

FAIRVIEW HILLS REFINEMENT PLAN



Prepared for

SIMPSON HILLS, LLC

Revised February 6, 2012



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(#) References Salem Revised Code (SRC) 143C.100(e) required elements of Refinement Plans.

Appendices

1. Inadvertent Discovery Plan
2. July 7, 2009 SHPO Letter
3. Kittelson & Associates Trip Generation Analysis
4. September 9, 2010 Cultural Resources Investigation by AAR



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FAIRVIEW HILLS REFINEMENT PLAN

INTRODUCTION

Simpson Hills, LLC owns approximately 103.8± acres of the former Fairview Training Center property and has prepared this Refinement Plan to the adopted Fairview Master Plan to comply with Salem Revised Code (SRC) Chapter 143C.090. Simpson Hills, LLC has elected to prepare a Refinement Plan for the northern portion of the site which contains no less than forty (40) acres as permitted under SRC 143C.100.(c). Uncertainties with current market conditions do not support the refinement of the southern portion of the site at this time. This document has been prepared based upon the Fairview Master Plan, applicable portions of the City of Salem Revised Code, the City of Salem Development Design Handbook, and other relevant regulations. Simpson Hills, LLC looks forward to the opportunity of creating a positive impact on the local environment, surrounding neighborhood, and City of Salem.

The development of the refinement area will integrate a positive mix of pedestrian and vehicular access while at the same time incorporating generous open spaces with natural drainages, wetlands, and trees. This approach creates a balance between practical development and this natural setting in the South Salem hills. Simpson Hills, LLC is excited about moving forward with this project to provide exciting new housing options and neighborhood commercial opportunities within the local community.

This Refinement Plan contains many of the desirable elements included in the adopted Fairview Master Plan and is consistent with the Plan because it:

- Implements critical elements of the Fairview Master Plan such as a focal point “Main Entry” into the community at the Lindburg Road and Reed Rd. intersection;
- Preserves and creates generous open spaces and “Green Corridors” designed to protect the existing natural resources on the property including significant trees and wetlands;
- Provides a mix of land uses permitted in the FMU-MI zone including needed multi-family residential homes and an accessible small-scale neighborhood commercial / office area;
- Involves an interconnected street system that blends with off-site properties and follows existing on-site topography / contours;
- Includes a multi-layered system of pedestrian amenities that provide for efficient and convenient means of travel and access for pedestrians and bicyclists;
- Offers diverse recreational opportunities for residents such as childrens play areas,



recreation centers, sport-court, multi-use path, etc;

- Incorporates sustainable site development practices by reuse of existing on-site materials such as rock / gravel to minimize material import and haul off; and
- Complies with the requirements of the FMU zone and other applicable City standards except where refinements to said standards are established herein.

In addition to being consistent with the adopted Fairview Master Plan, this Refinement Plan is also compatible and consistent with the Salem Area Comprehensive Plan. The Refinement Plan accomplishes this by:

- Allowing housing opportunities that support affordable housing for a diverse range of incomes mixed with a complementary neighborhood scale commercial / office use;
- Developing the property in a manner that is convenient, safe, and attractive to pedestrians;
- Providing public streets that allow for public pedestrian and bicycle circulation and access to mass transit on the existing Battle Creek Road and Fairview Industrial Drive routes;
- Facilitating the efficient use of land by encouraging compact high-density development (13 to 17 dwelling units per acre) that is supportive of mass transit;
- Large open space areas that protect significant trees, wetlands, and provide for recreational opportunities;
- Compatibility with adjoining uses such as the Fairview Refinement Plan II through the collaborative development of Lindburg Road;
- Implementation of necessary infrastructure and services such as transportation (as described above), sanitary sewer, stormwater management, and water services, etc;
- Encourages high densities and sustainable site development practices and efficient use of land as describe above, as well as utilization of construction techniques and management practices that will control soil erosion and stream sedimentation;
- Providing for a neighborhood scale mix of office/commercial that will enhance and encourage economic opportunities that support the local economy;
- Including energy efficient multi-family construction that meets modern energy codes with comparatively reduced energy consumption needs; and
- Improving air and water quality through preservation of significant trees and inclusion of generous open space areas; and a substantial stormwater attenuation area.



