

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

URBAN GROWTH PRELIMINARY DECLARATION CASE NO. UGA17-03

APPLICATION NO. : 17-108503-LD

NOTICE OF DECISION DATE: AUGUST 31, 2017

REQUEST: An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 68.14 acres northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE for single family residential development.

The subject property consists of 8 tax lots totaling approximately 68.14 acres in size, zoned RA (Residential Agriculture), with Tax Lot 1600 being split zoned RA and PH (Public Health) and located at the 4700 Block of Battle Creek Road SE (Marion County Assessor map and tax lot numbers: 083W11D00100, 00200, 00202, 00400, 00500, 00601, 00602; 083W12B01600; and 083W12C00700).

APPLICANTS: Douglas Drager, Seth Drager, Hobbs Family Property Trust, Boulder Hill, LLC (Robert W. Nunn), Pringle Creek, LLC (Robert W. Nunn), Battle Creek, LLC (Julie Singer, Roberta Strausbaugh)

LOCATION: 4700 Battle Creek Road SE - 97302

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

FINDINGS: The Findings are in the attached Order dated August 31, 2017.

DECISION: The Planning Administrator **APPROVED** Urban Growth Preliminary Declaration UGA17-03 subject to the following conditions of approval:

- Condition 1:** Provide a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c); additional transportation requirements may apply as specified in the TIA:
- a) Convey land for dedication of right-of-way along all boundary streets to equal the following distances from street centerline:
 - i) Battle Creek Road SE – 36 feet
 - ii) Reed Road SE – 36 feet
 - iii) Strong Road SE – 30 feet

- b) Construct a 23-foot-wide half-street improvement along the entire frontage of Battle Creek Road SE and Reed Road SE.
- c) Along Strong Road SE, construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

Condition 2: Connect to the existing sewer mains in Strong Road SE and Reed Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

Condition 3: Connect to the existing stormwater facilities abutting Strong Road SE, Reed Road SE, and Kuebler Boulevard SE. If off-site easements are needed because of topographic constraints, and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

Condition 4: As a condition of development in the S-1 water service level, the applicant shall:

- a) Reserve property for dedication of an approximately 90 foot by 252 foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 for future construction of Coburn Reservoir.
- b) Construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.
- c) Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in the *Water System Master Plan*; or pay a temporary access fee pursuant to SRC 200.080(a). The temporary access fee shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0 (i) the market value of the land conveyed pursuant to Condition 1.a above; and (ii) the certified cost of the non-reimbursed off-site portion of the water main constructed pursuant to Condition 1.b above.

Condition 5: Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size. The park facility shall be located along Pringle Creek in the vicinity of Tax Lot 083W11D00200 or in an alternate location as approved by the Public Works Director.

The rights granted by the attached decision must be exercised, or an extension granted, by **September 16, 2019**, or this approval shall be null and void.

Application Deemed Complete:	<u>May 25, 2017</u>
Notice of Decision Mailing Date:	<u>August 31, 2017</u>
Decision Effective Date:	<u>September 16, 2017</u>
State Mandate Date:	<u>October 22, 2017</u>

Case Manager: Chris Green, cgreen@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., Friday, September 15, 2017**. 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 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. UGA17-03)**

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.)	AUGUST 31, 2017
UGA17-03; 4700 BLOCK OF BATTLE)	
CREEK ROAD SE ET AL)	

REQUEST

An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 68.14 acres northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE for single family residential development. The subject property consists of 8 tax lots totaling approximately 68.14 acres in size, zoned RA (Residential Agriculture), with Tax Lot 1600 being split zoned RA and PH (Public Health) and located at the 4700 Block of Battle Creek Road SE (Marion County Assessor map and tax lot numbers: 083W11D00100, 00200, 00202, 00400, 00500, 00601, 00602; 083W12B01600; and 083W12C00700).

