

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: UGA19-01

APPLICATION NO. : 19-105025-LD

NOTICE OF DECISION DATE: May 14, 2019

SUMMARY: An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of approximately 80 acres located at 3290 Boone Road SE.

REQUEST: An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 80 acres, designated as IC (Industrial-Commercial) in the Comprehensive Plan, zoned IC (Industrial Commercial), and located at 3290 Boone Road SE - 97317 (Marion County Map and Tax Lot Number 083W13A / 00100, 00200, 00300).

APPLICANT: MWSH Boone Road Property, LLC (Mountain West Senior Housing, LLC – Kelley D. Hamilton, Chris Jundt, Pam Gray)

LOCATION: 3290 Boone Road SE / 97317

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

FINDINGS: The findings are in the attached Order dated May 14, 2019.

DECISION: The Planning Administrator **ISSUED** Urban Growth Preliminary Declaration Case No. UGA19-01 subject to the applicable standards of the Salem Revised Code, and the findings contained herein:

Transportation Improvements:

- a) Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required for improvements generated from a Traffic Impact Analysis.
- b) Along the entire frontage of 36th Avenue SE, construct a minimum 23-foot-wide half-street improvement on the development side and a 12-foot-wide pavement widening on the opposite side of centerline to Minor Arterial street standards. The improvement may be modified pursuant to SRC 803.065 at the time of development because of conflict with existing waterways abutting both sides of the street.
- c) Along the entire frontage of Boone Road SE, construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide turnpike improvement on the opposite side of the centerline.

Sewer Improvements:

- a) Construct a 24-inch sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE and an 18-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- b) Construct an 8-inch sewer main in Boone Road SE from 36th Avenue SE to the west line of the subject property.

Stormwater Improvements:

- a) The applicant's engineer shall complete a downstream stormwater analysis pursuant to Public Works Design Standards (PWDS) 4.2k to evaluate the adequacy of the stormwater linking facilities.

Water Improvements:

- a) As a condition of development in the S-1 water service level, the following options are available:
 - 1) Construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities; or
 - 2) Pay a temporary access fee of \$610,000 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
- b) Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- c) Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-0 water main within the subject property where the existing easement does not equal 20 feet wide.

Park Improvements:

- a) As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
 - 1) Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
 - 2) Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

The rights granted by the attached decision must be exercised, or an extension granted, by **May 30, 2021** or this approval shall be null and void.

Application Deemed Complete:	<u>March 7, 2019</u>
Notice of Decision Mailing Date:	<u>May 14, 2019</u>
Decision Effective Date:	<u>May 30, 2019</u>
State Mandate Date:	<u>July 5, 2019</u>

Case Manager: Pamela Cole, pcole@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., Wednesday, May 29, 2019**. 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 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. UGA19-01)**

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

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

IN THE MATTER OF THE REQUEST)	
FOR AN URBAN GROWTH)	FINDINGS AND ORDER
PRELIMINARY DECLARATION NO.)	MAY 14, 2019
UGA19-01; 3290 BOONE ROAD SE)	
)	

REQUEST

An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop a property that consists of three tax lots totaling approximately 80 acres in size, zoned IC (Industrial Commercial), and located at 3290 Boone Road SE (Marion County Assessor map and tax lot numbers: 083W13A / 00100, 00200, and 00300).

PRELIMINARY DECLARATION

The Urban Growth Preliminary Declaration is issued subject to the applicable standards of the Salem Revised Code, and the findings contained herein:

Transportation Improvements:

The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c). A Traffic Impact Analysis (TIA) pursuant to SRC 803.015 may be required at the time of a specific development proposal. Additional transportation requirements may be required to serve a specific development proposal, and as specified in the TIA:

- a) Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required for improvements generated from a Traffic Impact Analysis.
- b) Along the entire frontage of 36th Avenue SE, construct a minimum 23-foot-wide half-street improvement on the development side and a 12-foot-wide pavement widening on the opposite side of centerline to Minor Arterial street standards. The improvement may be modified pursuant to SRC 803.065 at the time of development because of conflict with existing waterways abutting both sides of the street.
- c) Along the entire frontage of Boone Road SE, construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide turnpike

improvement on the opposite side of the centerline.

