



Oregon

Theodore R. Kubongoski, 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

6/29/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 006-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 13, 2010

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mark Becketl, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

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DEPT OF

JUN 22 2010

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Salem** Local file number: **Ordinance Bill No. 11-10**
 Date of Adoption: **April 26, 2010** Date Mailed: **June 22, 2010**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 2/19/2010
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: **Parks System Master Plan Amendment**

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

The City of Salem's Comprehensive Parks System Master Plan was amended by City Council adoption of Ordinance Bill No. 11-10 to add a new, growth-related Large Urban Park in Southeast Salem. The new park is known as the Battlecreek Park Property. The new park will be 57.5 acres in size and will provide a combination of passive and active recreation amenities.

Does the Adoption differ from proposal?

No, the adopted Ordinance reflects the original proposal that went before the Salem Planning Commission and City Council. The adopted Ordinance reflects what was contained in the 45-Day Notice to DLCD.

HAND DELIVERED

Plan Map Changed from: _____ to: _____
 Zone Map Changed from: _____ to: _____
 Location: _____ Acres Involved: _____
 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	<input type="checkbox"/>	<input type="checkbox"/>	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? 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. 006-10 (18124) [16185]

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

The Comprehensive Plan Designation and Map, as well as the Zoning on the subject property did not change with this proposal. There are no affected State, Federal, or Local Government agencies or Special Districts.

Local Contact: Mark Bechtel	Phone: (503) 588-6211	Extension: 7346
Address: 555 Liberty Street SE, Room 325	Fax Number: 503-588-6025	
City: Salem, Oregon	Zip: 97301	E-mail Address: mbechtel@cityofsalem.net

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.


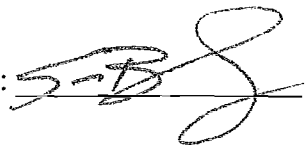
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- (f) Urban Growth Management Program. As amended and adopted July 23, 1979, and as further amended January 11, 1982, and November 28, 1983, and September 23, 1996.
- (g) Willamette River Greenway Plan, July, 1979. Adopted September 24, 1979.
- (h) South Liberty Road Corridor Study. Approved December 27, 1982.
- (i) Salem Transportation System Plan adopted June 28, 1998, and amended February 14, 2000, May 14, 2001, January 24, 2005, March 28, 2005, and April 23, 2007.
- (j) Salem Urban Area Public Facilities Plan. Adopted October 12, 1992.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 5. Emergency Clause. This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED by the Council this ^{26th KA} ~~19th~~ day of April, 2010.

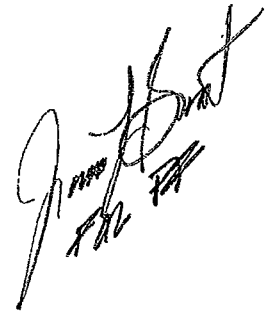
ATTEST:

 Kathy Hall
 City Recorder
 Approved by City Attorney: 

Checked by: M. Becketl

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FUTURE REPORT: April 7, 2010
FOR COUNCIL MEETING OF: April 12, 2010
AGENDA ITEM NO.: _____
PUBLIC WORKS FILE NO.: _____

TO: MAYOR AND CITY COUNCIL
THROUGH: *See O. 11-10 for*
LINDA NORRIS, CITY MANAGER
FROM: PETER FERNANDEZ, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: AMEND SALEM COMPREHENSIVE PARKS SYSTEM
MASTER PLAN TO ESTABLISH A NEW LARGE
URBAN PARK IN SOUTHEAST SALEM



ISSUE:

Should the City Council advance Ordinance Bill No. 11-10 to second reading after a public hearing on April 19, 2010, to amend the Salem Comprehensive Parks System Master Plan to establish a new Large Urban Park in southeast Salem?

RECOMMENDATION:

Staff recommends City Council advance Ordinance Bill No. 11-10 to second reading after the public hearing on April 19, 2010 to amend the Salem Comprehensive Parks System Master Plan to establish a new Large Urban Park in southeast Salem.

BACKGROUND:

In December 2008, the City of Salem entered into a purchase and sale agreement with the owners of the Battlecreek property, formerly the Battlecreek Golf Course, to acquire the southernmost 38 acres of the property. The intent of the acquisition was to create a flood control basin and restore the creeks and floodway within the property to a natural state. This acquisition was funded with water/sewer utility rate monies as part of the City's stormwater management system.

