

PLANNING DIVISION  
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# UGA DEVELOPMENT REVIEW COMMITTEE

**ISSUE:** Preliminary Declaration for Urban Growth Area Development Permit  
No. 09-7

**DATE OF DECISION:** January 28, 2010

**APPLICANT:** The Pictsweet Company; PS Mushrooms, LLC (The Pictsweet Company); State Street Mushrooms, LLC (The Pictsweet Company); Cordon Road Mushrooms, LLC (The Pictsweet Company); Marion Mushroom Farm, LLC (The Pictsweet Company); Auburn Road Mushroom Farm, LLC (The Pictsweet Company); and Salem Mushroom Farm, LLC (The Pictsweet Company)

## PURPOSE OF REQUEST:

To assure that major public facilities such as sewers, water and streets are provided to the proposed site in accordance with the Salem Urban Growth Management Program in order to develop the subject property that lies outside the Urban Services Area (USA) in an area without required facilities, and to determine conditions established in the Urban Growth Area (UGA) Development Permit. The request is to determine the public facilities required by the Urban Growth Management Program to develop property approximately 120 acres in size and generally located south of Auburn Road NE, north of State Street and west of Cordon Road NE (255 Cordon Road NE, 4900 State Street, and in the 4700 and 4800 Block of Auburn Road NE) (Exhibit 1) and currently Marion County zoning "IP" (Industrial park), "UT-10" (Urban Transition), and "UD" (Urban Development) and the Salem Area Comprehensive Plan designation is "Industrial".

The applicants have submitted a request to annex the subject property and a change to the Comprehensive Plan designation and zone district. The applicants have requested Comprehensive Plan designations of "Single Family Residential", "Multi-Family Residential" and "Commercial" and Salem zoning of Single Family Residential (RS), Multiple Family Residential 1 and 2 (RM1 and RM2), and Retail Commercial (CR).

## ACTION:

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 Exhibit 2. 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:

**Street Requirements:**

1. Convey land for dedication along the entire frontage on the development side of abutting streets to equal the following half-width rights-of-way: (a) Auburn Road NE, 30 feet; (b) State Street, 48 feet.
2. Along the entire frontage of abutting streets within the Urban Growth Boundary, construct three-quarter street improvements as defined in SRC 63.030(pp)(9) to equal the following minimum pavement widths: (a) Auburn Road NE, 23-foot-wide Collector B improvement on the development side with a 12-foot pavement widening on the opposite side; and (b) State Street, 34-foot-wide Major Arterial improvement on the development side with a 12-foot pavement widening on the opposite side.
3. Enter into a development agreement, improvement agreement, or other similar agreement, with Marion County for street improvements to, and/or right-of-way dedication for, Cordon Road NE that are roughly proportional to the impacts of the anticipated development, and acceptable to both Marion County and the developer.
4. Within the subject property, construct the extension of Greencrest Street NE as a Collector improvement within a 60-foot-wide right-of-way as specified in the *Salem Transportation System Plan*.
5. If required at the time of development, provide a Transportation Impact Analysis (TIA) to identify the impacts of this proposed development on the public transportation system in the area and construct any necessary mitigation measures identified in that report.

**Storm Drainage requirements:**

6. Construct stormwater facilities adequate to limit runoff from the proposed development to quantities not exceeding the pre-developed runoff conditions as specified in the Stormwater Management Design Standards.

**Water Requirements:**

7. 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.

### Sanitary Sewer Requirements:

8. Construct one or more sewer mains from the subject property to the East Salem Interceptor and to the existing sewer main in 49<sup>th</sup> Avenue NE and State Street consistent with the *Wastewater System Master Plan* and Sewer Design Standards.
9. Construct a minimum 12-inch sewer main from the existing 15-inch sewer main in 49<sup>th</sup> Avenue NE to the intersection of State Street and Cougar Court NE.

Date of Preliminary Declaration: January 28, 2010

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, not later than February 12, 2010, by 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the Urban Growth Management Ordinance (SRC Chapter 66). 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.

