

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*

AMENDED DECISION OF THE PLANNING ADMINISTRATOR

URBAN GROWTH AREA PRELIMINARY DECLARATION CASE NO. UGA17-06

APPLICATION NO. : 17-121850-LD

NOTICE OF DECISION DATE: ~~MARCH 12, 2018~~ JULY 17, 2018

SUMMARY: An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 19.89 acres at 6719 Devon Avenue SE.

REQUEST: An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 19.89 acres designated DR (Developing Residential) in the Salem Area Comprehensive Plan, zoned Marion County UT-10 (Urban Transition - 10 Acres), and located at 6719 Devon Avenue SE 97306 (Marion County Assessor map and tax lot number 083W22C00300). The applicant has submitted a concurrent application to annex the property, which would be zoned City of Salem RA (Residential Agriculture) or RS (Single Family Residential) upon annexation.

APPLICANT: HSF Development, LLC (Member – Kelley D. Hamilton Managers – Kelley D. Hamilton, Chris Jundt, Anthony Kreitzberg)

LOCATION: 6719 Devon Avenue SE – 97306

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

FINDINGS: The Findings are attached in the Order dated ~~March 12, 2018~~ July 17, 2018.

DECISION: The Planning Administrator **APPROVED** Urban Growth Preliminary Declaration Case No. UGA17-06 subject to the following conditions of approval:

- Condition 1:** Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the Salem Transportation System Plan from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
- Condition 2:** Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
- Condition 3:** Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.

- Condition 4:** Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.
- Condition 5:** Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.
- Condition 6:** Construct a half-street improvement to local street standards along the entire frontage of Devon Avenue SE.
- Condition 7:** Construct 8-inch *Salem Wastewater Management Master Plan* sewer lines necessary to serve the development. The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.
- Condition 8:** As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
- A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
 - A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
 - A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
 - A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak/Sahalee intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.
- Condition 9:** As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
- An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
 - An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
 - One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
 - An 8-inch S-4 main extended to the south line of the subject property.
 - One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

- Condition 10:** The applicant has two options for providing parks facilities to serve the subject property:
- Convey or acquire 10 acres of property for dedication of neighborhood park facility NP-28; or
 - Pay a temporary access fee of \$~~208~~0,000 pursuant to SRC 200.080(a).
 - If the City acquires an interest in park land for a park service area which includes the property, this condition has been met.

The rights granted by this decision must be exercised, or an extension granted, by ~~March 28, 2020~~ August 2, 2020 or this approval shall be null and void.

Application Deemed Complete:	<u>December 18, 2017</u>
Notice of Decision Mailing Date:	<u>March 12 July 17, 2018</u>
Decision Effective Date:	<u>March 28 August 2, 2018</u>
State Mandated Decision Date:	<u>May 17 July 17, 2018</u>

Case Manager: Pamela Cole, pcole@cityofsalem.net

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 Tuesday, March 27 August 1, 2018, 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.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(URBAN GROWTH PRELIMINARY DECLARATION NO. UGA17-06)**

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

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

IN THE MATTER OF THE)	
APPROVAL OF URBAN GROWTH)	<u>AMENDED FINDINGS AND ORDER</u>
PRELIMINARY DECLARATION NO.)	<u>MARCH 12, 2018</u><u>JULY 17, 2018</u>
UGA17-06; 6719 DEVON AVE SE)	

REQUEST

An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 19.89 acres designated DR (Developing Residential) in the Salem Area Comprehensive Plan, zoned Marion County UT-10 (Urban Transition - 10 Acres), and located at 6719 Devon Avenue SE 97306 (Marion County Assessor map and tax lot number 083W22C00300). The applicant has submitted a concurrent application to annex the property, which would be zoned City of Salem RA (Residential Agriculture) or RS (Single Family Residential) upon annexation.

DECISION

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

- Condition 1:** Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the Salem Transportation System Plan from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
- Condition 2:** Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
- Condition 3:** Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.
- Condition 4:** Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the

performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.

Condition 5: Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.

Condition 6: Construct a half-street improvement to Local street standards along the entire frontage of Devon Avenue SE.

Condition 7: Construct 8-inch *Salem Wastewater Management Master Plan* sewer lines necessary to serve the development. The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.

