



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/6/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Turner Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, November 27, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: David Sawyer, City of Turner
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Bill Holmstrom, DLCD Transportation Planner
Angela Lazarean, DLCD Regional Representative
Marjorie Mattson, MWVCOG

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PROF 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

OCT 30 2009

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Turner**

Local file number: **CP 09-001, ZC 09-001**

Date of Adoption: **October 22, 2009**

Date Mailed: **October 28, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: June 5, 2009

Comprehensive Plan Text Amendment

X Comprehensive Plan Map Amendment

Land Use Regulation Amendment

X Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The property owner of an expended gravel mining operation proposes to redevelop the site into a residential subdivision. In order to process the land use request, the Mineral and Aggregate Resource (MAR) designation needed removal and replacement with residential designations/zone districts. The development plan presents a variety of housing units, townhouses, apartments, and condominiums—surrounding a lake located in the middle of the development.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Mineral Aggregate Overlay**

to: **Resident (Single and Multi-family)**

Zone Map Changed from: **Mineral Aggregate Overlay**

to: **R-1, R-2, and R-11**

Location: **8 2W 20/400 and 8 3w 20D/100** Acres Involved: Approximately 170 acres with the lake about 70 acres in size

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
X X X X X X X X

Was an Exception Adopted? YES X NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

X Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-09 (17621) [15799]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DOGAMI

Local Contact: **David Sawyer, City Administrator** Phone: **(503) 743-2155** Extension:
Address: **P O Box 456** Fax Number: **503-743-4010**
City: **Turner, OR** Zip: **97392** E-mail Address: **turner.cityadmin@wcabel.net**

Contract Land Use Planner: **Marjorie Mattson, MWVCOG, 105 High Street SE, Salem, OR 97301**
Phone: **503-588-6177** FAX: **503-588-6094** Email: **mmattson@mwvcog.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**

Updated March 17, 2009

CITY OF TURNER

7250 Third Street - P O Box 456
Turner, OR 97392

Phone: 503-743-2155 Fax: 503-743-4010 www.cityofturner.org

NOTICE OF DECISION

09-001 CP: COMPREHENSIVE PLAN AMENDMENT
09-001 ZM: ZONE DISTRICT MAP AMENDMENT
09-001 S: SUBDIVISION
09-001 HD: HILLSIDE DEVELOPMENT

Final Meeting: October 22, 2009

Decision Date: See Section II. - Signatures and Date

I. BACKGROUND:

Applicant/Owner: JC Compton Co. c/o Jay Compton

Representative: Jeff Tross - Tross Consulting, Inc.

Engineer: Steve Ward - Westech Engineering, Inc.

Location: Marion County Assessor's Map and Tax Lot Numbers:
8 2W 20/400 and 8 2W 20D/100 (See Exhibit I.)

North of Holly Street/Holly Loop
South of Ahrens Road
East of Turner Road (3rd Street)
West of Acorn Street and Val View

Size: 169.02 acres (TL 100 – 93.95 acres and TL 400 – 75.07 acres)

Current Use: Aggregate mining site in the process of being reclaimed

Designation/
Zoning: Mineral Aggregate Resource (MAR) Overlay District
(established in 1995) with underlying residential, commercial and
industrial designation/zoning (Turner Land Use Development Code,
Section 4.240)

Request: Amendment to the Comprehensive Plan and zone map to remove the
Mineral Aggregate Resource (MAR) overlay and the underlying
residential, commercial, and industrial designation/zone districts and
establish specific areas of Single-Family/R-1, Single Family/R-2, and
Multiple Family/R-11.

Subdivision with the following phases (3 unit per acre and 5.4 units per acre without the lake):

South Residential (units: 14 within R-1 and 24 within R-11—13 acres),
Middle Residential (units: 18 within R-1, 33 with R-2, and 37 within R-11—23.6 acres),
North Residential (units: 55 lots within R-2 and 20 within R-11—19.9 acres),
South Townhouses (units: 17 within R-11—5.8 acres),
North Townhouses (units: 60 within R-11—6 acres),
West Condo/Apts (units: 102 within R-11—9 acres), and
North Mixed Use (units: 132 within 17 acres).
The Subdivision serves as an amendment to the previously approved redevelopment plan.
See Exhibit 2.

Hillside Development Overlay District (southeast corner of the subject property) and review of proposed development within the overlay. See Exhibit 3.

- Standards: Turner Land Use Development Code, Section 4.111 – Single-Family Residential (R-1), Section 4.112 – Single-Family (R-2), Section 4.121 – Multiple-Family (R-11), Section 4.230 – Hillside Development Overlay District, Section 4.240 – MAR Overlay, Section 5.010 – General Development Standards
- Criteria: Turner Land Use Development Code, Section 2.328 – Subdivision (for the Subdivision and the Hillside Development Overlay), Section 2.400 (2) – Site Plan Review (for Hillside Development Overlay District), and Section 2.700 (2) - Map amendment and adoption of a revised development plan
- Exhibits: Exhibit 1: Property location
Exhibit 2: Preliminary Plat
Exhibit 3: Hillside Development Overlay map
Exhibit 4: Applicant’s Facts and Findings

II. DECISION AND CONDITIONS OF APPROVAL

- A. Based upon the findings of fact City Council approved **09 -001 COMPREHENSIVE PLAN MAP and 09-001 ZONE MAP AMENDMENTS, 09-001 SUBDIVISION, and development within the 09-001 HILLSIDE DEVELOPMENT OVERLAY DISTRICT** when completed prior to final plat unless otherwise indicated in compliance with the conditions of approval indicated as follows:

Note: Completion of the conditions of approval are the sole responsibility of the applicant/owner/developer.

GENERAL

1. Prior to any site preparation work, provide either evidence of release by DOGAMI of the applicant's bond or written evidence from the Department of Geology and Mineral Industries (DOGAMI), that the site is approved for redevelopment.
2. Conduct any site preparation or phase construction activities within the hours of operation and noise limitation as required by City Ordinance.
3. Note that the subdivision preliminary plat serves as a revision to the previously approved redevelopment plan and is considered the adopted redevelopment plan (unless otherwise modified under a succeeding land use application).
4. Note that it is the applicant/owner/developer responsibility to resolve with the Department of State Lands the issue in regards to the potential impact the development (North Residential area) may have on the hydrology source for the wetland area known as the Mitigation Annex (State Permit No. RF-10293). Contact Dan Cary, DSL at 503-986-5302.
5. To address the issues raised by the Oregon Department of Fish and Wildlife (ODF&W) habitat issues as indicated in the Department's letter dated July 17, 2009, amend the subdivision plat to provide within the R-1 Zone, a wildlife corridor no less than forty (40) feet in width, and providing no less than 1.5 acres of total land area, running in a general north/south direction, and being generally located between Val View Drive and the lake on the east side of the subject property. The land within the wildlife corridor shall be owned by the adjoining lot owners, and the wildlife corridor shall be designated as dedicated open space on the official final plat. No structures or improvements, other than underground utilities, shall be constructed within the wildlife corridor which shall remain in its natural state to facilitate bird and wildlife movement and habitats. Should the shrubs, trees and vegetation within the wildlife corridor be disturbed in order to construct or repair utilities, the party responsible for said construction shall return the disturbed portion of the wildlife corridor to previous natural state, or as close thereto as can be reasonable accomplished.
6. At the time of development, conform to the requirements for public improvements and connections to public facilities as indicated in TLUDC, Article 7, unless otherwise specified in a condition of approval. Article 7 includes Improvement Procedures, Specifications for Improvements, Required Public Improvements, Public Use Dedications, Improvement Agreement, Security, and Noncompliance Provisions.
7. The Applicant is herein advised that the use of the property involved in this application does require additional permits from the City and may require additional permits from other local, State or Federal agencies.

Obtaining any applicable permits (such as a NPDES permit issued by the Oregon DEQ or for development within the flood plain) is the responsibility of the Applicant. The City of

Turner land use and review and approval process do not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

UTILITIES/TRANSPORTATION FACILITIES

Sanitary Sewer

8. Prior to submittal of construction drawings for installation of the public sanitary sewer system and due to the size of the development, submit to the City Engineer for review and approval a complete sanitary sewer design (including the flow data used). The information will be utilized to determine if the sanitary sewer lines in the area have adequate capacity and if there is a need to upsize any existing public mains to accommodate new development flows.
9. At the time of either sewer main extension in Turner Road/3rd Street or development of the West Condos/Apartments (whichever comes first), “stub” a service line to area of the subject property identified as city park. The size and location of the line shall be as determined by the City Engineer.

Storm Water

10. Prior to submittal of construction drawings for the installation of the storm water drainage system, submit to the City Engineer for review and approval additional details regarding storm water management that addresses detention areas, information on how the storm water will enter and connect to Marion County’s public storm water system, and location of discharge points. The information will be utilized to determine if there is a need to upsize any existing public storm water facilities.

At the time of street design, provide for storm water drainage facilities, as required by Marion County Public Works Department.

Water (domestic and fire flow)

11. Prior to submittal of construction drawings for the installation of the public water system, submit to the City Engineer for review and approval a computer-generated hydraulic to assure that demands can be met. The information will be utilized to determine if there is a need to upsize any existing water facilities to meet maximum day and fire flow demands. Receive review and approval from the Turner Fire District for the purposes of complying with “fire flow” requirements and the location/installation of fire hydrants.
12. At the time of either water main extension in Turner Road/3rd Street or development of the West Condos/Apartments (whichever comes first), “stub” a service line to area of the subject property identified as city park. The size and location of the line shall be as determined by the City Engineer.

Transportation Facilities

13. At the time of street design for facilities under the jurisdiction of Marion County Public Works Department, comply with the requirements as indicated in letter from Marion County dated 7/13/09, with the exception of Streets, Number 1.c. (page 3)—Attachment Q in the staff report dated September 24, 2009.
14. Prior to any temporary or permanent access to Turner Road (3rd Street) and the public portion of Ahrens Road, apply for and obtain the necessary access permits from Marion County Public Works Department and in compliance without limiting any recorded easements affecting adjacent property owners rights to access the public rights-of-way or dedicated routes of access.
15. Prior to final plat approval for any phase that abuts Turner Road/3rd Street, construct full urban frontage improvements along the street frontage in accordance with the City of Turner Arterial Street Design and Marion County Public Works Construction standards. The cross section is to include one-half (1/2) street pavement widening for a width of 18 feet, turn lanes where appropriate, a bicycle lane six (6) feet in width, curb and gutter, storm drainage, property line sidewalks six (6) feet in width with an accompanying planter strip a minimum of five (5) feet in width (TLUDC, Section 5.124 (5)), and pavement tapers to transition back to existing pavement width. Post no-parking signs on Turner Road/3rd Street for the distance the street abuts the property.
16. Prior to final plat approval for any phase that abuts Turner Road/3rd Street, convey to Marion County for use as public right-of-way, sufficient area to allow right-of-way half-width of 34 feet for the distance Turner Road/3rd Street abuts the subject property. Additional right-of-way or easements may be required to accommodate the required frontage improvement, including such things as turn lanes or drainage improvements.
17. Note that it is the responsibility of the developer to preserve and protect the current PCI rating and structural integrity of the County Roads. Failure to do so at the County's satisfaction, requires at the Developer's expense, replacing or reconstructing the damaged road.

Note: Storm water drainage shall be as required and approved by Marion County Public Works Department and the City Engineer.
18. Prior to any street construction on Turner Road/3rd Street, submit to Marion County Public Works Department, street improvement plans for review and approval and obtain any necessary permits. City approval of street improvements on Turner Road/3rd Street does not negate the need for Marion County approval.
19. Prior to any temporary or permanent access to Holly Street, Val View Drive, and Acorn Street, apply for and obtain the necessary access permits from the City of Turner and the access requirements shall be as approved by the City Engineer.

20. At the time of the Holly Street extension, design the street without street parking on the south side for the distance the street abuts properties that have frontage on Holly Loop. Install a landscaped buffer a minimum of five (5) feet in width for the distance that no on-street parking is allowed. Maintenance of the landscape strip is the responsibility of the Homeowner's Association. Installation of sidewalks is optional. If the sidewalks are not provided for this section of Holly Street, provide a crosswalk at locations approved by the City Engineer and at the intersection with Turner Road/3rd Street to allow pedestrians to use the sidewalks on the north side of Holly Street. Reduce the right-of-way to 49 feet and dedicate a reserve strip a minimum of one (1) foot in width to prevent access to Holly Street extension. Removal of the reserve strip requires approval of the City Council.
21. At the time of street design for the street extensions or street construction for areas of the subject property within the Hillside Development Overlay District, street grades are permitted up to 15 percent but overall average shall not be greater than 12 percent. Street designs within the Hillside Development Overlay District shall have the written approval of both the City Engineer and the Turner Fire District. Evidence of Turner Fire District approval shall be submitted in writing to the City of Turner.
22. Provide turn-arounds at the ends of dead-end streets or temporary dead-ends created during completion of a phase of the development. The method of turn-around shall be as approved by both the City Engineer and the Turner Fire District. Approval of the Fire District shall be submitted in writing to the City of Turner. Dead-end streets require the installation of barricades and the implementation of a reserve strip a minimum of one (1) foot in width at the time of final plat as applicable to each individual phase.
23. Prior to final plat approval, provide evidence that all street names are approved by the City of Turner, Turner Fire District, and any other applicable emergency service agencies.
24. Prior to any construction, apply for a driveway access permit from Marion County Public Works Department for each existing access and any proposed accesses. Where possible, offset access points shall be avoided.
25. At the time of building permit, provide funding for intersection control improvements at the intersection of 3rd Street and Delaney Road at the following rates (in 2009 dollars that may need adjustment in the future according to inflation):
- | | |
|-----------------|---|
| Single family | \$260 per unit, |
| Condo/Townhouse | \$155 per unit, |
| Apartments | \$134 per unit, and |
| Commercial | \$257.55 (based on a per new p.m. peak hour trip cost). |
- The funds will be paid to the City of Turner and held in a fund designated for improvements to the Delaney Road SE/3rd Street intersection.
26. At the time of engineered plans, provide details on street lighting and signs (both street name and those used for traffic control) for City Engineer review and approval.

27. At the time of construction of the Middle Residential phase, improve Val View Drive/Acorn Street for the distance the property abuts the right-of-way, install street improvements according to local street standards and as approved by the City Engineer.
28. Note City requirements in regards to the construction of sidewalks. Install curve radius sidewalks and ADA ramps at the time of street improvements. At the time of building permit, install sidewalks for the distance the lot abuts the applicable right-of-way. Sidewalks shall be completed and inspected prior to occupying the dwelling unit.
29. Provide access easements within the Hillside Development Overlay district and provide combined driveways to serve two or more dwelling units. Indicate the easements on the final plat at each applicable phase of the development.