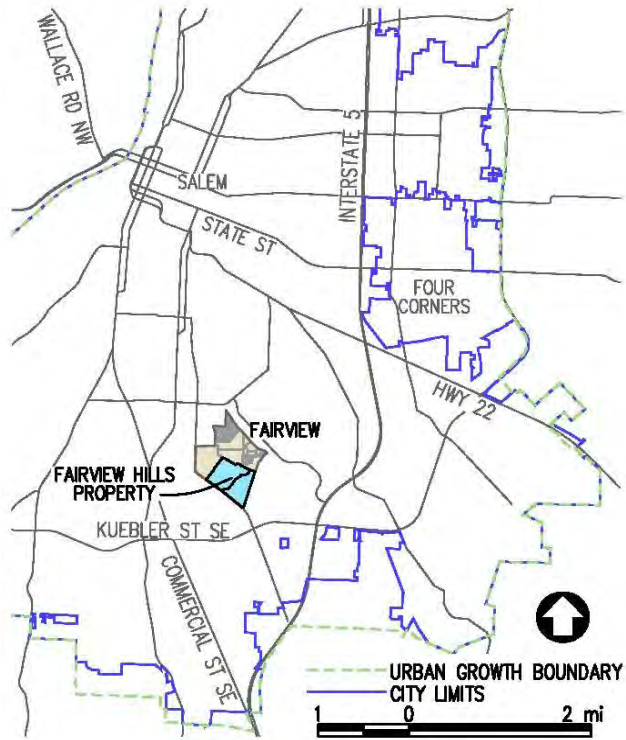


Figure 1: Vicinity Map



Figure 2: Main Entry Concept



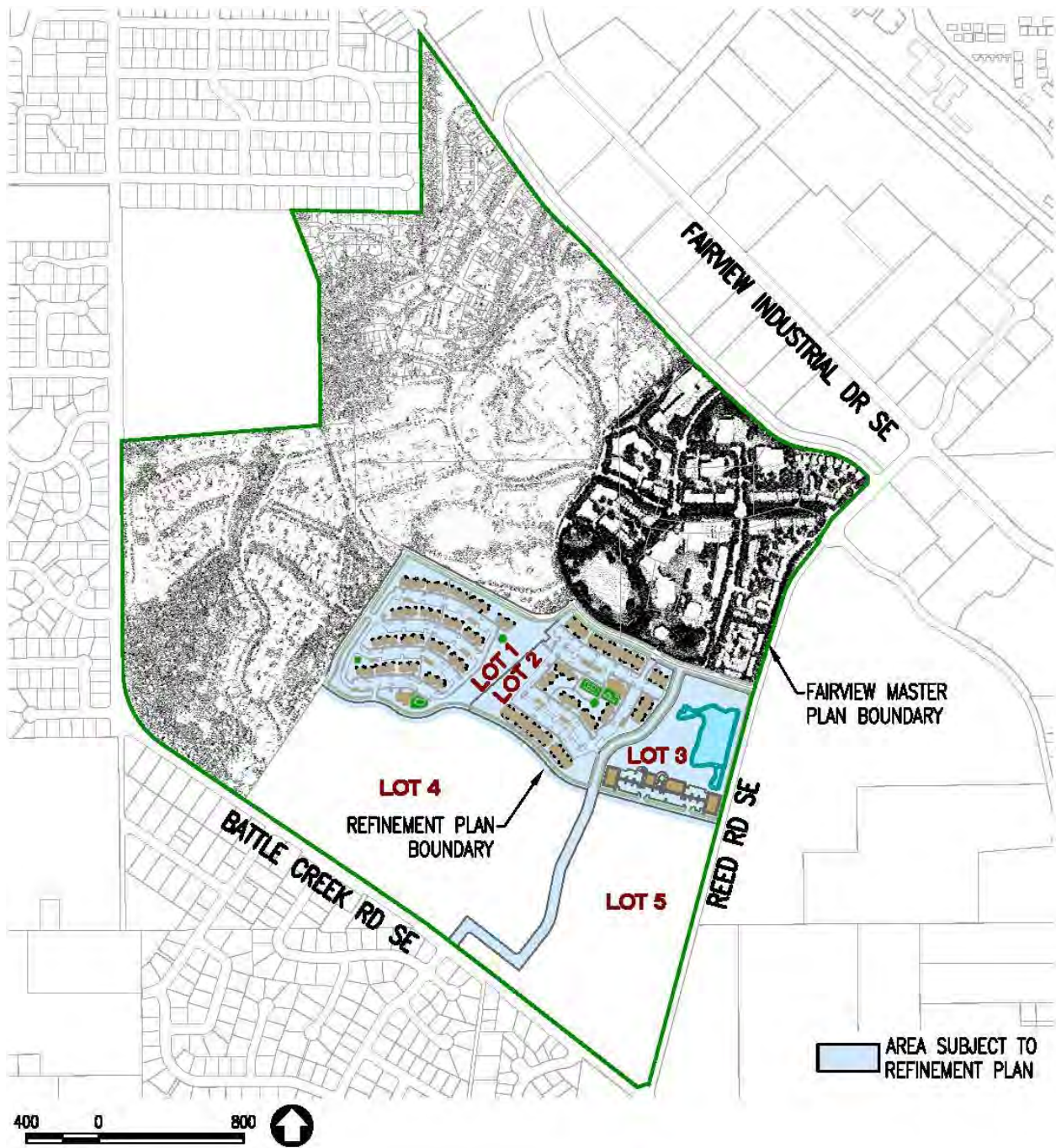


Figure 3: Refinement Plan Area in the Fairview Master Plan context

ILLUSTRATIVE SITE PLAN (1)

The Fairview Hills Refinement Plan includes approximately 43.2± acres of the 103.8± acre property currently owned by Simpson Hills, LLC. As shown below, the Refinement Plan area is generally located in the northern portion of the site, bounded by Lindburg Road (future) to the north, Reed Road SE to the east, 2nd Street (future) to the south, and the Sustainable Fairview Associates (SFA) property to the north and west. At the request of City of Salem staff, a subdivision application is also being submitted for the property. Although that application is being submitted separately from this Refinement Plan, the proposed subdivision lots are included below for illustrative purposes.