Subsequent to the City's purchase, the property owners requested, and were granted, a rezone of the remaining property from PA (Public Amusement) to RS (Residential Single Family) and RM-1 (Residential Multi-Family). The portion of the property fronting Commercial Street SE was already zoned CR (Commercial Retail) and was not part of the rezoning process.

In spring 2009, staff entered into discussions with the property owners to explore the possibility of acquiring additional property to address the City's need for a large urban park in southeast Salem. Over the summer, the Salem-Keizer School District also expressed its interest in siting an elementary school on approximately 10.5 acres at the northwest corner of the property to be acquired. The proposed school would be built and open for use as early as September 2012.

On December 14, 2009, the City Council approved a purchase and sale agreement with the property owners for the City to acquire an additional 30 acres of property, with the property owners retaining the northernmost 14 acres for private development and the subsequent sale of 10.5 acres to the School District for use as an elementary school. Together with the previous purchase, a total of 57.5 acres are to be acquired for park land. It is proposed that this property be classified as a Large Urban Park in the *Salem Comprehensive Parks System Master Plan*. In order to accomplish this goal, it is necessary to amend the *1999 Salem Comprehensive Parks System Master Plan* to establish the Battlecreek Park property as a Large Urban Park.

Battlecreek Park, the proposed elementary school, and the private development to the north, are to be served by construction of a new Collector street, between Madras Street SE and Commercial Street SE, to be funded through the use of approximately \$1.7 million in Transportation SDCs. This will also require amendments to the *Salem Transportation System Plan* and the Transportation SDC Eligible Projects List. This process is occurring concurrent to the Parks Master Plan amendment process.

Currently, staff from the Water Resources Section of the Public Works Department is managing development of a master plan of the stormwater detention, flood control, and riparian protection needs for the park property. This will serve as a basis for further master planning of future active and passive amenities for the park.

FACTS AND FINDINGS:

1. The Battlecreek property meets the criteria to be a Large Urban Park per Table I-1 "Park and Recreational Facility Attributes," of the *1999 Salem Comprehensive Parks System Master Plan* document, which states that:

Large Urban Park provides for the active and passive parks and recreational needs of the entire community by preserving large open spaces, which can accommodate those recreational activities which are not feasible within smaller park classifications and are easily accessible by all transportation modes.

In addition, a Large Urban Park should be larger than 50 acres in size, not have more than 25 percent of the site with slope greater than 4 percent; is preferably located in an area of primarily residential land uses; and is adjacent to an Arterial or Collector street.

The Battlecreek property is 57.5 acres in size, meets the slope criteria, is located in a neighborhood that is primarily residential, and would be adjacent to both an Arterial street (Commercial Street SE) and a Collector street (to be built). The Park would take access from the new Collector street.

2. The Battlecreek property meets an identified need for a Large Urban Park in the currently adopted *1999 Salem Comprehensive Parks System Master Plan*, which

in Figure I-3 shows a need for up to two future, growth-related, Large Urban Parks in the far southeast quadrant of the City.

3. The Battlecreek property, formerly a golf course, contains the single, unique confluence of Battle, Waln, Powell, and Scotch Creeks. A portion of the park property is proposed to be used for stormwater detention and riparian area enhancement, suitable for both active and passive recreational activities and amenities.
4. Compliance with Statewide Planning Goals:

Goal 1: Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process

Finding

The amendment process has allowed for citizen involvement opportunities through time for interested citizens to testify to the Salem Parks and Recreation Advisory Board, and public hearings before the Planning Commission and City Council. The required 45-day notice period, facilitated through the State Department of Land Conservation and Development has given interested parties notice and an opportunity to comment on the proposed amendment. The South Gateway Neighborhood Association is aware of the proposed amendment.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions

Finding

The Salem Comprehensive Parks System Master Plan is adopted as a Detailed Plan of the Salem Revised Code (SRC) Chapter 64.230(a). Amendment of the Master Plan is determined to be a Category 1 amendment, pursuant to SRC Chapter 64.050(a). The proposed amendment is consistent with the policies contained in the Salem Area Comprehensive Plan and the appropriate zoning designations have been applied to the site.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands

Finding

Not applicable to the proposed amendment to the Salem Comprehensive Parks System Master Plan.