Condition 8: As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:

- a. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
- b. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
- c. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
- d. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak/Sahalee intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.

Condition 9: As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:

- a. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
- b. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
- c. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
- d. An 8-inch S-4 main extended to the south line of the subject property.
- e. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

Condition 10: The applicant has two options for providing parks facilities to serve the subject property:

- a. Convey or acquire 10 acres of property for dedication of neighborhood park facility NP-28; or
- b. Pay a temporary access fee of \$~~200,000~~ 80,000 pursuant to SRC 200.080(a).
- c. If the City acquires an interest in park land for a park service area which includes the property, this condition has been met.

PROCEDURAL FINDINGS

On November 7, 2017, an application for an Urban Growth Preliminary Declaration was filed to determine the public facilities required for single family residential development on property approximately 19.89 acres in size, designated DR (Developing Residential), zoned Marion County UT-10 (Urban Transition – 10 Acres), and located at 6719 Devon Avenue SE (**Attachment A**). The application was deemed complete on December 18, 2017, and notice was mailed pursuant to Salem Revised Code (SRC) requirements on December 20, 2017. An appeal was filed on March 23, 2018, and the City remanded the case to the Planning Administrator. The applicant has granted one 30 day extension to the State mandated decision date. The applicant has granted extensions to the State mandated decision date to June 12, 2018, July 10, 2018, and July 17, 2018.

SUBSTANTIVE FINDINGS

1. Subject Property

The subject property consists of one tax lot encompassing a total area of 19.89 acres.

The site is located outside of and abutting Salem city limits. The applicant has applied for annexation, and the annexation (Annexation C-725) will be reviewed by City Council later this year. The parcel has frontage on Devon Avenue SE on the east side, and the Salem Area Transportation Systems Plan (TSP) indicates a future collector street (Lone Oak Road SE) on and near the western boundary of the parcel. The subject property includes one single family dwelling.

The site is designated “Developing Residential” in the Comprehensive Plan and zoned UT-10 (Urban Transition – 10 Acres) in Marion County. Upon annexation, the property would be zoned RA (Residential Agriculture) or RS (Single Family Residential). The applicant provided a draft subdivision plan that indicates that the subject property could be developed for approximately 86 single family residential lots after annexation. This draft subdivision plan is not being reviewed or approved with this UGA Preliminary Declaration application. Any future subdivision application would be reviewed after the UGA Preliminary Declaration is issued and after the property is annexed.

2. SRC Chapter 200 – Urban Growth Management

The subject property is located outside of the City’s Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is required prior to subdivision approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated, if the development is within the

Urban Growth Area (UGA), or is within the Urban Service Area (USA), but precedes city construction of required facilities shown in the adopted capital improvement plan, public facilities plan, or comparable plan for the area of the development.

3. Neighborhood Association Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association. The neighborhood association did not submit comments on the proposal prior to the comment deadline.

4. Citizen Comments

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

One property owner requested that staff inform him of the impact of the proposal on his adjacent property at 671 and 681 Rees Hill Road SE.

Staff Response: The conditions of approval would require acquisition and conveyance of land for dedication of right-of-way of Lone Oak Road SE from the subject property to Rees Hill Road SE. The exact location of this right-of-way has not been determined, but the alignment could impact 671 and/or 681 Rees Hill Road SE. The applicant would be responsible for acquiring the land from other property owners pursuant to SRC 200.050.

Six property owners submitted comments indicating the following objections and concerns:

Streets

- A single point of access via Devon Avenue SE is dangerous, and the Lone Oak Road SE bridge should be completed as an alternate route prior to development or with this development.
- The proposal would increase traffic beyond reasonable capacity of existing county roads (Devon Avenue SE and Rees Hill Road SE).
- The proposal should require a traffic control light at intersection of Rees Hill Road SE and Sunnyside Road SE.
- The proposal would degrade the road surface on Rees Hill Road SE.
- The proposal would adversely impact safety for motor vehicles, bicycles, and pedestrians on Devon Avenue SE and Rees Hill Road SE.
- The proposal should include sidewalks on Devon Avenue SE and Rees Hill Road SE.

