

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

ADMINISTRATIVE DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN

CASE NO.: SUB08-05MOD2
AMANDA NO.: 19-110544-LD
DATE OF DECISION: October 18, 2019
PROPERTY LOCATION: 5400 Turner Road SE
APPLICANT: Darrin Brightman, State of Oregon, Department
of Administrative Services

REQUEST

Summary: A modification of the phasing plan and related conditions of approval for the Mill Creek Corporate Center.

Request: To modify the phasing plan and related conditions of approval for the remaining unplatted phases from approved Subdivision Case No. 08-05A, for property approximately 310 acres in size, zoned EC (Employment Center), and located generally at 5400 Turner Road SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 082W07 / 00602 also 082W08 / 00103 and 00109).

DECISION

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

Condition 1: The right-of-way and street improvement requirements shall comply with SRC 63.235 and the City Street Design Standards with the following modifications:

- a. The structural section for all streets within and abutting the development shall meet the requirements for arterial streets within the *City Street Design Standards*.
- b. The internal streets within the development shall be a minimum 34-foot-wide improvement with pedestrian/bicycle facilities.
- c. The internal streets shall have a minimum 60-foot-wide right-of-way or greater as needed to accommodate the required facilities as determined by the Public Works Director.

Condition 2: The applicant is required to complete the following requirements as a condition of final plat approval according to phases as specified below:

- a. Construct a half-width turnpike improvement along the development side of Kuebler Boulevard SE from 1,200 feet south of Aumsville Highway SE to the Mill Creek bridge.

~~Phasing: The frontage improvements along Kuebler Boulevard SE are required in conjunction with the first final plat that results in a cumulative net platted area more than 100 acres, excluding open space tracts.~~

Phasing: This improvement is required as a condition of any phase. However, the applicant may pay a fee-in-lieu of improvements at the time of building permit issuance. The fee-in-lieu amount shall be \$18,323 per acre of development, adjusted annually based on the December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

- b. Along Deer Park Road SE from Aumsville Highway SE to Turner Road SE, convey land for dedication of the ultimate half-width right-of-way on the development side of centerline and construct a full-width improvement. Sidewalks are required only on the development side of Deer Park Road SE.

~~Phasing: Deer Park Road SE improvements shall be constructed in conjunction with the Waln Area.~~

Phasing: The improvements abutting the Waln I Area are required in conjunction with the Waln I Area. The improvements abutting the Waln II Area are required in conjunction with the Waln II Area. The improvements abutting the Waln III Area are required in conjunction with the Waln III Area. The improvements between the east line of the Waln I Area and Aumsville Highway SE are required as a condition of Site Plan Review approval with the Waln II Area if the Waln I Area develops first, or with the Waln I Area if the Waln II Area develops first.

- c. Along Turner Road SE from Deer Park Road SE to the Mill Creek bridge, convey land for dedication of the ultimate right-of-way on the development side of centerline and construct a full-width improvement. Sidewalks are required only on the development side of Turner Road SE.

Phasing: Improvements from the Mill Creek bridge to B Street and intersection improvements at the Turner Road SE/B Street intersection shall be completed in conjunction with the Pringle or Cinnamon Areas, whichever occurs first. Other improvements on Turner Road SE southeast of B Street shall be constructed in conjunction with the Waln III Area.

- d. Construct the Mill Creek Drive Parkway from Kuebler Boulevard SE to B Street and improvements at the Kuebler/Mill Creek Drive Parkway

intersection, including a new traffic signal and an additional southbound left-turn lane on Kuebler Boulevard SE.

Phasing: These improvements are required in conjunction with the Scotch, Claggett, Gibson, Pettijohn, Croisan, or Clark Areas.

- e. Construct ~~the~~ Mill Creek Drive SE Parkway from B Street to Deer Park Road SE.

Phasing: Mill Creek Drive SE Parkway shall be constructed as a full street improvement along the frontage of the Scotch, Pettijohn, Waln I, and Waln II Areas ~~and Waln Areas~~ in conjunction with development of each Area, except that Mill Creek Drive SE Parkway along the stormwater management facility within Scotch Area can be delayed until development of the Pettijohn Area.

- f. Construct B Street from the Mill Creek Drive SE Parkway to the cul-de-sac terminus.

Phasing: The improvement within the Scotch Area shall be constructed with the Scotch or Claggett Area developments. If the Claggett Area is not constructed concurrent with the Scotch Area, a temporary turnaround shall be constructed at the terminus of B Street as specified by the Fire Marshal and Public Works Director.

- g. Construct a minimum 12-foot-wide mixed-use bicycle/pedestrian access with minimum 2-foot wide gravel shoulders from B Street to Kuebler Boulevard SE. The access must be located within 400 feet of the end of the cul-de-sac.

Phasing: The access shall be constructed in conjunction with the Claggett Area.

- h. Construct B Street from Mill Creek Drive SE Parkway to Turner Road SE.

Phasing: B Street along the Cinnamon, Pringle, Pettijohn, or Gibson Areas shall be constructed along each Area's frontage. If the plat phasing results in a temporary terminus to B Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director. In conjunction with the Clark or Croisan Areas, the applicant shall complete the connection of B Street from Turner Road SE to Mill Creek Drive SE Parkway.

- i. Construct A Street from Mill Creek Drive SE Parkway to Aumsville Highway SE.

Phasing: A Street shall be constructed from Aumsville Highway SE to the southeast corner of the Glen Area as shown on the applicant's site plan in conjunction with the Glen Area development. A Street shall be constructed

from Mill Creek Drive SE Parkway to the south line of the Glen Area in conjunction with the Waln I Area ~~Waln Area~~ development. If the plat phasing results in temporary terminus to A Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director.

Condition 3: Consistent with the Preliminary Declaration for Urban Growth Permit 09-5, construct water mains in boundary streets and internal streets within the development as shown on the applicant's Overall Utility Plan. The size and alignment of water mains may be modified based on capacity and connectivity needs of the water system to serve each development phase as approved by the Public Works Director.

Phasing: Water mains within internal streets shall be constructed concurrently with the street improvements. Other water mains may be constructed outside street improvements only as needed to meet capacity demands or to meet redundancy requirements within the *Water Distribution Design Standards*.

Condition 4: A 40-foot-wide unobstructed access is needed for maintenance and operation of the existing 48-inch water main within the subject property. The applicant shall provide a 20-foot-wide easement or right-of-way centered on the 48-inch water main within the subject property as a condition of plat approval. If a building or other obstruction is proposed within 20 feet from the center of the water line, prior to building permit issuance the applicant shall be required to provide additional easement on either side of the water main adjacent to the obstruction to provide 40 feet of total easement width as determined by the Public Works Director.

Condition 5: The applicant's engineer shall ensure protection of the existing 48-inch water main from damage during all phases of construction to the satisfaction of the Public Works Director. All buildings proposed within 50 feet of the 48-inch water main shall be designed by a licensed structural engineer to ensure protection from damage by water discharge caused by catastrophic breakage of the water main.

Condition 6: Construct sewer mains to serve the proposed development as shown in the applicant's Overall Utility Plan.

Phasing: The sewer main from Aumsville Highway SE to Mill Creek Drive SE Parkway within B Street and the stormwater management facility shall be constructed in conjunction with the Scotch or Claggett Area. Other sewer mains may be constructed outside street improvements only as needed to meet capacity demands or accommodate topographic constraints consistent with the *Sewer Design Standards*.

Condition 7: The following additional improvements are required to be completed or secured in conjunction with the Gibson, Pettijohn, Clark, Croisan, Pringle, Cinnamon, or Waln Area, whichever comes first:

- a. Provide adequate capacity in the existing sewer main that exits the property near Kuebler Boulevard SE and Mill Creek by either: (i) disconnecting the Oregon State Correctional Institution at 3405 Deer Park Road SE from the sewer system; or (ii) making system improvements to reduce infiltration and inflow as specified by the Public Works Director.
- b. Convert the existing private on-site sewer system to a public City-maintained sewer system by making the following improvements: (i) install metering stations where Corban College, Santiam Correctional Facility, and the Mill Creek Correctional Facility connect to the system; and (ii) correct deficiencies in the system to meet *Sewer Design Standards* as specified by the Public Works Director.