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: Provide a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c); additional transportation requirements may apply as specified in the TIA:

- a) Convey land for dedication of right-of-way along all boundary streets to equal the following distances from street centerline:
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- c) Along Strong Road SE, construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

Condition 2: Connect to the existing sewer mains in Strong Road SE and Reed Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

Condition 3: Connect to the existing stormwater facilities abutting Strong Road SE, Reed Road SE, and Kuebler Boulevard SE. If off-site easements are needed because of topographic constraints, and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

Condition 4: As a condition of development in the S-1 water service level, the applicant shall:

- a) Reserve property for dedication of an approximately 90 foot by 252 foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 for future construction of Coburn Reservoir.
- b) Construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.
- c) Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in the *Water System Master Plan*; or pay a temporary access fee pursuant to SRC 200.080(a). The temporary access fee shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0 (i) the market value of the land conveyed pursuant to Condition 1.a above; and (ii) the certified cost of the non-reimbursed off-site portion of the water main constructed pursuant to Condition 1.b above.

Condition 5: Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size. The park facility shall be located along Pringle Creek in the vicinity of Tax Lot 083W11D00200 or in an alternate location as approved by the Public Works Director.

PROCEDURAL FINDINGS

On May 10, 2017, an application for an Urban Growth Preliminary Declaration was filed to determine the public facilities required for single family residential development on property approximately 68.14 acres in size, zoned RA (Residential Agriculture), and located at the 4700 block of Battle Creek Road SE (**Attachment A**). The application was deemed complete on May 25, 2017, and notice was mailed pursuant to Salem Revised Code (SRC) requirements on June 2, 2017. The applicant has granted one extension of the state-mandated local decision deadline, to October 22, 2017.

SUBSTANTIVE FINDINGS

1. Subject Property

The subject property consists of nine tax lots encompassing a total area of 68.14 acres, as listed below:

Map and Tax Lot Number	Acreage
083W11D00100	19.68
083W11D00200	9.65
083W11D00202	1.01
083W11D00400	4.09
083W11D00500	1.67
083W11D00601	1.45
083W11D00602	0.05
083W12B01600	17.69
083W12C00700	12.85

The site is generally encompassed by Kuebler Boulevard SE to the south, Battle Creek Road SE to the west, and Reed Road SE to the northwest. A small portion of Tax Lot 1600, at the northeastern corner of the overall subject property, has frontage on Strong Road SE. With the exception of three large lot single family residences along Battle Creek Road SE, the subject property is primarily undeveloped. Tax Lots 083W11D00101 and 083W12C00701 are near the center of the site, and surrounded by the subject property. These lots are owned by the City of Salem as a future site for the Coburn Reservoir.

Other than a small portion of Tax Lot 1600 which abuts the Hillcrest Correctional Facility campus, the site is designated "Developing Residential" in the Comprehensive Plan and zoned RA (Residential Agriculture). A supplement to the applicant's statement indicates that, while no specific development is proposed at this time, the subject property would be developed for single family residential uses of approximately 4 to 6.5 dwelling units per acre.

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 Morningside Neighborhood Association. In addition, the subject property is adjacent to the South Gateway Neighborhood Association (across Kuebler Boulevard SE). Neither neighborhood association submitted 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. One property owner submitted written comments indicating no objections to the proposal. One property owner submitted comments expressing concern with traffic safety at the intersection of Reed Road SE and Battle Creek Road SE.

Staff Response: The Urban Growth Preliminary Declaration determines the master-planned public facilities needed to fully service development of property outside of the Urban Service Area, but does not confer an approval to develop land. Conditions of approval adopted in this order require dedication of rights-of-way and widening of streets in the vicinity, including Reed Road SE and Battle Creek Road SE. 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 plan or Planned Unit Development criteria. A more specific analysis of trip generation and traffic safety would be undertaken as part of the review of future development.

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, submitted comments indicating no concerns with the proposal at this time.

Fire Department – The Salem Fire Department submitted comments indicating that Fire Department access and water supply would need to be provided to serve new development. The comments also advise that multiple access points may be required depending on the size and number of units developed.