Sewer Improvements:

- a) Construct a 24-inch sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE and an 18-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- b) Construct an 8-inch sewer main in Boone Road SE from 36th Avenue SE to the west line of the subject property.

Stormwater Improvements:

- a) The applicant's engineer shall complete a downstream stormwater analysis pursuant to Public Works Design Standards (PWDS) 4.2k to evaluate the adequacy of the stormwater linking facilities.

Water Improvements:

- a) As a condition of development in the S-1 water service level, the following options are available:
 - 1) Construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities; or
 - 2) Pay a temporary access fee of \$610,000 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
- b) Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- c) Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-0 water main within the subject property where the existing easement does not equal 20 feet wide.

Park Improvements:

- a) As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
 - 1) Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
 - 2) Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

PROCEDURAL FINDINGS

On February 11, 2019, an application for an Urban Growth Preliminary Declaration was filed to determine the public facilities required for development on property approximately 80 acres in size, zoned IC (Industrial Commercial), and located at 3290 Boone Road SE (**Attachment A**). The application was deemed complete on March 7, 2019, and notice was mailed pursuant to Salem Revised Code (SRC) requirements on March 7, 2019. The state-mandated local decision deadline is July 5, 2019.

SUBSTANTIVE FINDINGS

1. Subject Property

The subject property consists of three tax lots encompassing a total area of 78.97 acres, as listed below: 083W13A / 00100, 00200, and 00300

Map and Tax Lot Number	Acreage
083W13A00100	42.24
083W13A00200	9.72
083W13A00300	27.01
Total	78.97

The site abuts a property zoned IG (General Industrial) and Boone Road SE to the north, 36th Avenue SE to the east, Interstate 5 to the west, and a property zoned RA (Residential Agriculture) to the south. With the exception of a dwelling and accessory structures on Tax Lot 083W13A00200, the subject property is primarily undeveloped.

The site is designated “Industrial Commercial” in the Comprehensive Plan and zoned IC (Industrial Commercial). The applicant’s statement indicates that, while no specific development is proposed at this time, the subject property could be developed for attached/detached single family dwellings, multi-family units, and commercial uses. According to SRC Chapter 551.005 and Table 551-1, single family attached dwellings would not be permitted in the zone, and single family detached dwellings, duplexes, or multiple family uses would require conditional use approval.

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. Summary of Record:

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

4. Neighborhood Association Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association (SEMCA). In addition, the subject property is adjacent to the South Gateway Neighborhood Association across Interstate 5. Neither neighborhood association submitted comments on the proposal prior to the comment deadline.

5. Citizen Comments

Property owners and tenants within 250 feet of the subject property were mailed notification of the Urban Growth Preliminary Declaration request. One property owner submitted comments expressing concern with water drainage issues, stating that flooding from neighboring properties has been exacerbated each time a neighboring property has been developed.

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. Requirements issued in this order include a downstream stormwater analysis to be completed by the applicant's engineer pursuant to Public Works Design Standards to evaluate the adequacy of the stormwater linking facilities. 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, and commercial development would be subject to review under site plan review criteria.

The neighboring properties to the north along 32nd Avenue SE are not affected by drainage discharging off of the subject property, but instead have upstream drainage coming from the west across Interstate 5. The stormwater from the subject property will be conveyed toward the East Fork Pringle Creek to the northeast, away from the concerned neighbor's property.

6. 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 no concerns with the proposal at this time.

7. Public and Private Agency Comments

No comments were received.

8. 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 an Urban Growth Preliminary Declaration may be issued. 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 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).

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.

The site abuts Boone Road SE to the north, 36th Avenue SE to the east, and Interstate 5 to the west.

The nearest adequate street facility is located at 36th Avenue SE, north of the intersection of 36th Avenue SE and Boone Road SE. At the time of development, the applicant shall construct the following in order to meet the minimum boundary street requirements pursuant to SRC 200.055.