Condition 8: Construct stormwater management facilities as specified in the *Mill Creek Industrial Park Stormwater Management Plan* and *City Stormwater Management Design Standards*.

Condition 9: Outfall locations to stormwater management facilities within Tracts A and C shall comply with permit requirements from local, state, and federal agencies.

Condition 10: Increase the total width of the flag lot accessway within proposed Lot 36 to 25 feet. Pave the flag lot accessway to a minimum width of 20 feet. Provide a turnaround designed and constructed pursuant to the Department of Public Works Design Standards. "No Parking – Fire Lane" signs shall be posted on both sides of the flag lot accessway and the addresses for each of the proposed flag lots shall be posted at the street entrance to the flag lot accessway. Reciprocal and irrevocable access rights for all lots using the accessway shall be included on the final plat and deeds for the individual lots.

Condition 11: All necessary access and utility easements shall be shown on the plat as determined by the Public Works Director.

BACKGROUND

The subject property is located generally at the 5400 block of Turner Road SE (**Attachment A**). On January 22, 2009, the Subdivision Review Committee approved tentative phased Subdivision Case no. SUB08-05 to subdivide approximately 496 acres into 11 phases with 51 proposed lots, ranging in size from approximately 1 acre to 107.9 acres in size for property zoned EC (Employment Center) (**Attachment B**). A modification to the phasing plan and conditions of approval was approved on July 1, 2009 (SUB08-05A).

UGA09-05 was issued in connection with the phased tentative subdivision plan on June 25, 2009.

A second modification application for the subdivision was submitted for review on May 1, 2019. The proposed modified subdivision plan is included as **Attachment C**. The application was deemed complete for processing on August 12, 2019.

City Department Comments

Building and Safety Division. The Building and Safety Division has reviewed the proposal and indicated no concerns.

Salem Fire Department. The Salem Fire Department reviewed the proposal and commented that approved Fire Department access and water supply will be required for each building throughout the phased subdivision.

Public Works Department. The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided a memo included as **Attachment D**.

Public Agency and Private Service Provider Comments

No comments received.

Neighborhood Association Comments and Public Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.520(b)(1)(B)(iii), which requires public notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. No public comments were received during the public comment period.

FINDINGS

The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

Tentative Subdivision Case No. SUB09-02 was approved in 2009 under the requirements of former SRC Chapter 63 (Subdivisions). Since that time, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria. The standards and criteria

applicable to subdivisions were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions have required modification of the original subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision remain the same.

1. Criteria for Modification of the Approval of a Tentative Subdivision Plan (SRC 205.070(d)):

SRC 205.070(d) establishes the following approval criteria for modification of the approval of a tentative subdivision plan:

- (1) *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*
- (2) *The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

2. Analysis of Modification Approval Criteria:

SRC 205.070(d)(1): The proposed modification is not substantially inconsistent with the conditions of the original approval.

Finding: The proposed modification is consistent with the conditions of the original approval; however, a number of the original conditions of approval need to be modified to reflect the new phase boundaries, especially in the Waln Area. Waln Area requirements are divided among three Waln subareas based on their street frontage. Condition 2b has been modified to specify that the improvements between the east line of the Waln I Area and Aumsville Highway SE are required as a condition of Site Plan Review approval with the Waln II Area if the Waln I Area develops first, or with the Waln I Area if the Waln II Area develops first. This requirement is warranted because the first development in either the Waln I or Waln II Area is required to construct Mill Creek Drive SE to Deer Park Road SE.

1. Modify the Phasing for condition 2b to read as follows:

The improvements abutting the Waln I Area are required in conjunction with the Waln I Area. The improvements abutting the Waln II Area are required in conjunction with the Waln II Area. The improvements abutting the Waln III Area are required in conjunction with the Waln III Area. The improvements between the east line of the Waln I Area and Aumsville Highway SE are required as a condition of Site Plan Review approval with the Waln II Area if the Waln I Area develops first, or with the Waln I Area if the Waln II Area develops first.

2. Modify the Phasing for condition 2c to read as follows:

Improvements from the Mill Creek bridge to B Street and intersection improvements at the Turner Road SE / B Street intersection shall be completed

in conjunction with the Pringle or Cinnamon Areas, whichever occurs first. Other improvements on Turner Road SE southeast of B Street shall be constructed in conjunction with the Waln III Area.

3. Modify the Phasing for condition 2e to read as follows:

Mill Creek Drive SE shall be constructed as a full street improvement along the frontage of the Scotch, Pettijohn, Waln I, and Waln II Areas in conjunction with the development of each Area, except that Mill Creek Drive SE along the stormwater management facility within the Scotch Area can be delayed until development of the Pettijohn Area.

4. Modify the Phasing for condition 2i to read as follows:

A Street shall be constructed from Aumsville Highway SE to the southeast corner of the Glen Area as shown on the applicant's site plan in conjunction with the Glen Area development. A Street shall be constructed from Mill Creek Drive SE to the south line of the Glen Area in conjunction with the Waln I Area development. If the plat phasing results in temporary terminus to A Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director.

Kuebler Boulevard SE improvements as specified in condition 2a meet the criteria for a fee-in-lieu of improvements pursuant to SRC 200.405. Based on the extent of development having already occurred within the subdivision to date, the Kuebler Boulevard SE street improvements are required as a condition of any phase. However, the applicant may pay a fee-in-lieu of improvements at the time of building permit issuance.

The City Engineer has estimated that the Kuebler Boulevard SE improvements will cost \$5,269,514. The remaining quantity of developable land is 287.6 acres. Therefore, the fee-in-lieu amount shall be \$5,269,514 divided by 287.6 acres, or \$18,323 per acre of development. This amount shall be adjusted annually based on the December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

5. Modify the Phasing for condition 2a to read as follows:

This improvement is required as a condition of any phase. However, the applicant may pay a fee-in-lieu of improvements at the time of building permit issuance. The fee-in-lieu amount shall be \$18,323 per acre of development, adjusted annually based on the December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

SRC 205.070(d)(2): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding: There are no proposed uses or changes requested to the current EC (Employment Center) zoning for the property that would result in changes to the

permitted uses for the property. The applicant's proposal retains similar streets and lot layout as approved for the tentative subdivision plan.

The proposed modification provides street connectivity consistent with the conditions of original approval and does not significantly change the physical appearance, use of site, or impacts on surrounding properties. Because of the similar configuration and identical permitted uses for the subdivision, the requested modification would not increase or otherwise change impacts on surrounding properties.

The proposal meets this criterion.

3. Effect on Expiration Period of Original Approval:

Pursuant to SRC 205.070(e), the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Finding: The expiration date for the modified subdivision will be extended by two years to **November 5, 2021**. The applicant is permitted to apply for up to four further extensions of the expiration date, in two-year increments, with the final extension expiring no later than **November 5, 2029**.

Pursuant to SRC 200.025(g)(1), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid if the tentative subdivision approval remains valid. Therefore, UGA09-05 and its terms and conditions would remain in effect for the duration of the subject modification and any subsequent extensions.

DECISION

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

Condition 1: The right-of-way and street improvement requirements shall comply with SRC 63.235 and the City Street Design Standards with the following modifications:

- a. The structural section for all streets within and abutting the development shall meet the requirements for arterial streets within the *City Street Design Standards*.
- b. The internal streets within the development shall be a minimum 34-foot-wide improvement with pedestrian/bicycle facilities.
- c. The internal streets shall have a minimum 60-foot-wide right-of-way or greater as needed to accommodate the required facilities as determined by the Public Works Director.

Condition 2: The applicant is required to complete the following requirements as a condition of final plat approval according to phases as specified below:

- a. Construct a half-width turnpike improvement along the development side of Kuebler Boulevard SE from 1,200 feet south of Aumsville Highway SE to the Mill Creek bridge.