6. Public and Private Agency Comments

Salem-Keizer Public Schools – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary and high school levels to serve future single family residential development of the property but not at the middle school level. The school district indicated that the subject property is outside of the “walk zone” of the assigned elementary, middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools.

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

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 200.0025(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.

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 collector or arterial street which has, at a minimum, a 34 foot wide turnpike improvement within a 60 foot wide right-of-way.

Linking streets are required be extended from the development to an adequate public street by the shortest pre-planned route available. Specific locations and classifications of linking streets shall be based upon the street network adopted in the TSP, and as further specified in any Transportation Impact Analysis (TIA) prepared by Public Works staff during the adoption of the Urban Service Area or its amendments.

All streets abutting the boundary of a property shall be designed and constructed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property is bounded by Kuebler Boulevard SE on the south, Battle Creek Road SE on the west, and Reed Road SE on the northwest. A portion of Tax Lot 1600, near the northeast corner of the subject property, has frontage on Strong Road SE.

Kuebler Boulevard 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. The abutting portion of Kuebler Boulevard SE currently has an approximately 70-to-80-foot-wide improvement within a 120-to-150-foot-wide right-of-way. No access is available from the subject property to Kuebler Boulevard pursuant to access control restrictions.

Battle Creek Road SE and Reed Road SE are designated as Minor Arterial streets in the TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The abutting portion of Battle Creek Road is currently improved to an approximate width of 20 to 46 feet within a 60-to-72-foot-wide right-of-way. The abutting portion of Reed Road SE currently has an approximately 20-foot-wide improvement within a 40-foot-wide right-of-way.

Strong Road SE is designated as a Collector street in the TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Strong Road is currently improved to an approximate width of 20 to 30 feet within a 40-to-60-foot-wide right-of-way.

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

- Condition 1:** Provide a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c); additional transportation requirements may apply as specified in the TIA:
- a) Convey land for dedication of right-of-way along all boundary streets to equal the following distances from street centerline:
 - i) Battle Creek Road SE – 36 feet
 - ii) Reed Road SE – 36 feet
 - iii) Strong Road SE – 30 feet
 - b) Construct a 23-foot-wide half-street improvement along the entire frontage of Battle Creek Road SE and Reed Road SE.
 - c) Along Strong Road SE, construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

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 Public Works Department has identified the nearest available sewer facilities as located in Reed Road SE and Strong Road SE abutting the subject property.

Comments from the Public Works Department indicate existing sewer mains in Strong Road and Reed Road may not be available to serve the northernmost portion of the site because of topographic constraints. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owners, then the applicant shall follow the acquisition procedures established in SRC 200.050. 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), as conditioned below:

- Condition 2:** Connect to the existing sewer mains in Strong Road SE and Reed Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

III. SRC 200.065 – Storm Drainage Improvements.

SRC 200.065 requires development to be linked to existing adequate storm drainage facilities through the construction of storm drain lines, open channels, and detention facilities that are necessary to connect to such existing storm drainage facilities. The Public Works Department has identified the nearest available public storm systems abutting Reed Road, Strong Road, and Kuebler Boulevard at the boundaries of the subject property. The West Middle Fork of Pringle Creek is located within the subject property.

Condition 3: Connect to the existing stormwater facilities abutting Strong Road SE, Reed Road SE, and Kuebler Boulevard SE. If off-site easements are needed because of topographic constraints, and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

IV. SRC 200.070 – Water Improvements.

SRC 200.070 requires development to be linked to existing adequate water service facilities through the construction of water distribution lines, reservoirs, and pumping stations that are necessary to connect to such existing water service facilities.

Comments from the Public Works Department indicate the subject property is located within the S-1 and S-2 water service levels and that the nearest adequate water main is located in Marietta Street near Fairview Industrial Drive, approximately 2,000 feet east of the subject property. The applicant shall be required to construct a minimum 18-inch S-1 water main connecting the Coburn Reservoir site to the nearest adequate S-1 water main, as specified in Condition 4.b.