Goal 4: Forest Lands

To preserve forest lands by maintaining the forest land base and to protect the state's forest economy

Finding

Not applicable to the proposed amendment to the *Salem Comprehensive Parks System Master Plan*.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historical areas and open spaces

Finding

Establishing a Large Urban Park on the Battlecreek property will provide the basis to protect riparian areas along and at the confluence of the four creeks that flow through the property. The design of a stormwater detention area will manage creek flows and stormwater quality through the property and be beneficial to the entire community. While the exact uses and amenities of the park are yet to be determined, a portion of the park will be set aside for passive recreational use and open space.

Goal 6: Air, Water, and Land Resources Quality

To maintain and improve the quality of air, water, and land resources of the state

Finding

Same as with Goal 5, establishing a Large Urban Park on the Battlecreek property will provide the basis to protect riparian areas along and at the confluence of the four creeks that flow through the property. The design of a stormwater detention area will manage creek flows and stormwater quality through the property and be beneficial to the entire community. While the exact uses and amenities of the park are yet to be determined, a portion of the park will be set aside for passive recreational use and open space.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards

Finding

The Battlecreek property is currently undergoing a stormwater detention master planning process to determine the extent of the construction of a stormwater detention facility, and natural enhancement of riparian areas. Once completed, this property will add to the flood prevention efforts of the City of Salem in addressing the release and flow of stormwater along Battle Creek. Establishing this property as a park allows these stormwater improvements to reside within publically owned and maintained open space that is available for both passive and active recreational uses.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts

Finding

Establishing a Large Urban Park on the Battlecreek property will allow for the creation of both passive and active recreational activities. The different amenities have yet to be determined through a pending park master planning process. However, establishment of 57.5 acres of park will create recreational opportunities that are identified as being needed due to growth in this area of southeast Salem. Large Urban Parks generally provide recreational opportunities for the entire community.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens

Finding

A community that has an appropriate number and variety of park and recreational facilities is supportive of a thriving economy and is important to recruiting new businesses and investment in the community.

Goal 10: Housing

To provide for the housing needs of citizens of the state

Finding

A community that has an appropriate number and variety of park and recreational facilities is supportive of livable neighborhoods, and supports the recreational needs of a variety of urban housing forms including single-family and multi-family housing.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development

Finding

Establishing a Large Urban Park at the Battlecreek property will demonstrate the progression of park development from the central core of the City outward to serve those areas of more recent development. This park will enhance the recreational services for the entire community and, specifically, will provide for the recreational needs of southeast Salem.

Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system

Finding

While the establishment of the park itself will not enhance transportation opportunities, a concurrent amendment to the *Salem Transportation System Plan* is proposed to construct a new Collector street connecting Madras Street SE with Commercial Street SE. The proposed park at the Battlecreek property will take vehicular access directly from this new Collector street. This street will also serve a new elementary school, multi-family housing, and commercial development.

Goal 13: Energy and Conservation

To conserve energy

Finding

The proposed park at the Battlecreek property will be accessible by bicycle lanes, sidewalks for walking, and transit service on Commercial Street SE and Fairway Avenue SE.

Goal 14: Urbanization

To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside the urban growth boundaries, to ensure efficient use of land, and to provide for liveable communities

Finding

The proposed Large Urban Park at the Battlecreek property is located entirely within the Urban Growth Boundary, city limits, and Urban Services Area. It is served by existing water, sewer, stormwater, and other utilities. The existing Arterial, Collector, and Local street system will be enhanced with an additional new Collector street built in support of the proposed park. The purchase and development of the Battlecreek property as a Large Urban Park satisfies an identified need in the current *Salem Comprehensive Parks System Master Plan* to build a Large Urban Park within the southeast area of Salem, in response to new and continued growth. Development of a significant new park that offers both passive and active recreation amenities will enhance the community's livability.