PHASES

30. Prior to final plat approval of any phase, the applicant/owner/developer shall provide evidence that each phase operates independently without the need to any future improvements including but limited to transportation, water, sanitary sewer, and storm water services/facilities and measures have been provided, as required, to mitigate any potential adverse impacts on existing development.

All public streets shall be improved to either County or City standards (based upon jurisdictional boundaries) and constructed according to the standards based upon the applicable functional classification and includes the installation of curb, gutter, sidewalks, storm water drainage, street lights, and street signs unless otherwise noted.
31. Unless a separate land use application (such as a code amendment or a zone change) is approved, the North Mixed Use area shall be limited to only those uses permitted in the R-11 zone district.
32. Prior to any site preparation work or construction of the Middle and North Residential phases, provide a preliminary plat that indicates “closed lots” for all lot configurations within the phases. The other alternative to resolving the “partial lots,” is to apply for, process, and receive City approval of one or more property line adjustments.
33. For all properties within the R-11 zone district, provide only residential development that is allowed in the zone district. Housing types include single-family dwellings/manufactured dwellings (one per lot), apartments/multiple family dwellings (three (3) or more families living independently of each other), and residential care facilities (for 15 or less people). Providing densities at greater than 15 units per acres requires the application for and approval of a conditional use application.
34. Following the approval/recording of the final plat of the initial/first phase and prior to filing for building permit, coordinate and provide facilities and training opportunities as required by the Turner Police Department and Turner Fire District in a dollar amount not

to exceed 50 thousand. The requirements may include a small rescue boat, initial training for emergency personnel for swiftwater rescue certification, and purchase of applicable equipment. The level of provisions shall be coordinated with the Police Department and Turner Fire District.

35. Indicate recreational facilities to serve the residential development within the eastern portion of the Turner Lake Redevelopment--such as neighborhood parks.
36. For properties within the Hillside Development, provide a written and/or graphic plan to demonstrate that "tree removal and conservation of vegetation" complies with the requirements of TLUDC, Section 4.230 (4), (5), (8), (9), and (10).

SUBDIVISION FINAL PLAT

37. As required by TLUDC, Section 2.331, begin construction of any required public improvements with one (1) year of the approval of the Preliminary Plat (Tentative Plan). Following the acceptance by the City of any public improvements, the owner/applicant/developer shall cause the subdivision or any part thereof to be surveyed and a Plat prepared in conformation with the preliminary plat approval.

Final plats for all phases of the development and including the area indicated as a "city park" shall be recorded within fifteen (15) years of the preliminary plat approval. Not completing the final platting within the designated time period allows the City to consider imposing any development standards/regulations adopted during the interim time period.

Upon abandonment of the approved subdivision or the development has not been substantially completed, the City may schedule a public hearing to determine if an extension may be granted or if the approval expires. The public hearing is to determine whether or not is in the public interest. The Planning Commission may review the development and its status and make a recommendation to the City Council. City Council shall either extend the development time period or determine that the preliminary plat expires based upon not meeting the required development activity deadline and that it is not in the best interest of the public to grant an extension.

38. Prior to recording, submit to the City of Turner a copy of the Conditions, Covenants, and Restrictions. The City's Attorney shall review for language to assure that none of the City regulations and/or standards are violated.

At the time of development of the C, C, and Rs, provide that maintenance of the landscaped area on south side of Holly Street extension (for the distance the landscaped area abuts lots that have frontage on Holly Loop) as the responsibility of the Homeowner's Association.

Note that all properties are required to comply with the City's vision clearance area requirements and any applicable requirements for development within a flood plain.

Identify within C, C, Rs all lots within Hillside Development Overlay District and note that construction on these lots requires compliance with the TLUDC, Section 4.230 6 (a) through (c) and 7 (a) and (b).

39. Prior to street construction within the North and Middle Residential phases and including the cul-de-sac south of Ahrens Road, determine pedestrian/bicycle paths that allow compliance with the State Transportation Planning Rule. Such paths shall also be considered in allowing for connections to adjacent properties and other potential residential development.
40. At the time of final plats preparation per phase, submit drafts to the City for review and approval of lot size and dimensions per the appropriate zone district.
41. Prior to any site work, enter into an Improvement/Development Agreement and provide a performance bond according to TLUDC, Sections 7.510 and 7.520.
42. Prior to final plat approval, install mail boxes (TLUDC 5.123) in all residential development. Joint mailboxes shall be placed adjacent roadway curbs in a style and design as required by the Post Office having jurisdiction. The cost of the installation shall be born by the land owner.
43. According to TLUDC, Section 5.129, install all utilities underground.

APPROVED BY A 5 TO 1 VOTE OF THE CITY COUNCIL ON THE 22nd DAY OF OCTOBER, 2009.

DATED at Turner, Oregon, this 29th day of OCTOBER _____, 2009.

ATTEST: Carly Strauss 10/29/09
Carly Strauss, Mayor Date

ATTEST: Suzanne Studer 10/29/09
Suzanne Studer, City Recorder Date

III. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application does require additional permits from the City and may require additional permits from other local, State or Federal agencies.

Obtaining any applicable permits is the responsibility of the Applicant. The City of Turner land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

IV. APPEAL

Based upon the date of the signed decision, a notice of intent to appeal may be filed with the State Land Use Board of Appeal (LUBA) within 21 days (ORS 197.830) indicating the reason and basis for the appeal.

V. SUMMARY OF THE REQUEST AND PUBLIC HEARINGS (Please note: Letters referenced in the summary are available upon request for review at City Hall.)

The owner and his representatives met over the last several years with the City Administrator and conducted a pre-application conference with follow-up meetings and discussions. All applications were deemed complete on June 26, 2009. Notification of public/private agencies occurred and the required public notices were mailed. The City provided additional announcement of the proposed development through a monthly City-wide mailing and property postings.

The Planning Commission conducted a public hearing on July 21, 2009, deliberated on August 18, 2009, and considered a several part application to allow the redevelopment of a former aggregate mining site. Included in the request is removal of the Mineral Aggregate Resource Overlay District, re-designation and re-zoning the subject property to single-family and multi-family, subdividing the property to serve as the redevelopment plan and allowing a variety of housing types ranging from single-family dwellings to apartments to townhouse units to condominiums. (Although there is a reference to mixed use commercial/office development, the approval of such uses is not part of this application review.) Because the southeast area of the property is within a Hillside Development Overlay District, development within the overlay needs additional review. Decisions on the applications need consideration based upon the applicable review criteria.

The City Council approved for the property owner to convey of approximately 1.9 acres of land for a public park. In August, the Planning Commission approved the conditional use application to allow a park in a residential zone district.

The Planning Commission conducted a public hearing on the other requests and unanimously determined in August to recommend to the City Council approval of the map amendments, the subdivision, and the hillside development based upon the owner/applicant/developer complying recommended conditions of approval.

The City Council conducted the first portion of its public hearing on Thursday, September 17, 2009. On October 8, 2009, the City Council reconvened the public hearing. The Council closed the hearing and began deliberation. The deliberation continued on October 22, 2009, and by a vote of 5 to 1, the Council approved on that date the applications subject to conditions of approval.

The applicant provided a background statement. See Exhibit 4, pages 1 through 3.

VI. FACTS AND FINDINGS

A. COMPREHENSIVE PLAN MAP AND ZONE MAP AMENDMENT

Section 2.700 of the Turner Land Use and Development Code (TLUDC) indicates City's recognition that its Comprehensive Plan document and Code may require amendments to adjust to changing circumstances. The applicant's request is processed as a quasi-judicial decision as

defined in Section 3.200(3). In summary the decision involves discretionary judgment applying the adopted rules, laws, or policies to a specific individual land use situation. The decision must be based upon demonstrated compliance with the applicable criteria or standards contained in the Comprehensive Plan, Code, ordinances or policies, as determined by factual evidence presented in the public hearing. The applicant for the change bears the burden of proof for the requested change.

The request includes the removal of the MAR District and underlying residential, commercial, and industrial designations and replacement of the overlay district with Single Family and Multiple Family Residential (R-11). See Attachment B, Zone Key Map. In reference to the subdivision preliminary plat the areas include Single Family/R-1: Lots 139 through 170; Single Family R-2: Lots 68 through 138 and 171 through 187; and R-11: South Townhouses Lots 1 through 17, Lots 1 through 67, and 188 through 201, Condos and Apartments buildings numbered 1 through 17, the North Mixed-Use/High Density, and 60 units within the North Townhouse phase. At the Planning Commission hearing, the applicant's engineer indicated that the total number of units could be approximately 500.

Criterion 1. The proposed amendment is consistent with the intent of the Comprehensive Plan.

Applicant Response: Attachment D, pages 17 through 19.

Staff Response: The Comprehensive Plan (2001) indicates that "The MAR District was established in 1995 reducing the City's available land for development in three categories:

- Residential - 14.31 acres have been removed from the City's residential inventory.
- Commercial - 33.77 acres have been removed from the City's commercial inventory.
- Industrial - 120.94 acres have been removed from the City's industrial inventory."

In reference to the water body, "The extraction process will create a lake of approximately 90 acres. Although reducing the City's buildable land by that amount, it will provide an attractive open space feature for the community that could attract additional development."

The Comprehensive Plan in 2001 indicated that the 169 acres was not available for development until between 2010 and 2020. The Plan indicated that the area within the MAR District will be included in the City's inventory of available sites following completion of the extraction process and approval of a final Redevelopment Plan. The plan anticipated 90 acres for the lake, 47 acres for residential, 24 acres for commercial or public use and eight (8) acres of protective landscaped buffers. As indicated in the application, the lake exists although the request is for the majority of the remainder of the subject property to be designated/zoned residential. Approximately two (2) acres is reserved for a city park. It is anticipated that the northwest portion of the property (about 17 acres in size) will be developed as a mixed use area. However, the City does not currently have Development Code provisions to allow mixed use that includes commercial/office. If approved, the Comprehensive Plan/Zone Map and redevelopment plan only allow those uses permitted within an R-11 zone designation and district.

The proposed variety in the different types of units does meet a City policy toward “maintaining a mix of housing types and densities. According to the applicant’s plan the range is from single-family residential on larger lots, to single-family on smaller lots, to townhouses, to apartments, to assisted living.

The applicant’s statement responds to the applicable sections of the Comprehensive Plan.

A letter dated September 9, 2009, compared the redevelopment plan presented in conjunction with approving a Mineral Aggregate Overlay zone. At the time this plan was presented, the City did not have a public sanitary sewer system. Financing in part to provide such a system to the City was partially funded by the applicant/property owner. Availability of the City-wide system allows for development plans at higher residential densities.

Criterion 2. There is public need for the proposed amendment to comply with the changing conditions or new laws.

Applicant Response: Exhibit 4, page 19.

Staff Response: Staff concurs with the applicant’s findings.

Criterion 3. The amendment will not adversely impact adjacent areas or the land use plan of the City.

Applicant Response: See Exhibit 4, pages 19 and 20.

Staff Response: The Comprehensive Plan indicates that the last land use inventory was conducted in 1999 but also notes that the area within the MAR Overlay District was not included in calculating developable land. It was anticipated in the late 1990s that subject property would not be available for development for another 10 to 20 years (2010 to 2020). A redevelopment plan was previously adopted and the Comprehensive Plan indicates a combination of the lake, land available for residential and commercial or public use and eight (8) acres of protective landscaped buffers.

The current proposal continues to indicate a lake with the majority of the development as residential. There is a possibility of some future commercial development. An area for a public-use park is noted on the tentative plan (part of Exhibit 2). The protective landscaped appears to be presented in the form of larger lots at the southeast corner of the subject property with plans to retain trees other than when the developer needs removal for installation of private/public utilities/services and location of single-family dwellings. The amendment appears fairly compatible with the City’s land use plan.

Criterion 4. The amendment will not have an adverse environmental impact.

Applicant Response: See Attachment D, page 20.

Staff Response: Changes in the permitted uses on the subject property and the succeeding development have the potential to create impacts on the subject property. Located on portions of the property are wetlands, a flood plain, and areas of steeper slope. Actual development will be additionally reviewed under the subdivision and hillside development criteria. Potential impacts can more closely be considered during those processes and conditions of approval applied that provide applicable mitigation measures. It is also the responsibility of the owner/applicant/developer to comply with applicable federal, state, and county regulations related to environmental issues.

As required, the City of Turner notified the Department of State Lands regarding the potential development. In a response received from the agency June 18, 2009, and in regards to State Permit No. RF-10293, comments are as follows:

“It appears based upon the submitted site plan the proposed development (North Residential Area) will impact the hydrology source for the mitigation area known as the Mitigation Annex.” The agency requested contact to resolve the issue.

The Oregon Department of Fish and Wildlife (ODF&W) issued a letter dated July 17, 2009, that was entered into the record on July 21, 2009. The letter indicates for the subject property the presence of a “game trail” with signs of use by deer. Song birds were also heard during a site visit. Potential wetlands and waterways on the east side of the property were noted. The landowner discussed with ODF&W a commitment to retain a large oak tree. Based upon a Habitat Category 3 classification, the Department recommends avoidance of impacts with suggested methods and including meeting a mitigation goal. City staff, the property owner, the owner’s engineer, and staff from ODF&W also met on September 1, 2009, to further discuss the issue.

Citizen testimony indicated the need to protect the habitat area and one Planning Commissioner at the August 2009 meeting emphasized the importance of the protecting fish and wildlife as indicated in the City’s Comprehensive Plan.

The City’s Comprehensive Plan references Statewide Planning Goal 5. State agencies are referenced as the sources of information on fish and wildlife habitat in the Turner area. Details are listed in the Comprehensive Plan, Section 9.270. From that section it is note that “the Turner Comprehensive Plan is consistent with the goals (*of ODF&W*) and has included policies to support the recommendations of ODF&W.” Environmental Goals and Policies are as follows:

1. Mill Creek and other drainageways and watercourses should be managed to leave natural vegetation and non-hazard snags whenever possible.
2. The City will cooperate with appropriate federal, state, and local agencies to protect and improve fish and wildlife habitat in the Turner area.
3. In evaluating discretionary land use applications, the City shall consider the effects of the proposed use upon identified fish and wildlife habitats. Conflicting uses are to be prohibited unless satisfactory mitigation measures are provided.
4. Identify endangered species shall be protected. Proposed developments shall specify protective measures to protect endangered species within the vicinity of the proposed development site.

Council determined the development as conditioned (based upon compliance with requirements of the ODF&W) satisfies the City's goals and policies related to development occurring within a portion of the southeastern corner of the subject property.

