

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta informacion, por favor llame
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DECISION OF THE PLANNING ADMINISTRATOR

CASE NO: Type II Site Plan Review-Urban Growth Area Development Permit
NO. SPR-UGA12-11

APPLICATION NOS. : 12-110419-RP AND 12-110418-LD

NOTICE OF DECISION DATE: September 7, 2012

In the matter of the application for a consolidated Type II Site Plan Review and Urban Growth Area Permit submitted by the applicant, M and T Partners Inc, on behalf of the property owners, M and T Partners Inc and Pacific Realty Associates LP, the Planning Administrator, having received and reviewed evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST: Consolidated UGA Permit to determine the required public facilities for office and retail development and Type II Site Plan Review to develop a 15,000 square foot medical office building and 23,100 square foot medical office building on properties approximately 7.5 acres in size that lie outside the Urban Service Area (USA), are zoned CO (Commercial Office) and CR (Retail Commercial), and are located in the 2500 Block of Boone Road SE 97306 (Marion County Assessor Map and Tax Lot 083W11D 00600 and 083W12C 00702). The Type II Site Plan Review also includes construction of an accessway on an abutting property approximately 7.5 acres in size, zoned CR (Retail Commercial), and located at 2541 Boone Road SE 97306 (Marion County Assessor Map and Tax Lot 083W12C 01900).

APPLICANT: M and T PARTNERS INC

LOCATION: 2500 BLOCK OF BOONE ROAD SE / 97302 (Attachment 1)

CRITERIA: Salem Revised Code Chapter 163.070(b) and Salem Revised Code Chapter 66

DECISION:

APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, conformance with the approved site plan included as Attachment 2, and the following conditions of approval:

- Condition 1:** As a condition of building permit issuance for UGA Phase 1, construct a minimum 15-foot-wide half-street improvement along the entire frontage on the development side of Boone Road SE (Boone). The street and right-of-way width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek).
- Condition 2:** As a condition of building permit issuance for UGA Phase 1, construct a minimum 23-foot-wide half-street improvement on the development side of Battle Creek from Boone Road to Kuebler Boulevard SE (Kuebler). The street and right-of-way width shall accommodate a northbound left-turn lane at Kuebler with a minimum 300 feet of storage and a southbound left-turn lane at Boone with a minimum 300 feet of storage.
- Condition 3:** As a condition of building permit issuance for UGA Phase 1, construct an exclusive eastbound right-turn lane on Kuebler at Battle Creek.
- Condition 4:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, along the entire frontage on the development side of Kuebler, construct a minimum 40-foot-wide half-street improvement. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595.

- Condition 5:** As a condition of building permit issuance for UGA Phase 1, construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement.
- Condition 6:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12-inch main in Battle Creek to the 10-inch main in the north side of Kuebler.
- Condition 7:** Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office).
- Condition 8:** Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall record Property Line Adjustment No. 12-03 and Property Line Adjustment No. 12-04.
- Condition 9:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, complete all remaining mitigating street improvements required as a condition of approval for Zone Change 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.
- Condition 10:** Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall sign an improvement deferral agreement which specifies the terms of the deferral as outlined in conditions 1, 2, 3, 4, and 9. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of Marion County.
- Condition 11:** Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide a copy of a recorded access easement across the abutting property (Marion County Assessor Map and Tax Lot 083W12C 01800), including a legal description that specifies the location of the easement and its dimensions in conformance with the approved site plan.

FINDINGS

1. Consolidated (Collective) Applications

Salem Revised Code 300.120(c) provides that multiple land use applications may be processed as collective or consolidated applications. Review of the application shall be according to the highest numbered procedure type required for any of the land use applications. The Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications. In this case, the Site Plan Review application and Urban Growth Area Development Permit Preliminary Declaration are both Type II applications, and the Planning Administrator is the Review Authority for the consolidated decision. If the decisions had been processed separately, the Review Authority for an appeal would have been the Hearings Officer for the Type II Site Plan Review or the City Council for the Urban Growth Area Development Permit Preliminary Declaration. Therefore, the City Council would be the Review Authority for an appeal of this consolidated application.

2. Type II Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 163.020(d) requires Type II Site Plan Review for development that involves a land use or limited land use decision, as those terms are defined in ORS 197.015. Land use and limited land use decisions include, but are not limited to, any development application that requires deviation from the clear and objective standards of the Salem Revised Code and where the Planning Administrator or Director of Public Works is granted the authority to use limited discretion in deviating from the established standard.

Pursuant to SRC Chapter 163.020(d), type II site plan review is required for this application because the proposed development requires a Transportation Impact Analysis pursuant to the Transportation System, a Geologic Assessment, and deviation from the clear and objective standards of the Salem Revised Code and where the Planning Administrator or Director of Public Works is granted the authority to use limited discretion in deviating from the established standard. The applicant is requesting that the Planning Administrator allow deferral of construction of some of the mitigating traffic improvements imposed as a condition of approval for

Zone Change Case No. 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change Case No. 06-6, pursuant to SRC 113.205(b)(11)(A).

3. Background

An application for a Type II Site Plan Review and Urban Growth Area Development Permit was received by the City on June 29, 2012. The application was deemed complete for processing on July 27, 2012.

The site plan is included as Attachment 2 and indicates a proposed boundary between a CO (Commercial Office) zone where the medical office buildings would be constructed and a CR (Retail Commercial) zone where a small parking area and accessway would be constructed and future retail development is planned. The overall utility plan (Attachment 3) designates the CO-zoned area as UGA Phase 1, the CR-zoned area north of UGA Phase 1 as UGA Phase 2, and the CR-zoned area east of UGA Phase 1 and UGA Phase 2 as UGA Future Phase.

Neighborhood and Citizen Comments:

Notice of the application was mailed on August 2, 2012 to the South Gateway Neighborhood Association and Morningside Neighborhood Association and all property owners of record within 250 feet of the subject property.

Comments were received from South Gateway Neighborhood Association (Attachment 4) indicating that they had reviewed the request to defer construction of some of the mitigating traffic improvements imposed as a condition of approval for Zone Change Case No. 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change Case No. 06-6, and they defer to the expertise of the staff of Public Works Development Services and Traffic Engineering, but they would prefer that the following improvements be completed now and not deferred:

- a. The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with a dedicated westbound left-turn lane, westbound right-turn lane and an eastbound left-turn lane. This becomes even more critical because of the City's recent approval of the Wildwood Company's intentions to re-purpose the Old Pringle School property. The Association recommends that PacTrust be required to pay only their proportionate amount for these improvements.

Staff Response:

Public Works reviewed the proposal and determined that the westbound left-turn lane and westbound right-turn lane on Boone Road SE and the southbound left-turn lane on Battle Creek Road SE shall be constructed as a condition of building permit issuance for UGA Phase 1. The eastbound left-turn lane on Boone Road SE and the traffic signal will be deferred and shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase. Public Works cannot require the applicant to make improvements based on the Wildwood Company's proposed redevelopment.

- b. The widening and improvement of the south side of Kuebler Boulevard be completed in its entirety at a logical and reasonable time as determined by the Public Works Development Services and Traffic Engineering Departments, but no later than the completion of the State of Oregon's planned improvements to the I-5 and Kuebler Road interchange. In the alternative, if the requested improvements above to the south side of Kuebler Road are not completed immediately, SGNA requests that PacTrust be required to install a right-turn lane along the eastbound approach to the Kuebler/Battle Creek Road intersection as an interim improvement.

Staff Response:

Public Works reviewed the proposal and determined that an exclusive eastbound right-turn lane on Kuebler Boulevard at Battle Creek Road shall be required as a condition of building permit issuance for UGA Phase 1, and a minimum 40-foot-wide half street improvement shall be constructed along the Kuebler Boulevard frontage of the property subject to this UGA as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase. Other improvements on Kuebler will be deferred and shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

- c. SGNA supports the recommendation of Kittleson & Associates, dated July 13, 2012, that landscaping, signage, and new above-ground utilities along the site frontage be located and maintained to provide a clear sight line to the east and west from the current site driveway on Boone Road SE.

Staff Response: Landscaping, signs, and above-ground utilities along all site frontages will be required to comply with vision clearance requirements in SRC Chapter 76.170.

Comments were received from Larry R. George, representing the Morningside Neighborhood Association Land Use Committee. Mr. George commented that he thought that the zoning change from residential to commercial required that before this property was developed that the applicant had to add the eastbound second lane of Kuebler from Commercial Street to I-5 and asked when this was going to be done as agreed.

Staff Response:

Public Works reviewed the proposal and determined that a minimum 40-foot-wide half street improvement shall be constructed along the Kuebler Boulevard frontage of the property subject to this UGA as a condition of building permit issuance for UGA Phase 2 or UGA Future Phase. Other improvements on Kuebler will be deferred and shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

Comments were received from Travis Henry, vice president of Wildwood, Inc., indicating that the corporation reviewed the application and supports it but reserves the right to amend this support if conditions changes

Comments were received from one property owner on Riley Court SE indicating no objections.

City Department Comments:

The Public Works Department reviewed the proposal and provided a memo which is included as Attachment 5.

The Salem Building and Safety Division and Police Department have reviewed the proposal and indicated no objections.