The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future S-1 pump station. The subject property surrounds the site of the future Coburn Reservoir (Tax Lots 101 and 701). The existing reservoir site provides less than the two acres of land estimated to be needed for construction of the reservoir. Therefore, the applicant shall be required to reserve property abutting the reservoir site for future construction of Coburn Reservoir, as specified in Condition 4.a.

Temporary capacity is available at the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a temporary access fee. The temporary access fee for this area of the S-1 service area is based on approximately \$13,000,000 of improvements needed to serve 1,300 acres, totaling \$10,000 per acre. The area of the subject property within the S-1 service area is 43 acres, resulting in a temporary access fee \$430,000. The temporary access fee shall be reduced by the market value of the land conveyed for

Coburn Reservoir and the certified cost of the non-reimbursed off-site portion of the water main needed to serve the proposed development. Non-reimbursed costs for water mains abutting or within the subject property will not be part of the temporary access fee reduction. If the land value and certified costs exceed \$430,000, then the temporary access fee shall be \$0.

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

Condition 4: As a condition of development in the S-1 water service level, the applicant shall:

- a) Reserve property for dedication of an approximately 90 foot by 252 foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 for future construction of Coburn Reservoir.
- b) Construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.
- c) Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in the *Water System Master Plan*; or pay a temporary access fee pursuant to SRC 200.080(a). The temporary access fee shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0 (i) the market value of the land conveyed pursuant to Condition 1.a above; and (ii) the certified cost of the non-reimbursed off-site portion of the water main constructed pursuant to Condition 1.b above.

V. SRC 200.075 – Park Sites.

SRC 200.075 requires development to be adequately served by, and linked to, parks through the dedication of necessary park land and/or uninterrupted access to parks as required under the Salem Comprehensive Park System Master Plan.

No parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. SRC 200.075(b) establishes a Level of Service (LOS) for an adequate neighborhood park site as 2.25 acres per 1,000 population, utilizing an average

service radius of one-half mile. Based on the methodology described in comments from the Public Works Department (Attachment B), approximately 6.5 acres of neighborhood park land are needed in order to meet the LOS for the existing service area of approximately 180 acres of residentially-zoned property.

The applicant has proposed a park site located along Pringle Creek in the vicinity of Tax Lot 083W11D00200. Approximately 3 acres of the proposed park site provides only passive park uses because of its proximity to Pringle Creek. Therefore, consistent with the Parks Master Plan's maximum neighborhood park size of 10 acres, this park may have a size up to 10 acres because of the proposed park site's limited recreational uses in the 3 acres along the Pringle Creek.

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 5: Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size. The park facility shall be located along Pringle Creek in the vicinity of Tax Lot 083W11D00200 or in an alternate location as approved by the Public Works Director.

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 and infrastructure required to develop 68.14 acres northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE for single family residential development, on property consisting of 8 tax lots totaling approximately 68.14 acres in size, zoned RA (Residential Agriculture), with Tax Lot 1600 being split zoned RA and PH (Public Health) and located at the 4700 Block of Battle Creek Road SE (Marion County Assessor map and tax lot numbers: 083W11D00100, 00200, 00202, 00400, 00500, 00601, 00602; 083W12B01600; and 083W12C00700) is hereby GRANTED subject to SRC Chapter 200 and the following conditions of approval:

Condition 1: Provide a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c); additional transportation requirements may apply as specified in the TIA:

- a) Convey land for dedication of right-of-way along all boundary streets to equal the following distances from street centerline:

- i) Battle Creek Road SE – 36 feet
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- b) Construct a 23-foot-wide half-street improvement along the entire frontage of Battle Creek Road SE and Reed Road SE.
 - c) Along Strong Road SE, construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

Condition 2: Connect to the existing sewer mains in Strong Road SE and Reed Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

Condition 3: Connect to the existing stormwater facilities abutting Strong Road SE, Reed Road SE, and Kuebler Boulevard SE. If off-site easements are needed because of topographic constraints, and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

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market value of the land conveyed pursuant to Condition 1.a above; and (ii) the certified cost of the non-reimbursed off-site portion of the water main constructed pursuant to Condition 1.b above.