- The proposed intersections of Lone Oak Road SE at Rees Hill Road SE and the proposed subdivision street at Devon Avenue SE would be hazardous.

Water, Sewer, and Stormwater

- No connection is available to the city sewer system.
- No connection is available to the city water system.
- The proposal could contaminate well water.
- Storm water runoff could adversely affect neighboring properties.

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. Future development of the subject property would be subject to the land use and/or development review processes applicable to the type of development proposed. For instance, single family residential development would be subject to review under the tentative subdivision criteria.

Streets

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

Conditions of approval adopted in this order require acquisition and conveyance of land for dedication of rights-of-way of Lone Oak Road SE from Sahalee Drive SE to Rees Hill Road SE; construction of improvements on Lone Oak Road SE from Sahalee Drive SE to Rees Hill Road SE; conveyance of land for right-of-way along the property frontage on Devon Avenue SE; and construction of improvements along the property frontage on Devon Avenue SE.

Another condition in this order requires that the development pay a reimbursement fee for the Lone Oak Road Reimbursement District to contribute a proportional share of costs of the full collector street improvement of Lone Oak Road SE to Muirfield Avenue SE, including the bridge.

Water, Sewer, and Stormwater

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

5. City Department Comments

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

Building and Safety Division – The Salem Community Development Department, Building and Safety Division, submitted no comments.

Fire Department – The Salem Fire Department submitted comments indicating that two remotely separate access points will be required, and fire hydrants will be required.

6. Public and Private Agency Comments

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

7. Criteria for Granting Urban Growth Preliminary Declaration

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

A. SRC 200.025(d): *The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*

(1) The required facilities necessary to fully serve the development;

(2) The extent to which the required facilities are in place or fully committed.

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

Finding: The Public Works Department reviewed the proposed Urban Growth Preliminary Declaration to identify those public facilities that must be constructed in order to fully serve the proposed development consistent with the City’s adopted Master Plans and Area Facilities Plans. Findings provided by the Public Works

Department are included in **Attachment B**. The proposed development will be fully served by Public Facilities as required under SRC Chapter 200 as follows:

I. SRC 200.055 – Street Improvements.

SRC 200.055 requires development to be connected, through a linking street, to an adequate public street. An adequate linking street is defined under SRC 200.055(b) as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Major streets (SRC 200.055(b)).

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

The subject property has frontage on Devon Avenue SE on the east. A future extension of Lone Oak Road SE is planned at the western property line of the subject property.

Devon Avenue SE is designated as a Local street in the Salem Transportation System Plan (TSP) and is currently under Marion County jurisdiction. 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 approximate 26-foot-wide improvement within a 40-foot-wide right-of-way abutting the subject property.

Lone Oak Road SE is designated as a Collector street in the Salem Transportation System Plan (TSP) and is currently under Marion County jurisdiction. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way. This street terminates near Sahalee Drive SE northwest of the subject property.

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

City Council approved the Lone Oak Reimbursement District under Resolution 2018-08 on January 22, 2018. This district provides a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE so that all benefited properties pay a proportional share of the cost for street improvements.

Three conditions of approval are proposed related to Lone Oak Road SE:

Condition 1: Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the Salem Transportation System Plan from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.

Condition 2: Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.

Condition 3: Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.

These conditions of approval ensure that the proposed development has an adequate linking street connection to Lone Oak Road SE at Sahalee Drive SE and secondary linking street connections to Rees Hill Road SE through Devon Avenue SE and Lone Oak Road SE.

Pursuant to Resolution 2018-08, the applicant is also required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District for the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE. (In the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road construction.

Condition 4: Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road construction.

Boundary street improvements are required along the entire frontage of Devon Avenue pursuant to SRC 200.055(c).

Condition 5: Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.

Condition 6: Construct a half-street improvement to Local street standards along the entire frontage of Devon Avenue SE.

II. SRC 200.060 – Sewer Improvements.

SRC 200.060 requires development to be linked to existing adequate sewer facilities through construction of sewer lines and pumping stations necessary to connect to such existing sewer facilities. The Public Works Department has identified the nearest available sewer facility as located in Sahalee Drive SE, both northwest and northeast of the subject property.