Goal 15: Willamette River Greenway

Not applicable to the proposed amendment to the *Salem Comprehensive Parks System Master Plan*

Goal 16: Estuarine Resources

Not applicable to the *Salem Comprehensive Parks System Master Plan*

Goal 17: Coastal Shorelands

Not applicable to the *Salem Comprehensive Parks System Master Plan*

Goal 18: Beaches and Dunes


Not applicable to the *Salem Comprehensive Parks System Master Plan*

Goal 19: Ocean Resources

Not applicable to the *Salem Comprehensive Parks System Master Plan*

5. Staff submitted the required 45-day notice of intent to amend its Comprehensive Plan to the Oregon State Department of Land Conservation and Development on February 19, 2010. City staff held a Work Session with the Salem Planning Commission on March 2, 2010, on the proposed Master Plan amendment. On March 16, 2010, the Planning Commission adopted Resolution No. 10-2, initiating the formal land use process of amending the *1999 Salem Comprehensive Parks System Master Plan*. The Planning Commission held a public hearing on April 6, 2010. The Planning Commission recommended approval of the proposed amendment. (See Attachment 5).
6. The Salem Parks and Recreation Advisory Board recommended to both the Salem Planning Commission and City Council approval of the proposed amendment to the *1999 Salem Comprehensive Parks System Master Plan* at its March 11, 2010, meeting. The Board also recommended amending the Parks SDCs Eligible Project List for the acquisition, master planning, and design of the Battlecreek Park property.