Condition 5: Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size. The park facility shall be located along Pringle Creek in the vicinity of Tax Lot 083W11D00200 or in an alternate location as approved by the Public Works Director.



Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Salem Public Works Department Comments

Application Deemed Complete:	<u>May 25, 2017</u>
Notice of Decision Mailing Date:	<u>August 31, 2017</u>
Decision Effective Date:	<u>September 16, 2017</u>
State Mandated Decision Date:	<u>October 22, 2017</u>

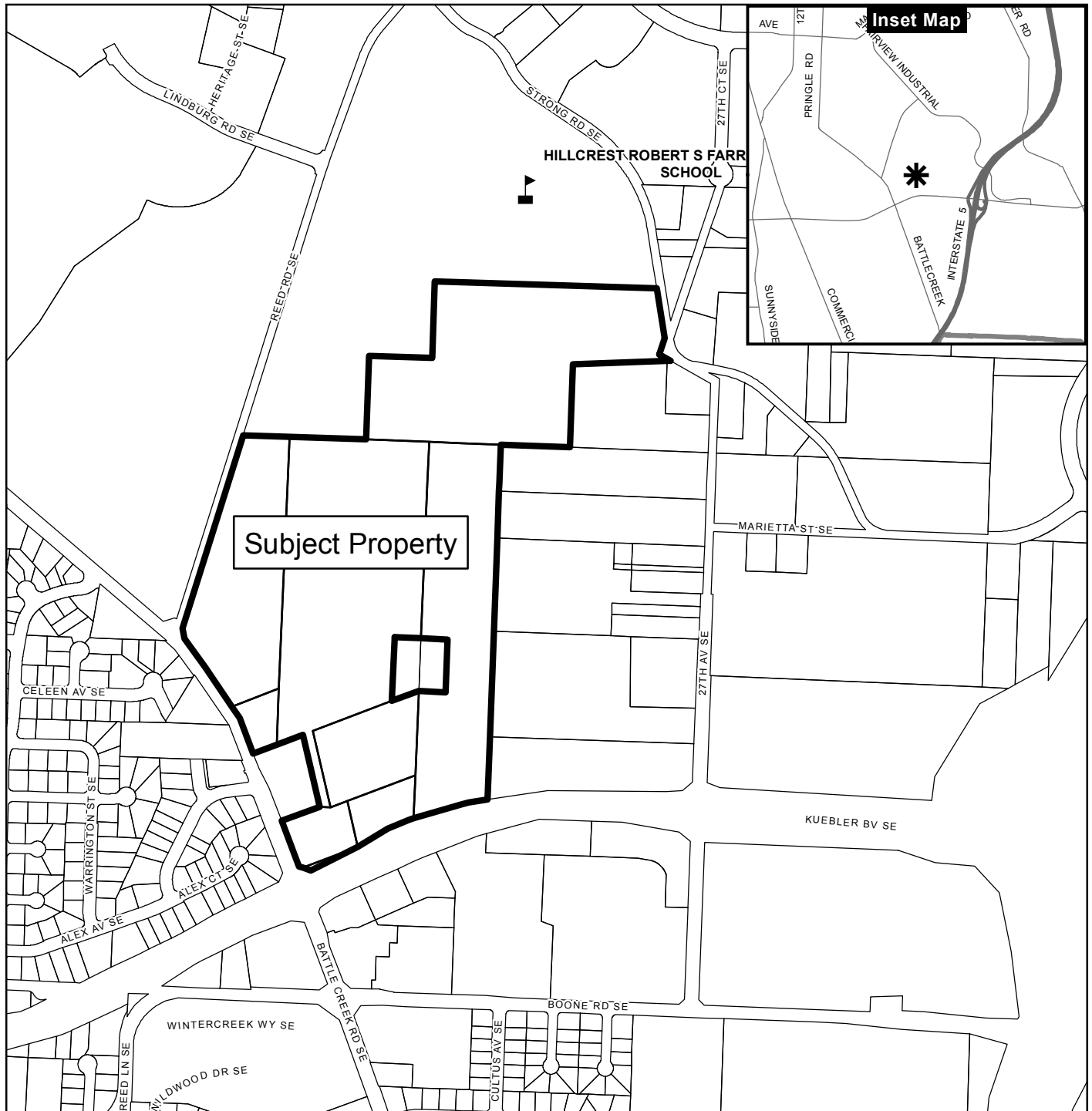
The rights granted by this decision must be exercised, or an extension granted, by **September 16, 2019** or this approval shall be null and void.

