



Marion County
OREGON
FINANCE DEPARTMENT

Contract Review Sheet

PW-4927-22 (1)

Contract for Services #: PW-4927-22 Amendment #: 1

Contact: Nike Neuvenheim Department: Public Works Department

Phone #: (503) 365-3100 Date Sent: Wednesday, December 28, 2022

Title: First Amendment to Private Development Agreement for Public Road Improvements, Recitals

Contractor's Name: East Park, LLC

Term - Date From: July 14, 2022 Expires: December 31, 2032

Original Contract Amount: \$ - Previous Amendments Amount: \$ -

Current Amendment: \$ 1,329,183.00 New Contract Total: \$ 1,329,183.00 Amd% 0%

☒ Incoming Funds ☐ Federal Funds ☐ Reinstatement ☐ Retroactive ☐ Amendment greater than 25%

Source Selection Method: Not Applicable (Incoming Funds)

Description of Services or Grant Award

First Amendment to Private Development Agreement for Public Road Improvements, Recitals, between Marion County and East Park, LLC. East Park, LLC is the owner of the East Park Estates Planned Unit Development.

The First Amendment will further define the timing of improvements and establish a schedule for proportionate share payments for East Park, LLC. The proportionate share is \$1,329,183 in accordance with a set payment schedule.

Desired BOC Session Date: 1/25/2023 BOC Planning Date: 1/12/2023

Files submitted in CMS: 12/30/2023 Printed packet & copies due in Finance: 1/10/2023

BOC Session Presenter(s) Max Hepburn

FOR FINANCE USE

Date Finance Received: _____ Date Legal Received: _____

Comments: Y

REQUIRED APPROVALS

DocuSigned by:

A3538E7AEC704E4
Finance - Contracts
Date 1/4/2023

DocuSigned by:

C5DAF24908B9471
Grant Review
Contract Specialist
Date 1/5/2023

DocuSigned by:

D0CEC5B04B9F4B3
Legal Counsel
Date 1/5/2023

DocuSigned by:

DC18351248DE4EC
Chief Administrative Officer
Date 1/5/2023



MARION COUNTY BOARD OF COMMISSIONERS

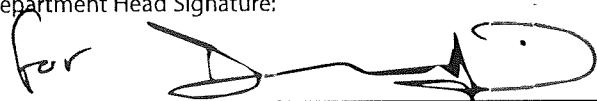
Board Session Agenda Review Form

Meeting date: January 25, 2023

Department: Public Works Agenda Planning Date: January 12, 2023 Time required: Consent

☐ Audio/Visual aids

Contact: Max Hepburn, PE Phone: 503-566-4157

Department Head Signature:  DocuSigned by: Brian Melodas 9793BA7ACD6D443...

TITLE

First Amendment to Private Development Agreement for Public Road Improvements with East Park, LLC

Issue, Description & Background

First amendment to the Private Development Agreement with East Park, LLC to further define the timing of improvements and establish a schedule for proportionate share payments.

Financial Impacts:

Establishes payment schedule with inflation and interest factors for proportionate shares to be paid by East Park, LLC.

Impacts to Department & External Agencies

No new impacts.

Options for Consideration:

1. Enter into the First Amendment of Private Development Agreement for Public Road Improvements.
2. Take no action at this time.

Recommendation:

It is recommended that the Board of Commissioners enter into the First Amendment that further defines the timing of improvements by East Park, LLC and establishes a schedule for proportionate share payments.

List of attachments:

1. First Amendment to Private Development Agreement for Public Road Improvements

Presenter:

Max Hepburn, Public Works

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

Scott Norris, SNorris@co.marion.or.us; Max Hepburn, MHepburn@co.marion.or.us; Lani Radtke, LRadtke@co.marion.or.us

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING (ORS 205.234). ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED WITHIN THE DOCUMENT.

A. Names of the Transactions described in the attached instrument: First Amendment to Private Development Agreement for Public Road Improvements.

B. Names of First Parties: East Park, LLC

C. Names of Second Parties: Marion County, a political subdivision of the State of Oregon.

D. Consideration Paid (If applicable): None.

E. Lien or Satisfaction Amount (if applicable): None.

F. Until a change is requested, all tax statements shall be sent to the following address:

East Park, LLC
27375 SW Parkway Ave,
Wilsonville, Oregon 97070

G. Name and address of person authorized to receive the instrument after recording:

Scott A. Norris
Marion County Office of Legal Counsel
PO Box 14500
Salem OR 97309

FIRST AMENDMENT TO PRIVATE DEVELOPMENT AGREEMENT FOR PUBLIC ROAD IMPROVEMENTS

RECITALS

- A. This First Amendment to Private Development Agreement for Public Road Improvements (hereinafter referred to as “Amendment”) is made between Marion County, a political subdivision of the State of Oregon (hereinafter referred to as “County”) and East Park LLC, the owner of the East Park Estates Planned Unit Development (hereinafter referred to as “Owner”). Jointly, County and Owner are hereinafter referred to as “Parties” and individually as “Party”.
- B. This Amendment amends that certain Private Development Agreement for Public Road Improvements recorded on July 27, 2022 on Reel 4645, Page 494, Marion County Deed Records (the “Agreement”), to which the East Park Estates Planned Unit Development is subject, in accordance with Section 8.4 Modification of the Agreement.
- C. The Agreement regards improvements to Cordon Road NE and abutting portions of Auburn Road NE and State Street SE located outside of Salem, Oregon city limits, and other local streets in the vicinity located outside of Salem, Oregon city limits.
- D. Section 3.3 of the Agreement regards construction of a continuous 10-foot-wide multi-use path and widening of Cordon Road NE fronting the development. Timing of improvements is not specified in the Agreement.
- E. Section 3.4 of the Agreement regards construction of the Cordon Rd NE and Auburn Rd NE intersection in accordance with City Condition 31 of the 2nd Modification of the Notice of Decision (“NOD”) dated August 27, 2021, approving the Planned Unit Development of the Project with conditions. On July 21, 2022, City issued the third modification to the NOD (the “Third Modification”) regarding City Condition 31, which adjusts the timing of the construction of the Cordon Rd NE and Auburn Rd NE intersection improvements, specifically signalization. The Third Modification is attached as **Exhibit A**.
- F. Section 5 of the Agreement regards Owner’s Proportional Share contribution for impacts to nearby intersections within the County road network. Timing for payment of Owner’s proportional share is not specified in the Agreement.
- G. The parties agree that the Agreement should be amended to reflect the Third Modification; to establish a schedule for payment of Owner’s proportional share of off-site street improvements; and to confirm there are no current, pending, or threatened defaults under the Development Agreement, as amended by this Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of their mutual covenants contained herein, the Parties hereby covenant and agree with one another as follows:

1. **Amendment.** Section 3.3 of the Agreement is hereby amended and restated in its entirety as follows:

3.3 Cordon Road NE Frontage Improvements. In accordance with City Conditions 53 and 57, Owner shall design, permit and construct a continuous 10-foot-wide multi-use path with hot mix asphalt cement surfacing, or other material such as concrete as agreed upon by County and City of Salem, on the westerly side of Cordon Road NE having ADA-compliant transitions at the northerly and southerly ends of the path. Owner proposes to construct a generally meandering path that avoids or minimizes impacts to existing stormwater ditches paralleling Cordon Road NE. Owner shall dedicate a public easement encompassing all portions of the multi-use path not located within the right-of-way dedication described in Section 3.1.1 of Agreement. Phase 5 multi-use path construction shall be completed prior to the recording of the Phase 6 final plat (refer to Exhibit C Phasing Plan of Agreement) or the sale of the 569th residential lot, whichever comes first. Phase 6 multi-use path construction shall be completed prior to the sale of the 649th residential lot.

Owner shall widen Cordon Road fronting the development, including necessary tapers beyond the direct frontage, to a typical cross section, west-to east, of a 2-foot gravel shoulder, 6-foot paved shoulder, two 12-foot southbound travel lanes, one 14-foot center median/left turn lane, one-to-two 12-foot northbound travel lanes dependent on right-of-way limitations and existing field conditions, and an 8-foot wide paved shoulder as approved by County. Any deviation from the typical cross section defined shall be approved by the County. All Cordon Road widening shall be completed prior to the recording of the Phase 6 final plat (refer to **Exhibit C** Phasing Plan of Agreement) or the sale of the 569th residential lot, whichever comes first.

2. **Amendment.** Section 3.4 of the Agreement is hereby amended and restated in its entirety as follows:

3.4 Cordon Road NE and Auburn Road NE Intersection. In accordance with City Condition 31 in the Third Modification, Owner shall design, permit and construct an eastbound to southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works, and convey additional right-of-way to accommodate the improvement, if necessary, prior to the recording of the Phase 2A final plat (refer to **Exhibit C** Phasing Plan of Agreement) or the sale of the 228th residential lot, whichever comes first.