Criterion 5. The amendment will not have an adverse impact on public facilities.

Applicant Response: See Exhibit 4, page 20.

Staff Response: The applicant provided a utility plan that has and will continue to be reviewed by the City's Engineer. At this time and according to the City Engineer, it appears that additional details are needed to assess the impact of the full development for water, sewer, and storm water.

In an email received from the City of Salem (COS), an issue of sewer capacity was raised. The email statement from the COS indicates that "the City of Salem sewer system does not have capacity to exceed the flows specified in the 'Intergovernmental Agreement' between the City of Salem and the City of Turner. City of Salem Public Works staff recommends that the City of Turner analyze the following: (1) whether the Turner sewer system has adequate capacity to serve the proposed development in conformance with the IGA; and (2) whether the proposed use of land modifies sewer flows to such an extent that warrants an amendment to the Turner sewer master plan." Review and calculations by the City Administrator determined that the City has sufficient capacity to allow the development as proposed.

The City Engineer determined that "due to the size of this development, a completed sanitary sewer design-including flow date use-must be submitted for review. This is to assure that the proposed sanitary sewer lines serving this area will have adequate capacity and will not require any upsizing of the existing lines in order to handle the new development flows."

Other utilities were addressed in a City Engineer's memo including storm water drainage and the water system. Additional details are needed in regards to the location of storm water detention areas/discharge points and the method of connection to Marion County system including design data. The Department of Environmental Quality (DEQ) also commented as indicated in a letter dated July 20, 2009, and entered into the record on July 21, 2009. A letter to the City indicates the City's need to manage pollutants in regards to Turner's pending Stormwater Management Program and recommends controls on untreated storm water from the development to protect Mill Creek and wetlands and including the volume of discharge. The applicant is required to comply with State law/regulations as administered by DEQ. Citizens also raised concerns with request to make sure that areas that historically have storm water/flooding issues be considered and addressed during the development.

A letter dated September 9, 2009 (Lowder), interprets that the "plans for storm-water runoff are vague or non-existent." He asks if bioswales are being considered before the water enters the lake or other areas downstream and notes wetlands. The City Engineer is requiring more details specific to storm water management. Impacts on wetlands are determined by the State of Oregon

and DSL has been notified and responded. It is the owner/developer responsibility to comply with State law, requirements, and regulations.

According to the City Engineer and in regards to the water system, it may be necessary to upsize new and existing water lines in order to meet the maximum day and fire flow demands and requires an hydraulic analysis to make the determination.

Turner Road (3rd Street) is under the jurisdiction of Marion County Public Works Department. County staff required the submittal of a Traffic Impact Analysis (TIA) that has been under review and discussion for several months. (A copy of the TIA is available for review upon request at City Hall, City of Turner. A summary of the TIA prepared by Marion Public Works Department staff was entered into the record at the public hearing conducted July 21, 2009— Attachment L.) The level and timing of development determines the level of needed improvements to serve each phase. Elimination or lessening any potential adverse impacts involves review for construction of streets to accommodate the number of generated trips and providing for all modes of travel—vehicle, bicycle, and pedestrian. Each phase of the development is required to be constructed and services provided that function/operate on a “stand alone” basis. Construction standards are based upon the requirements for transportation facilities in compliance with the designated street functional classification. Conditions of approval can be applied to address any impacts the development will have on transportation services. (Also see responses to the criterion applicable to the subdivision.)

The preliminary plan indicates the reservation of land for a public park—an addition to the City’s public facilities. Although the park will not have access to the lake, it does allow reservation of open space in an area close to the entrance to the City at the north end of Turner.

Criterion 6. The amendment will not have an adverse impact on transportation.

Applicant Response: See Exhibit 4, page 20.

Staff Response: Additional review of transportation facilities occurs through the subdivision process. Local streets are required to meet City standards and to be reviewed and approved by the City Engineer. See Attachment F.

Criterion 7. The amendment will not have an adverse impact on economy of the area.

Applicant Response: See Exhibit 4, pages 20 and 21.

Staff Response: In addition to the applicant’s findings, the development also proposes sometime in the future to add commercial components. The legend on the preliminary plat indicates up to 60,000 square feet in commercial/office uses. Currently, the designation/zone district proposed to be applied to that area (Multiple Family/R-11) does not allow large scale commercial/office elements. Allowing businesses/services within this portion of the community requires the processing of an additional land use application and conducting public hearings before non-residential uses may occur. Further assessment of the impact on the economy can occur at that

time. Providing additional housing within the community does support the economy by creating an increase in the number of local residents needing commodities and services.

Criterion 8. The amendment is consistent with the intent of the Statewide Planning Goals.

Applicant Response: See Exhibit 4, pages 21 through 25.

Staff Response: Goals 3 (Agricultural Lands), 4 (Forest Lands), and 8 (Recreational Needs) were determined not applicable to the application. However, the original proposal included a conditional use application to allow a public park on the west side of the property. (In August 2009, the Planning Commission approved the conditional use contingent upon the property being redesignated/rezoned to residential.) Goals 15 through 19 address the Willamette River Greenway and ocean/coastal issues that are not applicable to this application.

Staff concurs with most of the applicant's findings regarding the Statewide Planning Goals. It should be noted, however, that the Department of State Lands and the Oregon Department of Fish and Wildlife raised issues regarding the wetlands and fish and wildlife habitats (Goal 5). The applicant/owner/developer is responsible for complying with any DSL and ODF&W requirements. Also see the City's Comprehensive Plan, Section 9.200 and more specifically Sections 9.270 and 9.290, Policies and Recommendations, Fish and Wildlife Resources.

A portion of the property is located within a Hillside Development Overlay (Goal 7). Development within a potential hazard area is being reviewed according to the City's provisions for the Hillside Development Overlay District. Housing is proposed for development on the site and the underlying proposed designation of the Comprehensive Plan support that use. Also see the letter from the Oregon Department of Fish and Wildlife dated July 17, 2009.

Marion County Public Works Department had additional comments regarding the transportation facilities (Goal 12) and the Department's letters were entered into the record.

B. SUBDIVISION

According to the Turner Land Use Code, Section 2.328, a subdivision tentative plan may be approved by the City Council. (Because the subdivision serves as the adoption of a redevelopment plan related to a Comprehensive Plan and Zone map amendment, the preliminary plat is reviewed by the Planning Commission. The Commission makes a recommendation to City Council.) Approval is based upon compliance with submittal requirements and the following criteria.

Submittal requirements are as indicated in Sections 2.321, 2.322, 2.323, 3.324, 2.325, 2.326, and 2.327 (optional).

In summary, copies of tentative plan materials for use with the public hearing were submitted to the City on June 26, 2009. The size requirement for the tentative plan changed based upon trying to provide more readable copies. The project is referred to as the Turner Lake Redevelopment on the subdivision preliminary plat and lot numbers are added with some lots

identified separately within several different phases. North arrow and scale are indicated on the maps and drawings. An assessor's map page is noted on the preliminary plat and the size of the subject property compares with the Assessor's records. A legend provides the size of the proposed phases. A submittal date was added by the City. The property owner is identified, as well, as the engineering firm and surveyor. Proposed street widths are noted and no easements are indicated on the plat. A utility plan was submitted to the City with additional details provided to the City's engineer for review including connection to public systems. Contours and elevations appear on the grading plan including some storm water drainage information. The preliminary plat includes the adjacent zone district and uses. At this time there are no plans to further divide larger parcels. If further division occurs, the applicant/owner/developer is required to submit for review and receive approval for additional land division under a separate land use application.

Phasing is indicated but presented using phase names versus numbering the separate areas. A time schedule was not specifically presented. However, the applicant understands that the TLUDC, Section 2.330, indicates that "within one year of the Tentative Plan, the land divider shall begin construction of any required public improvements. Following acceptance by the City of any public improvements the land divider shall cause the land division or any part thereof to be surveyed and a plat prepared in conformance with the Tentative Plan as approved. If the land divider wishes to proceed with the land division public improvements after the expiration of the one-year period following approval of the Tentative Plan, the owner/applicant must resubmit the Tentative Plan and make any revision necessary to comply with changed conditions."

City Council determined that the final phase be completed within fifteen (15) years of the City Council decision. Development during that time frame would need to comply with any changes over time related to development standards (such as infrastructure requirements) that are either the result of a State or federal law or changes based upon health and life safety issues.

Criterion 1. Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

Applicant Response: See Exhibit 4, page 7.

Staff Response: According to the Marion County Assessor's records the property totals 169.02 acres. The preliminary plan indicates an equivalent development area. (Noted on the northeast corner of the plat are "future lots" that are not part of this development proposal. The adjacent area although under the same ownership as the applicant is not within City limits but within an area referred as the Urban Growth Boundary notification area.)

Because of the extended time period for development's completion, the following is provided to indicate the connection for phasing.

Lot size and dimensions. A preliminary review using the "scale as presented" indicates that the lots appear to meet the minimum dimensions. Lot size is indicated on the preliminary plat. All lots appear to comply with City requirements and compliance is verified at the time of final plat. Dimensions and sizes by zone are as follows: R-1 -- minimum 11,000 square feet and a lot width

of 70 feet; R-2 -- minimum 7,500 square feet and a lot width of 60 feet; and R-11 -- minimum of 15 units per acre, 5,000 square feet, and a lot width of 50 feet

Lot width is calculated as the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. Verification may be required prior to final plat for lots fronting the cul-de-sac or the modified cul-de-sac.

Block size. The LUDC Section 5.131(2) indicates that “a block shall have sufficient depth to provide for two tiers of building sites. Unless topography, development obstructions, or the location of adjoining street justifies the exception, block sizes shall not exceed 400 feet unless alternative pedestrian and bicycle access ways are provided.

A letter from the applicant’s representative, dated June 5, 2009, indicates that “the proposed development is unique in the city as it is based on the redevelopment of the aggregate resource site into a productive urban neighborhood. The excavation lake is a special and unique topographic feature of the property, and in the city. The lake makes the property and the proposed development unlike any other in the city. The intent of the development is to border the lake frontage with residential lots, and to provide the lots that accomplish this purpose several of the blocks in the development exceed 400 feet. The unique topographic condition, and development opportunity, presented by the lake justifies an exception to the 400 foot block size.”

The applicant’s letter responded to the need for the exception. The preliminary plat indicates that although the block length is greater than 400 feet mainly on the eastern portion of the development, street circulation within the development continues to allow for connections to other properties within the development and to streets connecting to other locations within the community. A pedestrian/bicycle path through the Middle Residential phase may be difficult to construct due to topography. However, pedestrian connections can be further assessed at the time phases are developed and also in relationship to any connecting development.

It is likely that at least some phases of the development will be designed with private requirements for development. The City needs to review any Conditions, Covenants, and Restrictions (C C and R’s) for language to assure that none of the City regulations and/or standards are violated. The City’s Attorney shall be the reviewing agent.

A letter submitted to the City questioned redesignating the northwest portion of the property to a multiple family zone. The applicant has been clear about the intentions of creating this area with some commercial uses. Even though such uses are not permitted, this criterion requires consideration of the entire area and “measuring” if it can meet City provisions. Because the area is proposed to eventually become a “mixed use” area, applying the most intense residential designation/zone appears appropriate. The City’s Code only allows for development with the uses allowed within the zone district. No other actions may occur unless the City first amends its Code or takes some type of action under a separate public hearing. Development of the North Townhouses and North Mixed Use require additional land use applications, at least under a site development review.

A portion of the southeast area of the property is within the Hillside Development overlay. Review of the requirements are provided in Section V. C.

Criterion 2. The proposed development and all adjoining land can be developed in accordance with this Code and City Ordinances.

Applicant Response: See Exhibit 4, pages 7 and 8.

Staff Response: Also see "Staff Response" to Criterion 1 above.

Access. The applicant response addressed property to the north, south, and east. There is also an intervening property on the west side of the subject property and surrounded by Tax Lot 100. Access to Tax Lot 100 needs to be provided with approval from Marion County Public Works Department in regards to separation from the existing access to Tax Lot 200 (under separate ownership). Approval of access to Turner Road also needs to take into consideration access to properties on the west side of Turner Road. A portion of the area is outside the UGB (northern end) and the other portion is within the UGB areas designated General Industrial (M-1). Offsetting driveways/access between the development and existing driveways connecting to Turner Road should be avoided.

Through lots. Although the property to the south is already developed, extending Holly Street further eastward creates double frontage lots (defined by the City's Code as "through properties") for those houses fronting on Holly Loop. According to the Code, 5.132 (f), such lots are to be avoided except where essential to the intended use.

The applicant responded to this issue in a letter to the City presented by Mr. Tross dated June 5, 2009. "The proposed development does not create through lots or parcels. At the south end of the project Holly Street will extend east from Turner Road, south of the lake. The street is located to allow a row of single-family lots to be situated between the north side of Holly St. and the lake shore. As the purpose of the project is to create a residential community bordering and based on the lake, these lots are essential to the intended use. Therefore it is necessary to locate these lots between the lake shore and the street. The location places it to the north of the existing single-family lots that front on Holly Loop SE. Those lots will not have access to Holly St., and therefore will not be through lots. If necessary a 5' wide landscaped strip, to be owned by the Homeowners Association, can be provided between the south side of Holly St. and the north line of those lots, which will separate them from the street frontage, further avoiding any appearance of through lots."

Staff recommends the creation of the landscape strip on the south side of the Holly Street extension for the distance the extension borders properties that front on Holly Loop and have the potential of being determined "through lots." The landscape strip prevents the interpretation of double frontage lots and prevents any physical connections to properties on the south side of the Holly Street extension.

Development within the R-11 zone district. According the Comprehensive Plan, the City allows in the R-11 District, multiple family development that equates to 15 units per acre. If the number

of units per acre is in excess of the 15 units per acre, the applicant/owner/developer is required to apply for and receive approval of a conditional use permit to allow for higher densities.

Mailboxes. Installation of joint mail boxes is required for all residential development (TLUDC, Section 5.123 (17)). The Post Office having jurisdiction shall determine the types of boxes required to be placed adjacent roadway curbs with the applicant/owner/developer being responsible for the cost of the installation.

Private docks. The applicant proposes the availability of private docks to serve the development. Creating an amenity that allows full access to the lake raises safety concerns. City of Turner Police Department and Turner Fire Department need additional training and equipment to provide water rescue. Following approval of a final plat and prior to filing for building permit, the owner/applicant shall have completed coordination with emergency services to provide the needed certification and rescue apparatus. A dollar amount not to exceed 50 thousand was established to cover the costs.

Development within the Hillside Overlay is addressed in Section V. C.

Criterion 3. The proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system.