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

Condition 7: Construct 8-inch *Salem Wastewater Management Master Plan* sewer lines necessary to serve the development. The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.

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

III. SRC 200.065 – Storm Drainage Improvements.

SRC 200.065 requires development to be linked to existing adequate storm drainage facilities through the construction of storm drain lines, open channels, and detention facilities that are necessary to connect to such existing storm drainage facilities. The Public Works Department has stated that the nearest available public storm system appears to be Champion Swale to the west and county ditches along Devon Avenue SE to the east of the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

IV. SRC 200.070 – Water Improvements.

SRC 200.070 requires development to be linked to existing adequate water service facilities through the construction of water distribution lines, reservoirs, and pumping stations that are necessary to connect to such existing water service facilities. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Comments from the Public Works Department indicate the subject property is located within the S-3 and S-4 water service levels and that the nearest adequate S-3 water mains are located in Devon Avenue SE, Lone Oak Road SE, and Rees Hill Road SE. No S-4 water facilities exist. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below.

- Condition 8:** As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
- a. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
 - b. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
 - c. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
 - d. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak/Sahalee intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.

Based on the topography of the subject property, the S-4 area of the proposed development shall receive domestic service from the S-4 service level and fire service from the S-3 service level.

- Condition 9:** As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
- a. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
 - b. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
 - c. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
 - d. An 8-inch S-4 main extended to the south line of the subject property.
 - e. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

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

V. SRC 200.075 – Park Sites.

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

Limited parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a future Neighborhood Park (NP 28) and Community Park (CP 6) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-28 based on sizing criteria established in SRC 200.075(b).

The park sizing methodology is as follows:

- The park size shall be 2.25 acres per 1,000 population (SRC 200.075(b))
- The park service area is 300 acres based on the area of residentially zoned property that can be served based on the proposed park spacing in the Master Plan.
- Single-family residential development density is 6.3 dwelling units per net acre (Table 5 of draft Salem Housing Needs Analysis dated December 2014).
- According to the U.S. Census, the average household size in Salem in 2010 was 2.55 people (p16 of draft Salem Housing Needs Analysis dated December 2014).

The park size is 10 acres based on 2.55 people per dwelling multiplied by 6.3 dwellings per acre multiplied by 300 acres of park service area multiplied by 2.25 acres of park size per 1,000 population.

In lieu of acquiring or conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is ~~\$200,000~~ \$80,000 based on the following analysis:

- Acquisition ~~and development~~ of a 10-acre park is estimated to cost a total of ~~\$13,200,000~~ \$13,200,000 according to Table E-1 of the Master Plan.
- The service area of NP-28 is estimated to be 300 acres, so the proportional cost for all property within the service area is ~~\$404,000~~ \$404,000 per acre.
- For a 20-acre site at ~~\$404,000~~ \$404,000 per acre, the proportional contribution to NP-28 is ~~\$20080,000~~ \$80,000.

The temporary access fee will contribute to the permanent park facility by providing revenue for acquiring ~~and developing~~ the property being proposed for NP-28. The temporary access fee will be collected on a per lot basis when permits are issued.

Should the City acquire park land that includes the property within the park service area prior to the submission of Final Plat for this property, the property would be served by a park and no temporary access fee is required under SRC

200.080(a). To determine whether the temporary access fee is required, “acquire” includes acquiring an interest in land intended for “park land” which services this property.

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

- Condition 10:** The applicant has two options for providing parks facilities to serve the subject property:
- a. Convey or acquire 10 acres of property for dedication of neighborhood park facility NP-28; or
 - b. Pay a temporary access fee of ~~\$20~~80,000 pursuant to SRC 200.080(a).
 - c. If the City acquires an interest in park land for a park service area which includes the property, this condition has been met.

8. Conclusion

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

IT IS HEREBY ORDERED

The Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 19.89 acres designated DR (Developing Residential) in the Salem Area Comprehensive Plan, zoned Marion County UT-10 (Urban Transition - 10 Acres), and located at 6719 Devon Avenue SE 97306 (Marion County Assessor map and tax lot number 083W22C00300) is hereby GRANTED subject to SRC Chapter 200 and the following conditions of approval:

- Condition 1:** Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the Salem Transportation System Plan from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
- Condition 2:** Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
- Condition 3:** Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.