In accordance with City Condition 50 of the Third Modification, Owner shall design, permit and construct the remaining intersection improvements, specifically signalization, at Auburn Road NE and Cordon Road NE in compliance with City and County approved intersection improvement plans. Intersection improvement shall include all City-conditioned improvements and the plans shall conform to City traffic signal and pedestrian design and construction standards using County-approved traffic lane widths, such plans to be prepared by Owner and reviewed for approval by City and County under separate cover. All Cordon Road /Auburn Road intersection improvements shall be completed prior to the

recording of the Phase 4 final plat (refer to **Exhibit C** Phasing Plan of Agreement) or sale of the 360th residential lot, whichever comes first.

3. **Amendment.** Section 5 of the Agreement is hereby amended and restated in its entirety as follows:

5. Proportional Share for Off-Site Traffic Impacts. Owner's Traffic Impact Analysis identifies off-site impacts to nearby intersections within the County road network. Owner shall pay its proportional share of impacts to the intersections listed in **Exhibit E** of Agreement in the form of cash payments to County. The proportional share is \$1,329,183 as detailed in **Exhibit E** of Agreement. Phases are as identified in **Exhibit C** of Agreement. Payments shall be made in accordance with the following schedule.

5.1 Payment of \$290,590.13 shall be made no later than 90 days following execution of Amendment.

5.2 Payment of \$208,125.36 shall be made no later than the recording of the Phase 2 plat.

5.3 Payment of \$208,125.36 shall be made no later than the recording of the Phase 3 plat.

5.4 Payment of \$157,075.75 shall be made no later than the recording of the Phase 4 plat.

5.5 Payment of \$253,284.64 shall be made no later than the recording of the Phase 5 plat.

5.6 Payment of \$157,075.75 shall be made no later than the recording of the Phase 6 plat.

5.7 Payment of \$54,906.00 shall be made no later than issuance of the first certificate of occupancy for apartments in Phase 3.

For any payment not made by January 1, 2024, the principal payment amount shall be adjusted for inflation in accordance with the Seattle Area Engineering New Record Construction Cost Index. Interest shall accrue on the installments set forth in sections 5.2 through 5.7 above as adjusted for inflation set forth in the preceding sentence at the rate of 2.5% per annum until paid in full. Principal payment amounts shall not decrease below the amounts listed above with negative inflation.

4. **Recording.** This Amendment shall be recorded in the deed records of Marion County, Oregon. Owner shall bear all costs to record this Amendment.

5. **Remaining Effect.** All other provisions of the Agreement not amended by this Amendment remain in full force and effect.

6. **Counterparts.** This Amendment may be executed in counterparts; however, all signature pages will be recorded together, and the complete recorded Amendment will constitute the final instrument.

7. **Estoppel.** The parties hereby certify that to their knowledge, there are no current, pending, or threatened defaults under the Agreement, as amended herein.

IN WITNESS WHEREOF, Owner and Marion County have caused this Agreement to be executed on their behalf.

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

Chair Date

Commissioner Date

Commissioner Date

Authorized Signature: Brian Hill 1/5/2023
Department Director or designee Date

Authorized Signature: _____
Chief Administrative Officer Date

Reviewed by Signature: _____
Marion County Contracts & Procurement Date

Approved As To Form

Reviewed by Signature: _____
Marion County Legal Counsel Date

STATE OF OREGON))ss.:
County of Marion)

The foregoing instrument was acknowledged before me this ____ day of January, 2023 by Danielle Bethell, who stated that she is a Commissioner of Marion County, and that she executed the foregoing instrument as its voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

STATE OF OREGON))ss.:
County of Marion)

The foregoing instrument was acknowledged before me this ____ day of January, 2023 by Kevin Cameron, who stated that he is a Commissioner of Marion County, and that he executed the foregoing instrument as its voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

STATE OF OREGON))ss.:
County of Marion)

The foregoing instrument was acknowledged before me this ____ day of January, 2023 by Colm Willis, who stated that he is a Commissioner of Marion County, and that he executed the foregoing instrument as its voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

OWNER SIGNATURE

East Park LLC

By: _____

Name: _____

Title: _____

Date: _____

STATE OF OREGON)

County of _____)ss.:

The foregoing instrument was acknowledged before me this ____ day of _____, 2023
by _____, who stated that he/she is a _____,
and that he/she executed the foregoing instrument as its voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

EXHIBIT A
CITY OF SALEM NOTICE OF DECISION WITH CONDITIONS OF APPROVAL FOR
THE THIRD MODIFICATION

NOTICE OF DECISION

PLANNING DIVISION
565 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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

DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF SUBDIVISION CASE NO.: CPC-ZC-PUD-SUB-ADJ19-08MOD3

APPLICATION NO.: 22-111267-LD

NOTICE OF DECISION DATE: July 21, 2022

SUMMARY: A third modification to the East Park Estates Planned Unit Development Subdivision resulting in an adjustment to the phasing schedule for the subdivision.

REQUEST: A third modification to a previously approved phased Planned Unit Development and Subdivision (Case No. CPC-ZC-PUD-SUB-ADJ19-08, CPC-ZC-PUD-SUB-ADJ19-08MOD1, and CPC-ZC-PUD-SUB-ADJ19-08MOD2), resulting in a change to the phasing schedule for the subdivision, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400)."

APPLICANT: Joseph Schaefer on behalf of East Park LLC (Kiril Ivanov, Randy Myers)

LOCATION: 255 Cordon Rd NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.070(d) – Modification to Subdivision

FINDINGS: The findings are in the attached Decision dated July 21, 2022.

DECISION: The Planning Administrator **APPROVED** Modification of Subdivision, Case No. CPC-ZC-PUD-SUB-ADJ19-08MOD3 subject to the following conditions of approval:

All phases:

- Condition 11: Construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.
- Condition 12: Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.
- Condition 13: Provide a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 14: Extend City infrastructure to adjacent parcels pursuant to PWDS.

CPC-ZC-PUD-SUB-ADJ19-08MOD3 Notice of Decision
July 21, 2022
Page 2

- Condition 15: Construct water, stormwater, and sewer systems to serve each lot.
- Condition 16: Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.
- Condition 17: Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.
- Condition 18: Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provides to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

- Condition 19: Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.
- Condition 20: Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.
- Condition 21: Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.
- Condition 22: As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.
- Condition 23: Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street NE as shown on the applicant's preliminary utility plan. (UGA 9)
- Condition 24: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
- Condition 25: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.
- Condition 26: Construct Greencrest Street NE within Phase 1 to Collector B standards.
- Condition 27: Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.

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Condition 28: Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

Condition 29: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.

Condition 30: As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.

Condition 31: ~~Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.~~ Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.

Condition 33: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.

Condition 34: ~~Construct Greencrest Street NE within Phases 2 and 2A to Collector B standards.~~ Construct Greencrest Street NE to Collector B standards from Auburn Road NE to State Street.

Condition 35: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 2A:

Condition 36: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.

Condition 37: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.

Condition 38: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.

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- Condition 39: Construct Greencrest Street NE within Phase 2A to Collector B street standards.
- Condition 40: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

- Condition 41: Construct a 12-inch water main in (future) Greencrest Street NE to State Street.
- Condition 42: Construct Greencrest Street NE to State Street to Collector B standards.
- Condition 43: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.
- Condition 44: Construct a 12-inch water main in State Street from the west line of Phase 3 to Cordon Road NE.
- Condition 45: Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 3 and Phase 4 frontages of State Street.

Phase 4:

- Condition 46: Construct a 15-inch sewer main to the State Street Pump Station.
- Condition 47: Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.
- Condition 48: Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 3 and Phase 4 frontages of State Street.
- Condition 49: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Condition 50: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 5:

- Condition ~~50~~51: Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.
- Condition ~~51~~52: Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.

CPC-ZC-PUD-SUB-ADJ19-08MOD3 Notice of Decision
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Condition ~~5253~~: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

Condition ~~5354~~: Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.

Condition ~~5455~~: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.

Condition ~~5556~~: Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.

Condition ~~5657~~: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

The rights granted by the attached decision must be exercised, or an extension granted, by August 9, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>June 23, 2022</u>
Notice of Decision Mailing Date:	<u>July 21, 2022</u>
Decision Effective Date:	<u>August 9, 2022</u>
State Mandate Date:	<u>October 21, 2022</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Friday, August 5, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING (ORS 205.234). ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED WITHIN THE DOCUMENT.