~~Phasing: The frontage improvements along Kuebler Boulevard SE are required in conjunction with the first final plat that results in a cumulative net platted area more than 100 acres, excluding open space tracts.~~

Phasing: This improvement is required as a condition of any phase. However, the applicant may pay a fee-in-lieu of improvements at the time of building permit issuance. The fee-in-lieu amount shall be \$18,323 per acre of development, adjusted annually based on the December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

- b. Along Deer Park Road SE from Aumsville Highway SE to Turner Road SE, convey land for dedication of the ultimate half-width right-of-way on the development side of centerline and construct a full-width improvement. Sidewalks are required only on the development side of Deer Park Road SE.

~~Phasing: Deer Park Road SE improvements shall be constructed in conjunction with the Waln Area.~~

Phasing: The improvements abutting the Waln I Area are required in conjunction with the Waln I Area. The improvements abutting the Waln II Area are required in conjunction with the Waln II Area. The improvements abutting the Waln III Area are required in conjunction with the Waln III Area. The improvements between the east line of the Waln I Area and Aumsville Highway SE are required as a condition of Site Plan Review approval with the Waln II Area if the Waln I Area develops first, or with the Waln I Area if the Waln II Area develops first.

- c. Along Turner Road SE from Deer Park Road SE to the Mill Creek bridge, convey land for dedication of the ultimate right-of-way on the development side of centerline and construct a full-width improvement. Sidewalks are required only on the development side of Turner Road SE.

Phasing: Improvements from the Mill Creek bridge to B Street and intersection improvements at the Turner Road SE/B Street intersection shall be completed in conjunction with the Pringle or Cinnamon Areas, whichever occurs first. Other improvements on Turner Road SE southeast of B Street shall be constructed in conjunction with the Waln III Area.

- d. Construct the Mill Creek ~~Drive Parkway~~ from Kuebler Boulevard SE to B Street and improvements at the Kuebler/Mill Creek ~~Drive Parkway~~ intersection, including a new traffic signal and an additional southbound left-turn lane on Kuebler Boulevard SE.

Phasing: These improvements are required in conjunction with the Scotch, Claggett, Gibson, Pettijohn, Croisan, or Clark Areas.

- e. Construct ~~the~~ Mill Creek Drive SE Parkway from B Street to Deer Park Road SE.

Phasing: Mill Creek Drive SE Parkway shall be constructed as a full street improvement along the frontage of the Scotch, Pettijohn, Waln I, and Waln II Areas ~~and Waln Areas~~ in conjunction with development of each Area, except that Mill Creek Drive SE Parkway along the stormwater management facility within Scotch Area can be delayed until development of the Pettijohn Area.

- f. Construct B Street from the Mill Creek Drive SE Parkway to the cul-de-sac terminus.

Phasing: The improvement within the Scotch Area shall be constructed with the Scotch or Claggett Area developments. If the Claggett Area is not constructed concurrent with the Scotch Area, a temporary turnaround shall be constructed at the terminus of B Street as specified by the Fire Marshal and Public Works Director.

- g. Construct a minimum 12-foot-wide mixed-use bicycle/pedestrian access with minimum 2-foot wide gravel shoulders from B Street to Kuebler Boulevard SE. The access must be located within 400 feet of the end of the cul-de-sac.

Phasing: The access shall be constructed in conjunction with the Claggett Area.

- h. Construct B Street from Mill Creek Drive SE Parkway to Turner Road SE.

Phasing: B Street along the Cinnamon, Pringle, Pettijohn, or Gibson Areas shall be constructed along each Area's frontage. If the plat phasing results in a temporary terminus to B Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director. In conjunction with the Clark or Croisan Areas, the applicant shall complete the connection of B Street from Turner Road SE to Mill Creek Drive SE Parkway.

- i. Construct A Street from Mill Creek Drive SE Parkway to Aumsville Highway SE.

Phasing: A Street shall be constructed from Aumsville Highway SE to the southeast corner of the Glen Area as shown on the applicant's site plan in conjunction with the Glen Area development. A Street shall be constructed from Mill Creek Drive SE Parkway to the south line of the Glen Area in conjunction with the Waln I Area ~~Waln Area~~ development. If the plat phasing results in temporary terminus to A Street, then the applicant shall

construct a temporary turnaround as specified by the Fire Marshal and Public Works Director.

Condition 3: Consistent with the Preliminary Declaration for Urban Growth Permit 09-5, construct water mains in boundary streets and internal streets within the development as shown on the applicant's Overall Utility Plan. The size and alignment of water mains may be modified based on capacity and connectivity needs of the water system to serve each development phase as approved by the Public Works Director.

Phasing: Water mains within internal streets shall be constructed concurrently with the street improvements. Other water mains may be constructed outside street improvements only as needed to meet capacity demands or to meet redundancy requirements within the *Water Distribution Design Standards*.

Condition 4: A 40-foot-wide unobstructed access is needed for maintenance and operation of the existing 48-inch water main within the subject property. The applicant shall provide a 20-foot-wide easement or right-of-way centered on the 48-inch water main within the subject property as a condition of plat approval. If a building or other obstruction is proposed within 20 feet from the center of the water line, prior to building permit issuance the applicant shall be required to provide additional easement on either side of the water main adjacent to the obstruction to provide 40 feet of total easement width as determined by the Public Works Director.

Condition 5: The applicant's engineer shall ensure protection of the existing 48-inch water main from damage during all phases of construction to the satisfaction of the Public Works Director. All buildings proposed within 50 feet of the 48-inch water main shall be designed by a licensed structural engineer to ensure protection from damage by water discharge caused by catastrophic breakage of the water main.

Condition 6: Construct sewer mains to serve the proposed development as shown in the applicant's Overall Utility Plan.

Phasing: The sewer main from Aumsville Highway SE to Mill Creek Drive SE Parkway within B Street and the stormwater management facility shall be constructed in conjunction with the Scotch or Claggett Area. Other sewer mains may be constructed outside street improvements only as needed to meet capacity demands or accommodate topographic constraints consistent with the *Sewer Design Standards*.

Condition 7: The following additional improvements are required to be completed or secured in conjunction with the Gibson, Pettijohn, Clark, Croisan, Pringle, Cinnamon, or Waln Area, whichever comes first:

- c. Provide adequate capacity in the existing sewer main that exits the property near Kuebler Boulevard SE and Mill Creek by either: (i)

disconnecting the Oregon State Correctional Institution at 3405 Deer Park Road SE from the sewer system; or (ii) making system improvements to reduce infiltration and inflow as specified by the Public Works Director.

- d. Convert the existing private on-site sewer system to a public City-maintained sewer system by making the following improvements: (i) install metering stations where Corban College, Santiam Correctional Facility, and the Mill Creek Correctional Facility connect to the system; and (ii) correct deficiencies in the system to meet *Sewer Design Standards* as specified by the Public Works Director.

Condition 8: Construct stormwater management facilities as specified in the *Mill Creek Industrial Park Stormwater Management Plan* and *City Stormwater Management Design Standards*.

Condition 9: Outfall locations to stormwater management facilities within Tracts A and C shall comply with permit requirements from local, state, and federal agencies.

Condition 10: Increase the total width of the flag lot accessway within proposed Lot 36 to 25 feet. Pave the flag lot accessway to a minimum width of 20 feet. Provide a turnaround designed and constructed pursuant to the Department of Public Works Design Standards. "No Parking – Fire Lane" signs shall be posted on both sides of the flag lot accessway and the addresses for each of the proposed flag lots shall be posted at the street entrance to the flag lot accessway. Reciprocal and irrevocable access rights for all lots using the accessway shall be included on the final plat and deeds for the individual lots.

Condition 11: All necessary access and utility easements shall be shown on the plat as determined by the Public Works Director.