Applicant Response: See Exhibit 4, Page 8.

Staff Response: A traffic impact analysis has been under review by Marion County Public Works Department. The County is the governing body that determines in cooperation with the City the location and requirements for access to Turner Road (3rd Street), access to the property at Ahrens Road (indicated as multi-family and mixed use), access to proposed condo/apartments development, and the location and standards for the intersection with Holly Street.

According to a letter from Marion County (dated July 13, 2009), the TIA estimates “that the development will generate 6,350 daily trips at build-out, which will have a significant impact on the area transportation system. . . The TIA also indicates that the installation of an all-way stop control (AWSC) at the Delaney Road/N 3rd Street intersection in 2018 will maintain an acceptable level of service and volume/capacity ratio. Additional mitigations at this location such as a signal or roundabout, will be required in 2028, although not all signal warrants would be met.” The County on two occasions (letters in July and September 2009) requested conditions of approval to address this matter including the owner/applicant/developer contributing toward the cost of the needed improvements. Although the Planning Commission did not recommend application of the fee, the Council concurred with Marion County Public Works Department staff’s assessment. (City Staff noted that at a time that the City reviewed its Transportation System Development Charges (TSDC), an adopted TSDC fee could be applied to the development and replace the fee amount calculated by Marion County Public Works Department.)

The street plan allows access to Turner Road and local streets on the east side of the development and circulation within the eastern part of the development. The intersection proposed with Acorn Street is under the review authority of the City of Turner. Location of the intersection is being coordinated with a proposed subdivision on the east side of Acorn Street.

The eastward extension of Holly Street and the street serving to connect numerous residential units to Turner Road has the potential to impact the existing homes on Holly Loop E. As noted in Subdivision, Criterion I, the developer proposes to buffer existing dwellings with a landscape strip to be maintained by the Homeowner's Association. The area of land under private ownership prevents access to the street and allows a buffering streetscape.

Although the lots within the South Townhouse phase abut a public street, access occurs through use of a private drive located on the east side of the lots. West Condos/Apartments phase abuts Turner Road (3rd Street) but internal circulation is via a private drive that loops through the proposed development. Having the two access points is beneficial not only for property owner/tenant access but also for public safety purposes.

There is a partial cul-de-sac within the South Residential phase and a cul-de-sac at the North Residential phase. In consideration of the Transportation Planning Rule, the cul-de-sac at the north end needs consideration of a pedestrian route to Ahrens Road. An alternative is to provide a pedestrian route from the cul-de-sac to the paralleling north to south street that connects to Ahrens Road.

At time of construction buildings/dwellings and installation of landscaping, all development shall comply with vision clearance requirements.

For streets that "dead-end" at the east side of the development or those that are created in any phased development, install a turn-around per the TLUDC, Section 5.123-5., and according to City Engineer and Turner Fire District approval. Dead-end street shall provide a reserve strip a minimum of one (1) foot in width and be recorded on the final phase for each applicable phase. City Council action shall be taken to release the reserve street and to allow connection to and extension of public right-of-way.

Comments presented at the public hearing conducted July 21, 2009, indicate the need to address pedestrian paths at the time improvements are provided to Val View Drive. Planning Commissioners determined at the August 2009 that improvements to Acorn Drive should also provide sidewalks. The City Council determined that in order to comply with the State Transportation Planning Rule, installing sidewalks on Val View Drive and Acorn Street is required.

The owner/applicant developer is required to meet all transportation facility improvements including street construction (arterial, local, and cul-de-sacs); installation of sidewalks and bicycle facilities; installation of traffic control devices, installation of street name signs, installation of street lighting, and any accompanying storm water drainage facilities.

According to the TLUDC, Section 5.129, all utilities shall be installed underground.

A July 2009 memo from the Marion County Public Works Department requested that the City obligate the development to provide funding for transportation facility improvements for Delaney Road and Battle Creek Road SE. The Council determined that fees are not sufficiently applicable to the proposed development. The City Administrator provided further justification for this recommendation at the public hearing July 21st.

Criterion 4. The proposed utility connections are available, adequate and provide the most efficient and convenient connections to the existing utility systems and the proposed utilities can be extended in the future to accommodate future growth beyond the proposed land division.

Applicant Response: See Exhibit 4, pages 8 and 9.

Staff Response: See staff response to V. A. (Comprehensive Plan and Zone Map Amendment), Criterion 5.

Criterion 5. Special site features have been considered and utilized.

Applicant Response: See Exhibit 4, pages 9 and 10.

Staff Response: The applicant's statement covered the lake and its affect on the development. Another feature in the south-eastern part of the development is in an area with steeper topography and the existence of larger trees. According to information on the preliminary plat, larger lots were configured to allow development on an individual basis. Grading and tree removal will occur only as needed to allow for access, housing siting, or the installation of private/public utilities. Larger lots provide for open space and help to better preserve and protect the natural features. Lot coverage within an R-1 zone district is restricted to 50 percent. Development of the Hillside protection area also needs consideration in relationship to the letter provided by the Department of Fish and Wildlife and indicated in a letter dated July 17, 2009, that was adopted as a condition of approval by the City Council.

See review of the Hillside Development Overlay in the Staff Report, Section V. C.

Additional consideration needs to be given to providing neighborhood recreational opportunities. Prior to final plat of the eastern half of the development, provide information regarding the enhancement of natural features for use by the occupants within the residential development.

Criterion 6. Drainageways are protected and required drainage facilities are provided in conformance with State erosion control regulations.

Applicant Response: See Exhibit 4, page 10.

Staff Response: The utility plan provides some preliminary information regarding drainage facilities. A grading plan was also provided. According to a memo from the City Engineer the City needs additional information to better determine compliance with local and state

regulations. Prior to site work, the applicant is required to apply for and receive approval from the Department of Environmental Quality (DEQ) of an NPDES (discharge) permit. Several citizens at the public hearing on July 21, 2009, also indicated the need to address areas experiencing historically drainage and flooding problems during storm events.

Criterion 7. The extent of possible emission or nuisance characteristics are compatible with the land use zoning district, adjacent properties and the applicable standards of all regulatory agencies having jurisdiction.

Applicant Response: See Exhibit 4, page 10.

Staff Response: Development activities are regulated by a City ordinance that addresses hours of construction and noise levels. Resulting residential development will be compatible with property within City limits to the south and east that are also under residential zoning and uses.

The applicant/owner is working with DOGAMI toward complying with the reclamation requirements after ending the gravel mining operation. DOGAMI's release and/or approval is required prior to commencing any development activities related to the applicants' submittal—Turner Lake Redevelopment.

Within the Hillside Development Overlay District of the area, tree removal is presented as being limited to what is necessary to construct and extend public streets, install private and public utilities, provide access to individual lots (including combined driveways), and allow for building pads on the subject property. Additional protection measures are required by the City Council according to recommendations from the Oregon Department of Fish and Wildlife.

As required, the City of Turner notified the Department of State Lands regarding the potential development. In a response received June 18, 2009, and in regards to State Permit No. RF-10293, the agency commented as follows:

“It appears based upon the submitted site plan the proposed development (North Residential Area) will impact the hydrology source for the mitigation area known as the Mitigation Annex.” The agency requested contact to resolve the issue. Prior to development of the specified residential area, the owner/applicant/developer is responsible to complying with State regulations regarding any potential adverse impacts on the jurisdictional wetland.

Criterion 8. Potential adverse impacts have been mitigated to the maximum extent possible.

Applicant Response: See Exhibit 4, pages 10 and 11.

Staff Response: Public facilities are being planned to accommodate the level of development as they occur within the different phases and are being required to operate independently. Provisions are being made for residents on Holly Loop to buffer with a landscape strip and a no-parking zone any impacts that may occur due to the Holly Street extension.

See response to Subdivision, Criterion 7, above, regarding wetlands.

See following review of the Hillside Development Overlay (Section V.C.)

C. HILLSIDE DEVELOPMENT (areas before grading of 15 percent or more)

Procedure for approval is according to TLUDC Sections 2.300 (Subdivision) and 2.400 (Site Design Review). The subdivision criteria are addressed earlier in this staff report.

The TLUDC, Section 2.400(2) Site Design Review Criteria indicates that after examination of the Site and prior to approval, the Planning Commission must make the following findings:

- (a) The proposed development complies with the City's Comprehensive Plan.
- (b) That the applicable provisions of the city codes and ordinances are complied with.
- (c) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-way are protected.
- (d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact adjacent properties.
- (e) That adequate water, sewage disposal system and utilities for the proposed uses are available.
- (f) That drainage-ways are protected and drainage facilities are provided.
- (g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdictions.
- (h) That the characteristics of the proposed development are compatible with the land use zone, the surrounding area and protected impacts have been mitigated to the maximum extent possible.

Applicant Response: In a letter submitted by the applicant's representative received June 25, 2009, Section 4.230, the Hillside Development Overlay District (HD) "provides standards that apply to the development of hillside land within the city. The intent of the standards is to alleviate harmful and damaging effects of on-site erosion, sedimentation, runoff and accumulation of debris on adjacent downhill properties and to regulate the effects of excavation and grading on hillsides.

As described in part (1) Scope, this Section applies to hill areas that have a slope before grading of 15% or more, as indicated in the Turner Comprehensive Plan.

As shown on the Comprehensive Plan an area in the southeast part of the Turner Lake property is indicated as subject to the Hillside development standards. As determined by the Project Engineer, this area consists of about 16 acres. The topography of this area is shown by the contours on the grading plan that has been provided as part of the application. Provision of the grading plan is consistent with part (1)(c)(1). In addition, a utility plan has been provided, which

provides information described in (1)(c)(3); the subdivision plan provides an overall master plan for the entire site as suggested in (1)(c)(4), and information has been provided regarding drainage ways and soils, as included in (1)(c)(5). As shown on the subdivision plan the lot sizes proposed for the slope area are significantly larger than on the flatter parts of the property, resulting in decreased density on the slopes and therefore decreasing the need for grading, which is consistent with part (2)(c) and (d). The larger lot sizes, and consequent decrease in density, conforms to the intent of part (4) by placing fewer homes on the hillside; and with part (5)(a), by providing the least feasible amounts of coverage in this part of the project, which will also reduce the amount of soil and site disturbance that may occur due to grading or excavation.

Of particular significance, with regards to (5)(b) 6. which requires that conflicts with existing or potential mineral and aggregate extraction operations be avoided, the purpose of this project is the redevelopment of a completed mineral and aggregate extraction operation. The project will enhance the former extraction site by placing it productive use in keeping with expectations and standards of the urban area. The proposal represents the fulfillment of requirements placed on the approval of the site for aggregate extraction.

With regards to part (11), the area that is subject to the Hillside Development Overlay District is an integral part of the overall redevelopment plan for the Turner Lake Property. It is not a separate, 'stand alone' development. Open space is provided as part of the development plan for the project as a whole, and in greater amounts than is typical due to the lake. The requirement of this section is intended to assure that open space is provided within an individual subdivision that is located on a hillside. In this case, the hillside is a small part of the comprehensive redevelopment plan and the intent for open space to be provided is fulfilled within the development.”

Staff Response: Requirements for development within the Hillside Development (HD) Overlay allow for review under the subdivision and site plan review process. The submittal requirements are also similar. According to Section 4.230 (1) (c) 4., “an overall master plan for the site including placement of structures on the site in accordance with this Code” and “solar orientation” are an additional requirement. An applicant representative indicated that the siting and orientation of single-family structures is owner/builder dependent and is determined at the time of building permit.

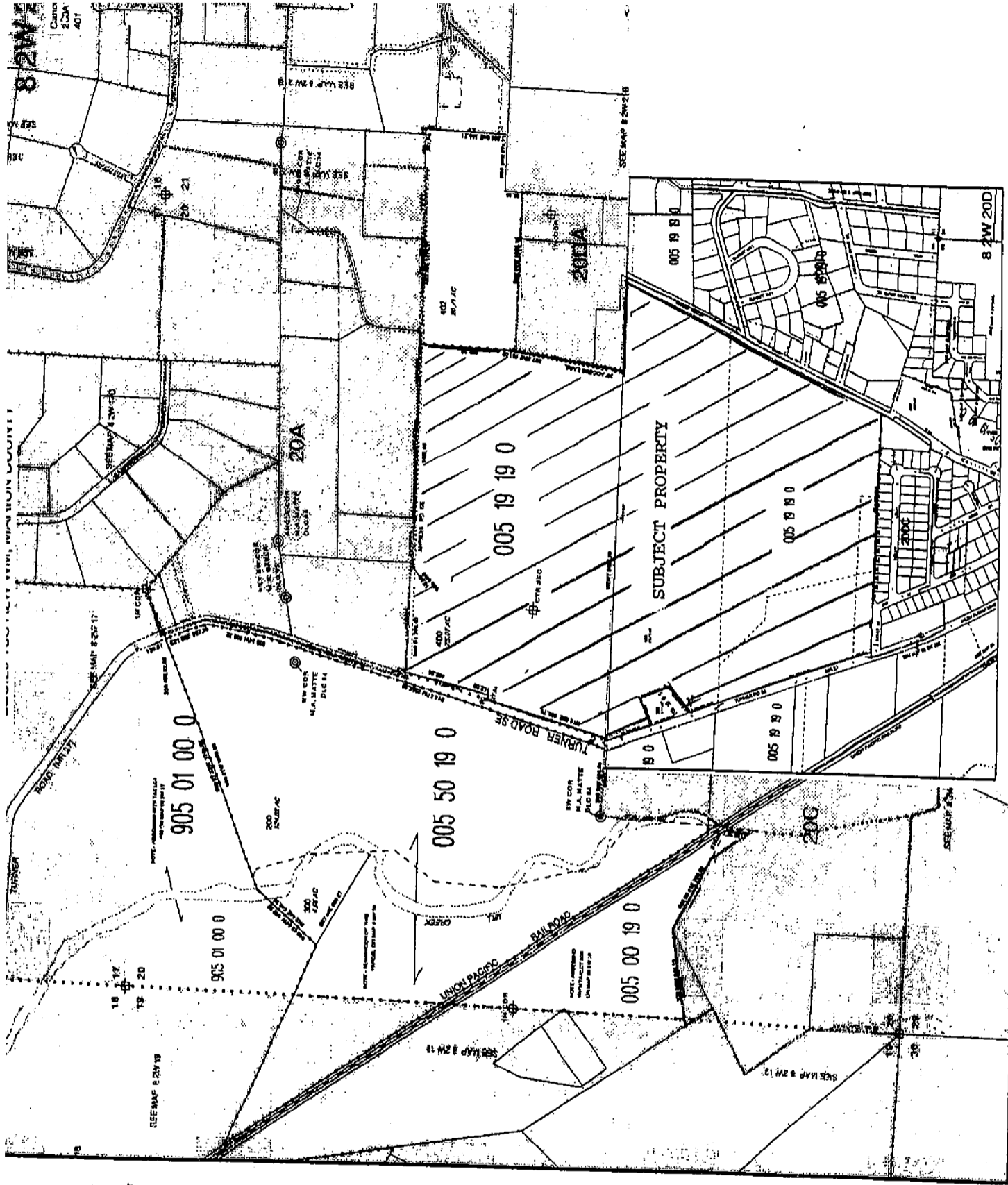
The purpose of this section of the code is to encourage clustering of dwellings, preserving open space and the scenic and environmental values of the natural terrain, decrease housing density, regulate potentially destructive grading, and to lessen impacts that can be created by the installation of infrastructure. The tentative plan indicates larger lots within this area ranging from 14,442 to 31,686 square feet in size. Holly Street extension eastward and northward appears to parallel as much as possible the “toe of the slope.” A street connection eastward appears to avoid the steepest terrain. (Please note that the alignment may be somewhat altered due to wetlands.)