- Condition 4:** Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.
- Condition 5:** Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.
- Condition 6:** Construct a half-street improvement to local street standards along the entire frontage of Devon Avenue SE.
- Condition 7:** Construct 8-inch *Salem Wastewater Management Master Plan* sewer lines necessary to serve the development. The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.
- Condition 8:** As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
- a. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
 - b. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
 - c. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
 - d. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak/Sahalee intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.
- Condition 9:** As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
- a. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
 - b. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
 - c. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.

- d. An 8-inch S-4 main extended to the south line of the subject property.
- e. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

Condition 10: The applicant has two options for providing parks facilities to serve the subject property:

- a. Convey or acquire 10 acres of property for dedication of neighborhood park facility NP-28; or
- b. Pay a temporary access fee of \$~~20~~80,000 pursuant to SRC 200.080(a).
- c. If the City acquires an interest in park land for a park service area which includes the property, this condition has been met.



Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map

B. Salem Public Works Department Comments July 16, 2018

Application Deemed Complete:	<u>December 18, 2017</u>
Notice of Decision Mailing Date:	<u>March 12 July 17, 2018</u>
Decision Effective Date:	<u>March 28 August 2, 2018</u>
State Mandated Decision Date:	<u>May 17 July 17, 2018</u>

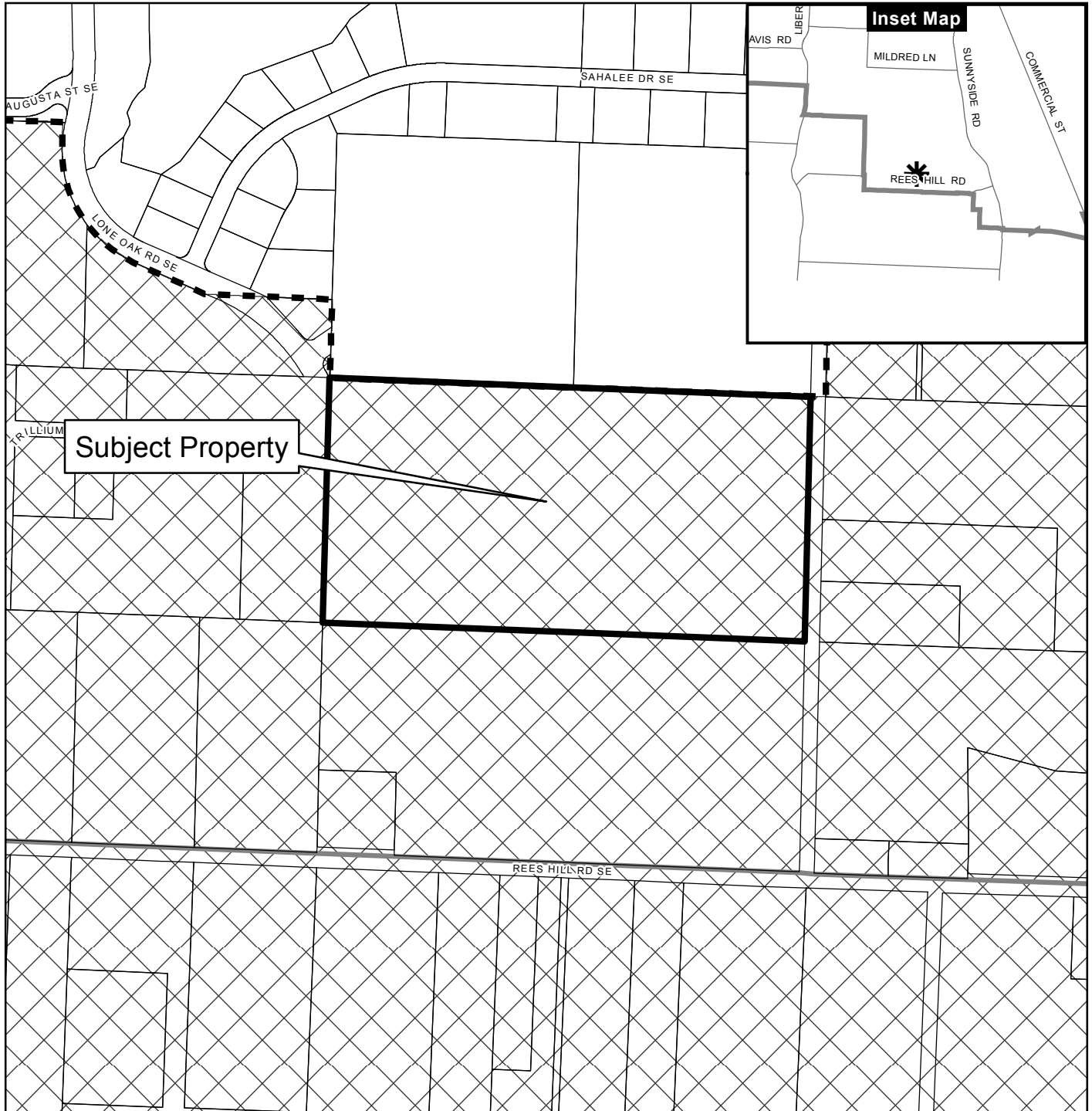
The rights granted by this decision must be exercised, or an extension granted, by **March 28, 2020** **August 2, 2020** or this approval shall be null and void.