The Salem Fire Department reviewed the proposal and commented that Fire Department access, water supply, fire flow, and fire hydrant locations shall be provided in accordance with the Salem Fire Prevention Code. Buildings exceeding 30 feet in height shall have at least two means of fire apparatus access for each structure in accordance with OFC D104.1

Staff Response:

Compliance with Fire Department requirements will be verified and required at building permit.

Public Agency Comments:

Salem Keizer School District reviewed the proposal and had no objections.

4. Analysis of Preliminary Declaration for Urban Growth Area (UGA) Development Permit Criteria

The subject property is located outside the City's Urban Service Area (USA) and within the Urban Growth Area. SRC 66.050 requires that the developer obtain an Urban Growth Area Development Permit prior to application for a building permit and that the building official shall ascertain that all conditions of the Urban Growth Area Development Permit have been complied with prior to issuing a certificate of occupancy. The UGA requirement applies to the medical office building development on tax lots 083W11D 00600 and 083W12C 00702. The proposed accessway on tax lot 083W12C 01900 does not meet the definition of development for purposes of UGA requirements.

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

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

The Facts and Findings of the Department of Public Works are attached as Attachment 5. The references to UGA Phase 1, UGA Phase 2, and UGA Future Phase refer to phases denoted on the applicant's overall utility

plan (Attachment 3). The boundary between phases correlates with the proposed boundary between the CO (Commercial Office) zone and CR (Retail Commercial) zone within the property subject to the UGA, which will be addressed in the conditions of approval for the Type II Site Plan Review. UGA Phase 1 includes the proposed CO-zoned area on which the proposed medical office buildings and large parking lot will be constructed. UGA Phase 2 includes the proposed CR-zoned area on which a small parking lot is currently proposed and retail development will occur in the future. The applicant has the responsibility to provide the following facilities pursuant to the requirements of the UGA Development Permit and according to SRC Chapter 66:

A. Street Requirements

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 66.100(a)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC 63.225 and SRC 63.235 and the standards of linking streets in SRC 66.100(c). Boundary streets are required along the entire frontage of each development phase at the time of building permit issuance as described in the conditions of approval.

The following conditions of approval shall apply to ensure that proper boundary street improvements are provided:

- Condition 1:** As a condition of building permit issuance for UGA Phase 1, construct a minimum 15-foot-wide half-street improvement along the entire frontage on the development side of Boone Road SE (Boone). The street and right-of-way width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek).
- Condition 2:** As a condition of building permit issuance for UGA Phase 1, construct a minimum 23-foot-wide half-street improvement on the development side of Battle Creek from Boone Road to Kuebler Boulevard SE (Kuebler). The street and right-of-way width shall accommodate a northbound left-turn lane at Kuebler with a minimum 300 feet of storage and a southbound left-turn lane at Boone with a minimum 300 feet of storage.
- Condition 3:** As a condition of building permit issuance for UGA Phase 1, construct an exclusive eastbound right-turn lane on Kuebler at Battle Creek.
- Condition 4:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, along the entire frontage on the development side of Kuebler, construct a minimum 40-foot-wide half-street improvement. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595.

B. Sanitary Sewer Requirements

The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 66.110). The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 66.020(a). Sewer mains in 27th Avenue and Boone Road are adequate to serve the proposed development.

C. Storm Drainage Requirements

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

D. Water Service Requirements

The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 66.120). The Water System Master Plan requires construction of a 12-inch S-2 water line in Battle Creek Road

SE. Construction of these required facilities and other potential alternatives are described in the following conditions of approval.

Condition 5: As a condition of building permit issuance for UGA Phase 1, construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement.

Condition 6: As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12-inch main in Battle Creek to the 10-inch main in the north side of Kuebler.

5. Analysis of Type II Site Plan Review Approval Criteria

SRC 163.070(b) states:

Approval of a Type II Site Plan Review application shall be granted if the Planning Administrator finds that:

- (1) The application has met all applicable standards of the Salem Revised Code, or the application has met all standards requiring exercise of discretion or legal judgment necessary to grant an appropriate deviation, including approval of a concurrent zoning adjustment consistent with SRC Chapter 116;
- (2) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (4) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Criterion 1:

The application has met all applicable standards of the Salem Revised Code, or the application has met all standards requiring the exercise of discretion or legal judgment necessary to grant an appropriate deviation, including approval of a concurrent zoning adjustment consistent with SRC Chapter 116.

Finding: The proposed use of the property includes a 23,100 square foot medical office building, a 15,015 square foot medical office building, and 191 parking spaces. The proposal meets or can meet all applicable standards.

Zoning:

The subject property was split-zoned CO (Commercial Office) and CR (Retail Commercial) through Zone Change Case No. 09-3. At that time, the property consisted of two tax lots (Marion County Assessor Map and Tax Lot 083W11D 00600 and 083W12C 00702) as shown on Attachment 6. The conceptual site plan submitted for the zone change (Attachment 7) designated the southwestern 3.86 acres adjacent to Boone Road SE as CO, the northern area adjacent to Kuebler Boulevard SE as CR, and the eastern area including a proposed accessway as CR; a condition of approval required that the applicant provide separate legal descriptions of the area within the CO zone and the area within the CR zone at the time of building permit. A series of property line adjustments has moved the eastern boundary of Tax Lot 083W12C 00702 to the west so that it is now west of the proposed accessway, so the accessway will be constructed adjacent to the western boundary of Tax Lot 083W12C 01900. The proposed site plan for the current application depicts the boundary between the zones in substantially the same location as on the conceptual site plan for ZC09-3 and indicates that both medical office buildings and the majority of the parking spaces will be located within the CO zone. The proposed accessway to Boone Road SE and a small parking area will be located within the CR zone. Development of the property is subject to the provisions of the CO zone district (SRC Chapter 150) and CR zone district (SRC Chapter 152) and all other applicable provisions of the Salem Revised Code.

Use (SRC Chapters 150 and 152):

The Salem Zoning Code classifies land use with reference to the Standard Industrial Classification (SIC) Manual.

Staff Response: The proposed use of the property is classified under SIC 801, offices of physicians, and is a permitted use in the CO zone pursuant to SRC 150.020(f)(15) and in the CR zone pursuant to SRC 152.020(f)(20).

Height (SRC Chapter 152.060):

Within a CO district, non-residential buildings and structures erected, altered, or enlarged shall not exceed 70 feet in height.

Staff Response: The proposed building heights do not exceed 35 feet and are consistent with this standard.

Lot area and dimensions (SRC 150.070 and SRC 152.070):

The minimum lot area in the CO zone for nonresidential uses, except those specified in SRC 150.020(g) (public administration), is 6,000 square feet unless otherwise specifically provided in this zoning code. There are no minimum lot area or dimensions requirements in a CR district, except for the minimum street frontage requirement of 16 feet in SRC 130.260.

Staff Response: The existing and proposed lot areas, after the pending property line adjustments, exceed 6,000 square feet and the lots have more than 16 feet of frontage. The proposal meets the standards.

Lot Coverage (SRC 150.100):

Within a CO district, total lot coverage shall not exceed 60 percent. There is no lot coverage standard in the CR district.

Staff Response: The buildings total 38,115 square feet within the 3.86-acre (168,142-square foot) CO zone. Lot coverage is approximately 23 percent, meeting the standard.

Landscaping, Bufferyards, and Setbacks (SRC Chapters 132, 150, and 152):

Chapter 132 provides that where the construction of or addition to a structure or vehicular or pedestrian use area increases the total area of the lot covered by structures, paving, or both by more than fifty (50) percent, then: (1) the entire lot shall meet the landscaping requirements of this zoning code; and (2) bufferyards shall be provided as required in SRC 132.220 if the use, as defined in SRC Table 132-1, of the proposed expansion is of greater impact than the abutting use.

SRC 130.270 provides that, where two or more separate lots are combined under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of this zoning code. Tax lots 083W11D 00600 and 083W12C 00702 are both owned by M and T Partners Inc and will accommodate a single development with shared parking facilities; therefore, the entire combined area shall be considered a single lot. The proposed access to the medical office building development will be located on Tax lot 083W12C 01900, which is owned by Pacific Realty Associates LP along with three adjacent parcels 083W12C 01800, 083W12C 02100, and 083W12C 02000; these four CR-zoned parcels will accommodate a retail development and shall be considered as a single lot.

In the CO district, all required yards, except rear and side yards abutting an alley, and all required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132 (SRC 150.110). In the CR district, all required yards adjacent to a street and all required vehicular use areas shall be landscaped and screened as required in SRC Chapter 132 (SRC 152.110).

SRC 132 requires that all required landscape areas shall be planted with one (1) plant unit per 20 square feet of area. Landscape and irrigation plans will be reviewed for conformance with Chapter 132 at the time of building permit review. Required landscaping shall be installed when sites are being developed, unless seasonal conditions or temporary site conditions make installation impractical at that time. In such cases, a performance guarantee covering the value of the landscaping and installation shall be posted with the City as prescribed by SRC 132.180. Planting and installation of all landscaping shall be inspected and approved prior to the issuance of the Certificate of Occupancy, except a Certificate of Occupancy permit may be issued prior to complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor as determined by the Planning Administrator is filed with the City assuring such installation within twelve months after the Certificate of Occupancy is issued.