- A. Names of the Transactions described in the attached instrument: Private Development Agreement for Public Road Improvements.
- B. Names of First Parties: East Park, LLC
- C. Names of Second Parties: D.R. Horton, Inc.-Portland
- D. Names of Third Parties: Marion County, a political subdivision of the State of Oregon.
- E. Consideration Paid (If applicable): None.
- F. Lien or Satisfaction Amount (if applicable): None.
- G. Until a change is requested, all tax statements shall be sent to the following address:

East Park, LLC
27375 SW Parkway Ave,
Wilsonville, Oregon 97070

- H. Name and address of person authorized to receive the instrument after recording:

✓ Scott A. Norris
Marion County Office of Legal Counsel
PO Box 14500
Salem OR 97309

REEL 4645 PAGE 494
MARION COUNTY
BILL BURGESS, COUNTY CLERK
07-27-2022 04:18 pm.
Control Number 713775 \$ 241.00
Instrument 2022 00032629

PRIVATE DEVELOPMENT AGREEMENT FOR PUBLIC ROAD IMPROVEMENTS

RECITALS

- A. This Private Development Agreement for Public Road Improvements (hereinafter referred to as "Agreement") is made between Marion County, a political subdivision of the State of Oregon (hereinafter referred to as "County"), East Park LLC, the owner of the East Park Estates Planned Unit Development (hereinafter referred to as "Owner"), and D.R. Horton, Inc.-Portland (hereinafter referred to as "Horton"). Jointly, County and Owner are hereinafter referred to as "Parties" and individually as "Party".
- B. This Agreement supplements, but does not replace, the existing Private Road Improvement Agreement recorded on May 6, 2011 on Reel 3282, Page 365, Marion County Deed Records (the "2011 Agreement"), to which the East Park Estates Planned Unit Development is subject. Upon execution, this Agreement per Section 10.1 terminates and releases from the 2011 Agreement lots 1-148 of East Park Estates P.U.D., as recorded in Volume H48, Page 91, Marion County Book of Town Plats. Notwithstanding, lots 1-148 are considered as lots toward the total lot triggers identified in Sections 3.4 and 3.5.
- C. County has jurisdictional authority over Cordon Road NE, the portions of Auburn Road NE and State Street located outside of Salem, Oregon city limits, and other local streets in the vicinity located outside of Salem, Oregon city limits.
- D. Owner is the sole-owner of multiple parcels of real property totaling approximately 100.04 acres, which parcels are generally located west of Cordon Road NE between State Street and Auburn Road NE, except for Lots 1-148 East Park Estates P.U.D., recorded at Book 48, Page 91 Marion County Book of Plats, certain of which are owned by Horton. The legal description of the parcels subject to this Agreement is attached hereto as **Exhibit A** and by this reference incorporated herein as the "Properties". The "Properties" shall include all lots or parcels created by all further divisions of the land identified in **Exhibit A**.
- E. Owner has applied to the City of Salem, Oregon (hereinafter referred to as "City") for the approval of a Planned Unit Development known as East Park Estates, City File No. CPC-ZC-PUD-SUB-ADJ19-08, located on properties identified in **Exhibit A** (hereinafter referred to as the "Project").
- F. County, acting through its Public Works Department, has identified various impacts to the County road system resulting from the Project, and the resulting need for road improvements, access management measures on various County roads and stormwater analysis to affirm satisfactory performance of County stormwater infrastructure located outside of City of Salem city limits. Together these infrastructure improvements are hereinafter collectively referred to as "County Infrastructure Improvements", which are defined herein.
- G. City issued a Notice of Decision ("NOD") on October 16, 2019, approving the Planned Unit Development of the Project with conditions. Since that date, City has issued two modifications to the NOD; the first on December 29, 2020, CPC-ZC-SUB-ADJ19-08MOD1, and the second on August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2. The NODs and Modifications contain Conditions of Approval related to County Infrastructure Improvements. The Conditions of Approval from the original NOD and the Conditions of Approval from the two Modifications are attached hereto in **Exhibit B** and by this reference incorporated herein.

- H. Owner proposes to construct Project in phases, as described in the Site Layout Plan attached hereto as **Exhibit C** and by this reference incorporated herein. The Parties acknowledge that Project phasing is subject to change.
- I. Owner and County desire to work cooperatively to complete County Infrastructure Improvements, which may include the design, permitting and construction of County Infrastructure Improvements by Owner.

AGREEMENT

NOW, THEREFORE, in consideration of their mutual covenants contained herein, the Parties hereby covenant and agree with one another as follows:

1. **Identification of County Infrastructure Improvements.** County Infrastructure Improvements are intended to address the totality of the combined effects of traffic impacts, transportation planning requirements, design standards, access management and pedestrian safety requirements associated with the Project. Owner shall design, permit and construct new County Infrastructure Improvement features, such as travel lanes, turn lanes, traffic signals, paved and unpaved shoulders, pedestrian pathways, pedestrian crossings, ADA facilities and other features necessary to conform to County engineering and development standards, or increase roadway capacity to accommodate new traffic and pedestrian volumes generated by the Project, as specified in Section 3 of this Agreement. Owner shall bear the full cost of County Infrastructure Improvements defined herein at its sole expense. The Parties acknowledge the County Infrastructure Improvements listed herein are limited solely to County requirements, and that the City may have additional requirements.
2. Development of the Project will occur in phases over an extended period of years and the exact timing of the development and completion of individual County Infrastructure Improvements is undetermined at this time. The Parties acknowledge that vehicle and pedestrian volumes generated by the Project will increase as each Project phase is constructed, necessitating the phased completion of County Infrastructure Improvements. Project milestones that trigger the requirement for Owner to complete specific County Infrastructure Improvements are specified in Section 3 of this Agreement.
3. County Infrastructure Improvements are defined as follows:

3.1 Right-of-Way Dedication from Owner

- 3.1.1 Owner agrees to dedicate real property for public road right-of-way purposes from all Properties abutting Cordon Road NE, at no cost to County, as follows: A strip of land measured from the existing Cordon Road NE right-of-way to a distance of 60 feet west of the existing Cordon Road NE centerline, as shown on Marion County Survey No. 12576, along the entire Properties' frontage. Refer to Section 3.3 for additional easement dedication requirements.
- 3.1.2 Owner agrees to dedicate an irregularly-shaped area in the northwest quadrant of the Cordon Road NE / State Street intersection from all applicable Properties adjoining Cordon Road NE and State Street, sufficient for accommodating pedestrian and traffic signal facilities, as shown on **Exhibit D1**, attached hereto and by this reference incorporated herein.

- 3.2 **Right-of -Way Acquisition By Owner.** Owner agrees to negotiate in good faith with neighboring property owners to acquire the easements described in Sub-Sections 3.2.1 and 3.2.2 and to coordinate with County to administrate the acquisition of such easements for public road right-of-

way purposes. Owner shall pay for all costs associated with the acquisition of easements associated with County Infrastructure Improvement features triggered by the Project. Owner shall use as its basis for valuation, an appraisal prepared in the same manner as an appraisal utilized by the County for the acquisition of right-of-way or public easement. County attainment of a portion(s) of the indicated public right-of-way through unrelated development may reduce obligated Owner initiative.

3.2.1 Cordon Road NE and State Street Intersection

3.2.1.a Southwest Intersection Quadrant: A trapezoidal-shaped strip of land in the northeast corner of Tax Lot T7SR2WS29CD 00100 sufficient for accommodating pedestrian ramp and traffic signal facilities, as shown on **Exhibit D1**.

3.2.1.b Southeast Intersection Quadrant: A rectangular-shaped strip of land in the northwest corner of Tax Lot T7SR2WS29D 02000 sufficient for accommodating pedestrian ramp and traffic signal facilities, as shown on **Exhibit D1**.

3.2.1.c Northeast Intersection Quadrant: An irregular-shaped strip of land in the southwest corner, and along the southern and western property lines of Tax Lot T7SR2WS29D 01800 sufficient for accommodating pedestrian ramp and traffic signal facilities, as shown on **Exhibit D1**.

3.2.2 Cordon Road NE and Auburn Road NE Intersection

Southwest Intersection Quadrant: A trapezoidal-shaped strip of land in the northeast corner of Tax Lot T7SR2WS29B 00100 sufficient for accommodating pedestrian ramp and traffic signal facilities, as shown on **Exhibit D2**.

3.3 Cordon Road NE Frontage Improvements. Owner shall design, permit and construct a continuous 10-foot-wide multi-use path with hot mix asphalt cement surfacing, or other material such as concrete as agreed upon by County and City of Salem, on the westerly side of Cordon Road NE having ADA-compliant transitions at the northerly and southerly ends of the path. Owner proposes to construct a generally meandering path that avoids or minimizes impacts to existing stormwater ditches paralleling Cordon Road NE. Owner shall dedicate a public easement encompassing all portions of the multi-use path not located within the right-of-way dedication described in Section 3.1.1. Owner shall widen Cordon Road fronting the development, including necessary tapers beyond the direct frontage, to a typical cross section, west-to east, of a 2-foot gravel shoulder, 6-foot paved shoulder, two 12-foot southbound travel lanes, one 14-foot center median/left turn lane, one-to-two 12-foot northbound travel lanes dependent on right-of-way limitations and existing field conditions, and an 8-foot wide paved shoulder as approved by County. Any deviation from the typical cross section defined shall be approved by the County.

3.4 Cordon Road NE and Auburn Road NE Intersection. In accordance with City Condition 31 in the NOD and most recent 2nd Modification thereof, Owner shall design, permit and construct intersection improvements at Auburn Road NE and Cordon Road NE in compliance with City and County approved intersection improvement plans. Intersection improvement shall include all City-conditioned improvements and the plans shall conform to City traffic signal and pedestrian design and construction standards using County-approved traffic lane widths, such plans to be prepared by Owner and reviewed for approval by City and County under separate cover. All Cordon Road /

Auburn Road intersection improvements shall be completed prior to the recording of the Phase 2A final plat (refer to **Exhibit C** Phasing Plan) or the sale of the 228th residential lot, whichever comes first.