7. A public hearing date is scheduled for City Council to take testimony on the proposed amendment to the *1999 Salem Comprehensive Parks System Master Plan* on April 19, 2010.
8. If Council approves the Master Plan amendment, it will be asked to amend the Parks SDC Eligible Project, or "309," List in May 2010. Council will be asked to amend the List to make the acquisition, master planning, and design of Battlecreek Park eligible expenses for the use of Parks SDC funds. Currently, up to \$2 million in Parks SDC funds are planned to be used for property acquisition and \$100,000 for developing a master plan for the future development of the park. Additional Parks SDC funds will be identified in the future for design of the specific park amenities.

9. Closure of the property acquisition and subsequent sale of 10.5 acres of property to the Salem-Keizer School District is scheduled to take place on, or shortly after, July 1, 2010.
10. The schedule for development of the Battlecreek Park property will depend upon the number and scope of master planned amenities and availability of funds for design and construction. Development of the Battlecreek Park property could also be dependent upon voter-approval of a future General Obligation Bond measure for Parks System improvements, possibly in 2012, 2014, or later years. Adequate funding for operations and maintenance of the park needs to be identified prior to park development.



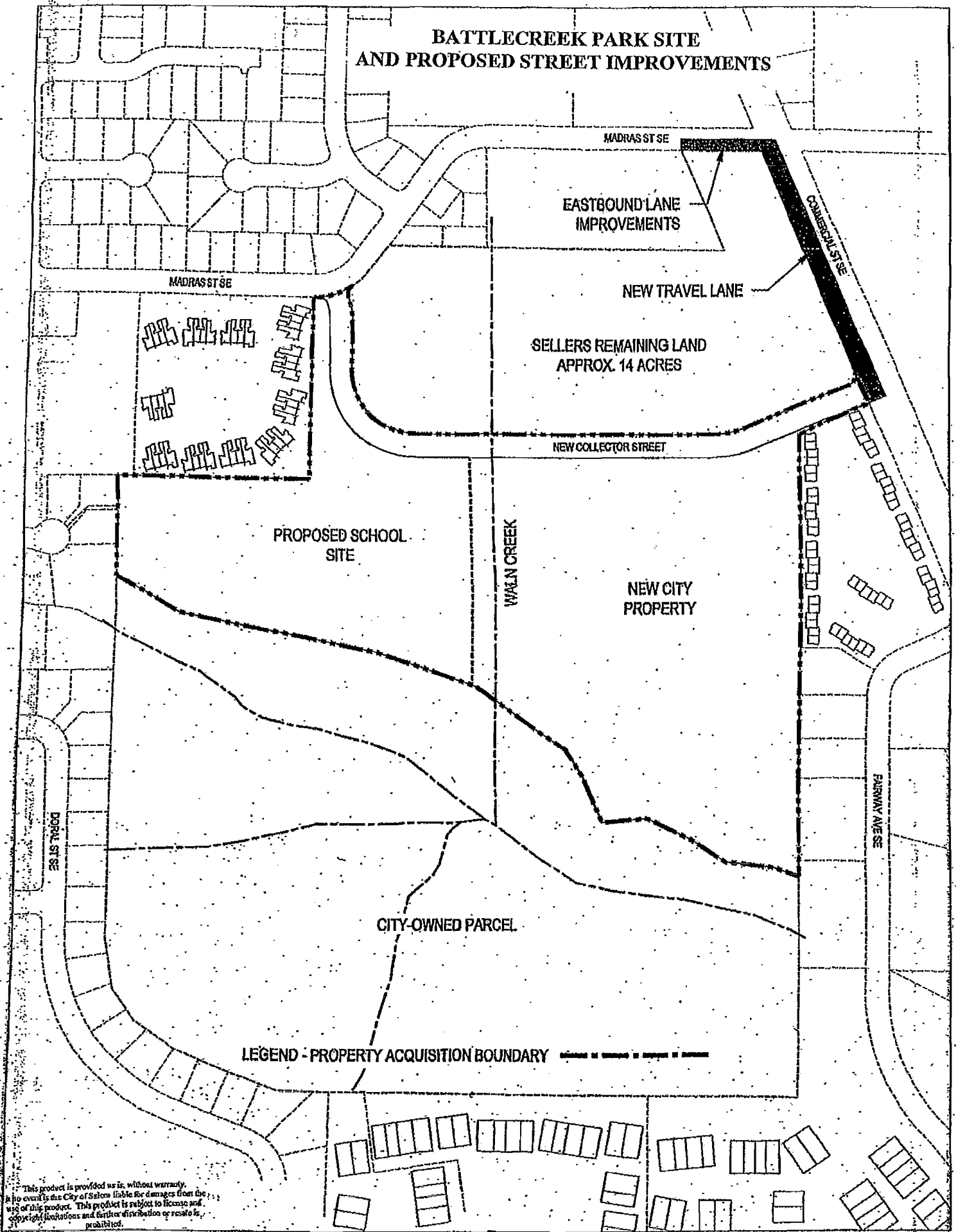
Mark Bechtel, AICP
Parks and Transportation Services
Manager