The following is a list of applicable setbacks, bufferyards, and landscaping adjacent to surrounding uses:

North / Right-of-Way for Kuebler Boulevard SE:

Adjacent to the north is the right of way for Kuebler Boulevard SE, classified as a parkway. The subject property is zoned CR along the Kuebler Boulevard SE right-of-way. Along the full extent of each lot line adjacent to a street there shall be a required yard five feet in depth, unless a greater landscaped strip adjacent to vehicular use area is prescribed. No buildings are proposed in the CR zone at this time. A landscaped strip

of six to ten feet in width shall be provided on the property between the vehicular use area and the right-of-way. The proposed parking area is located more than 120 feet from the right-of-way.

South / Right-of-Way for Boone Road SE:

Adjacent to the south is the right-of-way of Boone Road SE, classified as a collector. The subject property is zoned CO along the Boone Road SE right-of-way. Along the full extent of each front lot line and lot line adjacent to a street there shall be a required yard twelve feet in depth, all required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132, and parking areas shall have a minimum required yard adjacent to a street of 12 feet. The proposed buildings are located at least 22 feet from the future right-of-way, the proposed solid waste area is located 20 feet from the future right-of-way, and the proposed parking area is 35 feet from the future right-of-way.

West / Right-of-Way for Battle Creek Road SE:

Adjacent to the west is the right-of-way of Battle Creek Road SE, classified as a minor arterial. The subject property is zoned CO along the southern portion of the Boone Road SE right-of-way. Along the full extent of each front lot line and lot line adjacent to a street there shall be a required yard twelve feet in depth, all required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132, and parking areas shall have a minimum required yard adjacent to a street of 12 feet. The proposed building is located 23 feet from the future right-of-way.

The subject property is zoned CR along the northern portion of the Boone Road SE right-of-way. Along the full extent of each lot line adjacent to a street there shall be a required yard five feet in depth, unless a greater landscaped strip adjacent to vehicular use area is prescribed. No buildings are proposed in the CR zone at this time. A landscaped strip of six to ten feet in width shall be provided on the property between the vehicular use area and the right-of-way. The proposed parking area is located 20 feet from the future right-of-way.

East / Vacant commercial property in CR zone:

Adjacent to the east is a vacant CR-zoned property. For buildings not more than 35 feet in height in the CO zone, the minimum required rear and side yard is the greater of five feet or the bufferyard setbacks required in SRC 132.220. Unless greater setbacks or bufferyards apply, a minimum five-foot-wide landscaped strip is required between the vehicular use area and the adjacent property line. The proposed medical office (SIC 80) use is a light impact and the abutting property is vacant commercial land. No bufferyard is required between a light impact use and a vacant commercial use; therefore, the minimum required yard or landscaped strip is 5 feet. In the CO-zoned area, the site plan indicates a ten-foot-wide landscaped area and six-foot-wide sidewalk between parking spaces and the east property line and a 24-foot-wide landscaped area and seven-foot-wide sidewalk between the nearest building and the east property line. In the CR-zoned area, no buildings are proposed at this time, and the site plan indicates that the vehicular use area is over 350 feet from the east property line.

Staff Response: The proposed development conforms to the applicable setback, bufferyard, and landscaping requirements of the Salem Revised Code.

Parking lot landscaping:

SRC 132.230(a) requires that parking areas are to be separated from the exterior wall of a structure by a five-foot, landscaped strip or a paved pedestrian walkway.

Staff Response: The proposed site plan indicates pedestrian walkways and landscaped strips exceeding the minimum of five feet in width, meeting this standard.

SRC 132.230(d)(3) requires interior parking lot landscaping for any vehicular use area of 12 parking spaces or 5,000 square feet of pavement, whichever is greater. A minimum of 8% of the parking lot interior must be landscaped for the proposed parking area, which is greater than 50,000 square feet in area. Deciduous shade trees shall be planted within all parking lots on the basis of one tree for each 12 parking spaces. The required trees may be clustered in planter bays or islands but shall be located throughout the parking area to divide and break up expanses of paving and long rows of parking spaces and to create a canopy effect. Planter bays or islands containing trees shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet measured from the back of the curb.

Staff Response: The site plan includes landscaping that exceeds the minimum of eight percent and adequate planter bays and islands for the required shade trees, meeting these standards.

Off Street Parking and Loading (SRC Chapter 133):

Parking spaces:

The applicant's site plan indicates a gross floor area of approximately 38,115 square feet in the two medical office buildings. SRC Chapter 133, Table 133-1 requires a minimum parking ratio of one (1) space per 350 square feet of floor area for uses in SIC 80 (health services) other than nursing and personal care facilities (SIC 805) and hospitals (SIC 806). A total of 109 spaces are required. Off-street parking spaces shall not exceed 1.75 times the amount required under Table 133-1 if such amount is more than 20.

Staff Response: The applicant's site plan indicates 191 parking spaces on the site, the maximum allowed. Adequate site parking is provided for the proposed uses.

Bike Spaces:

SRC Table 133-1 requires bicycle parking on site for all new multiple family residential developments, commercial, industrial and institutional uses. The minimum requirement in Table 133-1 for the proposed medical office use (SIC 80) is the greater of four spaces or one bicycle space per 3500 square feet of floor area.

Staff Response: For the 23,100 square foot building, 7 bicycle parking spaces are required, and the site plan indicates that seven spaces are provided. For the 15,015 square foot building, four bicycle parking spaces are required, and the site plan indicates that four spaces are provided. The proposed development meets the standard.

Loading Spaces:

Chapter 133 Table 133-2 requires that off-street loading areas shall be provided and maintained for commercial non-office buildings. For a commercial office building between 5,000 and 59,000 square feet, a minimum of one (1) loading space at least 12 feet wide by 19 feet long by 12 feet high is required.

Staff Response: The proposed site plan requires one uncovered loading space with dimensions of 12 feet in width and 19 feet in length for the western medical office building and one uncovered loading zone 12 feet in width and 40 feet in length for the eastern medical office building. The proposal meets the standards.

Open Storage (SRC 150):

Within a CO district, outdoor storage of materials and equipment is prohibited except in conjunction with residential uses where the storage is screened from adjacent streets and properties by a sight-obscuring fence, wall, or hedge.

Staff Response: The proposed site plan indicates no outdoor storage, thereby meeting this standard.

Solid Waste Service Area (SRC Chapter 130):

Solid waste service areas are to provide for the safe and convenient collection of solid waste, recyclable and compostable materials by the local solid waste collection franchisee. Pursuant to SRC 130.601-130.609, solid waste service area design standards shall apply to all new solid waste, recycling and compostable service areas, where use of a solid waste, recycling and compostable receptacle one cubic yard or larger is proposed, and to any change to an existing solid waste service area for receptacles one cubic yard or larger.

Staff Response: The site plan indicates a solid waste service area that conforms to the applicable standards.

Natural Resources:

Trees: The City's tree preservation ordinance (SRC Chapter 68) provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) or a tree or native vegetation in a riparian corridor, unless the removal is excepted under SRC 68.080, undertaken pursuant to a permit issued under SRC 68.090, undertaken pursuant to a tree conservation plan approved under SRC 68.100, or permitted by a variance granted under SRC 68.130. In addition, SRC 68.070 applies to lots or parcels 20,000 square feet or greater or contiguous lots or parcels under the same ownership that are twenty thousand square feet or greater and states that, unless undertaken pursuant to a permit issued under SRC 68.090, no person shall, prior to development and within a single calendar year, remove more than five trees, or more than fifteen percent of the trees, whichever is greater, and no more than fifty percent of the trees on such lot or parcel or contiguous lots or parcels may be removed prior to development within any five consecutive calendar years. SRC Chapter 86 requires a permit to remove trees growing in or upon any public street.

Staff Response: Prior to submitting the Site Plan Review and UGA application for development of the subject property, the owners of the entire property bounded by Kuebler Boulevard SE, 27th Avenue SE, Boone Road SE, and Battle Creek Road SE obtained a tree removal permit to remove up to 15 percent of the trees on the property. No Oregon White Oaks greater than 24 inches in diameter at breast height or trees or native vegetation in riparian corridors were approved for removal. The applicant also received a street tree removal permit to remove trees within the Kuebler Boulevard SE right-of-way. All trees approved for removal were located outside of the project area indicated on the site plan for this application. Future tree removal will be subject to SRC Chapter 68 and SRC Chapter 86.

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands or waterways within the proposed project area for this application. Wetlands have been identified approximately 300 feet east of the proposed project area, on tax lots 083W12C 01900 and 083W12C 02000, and grading plans for that area require protection of the wetlands.

Landslide Susceptibility: The site contains areas of 2 mapped landslide hazard points. There are three (3) activity points assigned to the development of commercial or industrial buildings. Pursuant to the requirements of the City's Landslide Hazard ordinance (SRC Chapter 69), the cumulative total of 5 points indicates a moderate landslide risk, and a geological assessment is required. The applicants submitted a geotechnical assessment with this application and Public Works approved it.