- 3.5 Cordon Road NE and State Street Intersection.** In accordance with renumbered City Condition 51 in the 2nd Modification to the NOD, Owner agrees to design, permit and construct intersection improvements at Cordon Road and State Street in compliance with City and County approved intersection improvement plans. Intersection improvements shall include the addition of a second eastbound center turn pocket lane on State Street and up to a 1000-foot-long receiving lane on northbound Cordon Road, among other City-conditioned improvements. Intersection improvement plans shall conform to City traffic signal and pedestrian design and construction standards using County-approved traffic lane widths, such plans to be prepared by Owner and reviewed for approval by City and County under separate cover. All Cordon Road / State Street intersection improvements shall be completed prior to the start of Phase 5 construction (refer to **Exhibit C**) or the sale of the 440th residential lot or first occupancy of Phase 3 rental apartment units or issuance of certificate of occupancy of any Phase 3 commercial development, whichever comes first.
- 4. County Stormwater Drainage Facilities.** Stormwater discharge exiting the Project is expected to flow through one City-owned culvert under Auburn Road, then through two side-by-side County-owned culverts under Cordon Road, thence to the west fork of the Little Pudding River. The County-owned culverts have limited capacity to accommodate additional peak stormwater discharge flows. Owner shall design the Project in accordance with the City of Salem Public Works Design Standards for stormwater infrastructure and shall construct the Project, including the stormwater culvert under Auburn Road, pursuant to a City of Salem permit.
- 5. Proportional Share for Off-Site Traffic Impacts.** Owner's Traffic Impact Analysis identifies off-site impacts to nearby intersections within the County road network. Owner shall pay its proportional share of impacts to the intersections listed in **Exhibit E**.
- 6. No Opposition to Redevelopment Proposals.** In consideration of Owner's commitment to the completion of the County Infrastructure Improvements in conjunction with the Project, County agrees to not oppose future city land use applications for development generally consistent with the Site Layout Plan with Project Phasing map attached as **Exhibit C** provided satisfactory completion of all conditions in this agreement which have been triggered prior to the deadline for opposing the land use application in question are met.
- 7. Breach; Remedies**
- 7.1 Breach.** Any violation of a term or condition of this Agreement shall constitute a breach by the Party violating the term or condition.
- 7.2 Remedies for Owner.** If Marion County breaches this Agreement, Owner's remedy is limited to reimbursement for County Infrastructure Improvements completed by Owner up to the date of breach. Prior to the exercise of this remedy, Owner shall give Marion County written notice of the breach and intent to terminate and seek damages. If Marion County has not initiated a cure to resolve the breach within 15 calendar days of the date of the notice, then Owner may terminate the Agreement at any time thereafter by giving a written notice of termination, with a calculation of the damages due to the breach. In the alternative to the remedy set forth in this section, Owner is entitled to any other equitable and legal remedies that are available.

7.3 Remedies for Marion County. If Owner breaches this Agreement, Marion County is entitled to terminate this Agreement and recover damages equal to the cost to complete the County Infrastructure Improvements as of the date of the breach. Prior to the exercise of this remedy, Marion County shall give Owner written notice of the breach and intent to terminate and seek damages. If Owner has not initiated a cure to resolve the breach within 15 calendar days of the date of the notice, then Marion County may terminate the Agreement at any time thereafter by giving a written notice of termination, with a calculation of the damages due to the breach. In the alternative to the remedy set forth in this section, Marion County is entitled to any other equitable and legal remedies that are available.

8. Miscellaneous Provisions.

8.1 Effective Date. This Agreement shall become effective upon the date of the last signature hereon.

8.2 Compliance With Applicable Law. The Parties shall each comply with all federal, state and local laws, regulations, rules and resolutions applicable to the provisions of this Agreement.

8.3 Severability. The Parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

8.4 Modification. This Agreement may not be altered, modified, supplemented or amended in any manner whatsoever except by mutual agreement of the Parties in writing. Any such alteration, modification, supplementation or amendment, if made, shall be effective only in the specific instance and for the specific purpose given, and shall be valid and binding only if signed by Owner and an authorized representative of Marion County.

8.5 Waiver. No provision of this Agreement may be waived except in writing by the party waiving compliance. No waiver of any provision of this Agreement shall constitute waiver of any other provision, whether similar or not, nor shall any one waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or of any other provision.

8.6 Execution in Counterparts. This Agreement may be executed in counterparts, each of which shall be an original, and all of which shall constitute but one and the same Agreement.

8.7 Entire Understanding. This Agreement sets forth the entire understanding between the Parties as of the effective date hereof; however, the Parties contemplate that they shall from time to time supplement, modify and elaborate upon the understandings set forth herein.

8.8 Successors and Assigns. This Agreement shall run with the land for all of the Properties, and shall be binding upon the Parties, and their successors and assigns.

9. Recording. This Agreement shall be recorded in the deed records of Marion County, Oregon.

10. Termination.

10.1 The Parties and Horton desire to terminate, and Marion County hereby terminates and releases the 2011 Agreement with respect to the following property: Lots 1 – 148, inclusive, EAST PARK ESTATES P.U.D., Book of Town Plats, Volume H-48, Page 91, Marion County Deed Records, Reel

10.2 This Agreement and the 2011 Agreement shall terminate in stages for all other lots not identified in Section 10.1 as the Property is developed. The Parties agree that as to any given lot affected by this Agreement or the 2011 Agreement that has received a Certificate of Occupancy for a residential dwelling or dwellings or commercial building, this Agreement and the 2011 Agreement will be deemed terminated provided all conditions triggered under this Agreement at the time Certificate of Occupancy is received have been met, and the lot released from the effect of this Agreement and the 2011 Agreement. When Certificates of Occupancy have been issued for all lots, the Parties will join in signing a recordable instrument terminating this Agreement and the 2011 Agreement, which Owner will cause to be recorded in the deed records of Marion County, at its sole expense.

**MARION COUNTY, OREGON
BOARD OF COMMISSIONERS:**

Chair

Date _____

Department Director or designee

7/7/22

Date _____

Commissioner

7/13/22

Date _____

Chief Administrative Officer

7/8/77

Date _____

Commissioner

7.13.2022

Date _____

Marion County Legal Counsel

Date _____


Marion County Contracts & Procurement

July 8, 2022

Date _____

)ss.:

)



OFFICIAL STAMP
BRENDA JULIENNE KOENIG
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 983492
 MY COMMISSION EXPIRES JANUARY 23, 2023

Notary Public for Oregon

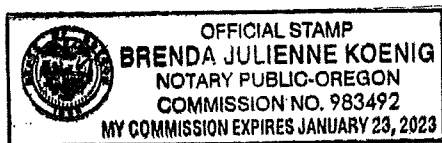
My commission expires: 1/23/2023

STATE OF OREGON)

)ss.:

County of Marion)

The foregoing instrument was acknowledged before me this 13th day of July, 2022 by Kevin Cameron, who stated that he is a Commissioner of Marion County, and that he executed the foregoing instrument as its voluntary act and deed.



Brenda Julienne Koenig
Notary Public for Oregon

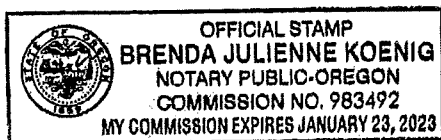
My commission expires: 1/23/2023

STATE OF OREGON)

)ss.:

County of Marion)

The foregoing instrument was acknowledged before me this 13th day of July, 2022 by Colm Willis, who stated that he is a Commissioner of Marion County, and that he executed the foregoing instrument as its voluntary act and deed.



Brenda Julienne Koenig
Notary Public for Oregon

My commission expires: 1/23/2023

OWNER

East Park LLC

By: 

Name: KIRIL IVANOV

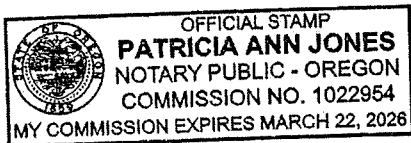
Title: Member

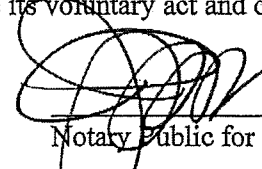
Date: July 14, 2022

STATE OF OREGON)

County of Clatsop ss.:

The foregoing instrument was acknowledged before me this 14 day of July, 2022 by KIRIL IVANOV, who stated that he/she is a Member of East Park LLC, and that he/she executed the foregoing instrument as its voluntary act and deed.




Notary Public for Oregon

My commission expires: March 22, 2026

HORTON

D.R. Horton, Inc.-Portland

By: [Signature]

Name: Keith Manske

Title: City Manager - VP.

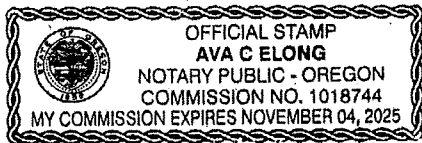
Date: 7/14/22

STATE OF OREGON)

)ss.:

County of Multnomah

The foregoing instrument was acknowledged before me this 14th day of JULY, 2022 by Keith Manske, who stated that he/she is a City Manager and Vice President, and that he/she executed the foregoing instrument as its voluntary act and deed.



