

the influence area of the future Highway 22/Cordon interchange, so the improvement may be delayed until a later time to better integrate the improvement with the future interchange alignment.

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 facility is located in Gaffin Road SE, northeast of the subject property. 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 adequate facilities are located in Gaffin Road SE and Whitaker Drive SE.

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 applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). Two existing waterways are located on the subject property. By complying with the flow control and water quality requirements of SRC Chapter 71, the applicant shall meet the requirements of this chapter.

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). 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.

An existing 24-inch water main is located along a portion of the subject property frontage. The applicant shall extend the existing 24-inch water main in Cordon Road SE to the southwest line of the subject property as specified in the *Water System Master Plan*.

SRC 200.075—Standards for Park Sites

Findings: As a condition of residential use, the applicant shall acquire and convey for dedication prior to development approval that property which is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Parks System Master Plan*.

The Comprehensive Parks System Master Plan shows that a future Neighborhood Park (NP 24) is planned near the subject property. The applicant shall acquire and convey a 2-acre property for dedication of neighborhood park facility NP-24 based on sizing established in the Master Plan.

In lieu of acquiring and conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is \$25,000 based on the following analysis:

- Acquisition and development of the 2-acre park known as Miller Area Park is estimated to cost a total of \$663,200 according to Table E-1 of the Master Plan. City staff estimates that acquisition costs account for approximately 40 percent of the total cost, or \$265,280.
- The service area of NP-24 is estimated to be 204 acres, so the proportional cost for all property within the service area for park acquisition is \$265,280 divided by 204 acres, or \$1,300 per acre.
- For a 19.26-acre site at \$1,300 per acre, the proportional contribution to NP-24 is \$25,000 (rounded).

The temporary access fee will contribute to the permanent park facility by providing revenue for acquiring the property being proposed for NP-24.

RESPONSE TO CITIZEN COMMENTS:

1. Dave and Lisa Young

Response: The neighbors' concerns regarding wetlands and future use are not pertinent to the approval criteria. Concerns regarding access are addressed in the findings by requiring a linking street connection to Gaffin Road SE.

2. Salem-Keizer Public Schools

Response: The approval criteria does not include any requirement for school bus turnouts. City staff recommends that district staff contact the developer regarding transit needs.

Prepared by: Jennifer Scott, Project Coordinator
cc: File

REQUEST FOR COMMENTS

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

REGARDING: Urban Growth Preliminary Declaration Case No. UGA18-01

PROJECT ADDRESS: 1800 Cordon Road SE, Salem, OR 97317

AMANDA Application No. 18-107978-LD

COMMENT PERIOD ENDS: May 17, 2018

SUMMARY: An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of 19.26 acres located at 1800 Cordon Road SE.

REQUEST: An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE (Marion County Map and Tax Lot Number 082W05 01700 and 01701).

Attached is a copy of the proposal and any related maps. A decision for this proposal will be prepared by the planning staff from information available to the staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

Comments received by 5:00 P.M., May 17, 2018, will be considered in the decision process. Comments received after this date will be not considered. **Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail or hand deliver your comments to the case manager listed below.**

SEND COMMENTS TO: Britany Randall, Planner II; City of Salem, Planning Division
555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503 540-2304; Fax: 503-588-6005
E-Mail: brandall@cityofsalem.net; <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: See attached.
A school bus stop on Claffin Rd. or Cordon Rd. would be needed. A bus stop on Claffin Rd. should have sufficient clearance for vehicles turning from Cordon Rd. to stop safely.
- ☐ 3. Other: A bus stop on Cordon Rd., a bus pull-out lane should be planned.