Previous Land Use Actions

In Zone Change Case No. 09-3 (ZC09-3), the Hearings Officer granted a request to change the zoning district from CO (Commercial Office) and RA (Residential Agriculture) to CR (Commercial Retail) and CO (Commercial Office) for property approximately 9.96 acres in size and located on the east side of Battle Creek Road SE between Kuebler Boulevard SE and Boone Road SE (Marion County Assessor's map and tax lot number 083W11D 00600 and 083W12C 00702). The decision was subject to three conditions of approval: (1) Prior to development obtain a new UGA permit for the subject property; (2) Construct the mitigating street improvements specified in the final approval of Comprehensive Plan Change/Zone Change 06-6; and (3) At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office), respectively.

The current application was submitted to obtain the required new UGA permit to comply with Condition 1 of ZC09-3. The proposed mitigating street improvements and deferral agreement, discussed in the analysis of Criterion 2 below, will comply with Condition 2. To ensure compliance with Condition 3 of ZC09-3, the following condition or approval is required:

Condition 7: Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office).

Property Line Adjustment Cases PLA12-03 and PLA12-04 were approved on July 17, 2012. The proposed eastern medical office building would cross the existing property line between tax lots 083W11D 00600 and 083W12C 00702. When PLA12-03 and PLA12-04 are recorded, they will result in the configuration depicted by the "Pending P/L" notations on the site plan, and the eastern medical office building will be located on a rectangular 2.6 acre parcel and the western medical office building will be located on an L-shaped 4.8-acre parcel. To ensure that the eastern medical office building does not cross a property line, the following condition is required:

Condition 8: Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall record Property Line Adjustment No. 12-03 and Property Line Adjustment No. 12-04.

Historic Property Status

The subject property is not identified as a historic resource.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The Transportation Impact Analysis (TIA) specifies that a right-turn lane is warranted from eastbound Kuebler Boulevard to southbound Battle Creek Road. The existing street system is adequate to serve the proposed development with the conditions of approval discussed in the analysis of the UGA requirements.

Zone Change 09-3 established infrastructure requirements for the subject property consistent with those required for CPC/ZC06-6 on the neighboring parcel. SRC 113.205(b)(11)(A) authorizes the Planning Administrator to allow deferral of all or a portion of required public improvements until a stated time or until required by council, whichever is earlier. Consistent with the applicant's TIA, the findings below specify whether the CPC/ZC06-6 conditions are to be satisfied with development of UGA Phase 1 or are recommended to be completed in a later phase as specified within a deferral agreement.

CPC/ZC 06-6 Condition 1: The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with dedicated westbound left-turn lane, westbound right-turn lane and an eastbound left-turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.

Staff Response: The westbound left-turn lane and right-turn lane on Boone Road and the southbound left-turn lane on Battle Creek shall be constructed as a condition of building permit issuance for UGA Phase 1. The eastbound left-turn lane on Boone Road and the traffic signal shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

CPC/ZC 06-6 Condition 2: The intersection of Battle Creek Road SE and Kuebler Boulevard shall be improved to provide exclusive eastbound right-turn lane and a northbound left-turn lane with a minimum of 300 feet of storage. To provide the necessary northbound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.

Staff Response: All improvements shall be constructed as a condition of building permit issuance for UGA Phase 1.

CPC/ZC 06-6 Condition 3: The south side of Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes.

Staff Response: All improvements shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

CPC/ZC 06-6 Condition 4: Dual left turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Avenue SE. Only one eastbound left-turn lane will be striped as there is only one receiving lane. For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property's driveway on 27th Avenue. The intersection of Kuebler Boulevard at 27th Avenue SE shall also be improved to provide and exclusive eastbound right-turn lane.

Staff Response: All improvements shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

CPC/ZC 06-6 Condition 5: In addition to boundary street improvements required by Salem Revised Code (SRC) 77.150, the developer shall coordinate with the city and use best practices for design and location of site access and shall construct left-turn lanes and pedestrian refuge islands where appropriate.

Staff Response: All improvements shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

CPC/ZC 06-6 Condition 6: The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The

Neighborhood Traffic Management Program is the process used to identify traffic calming needs.

Staff Response: Construction shall be completed or performance security shall be provided as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

CPC/ZC 06-6 Condition 7: The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic the final design of which to be approved by the Salem Public Works Director. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the Subject Property.

Staff Response: All improvements shall be constructed as a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase.

CPC/ZC 06-6 Condition 8: The developer shall offset their access driveway along Boone Road SE from Cultus Avenue at a location approved by the Salem Public Works Director.

Staff Response: This requirement will be satisfied with the proposed site plan and building permit issuance for UGA Phase 1. The driveway is appropriately located a safe distance from Battle Creek Road to accommodate storage for turning movements while being offset from Cultus Avenue enough to reduce impacts to the adjacent neighborhood.

CPC/ZC 06-6 Condition 16: Prior to issuance of a certificate of occupancy for any building on the subject property the following traffic improvements shall be completed: 1) The funded City CIP project to construct improvements on Kuebler Boulevard as identified in the applicant's September 2006 TIA; 2) all traffic mitigation improvements required to be constructed by the Developer as conditions of approval in this decision, and; 3) In addition to other traffic mitigation improvements required as conditions of approval, the Developer shall construct an exclusive right-turn lane at the westbound Kuebler Boulevard intersection with 27th Avenue. The traffic improvements that the Developer is responsible for, in addition to the right-turn lane at westbound Kuebler and 27th Avenue, are as specified in conditions of approval 1 through 7 of this decision.

Staff Response: The improvements specified in the conditions of approval for UGA Phase 1 shall be completed prior to certificate of occupancy per SRC 66.050(b) for any building in UGA Phase 1. As stated above, other improvements are deferred as authorized in SRC 113.205(b)(11)(A) and described in the findings above.

Condition 16 for CPC/ZC 06-6 required all of the improvements in Conditions 1 through 7 and Condition 16 prior to issuance of a certificate of occupancy for any building on the subject property re-zoned to CR through CPC/ZC 06-6, which encompassed tax lots 083W12C 01800, 083W12C 01900, 083W12C 02000, and 083W12C 02100. The Hearings Officer's findings for Zone Change 09-3 (for tax lots 083W11D 00600 and 083W12C 00702) stated:

The Traffic Impact Analysis (TIA) submitted for the abutting property's Comprehensive Plan change and Zone Change (CPC/ZC 06-6) encompassed developments on the subject property. In that application, the applicant stated that those 18.4 acres and the 9.96 acres of the subject property would be developed together. The applicant since purchased the subject property and still plans to develop the properties together. Therefore, the subject property shall be held to the same conditions of approval for street improvements as the abutting 18.4 acres and the following condition shall apply:

Condition 2: Construct the mitigating street improvements specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.

When Condition 16 was adopted by reference through Condition 2 of Zone Change 09-3, the applicant (Pacific Realty Associates LP (PacTrust)) anticipated that the CO-zoned and CR-zoned areas of tax lots 083W11D 00600 and 083W12C 00702 would be developed together with the retail buildings on the other four tax lots.

Since that decision, Pacific Realty Associates LP (PacTrust) sold tax lots 083W11D 00600 and 083W12C 00702 to a wholly owned subsidiary, M and T Partners Inc, which determined that development of the medical office buildings on the CO-zoned area is feasible prior to development of retail buildings in the CR-zoned area. SRC 113.205(b)(11)(A) states:

If the dedication of right-of-way or public improvements is required as a condition under this section, such dedication or improvements shall be the obligation of the applicant but shall be deferred until the property owner applies for a building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the planning administrator may allow further deferral of all or a portion of public improvements required as a condition under this section, beyond building permit or certificate of occupancy until a stated time or until required by council, whichever is earlier. An applicant seeking deferral under this section shall sign an improvement deferral agreement which specifies the terms of deferral. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of the appropriate county.

The applicant is requesting that the Planning Administrator determine that only those mitigating street improvements that are proportionate to the proposed development in the CO-zoned area shall be required prior to certificates of occupancy for those buildings and that adequate justification exists for deferral of the other mitigating street improvements for the future development on the CR-zoned areas of the subject property and abutting property. Staff recommends phasing the improvements as described above. The Planning Administrator finds that adequate justification exists for this deferral. Public Works staff calculated that the proposed CO-zone development of 38,115 square feet would generate approximately 1,409 average daily trips. Condition 14 of CPC/ZC 06-6 limited the total amount of gross leasable area (GLA) for retail uses and medical/dental offices on the combined properties to 299,000 square feet. The proposed 38,115 square feet in medical offices would comprise only 13 percent of the total GLA on the properties, and the CO-zoned area of 3.86 acres would comprise approximately 14 percent of the total land area of 28.48 acres.

In order to ensure compliance with the mitigating street improvements and deferral requirements, the following conditions of approval are required:

Condition 9: As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, complete all remaining mitigating street improvements required as a condition of approval for Zone Change 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.