[Signature]

Notary Public for Oregon

My commission expires: November 4, 2025

LIST OF EXHIBITS

EXHIBIT A – Legal Description Identifying Project Properties

EXHIBIT B – City of Salem Conditions of Approval for the Planned Unit Development and Associated Modifications

EXHIBIT C – Site Layout Plans with Project Phasing

EXHIBIT D – Approximate Intersection Right-of-Way Needs

EXHIBIT E – Owner Proportional Shares for Offsite Impacts

EXHIBIT A
LEGAL DESCRIPTION
IDENTIFYING PROJECT PROPERTIES

Legal Description

PARCEL 1

Lot 149 of East Park Estates PUD, Volume H48, Page 91, Marion County Book of Town Plats, recorded on August 30, 2021 at Reel 4533, Page 393 of Marion County Deed Records.

PARCEL 2

Lot 150 of East Park Estates PUD, Volume H48, Page 91, Marion County Book of Town Plats, recorded on August 30, 2021 at Reel 4533, Page 393 of Marion County Deed Records.

PARCEL 3

Parcel 1, Partition Plat 2020-61, Marion County Book of Partition Plats

PARCEL 4

Parcel 1, as described in Reel 4230, Page 271, Marion County Deed Records, more particularly described as follows.

Beginning at a point which is 0.30 chains North and 1.666 chains West from the most Northerly Northwest corner of the J. C. Caplinger Donation Land Claim, in Township 7 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, said point is also described as being at the intersection of the West line of a County Road (which road is described in Volume 133, Page 149, Deed Records for Marion County, Oregon), and the center line of Salem to Geer Road; and running thence West 10.907 chains along the center line of said Salem to Geer Road to the Southeast corner of the R. E. West property described in deed recorded in Volume 102, Page 501, Deed Records for Marion County, Oregon; thence North along the East line of said R. E. West property 20.34 chains to the South boundary of the Southern Pacific Railroad Right of Way; thence East along said right of way 10.907 chains to the West line of the County Road; thence South along the West line of said County Road 20.302 chains to the place of beginning.

EXCEPT that part conveyed to Marion County, Oregon, by deed dated October 7, 1957, recorded October 10, 1957, in Volume 504, Page 741, and by deed dated July 14, 1960, recorded December 28, 1960, in Volume 540, Page 545, Deed Records for Marion County, Oregon.

PARCEL 5

Parcel 2, as described in Reel 4230, Page 271, Marion County Deed Records, more particularly described as follows.

Beginning at a point which is 12.50 chains West and 61 links North of the most Northerly Northwest corner of J. C. Caplinger's Donation Land Claim, in Township 7 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; and running thence North 20.03 chains to the R. Savage's line; thence West 5.53 chains; thence South 20.05 chains to the center of the County Road leading to Salem; thence East to the place of beginning.

EXCEPT that part lying in Southern Pacific Railroad right of way, and that part conveyed to Marion County, Oregon, by deed dated October 7, 1957, recorded October 10, 1957, in Volume 504, Page 744, Deed Records for Marion County, Oregon.

PARCEL 6

Parcel 3, as described in Reel 4230, Page 271, Marion County Deed Records, more particularly described as follows.

Beginning In the center of the County Road at a point which is 0.72 chains North 1°20' West and 1193.36 feet South 89°34' West from the most Northerly Northwest corner of the J. C. Caplinger Donation Land Claim No. 75, in Township 7 South, Range 2 West of the Willamette Meridian In Marion County, Oregon; thence South 89°34' West along the center of said County Road, a distance of 339.96 feet; thence North 0°11' West 204.50 feet; thence South 89°49' West 8.63 feet; thence North 0°08' West 1051.24 feet to the South line of the Southern Pacific Railroad right of way; thence South 89°51' East along the South line of the said Railroad right of way 348.76 feet; thence South 0°08' East 1252.36 feet to the place of beginning.

EXCEPT that part conveyed to Marion County, Oregon, by deed dated October 7, 1957, recorded October 10, 1957, in Volume 504, Page 742, Deed Records for Marion County, Oregon.

PARCEL 7

The property as described in Exhibit C, Reel 4513, Page 308, Marion County Deed Records, more particularly described as follows.

Commencing at a 5/8" iron rod at the Southeast corner of Parcel 1, Partition Plat 2020-61 in the Southwest quarter of Section 29, Township 7 South, Range 2 West of the Willamette Meridian, City of Salem, Marion County, Oregon; thence along the South line of said Parcel 1 South 89°59'11" West

1582.29 feet to a 5/8" iron rod at the True Point of Beginning; thence South 00°22'20" East 110.00 feet to a 5/8" iron rod; thence South 00°03'41" East 45.00 feet to a 5/8" iron rod; thence South 00°02'06" West 45.00 feet to a 5/8" iron rod; thence South 00°00'06" East 225.00 feet to a 5/8" iron rod; thence South 00°07'39" East 225.00 feet to a 5/8" iron rod; thence South 00°09'14" East 135.00 feet to a 5/8" iron rod; thence South 00°18'54" East 135.00 feet to a 5/8" iron rod; thence South 00°04'22" West 131.28 feet to a 5/8" iron rod; thence North 89°26'55" East 15.84 feet to a 5/8" iron rod; thence South 01°14'36" East 1.31 feet to a 5/8" iron rod on the North line of the tract of land described as "Parcel VII" in Reel 4230, Page 271, Marion County Deed Records; thence along the North line of said "Parcel VII" North 89°51'44" East 178.39 feet to a 1/2" iron pipe at the Southeast corner of the tract of land described as "Parcel VI" in said Reel 4230, Page 271; thence along the East line of said "Parcel VI" North 00°13'52" West 1052.06 feet to the South line of said Parcel 1; thence along said South line South 89°59'11" West 192.20 feet to the True Point of Beginning and containing 4.66 acres, more or less.

PARCEL 8

The property as described in Exhibit C, Reel 4558, Page 257, Marion County Deed Records, more particularly described as follows.

Beginning at a 1/2" iron pipe at the Southeast corner of the tract of land described as Exhibit C in Reel 4513, Page 308, Marion County Deed Records in the Southwest Quarter of Section 29, Township 7 South, Range 2 West of the Willamette Meridian, City of Salem, Marion County, Oregon; thence along the North line of the tract of land described as "Parcel VII" in Reel 4230, Page 271, Marion County Deed Records North 89°51'44" East 8.63 feet to the Northeast corner thereof; thence along the East line of said "Parcel VII" South 00°14'43" East 174.54 feet to the North Right of Way of State Street; thence along said North Right of Way South 89°27'28" West 188.15 feet to a 5/8" iron rod; thence North 00°53'51" East 112.17 feet to a 5/8" iron rod; thence North 01°14'36" West 63.72 feet to a 5/8" iron rod at the most Southerly Southwest corner of said Exhibit C; thence along the South line thereof North 89°51'44" East 178.39 feet to the Point of Beginning and containing 32,731 square feet, more or less.

EXHIBIT B

CITY OF SALEM CONDITIONS OF APPROVAL FOR THE PLANNED UNIT DEVELOPMENT AND ASSOCIATED MODIFICATIONS

- B1: CPC-ZC-PUD-SUB-ADJ19-08

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE / PLANNED UNIT
DEVELOPMENT / SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO.: CPC-ZC-
PUD-SUB-ADJ19-08

APPLICATION NO.: 18-124473-ZO / 18-124474-ZO / 18-124468-LD / 18-124472-
LD / 19-118029-ZO

NOTICE OF DECISION DATE: OCTOBER 16, 2019

SUMMARY: An application for a Planned Unit Development and Subdivision for 659
single family units and a 36-unit multi-family residential use, for a total of 695 units,
for property approximately 122 acres in size.

REQUEST: An application for a 695-unit Planned Unit Development and Subdivision
to be completed in six phases, a Minor Comprehensive Plan Map Amendment and
Zone Change from CR (Retail Commercial) to RM-II (Multi-Family Residential) for
approximately 2.11 acres, and from IP (Industrial Park) to RS (Single Family
Residential) for approximately 3.25 acres, and a Class 2 Adjustment to reduce the
amount of required off-street parking spaces for the 36-unit multi-family portion of the
PUD from 77 spaces (2.14 per unit) to 64 spaces (1.77 spaces per unit).

For property approximately 122 acres in size, zoned RS (Single Family Residential),
RM-I and RM-II (Multi-Family Residential), CR (Retail Commercial), and IP (Industrial
Park), and located at 255 Cordon Road NE, 4800-4900 Block of State Street, and
4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessor's Map and
Tax Lot numbers: 072W29B / 00200, 00201, 00300, and 00400, 072W29C / 00100,
00101, 00199, 00200, 00300, and 00400).

APPLICANT: Mark Grenz, Multi-Tech Engineering, on behalf of East Park, LLC
(Randy Myers, Kiril Ivanov)

LOCATION: 255 Cordon Rd NE, 4800-4900 Block of State Street, and 4700-4800
Block of Auburn Road NE, Salem OR / 97301

CRITERIA: Salem Revised Code (SRC) Chapters 64.025(e)(2), 265.005(e),
205.010(d), 210.025(d), 250.005(d)(2)

FINDINGS: The findings are in the attached Decision dated October 16, 2019.