Aaron Panko,
Planning Administrator Designee

Prepared by Aaron Panko, Planner III

Attachments: A. Vicinity Map
B. Subdivision Case No. 08-05A
C. Proposed Modified Subdivision Plan
D. Public Works Memo

Application Deemed Complete: August 12, 2019
Notice of Decision Mailing Date: October 18, 2019
Decision Effective Date: November 5, 2019
State Mandated Decision Date: December 10, 2019

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

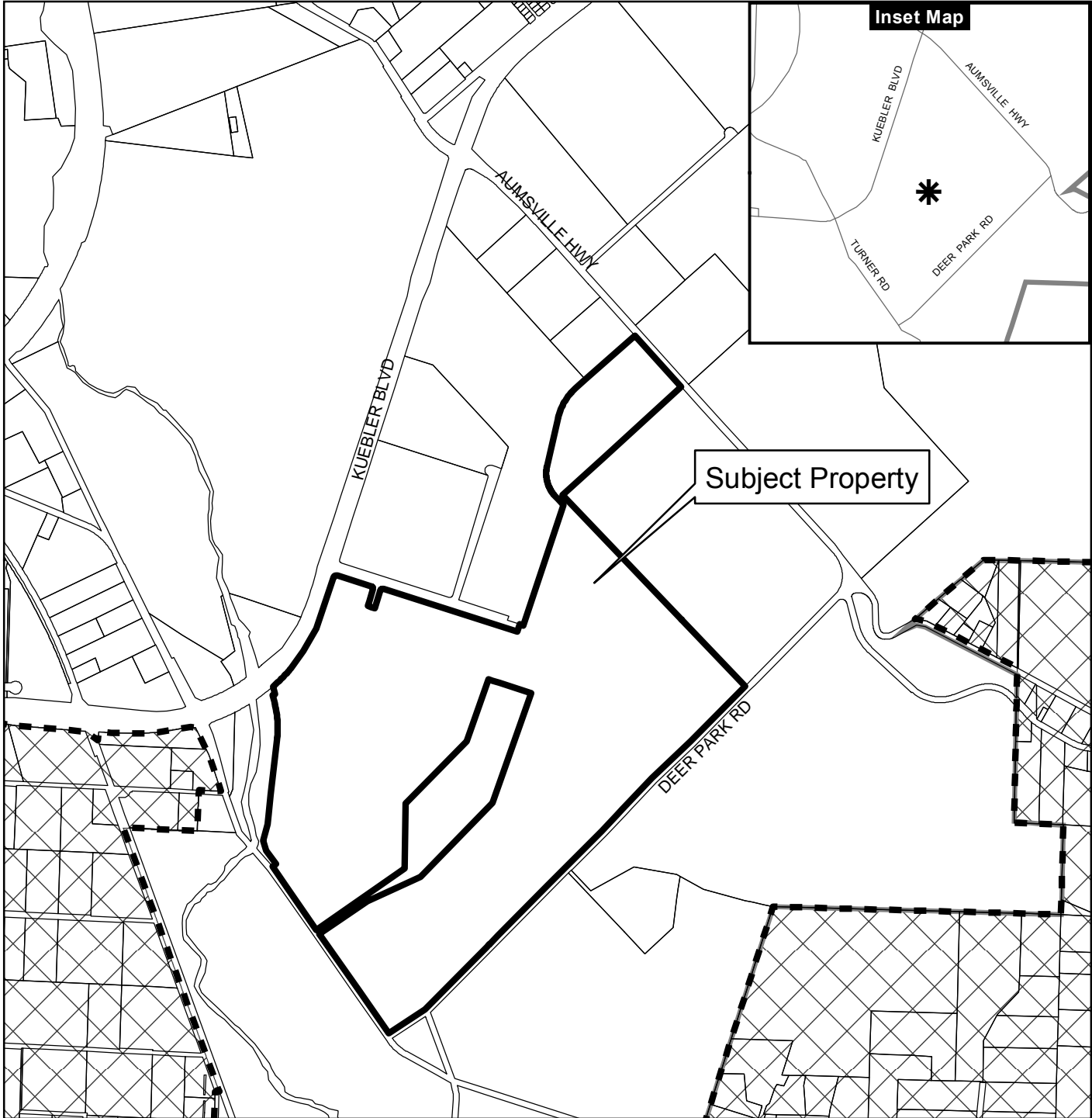
Tentative Subdivision Plan: November 5, 2021

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 an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, November 4, 2019, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

cc: Alan Kessler, GIS

Vicinity Map 5400 Turner Road SE



Legend

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



010200 400 Feet



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SUBDIVISION REVIEW

COMMITTEE

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



ISSUE: Subdivision Plat No. 08-5A (Amendment)

DATE OF DECISION: July 1, 2009

APPLICANT: Oregon Department of Administrative Services

PURPOSE OF REQUEST:

To amend the phasing plan and related conditions for approved subdivision SUB08-5, a subdivision of approximately 496 acres into 11 phases with 51 lots ranging in size from approximately one (1.0) acre to approximately 107.9 acres; with a concurrent variance to allow a cul-de-sac street that exceeds the maximum 800 feet in length allowed under SRC 63.225(d). The subject property is zoned EC (Employment Center) and located east of Kuebler Boulevard SE between Turner Road SE and Aumsville Highway SE (Marion County Assessor's Map 082W07 and Tax Lot Number 00600 and Map 082W08 and Tax Lot Numbers 00103, 00105, 00106, 00107 and 00109).

ACTION:

IT IS HEREBY ORDERED

That the request to amend the phasing plan and related conditions for approved subdivision SUB08-5, a subdivision of approximately 496 acres into 11 phases with 51 lots ranging in size from approximately one (1.0) acre to approximately 107.9 acres; with a concurrent variance to allow a cul-de-sac street that exceeds the maximum 800 feet in length allowed under SRC 63.225(d). ~~The subject~~ for property is zoned EC (Employment Center) and located east of Kuebler Boulevard SE between Turner Road SE and Aumsville Highway SE (Marion County Assessor's Map 082W07 and Tax Lot Number 00600 and Map 082W08 and Tax Lot Numbers 00103, 00105, 00106, 00107 and 00109) shall be GRANTED subject to the identified conditions of approval listed below prior to final plat approval unless otherwise indicated:

~~Condition 1: The applicant's 11 proposed Development Areas can be platted individually or platted concurrently in multiple combinations; however, the sequence of final plat approval for the applicant's proposed phasing is limited as follows:~~

- ~~a. Scotch Area must be included in the first phase; Claggott, Pettijohn, and Gibson Areas shall not precede Scotch Area.~~
- ~~b. Cinnamon or Pringle Areas shall be platted prior to or concurrent with Croisan and Clark Areas.~~

~~Condition 2:~~

Condition 1: The right-of-way and street improvement requirements shall comply with SRC 63.235 and the City Street Design Standards with the following modifications:

- a. The structural section for all streets within and abutting the development shall meet the requirements for arterial streets within the *City Street Design Standards*.
- b. The internal streets within the development shall be a minimum 34-foot-wide improvement with pedestrian/bicycle facilities.
- c. The internal streets shall have a minimum 60-foot-wide right-of-way or greater as needed to accommodate the required facilities as determined by the Public Works Director.

~~Condition 3:~~

Condition 2: The applicant is required to complete the following requirements as a condition of final plat approval according to phases as specified below:

- a. Construct a half-width turnpike improvement along the development side of Kuebler Boulevard SE from 1,200 feet south of Aumsville Highway SE to the Mill Creek bridge and a new traffic signal at the intersection of Kuebler Boulevard and Mill Creek Parkway.

Phasing: Improvements at the Kuebler/Mill Creek Parkway intersection shall include a new traffic signal and an additional southbound left turn lane on Kuebler Boulevard SE and shall be completed in conjunction with the first phase. Up to 100 net acres (excluding open space tracts) can be platted in one or more phases prior to construction of other improvements along Kuebler Boulevard SE. The frontage improvements along Kuebler Boulevard SE are required in conjunction with the first final plat that results in a cumulative net platted area over more than 100 acres, excluding open space tracts.

- b. Along Deer Park Road SE from Aumsville Highway SE to Turner Road SE, convey land for dedication of the ultimate half-width right-of-way on the development side of centerline and construct a full-width improvement. Sidewalks are required only on the development side of Deer Park Road SE.

Phasing: Deer Park Road SE improvements shall be constructed in conjunction with the Waln Area.

- c. Along Turner Road SE from Deer Park Road SE to the Mill Creek bridge, convey land for dedication of the ultimate half-width right-of-way on the development side of centerline and construct a full-width improvement. Sidewalks are required only on the development side of Turner Road SE.