Condition 10: Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall sign an improvement deferral agreement which specifies the terms of the deferral as outlined in Conditions 1, 2, 3, 4, and 9. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of Marion County.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The driveway access onto Boone Road SE meets minimum spacing requirements in the Public Works Design Standards to provide for safe turning movements into and out of the property. The proposed location meets the requirement of CPC/ZC 06-6 Condition 8 to offset the access driveway from Cultus Avenue SE to reduce impacts to the adjacent residential neighborhood and is appropriately located a safe distance from Battle Creek Road to accommodate storage for turning movements. This access drive will include a sidewalk along its west side to provide pedestrian access from the street. Internal parking lot aisles and parking spaces meet the applicable standards. Internal sidewalks and marked pedestrian pathways facilitate pedestrian safety. Bicycle parking is provided near each building in the amount and locations required by the Salem Revised Code.

The driveway serving the CO-zoned development is located on an abutting property under separate ownership. To ensure that legal access is provided, the following condition of approval is required:

Condition 11: Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide a copy of a recorded access easement across the abutting property (Marion County Assessor Map and Tax Lot 083W12C 01800), including a legal

description that specifies the location of the easement and its dimensions in conformance with the approved site plan.

Criterion 4:

The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The sewer and storm infrastructure are available within surrounding streets and appear to be adequate to serve the proposed development. Required water improvements are described in Conditions 5 and 6 in the UGA section of this report.

6. Based upon review of SRC Chapters 66 and 163, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the site plan review and urban growth area development permit application complies with the requirements for an affirmative decision.

ORDER:

Final approval of Type II Site Plan Review-Urban Growth Area Development Permit Case No. SPR-UGA12-11 is hereby GRANTED subject to SRC Chapter 163, SRC Chapter 66, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment 2, and the following conditions of approval:

- Condition 1:** As a condition of building permit issuance for UGA Phase 1, construct a minimum 15-foot-wide half-street improvement along the entire frontage on the development side of Boone Road SE (Boone). The street and right-of-way width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek).
- Condition 2:** As a condition of building permit issuance for UGA Phase 1, construct a minimum 23-foot-wide half-street improvement on the development side of Battle Creek from Boone Road to Kuebler Boulevard SE (Kuebler). The street and right-of-way width shall accommodate a northbound left-turn lane at Kuebler with a minimum 300 feet of storage and a southbound left-turn lane at Boone with a minimum 300 feet of storage.
- Condition 3:** As a condition of building permit issuance for UGA Phase 1, construct an exclusive eastbound right-turn lane on Kuebler at Battle Creek.
- Condition 4:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, construct a minimum 40-foot-wide half-street improvement along the entire frontage on the development side of Kuebler. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595.
- Condition 5:** As a condition of building permit issuance for UGA Phase 1, construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement.
- Condition 6:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12-inch main in Battle Creek to the 10-inch main in the north side of Kuebler.
- Condition 7:** Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office).
- Condition 8:** Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall record Property Line Adjustment No. 12-03 and Property Line Adjustment No. 12-04.
- Condition 9:** As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase, complete all remaining mitigating street improvements required as a condition of approval for Zone Change 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.

Condition 10: Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall sign an improvement deferral agreement which specifies the terms of the deferral as outlined in conditions 1, 2, 3, 4, and 9. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of Marion County.

Condition 11: Prior to the issuance of the building permit for the first building in UGA Phase 1, the applicant shall provide a copy of a recorded access easement across the abutting property (Marion County Assessor Map and Tax Lot 083W12C 01800), including a legal description that specifies the location of the easement and its dimensions in conformance with the approved site plan.

The rights granted by the attached Urban Growth Area Development Permit Preliminary Declaration decision must be exercised by September 25, 2014 or this approval shall be null and void. The rights granted by the attached Type II Site Plan Review decision must be exercised by September 25, 2016 or this approval shall be null and void.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, not later than **September 24, 2012, by 5:00 p.m.** All persons entitled to notice of the decision may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the Urban Growth Management Ordinance (SRC Chapter 66) or the Site Plan Review Ordinance (SRC Chapter 163). 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 City of Salem Community Development Dept. in the Vern Miller Civic Center, 555 Liberty St SE, Room 305, Salem, OR 97301. To review the case file or to obtain more information about the appeal process, please contact Pamela Cole at 503-540-2309 or pcole@cityofsalem.net.


Glenn W. Gross
Urban Planning Administrator

Attachments: (1) Vicinity Map
(2) Site Plan
(3) Utility Plan with UGA Phases
(4) Comments from South Gateway Neighborhood Association
(5) Facts and Findings of the Department of Public Works
(6) Zone Change 09-3 Vicinity Map
(7) Zone Change 09-3 Conceptual Site Plan

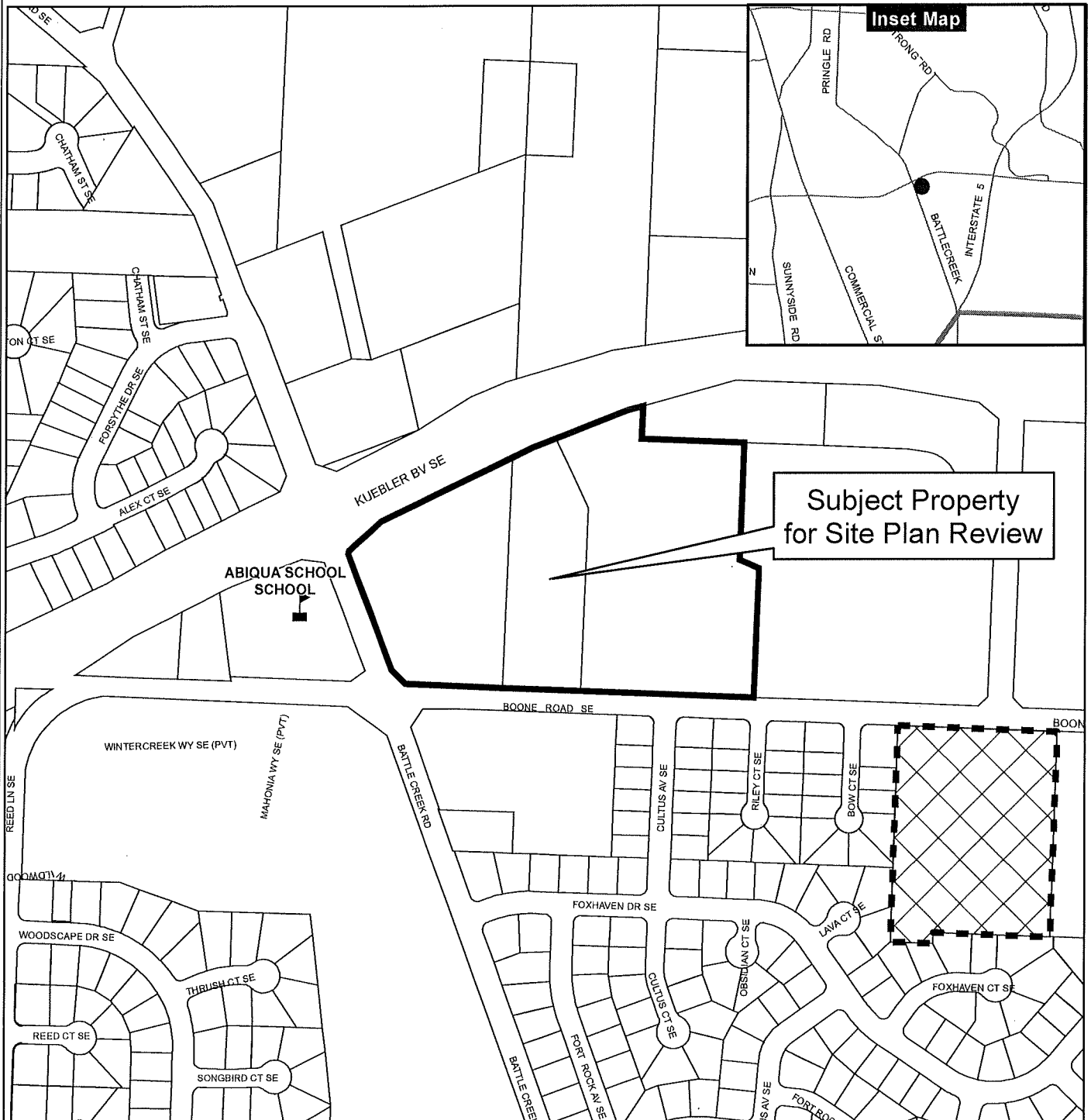
Prepared by Pamela Cole, Planner II

Application Deemed Complete: July 27, 2012
Notice of Decision Mailing Date: September 7, 2012
Decision Effective Date: September 25, 2012
State Mandated Decision Date: November 24, 2012