Boone Road SE is designated as a Local street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. This street currently has an approximately 20- to 24-foot-wide improvement within a 40-foot-wide right-of-way abutting the subject property. The frontage of the subject property has a special setback equal to 30 feet from centerline of Boone Road SE.

36th Avenue SE is designated as a Minor Arterial street in the TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. This street has an approximate 22-foot turnpike improvement within a 40- to 55-foot-wide right-of-way abutting the subject property. The frontage of the subject property has a special setback equal to 36 feet from centerline of 36th Avenue SE.

The existing right-of-way is substandard along the frontage of abutting streets. The applicant shall be required to dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required for improvements generated from a Traffic Impact Analysis.

The existing improvement along the frontage of Boone Road SE does not meet Local street standards. The applicant shall be required to construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide turnpike improvement on the opposite side of the centerline. These improvements shall include streetlights and sidewalks on the development side, consistent with the provisions of SRC Chapter 803. The applicant is advised that the street improvement may conflict with the existing waterway abutting the south side of the street, and relocation of the waterway may be needed to complete the improvement.

The existing improvement along the frontage of 36th Avenue SE does not meet Minor Arterial standards. The applicant shall be required to construct a minimum 23-foot-wide half-street improvement on the development side and a 12-foot-wide pavement widening on the opposite side of centerline to Minor Arterial street standards. The applicant is advised that the street improvement may conflict with existing waterways abutting the west and east sides of the street, and relocation of the waterways may be needed to complete the improvement.

At the time of development the following Salem Transportation System Master Plan improvements and links from the site to existing facilities that are defined as adequate under SRC 200.005(a), must be provided, as set forth below.

The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c). A Traffic Impact Analysis (TIA) pursuant to SRC 803.015 may be required at the time of a specific development proposal. Additional transportation requirements may be required to serve a specific development proposal, and as specified in the TIA:

- a) Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required for improvements generated from a Traffic Impact Analysis.
- b) Along the entire frontage of 36th Avenue SE, construct a minimum 23-foot-wide half-street improvement on the development side and a 12-foot-wide pavement widening on the opposite side of centerline to Minor Arterial street standards. The improvement may be modified pursuant to SRC 803.065 at the time of development because of conflict with existing waterways abutting both sides of the street.
- c) Along the entire frontage of Boone Road SE, construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide turnpike improvement on the opposite side of the centerline.

II. SRC 200.060 – Sewer Improvements.

SRC 200.060 requires development to 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(a)). The nearest available sewer facility appears to be located in 36th Avenue SE at the intersection of Kuebler Boulevard SE.

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

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).

At the time of development, the applicant shall construct the following in order to meet the minimum adequate infrastructure requirements pursuant to SRC 200.060:

- a) Construct a 24-inch sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE and an 18-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property. The applicant is advised that sewer main construction may be significantly affected by existing utility conflicts, specifically at the intersection of Boone Road SE and 36th Avenue SE.
- b) Construct an 8-inch sewer main in Boone Road SE from 36th Avenue SE to the west line of the subject property. The applicant is advised that the location of this main may need to be adjusted because of utility conflicts in Boone Road SE.

III. SRC 200.065 – Storm Drainage Improvements.

SRC 200.065 requires development to be linked to existing adequate storm drainage facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities (SRC 200.065(a)). The Public Works Department has stated that the location of the nearest available public storm system is unknown at this time.

An 18-inch storm main is located in Boone Road SE. A public drainage ditch is located along the south side of Boone road SE. The subject property is within the Pringle Creek drainage basin.

The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005.

A downstream stormwater analysis shall be required pursuant to Public Works Design Standards (PWDS) 4.2k to evaluate the adequacy of the stormwater linking facilities. The applicant is advised to contact Public Works Development Services staff to coordinate the scope of downstream stormwater analysis and improvements.

- a) The applicant's engineer shall complete a downstream stormwater analysis pursuant to Public Works Design Standards (PWDS) 4.2k to evaluate the adequacy of the stormwater linking facilities.