Figure 4: Refinement Plan Area



Figure 5: Illustrative Conceptual Site Plan with key site features

Conscientious advance planning efforts have been made by the Project Team to ensure that the Refinement Plan will integrate with surrounding land uses located in the Morningside Neighborhood area. This includes the existing Pringle Creek Community, other approved Refinement Plans (Fairview Refinement Plan II), remaining portions of the Fairview Hills property, and other undeveloped portions of the Fairview Master Plan, as illustrated below.

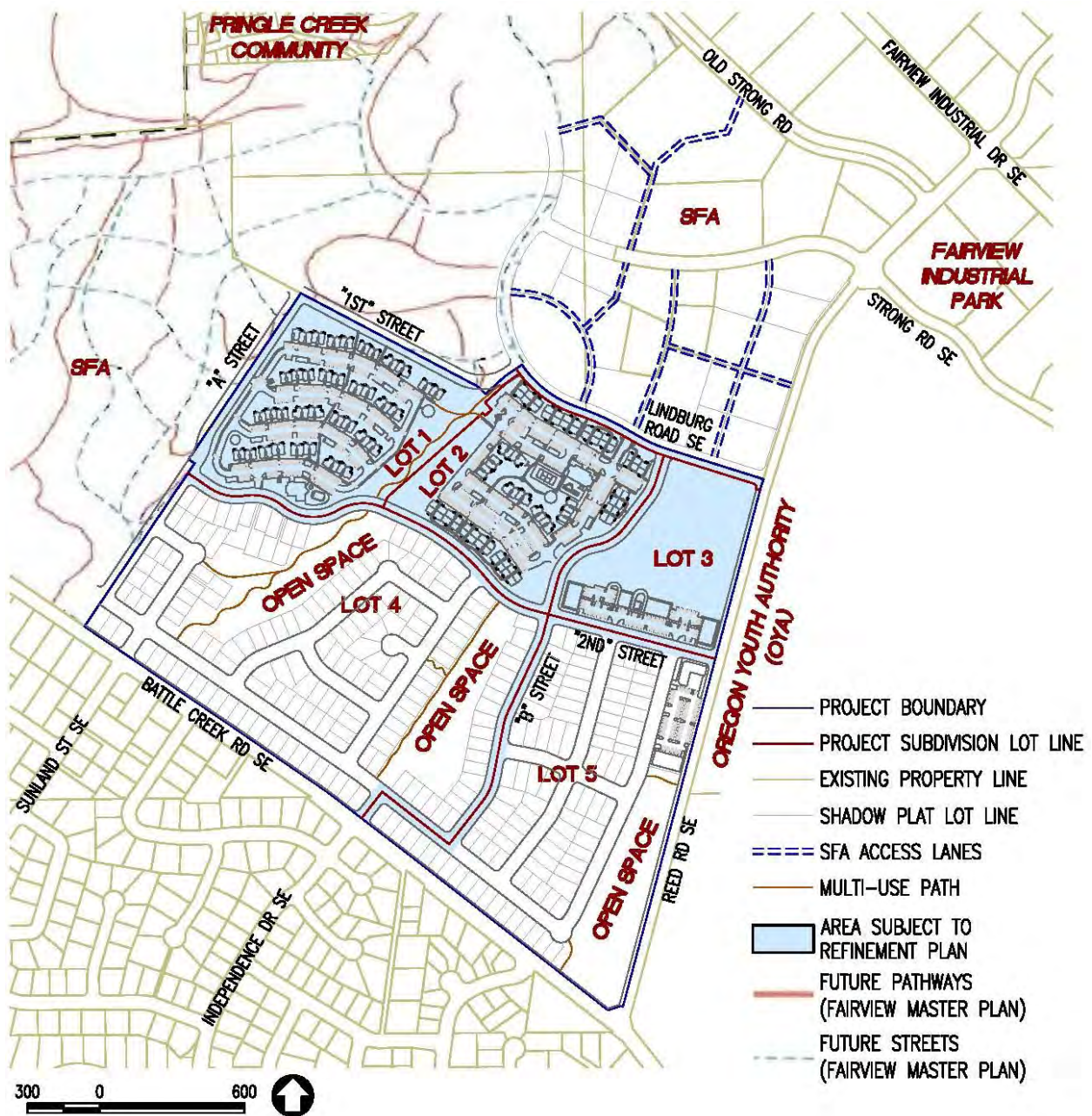


Figure 6: Conceptual Shadow Plat



The development of the Refinement Plan area will occur over time in phases as outlined in Section (11) and (13).