DECISION: The Planning Commission APPROVED Comprehensive Plan Change /
Zone Change / Planning Unit Development / Subdivision / Class 2 Adjustment Case
No. CPC-ZC-PUD-SUB-TCP19-08 subject to the following conditions of approval:

A. APPROVE Minor Comprehensive Plan Map Amendment from "Industrial" to "Single Family Residential" and "Commercial" to "Multiple Family Residential".

B. APPROVE Zone Change from IP (Industrial Park) to RS (Single Family Residential) and from CR (Retail Commercial) to RM-II (Multi-Family Residential), subject to the following conditions of approval:

Condition 1: The transportation impacts from the 122-acre site shall be limited to a maximum cumulative total of 14,157 average daily vehicle trips as required by Order No. 10-C-689.

Condition 2: The requirements of land use case number UGA 09-07 and UGA09-07MOD1 may be completed incrementally with each specific phase as indicated in the conditions of approval.

C. APPROVE Planned Unit Development Tentative Plan and Subdivision Tentative Plan, subject to the following conditions of approval:

All phases:

Condition 3: Prior to final plat approval of any phase, the applicant shall either 1) demonstrate that taxlot 072W29C00199 was a legally created unit of land, or 2) the unit of land shall be validated through the validation process provided in SRC 205.060.

Condition 4: Adequate Fire Department access and water supply shall be required for each phase of development.

Condition 5: Contrasting building materials and colors shall be incorporated into the design for the proposed multi-family buildings.

Condition 6: Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

Condition 7: The PUD Final Plan shall demonstrate that the off-street parking area complies with the minimum interior parking area landscaping requirements of SRC Chapter 806.

Condition 8: The PUD Final Plan shall demonstrate that a minimum of 4 bicycle parking spaces will be provided for the proposed multi-family residential use in compliance with the development standards of SRC 806.060.

Condition 9: All significant trees on the subject property shall be protected and preserved through development unless the removal is approved through SRC Chapter 808.

Condition 10: Prior to commencing work in any mapped wetland area, obtain state/federal wetland permits.

Condition 11: Construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.

Condition 12: Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.

Condition 13: Provide a 10-foot public utility easement along the street frontage of all internal streets.

Condition 14: Extend City infrastructure to adjacent parcels pursuant to PWDS.

Condition 15: Construct water, stormwater, and sewer systems to serve each lot.

Condition 16: Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.

Condition 17: Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.

Condition 18: Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provisions to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

Condition 19: Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.

Condition 20: Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.

Condition 21: Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.

Condition 22: As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.

Condition 23: Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street

NE as shown on the applicant's preliminary utility plan. (UGA 9)

Condition 24: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.

Condition 25: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.

Condition 26: Construct Greencrest Street NE within Phase 1 to Collector B standards.

Condition 27: Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.

Condition 28: Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

Condition 29: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.

Condition 30: As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.

Condition 31: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.

Condition 33: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property.

Condition 34: Construct Greencrest Street NE within Phase 2 to Collector B standards.

Condition 35: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

Condition 36: Construct a 12-inch water main in (future) Greencrest Street NE to State Street.

Condition 37: Construct Greencrest Street NE to State Street to Collector B standards.

Condition 38: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Phase 4:

Condition 39: Construct a 12-inch water main along the Phase 4 frontage of State Street to the western boundary of the subject property pursuant to PWDS.

Condition 40: Construct a 15-inch sewer main to the State Street Pump Station.

Condition 41: Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 4 frontage of State Street.

Condition 42: Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.

Condition 43: Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 4 frontage of State Street.

Condition 44: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

Condition 45: Construct a 12-inch water main along the Phase 5 frontage of State Street.

Condition 46: Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.

Condition 47: Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.

Condition 48: Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE.

Condition 49: Construct a minimum 46-foot-wide three-quarter-street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE.

Condition 50: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

Condition 51: Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.

Condition 52: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.

Condition 53: Provide right-of-way for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.

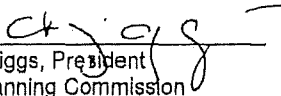
Condition 54: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

D. APPROVE Class 2 Adjustment to Lot Standards and Street Connectivity, subject to the following condition of approval:

Condition 55: The adjusted off-street parking requirement, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable off-street parking requirements, unless adjusted through a future land use action.

VOTE:

Yes 7 No 0 Absent 1 (Levin)


Chane Griggs, President
Salem Planning Commission

Application Deemed Complete:	<u>June 12, 2019</u>
Public Hearing Date:	<u>September 17, 2019</u>
Notice of Decision Mailing Date:	<u>October 16, 2019</u>
Decision Effective Date:	<u>November 1, 2019</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

- B2: CPC-ZC-PUD-SUB-ADJ19-08MOD1

CPC-ZC-PUD-SUB-ADJ19-08MOD1
December 29, 2020
Page 4

alternative street standards under SRC 803.065(a)(1). The conditions of the original approval are unchanged with these modifications.

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

Finding: The proposed modification includes minor adjustments to the property boundary, minor clarifications to two street turnarounds, and a minor change to the phase boundaries. The proposed modification does not change the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

Because the configuration of the subdivision is substantially similar to the original approval, and because no change is proposed to the previously approved uses for the property, the requested modification would not increase or otherwise change impacts on surrounding properties. The proposal meets this criterion.

SRC 205.015(e): Modification pursuant to final plat approval. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

Finding: No change is proposed to the phase boundaries or conditions from the original approval. City infrastructure is available to serve individual phases in a way that is functionally self-contained and self-sustaining no differently than for the original application. The infrastructure requirements for the subdivision modification are unchanged from the original decision. The improvements constructed in each phase will be constructed in such a manner that provides sufficient capacity to serve later phases.

2. Effect on Expiration Period of Original Approval:

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

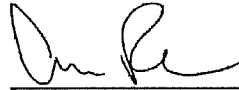
Finding: The expiration date for the original tentative subdivision approval (CPC-ZC-PUD-SUB-ADJ19-08) is November 1, 2021. The proposed modification does not change the expiration date for the consolidated application. The applicant is permitted to apply for up to four extensions of the expiration date, in two-year increments, with the final extension expiring no later than November 1, 2029.

Pursuant to SRC 200.025(g)(1), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid if the tentative subdivision approval remains valid. Therefore, UGA09-07MOD1 and its terms and conditions would remain in effect for the duration of the subject modification and any subsequent extensions.

DECISION

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

- Condition 1:** Prior to recording of the final plat for the first phase of the subdivision, the applicant shall provide evidence that Marion County PLA Case No. 20-034 has been recorded.
- Condition 2:** Comply with all conditions of approval from the original subdivision (CPC-ZC-PUD-SUB-ADJ19-08).



Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Prepared by Aaron Panko, Planner III

- Attachments:
- A. Vicinity Map
 - B. Proposed Modified Subdivision Plan
 - C. Applicant's Written Statement
 - D. Public Works Memo
 - E. Salem Keizer Public Schools Comments

Application Deemed Complete:	<u>November 25, 2020</u>
Notice of Decision Mailing Date:	<u>December 29, 2020</u>
Decision Effective Date:	<u>January 14, 2021</u>
State Mandated Decision Date:	<u>March 25, 2021</u>

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

Tentative Subdivision Plan: November 1, 2021

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Wednesday, January 13, 2021, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

cc: Alan Kessler, GIS

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• B3: CPC-ZC-PUD-SUB-ADJ19-08MOD2

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August 27, 2021
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change the expiration date for the consolidated application. The applicant is permitted to apply for up to four extensions of the expiration date, in two-year increments, with the final extension expiring no later than **November 1, 2029**.

Pursuant to SRC 200.025(g)(1), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid if the tentative subdivision approval remains valid. Therefore, UGA09-07MOD1 and its terms and conditions would remain in effect for the duration of the subject modification of phased subdivision tentative plan approval and any subsequent extensions.

DECISION

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

- Condition 1:** Street improvements along Greencrest Street NE shall include an area for future transit stops in locations consistent with PWDS.
- Condition 2:** Prior to recording of the final plat for Phase 3 of the subdivision, the applicant shall provide evidence that Marion County PLA Case No. 21-024 and 21-047 have been recorded.
- Condition 3:** Conditions of approval from the original subdivision (CPC-ZC-PUD-SUB-ADJ19-08) shall be modified as follows:

All phases:

- Condition 11: Construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.
- Condition 12: Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.
- Condition 13: Provide a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 14: Extend City infrastructure to adjacent parcels pursuant to PWDS.
- Condition 15: Construct water, stormwater, and sewer systems to serve each lot.
- Condition 16: Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.
- Condition 17: Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.

- Condition 18: Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provides to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

- Condition 19: Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.
- Condition 20: Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.
- Condition 21: Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.
- Condition 22: As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.
- Condition 23: Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street NE as shown on the applicant's preliminary utility plan. (UGA 9)
- Condition 24: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
- Condition 25: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.
- Condition 26: Construct Greencrest Street NE within Phase 1 to Collector B standards.
- Condition 27: Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 28: Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

- Condition 29: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.