OA 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, September 15, 2017, 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

4700 Block of Battle Creek Road SE et al



Legend

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

 Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



TO: Christopher Green, Planner II
Community Development Department

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

DATE: August 29, 2017

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS (REVISED)**
UGA 17-03 (17-108503)
4700 BLOCK OF BATTLE CREEK ROAD SE
PRELIMINARY DECLARATION FOR URBAN GROWTH AREA

PROPOSAL

An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 68.14 acres northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE for single family residential development.

The subject property consists of 8 tax lots totaling approximately 68.14 acres in size, zoned RA (Residential Agriculture), with Tax Lot 1600 being split zoned RA and PH (Public Health) and located at the 4700 Block of Battle Creek Road SE (Marion County Assessor map and tax lot numbers: 083W11D00100, 00200, 00202, 00400, 00500, 00601, 00602; 083W12B01600; and 083W12C00700).

SUMMARY OF FINDINGS

1. As a condition of development in the S-1 water service level, applicant will be required to:
 - a. Reserve property for dedication of an approximately 90-foot by 252-foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 for future construction of Coburn Reservoir.
 - b. Construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.
 - c. Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in *Water System Master Plan*; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0:
 - i. the market value of the land conveyed in condition 1a above; and
 - ii. the certified cost of the non-reimbursed off-site portion of the water main in condition 1b above.

MEMO

2. Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size. The park facility shall be located along Pringle Creek in the vicinity of tax lot 083W11D00200 or in an alternate location as approved by the Public Works Director.
3. Provide a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c); additional transportation requirements may apply as specified in the TIA:
 - a. Convey land for dedication of right-of-way along all boundary streets to equal the following distances from the street centerline: Battle Creek Road SE—36 feet; Reed Road—36 feet; and Strong Road—30 feet.
 - b. Construct a 23-foot-wide half-street improvement along the entire frontage of Battle Creek Road SE and Reed Road SE.
 - c. Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.
4. Connect to the existing sewer mains in Strong Road SE and Reed Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.
5. Connect to the existing stormwater facilities abutting Strong Road SE, Reed Road SE, and Kuebler Boulevard SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

FACTS AND FINDINGS

Traffic Impact Analysis—As a requirement of development, the applicant may be required to provide a Traffic Impact Analysis to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; SRC 803.015).

Water

1. **Existing Conditions**
 - a. The subject property is located within the S-1 and S-2 water service levels.
 - b. A 12-inch water line in the S-2 service level is located in Kuebler Boulevard SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. **Existing Conditions**

- a. A 15-inch sewer line is located in Reed Road SE.
- b. A 24-Inch sewer line is located in 27th Avenue SE.

Storm Drainage

1. Existing Condition—Drainage patterns in this area are generally conveyed into Pringle Creek. The property is on a ridge in which the drainage flows either to the northwest toward the West Middle Fork of Pringle Creek or northeast toward Strong Road SE or southeast toward Kuebler Boulevard SE.
2. At the time of development, the applicant shall be required to design and construct a storm drainage system for areas of replaced and new impervious surfaces. If the development proposal meets the definition of a large project, as defined in SRC 71.005(a) (11), the applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.