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

This decision is final unless written appeal from a party with standing to appeal, along with the appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, March 27-August 1, 2018, 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

6719 Devon Avenue SE



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: July 16, 2018

SUBJECT: **REVISED PUBLIC WORKS RECOMMENDATIONS**
UGA FOR PRELIMINARY DECLARATION 17-06
6719 DEVON AVENUE SE
REMANDED DECISION



PROPOSAL

Summary: An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 19.89 acres at 6719 Devon Avenue SE.

Request: An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop 19.89 acres designated DR (Developing Residential) in the Salem Area Comprehensive Plan, zoned Marion County UT-10 (Urban Transition - 10 Acres), and located at 6719 Devon Avenue SE (Marion County Assessor Map and Tax Lot Number 083W22C00300). The applicant has submitted a concurrent application to annex the property, which would be zoned City of Salem RA (Residential Agriculture) or RS (Single Family Residential) upon annexation.

RECOMMENDED CONDITIONS

1. Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the *Salem Transportation System Plan (TSP)* from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
2. Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
3. Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.
4. Pay the applicable reimbursement fee as established in the Lone Oak Road

Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.

5. Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.
6. Construct a half-street improvement to Local street standards along the entire frontage of Devon Avenue SE.
7. Construct 8-inch *Salem Wastewater Management Master Plan* sewer lines necessary to serve the development. The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.
8. As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 - a. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
 - b. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
 - c. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
 - d. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak Road SE/Sahalee Drive SE intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.
9. As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 - a. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.

- b. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
 - c. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
 - d. An 8-inch S-4 main extended to the south line of the subject property.
 - e. One or more S-3 mains that provide adequate fire flow to the entire S-4 area
10. The applicant has two options for providing parks facilities to serve the subject property:
- a. Convey or acquire 10 acres of property for dedication of neighborhood park facility NP-28; or
 - b. Pay a temporary access fee of \$80,000 pursuant to SRC 200.080(a).

FACTS

Streets

1. Lone Oak Road SE

- a. Standard—This street is currently under Marion County jurisdiction and is designated as a Collector street in the *Salem TSP*. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street terminates near Sahalee Drive SE northwest of the subject property.

2. Devon Avenue SE

- a. Standard—This street is currently under Marion County jurisdiction and 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 Condition—This street has an approximate 26-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. Champion Swale is mapped to the west of the subject property, while an unidentified creek runs through the western portion of the property. Powell Creek is mapped east of the subject property. No public storm mains are adjacent to the proposed development.
- b. The subject property is within the Battle Creek Drainage Basin.

Water

1. Existing Conditions

- a. The subject property is located partially in the S3 water service level, below an elevation of 629 feet, and partially in the S4 water service level, above 629 feet.
- b. A 10-inch S3 water line is located in Devon Avenue SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.
- c. A 10-inch S3 water line is located in Lone Oak Road SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.
- d. A 16-inch S3 water line is located in Rees Hill Road SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.
- e. There is no existing S4 water system.