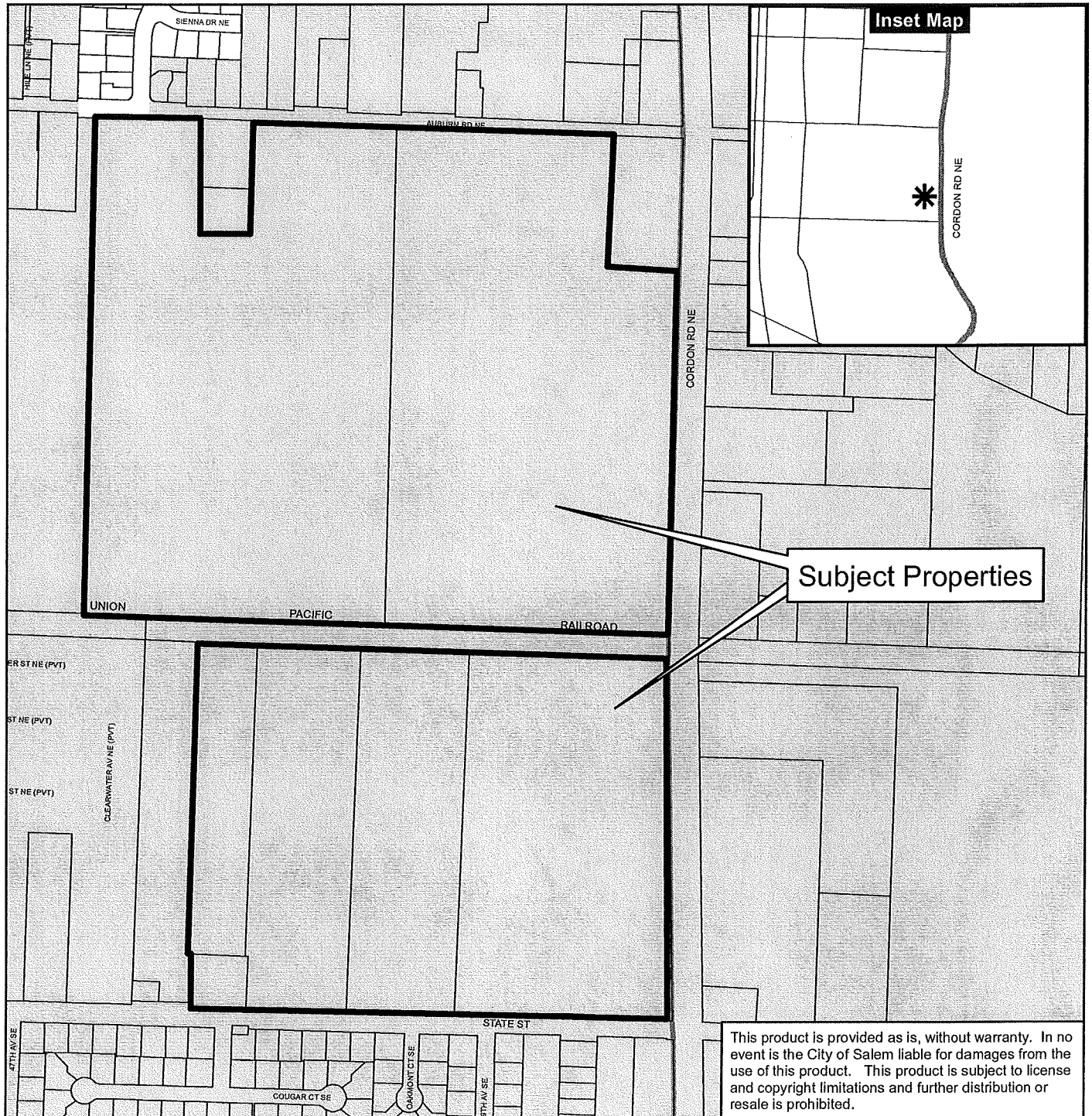
This Preliminary Declaration will expire on January 28, 2012

Attachments: Exhibit 1. Vicinity Map  
Exhibit 2. Facts and Findings of the Department of Public Works