GENERAL ALLOCATION AND IDENTIFICATION OF MAJOR PROPOSED LAND USES (2)

The general allocation of major land uses follows the adopted Fairview Master Plan and Figure 143C-2 of the SRC, with only one zone (MI) present in this Refinement Plan area as shown on Figure 7 below.

- Mixed-Intensity (MI)
 - Residential uses and neighborhood commercial, employment, and civic uses.
 - 7 to 35 dwelling units per gross acre for all residential development in the FMU zone.
 - No building used exclusively for a non-residential use shall have a building footprint greater than 6,000 square feet for non-residential development.

The Refinement Plan area also includes several open space areas comprised of two natural drainages, wetlands, trees, and stormwater quality/detention area.

The May 2011 Salem-Keizer Housing Needs Analysis 2012 to 2032 prepared for the Mid-Willamette Valley Council of Governments states that “Salem has a deficit of multifamily land” and needs approximately “3,283 dwelling units”. The Refinement Plan density and proposed uses outlined below help to reduce this multifamily deficit.

- Apartments / Multi-family Residential
 - Lot 1 (15.43± gross acres): 219± units = 14± dwelling units per acre
 - Lot 2 (13.40± gross acres): 222± units = 17± dwelling units per acre
- Neighborhood Commercial, Employment and/or Civic Uses
 - Lot 3 (9.81± gross acres): 21,000± square feet of buildings including a mix of parking, open space, natural areas, and a stormwater facility.

The above number of units and commercial building square footage are approximate as the final numbers may vary depending on market demand.

This provides an overall residential use density of 15± units/acre with approximately 441± residential units on 28.83± gross acres of land; and no commercial building



footprint exceeding 6,000 square feet in conformance with Table 143C-1 “non-residential” uses.