IV. SRC 200.070 – Water Improvements.

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

Comments from the Public Works Department indicate the subject property is located within the G-0 and S-1 water service levels, and the applicant is authorized and encouraged to serve the entire property from S-1 facilities.

A 36-inch water G-0 water transmission main is located in Boone Road SE. Individual service connections are not permitted to connect to transmission mains per PWDS 5.3(d)(2).

A 36-inch G-0 water transmission main traverses through the eastern half of the project boundary. Individual service connections are not permitted to connect to transmission mains per PWDS 5.3(d)(2).

An 18-inch water S-2 water main is located in Boone Road SE. This main is reduced in pressure to an S-1 water main approximately 270 feet west of the intersection of 36th Avenue SE and Boone Road SE.

The applicant is advised that an existing 36-inch water main is located within the subject property. This main is an aging pipe that requires special protection to prevent damage. The applicant's engineer is advised to contact Public Works Development Services staff to coordinate requirements for protecting the existing main. Pursuant to PWDS, the applicant shall dedicate a minimum 20-foot-wide water easement where the additional easement does not equal 20 feet wide.

The subject property is located in the Bonaventure Reimbursement District. A reimbursement district fee is due for reimbursement of an 18-inch water main in Boone Road SE.

The existing facilities are not adequate because they lack the reservoir and pump station capacity according to the *Water System Master Plan*.

In order to meet the minimum *Water System Master Plan* requirements as a condition of development in the S-1 water service level, the applicant shall be required to construct *Water System Master Plan* S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities.

As an alternate, 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 61 acres, resulting in a temporary access fee of \$610,000.

The *Water System Master Plan* also shows that an 18-inch S-1 water main is planned in 36th Avenue SE south of Boone Road. Pursuant to SRC 200.035, the applicant shall be required to construct the 18-inch water main along the entire frontage of the subject parcel. A small portion of the property is located within the S-2 water service level. No S-2 services are available for this portion of the property. The maximum first floor of any structure constructed on the subject property shall not exceed an elevation of 358 feet.

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

- a) As a condition of development in the S-1 water service level, the following options are available:
 - 1) Construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities; or
 - 2) Pay a temporary access fee of \$610,000 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
- b) Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- c) Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-0 water main within the subject property where the existing easement does not equal 20 feet wide.

V. SRC 200.075 – Park Sites.

SRC 200.075 requires development to reserve for dedication that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan (SRC 200.075(a)).

The *Comprehensive Park System Master Plan* shows that the subject property lacks adequate parks facilities. No existing parks facilities are available within ½ mile of the subject property. The Comprehensive Parks System Master Plan shows that a future Neighborhood Park (NP 29) is planned on or near the subject property.

As a condition of residential use, the applicant shall be required to convey or acquire property for dedication of neighborhood park facility NP-29. As an alternate, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a).

For multi-family residential development, the temporary access fee shall be based on the portion of System Development Charges (SDC) attributed to Neighborhood Park Acquisition from the SDC Project List (Table 8) in the 2019 SDC Update of the *System Development Charge Methodologies*. By applying a ratio of acquisition to development costs, Table 8 shows Neighborhood Park Acquisition costs to equal \$25,283,950. This number divided by a total growth cost of \$187,390,010 indicates an attributable amount of 13.5 percent to Neighborhood Park Acquisition costs. Therefore, the temporary access fee shall be 13.5 percent of the Parks SDC due and shall not be credited toward the property's total SDC.

- a) As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
 - 1) Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
 - 2) Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

IT IS HEREBY DECIDED

The Urban Growth Preliminary Declaration 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 ISSUED subject to SRC Chapter 200.