Prepared by Cecilia DeSantis Urbani, Associate Planner

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# Vicinity Map 4900 Block of State St



## Legend

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

0 100 200 400 Feet



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**EXHIBIT 1**

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CITY OF *Salem*  
AT YOUR SERVICE

WORKS

COMMUNITY DEVELOPMENT

MEMO

**TO:** Cecilia DeSantis Urbani, Associate Planner  
Department of Community Development

**FROM:** Glenn Davis, P.E., Chief Development Services Engineer *GD*  
Public Works Department

**DATE:** January 27, 2010

**SUBJECT:** **THIRD REVISED PUBLIC WORKS RECOMMENDATIONS**  
**UGA NO. 09-7 (09-119040)**  
**255 CORDON ROAD NE AND 4900 BLOCK OF STATE STREET**  
**MIXED USE DEVELOPMENT FOR PICTSWEET**

**PROPOSAL:**

To determine the public facilities required by the Urban Growth Management Program to develop property that lies outside the Urban Services Area (USA). The proposal is to discuss a mixed use development for seven individual properties that are approximately 118 acres in the proposed Salem RS, RM1, RM2, and CR zones located at 255 Cordon Road NE, 4900 State Street, and in the 4700 and 4800 block of Auburn Road NE.

**RECOMMENDED CONDITIONS:**

1. Convey land for dedication along the entire frontage on the development side of abutting streets to equal the following half-width rights-of-way: (a) Auburn Road NE, 30 feet; (b) State Street, 48 feet.
2. Along the entire frontage of abutting streets within the Urban Growth Boundary, construct three-quarter street improvements as defined in SRC 63.030(pp)(9) to equal the following minimum pavement widths: (a) Auburn Road NE, 23-foot-wide Collector B improvement on the development side with a 12-foot pavement widening on the opposite side; and (b) State Street, 34-foot-wide Major Arterial improvement on the development side with a 12-foot pavement widening on the opposite side.
3. Enter into a development agreement, improvement agreement, or other similar agreement, with Marion County for street improvements to, and/or right-of-way dedication for, Cordon Road NE that are roughly proportional to the impacts of the anticipated development, and acceptable to both Marion County and the developer.

**EXHIBIT 2**

4. Within the subject property, construct the extension of Greencrest Street NE as a Collector improvement within a 60-foot-wide right-of-way as specified in the *Salem Transportation System Plan*.
5. If required at the time of development, provide a Transportation Impact Analysis (TIA) to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report.
6. Construct stormwater facilities adequate to limit runoff from the proposed development to quantities not exceeding the pre-developed runoff conditions as specified in the Stormwater Management Design Standards.
7. 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.
8. Construct one or more sewer mains from the subject property to the East Salem Interceptor and to the existing sewer main in 49<sup>th</sup> Avenue NE and State Street consistent with the *Wastewater System Master Plan* and Sewer Design Standards.
9. Construct a minimum 12-inch sewer main from the existing 15-inch sewer main in 49<sup>th</sup> Avenue NE to the intersection of State Street and Cougar Court NE.

## **FACTS AND FINDINGS:**

### **Streets**

1. **Linking Streets** – The subject property abuts Cordon Road NE, which is an adequate linking street. An adequate linking street is defined as: (1) The nearest point on a street that has a minimum 34-foot improvement within a 60-foot-wide right-of-way; or (2) a street that has a minimum 30-foot-wide improvement within a 60-foot-wide right-of-way (SRC 66.100(b)).
2. **Boundary Streets** – 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 (SRC 66.100(c)). This street shall be constructed as described below:
  - a. Cordon Road NE
    - i. **Existing Conditions** – This street has a varying 40- to 68-foot improvement within a 100-foot-wide right-of-way. There is

approximately 50 feet of right-of-way adjacent to the subject property and 50 feet of right-of-way opposite.