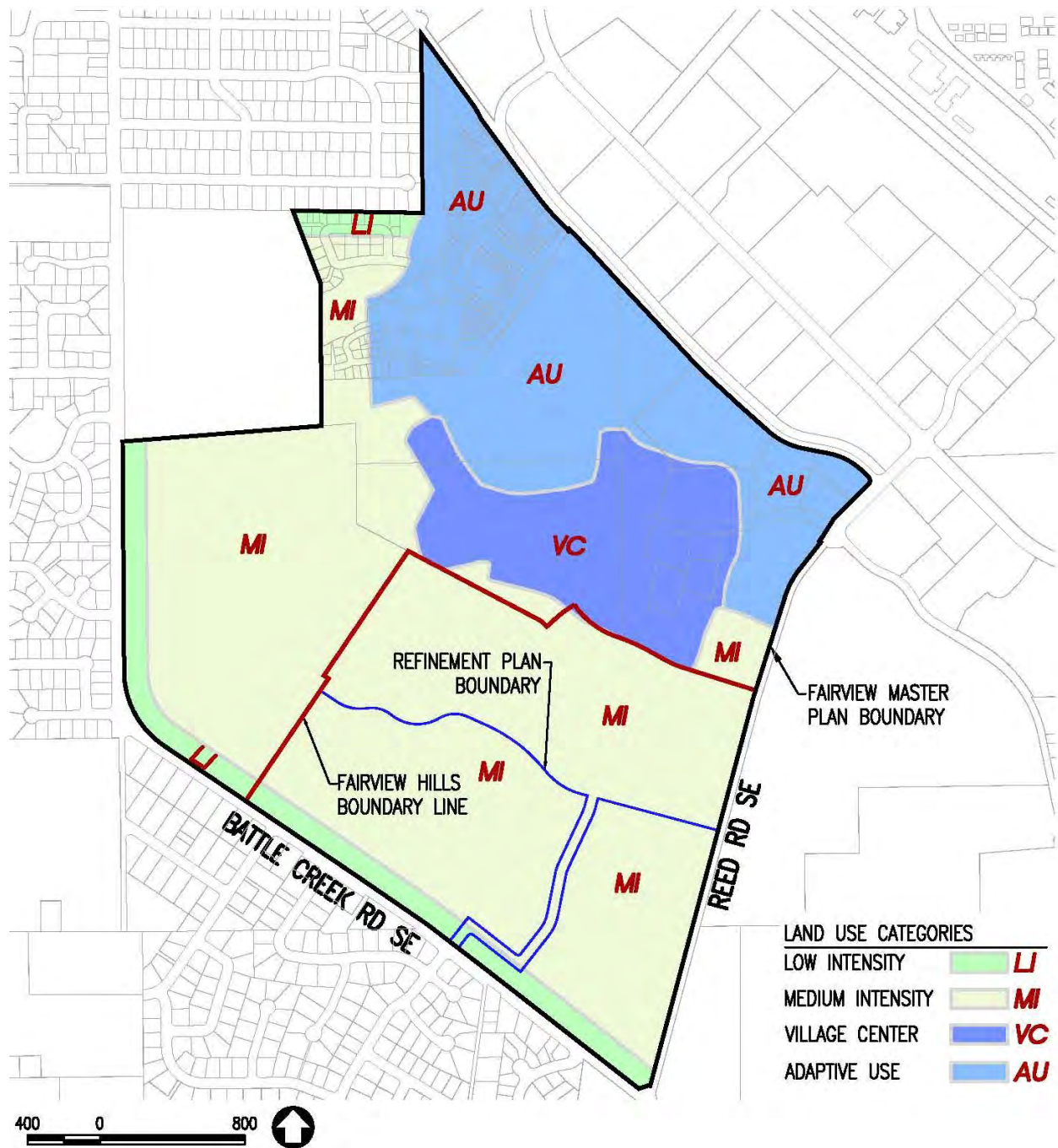


Figure 7: FMU Overlay Zones

NAME, LOCATION AND EXTENT OF EXISTING OR PROPOSED MAJOR STREETS (3)

The refinement area street network consists of a series of local streets accessing the principal collector street (Lindburg Road), approved as part of the Fairview Refinement Plan II, as well as Battle Creek Road SE (minor arterial) and Reed Road SE (minor arterial). All streets proposed within the Refinement Plan area will be dedicated to the public and constructed in conformance with City of Salem local street standards with the exception of Lindburg Road.

Lindburg Road will be constructed in accordance with the Fairview Refinement Plan II from Reed Road west along the north Fairview Hills property line in a cooperative effort between Simpson Hills, LLC and Sustainable Fairview Associates (SFA).

Development of Lot 2 will include construction of a local street (“B” Street”) with a 30 foot wide paved street section from Lindburg Road south to Battle Creek Road. The typical section for “B” Street along the Lot 2 frontage will include curbs, pavement base lift and utilities along with sidewalks, street trees, and lighting on the west side only (Lot 2 frontage). The sidewalks, final pavement lift, street trees and lighting along the Lot 3 frontage on “B” Street (east side) will be installed with the Lot 3 development (building permit). Figures 9 and 10 in Section (4) below provide further clarification on the “B” Street improvements associated with Lot 2 development (building permit). Curbs, final pavement lift, sidewalks, street trees, lighting, and utilities for “B” Street south of “2nd” Street will be constructed as part of a subsequent Refinement Plan and development (building permit) for the southern portion of the Fairview Hills property.

The Lot 3 frontage on Reed Road from Lindburg Road south to “2nd” Street will be improved and right-of-way dedicated in accordance with the Preliminary Declaration for Urban Growth Area Development Permit No. 04-8 (UGA) approved by the City of Salem on August 4, 2011 at the time of building construction on Lot 3.

The remainder of the future internal street network shown within the refinement area will be built to City local street standards as required with development (building permit) for each lot as outlined in Section (11).