During one of the pre-application meetings, an owner representative indicated the plans to minimize as much as possible intrusion into and limit activities that disturb the sloped areas. Using access easements and installing combined driveways also helps to lessen impacts on the

slopes. Section 4.230 (5) (c), references the Oregon Structural Specialty Code and Turner Ordinance 01-100, Excavation and Grading Building Code, Turner Revised Code 8.02, are applicable to the application. Development of the area is also under review by the Oregon Department of Fish and Wildlife.

In regards to the site design review criteria, findings were provided in regards to Comprehensive goals and policies and City ordinances and regulations applicable to development as currently proposed and will be further reviewed as construction begins (public facilities and dwelling units). A TIA was presented to assess transportation needs. Street signs and street lighting will be installed as required according to City Public Works standards. Public utilities including provision for storm water drainage, are also required to meet City standards and shall be installed to meet the needs specific to each phase of the development sufficient to allow its operation independent of future phases.

The City regulates the hours of construction through an adopted noise ordinance to help lessen impacts on adjacent properties to the south and east which are residentially zoned. A planted boulevard will be provided to buffer the properties to the south adjacent the extension of Holly Street. For safety purposes, street construction for phases shall provide through routes to connecting streets unless otherwise approved by the Turner Fire District and including the installing of a turn-around sufficient to accommodate emergency vehicles. Allowing for alternate routes within the development also helps to lessen impacts on existing development within the vicinity of the subject property.



LINE TYPES

TAX LOT BOUNDARY OLD PROPERTY LINE

MADE RIGHT-OF-WAY VACATED RIGHT-OF-WAY

RAILROAD RAILROAD RIGHT-OF-WAY

STREAM, LAKE, ETC. TAX LOT BOUNDARY STREAM, LAKE, ETC. NON-BOUNDARY

DIAMETER BOUNDARY PARTITION PLAT INT.

TAX CORNER BOUNDARY EASEMENT

SYMBOL TYPES

D.L.C.

CONTROL POINTS

SURVEY MONUMENTS

C.L.A. CORNERS

SECTION 1/4 SEC. 1/8 SEC. 1/16 SEC.

NUMBERS

TAX CORNER NO.

000 00 00 0

ADDRESS - ALL ADDRESSES EXCEPT ANY PORTION THAT MAY BE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TAX MARKS - WHEN A TAX MARK IS INDICATED BY THE EXTENSION OF A LINE FROM THE BOUNDARY LINE TO THE TAX MARK, ESPECIALLY THIS IS USED WHEN BOUNDARIES GO INTO PUBLIC RIGHT OF WAY.

POINTS ARE USED WITH DIMENSIONS IN AREAS OF CREATOR COMPLEXITY.

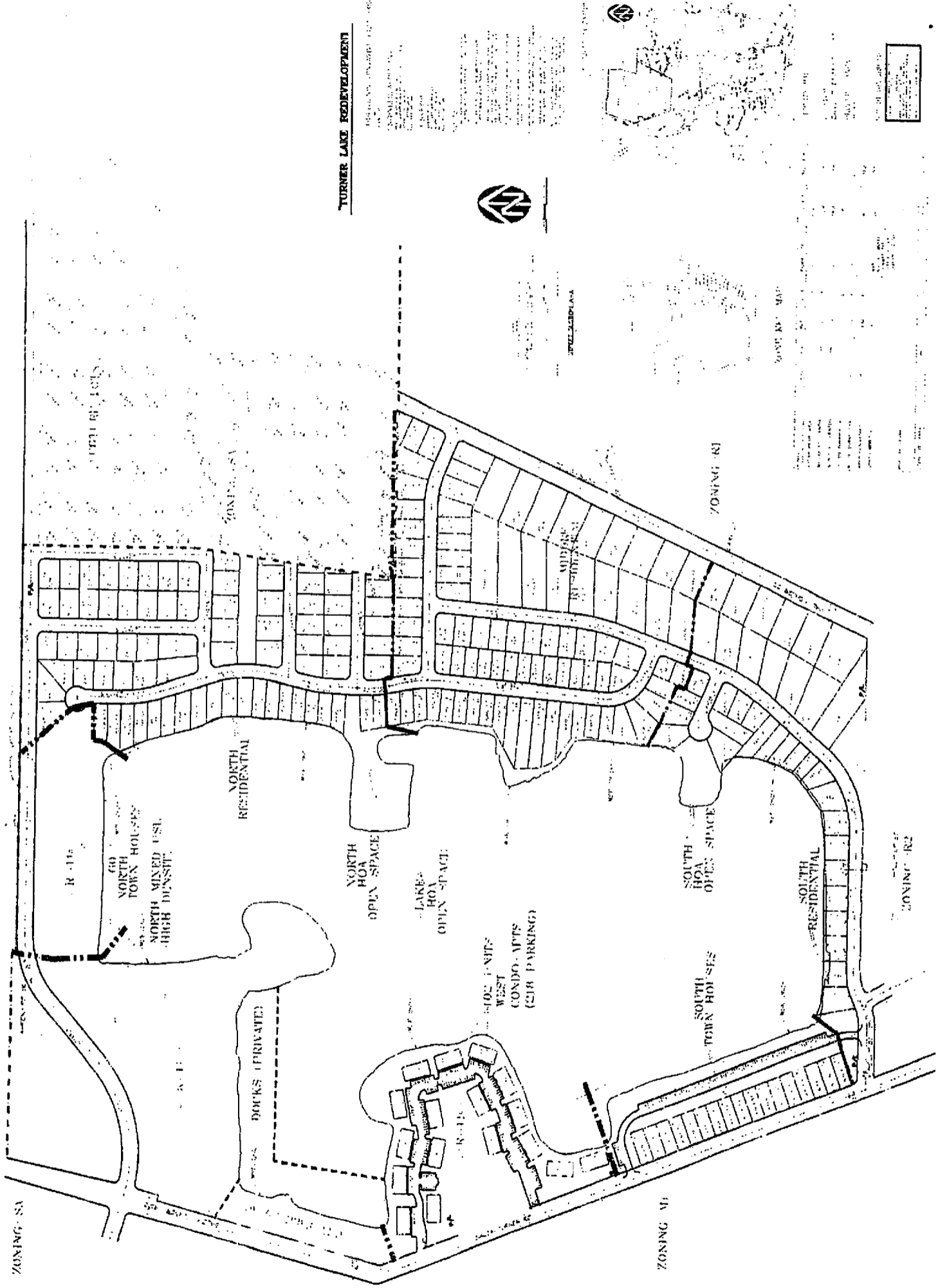
NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 400'

Plot file created: June 22, 2006

EXHIBIT 1
Property Location



TURNER LAKE REDEVELOPMENT

PROJECT NUMBER: 1234-00
 DATE: 12/15/2023
 DRAWN BY: J. SMITH
 CHECKED BY: A. JONES
 APPROVED BY: M. BROWN

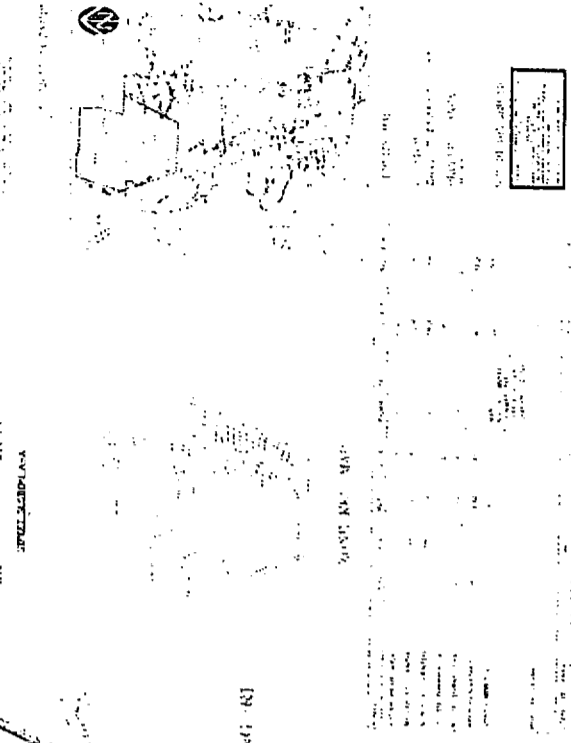
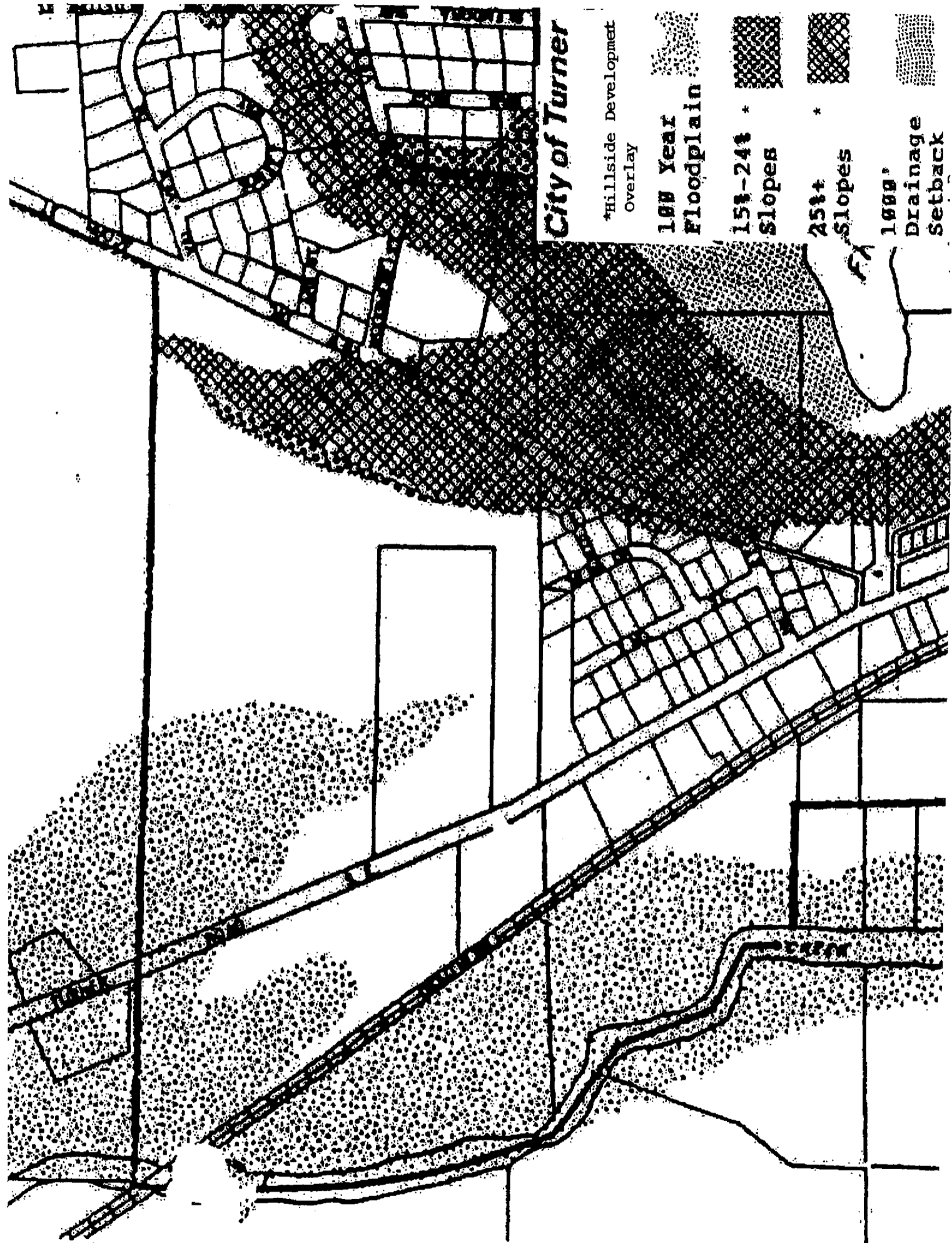


EXHIBIT 2 - Preliminary Plat



City of Turner

- *Hillside Development Overlay
- 100 Year Floodplain
- 15ft - 24ft Slopes
- 25ft+ Slopes
- 1000' Drainage Setback

EXHIBIT 3 - Hillside Development



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

April 9, 2009

Jeffrey R. Tross Planning Consultant
1720 Liberty Street SE
Salem, OR 97302

RE: Riverbend Sand & Gravel
Turner Pit Utility Report
JO 1854.6001.0

Dear Jeff:

As requested, our office has analyzed the Riverbend Sand and Gravel, Turner Pit site to be redeveloped as a subdivision. In completing our analysis, we prepared an overall utility plan that shows proposed sanitary sewer, water and storm drain facilities. A copy of our overall utility plan is attached for your reference.

Currently the gravel pit is in the last stages of State required reclamation work. Our office is assisting Riverbend Sand and Gravel to insure that final reclamation is compatible with the proposed subdivision and provides for an efficient street and utility system. The remainder of this letter is broken down into sections for each utility (sewer, water and storm drain) with a summary.

Sanitary Sewer

Currently, the site is served by an existing 8-inch sanitary sewer stub located at the intersection of Holly Street and Turner Road. The invert of this sanitary sewer is approximately 258 feet. Conventional gravity sewer can be provided to the entire site except the far northwest corner of the property. The gravity sanitary sewer will be 8-inch diameter PVC with 4-inch service laterals serving each individual lot. All sewer improvements will be constructed to City of Turner and City of Salem Standards.

The sanitary sewer services serving Lots 139 through 153 (i.e., lots fronting Val View SE) will be via private easements through the lots to the west to the public sewer located in the new street west of the lots.