- Condition 30: As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.
- Condition 31: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.
- Condition 33: Construct a minimum 29-foot-wide three-quarter street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property. Construct a minimum 29-foot-wide three-quarter street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.
- Condition 34: Construct Greencrest Street NE within Phase 2 to Collector B standards. Construct Greencrest Street NE within Phases 2 and 2A to Collector B standards.
- Condition 35: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 2A:

- Condition 36: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.
- Condition 37: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.
- Condition 38: Construct a minimum 29-foot-wide three-quarter street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.
- Condition 39: Construct Greencrest Street NE within Phase 2A to Collector B street standards.
- Condition 40: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn

Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

Condition ~~36~~41: Construct a 12-inch water main in (future) Greencrest Street NE to State Street.

Condition ~~37~~42: Construct Greencrest Street NE to State Street to Collector B standards.

Condition ~~38~~43: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Condition 44: Construct a 12-inch water main in State Street from the west line of Phase 3 to Cordon Road NE.

Condition 45: Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 3 and Phase 4 frontages of State Street.

Phase 4:

Condition ~~39~~: ~~Construct a 12-inch water main along the Phase 4 frontage of State Street pursuant to PWDS.~~

Condition ~~40~~46: Construct a 15-inch sewer main to the State Street Pump Station.

Condition ~~41~~: ~~Convey land for dedication of right of way to equal 48 feet from centerline along the Phase 4 frontage of State Street.~~

Condition ~~42~~47: Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.

Condition ~~43~~48: Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 3 and Phase 4 frontages of State Street.

Condition ~~44~~49: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

Condition ~~45~~: ~~Construct a 12-inch water main along the Phase 5 frontage of State Street.~~

Condition ~~46~~50: Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.

- Condition ~~47~~51: Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.
- Condition ~~48~~: ~~Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE.~~
- Condition ~~49~~: ~~Construct a minimum 46-foot-wide three-quarter street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE.~~
- Condition ~~50~~52: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

- Condition ~~54~~53: Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.
- Condition ~~52~~54: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.
- Condition ~~53~~55: Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.
- Condition ~~54~~56: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.



Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

EXHIBIT C

SITE LAYOUT PLANS WITH PROJECT PHASING

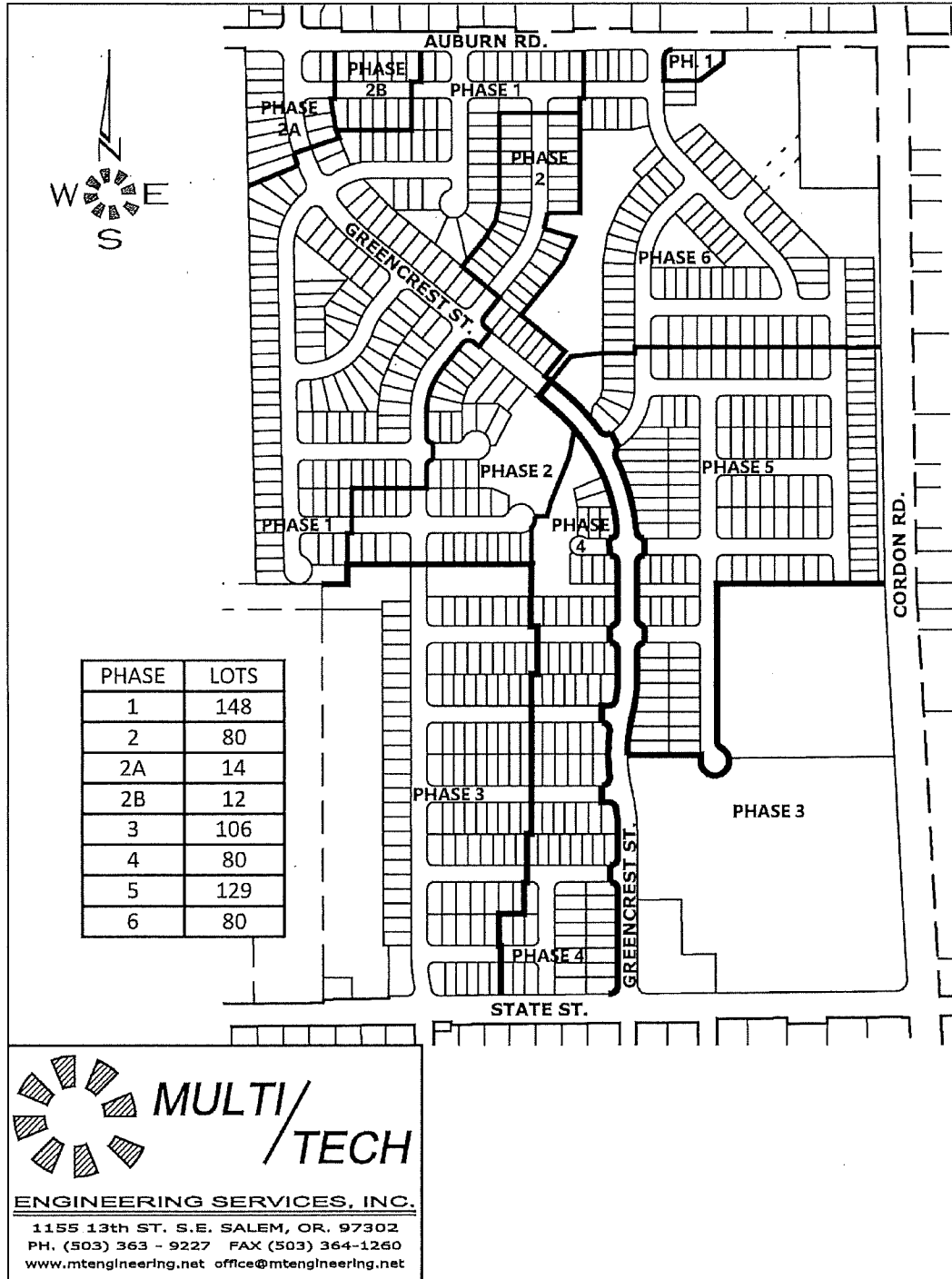
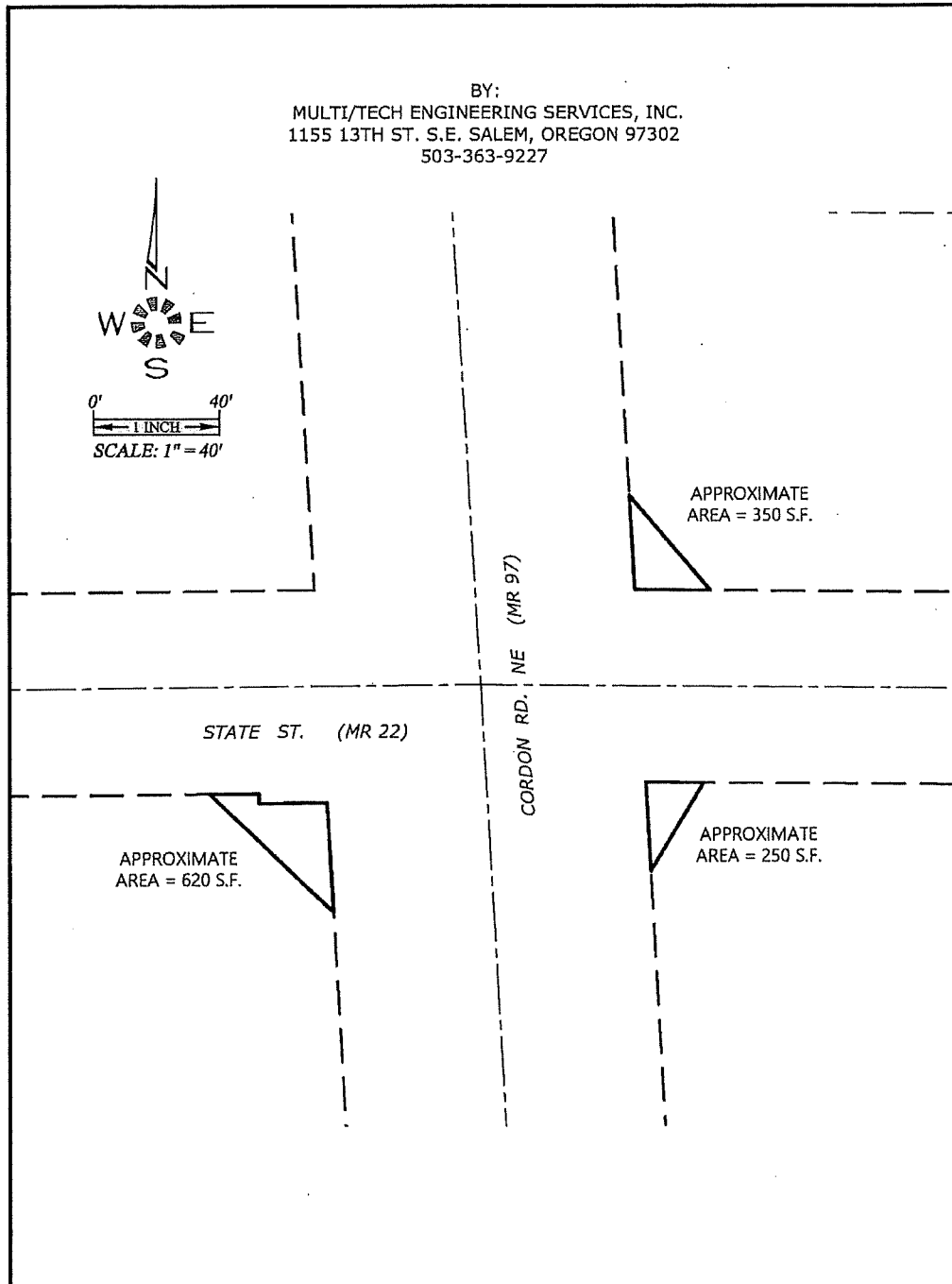