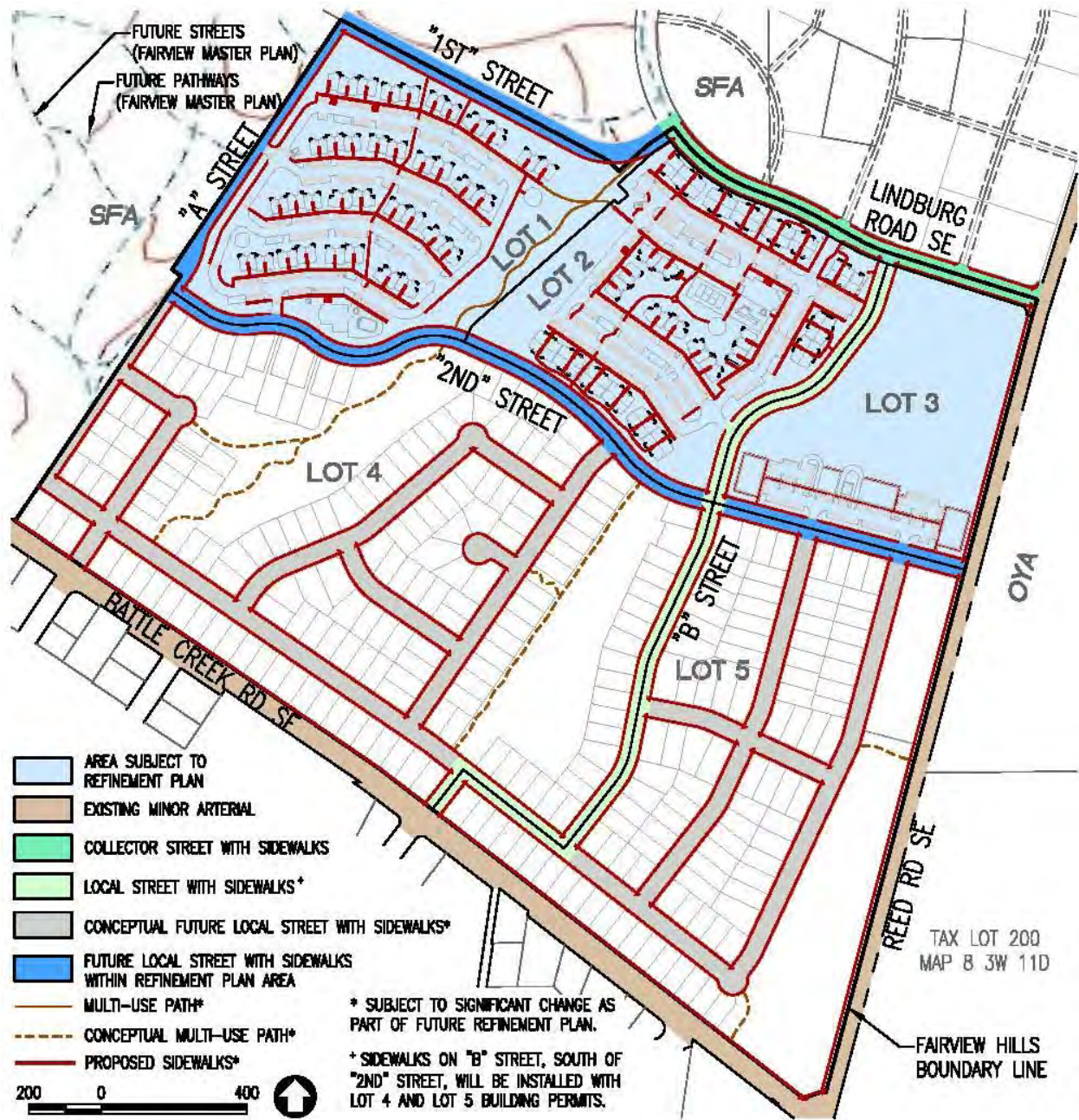


Figure 8: Proposed and Existing Streets & Pedestrian Links Concept

TYPICAL STREET SECTIONS (4)

The street sections will conform to City of Salem standards for local streets. Multi-use pathways will generally conform to the typical sections illustrated below.

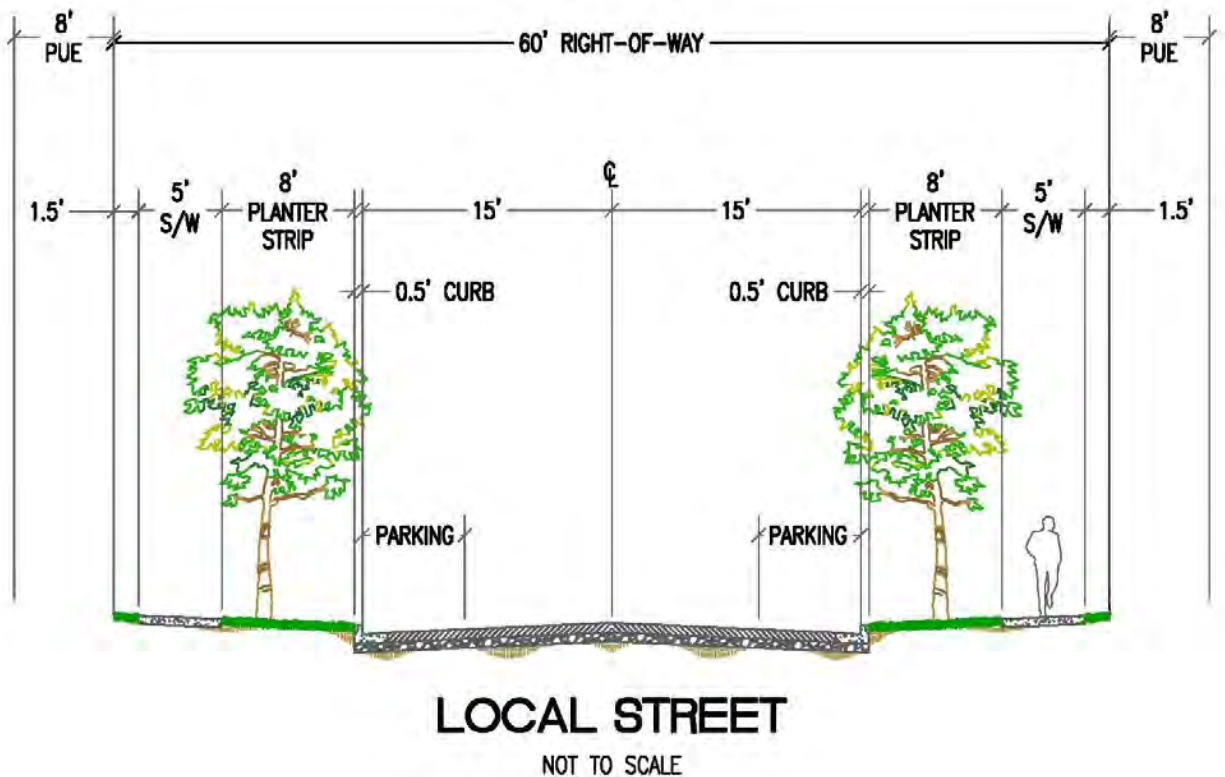


Figure 9: "B" Street typical section along Lot 2 and Lot 3 frontage from Lindburg Road to "2nd" Street