Phasing: Improvements from the Mill Creek bridge to B Street and intersection improvements at the Turner Road SE/B Street intersection shall be completed in conjunction with the Pringle or Cinnamon Areas, whichever occurs first. Other improvements on Turner Road SE southeast of B Street shall be constructed in conjunction with the Waln Area.

- d. Construct the Mill Creek Parkway from Kuebler Boulevard SE to Deer Park Road SE B Street and improvements at the Kuebler/Mill Creek Parkway intersection, including a new traffic signal and an additional southbound left-turn lane on Kuebler Boulevard SE.

Phasing: These improvements are required in conjunction with the Scotch, Claggett, Gibson, Pettijohn, Croisan, or Clark Areas.

- e. Construct the Mill Creek Parkway from B Street to Deer Park Road SE.

Phasing: Mill Creek Parkway shall be improved constructed as a full street improvement along the frontage of the Scotch, Pettijohn, and Waln Areas in conjunction with development of each Area, except that construction of Mill Creek Parkway along the stormwater management facility within Scotch Area can be delayed until development of the Pettijohn Area.

- e.f. Construct B Street from the Mill Creek Parkway to the cul-de-sac terminus.

Phasing: The improvement within the Scotch Area shall be constructed with the first phase Scotch or Claggett Area of developments. If the Claggett Area is not constructed concurrent with the Scotch Area, a temporary turnaround shall be constructed at the terminus of B Street as specified by the Fire Marshal and Public Works Director.

- f.g. Construct a minimum 12-foot-wide mixed use bicycle/pedestrian access with minimum 2-foot wide gravel shoulders from B Street to Kuebler Boulevard SE. The access must be located within 400 feet of the end of the cul-de-sac.

Phasing: The access shall be constructed in conjunction with the Claggett Area.

~~g.h.~~ Construct B Street from Mill Creek Parkway to Turner Road SE.

Phasing: B Street along the Cinnamon, Pringle, Pettijohn, or Gibson Areas shall be constructed along each Area's frontage. If the plat phasing results in a temporary terminus to B Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director. In conjunction with the Clark or Croisan Areas, the applicant shall complete the connection of B Street from Turner Road SE to Mill Creek Parkway.

~~h.i.~~ Construct A Street from Mill Creek Parkway to Aumsville Highway SE.

Phasing: A Street shall be constructed from Aumsville Highway SE to the southeast corner of the Glen Area as shown on the applicant's site plan in conjunction with the Glen Area development. A Street shall be constructed from Mill Creek Parkway to the south line of the Glen Area in conjunction with the Waln Area development. If the plat phasing results in temporary terminus to A Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director.

~~**Condition 4:** The applicant shall construct a T/S1 water main from the Deer Park Road SE/Turner Road SE intersection to Aumsville Highway SE as shown in the applicant's Overall Utility Plan. The size and alignment of the water main can vary based on capacity needs and engineering analysis at the time of development.~~

~~Phasing: The T/S1 system is required as a condition of the first phase.~~

~~**Condition 5:**~~

~~**Condition 3:**~~

~~The applicant shall Consistent with the Preliminary Declaration for Urban Growth Permit 09-5, construct water mains in boundary streets and internal streets within the development as shown on the applicant's Overall Utility Plan. The size and alignment of water mains may be modified based on capacity and connectivity needs of the water system to serve each development phase as approved by the Public Works Director.~~

~~Phasing: Water mains within internal streets shall be constructed concurrently with the street improvements. Other water mains may be constructed outside street improvements only as needed to meet capacity demands or to meet redundancy requirements within the *Water Distribution Design Standards*.~~

~~**Condition 6:** The following additional improvements are required to be completed or secured in conjunction with the Waln Area:~~

~~a. The S1 College Reservoir and water mains connecting to the existing water system according to the general policies of the *Water System Master Plan*.~~

~~**Condition 7:**~~

~~**Condition 4:**~~

~~A 40-foot-wide unobstructed access is needed for maintenance and operation of the existing 48-inch water main within the subject property. The applicant shall provide a 20-foot-wide easement or right-of-way centered on the 48-inch water main within the subject property as a condition of plat approval. If a building or other obstruction is proposed within 20 feet from the center of the water line, prior to building permit issuance the applicant shall be required to provide additional easement on either side of the water main adjacent to the obstruction to provide 40 feet of total easement width as determined by the Public Works Director.~~

~~**Condition 8:**~~

~~**Condition 5:**~~

~~The applicant's engineer shall ensure protection of the existing 48-inch water main from damage during all phases of construction to the satisfaction of the Public Works Director. All buildings proposed within 50 feet of the 48-inch water main shall be designed by a licensed structural engineer to ensure protection from damage by water discharge caused by catastrophic breakage of the water main.~~

Condition 9:

Condition 6:

Construct sewer mains to serve the proposed development as shown in the applicant's Overall Utility Plan.

Phasing: The sewer main from Aumsville Highway SE to Mill Creek Parkway within B Street and the stormwater management facility shall be constructed in conjunction with the first-phase Scotch or Claggett Area. Other sewer mains may be constructed outside street improvements only as needed to meet capacity demands or accommodate topographic constraints consistent with the *Sewer Design Standards*.

~~Condition 10:~~

Condition 7:

The following additional improvements are required to be completed or secured in conjunction with the Gibson, Pettijohn, Clark, Croisan, Pringle, Cinnamon, or Waln Area, whichever comes first:

- a. Provide adequate capacity in the existing sewer main that exits the property near Kuebler Boulevard SE and Mill Creek by either: (i) disconnecting the Oregon State Correctional Institution at 3405 Deer Park Road SE from the sewer system; or (ii) making system improvements to reduce infiltration and inflow as specified by the Public Works Director.
- b. Convert the existing private on-site sewer system to a public City-maintained sewer system by making the following improvements: (a) (i) install metering stations where Corban College, Santiam Correctional Facility, and the Mill Creek Correctional Facility connect to the system; and (b) (ii) correct deficiencies in the system to meet *Sewer Design Standards* as specified by the Public Works Director.

~~Condition 11:~~

Condition 8:

~~The applicant shall construct~~ Construct stormwater management facilities outside Tracts A and C, including within the internal street rights-of-way, as specified in the *Mill Creek Industrial Park Stormwater Management Plan* and *City Stormwater Management Design Standards*.

~~Condition 12:~~

Condition 9:

Outfall locations to stormwater management facilities within Tracts A and C shall comply with permit requirements from local, state, and federal agencies.

~~Condition 13:~~ The following additional improvements are required to be completed or secured in conjunction with the Scotch Area:

- a. ~~Two of three cells of the stormwater management facilities within Tract A as specified in the *Mill Creek Industrial Park Stormwater Management Plan*.~~

~~Condition 14:~~ The following additional improvements are required to be completed or secured in conjunction with the Waln Area:

- a. ~~The third cell of the stormwater management facilities within Tract A as specified in the *Mill Creek Industrial Park Stormwater Management Plan*.~~
- b. ~~Stormwater management facilities within Tract C.~~

~~Condition 15:~~

Condition 10:

Increase the total width of the flag lot accessway within proposed Lot 36 to 25 feet. Pave the flag lot accessway to a minimum width of 20 feet. Provide a turnaround designed and constructed pursuant to the Department of Public Works Design Standards. "No Parking – Fire Lane" signs shall be posted on both sides of the flag lot accessway and the addresses for each of the proposed flag lots shall be posted at the street entrance to the flag lot accessway. Reciprocal and irrevocable access rights for all lots using the accessway shall be included on the final plat and deeds for the individual lots.

~~Condition 16:~~

Condition 11: All necessary access and utility easements shall be shown on the plat as determined by the Public Works Director.

The Findings and Order of the Subdivision Review Committee for Subdivision 08-5A, dated July 1, 2009, are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of ten years. Under SRC 63.360(g), this tentative decision is void after ten years if not finalized. To finalize the subdivision the applicants must complete the conditions listed above and prepare a final plat for approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicants complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Decision issued according to Salem Revised Code 63.046 and 63.360.