EXHIBIT D

APPROXIMATE INTERSECTION RIGHT-OF-WAY NEEDS

- D1 – CORDON ROAD / STATE STREET INTERSECTION



- D2 – CORDON ROAD / AUBURN ROAD INTERSECTION

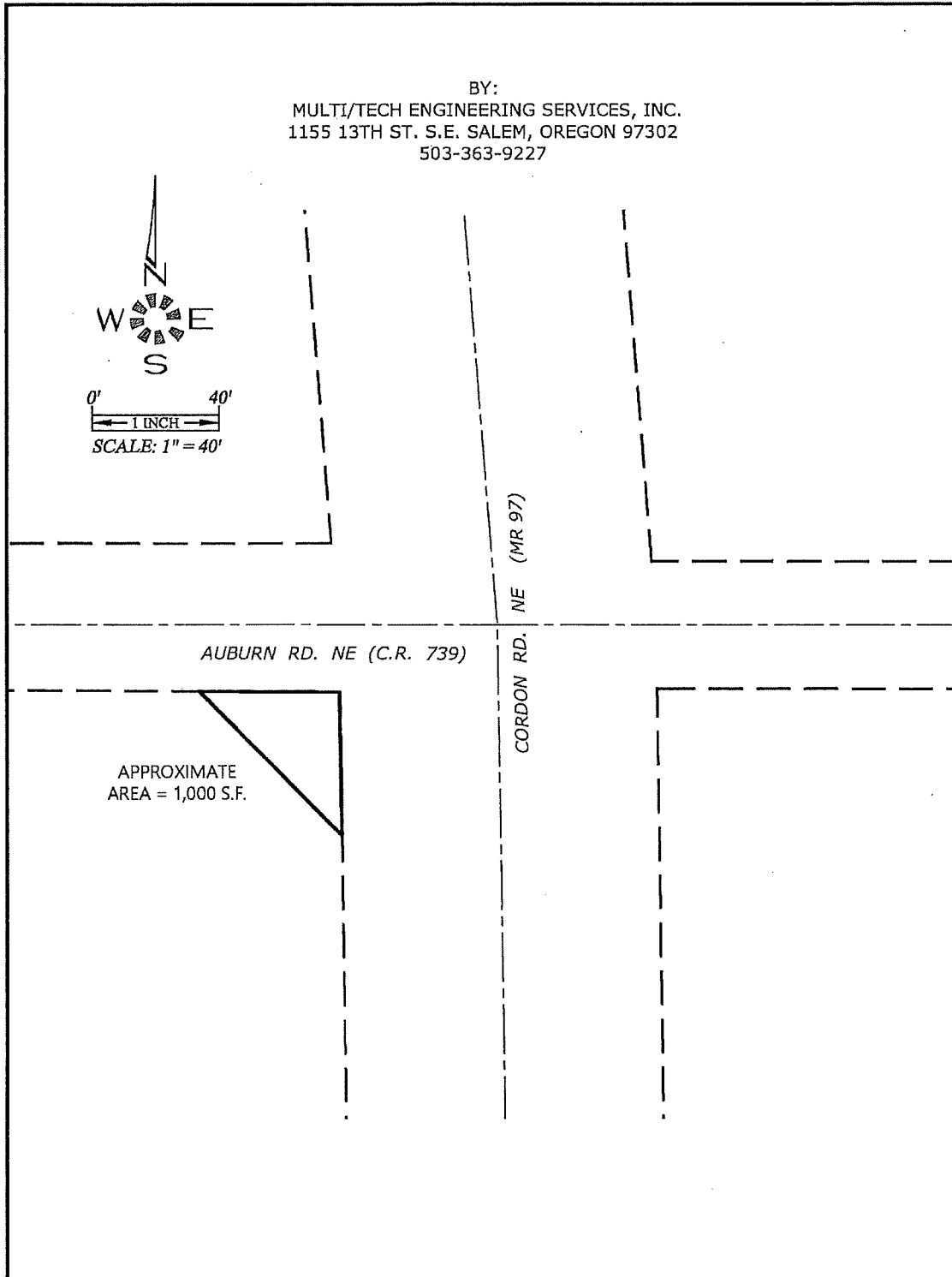


EXHIBIT E

OWNER PROPORTIONAL SHARES FOR OFFSITE IMPACTS

Non Adjacent Improvements East Park Estates Proportionate Share Cost

Date: 12/03/2021

Avg Cost/LF of Cordon Rd Widening

1642 \$/LF

Table 2: In Addition to Developer Installed Improvements: Signal at Auburn, Signal Mod at State, NB receiving lane at Cordon/State.

Intersection	Jurisdiction	Added Trips	Total Year 2039 Trips	% Site Impact	County Improvement Need	Improvement Description	LF Road	Estimated Improvement Cost	East Park Proportionate Share
1: Cordon Rd/Silverton Rd	Marion County	65	3,115	2.10%	Cordon Road Widening	Widen Cordon Rd: Sunnyview through Silverton	6060	\$9,950,520	\$208,961
					Intersection Modification	Correct Alignment, signal upgrade		\$3,000,000	\$63,000
2: Cordon Rd/Sunnyview Rd	Marion County	79	2,680	3.00%	Cordon Road Widening	Widen Cordon Rd: Swegle to Sunnyview	2195	\$3,604,190	\$108,126
					Signal Modification			\$1,255,000	\$37,650
3: Cordon Rd/Swegle Rd	Marion County	87	2,488	3.50%	Cordon Road Widening & Signalize Intersection	Widen Cordon Rd: Center St to Swegle Rd	3405	\$5,591,010	\$195,685
						Signalization		\$1,255,000	\$43,925
4: Cordon Rd/Center St	Marion County	87	2,978	2.90%	Cordon Road Widening	Widen Cordon Rd: State To Center	1200	\$1,970,400	\$57,142
					Intersection Modification	Intersection Mod		\$500,000	\$14,500
5: Cordon Rd/ Auburn Rd (100% MOU and 3.4% TIA)	Marion County	Developer Installed			Cordon Road Widening (full width)	Widen Cordon Rd: State To Auburn	3000	\$4,926,000	
		Developer Installed			Intersection Improvements & Signalization	Signalization		\$1,255,000	

Intersection	Jurisdiction	Added Trips	Total Year 2039 Trips	% Site Impact	County Improvement Need	Improvement Description	LF Road	Estimated Improvement Cost	East Park Proportionate Share
6: Cordon Rd/ State St		Developer Installed			2nd NB Cordon lane to accommodate EB dual left turn lanes	NB Cordon lane to receive EB left turn lane		\$345,285	
		Developer Installed			Intersection & Signal Modifications	Intersection Mod		\$1,255,000	
		195	3,459	5.60%	Cordon Road Widening (full width)	Widen Cordon Rd: Pennsylvania to State	1005	\$2,635,410	\$147,583
7: Cordon Rd/ Pennsylvania St	Marion County	125	2,197	5.70%	Signalize Intersection	Signalization		\$1,255,000	\$71,535
		125	2,197	5.70%	Cordon Road Widening	Widen Cordon Rd: Caplinger to Pennsylvania	2175	\$3,571,350	\$203,567
12: Lancaster Dr/ Auburn Rd	Marion County	64	3,652	1.80%	Safety Improvements or Access Strategies			\$900,000	\$16,200
13: Lancaster Dr/ State St	Marion County	190	5,149	3.70%	Safety Improvements or Access Strategies			\$900,000	\$33,300
14: 45th Ave/ Center St	Marion County	198	1,944	10.20%	Signalization	Signalization		\$1,255,000	\$128,010
Total MC Improvements Cost Estimate Impacted by East Park Estates								\$ 45,424,165	
Proportionate Share of Development in Addition to Construction Improvements									\$1,329,183

Cordon Widening Assumptions

2 - 12' Travel Lanes in each direction with a 14' center turn lane/median, 8' shoulders on each side. In 120' ROW with 10' Multi use path on West side. Pavement = 39 feet from centerline to edge of shoulder/eop.

Traffic Percentages and Improvement needs were obtained from TIA by Transight Consulting, Dated Feb 2019

11.3% Inflation 2019 to 2021 to cost estimate performed 2019

REEL: 4645

PAGE: 494

July 27, 2022, 04:18 pm.

CONTROL #: 713775

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 241.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.