Streets

1. Reed 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 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
2. Battle Creek 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 20-foot to 46-foot improvement within a 60-foot to 72-foot-wide right-of-way abutting the subject property.
3. Kuebler Boulevard SE
 - a. Standard—This street 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.
 - b. Existing Condition—This street has an approximate 70-foot to 80-foot improvement within a 120-foot to 150-foot-wide right-of-way abutting the subject property.
 - c. Access control—No driveway access will be granted onto Kuebler Boulevard SE.

4. Strong 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-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-foot to 30-foot improvement within a 40-foot to 60-foot-wide right-of-way abutting the subject property.

Parks

No parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property.

CRITERIA AND FINDINGS

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). Battle Creek Road SE meets the criteria for an adequate linking street.

Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication are required along Battle Creek Road SE, Reed Road SE, and Strong Road SE based on their street classification. Additional street improvements may be required as specified in the TIA.

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 appear to be located in Reed Road SE and Strong Road SE abutting 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).

Existing sewer mains in Strong Road SE and Reed Road SE may not be available to serve the northernmost portion of the site because of topographic constraints. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

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 systems appear to be abutting Reed Road SE, Strong Road SE, and Kuebler Boulevard SE. The West Middle Fork of Pringle Creek is located within the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Existing stormwater facilities may not be available to serve the northernmost portion of the site because of topographic constraints. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

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. The nearest adequate water main is located in Marietta Street SE near Fairview Industrial Drive SE, approximately 2,000 feet east of the subject property. The applicant shall be required to construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.

The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. The subject property surrounds the site of the future Coburn Reservoir (tax lots 083W12C00701 and 083W11D00101). The existing reservoir site does not provide two acres of land needed for construction of the reservoir. Therefore, the applicant shall be required to reserve property for dedication of an approximately 90-foot by 252-foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 as shown on Attachment 1 for future construction of Coburn Reservoir.

Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a temporary access fee. The temporary access fee for this area of the S-1 service area is based on approximately 13 million dollars of improvements needed to serve 1,300 acres, totaling \$10,000 per acre. The S-1 area of the subject property is 43 acres, resulting in a temporary access fee of \$430,000. The temporary access fee shall be reduced by the market value of the land conveyed for Coburn Reservoir and by the certified cost of the non-reimbursed off-site portion of the water main needed to serve the proposed development. Non-reimbursed costs for water mains abutting or within the subject property will not part of the temporary access fee reduction. If the land value and certified costs exceed \$430,000, then the temporary access fee shall be \$0.

SRC 200.075—Standards for Park Sites

Findings: 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.

No parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b).

The park sizing methodology is as follows:

- The park size shall be 2.25 acres per 1,000 population (SRC 200.075(b))
- The park service area is 180 acres based on the area of residentially zoned property that can be served within an average half-mile radius.
- Single-family residential development density is 6.3 dwelling units per net acre (Table 5 of draft *Salem Housing Needs Analysis* dated December 2014).
- According to the U.S. Census, the average household size in Salem in 2010 was 2.55 people (p16 of draft *Salem Housing Needs Analysis* dated December 2014).
- The minimum park size is 6.5 acres based on 2.55 people per dwelling multiplied by 6.3 dwellings per acre multiplied by 180 acres of park service area multiplied by 2.25 acres of park size per 1,000 population.
- The proposed park site is located within along Pringle Creek in the vicinity of tax lot 083W11D00200. An alternate location may be selected as approved by the Public Works Director.
- Approximately 3 acres of the proposed park site provides only passive park uses because of its proximity to Pringle Creek. Therefore, consistent with the Parks Master Plan's maximum neighborhood park size of 10 acres, this park may have a size up to 10 acres because of the proposed park site's limited recreational uses in the 3 acres along the Pringle Creek.

cc: File