- ii. Standard – This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- iii. Improvements and Right-of-Way – Cordon Road NE abuts the east line of the subject property, and lies outside of Salem's corporate limits and the Salem/Keizer Urban Growth Boundary. Consequently, this portion of Cordon Road NE is exclusively within the jurisdiction of Marion County. Because the subject property abuts Cordon Road NE, and development of the subject property will impact Cordon Road NE, to adequately provide access and transportation to the subject property, improvements to Cordon Road NE will be necessitated. Because developer intends to develop the property to urban densities, developer will enter into an agreement with Marion County to improve Cordon Road NE based on the impacts of development of the subject property. The standards for such streets should be to the standards of SRC 63.225 and SRC 63.235 or City of Salem linking street standards, whichever is greater.

The applicant must demonstrate that all boundary streets, including Cordon Road NE, will be improved as specified in SRC 66.100(c). The UGA permit can be issued for boundary streets other than Cordon Road NE based on the provisions of SRC 66.080(a). Regarding the conditions requiring street improvements to Cordon Road NE, the UGA permit shall not be issued until the developer and Marion County have entered into the development agreement, improvement agreement, or other similar agreement described in this condition.

b. Auburn Road NE

- i. Existing Conditions – This street has an approximate 28-foot improvement within a 60-foot-wide right-of-way along the two sections adjacent to the street.
- ii. Standard – This street is designated as a Collector B street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- iii. Right-of-Way Dedication – The applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 30 feet on the development side (SRC 63.237).

- iv. Improvements – The applicant shall construct a 23-foot half-width improvement on the development side and a 12-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).
- v. Access Control/Collectors – A minimum of 200 feet on center is required between (Collector or Arterial) street intersections and driveways (PWDS Development Bulletin No. 34).

c. State Street

- i. Existing Conditions – This street has a varying 30- to 50-foot improvement within a 70-foot-wide right-of-way. There is 33 feet of right-of-way adjacent to the subject property and 37 feet of right-of-way opposite.
  - ii. Standard – This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - iii. Right-of-Way Dedication – The applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 48 feet on the development side (SRC 63.237).
  - iv. Improvements – The applicant shall construct a 34-foot half-width improvement on the development side and a 12-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).
  - v. Access Control/Arterials – Spacing between access points (driveways and streets) shall be a minimum of 370 feet on center. Uses permitted direct access are limited to those generating 100 or more trips per day, and parks (PWDS Development Bulletin No. 34).
3. Right-of-Way Acquisition – Right-of-way required for boundary and linking street improvements is the obligation of the applicant. If the applicant is unable to obtain the required right-of-way after good faith attempts, they shall prepare the legal descriptions thereof and transmit them to the City Attorney, who shall proceed to acquire them through exercise of the City's power of eminent domain as though the public improvements were to be funded by the City. All costs

incurred as a part of this procedure shall be paid by the applicant (SRC 66.090). All rights-of-way, easements, and titles to property acquired by the developer shall be deeded or dedicated, free of all liens and encumbrances, to the City prior to commencement of any construction of required facilities (SRC 66.090).

## **Traffic**

1. Transportation Impact Analysis (TIA) – The City Traffic Engineer will determine the need for a TIA based on the development proposed for the site. If a TIA is not required, the City Traffic Engineer will issue a waiver. If a TIA is required, review and approval of the TIA will be based on conformance with City Standards and construction plans for the development will not be reviewed without an approved TIA or a waiver. If a TIA is required, the applicant shall construct any necessary mitigation measures identified in that report (OAR 660-012-0000 et seq.; PWDS Bulletin No. 19).

## **Storm Drainage**

1. Existing Conditions
  - a. A branch of the West Middle Fork of the Little Pudding River flows through the subject property.
2. Linking Storm Facilities – 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).
3. The subject property is located in a Stormwater Management Area as specified in an agreement between Salem, Keizer, and Marion County. Runoff from the proposed development is limited to quantities not exceeding the pre-developed runoff conditions.