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Vicinity Map - Tax Lots

083W12C 00702, 083W11D 00600, 083W12C 01900



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

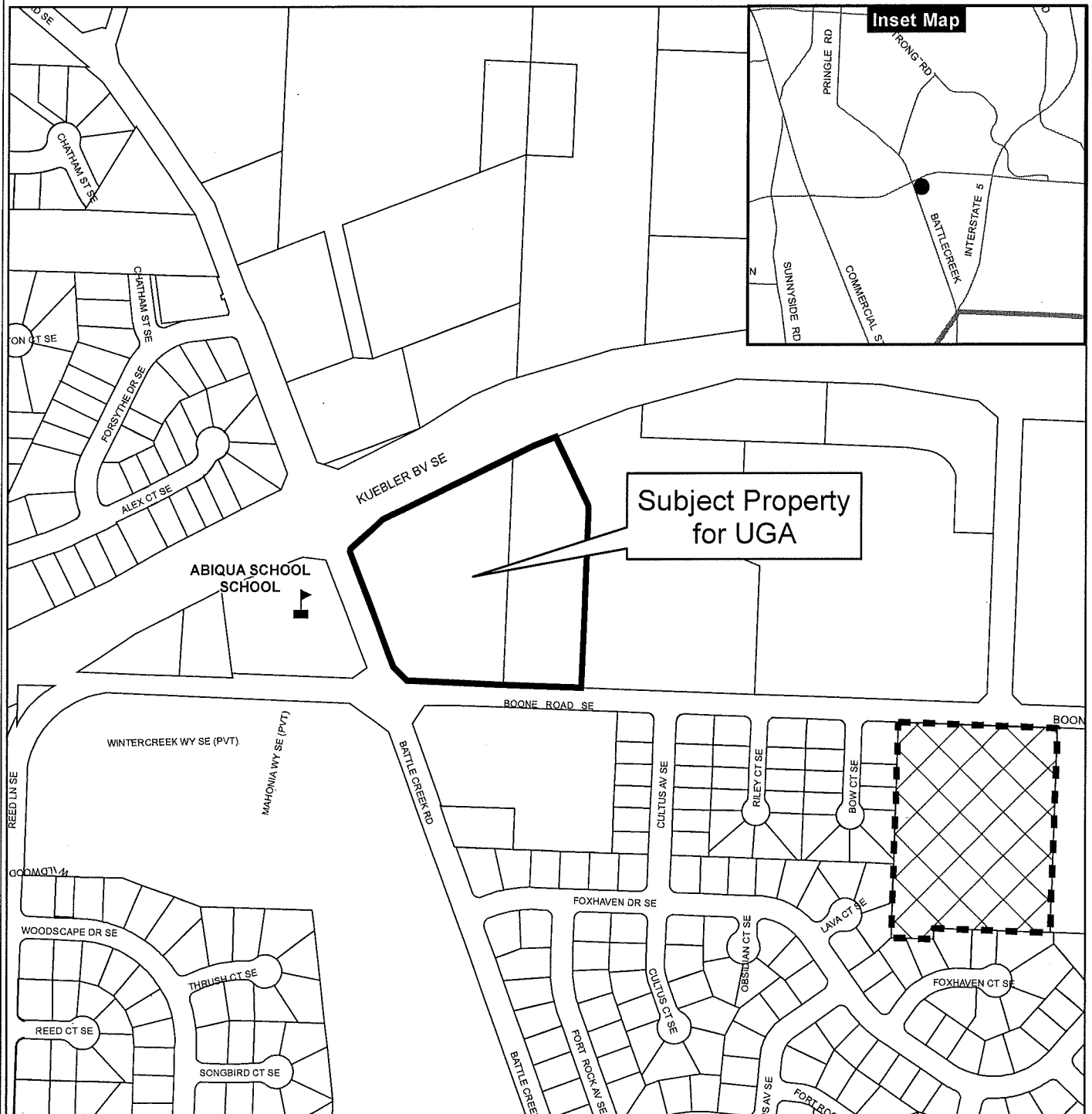
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Vicinity Map

Tax Lots 083W12C 00702 and 083W11D 00600



Legend

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

- Parks

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AT YOUR SERVICE
Community Development Dept.

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WATKINS ENGINEERING, INC.

ENGINEERING, ARCHITECTURE, AND PLANNING

3041 Riverside Boulevard, Suite 100, St. Louis, MO 63103

Phone: (314) 555-8741 Fax: (314) 555-3006

E-mail: watkins@watkins-inc.com

OVERALL UTILITY PLAN

MEDICAL OFFICE

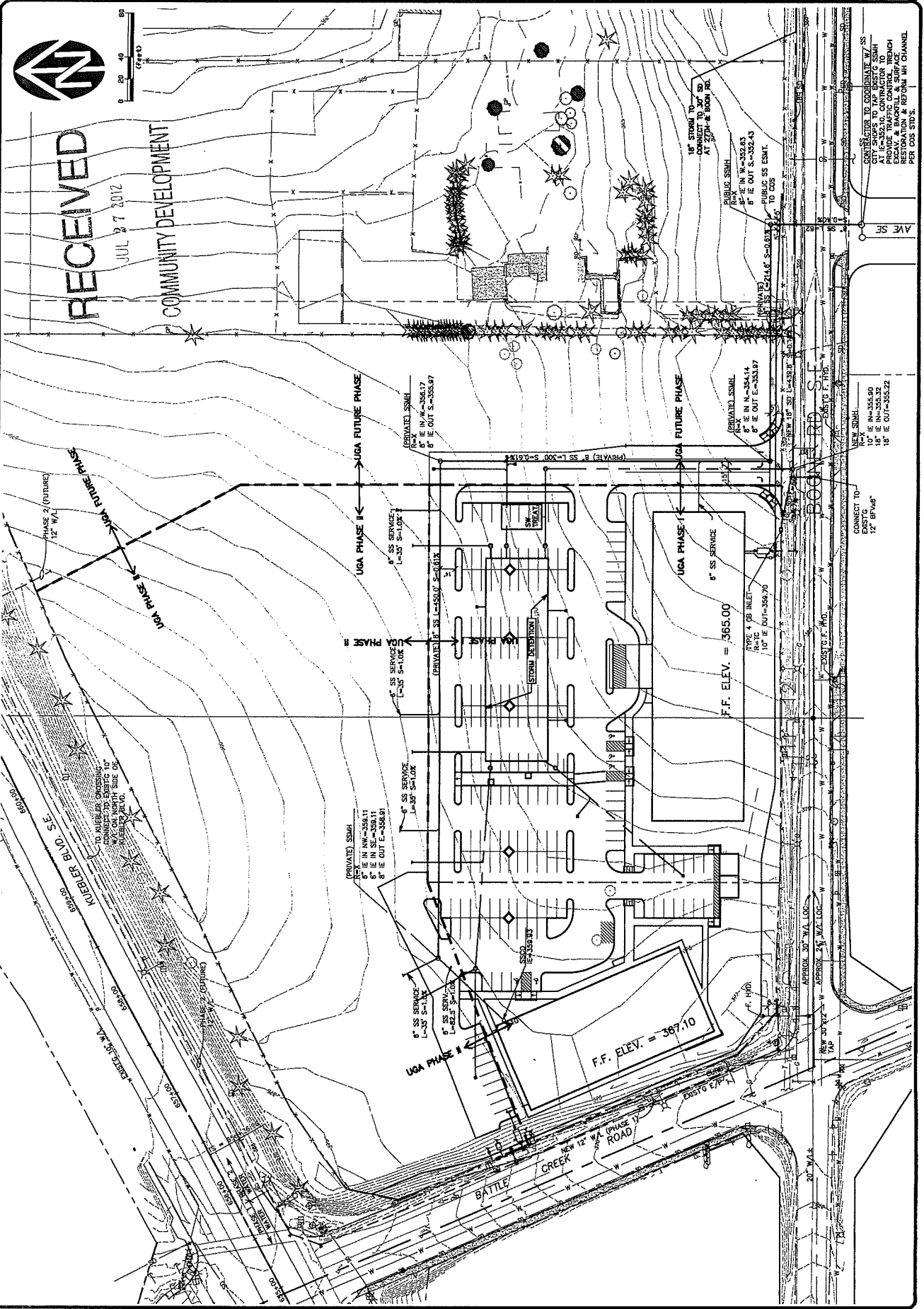
PAC TRUST KUEBLER DEVELOPMENT

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COMMUNITY DEVELOPMENT



NEIGHBORHOOD ASSOCIATION
555 LIBERTY ST. SE ROOM 300 SALEM OREGON 97301 • TELEPHONE (503) 588-6261

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COMMUNITY DEVELOPMENT

August 16, 2012

Ms. Pamela Cole, Case Manager
Planning Division
City of Salem
555 Liberty Street, Southeast,
Room 305
Salem, Oregon 97301

Dear Ms. Cole:

Re: Type II Site Plan Review – Urban Growth Area Development Permit
(PacTrust)
Case No. SPR-UGA 12-11
2500 Block Boone Road SE
AMANDA Application 12-110419-RP & 12-110418LD

The Land Use and Transportation Committees of the South Gateway Neighborhood Association have reviewed the request to defer construction of some of the mitigating traffic improvements imposed as conditions of approval for Zone Change Case No. 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.

SGNA has been informed that the staff of the Public Works Development Services and Traffic Engineering are reviewing the site plan in light of these conditions and determining which improvements are required for the current proposal and which may be deferred. Of course, SGNA defers to their expertise in this area, but prefers that the following improvements be completed now and not deferred to a later date:

1. The intersection of Battle Creek and Boone Roads, SE be improved to include a traffic signal with a dedicated westbound left-turn lane, westbound.

right-turn lane and an eastbound left-turn lane. This becomes even more critical because of the City's recent approval of the Wildwood Company's intentions to re-purpose the Old Pringle School property. The Association recommends that PacTrust be required to pay only their proportionate amount for these improvements.