The gravity sanitary sewer will be designed to be extended to the east to serve future development. The existing grade is not deep enough to continue the gravity sewer to serve properties to the north.

April 9, 2009
Mr. Jeff Tross
Page 2

The property at the northwest corner can not be served by gravity sewer. A new pump station is proposed to serve this area. If this area develops under a single ownership, the pump station will be designed, built, operated and maintained as a private pump station. If multiple ownerships develop the area, the pump station will be public. The pump station can pump back to the City's gravity system at Holly Street or into the existing force main to the City of Salem at the City of Turner's direction.

Water

The property is currently served by two water zones. The majority of the property is served by the Low Service Zone (Elevation 250' – 350'). A portion of the property along Val View Drive is served by the Intermediate Service Zone (Elevation 350' – 510').

The proposed development will loop an 8-inch water main (Low Service Zone) around the entire site with internal loops as appropriate within the development. Fire hydrants will be placed at no more than 500' intervals for fire protection.

The lots that front Val View Drive will be served by the existing Intermediate Zone water main. The Intermediate and Low Service Zones will be connected through the development with a closed valve at the line that separates the two zones.

Each individual lot will be served with its own water meter. All water systems will be designed and constructed in accordance with City Standards.

Storm Drain

Existing storm drain patterns are generally west, northwesterly. In order to maintain that water quality in the lake, the development does not intend to drain any storm water directly into the lake. All storm water will be drained generally from the southeast corner of the property to the northwest corner of the property.

The south end of the property is intended to drain westerly to Turner Road and then northerly to the northwest corner of the property. The easterly portion of the property will drain northerly to Ahrens Road and then westerly to the northwest corner of the property.

Storm drainage will be stubbed easterly to Val View Drive SE to drain storm water from properties to the east.

Storm water detention will be provided in accordance with City Standards. All storm water systems will be designed and constructed in accordance with City Standards.

April 9, 2009
Mr. Jeff Tross
Page 3

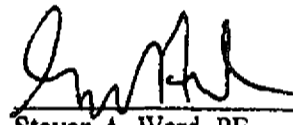
Conclusion

Adequate sewer, water and storm drain systems exist to serve the property. All utilities will be designed and constructed in accordance with City Standards. Utilities will be stubbed as appropriate for services to adjacent properties.

Please call if you have any questions or need further information regarding this matter.

Sincerely

WESTECH ENGINEERING, INC.



Steven A. Ward, PE

Enclosure

cc: Jay Compton

Tross Consulting, Inc. Jeffrey R. Tross Land Planning and Development Consultant
1720 Liberty St. S.E., Salem, Oregon 97302
Phone and fax (503) 370-8704 email jeffross@msn.com

**APPLICANT'S STATEMENT FOR J.C. COMPTON CO. -
REDEVELOPMENT PROPOSAL FOR THE
TURNER LAKE RESOURCE SITE**

EXHIBIT 4.
Applicant Statement
Engineer Statement

BACKGROUND

In March, 1995, the City of Turner adopted Ordinance 95-104, amending the City's Comprehensive Plan and implementing measures to designate 170 acres at the north end of the city as a significant resource site, and granting approval to Riverbend Sand and Gravel Co. for extraction of aggregate (sand and gravel) from the property. The property is identified on current Marion County Assessor's maps as Tax Lot 400 on map 8S-2W-20, and Tax Lot 100 on map 8S-2W-20D. Exhibit B of the Ordinance included specific implementation measures and conditions of approval for the resource site. One of the implementation measures, 1.j., specified the requirement for a Redevelopment Plan for the site, and reads as follows:

j. A Redevelopment Plan acceptable to the City shall be submitted to the City and included in the Record File that presents in map and narrative form the intent of the Owner/Operator to redevelop the Resource Site as a lake surrounded by residential, commercial, industrial and/or public uses. The property is presently zoned for all uses except "public use". It is anticipated that realignment and modification of the zoning districts may be necessary prior to implementation of the Redevelopment Plan following termination of the MAR Overlay District. The City shall follow the Amendment Procedures adopted in the Turner Zoning Ordinance for termination of the MAR Overlay district and application of post-mining uses.

In compliance with this condition, prior to beginning extraction activities Riverbend Sand & Gravel Co. submitted for the City's Record File a conceptual plan for redevelopment of the site as a residential and commercial development, surrounding the lake that would result from the mining operation. The conceptual Redevelopment Plan established the general intent to redevelop the site in this manner.

As specified in Implementation Measure 3., the City zone map* was amended to apply the M1 zone district, and the MAR (Mineral & Aggregate Resource) Overlay District to the entire site:

3. The Turner zone map be amended as follows:

a. The zone district to be applied to that portion of the subject property that is currently

- zoned with the Marion County IG-LU zone be changed to M1.*
- b. The MAR overlay district shall be applied to the entire subject property.*
- c. No uses, except mineral and aggregate extraction pursuant to the MAR, shall be allowed in any underlying district until reclamation of the entire site is complete.*

(* The zoning districts are also the City's Comprehensive Plan land use districts; therefore references to "zoning districts" also means Comprehensive Plan land use districts; see Turner Land Use and Development Code Section (TLUDC) 4.030.)

The purpose of the MAR district was to recognize the resource site and permit utilization of the aggregate resource. As stated in condition 1.j., it was anticipated that "realignment and modification" of the zoning districts (in this case M-1) would be needed upon termination of the MAR overlay district, in order to implement the Redevelopment Plan. Since the redevelopment plan established the intent to redevelop the site for residential and commercial uses, this prior recognition that the zoning districts on the site would need to be modified was appropriate.

The MAR district is included as Chapter 4.240 of the City of Turner Land Use and Development Code (TLUDC). The MAR Overlay District includes provisions for amendments to the redevelopment plan, and for the termination and replacement of the MAR district with the zones that will allow the redevelopment plan uses. It was amended in July, 2007, to clarify the provisions for these actions, Ordinance 07-104. These provisions appear in Sections 4.244(2) and (8).

Section 4.244(2) directs that amendments to the (originally) submitted Redevelopment Plan shall be processed under the appropriate provisions of Article 2 - Application Procedures. It also directs that the City shall follow the Amendment Procedures of Section 2.700 for termination of the MAR overlay and application of post mining uses. Section 4.244(8) states that when the site Owner/Operator notifies the City that all mining and reclamation activities are completed, and the City Administrator verifies that all Code requirements have been

fulfilled, the City Council is to delete the MAR district and apply new Primary Districts in conformance with the Redevelopment Plan by amending the TLUDC. (Again, the zoning districts and the Comp Plan land use districts are the same, so the specified amendments accomplish both.)

Mining activity at the resource site ended in January, 2008, and final reclamation activities are in progress. These include removal of equipment, final grading, replacement of topsoil, and seeding. The property owner, JC Compton Co., anticipates that reclamation activities will be completed in late 2009. The Company will notify the City when reclamation is completed, as required.

THE PROPOSAL

As provided for in the MAR district, the redevelopment process includes two interrelated elements. These are amendments to the conceptual Redevelopment Plan, in order to reflect site conditions upon reclamation and the redevelopment opportunity that it provides; and termination of the MAR district and application of new Primary Districts.

I. Amendments to the Redevelopment Plan

The Redevelopment Plan submitted prior to the start of mining operations established the general intent of the owner/operator to redevelop the site for residential and commercial use. By its nature, that early Redevelopment Plan was conceptual. (For example, the conceptual Redevelopment Plan pre-dated the City's sewage treatment plant, which required large lot sizes to accommodate on-site septic systems.) Actual redevelopment of the site requires a detailed plan in order to reflect the final form of the lake, the capacity and capability of the land area that surrounds it, the capacities and availability of the public services that exist at the time of redevelopment, and anticipated near- and long-term market conditions. Many of these factors were not known or available at the time the mining operation began. The Redevelopment Plan that is needed to accomplish actual redevelopment is by necessity much more detailed than the conceptual plan filed prior to the beginning of mining. Therefore, amendments to the conceptual Redevelopment Plan are proposed.

II. Termination of MAR District and apply new Primary Districts

When the City verifies that all mining and reclamation activities are completed, it is to terminate the MAR District (and the M-1 District) and apply the Primary Districts that conform to the uses shown on the Redevelopment Plan. Approval of the amended Redevelopment Plan will establish the zoning districts to be applied upon termination of the MAR district. These will be the R-1: Single-family Residential District, R-2: Single-family Residential District, and R-11: Multiple-family Residential District (zone titles and abbreviations as shown on the "Comp Plan & Zoning Map Legend" on the Turner Comprehensive Plan & Zoning Districts Map). To assist the City in this action, the requirements of Section 2.700 for amendments to the land use map will be addressed in this report following the proposed amendment to the redevelopment plan.

These two process elements are addressed as follows:

I. Amendments to the Redevelopment Plan

Following reclamation, and replacement of the M-1 and MAR districts with the zones that implement the Redevelopment Plan, redevelopment of the site can commence. A detailed, amended Redevelopment Plan has been prepared and is submitted for review and approval by the City. The proposed Redevelopment Plan is a Subdivision, as provided for in Article 2 of the TLUDC.

The Redevelopment Plan shows the lake, the site topography, and the actual form and style of development that is proposed, including the number and size of individual lots, the number and location of increased-density housing types, provision for a mixed-use residential/commercial area, the layout of internal streets, the access points to existing public roads, and proposed public and private open space areas.

The Redevelopment Plan provides for a variety of dwelling types and styles surrounding the lake. These include:

- 210 single-family dwellings on varying lot sizes around the east and south sides of the lake,

in areas identified on the site plan as North, Middle, and South Residential. Lot sizes are generally 5,000 - 6,000 s.f. along the lake frontage, 5,000 - 7,500 to the east of the lake frontage lots, and 15,000 - 31,000 s.f. on the steeper hill slopes in the Middle and South Residential areas;

- 77 town houses, 17 in in the south-west corner identified as South Town Houses and 60 at the north end of the site identified as North Town Houses. Lot size is 6,000 s.f. in the South Town House area; the North area is future development and is not platted.
- A 108-unit complex of condominiums or apartments, at the west-center side of the lake directly north of the South Town Houses; and
- A mixed high-density/retirement care/commercial complex in the northwest corner of the site, identified as North Mixed Use-High Density Multifamily/Commercial. This area is planned for up to 132 dwelling units of various types, and up to approximately 60,000 s.f. of office and retail/service commercial space.

In addition, there are two private open space areas located along the east side of the lake, and space for a public park bordering Turner Road on the west side of the lake. The lake and the private open space areas will be maintained by a Homeowner's Association.

The zone districts needed to implement this plan include R-1, R-2, and R-11. A future amendment to the text of the R-11 zone, or adoption of a new mixed-use zone or similar measure, will be needed in order to implement the proposed Mixed Use area in the northwest corner of the site. The public park proposed for the west side of the site can be included in any R zone as a Conditional Use, subject to the development standards of Section 6.301, and the Conditional Use provisions of Section 2.500.

The number of dwelling units, the acreage, and the zone district(s) required in each development area, are summarized in the table provided on the site plan.

Each of the identified development areas is planned as a development phase that will be complete with regards to streets and utility infrastructure. For example, each development

area has independent access to one of the bordering public roads, Turner Road, Val View Dr., or Ahrens Road. The sequence of development within the project has not been determined, and will depend on factors such as extension of public utilities, and market conditions. As directed by TLUDC 4.244(2), amendments to the previously submitted, conceptual redevelopment plan are to be processed under Article 2 - Application Procedures. The applicable provisions of that Section are addressed as follows:

2.110 Pre-Application Consultation with City Staff

Consultations with City staff about the proposed redevelopment of the site were held on September 19, 2006; July 10 and 27, and September 25, 2007; July 25, 2008, and March 17, 2009. Progressively revised versions of the Redevelopment Plan were presented and discussed at successive meetings. The Redevelopment Plan presented in this application is a result of the discussions at those pre-application meetings.

2.120 Pre-Application Conference with Affected Agencies

In addition to meetings with the City pre-application conferences were held with the Turner Fire District and Marion County Public Works Dept. A joint meeting with the Turner Fire District, Marion County Public Works, and the City (Administrator and Police) was held on October 11, 2007. Another meeting with Marion County Dept. of Public Works regarding roads and traffic for purposes of the TIA was held on February 11, 2008.

2.130 Application Procedures - 2.140 Application Site Plan

The proposed redevelopment of the former aggregate resource site is a subdivision. (The requirements for a subdivision tentative plan are found in sections 2.323-2.327.) A site plan providing the information appropriate for the proposal is submitted as part of the application.

2.320 - 2.327 Subdivision Tentative Plan

The materials and information required by these sections are provided as part of the application. The submitted materials include, among others, the City application form, the

Tentative Plan, this narrative report, a Traffic Impact Analysis (TIA), and a list of property owners within 250 feet of the subject property.

2.328 Subdivision Decision Criteria

(1) Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

All of the land within the subject property is proposed to be developed. The proposed uses for the property are identified on the site plan, and include areas for residential development, mixed residential and commercial development, and open spaces. Since no portion of the subject property is proposed to be left undeveloped, this criterion does not specifically apply, but is nonetheless satisfied.

(2) The proposed development and all adjoining land can be developed in accordance with this Code and City Ordinances.

As demonstrated by the site plan and accompanying written statements the proposed development will meet the requirements and standards of this Code (the TLUDC) and City Ordinances. The Applicant cannot predict or speculate on the intentions of any other adjoining property owner to develop their land in accordance with this Code or other City Ordinances. However, the proposed development will not impair or impede the development of adjoining land. In any case, the land to the south, and to the east across Acorn St. is already developed, and the land to the north, across Ahrens Road, is outside the city and is zoned by Marion County for farm use, not development.

Additional land in the Applicant's ownership is located adjacent on the northeast to the subject property, but that area is outside of the UGB and is not available for development at this time. The ownership area outside of the UGB is shown on the site plan as "Future Lots", and is included on the site plan to show how it could be developed in coordination with the development proposed in this application. The development plan for the "Future Lots" area demonstrates that it can be developed in accordance with this Code and City Ordinances.

Since the adjacent land in the same ownership is shown to be developable in accordance with this Code and City Ordinances, and since the proposed development will not impair the development of any other adjoining land in accordance with this Code and City Ordinances, this criterion is satisfied.

(3) The proposed street plan is in accordance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system.