Application Deemed Complete: March 23, 2009
Decision Date: July 1, 2009
State Mandated Decision Date: July 21, 2009
Extended Decision Date: September 19, 2009

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, OR 97301, not later than July 16, 2009, 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal is to be filed in duplicate with the City of Salem Planning Division. The appeal fee is to be paid at the time of filing. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

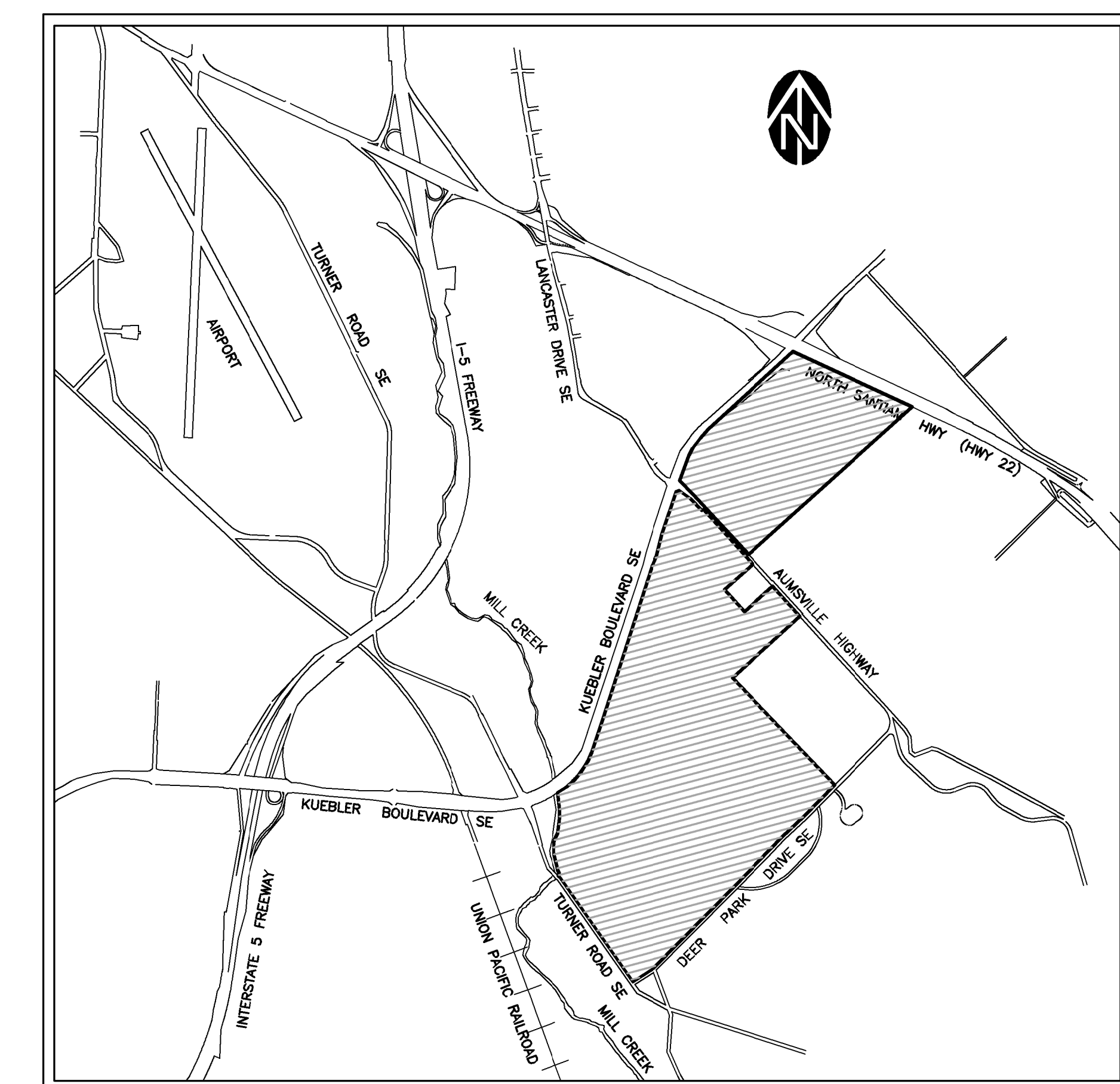
A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Pamela Cole, Associate Planner, Ext. 7509, pcole@cityofsalem.net



DRAWINGS FOR:

MILL CREEK CORPORATE CENTER WALN PHASE SUBDIVISION MODIFICATION



VICINITY MAP
SCALE: 1"=2000'

DRAWING INDEX

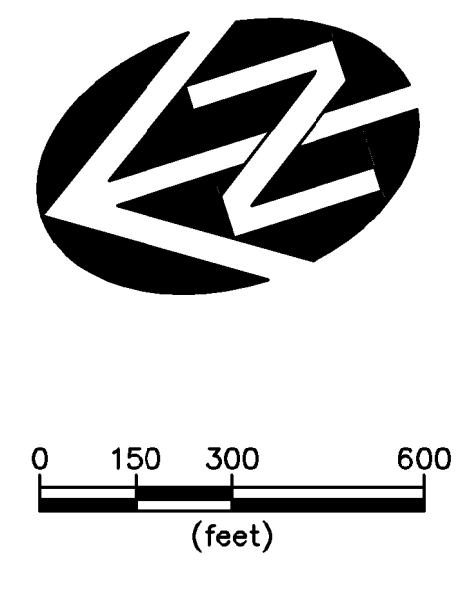
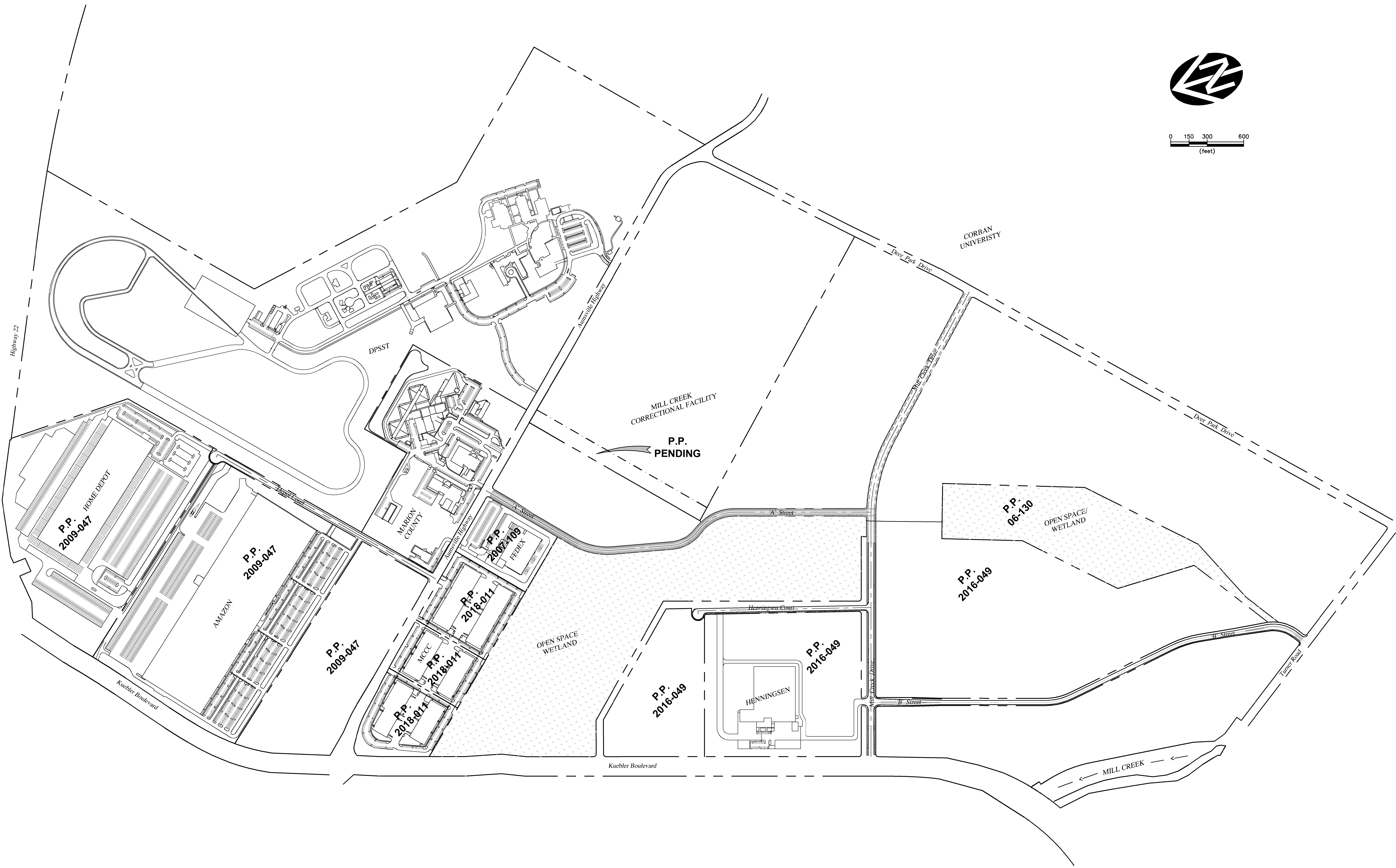
Sheet Number	Sheet Title
1	COVER SHEET, VICINITY MAP, & SHEET INDEX
2	CURRENT SUBDIVISION LAYOUT WITH EXISTING PARTITION PLATS
3	2008 APPROVED SUBDIVISION LAYOUT
4	OVERALL SUBDIVISION LAYOUT WITH REVISED WALN & GLEN PHASES
5	REVISED WALN PHASE
6	REVISED GLEN PHASE
7	PHASING PLAN