2. The widening and improvement of the south side of Kuebler Boulevard be completed in its entirety at a logical and reasonable time as determined by the Public Works Development Services and Traffic Engineering Departments, but no later than the completion of the State of Oregon's planned improvements to the I-5 and Kuebler Road interchange.

In the alternative, if the requested improvements above to the south side of Kuebler Road are not completed immediately, SGNA requests that PacTrust be required to install a right-turn lane along the eastbound approach to the Kuebler/Battle Creek Road intersection as an interim improvement.

SGNA supports the recommendation of Kittleson & Associates, dated July 13, 2012, that landscaping, signage and new above-ground utilities along the site frontage be located and maintained to provide a clear sight line to the east and west from the current site driveway on Boone Road, SE.

SGNA reserves the right to provide additional comments and concerns to the determinations made by the Public Works Development Services and Traffic Engineering Departments regarding the deferment of construction of some of the mitigating traffic improvements specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.

South Gateway Neighborhood Association

Patrick O'Dell, Chairman
Transportation Committee

Stephen C. Withers, Chairman
Land Use Committee

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COMMUNITY DEVELOPMENT

MEMO

TO: Pamela Cole, Planner II
Community Development Department

FROM: Glenn J. Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department

DATE: September 5, 2012

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-UGA NO. 12-11 (12-110419)
2500 BLOCK OF BOONE ROAD SE



PROPOSAL:

Consolidated UGA Permit to determine the required public facilities for office and retail development, and Type II Site Plan Review to develop 15,000-square-foot and 23,100-square-foot medical office buildings on properties approximately 7.5 acres in size. The properties are outside the Urban Service Area (USA), and are zoned CO (Commercial Office) and CR (Retail Commercial). Properties are located in the 2500 block of Boone Road SE (Marion County Assessor Map and Tax Lot 083W11D 00600 and 083W12C 00702). The Type II Site Plan Review also includes construction of an accessway on an abutting property approximately 7.5 acres in size, zoned CR (Retail Commercial), and located at 2541 Boone Road SE.

RECOMMENDED CONDITIONS:

1. As a condition of building permit issuance for UGA Phase 1:
 - a. Along the entire frontage on the development side of Boone Road SE (Boone), construct a minimum 15-foot-wide half-street improvement. The street and right-of-way width shall also accommodate a westbound right-turn lane and a westbound left-turn lane at Battle Creek Road SE (Battle Creek).
 - b. On the development side of Battle Creek from Boone to Kuebler Boulevard SE (Kuebler), construct a minimum 23-foot-wide half-street improvement. The street and right-of-way width shall accommodate a northbound left-turn lane at Kuebler with a minimum 300 feet of storage, and a southbound left-turn lane at Boone with a minimum 300 feet of storage.
 - c. Construct an exclusive eastbound right-turn lane on Kuebler at Battle Creek.

- d. Construct a 12-inch water main in Battle Creek from Boone to Kuebler as shown in the Water System Master Plan. The main shall connect to the existing 30-inch system in Boone and terminate at the northerly extent of the Battle Creek improvement.
2. As a condition of building permit issuance for the first building in UGA Phase 2 or UGA Future Phase:
 - a. Along the entire frontage on the development side of Kuebler, construct a minimum 40-foot-wide half-street improvement. This project meets the criteria for fee-in-lieu of improvement per SRC 66.595.
 - b. Complete the 12-inch water system in Battle Creek from Boone to Kuebler by connecting the 12-inch main in Battle Creek to the 10-inch main in the north side of Kuebler.
 - c. Complete all remaining mitigating street improvements required as a condition of approval for Zone Change 09-3 and specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.

FACTS:

Streets

1. Battle Creek Road SE

- a. Existing Conditions – This street has a varied turnpike improvement within a 68-foot right-of-way. The half-width right-of-way on the development side of centerline appears to be 38 feet. There is a slope easement along the full frontage of Battle Creek adjacent to the subject property.
- b. 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.

2. Kuebler Boulevard SE

- a. Existing Conditions – Kuebler has varied turnpike pavement sections within a varied right-of-way of 180 feet to 150 feet in width. The intersection with Battle Creek is signalized.
- b. Standard – This street is designated as a parkway in the Salem TSP. The standard for this classification of street is an 80-foot-wide improvement within a minimum 120-foot-wide right-of-way.

3. Boone Road SE

- a. Existing Conditions – This street has a 12-foot turnpike improvement on the development side and a 17-foot half-street improvement on the opposite side within a varied right-of-way of 60 feet to 68 feet in width.
- b. 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.

4. 27th Avenue SE

- a. Existing Conditions – This street has a 12-foot turnpike improvement on the development side and a 17-foot half-street improvement on the opposite side, within a varied right-of-way of 60 feet to 68 feet in width.
- b. 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.

Storm Drainage

Existing Conditions

- a. The subject property is within the Pringle Creek drainage basin.
- b. There is a drainage ditch in Battle Creek along the full frontage of the subject property.
- c. There is a drainage ditch in Kuebler adjacent to the subject property. There is a grade change where the drainage flows split.
- d. Along Boone, there is a drainage ditch on the development side, and 15-inch and 30-inch storm drain lines on the opposite side.
- e. Along 27th Avenue SE, there is a 30-inch storm drain line that outfalls into a drainage ditch adjacent to the subject property.

Water

Existing Conditions

- a. The subject property is within the S-2 water service level. The adjacent property to the east has portions of S-1 water service level.
- b. There are no public water lines in Battle Creek and 27th Avenue SE.

- c. There is a 10-inch S-2 water line in Kuebler.
- d. There is a 24-inch S-2 water line in Boone.

Sanitary Sewer

Existing Conditions

- a. There is no sewer available in Kuebler and Battle Creek.
- b. There is a 24-inch public sewer line within a 25-foot easement along the south right-of-way line of Boone.
- c. There is a 24-inch public sewer line in 27th Avenue SE.

Parks

Non-residential developments do not generate requirements for new parks.

CRITERIA AND FINDINGS FOR UGA

Analysis of the development based on relevant criteria in SRC Chapter 66 is as follows:

SRC 66.100, "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 66.100(a)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC 63.225 and SRC 63.235 and the standards of linking streets in SRC 66.100(c).

Boundary streets are required along the entire frontage of each development phase at the time of building permit issuance as described in the conditions of approval.

SRC 66.110, "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 66.110). The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 66.020(a). Sewer mains in 27th Avenue SE and Boone Road SE are adequate to serve the proposed development.

SRC 66.115, "Standards for Storm Drainage Improvements"

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

SRC 66.120, "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 66.120). The *Water System Master Plan* requires construction of a 12-inch S-2 water line in Battle Creek. Construction of these required facilities and other potential alternatives are described in the conditions of approval.

CRITERIA AND FINDINGS FOR SITE PLAN REVIEW

Analysis of the development based on relevant criteria in SRC 163.070(b) is as follows:

Criteria: The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The TIA specifies that a right-turn lane is warranted from eastbound Kuebler to southbound Battle Creek.

Criteria: Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The driveway access onto Boone meets minimum spacing requirements in the PWDS to provide for safe turning movements into and out of the property.

Criteria: The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The sewer and storm infrastructure are available within surrounding streets and appear to be adequate to serve the proposed development. Required water improvements are described in the conditions of approval.

ADDITIONAL CRITERIA AND FINDINGS FOR CPC/ZC CONDITIONS

UGA Phase 1 Requirements: Zone Change 09-3 established infrastructure requirements for the subject property consistent with those required for CPC/ZC 06-6 on the neighboring parcel. The following conditions of approval from CPC/ZC 06-6 and ZC 09-3 are being completed with UGA Phase 1:

Condition 1: Battle Creek Road SE/Boone Road SE Intersection and Signal. The westbound left-turn lane and right-turn lane on Boone and the southbound left-turn lane on Battle Creek.

Condition 2: Battle Creek Road SE/Kuebler Boulevard SE Intersection. All improvements.

Condition 8: Location of Boone Road SE driveway. The driveway is appropriately located a safe distance from Battle Creek Road SE to accommodate storage for turning movements while being offset from Cultus Avenue SE enough to reduce impacts to the adjacent neighborhood.

Condition 16: Improvements Required Prior to Certificate of Occupancy. As stated above, the improvements described above shall be completed prior to issuance of a certificate of occupancy for any building in UGA Phase 1. The remaining requirements from CPC/ZC 09-03 may be deferred per SRC 113.205(b)(11)(A).

UGA Phase 2 and UGA Future Phase: SRC 113.205(b)(11)(A) authorizes the Planning Administrator to allow deferral of all or a portion of required public improvements until a stated time or until required by Council, whichever is earlier. Consistent with the applicant's TIA, the findings below describe the CPC/ZC conditions that will be completed as a condition of development in UGA Phase 2 or UGA Future Phase as specified within a deferral agreement to be completed between the developer and the City:

Condition 1: Battle Creek Road SE/Boone Road SE Intersection and Signal. The eastbound left-turn lane on Boone Road SE and the traffic signal.

Condition 3: Kuebler Boulevard SE Improvements from Interstate 5 to 1500 feet west of Battle Creek Road SE. All improvements.

Condition 4: Kuebler Boulevard SE/27th Avenue SE Intersection. All improvements.