The proposed street plan includes the proposed internal streets and the existing public streets that border the property. The proposed street plan provides access to all parts of the proposed development. Each single-family lot has frontage on a street, and the multi-family and mixed-use areas will have driveway access to either the internal street system or an existing public street. The internal streets are designed to City standards, and provide multiple points of access to Turner Road, Val View Dr., and Ahrens Road. As a result the development can be entered or exited via any of these public streets. The multiple points of access to the bordering public streets provide for efficient circulation within and around the development by allowing for traffic flow to be distributed in multiple directions. This will help avoid congestion and maintain safety within neighborhoods and at intersections. It also provides for connectivity to other parts of the city. The street plan as proposed also provides for extension to future development on the adjacent land to the northeast.

By meeting City standards, and providing the most economic, safe and efficient circulation of traffic in relation to the existing City street system, the proposed street plan satisfies this criterion.

(4) The proposed utility connections are available, adequate and provide the most efficient and convenient connections to the existing utility systems and the proposed utilities can be extended in the future to accommodate future growth beyond the proposed land division.

A report by Westech Engineering, the Project Engineer, is part of this application and describes how utility connections will be provided to the development. As shown by the

Engineer's report adequate utility connections are or can be made available to serve the proposed development, and the proposed connections are the most efficient and convenient connections to the existing utility systems. In addition, the proposed utilities are designed so that they can be extended to accommodate future growth beyond the subject property, in particular to the land to the northeast. The Engineer's report is summarized as follows:

Sanitary Sewer: The site is currently served by an existing 8-inch sanitary sewer stub located at Holly St. and Turner Road. Conventional gravity sewer can be provided to the entire site except the far northwest corner of the property. A new pump station is proposed to serve that area, to pump back to the City's gravity system at Holly St. or into the existing force main to City of Salem. The gravity sewer will be designed to be extended to the east to serve future development. All sewer improvements will be constructed to City of Turner and City of Salem standards.

Water: The property is currently served by two water zones, the Low Service Zone and the Intermediate Service Zone. In the Low Service Zone the development will loop an 8-inch water main around the entire site with internal loops as appropriate. Fire hydrants will be placed at no more than 500' intervals. Each individual lot will be served with its own water meter. All water systems will be designed and built to in accordance with City Standards.

Storm Drain: Existing storm drain patterns are generally west, northwesterly. To maintain water quality storm water will not drain into the lake. Storm water will be drained generally from the southeast corner to the northwest corner of the property. Storm water detention will be provided in accordance with City Standards. All storm water systems will be designed and built in accordance with City standards.

Based on the Engineer's report the requirements of this criterion are satisfied.

(5) Special site features have been considered and utilized.

This subdivision is proposed as the redevelopment plan for the site of the aggregate resource mining operation. The mining operation resulted in the creation of a lake, as was planned and intended in the approved mining proposal. This is a special feature of this site, that is not

present elsewhere in Turner or commonly available in other urban areas. The lake is utilized as the centerpiece of the proposed development, with the greatest residential density and the public and private open spaces arranged along the lake frontage. The lake shoreline is configured with peninsulas for maximum exposure to the water, and the development plan also provides for boat docks, which will be a unique feature in the city of Turner. As is shown by the site design plan, the special feature of the site has been considered and utilized.

(6) Drainageways are protected and required drainage facilities are provided in conformance with State erosion control regulations.

A natural drainage that passes through the northeast part of the site is protected from development with a special setback. The drainage will enter a culvert across the street from lot 57 and drain into the lake.

(7) The extent of possible emission or nuisance characteristics are compatible with the land use zoning district, adjacent properties and the applicable standards of all regulatory agencies having jurisdiction.

The site will be designated in the R-1, R-2, and R-11 zoning districts. The predominant use of the site will be residential, which is permitted outright in these zoning districts. There are no specific emission or nuisance characteristics associated with residential uses in residential zones. The residential zones are specifically intended to provide for residential activity, so the proposed use is compatible with the purpose of the zones. Adjacent properties in the city to the south and east are also zoned and used for residential purposes, and the residential activity in the proposed development will be similar to those uses. There are no regulatory standards with regards to emission or nuisance characteristics that are known to apply to residential uses. Because the use will be residential in the zones that are intended for that purpose, and there are no specific regulatory standards that apply to this use with regards to emission or nuisance characteristics, this criterion is satisfied.

(8) Potential adverse impacts have been mitigated to the maximum extent possible.

The only potential adverse impact to be identified is from traffic. Projected traffic impacts are

discussed in the Transportation Impact Analysis North Turner Development, January 2009, by Kittelson & Associates. The TIA has determined the potential traffic impacts from the proposed development and recommended mitigation measures. The TIA is included with this application. The TIA has found that the proposed development can occur while maintaining adequate transportation facilities up to the 2018 planning horizon year of the City's transportation plan. The TIA recommends mitigation measures that include consideration to realign the Val View Dr. - Acorn St. intersection, reducing the number of access points onto Val View through shared driveways, designing all internal streets to City standards, maintaining site distance at intersections, and providing adequate pedestrian and bicycle facilities. In addition, under year 2028 total traffic conditions it may be necessary to convert the Delaney Road - 3rd St. intersection from two-way stop control to all-direction stop control, to improve the eastbound left-turn movement during the weekday p.m. peak hour. With the mitigation measures recommended in the TIA the potential for adverse impacts to the transportation system will be mitigated to the maximum extent possible, in satisfaction of this criterion.

Based on the facts presented, the proposal satisfies the decision criteria of Section 2.328 for approval of the Subdivision Tentative Plan.

Conditional Use for the Public Park, Section 2.500

The proposed public park as shown on the west side of the lake is included as a Conditional Use in the residential zones. The Decision Criteria of Section 2.500(2) are addressed as follows:

(a) *That the proposed development complies with the City's Comprehensive Plan.*

The significant aggregate resource that exists within the city is recognized in general in section 9.110 of the Comprehensive Plan. More specifically, the use of the aggregate resource on the subject property in conformance with Statewide Planning Goal 5 is described in section 9.230, and it is also noted in section 9.322, Mining Sector.

Under the Goal 5 process that resulted in approval to mine the aggregate on the site, a reclamation and redevelopment plan was required. The creation of "Lake Turner" as a result of the mining and reclamation operation is described in section 9.250. That section also notes that commercial and public uses are proposed for the west side of the lake adjacent to Turner Road. The proposed public park is consistent with the uses for the site described in the Comprehensive Plan.

In Section 9.290 - Environmental Goals & Policies, Mineral and Aggregate Resources policy 6. states that as part of the decision on an aggregate resource site, the City may consider the appropriate post-mining redevelopment uses applicable for the site. The City did so as part of the Goal 5 decision process on the subject property. The proposed park is part of the post-mining redevelopment plan included in that decision.

Section 9.390 - Population & Economy Goals & Policies, Policies & Recommendations-General, no. 1., states the City shall strive for continual and substantial progress towards improving the quality of life for all area residents including livability and economic prosperity. The creation of a new public park, adjacent to a new water body, represents substantial progress towards improving the quality of life for area residents, as called for by this policy.

Section 9.520 - Land Use Trends, Public and Semi-Public Land Use Trends, notes that it is impossible to define a land use district applicable to all public and semi-public uses, therefore these uses can be located in any zoning district as a Conditional Use. This application conforms to that established review procedure.

Section 9.530 - Projected Land Use Needs, presents general criteria used to guide future land use. Among these is "7. Previous planning and zoning commitments to each land use." The Goal 5 approval for the quarry and the conceptual Redevelopment Plan required by the City prior to the start of mining operations established a commitment to the future use of the site. Plan policies discuss the redevelopment of the site and the provision for a public land use. The future uses, and Plan and zone districts appropriate to the anticipated uses, are identified

in implementation measure 1.j. In Projected Land Use Needs, MAR District, it is noted that the area within the present MAR district will be included in the City's inventory of available sites following completion of extraction and approval of a final Redevelopment Plan. Upon these two events the land will become available for development. That section also notes that eight acres of protective landscaped buffers were included in the preliminary Redevelopment Plan.

The combination of the city sewage system that accommodates urban density development, faster than expected population growth, and a new open space feature that is attractive for new development, combines to make the inclusion of a public park as part of the redevelopment of the former aggregate site consistent with the Plan's projection for future land use.

The Redevelopment Plan proposed in this application follows the adopted process for the reclamation and redevelopment of the mining site. Section 9.530 - Public and Semi-Public Land Use Needs, notes that since these types of uses may be located in any zoning district they have the maximum flexibility to locate where they are needed. The proposed park is part of the redevelopment of the newly-available Turner Lake site, and was anticipated as part of the conceptual redevelopment plan submitted prior to the beginning of mining.

Section 9.590 - Land Use Goals & Policies, Open Space policy 1. calls for a system of open space, including parks, to be maintained within the Turner UGB. The proposed park is consistent with this policy.

Section 9.600 - Public Facilities and Services, Section 9.610 City Provided Facilities and Services, calls for park acquisition and development. Section 9.613 Parks and Recreation specifically notes the opportunities for development of recreation facilities associated with the lake that will be created by the mining operation, and that the City might consider the potential for developing park facilities in conjunction with the redevelopment of the aggregate site. This proposal is specifically consistent with that stated opportunity.

Based on these background statements, Goals, and Policies, the proposed park complies with the Comprehensive Plan.

(b) That the applicable provisions of city codes and ordinances are complied with.

Development standards for parks are provided in Section 6.301. Development of the park will be required to occur in compliance with these standards.

(c) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-way are protected.

The proposed park is located along Turner Road, the main arterial through the city, which provides direct access to the park site. Vehicular and pedestrian access to the park will be from Turner Road. The street frontage of the park will be improved with sidewalks to provide for safe pedestrian access. There will be no vehicular access to the park from any residential streets. This will avoid non-residential traffic, and congestion, in the residential areas of the development as a result of the park. The park will not occupy or infringe on street right of way.

The traffic impacts of the proposed development, in its entirety, have been examined in the TIA. No congestion along Turner Road was found to occur as a result of the development. Additional traffic control at the intersection of Turner Road (3rd St.) and Delaney Road may become necessary in 2028. Warrants for a left -turn lane at Holly St. and at the north site access (Ahrens Road) may be met. Based on these facts and considerations, this criterion is satisfied.

(d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.

No signs or lighting are proposed at this time. A sign identifying the park and the access drive could be provided in the future, and should be located on the park land and outside of the road right of way. Any lighting provided in the park should be for illuminating walkways and security. Either of these amenities can be designed and located to avoid interference with

traffic and visibility, and avoid impact on adjacent property. A condition of approval to this effect can establish compliance with this criterion.

(e) That adequate water, sewage disposal system and utilities for the proposed use are available.

The utility requirements for the park will be determined by the level of public facilities that are proposed. This may range from none, to a restroom facility for park users. In any case, the utility requirements for a public park are generally minimal. There is adequate water and sewage disposal capacity available from the city to provide for the needs of the park, in conformance with this criterion.

(f) That drainage ways are protected and drainage facilities provided.

There are no drainage ways in the proposed park.

(g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.

The park site will be designated in a residential zone, as will the adjacent land to the north and south. A public park is open space that does not produce emissions or nuisances, such as may be associated with commercial or industrial activities. There are no specific emission or nuisance characteristics associated with public parks that are incompatible with residential uses. As public open space, parks are considered to be complimentary to residential areas. There are no identified regulatory standards with regards to emission or nuisance characteristics that apply specifically to public parks. Because the park is considered to be a complimentary use in a residential zone, and there are no specific regulatory standards that apply to this use with regards to emission or nuisance characteristics, this criterion is satisfied.

(h) That the characteristics of the proposed development is compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent possible.

The proposed development requiring Conditional Use approval is the park. The park will be public space operated by the City. The park site will border residential land on the north and south, and it will also be in a residential zone. The operating characteristics of the park, such as the level of facilities to be provided, the hours it is open, etc., will be determined by the City. A public park is regarded as a residential amenity which will be available to the nearby residents, and its presence will enhance the nearby residential areas. It will provide a public open space along the lake. Access to the park will be from Turner Road, the main route through the city, which makes access to the park efficient and convenient from the general community. No adverse impacts have been identified that require mitigation. For these reasons the characteristics of the park are compatible with the residential land use zones and the surrounding area, and this criterion is satisfied.

Based on the reasons presented the proposed park conforms to the requirements of the Conditional Use decision criteria.

Considering the purpose of the Redevelopment Plan to replace the mining operation and create a new productive use for the site, the variety of residential uses proposed, their arrangement around the lake, the system of internal streets and access to the bordering public roads, the provision of adequate public utilities and services, and the provision for public and private open spaces, the proposed Redevelopment Plan represents a detailed refinement of the conceptual plan submitted prior to mining, and the amendments are appropriate for the site and the city.

II. Termination of the MAR Overlay District

As specified in TLUDC Section 4.244(2), termination of the MAR Overlay District is reviewed under the provisions of Section 2.700 - Amendments. Section 2.700 specifies (as in Section 4.030) that "The City utilizes a single land use map for the Turner Comprehensive Plan and the Turner Zoning Districts therefore a zone change map amendment is an amendment to the Turner Comprehensive Plan and the Turner Land Use Development Code."

2.700(2) Decision Criteria

(a) *The proposed amendment is consistent with the intent of the Comprehensive Plan.*

The intent of the Comprehensive Plan is expressed by its various Goals and Policies. The Goals and Policies of the Comp Plan are consistent with the Statewide Planning Goals. Statewide Planning Goal 5 requires the identification and protection of significant natural resources. The Comp Plan recognized the significant aggregate resource on the subject property, and provided for its protection and utilization through the MAR district. The Plan requires the MAR district to be deleted from the property upon completion of site reclamation, and replaced with zoning districts that are appropriate for implementation of the Redevelopment Plan. These measures established a commitment to the future use of the site. In other words, the Plan anticipated that the MAR district would be replaced with the zones that allow the uses of the Redevelopment Plan.

The aggregate resource site and its future redevelopment is widely referenced in the text of the Comprehensive Plan. Provision for termination of the MAR district in order to implement the Redevelopment Plan is also described. Specific sections of the Comp Plan that recognize the resource, the MAR district, and the future redevelopment of the site include the following:

Section 9.230 - Geology and Mineral Resources, recognizes the significant aggregate resource on the subject property, conformance with Statewide Goal 5, and the role of the MAR district. Under the Goal 5 process that resulted in approval to mine the aggregate on the site, a reclamation and redevelopment plan was required.

Section 9.250 - Water Resources describes the creation of "Lake Turner" as a result of the mining and reclamation operation. That section also notes the redevelopment of the resource site for residential, commercial, and public uses. Implementation of those uses will require replacement of the MAR district with zones that provide for those uses.