## **Water**

1. Existing Conditions
  - a. The subject property is located in the GO water service level.
  - b. An 8-inch GO water line is located in Auburn Road NE.
2. Linking Water Facilities – 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

three following alignments illustrate conceptual options that may be considered for adequate water service for the proposed development consistent with the *Salem Water System Master Plan* and Water Distribution Design Standards; however, funding limitations may affect the final approved configuration:

- a. A 42-inch main from Santiam Hwy 22 to Center Street NE along Cordon Road NE; and 12-inch mains looping from Cordon Road NE along State Street and Auburn Road NE within the subject property; **or**
  - b. A 24-inch main from Lancaster Drive NE to 45th Street NE along Weathers Avenue NE; a 24-inch main along 45th Street NE from Weathers Avenue NE to Center Street; a 36-inch main along Center Street NE from 45th Avenue NE to Cordon Road NE; a 42-inch main along Cordon Road NE from Center Street NE to State Street; and 12-inch mains looping from Cordon Road NE along State Street and Auburn Road NE within the subject property; **or**
  - c. Twelve-inch mains along Center Street NE and State Street from Interstate 5 to Cordon Road NE; a 42-inch main along Cordon Road NE from Center Street NE to State Street; and a 12-inch main within the subject property.
3. As a condition of water service, all developments shall be required to provide public water mains of sufficient size for fire protection to adjacent parcels. This shall include the extension of water 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 (SRC 66.140(c); PWDS Water 2.00).
  4. Public water lines crossing adjacent lots or parcels shall require a minimum 10-foot-wide public easement to provide access for maintenance or repair and for protection of the system (SRC 63.165).
  5. Water meters shall be placed along the right-of-way adjacent to the subject properties (City of Salem Policy and Procedure WA 2-7).

## **Sanitary Sewer**

1. Existing Sewer
  - a. An 8-inch public sewer line is located in Auburn Road NE.
  - b. A 12-inch public sewer line is located in State Street.
2. Linking Sewer Facilities – 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 nearest existing sewer mains that appear adequate to serve the proposed development are the East Salem Interceptor and the 15-inch main near the intersection of 49th Avenue NE and State Street. The East Salem Interceptor is located in Snoopy Lane NE at Auburn Road NE approximately 2,500 feet west of the subject property, and in Elma Avenue NE at State Street approximately 3,300 west of the subject property.

The applicant shall be required to construct one or more sewer mains from the subject property to the East Salem Interceptor and to the existing sewer main in 49<sup>th</sup> Avenue NE and State Street consistent with the Wastewater System Master Plan and Sewer Design Standards. A minimum 12-inch main is required in State Street between 49<sup>th</sup> Avenue NE and Cougar Court NE.

3. 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 2.00).
4. Any public sanitary sewer crossing adjacent lots or parcels shall require a minimum 10-foot-wide easement to provide access for maintenance or repair and for protection of the system (SRC 63.165).

### Natural Hazards

1. Erosion Control – A National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality is required for all construction activities that disturb one acre or more. Proof of a valid permit must be submitted at the time of plans submission. Plans will not be accepted for review without a valid NPDES permit or written certification by the applicant that a permit is not required for this project. City permits will not be issued without a valid NPDES erosion control plan approval letter (SRC 75.050).

### General Comments

1. All development activity will require building and/or construction permits in accordance with the SRC, the PWDS, and *Standard Construction Specifications*. Permits will not be issued by the City of Salem Permit Application Center until all construction plans have been approved by the Public Works Department.
2. Building over pipelines or within utility easements is prohibited (SRC 63.165; Policy and Procedure GM 1-24).

3. All utilities and roadway facilities shall be designed and constructed to meet the requirements of the City of Salem PWDS and *Standard Construction Specifications*.
4. All utility easements required for extension of sanitary sewer, water, or storm drainage systems to or through the subject property or adjacent properties shall be the obligation of the applicant (SRC 63.165).
5. The applicant shall be required to obtain an excavation cut and fill permit prior to conducting any clearing and grubbing operations on parcels within the city limits if such parcels contain an easement of any kind for City public utilities (SRC 65.040).
6. Construction of public infrastructure that is needed to provide minimum flows for the proposed development is not eligible for reimbursement from systems development charges. Eligibility for reimbursement of qualified public improvements is specified in SRC 66.195.

Prepared by: Robin Bunse, Engineering Technician  
cc: File