Lisa Anderson-Ogilvie, AICP
Deputy Director and Planning Administrator

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

Application Deemed Complete:	<u>March 7, 2019</u>
Notice of Decision Mailing Date:	<u>May 14, 2019</u>
Decision Effective Date:	<u>May 30, 2019</u>
State Mandated Decision Date:	<u>July 5, 2019</u>

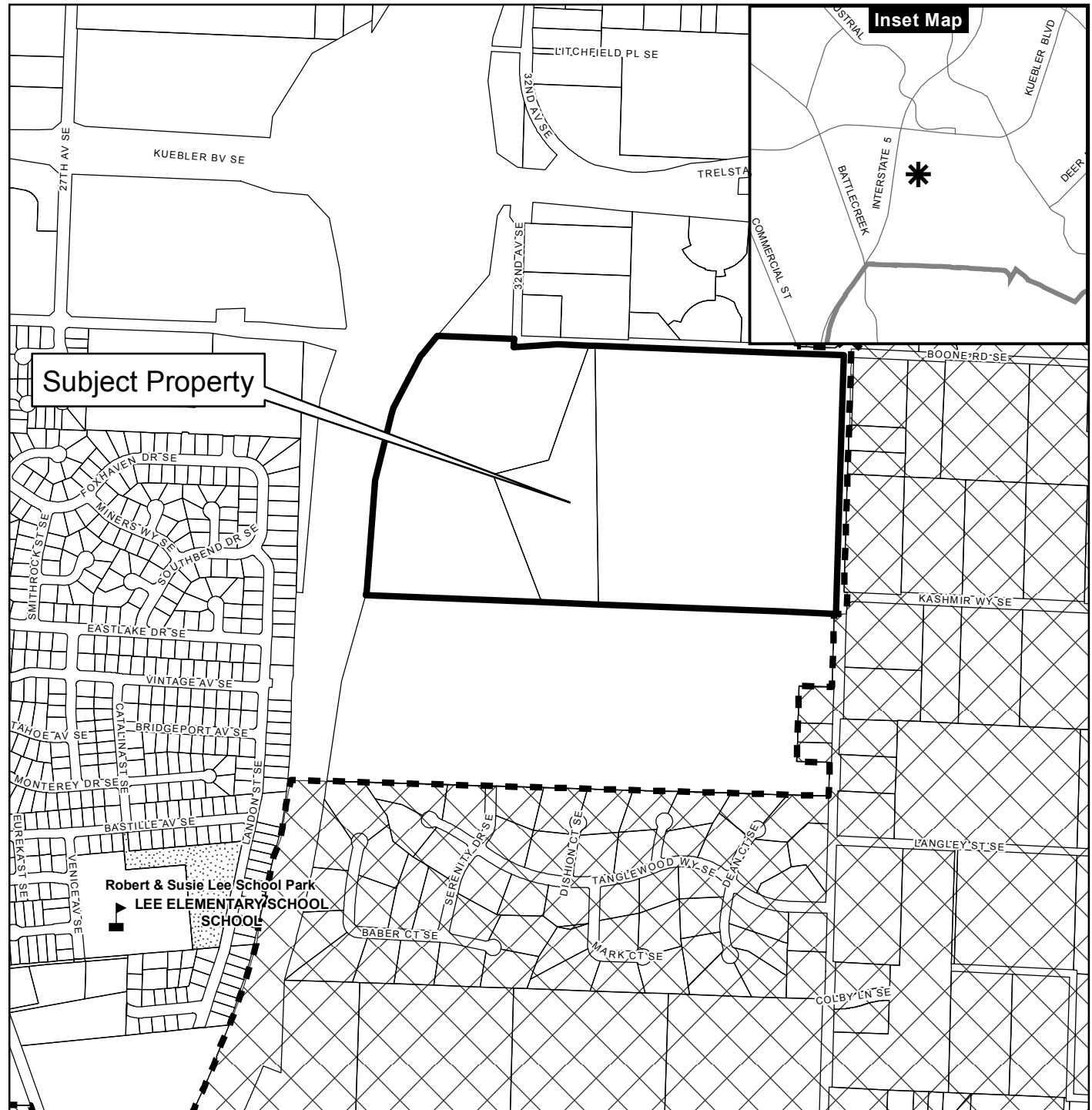
The rights granted by this decision must be exercised, or an extension granted, by **May 30, 2021** or this approval shall be null and void.

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 **Wednesday, May 29, 2019, 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

3290 Boone Road SE



Legend

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

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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MEMO

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: May 7, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
UGA19-01 (19-105025-LD)
3290 BOONE ROAD SE
URBAN GROWTH PRELIMINARY DECLARATION

REQUEST

An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop approximately 80 acres at 3290 Boone Road SE.