Sanitary Sewer

1. Existing Conditions

- a. The property is split into two sewage drainage basins – partially toward the west line and partially toward the east.
- b. The nearest adequate linking facility for the west basin appears to be an existing 8-inch sewer line approximately 400 feet to the northwest of the property in Lone Oak Road SE.
- c. The nearest adequate linking facility for the east basin appears to be an existing 8-inch sewer line approximately 850 feet to the northeast of the property. The east basin may be able to receive service from the existing sewer main in Lone Oak Road SE.

Parks

The Comprehensive Parks System Master Plan shows that the subject property will be served by a future Neighborhood Park (NP 28).

CRITERIA AND FINDINGS

SRC 200.055—Standards for Street Improvements

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

City Council approved the Lone Oak Reimbursement District under Resolution 2018-08 on January 22, 2018. This district provides a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE so that all benefited properties pay a proportional share of the cost for street improvements.

Three conditions of approval are proposed related to Lone Oak Road SE:

1. Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the *Salem Transportation System Plan* from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
2. Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
3. Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.

These conditions of approval ensure that the proposed development has an adequate linking street connection to Lone Oak Road SE at Sahalee Drive SE and secondary linking street connections to Rees Hill Road SE through Devon Avenue SE and Lone Oak Road SE.

Pursuant to Resolution 2018-08, the applicant is also required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District for

development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE. The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road construction.

Boundary street improvements are required along the entire frontage of Devon Avenue SE pursuant to SRC 200.055(c).

SRC 200.060—Standards for Sewer Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facility appears to be located in Sahalee Drive SE, both northwest and northeast of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a).

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).

SRC 200.065—Standards for Storm Drainage Improvements

Findings: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be Champion Swale to the west and county ditches along Devon Avenue SE to the east of the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

SRC 200.070—Standards for Water Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the *Water Distribution Design Standards*.

As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:

1. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
2. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
3. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
4. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak Road SE/Sahalee Drive SE intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.

Based on the topography of the subject property, the S-4 area of the proposed development shall receive domestic service from the S-4 service level and fire service from the S-3 service level. As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:

1. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
2. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
3. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
4. An 8-inch S-4 main extended to the south line of the subject property.
5. One or more S-3 mains that provide adequate fire flow to the entire S-4 area

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

SRC 200.075—Standards for Park Sites

Findings: The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Parks System Master Plan*.

Limited parks facilities are available to serve the proposed development. *The Comprehensive Parks System Master Plan* shows that a future Neighborhood Park (NP 28) and Community Park (CP 6) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-28 based on sizing criteria established in SRC 200.075(b).

The park sizing methodology is as follows:

- The park size shall be 2.25 acres per 1,000 population (SRC 200.075(b))
- The park service area is 300 acres based on the area of residentially zoned property that can be served based on the proposed park spacing in the *Master Plan*.
- Single-family residential development density is 6.3 dwelling units per net acre (Table 5 of draft *Salem Housing Needs Analysis* dated December 2014).
- According to the U.S. Census, the average household size in Salem in 2010 was 2.55 people (p16 of draft *Salem Housing Needs Analysis* dated December 2014).

The park size is 10 acres based on 2.55 people per dwelling multiplied by 6.3 dwellings per acre multiplied by 300 acres of park service area multiplied by 2.25 acres of park size per 1,000 population.

In lieu of acquiring or conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is \$80,000 based on the following analysis:

- Acquisition of a 10-acre park is estimated to cost a total of \$1,200,000 according to Table E-1 of the *Master Plan*.
- The service area of NP-28 is estimated to be 300 acres, so the proportional cost for all property within the service area is \$4,000 per acre.
- For a 20-acre site at \$4,000 per acre, the proportional contribution to NP-28 is \$80,000.

The temporary access fee will contribute to the permanent park facility by providing revenue for acquiring the property being proposed for NP-28. The temporary access fee will be collected on a per lot basis when permits are issued.

Should the City acquire park land that includes the property within the park service area prior to the submission of Final Plat for this property, the property would be served by a park and no temporary access fee is required under SRC 200.080(a). To determine whether the temporary access fee is required, "acquire" includes acquiring an interest in land intended for "park land" which services this property.