OWNER: STATE OF OREGON, DEPARTMENT OF ADMINISTRATIVE SERVICES (DAS)
1225 FERRY ST. SE, SALEM, OREGON 97301
CONTACT: DARRIN BRIGHTMAN, PH: 503-373-7065

	CITY OF SALEM, OREGON MILL CREEK CORPORATE CENTER MASTER PLAN COVER SHEET, VICINITY MAP, & SHEET INDEX
SCALE: VERIFY SCALE 0 1" = 2000' ALL DIMENSIONS IN FEET UNLESS OTHERWISE SPECIFIED DATE: FEB 2019	NO. 1 DATE REVISIONS
SHEET 1 OF 7 JOB NUMBER 2502.0000.0	

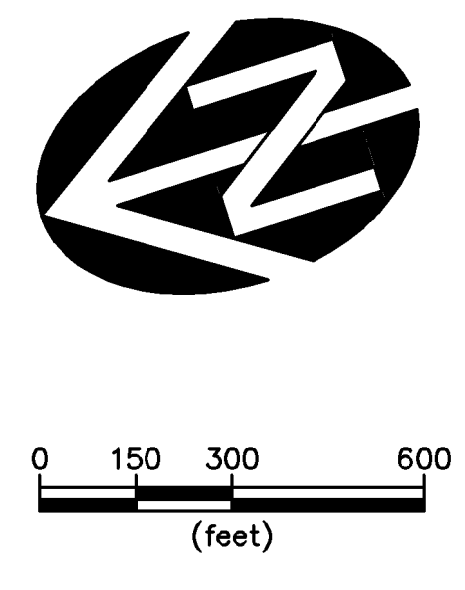
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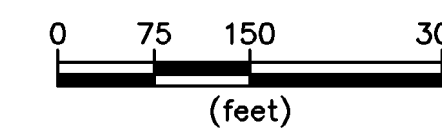
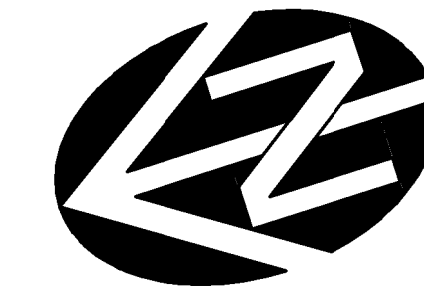
<p>WESTTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Eastgate Industrial Dr. S.E. Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3886 E-mail: westech@westech-eng.com</p>	<p>WE</p>
<p>CITY OF SALEM, OREGON MILL CREEK CORPORATE CENTER MASTER PLAN CURRENT SUBDIVISION LAYOUT WITH EXISTING PARTITION PLATS</p>	
<p>SHEET 2 OF 7 JOB NUMBER 2502.0000.0</p>	
<p>SCALE VERIFY SCALE DATE: FEB 2019</p>	<p>NO. DATE DESCRIPTION 1</p>

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<p>CITY OF SALEM, OREGON</p> <p>MILL CREEK CORPORATE CENTER MASTER PLAN</p> <p>OVERALL SUBDIVISION LAYOUT</p> <p>WITH REVISED WALN & GLEN PHASES</p>	<p>WESTTECH ENGINEERING, INC.</p> <p>CONSULTING ENGINEERS AND PLANNERS</p> <p>3847 Eastline, Portland, OR, U.S.A. Suite: 100, Salem, OR 97302</p> <p>Phone: (503) 585-2474 Fax: (503) 585-3886</p> <p>E-mail: westech@westech-eng.com</p>
<p>SHEET</p> <p>4 OF 7</p> <p>JOB NUMBER</p> <p>2502.0000.0</p>	<p>VERIFY SCALE</p> <p>BASED ON THE DATE OF THE ORIGINAL PLAN</p> <p>DATE: FEB 2019</p>
<p>SCALE</p> <p>1" = 300'</p>	<p>NO. DATE</p> <p>1 1</p> <p>REVISIONS</p>

CORBAN
UNIVERSITY



SEE CITY MASTER PLANS
FOR ALL UTILITIES



NO.	DATE	REVISIONS
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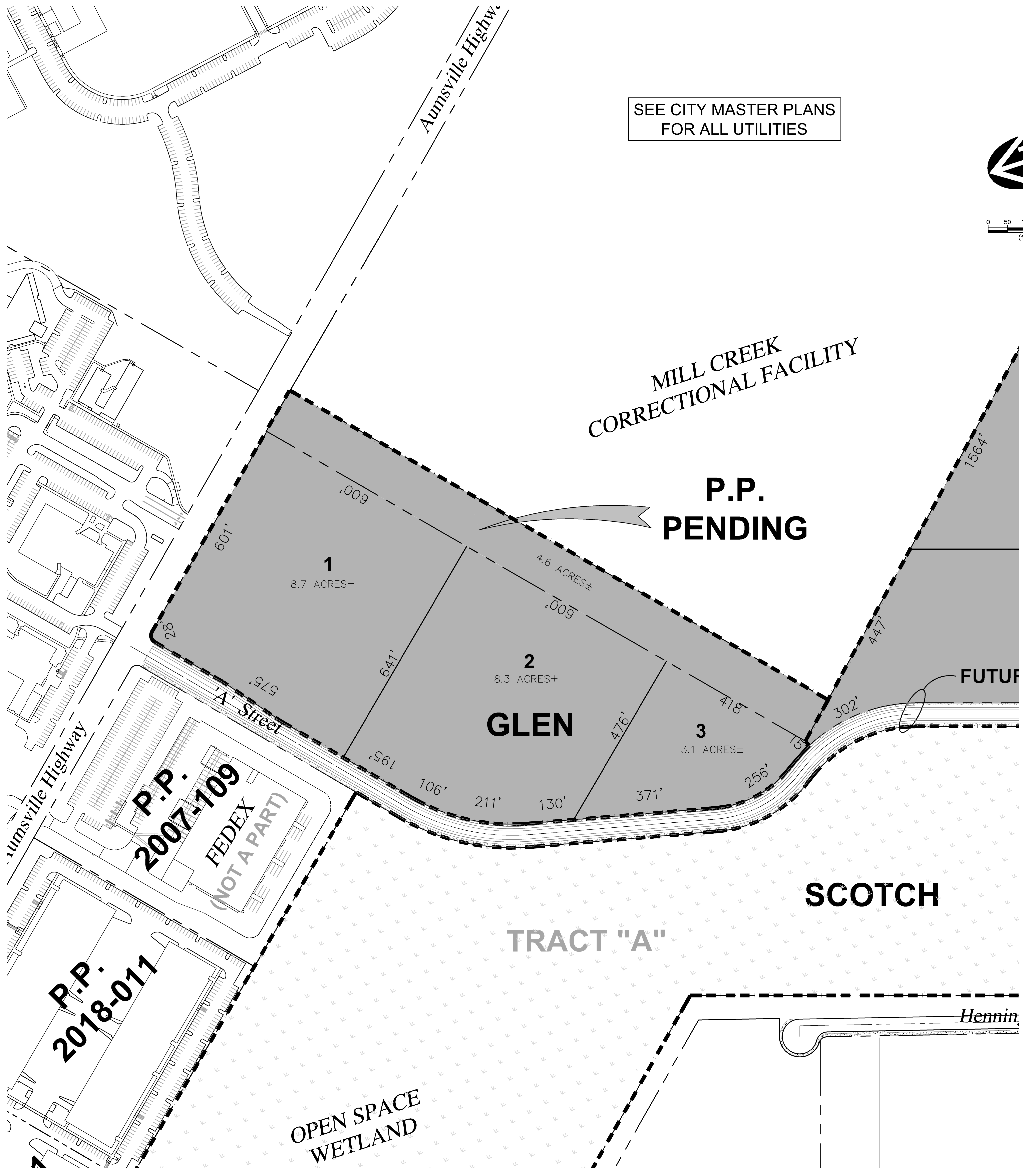
SCALE
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DATE: FEB 2019
CITY OF SALEM, OREGON
MILL CREEK CORPORATE CENTER MASTER PLAN
REVISED WALN PHASE