Section 9.290 - Environmental Goals & Policies, Mineral and Aggregate Resources policy 6., states that as part of the decision on a significant aggregate resource site, the City may

consider the appropriate post-mining redevelopment uses applicable for the site. The City did so as part of the Goal 5 decision process on the subject property, with recognition that the MAR zone would be deleted and replaced with zones appropriate for the redevelopment uses.

Section 9.500 - Land Use, describes current and projected land use in the city and delineates a land use pattern to 2020. Section 9.510, Existing Land Use, and Table 9.500A, tabulate the existing land use in the city by acreage and land use district. The inventory of existing land use is presented both with and without the area in the MAR district. In Existing MAR District it is noted that the 169 acres in the MAR district was not included in the ratios of developed or vacant land use categories because it would not be available for development until 2010 to 2020. As anticipated, the site will become available for development in 2010.

Section 9.520 - Land Use Trends, notes that population growth is expected to increase substantially over past trends since the municipal sewage disposal system allows development of land that was formerly constrained by the need for on-site sewage disposal. In the discussion of MAR District Trends the Plan notes that the establishment of the MAR district in 1995 reduced the City's available residential land by 14.31 acres, commercial land by 33.77 acres, and industrial land by 120.94 acres. The Plan recognized that the creation of the lake would reduce the city's buildable land by 90 acres but would create an attractive open space feature that could attract additional development.

Section 9.530 - Projected Land Use Need, MAR District, notes that the area within the MAR District will be included in the inventory of available sites following completion of the extraction process and approval of a final Redevelopment Plan. The general criteria cited in this section that are used to guide future land use includes "7. Previous planning and zoning commitments to each land use." The recognition that the redevelopment of the aggregate site would include residential, commercial, and public uses, as anticipated in implementation measure 1.j. and by the conceptual Redevelopment Plan required by the City prior to the start of mining operations, established a commitment to the redevelopment of the site. The

proposed amendment is consistent with the intent and expectation to redevelop the aggregate resource site.

Section 9.613 - Parks and Recreation specifically notes the opportunities for development of public recreation facilities associated with the lake that will be created by the mining operation, and that the City might consider the potential for developing park facilities in conjunction with the redevelopment of the aggregate site. The proposed amendment is consistent with the potential to create public recreation space on the property.

Considering the inclusion of the resource site and its future redevelopment in the various Goals and Policies, the commitment that was made to the redevelopment of the site, and the consistency of the proposed redevelopment uses with those discussed in the Plan, the proposed amendment is consistent with the intent of the Comprehensive Plan.

(b) There is a public need for the proposed amendment to comply with changing conditions or laws.

In this case the public need for the proposed amendment is to redevelop the Turner Lake aggregate resource site for productive uses, consistent with its Goal 5 approval, Plan policies, and implementing measures. The end of mining and the site reclamation represent a change in the condition of the site. Mining of the site concluded in January, 2008, and redevelopment of the property is required under the terms of the mining site approval. Termination of the MAR District is specified as a condition of approval, in order to implement the redevelopment uses as proposed and approved in the amended Redevelopment Plan. The completion of the mining operation, and reclamation of the site in preparation for redevelopment, is a change of conditions on the property that makes the amendment to the land use zones necessary. For these reasons, the proposed amendment satisfies this criterion.

(c) The amendment will not adversely impact adjacent areas or the land use plan of the city.

The proposed amendment is consistent with the expectations for the property, as established in Ordinance 95-104 and by the conceptual redevelopment plan submitted prior to the

beginning of mining operations. Furthermore, the amendment is anticipated by the Comprehensive Plan, as shown in (a) above. The amendment will provide for the residential, commercial, and public use of the site, which is consistent with the use of adjacent property in the city. For these reasons the amendment will not adversely impact adjacent areas or the land use plan of the city.

(d) The amendment will not have an adverse environmental impact.

The amendment will provide for the redevelopment of the mining site with residential, public, and commercial uses. These uses are expected and consistent within an urban area, and have been anticipated on this site. There will be no specific environmental impacts from these uses at this location.

(e) The amendment will not have an adverse impact on public facilities.

All needed public facilities can be provided at levels that are available and that are adequate to support the proposed uses, as described in the Project Engineer's report that accompanies the application. The Engineers report shows that the amendment will not have an adverse impact on public facilities.

(F) The amendment will not have an adverse impact on transportation.

The transportation impacts of the amendment have been examined and analyzed in the TIA. As shown by the TIA the amendment will result in little impact on the transportation system, and the projected transportation impacts can be mitigated so that there is no significant impact.

(g) The amendment will not have an adverse impact on the economy of the area.

The amendment will have a beneficial impact on the economy of the area by allowing the redevelopment of the mining site with residential and commercial uses. This will convert vacant land to a residential community within the city. Redevelopment will create activity in construction, and increase the tax revenues received from the property. It will also create

demand for local goods and services, during construction and by the future residents of the development.

(h) The amendment is consistent with the intent of the Statewide Planning Goals.

The Turner Comprehensive Plan is Acknowledged as being in compliance with the Statewide Planning Goals. The City reviewed the proposal for the mining site in accordance with the procedures and requirements of the Statewide Goals, which included the standards and procedures for Mineral and Aggregate sites included under Goal 5. This proposed amendment implements the expected post-mining uses for the resource site, consistent with the Goal 5 approval that was adopted by the City. The proposed amendment is anticipated by the Goals and Policies of the City's Comprehensive Plan. By complying with the provisions of the Comp Plan, and remaining consistent with the Goal 5 approval for the redevelopment of the resource site, the proposed amendment is consistent with the intent of the Statewide Planning Goals.

An amendment to the City's Comprehensive Plan land use map categories must conform to the Statewide Planning Goals. The applicable Goals are addressed as follows:

STATEWIDE PLANNING GOALS

GOAL 1 - CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided prior to the hearing according to the City's adopted provisions for providing notice. Public hearings to consider the request will be held by the Planning Commission and City Council. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

GOAL 2 - LAND USE PLANNING

The City has complied with the Goal requirements for establishing and maintaining a land use

planning process. The Turner Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. The Plan provides goals and policies as the framework for evaluating land use requests. The proposal will be reviewed in relation to the intent of the Plan, its applicable goals and policies, and the applicable criteria. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

The natural resource characteristics of the property were examined and addressed as part of the Goal 5 approval for the aggregate resource site. As a result the property is identified in the Comp Plan as a significant resource site that is subject to reclamation and redevelopment. This proposal follows the adopted procedure for the redevelopment, and redesignation, of the resource site.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposal provides for residential, commercial and public uses. The site is currently designated M-1/MAR which allows for industrial and aggregate resource uses. Residential use in general does not create significant impacts to air quality. The major impacts to the air at this location would be from the existing vehicle traffic on area streets. The traffic generated by the proposed development will contribute to the total traffic load in the area but will not result in a significant impact on air quality.

Domestic water will be provided by the city water system and there will be no withdrawals of groundwater. Waste water from the development will be discharged into the municipal sewer system for treatment, which is required to meet the applicable standards for environmental quality. Through the use of these public facilities there will be no significant impacts to the land or water.

Wetlands on the site were identified prior to the start of mining operations, and have been mitigated.

Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

The redevelopment of the site will create a new productive use from a former aggregate resource. The redevelopment of the site will contribute to the economy of the city, the county, and the state through employment, purchase of construction materials and equipment, and taxes. As a result the proposal will benefit the economy.

GOAL 10 - HOUSING

The site is currently designated for industrial/mineral and aggregate resource use. There is no housing on the site. The City's stated intent is to redesignate the site for that purpose. The redesignation and redevelopment of the site to provide housing was required as part of the Goal 5 approval of the aggregate mining operation.

Approximately 527 housing units are proposed, at densities allowed by the R-1, R-2, and R-11 zones. The proposed redevelopment includes single- and multifamily housing. The housing to be provided will help to accommodate the future population of the urban area, and will contribute to the goal of providing adequate housing at price ranges that are in keeping with the financial capabilities of the community.

By providing a variety of housing types and styles the project will help to fulfill the housing needs of the community in keeping with the requirements of this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

The public facility and service needs of the proposed development will be specified during the site development process. All necessary public services and utilities including water, sewer, streets, fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. The provision of municipal sewer and water service is described in the attached report from the Project Engineer, which shows that these services can be provided at adequate levels to support the use. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

GOAL 12 - TRANSPORTATION

The subject site is located along Turner Road, which is classified as an Arterial in the Marion County Transportation Plan. Turner Road is the direct route between Salem and Turner, and is a direct route to Kuebler Blvd. in Salem, which is classified as a Major Arterial.

A transportation report for this proposal, Transportation Impact Analysis North Turner Development, January 2009, has been prepared by Kittelson & Associates, Transportation Engineers. The TIA is included as a part of the application. The TIA estimates the traffic that would be generated by the proposed development, its impact on the transportation system, and recommends mitigation measures. The TIA has found that the proposed development can occur while maintaining adequate transportation facilities up to the 2018 planning horizon year of the City's transportation plan. The TIA recommends mitigation measures that include consideration to realign the Val View Dr. - Acorn St. intersection, reducing the number of access points onto Val View through shared driveways, designing all internal streets to City standards, maintaining site distance at intersections, providing adequate pedestrian and bicycle facilities, and possibly installing all-direction stop control at the Delaney Road - 3rd St. intersection to mitigate year 2028 total traffic conditions. Provisions for left-turn lanes at 3rd and Holly St., and at Ahrens Road, may be required in the future. With these measures the potential for adverse impacts to the transportation system will be mitigated.

The site is adequately served by the existing external streets, and no new external streets are needed to serve the site. The proposal itself will not create a significant adverse impact on transportation facilities or on the level of service (LOS) at intersections. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an LOS to fall to an unacceptable level, however additional traffic control may become necessary at the intersection of 3rd St. and Delaney Road as a result of year 2028 total traffic conditions.

Because measures exist to mitigate the potential traffic impacts of the proposal it will not have a significant adverse impact on the existing transportation system, and the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

New residential construction will comply with the energy efficiency requirements in effect at the time of construction. This will achieve compliance with this Goal.

GOAL 14 - URBANIZATION

The site is within the city. The proposal is to redesignate vacant industrial and aggregate resource land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a reclaimed resource site, and to maintenance of a compact urban area. Efficient use of urban land is consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

Summary

Redevelopment of the aggregate mining site is expected, and required, as a result of the approval granted in 1995. Provisions for redevelopment of the site are included throughout the Comprehensive Plan. The proposed Redevelopment Plan is a detailed expression of the

capacities and capabilities of the resource site following reclamation, and the ability of public facilities and services to support the redevelopment uses. The Redevelopment Plan, including the proposed park site, is consistent with the intent of the redevelopment concepts proposed at the time of approval. The termination of the MAR Overlay District is expected following the completion of mining and reclamation, and is necessary in order to implement the Redevelopment Plan. The facts and circumstances of the proposal are consistent with the approval granted for the resource site, and satisfy the criteria that are applicable to the approval of the Redevelopment Plan, and termination of the MAR district on the property.



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

April 9, 2009

Jeffrey R. Tross Planning Consultant
1720 Liberty Street SE
Salem, OR 97302

RE: Riverbend Sand & Gravel
Turner Pit Utility Report
JO 1854.6001.0

Dear Jeff:

As requested, our office has analyzed the Riverbend Sand and Gravel, Turner Pit site to be redeveloped as a subdivision. In completing our analysis, we prepared an overall utility plan that shows proposed sanitary sewer, water and storm drain facilities. A copy of our overall utility plan is attached for your reference.

Currently the gravel pit is in the last stages of State required reclamation work. Our office is assisting Riverbend Sand and Gravel to insure that final reclamation is compatible with the proposed subdivision and provides for an efficient street and utility system. The remainder of this letter is broken down into sections for each utility (sewer, water and storm drain) with a summary.

Sanitary Sewer

Currently, the site is served by an existing 8-inch sanitary sewer stub located at the intersection of Holly Street and Turner Road. The invert of this sanitary sewer is approximately 258 feet. Conventional gravity sewer can be provided to the entire site except the far northwest corner of the property. The gravity sanitary sewer will be 8-inch diameter PVC with 4-inch service laterals serving each individual lot. All sewer improvements will be constructed to City of Turner and City of Salem Standards.

The sanitary sewer services serving Lots 139 through 153 (i.e., lots fronting Val View SE) will be via private easements through the lots to the west to the public sewer located in the new street west of the lots.

The gravity sanitary sewer will be designed to be extended to the east to serve future development. The existing grade is not deep enough to continue the gravity sewer to serve properties to the north.

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Mr. Jeff Tross
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The property at the northwest corner can not be served by gravity sewer. A new pump station is proposed to serve this area. If this area develops under a single ownership, the pump station will be designed, built, operated and maintained as a private pump station. If multiple ownerships develop the area, the pump station will be public. The pump station can pump back to the City's gravity system at Holly Street or into the existing force main to the City of Salem at the City of Turner's direction.

Water

The property is currently served by two water zones. The majority of the property is served by the Low Service Zone (Elevation 250' – 350'). A portion of the property along Val View Drive is served by the Intermediate Service Zone (Elevation 350' – 510').

The proposed development will loop an 8-inch water main (Low Service Zone) around the entire site with internal loops as appropriate within the development. Fire hydrants will be placed at no more than 500' intervals for fire protection.

The lots that front Val View Drive will be served by the existing Intermediate Zone water main. The Intermediate and Low Service Zones will be connected through the development with a closed valve at the line that separates the two zones.

Each individual lot will be served with its own water meter. All water systems will be designed and constructed in accordance with City Standards.

Storm Drain

Existing storm drain patterns are generally west, northwesterly. In order to maintain that water quality in the lake, the development does not intend to drain any storm water directly into the lake. All storm water will be drained generally from the southeast corner of the property to the northwest corner of the property.

The south end of the property is intended to drain westerly to Turner Road and then northerly to the northwest corner of the property. The easterly portion of the property will drain northerly to Ahrens Road and then westerly to the northwest corner of the property.

Storm drainage will be stubbed easterly to Val View Drive SE to drain storm water from properties to the east.

Storm water detention will be provided in accordance with City Standards. All storm water systems will be designed and constructed in accordance with City Standards.

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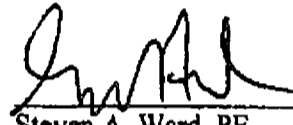
Conclusion

Adequate sewer, water and storm drain systems exist to serve the property. All utilities will be designed and constructed in accordance with City Standards. Utilities will be stubbed as appropriate for services to adjacent properties.

Please call if you have any questions or need further information regarding this matter.

Sincerely

WESTECH ENGINEERING, INC.



Steven A. Ward, PE

Enclosure

cc: Jay Compton

MID - WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS
105 High Street S.E.
Salem, OR 97301-3667

06

FIRST CLASS

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