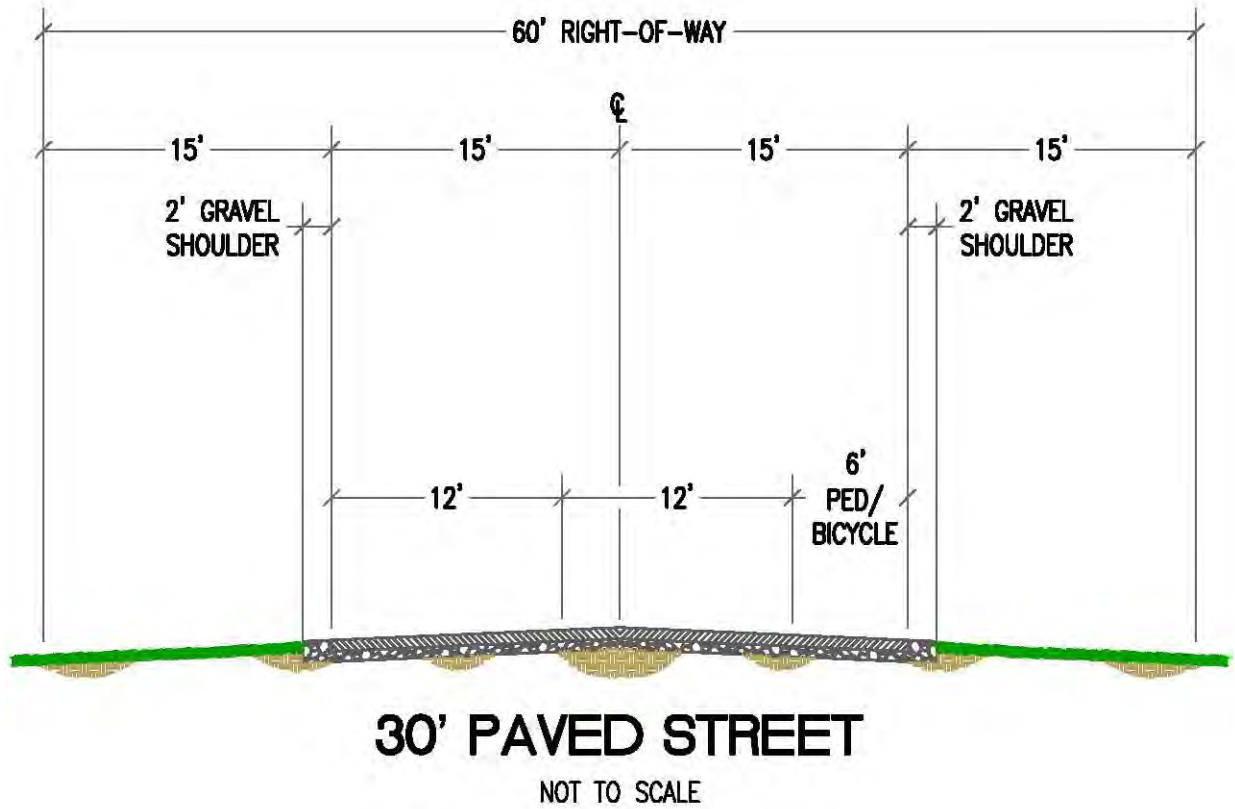


Figure 10: "B" Street typical cross section south of Lot 2 and Lot 3 frontage from "2nd" Street to Battle Creek Road



Figure 11: Conceptual multi-use path cross section

PERMITTED LAND USES (5)

The overlay designation within the Refinement Plan area is Mixed-Intensity (MI) as designated on the FMU Overlay Plan (Figure 143C-2) and generally described in SRC 143C.040.(b). Permitted uses are as identified in Table 143C-1 of Salem Revised Codes (SRC) Chapter 143C, including refinements in Section (6), as of the date of submittal of this Refinement Plan. The MI overlay permitted uses include all typical residential uses and a variety of neighborhood commercial, employment, and civic uses. Permitted uses of land as well as applicable residential densities are described in Section (2). Please also refer to Sections (6) and (15) for additional information regarding permitted uses.

DEVELOPMENT STANDARDS FOR FMU ZONES (6)

Development standards, regulations and guidelines in this Refinement Plan incorporate the general intent of the adopted Fairview Master Plan and provide for development consistent with the Fairview Mixed Use (FMU) zone per SRC Chapter 143C.

Development will comply with other pertinent sections of the SRC including, but not limited to, Chapters 68, 69, 125, 126, 130, 131, 132, 133, and 143C, as well as the Development Design Handbook (DDH), unless modified herein. A goal of the Refinement Plan is to meet the existing standards except where deviations will result in an improved project design, increased opportunities for economic development, and/or compliance is otherwise impracticable due to existing conditions such as topographic grade, tree preservation, wetlands, and finish grade transition requirements.