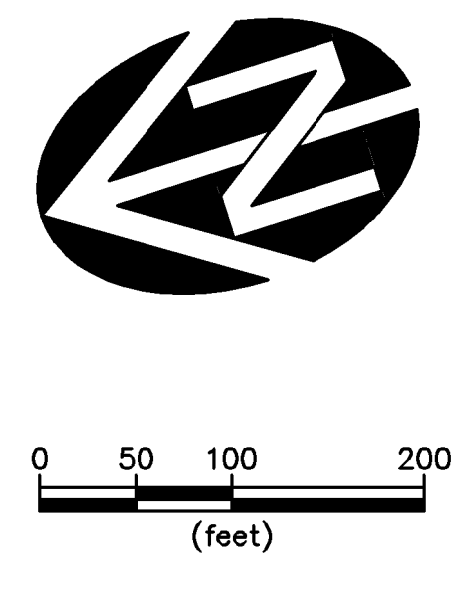
WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Eastern International Dr. S.E. Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3888
E-mail: westech@westech-eng.com

CITY OF SALEM, OREGON
MILL CREEK CORPORATE CENTER MASTER PLAN
REVISED WALN PHASE

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FOR ALL UTILITIES



MILL CREEK
CORRECTIONAL FACILITY

**P.P.
PENDING**

GLEN

FUTURE

SCOTCH

TRACT "A"

Hennin

OPEN SPACE
WETLAND

**P.P.
2007-109
FEDEX
(NOT A PART)**

**P.P.
2018-017**


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<p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 384 E. Main, Astoria, OR 97103 Phone: (503) 325-2474 Fax: (503) 325-3886 E-mail: westech@westech-eng.com</p>	
<p>CITY OF SALEM, OREGON MILL CREEK CORPORATE CENTER MASTER PLAN REVISED GLEN PHASE</p>	
<p>SHEET 6 OF 7 JOB NUMBER 2502.0000.0</p>	
<p>SCALE VERIFY SCALE BASED ON THE PLAN 0 1" = 100' SCALE PROBABLY NOT ACCURATE</p>	<p>NO. DATE 1 DATE: FEB 2019</p>
<p>REVISIONS</p>	<p>DESCRIPTION</p>



MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: October 16, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB08-05MOD2 (19-110544-LD)
5400 TURNER ROAD SE
MODIFICATION OF MILL CREEK CORPORATE CENTER**

PROPOSAL

To modify the phasing plan and related conditions of approval for the remaining unplatted phases from approved Subdivision Case No. 08-05A, for property approximately 310 acres in size, zoned EC (Employment Center), and located generally at 5400 Turner Road SE - 97317 (Marion County Assessors Map and Tax Lot numbers: 082W07 00602, and 082W08 00103 and 00109).

RECOMMENDED MODIFICATIONS TO CONDITIONS OF PLAT APPROVAL

1. Modify the Phasing for condition 2a to read as follows:
 - a. This improvement is required as a condition of any phase. However, the applicant may pay a fee-in-lieu of improvements at the time of building permit issuance. The fee-in-lieu amount shall be \$18,323 per acre of development, adjusted annually based on the December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.
2. Modify the Phasing for condition 2b to read as follows:
 - b. The improvements abutting the Waln I Area are required in conjunction with the Waln I Area. The improvements abutting the Waln II Area are required in conjunction with the Waln II Area. The improvements abutting the Waln III Area are required in conjunction with the Waln III Area. The improvements between the east line of the Waln I Area and Aumsville Highway SE are required as a condition of Site Plan Review approval with the Waln II Area if the Waln I Area develops first, or with the Waln I Area if the Waln II Area develops first.
3. Modify the Phasing for condition 2c to read as follows:
 - c. Improvements from the Mill Creek bridge to B Street and intersection improvements at the Turner Road SE / B Street intersection shall be

completed in conjunction with the Pringle or Cinnamon Areas, whichever occurs first. Other improvements on Turner Road SE southeast of B Street shall be constructed in conjunction with the Waln III Area.

4. Modify the Phasing for condition 2e to read as follows:

- e. Mill Creek Drive SE shall be constructed as a full street improvement along the frontage of the Scotch, Pettijohn, Waln I, and Waln II Areas in conjunction with the development of each Area, except that Mill Creek Parkway along the stormwater management facility within the Scotch Area can be delayed until development of the Pettijohn Area.

5. Modify the Phasing for condition 2i to read as follows:

- i. A Street shall be constructed from Aumsville Highway SE to the southeast corner of the Glen Area as shown on the applicant's site plan in conjunction with the Glen Area development. A Street shall be constructed from Mill Creek Drive SE to the south line of the Glen Area in conjunction with the Waln I Area development. If the plat phasing results in temporary terminus to A Street, then the applicant shall construct a temporary turnaround as specified by the Fire Marshal and Public Works Director.

CRITERIA AND FINDINGS

SRC 205.070(d) indicates the criteria that must be found to exist before an affirmative decision can be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.070(d)(1)—The proposed modification is not substantially inconsistent with the conditions of the original approval:

Findings—The proposed modification is consistent with the conditions of the original approval; however, a number of the original conditions of approval need to be modified to reflect the new phase boundaries, especially in the Waln Area. Waln Area requirements are divided among three Waln subareas based on their street frontage. Condition 2b has been modified to specify that the improvements between the east line of the Waln I Area and Aumsville Highway SE are required as a condition of Site Plan Review approval with the Waln II Area if the Waln I Area develops first, or with the Waln I Area if the Waln II Area develops first. This requirement is warranted because the first development in either the Waln I or Waln II Area is required to construct Mill Creek Drive SE to Deer Park Road SE.

Kuebler Boulevard SE improvements as specified in condition 2a meet the criteria for a fee-in-lieu of improvements pursuant to SRC 200.405. Based on the extent of development having already occurred within the subdivision to date, the Kuebler Boulevard SE street improvements are required as a condition of any phase. However,

the applicant may pay a fee-in-lieu of improvements at the time of building permit issuance.

The City Engineer has estimated that the Kuebler Boulevard SE improvements will cost \$5,269,514. The remaining quantity of developable land is 287.6 acres. Therefore, the fee-in-lieu amount shall be \$5,269,514 divided by 287.6 acres, or \$18,323 per acre of development. This amount shall be adjusted annually based on the December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

SRC 205.070(d)(2)—The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Findings—The proposed modification will not result in significant changes related to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

cc: File