NEEDED IMPROVEMENTS

The following improvements represent the minimum necessary to meet the linking and boundary requirements of SRC Chapter 200:

1. Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required for improvements generated from a Traffic Impact Analysis.
2. Along the entire frontage of 36th Avenue SE, construct a minimum 23-foot-wide half-street improvement on the development side and a 12-foot-wide pavement widening on the opposite side of centerline to Minor Arterial street standards. The improvement may be modified pursuant to SRC 803.065 at the time of development because of conflict with existing waterways abutting both sides of the street.
3. Along the entire frontage of Boone Road SE, construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide turnpike improvement on the opposite side of the centerline.
4. The applicant's engineer shall complete a downstream stormwater analysis pursuant to PWDS 4.2k to evaluate the adequacy of the stormwater linking facilities.

5. As a condition of development in the S-1 water service level, the following options are available:
 - a. Construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities; or
 - b. Pay a temporary access fee of \$610,000 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
6. Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
7. Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-0 water main within the subject property where the existing easement does not equal 20 feet wide.
8. Construct a 24-inch sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE, and an 18-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
9. Construct an 8-inch sewer main in Boone Road SE from 36th Avenue SE to the west line of the subject property.
10. As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
 - a. Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
 - b. Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

FACTS

Streets

1. Boone Road SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 20- to 24-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
 - c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from centerline of Boone Road SE.
2. 36th Avenue 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 Conditions—This street has an approximate 22-foot turnpike improvement within a 40- to 55-foot-wide right-of-way abutting the subject property.
 - c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of 36th Avenue SE.
3. Linking Street—The nearest adequate street facility is located at 36th Avenue SE, north of the intersection of 36th Avenue SE and Boone Road SE.

Storm Drainage

1. Existing Conditions
- a. An 18-inch storm main is located in Boone Road SE.
 - b. A public drainage ditch is located along the south side of Boone Road SE.
 - c. The subject property is within the Pringle Creek Drainage Basin.

Water

1. Existing Conditions
- a. The subject property is located within the G-0, S-1, and S-2 water service levels. The applicant is authorized and encouraged to serve the entire property from S-1 facilities.
 - b. A 36-inch G-0 water transmission main is located in Boone Road SE. Individual service connections are not permitted to connect to transmission mains per PWDS 5.3(d)(2).
 - c. A 36-inch G-0 water transmission main traverses through the eastern half of the

project boundary. Individual service connections are not permitted to connect to transmission mains per PWDS 5.3(d)(2).

- d. An 18-inch water S-2 water main is located in Boone Road SE. This main is reduced in pressure to an S-1 water main approximately 270 feet west of the intersection of 36th Avenue SE and Boone Road SE.
- e. The applicant is advised that an existing 36-inch water main is located within the subject property. This main is an aging pipe that requires special protection to prevent damage. The applicant's engineer is advised to contact Public Works Development Services staff to coordinate requirements for protecting the existing main. Pursuant to PWDS, the applicant shall dedicate a minimum 20-foot-wide water easement where the additional easement does not equal 20 feet wide.
- f. The subject property is located in the Bonaventure Reimbursement District. A reimbursement district fee is due for reimbursement of an 18-inch water main in Boone Road SE.
- g. The existing facilities are not adequate because they lack the reservoir and pump station capacity according to the *Water System Master Plan*.

Sanitary Sewer

1. Existing Conditions

- a. A 24-inch sewer line is located in 36th Avenue SE at Kuebler Boulevard SE.
- b. The nearest available sewer facility appears to be located in 36th Avenue SE at the intersection of Kuebler Boulevard SE.

Parks

No existing parks facilities are available within ½ mile of the subject property. The Comprehensive Parks System Master Plan shows that a future Neighborhood Park (NP 29) is planned on or near the subject property.