Attachments:

1. Aerial Photo Map of Battle Creek Property and Vicinity
2. Property Acquisition Map and Future Collector Street
3. Proposed Text Amendments
4. Proposed Map Amendment
5. Planning Commission Action Sheet

Ward 4
April 7, 2010

BATTLECREEK PARK SITE AND PROPOSED STREET IMPROVEMENTS



LEGEND - PROPERTY ACQUISITION BOUNDARY 

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

Proposed Amendment to the 1999 Salem Comprehensive Park System Master Plan:

Volume I, Page 40

Figure I-3 Growth Related – Park Additions Legend

Large Urban Parks

<u>Map No.</u>	<u>Park Name</u>	<u>Acres</u>
G55	Hazel Green Site	75.0
G56	Langley Site	50.0
G57	Mushroom Plant Site	75.0
G58	Orchard Heights/27 th Place NW	24.17
G59	State Penitentiary/Farm Site	75.0
G60-G61	Additional Needed: Growth	138.09 80.59
G62	Battlecreek Site	57.5
	Subtotal	437.26 379.76
	TOTAL GROWTH	1066.02 1008.52

Volume II, Page 27

Table II-10

Large Urban Parks

<u>Map No.</u>	<u>Park Name</u>	<u>Acres</u>
G55	Hazel Green Site	75.0
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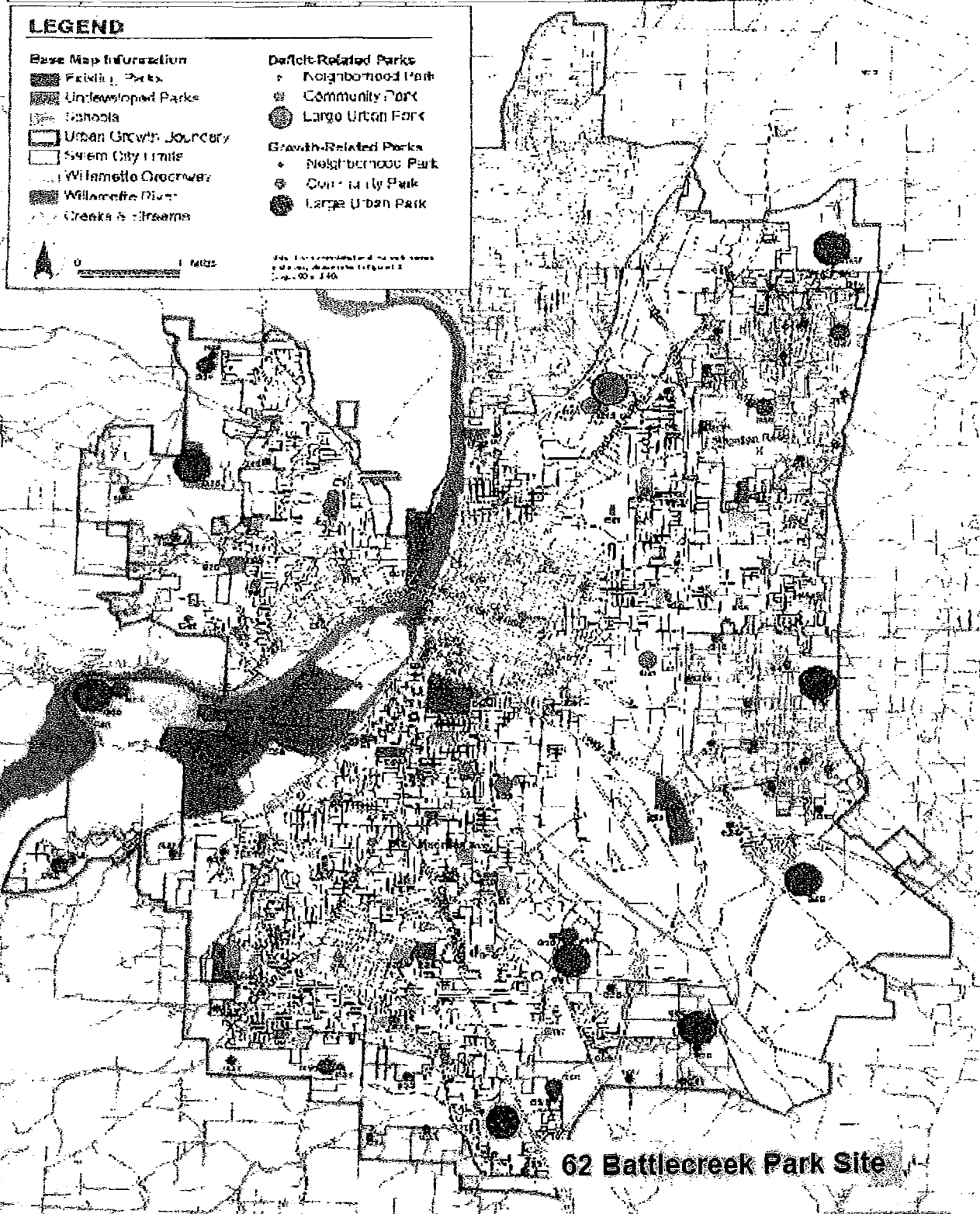
Key:

~~text~~ denotes proposed deletion (strikethrough)

text denotes proposed addition (bold, italic)

Figure I-3

City of Salem Park System Master Plan



Note: Future park site locations shown are conceptual only. Actual locations will be based on geographic information and Master Plan policies.

ISSUE: *1999 Salem Comprehensive Parks System Master Plan Amendment*

DATE OF DECISION: April 6, 2010

APPLICANT: City of Salem

PURPOSE OF REQUEST:

To recommend to City Council adoption of the proposed amendment to the *1999 Salem Comprehensive Parks System Master Plan* to establish the Battlecreek Park property as a Large Urban Park in Southeast Salem.

ACTION:

The Planning Commission recommends that City Council approve an amendment to the *1999 Salem Comprehensive Parks System Master Plan*, a Detailed Plan in the Salem Revised Code (SRC) Chapter 64.230(a), to establish the Battlecreek Park property as a Large Urban Park in Southeast Salem.

The Planning Commission further recommends to City Council that the Parks SDC Eligible Projects List be amended to include the acquisition, master planning, and design of the Battlecreek Park property as eligible project expenses.