Condition 5: Left-turn lanes and pedestrian islands. All improvements.

Condition 6: Traffic calming devices. Construction shall be completed or performance security shall be provided as a condition of building permit issuance.

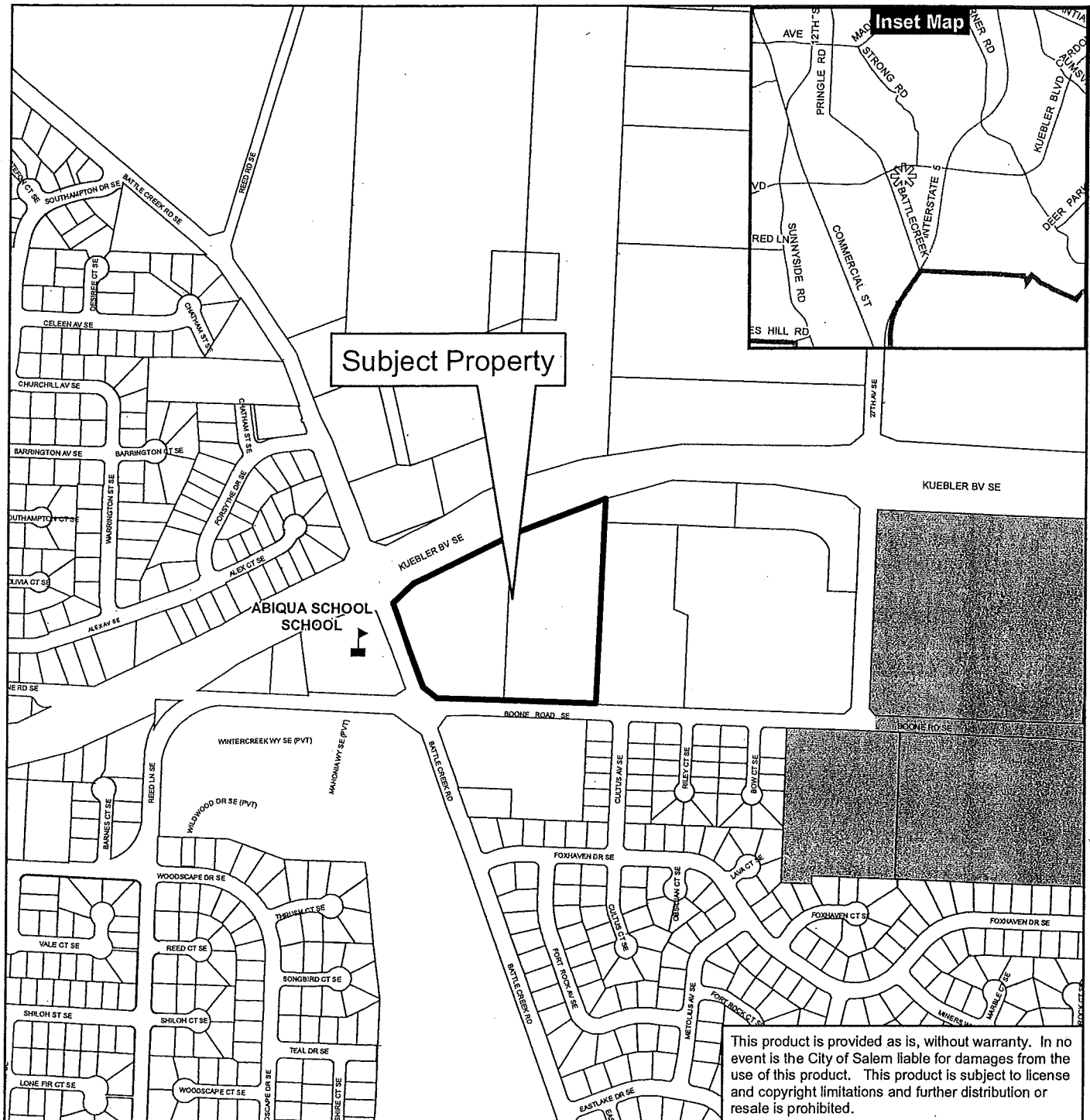
Condition 7: Right-in access on Kuebler Boulevard SE and improvements west to Commercial Street SE. All improvements.

Condition 16: Improvements Required Prior to Certificate of Occupancy. As stated above, improvements are deferred as authorized in SRC 113.205(b)(11)(A) as described in the findings above.

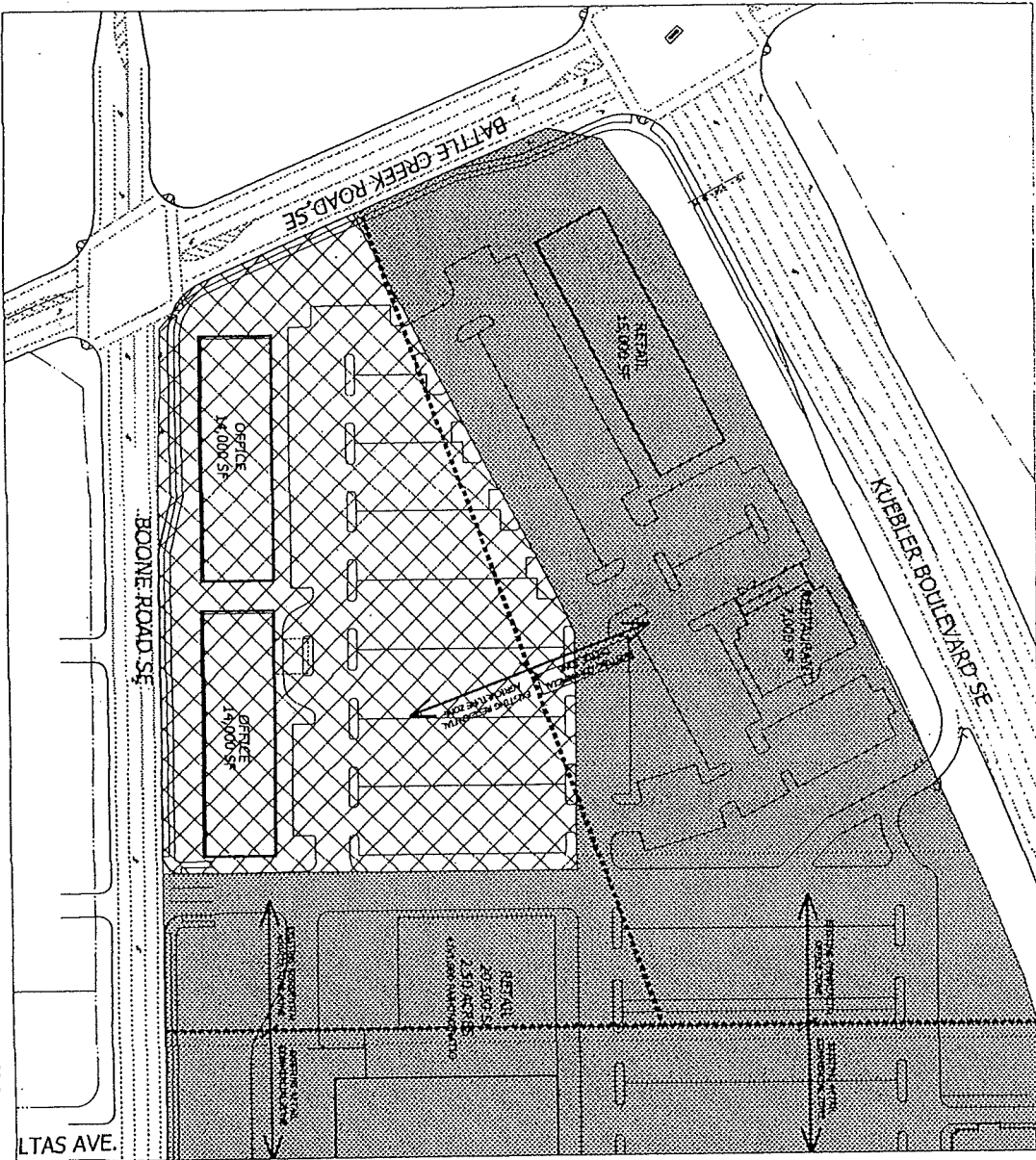
Prepared by: Robin Bunse, Administrative Analyst II

Vicinity Map

East side of Battle Creek Road SE between Kuebler Blvd SE and Boone Road SE

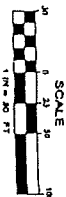


CONCEPTUAL SITE PLAN WITH PROPOSED ZONING SHOWN



ZONING LEGEND

-  COMMERCIAL OFFICE (13.86 ACRES)
-  RETAIL COMMERCIAL (6.22 ACRES)
-  EXISTING ZONING BOUNDARY



PROJECT #SAL-000	MATTHEW H. OYEN, P.E. 15350 SW SEQUOIA PKWY #300 PORTLAND, OR 97224 PH (503) 624-6300 FX (503) 624-7755 KUEBLER BOULEVARD A FACTRUST PROPERTY	 KUEBLER COMMERCIAL SALEM LOTS KUEBLER BOULEVARD SALEM, OREGON	REVISION	1.
			2.	
DATE: 5/23/09 Proposed Zoning Z-2.0				