Name: _____ Address: _____ Agency: _____ Phone: _____ Date: _____	Salem-Keizer Public Schools Planning and Property Services 3630 State Street, Salem OR 97301 David Fridenmaker, Manager 503-399-3335 <u>5.17.18</u>
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DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

May 17, 2018

Britany Randall, Planner II
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. Salem Case No. UGA18-01, 1800 Cordon Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Miller	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Miller	Elementary	417	387	108%
Houck	Middle	1,064	1,020	104%
North Salem	High	1,783	1,639	109%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	270	MF	0.201	54
Middle	270	MF	0.077	21
High	270	MF	0.084	23

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Miller	Elem.	417	1	54	55	387	122%
Houck	Mid.	1,064	13	21	34	1,020	108%
North Salem	High	1,783	18	23	41	1,639	111%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be

provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Miller	Elementary	Eligible for Transportation
Houck	Middle	Eligible for Transportation
North Salem	High	Eligible for Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	54	\$51,123	\$2,760,642
Middle	21	\$60,232	\$1,264,872
High	23	\$69,342	\$1,594,866
TOTAL			\$5,620,380

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2017 Fourth Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Katie Vorderstrasse, Risk Manager, Michael Shields, Director of Transportation

Tross Consulting, Inc.

Jeffrey R. Tross
Land Planning and Development Consultant
1720 Liberty St. SE, Salem, Oregon 97302
Phone (503) 370-8704 email jefftross@msn.com

July 6, 2018

City Council, City of Salem
c/o Planning Division
attn: Britany Randall
City Hall, Room 305
555 Liberty Street SE
Salem, Oregon 97301

RE: APPEAL of URBAN GROWTH PRELIMINARY DECLARATION CASE
No: UGA 18-01, Application No. 18-107978-LD

Dear Councilors:

This letter is provided on behalf of the Appeal filed by Alpha3 LLC, the owners of the property at 1800 Cordon Road SE and the Applicants in Urban Growth Preliminary Declaration Case No: UGA 18-01, Application No. 18-107978-LD. Alpha3 LLC Appeals the Decision in this Case for specific reasons, summarized below, and this letter is provided as a part of that Appeal.

The date of the Decision approving the (Revised) Urban Growth Preliminary Declaration was June 21, 2018. The Appeal period extends to 5:00 p.m. on July 6, 2018. The Appeal is timely filed within the stated Appeal period. As the owner of the property that is subject to the application, and the Applicant, Alpha3 LLC has standing to Appeal the Decision consistent with SRC 300.1010.

The approval of the Urban Growth Preliminary Declaration is subject to SRC Chapter 200, and for this Appeal more specifically SRC 200.025(d) and (e) and 200.055. The Appellant objects to Conditions of Approval 1., 2., 3., and 4. A summary of the reasons for this Appeal is as follows:

The Urban Growth Preliminary Declaration does not include or provide for access from the property to Cordon Road SE. The property has frontage on Cordon Road, and was granted access to Cordon Road in stipulated final judgments No. 88-c-11419 and No. 88-c-11420, at the time right of way was acquired by the Oregon Department of Transportation (ODOT), in 1990. Copies of these judgments are attached.

The property has no other public road frontage or means of access to a public street or road. According to the Decision, Condition 1., access must be provided from the east side of the property, which will require the Applicant to acquire land for a public right of way or a private driveway access from property that the Applicant does not own.

At the same time, the Conditions of Approval require the property owner to dedicate right of way along the property's Cordon Road frontage (Condition 3.), and to construct improvements to Cordon Road consisting of a "parkway boundary street improvement, widening the street to 40' from centerline" (Condition 4). These requirements place a substantial burden on the property owner, but afford no benefit to the use of the property since the City has stated that access to Cordon Road will be prohibited.

The Appellant requests that the property be allowed access to Cordon Road as provided by the 1990 stipulated final judgments. If access to Cordon Road is not allowed, then the City must provide alternative access to the property and the dedication of right of way and the improvements along the property's Cordon Road frontage should not be required.

We will look forward to presenting this information at a public hearing. In order to allow sufficient time to conduct the Appeal procedure, the Applicant/Appellant agrees to extend the time for the review process for an additional 60 days.

Sincerely,



Jeffrey R. Tross

Tross Consulting, Inc.

cc: Alpha3, LLC