PLANNING COMMISSION VOTE

5 YES 0 NO 1 ABSENT (Goss)

Amendment to the 1999 Salem Comprehensive Park System Master Plan:

Volume I, Page 40

Figure I-3 Growth Related – Park Additions Legend

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Volume II, Page 27

Table II-10

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Figure 1-3

City of Salem Park System Master Plan

LEGEND

Base Map Information

- Existing Parks
- Undeveloped Parks
- Schools
- Urban Growth Boundary
- Salem City Limits
- Willamette Greenway
- Willamette River
- Creeks & Streams

Deficit-Related Parks

- Neighborhood Park
- Community Park
- Large Urban Park

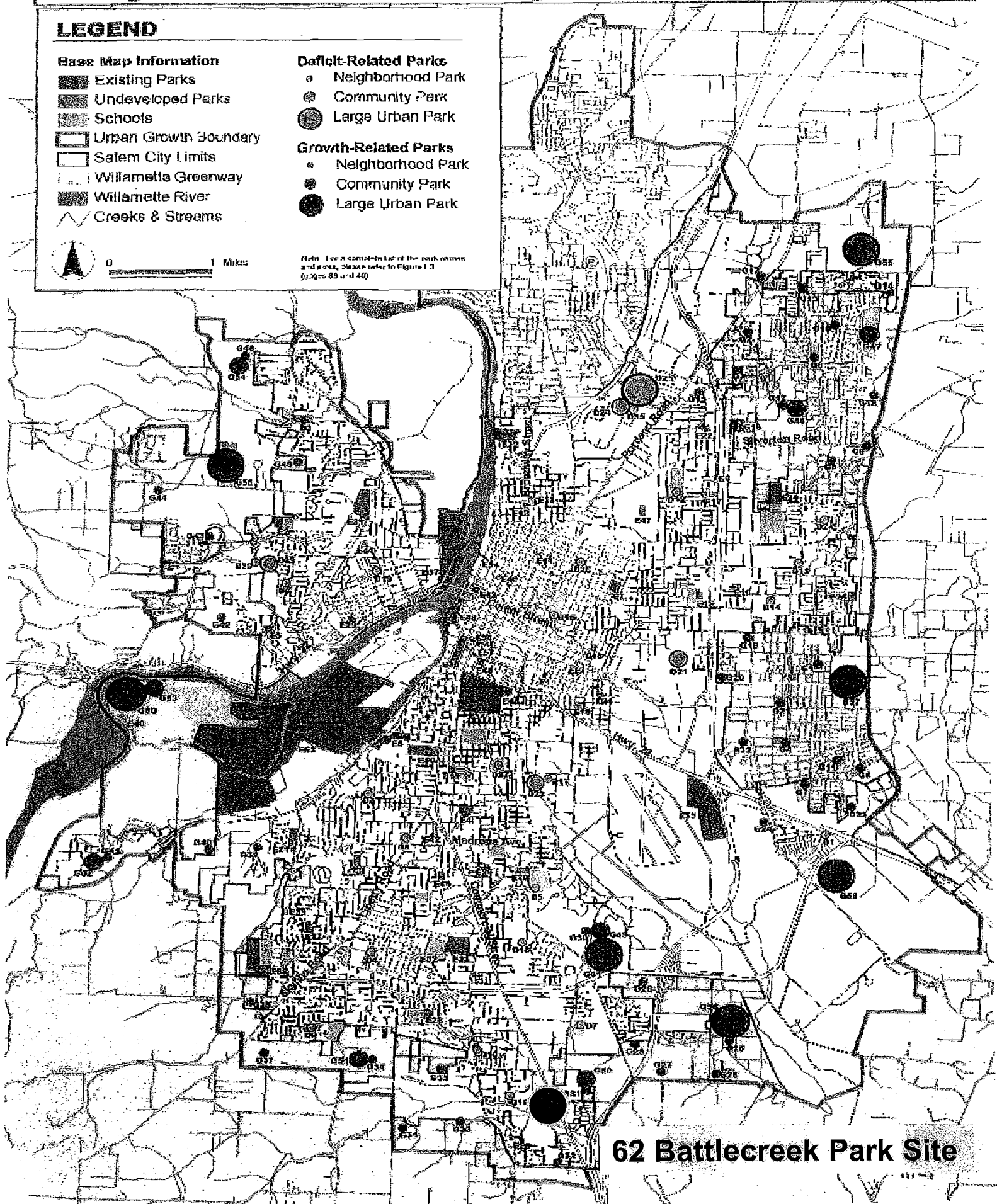
Growth-Related Parks

- Neighborhood Park
- Community Park
- Large Urban Park



0 1 Miles

Note: For a complete list of the park names and areas, please refer to Figure 1-3 (pages 89 and 40)



62 Battlecreek Park Site