URBAN GROWTH PRELIMINARY DECLARATION

The subject property is located outside the Urban Service Area in an area without adequate facilities as defined in SRC Chapter 200. Analysis of the subject property based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Findings—An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Minor and Major Arterial 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 nearest adequate street facility is located at the intersection of 36th Avenue SE and Boone Road SE. At the time of development, the applicant shall construct the following in order to meet the minimum Boundary street requirements pursuant to SRC 200.055.

The existing right-of-way is substandard along the frontage of abutting streets. The applicant shall be required to dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required for improvements generated from a Traffic Impact Analysis.

The existing improvement along the frontage of 36th Avenue SE does not meet Minor Arterial standards. The applicant shall be required to construct a minimum 23-foot-wide half-street improvement on the development side and a 12-foot-wide pavement widening on the opposite side of centerline to Minor Arterial street standards. The applicant is advised that the street improvement may conflict with existing waterways abutting the west and east sides of the street, and relocation of the waterways may be needed to complete the improvement.

The existing improvement along the frontage of Boone Road SE does not meet Local street standards. The applicant shall be required to construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide turnpike improvement on the opposite side of the centerline. These improvements shall include streetlights and sidewalks on the development side, consistent with the provisions of SRC Chapter 803. The applicant is advised that the street improvement may conflict with the existing waterway abutting the south side of the street, and relocation of the waterway may be needed to complete the improvement.

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(a)). The nearest available sewer facility appears to be located in 36th Avenue SE at the intersection of Kuebler Boulevard SE. The applicant shall construct the *Salem Area Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005.

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).

At the time of development, the applicant shall construct the following in order to meet the minimum adequate infrastructure requirements pursuant to SRC 200.060:

1. Construct a 24-inch sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE, and an 18-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property. The applicant is advised that sewer main construction may be significantly affected by existing utility conflicts, specifically at the intersection of Boone Road SE and 36th Avenue SE.
2. Construct an 8-inch sewer main in Boone Road SE from 36th Avenue SE to the west line of the subject property. The applicant is advised that the location of this main may need to be adjusted because of utility conflicts in Boone Road 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 (SRC 200.065(a)). The location of the nearest available public storm system is unknown at this time. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005.

A downstream stormwater analysis shall be required pursuant to PWDS 4.2k to evaluate the adequacy of the stormwater linking facilities. The applicant is advised to contact Public Works Development Services staff to coordinate the scope of downstream stormwater analysis and improvements.

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(a)). In order to meet the minimum *Water System Master Plan* requirements as a condition of development in the S-1 water service level, the applicant shall be required to construct *Water System Master Plan S-1* facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities.

As an alternate, 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 61 acres, resulting in a temporary access fee of \$610,000.

The *Water System Master Plan* also shows that an 18-inch S-1 water main is planned in 36th Avenue SE south of Boone Road SE. Pursuant to SRC 200.035, the applicant shall be required to construct the 18-inch water main along the entire frontage of the subject parcel. A small portion of the property is located within the S-2 water service level. No S-2 services are available for this portion of the property. The maximum first floor of any structure constructed on the subject property shall not exceed an elevation of 358 feet.

SRC 200.075—Standards for Park Sites

Findings—Prior to development approval, the applicant shall reserve for dedication that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Park System Master Plan* (SRC 200.075(a)).

The *Comprehensive Park System Master Plan* shows that the subject property lacks adequate parks facilities. As a condition of residential use, the applicant shall be required to convey or acquire property for dedication of neighborhood park facility NP-29. As an alternate, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a).

For multi-family residential development, the temporary access fee shall be based on the portion of System Development Charges (SDC) attributed to Neighborhood Park Acquisition from the SDC Project List (Table 8) in the 2019 SDC Update of the *System Development Charge Methodologies*. By applying a ratio of acquisition to development costs, Table 8 shows Neighborhood Park Acquisition costs to equal \$25,283,950. This number divided by a total growth cost of \$187,390,010 indicates an attributable amount of 13.5 percent to Neighborhood Park Acquisition costs. Therefore, the temporary access fee shall be 13.5 percent of the Parks SDC due and shall not be credited toward the property's total SDC.

Prepared by: Jennifer Scott, Program Manager
cc: File