Multi-family development will either meet the standards contained in the City of Salem Development Design Handbook (DDH) including compliance with the refinements below or will be reviewed by the Planning Commission pursuant to the DDH guidelines and SRC Chapter 120.

The following is a summary of the refinements to the Salem Revised Codes (SRC) and City of Salem Development Design Handbook (DDH).

Section	Current Text	Proposed Text
SRC 143C.110.(b)(2)(C)	A maximum 20' setback from all street rights-of-way in all Overlay Areas, except the L1 area, is required for all primary structures.	A maximum 20' setback from all street rights-of-way in all Overlay Areas, except the L1 area, is required for all primary structures. However, the maximum 20' setback may be increased by the applicant/owner due to existing conditions such as topographic grade, tree preservation, wetland, and finish grade transition requirements.
SRC 143C.110.(b)(3)(B)	For multi-family residential development, a maximum of thirty (30) feet per	This section of the code is not applicable to the Refinement Plan area.



	residential unit and a minimum of six (6) feet per residential unit, with a non-variable minimum frontage requirement of twenty-four (24) feet.	
SRC 143C.110.(b)(6)(A)	All single family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/courtyard entrances (i.e. to a cluster of residential units); or	All single family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/courtyard entrances (i.e. to a cluster of residential units). Primary orientation may be the side of the building with a building entrance to promote pedestrian accessibility, or the side of the building with private porches, patios, decks or other building design elements that engage the streetscape and promote “eyes on the street” and residential security in general; or
SRC 143C.110.(b)(6)(B)	All single family attached homes and multi-family residential complexes may have its primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than 20’ from the curb line of the street.	All single family attached homes and multi-family residential complexes may have its primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than 20’ from the curb line of the street. However, the 20’ maximum distance from street curb line to entrance may be increased by the applicant/owner due to



		existing conditions such as topographic grade, tree preservation, wetland, and finish grade transition requirements.
DDH 2.E.3.b.3)	On sites with 75' or more of buildable width, occupy at least 50 percent of the buildable width by a building placed on the setback line.	This section of the code is not applicable to the Refinement Plan area.
DDH 2.E.3.b.5)	Incorporate into buildings a porch or architectural defined entry space for each ground floor level dwelling unit. Shared porches or entry spaces are permitted provided that the porch or entry area is at least 25 square feet in area per dwelling unit, with no dimension less than 5 feet for each unit. Porches and entry areas shall be open on at least one exterior side, and may be covered or uncovered. All grade level porches shall include hand railings, half walls, or shrubs to define their outside perimeter.	Incorporate into buildings a porch or architectural defined entry space for each ground floor level dwelling unit. Shared porches or entry spaces are permitted provided that the porch or entry area is at least 25 square feet in area per dwelling unit, with no dimension less than 5 feet for each unit for two to four units and at least 15 square feet in area per dwelling unit, with no dimension less than 3 feet for each unit with five or more units. Porches and entry areas shall be open on at least one exterior side, and may be covered or uncovered. All grade level porches shall include hand railings, half walls, or shrubs to define their outside perimeter.
DDH 2.E.4.b.1)	Offset every two (2) attached dwelling units from the next dwelling unit by at least four (4) feet in depth (See graphics below with the numbers identifying examples of what are considered offsets.)	Offset groups of two (2) attached dwelling units or stacks of units as viewed in plan from the adjacent dwelling unit(s) by at least four (4) feet in depth horizontally. Offset stacked dwelling units from each other to differentiate the



		<p>building base and top from the other floor(s). Offsets must be at least two (2) feet over at least 25 percent of the e unit façade. Intervening roofs shall count as offsets. (See Figure 12A, 12B, 12C & 12D below identifying some of the examples of what are considered offsets.)</p>
<p>DDH 2.E.4.b.3)</p>	<p>When providing a common entrance, limit the access to not more than four (4) dwelling units.</p>	<p>When providing a common entrance, limit the access to not more than six (6) dwelling units.</p>



Figure 12A: Example Building Front Offset for refinement to DDH 2.E.4.b.1) as indicated in the above table



Figure 12B: Example Building Back Offset for refinement to DDH 2.E.4.b.1) as indicated in the above table



Figure 12C: Example Building Front Offset for refinement to DDH 2.E.4.b.1) as indicated in the above table



Figure 12D: Example Building Back Offset for refinement to DDH 2.E.4.b.1) as indicated in the above table

STANDARDS FOR CONSERVATION OF NATURAL RESOURCES (7)

Development within the Refinement Plan area will conform to the following portions of the SRC specifically adopted to address conservation of natural resources within the City.

- Chapter 68 – Preservation of Trees and Vegetation
- Chapter 69 – Landslide Hazards
- Chapter 126 – Wetlands

In addition to complying with these regulations and standards, the development will incorporate the following principles.

Cultural Resources

In the unlikely event that cultural resources are encountered during construction on the site, the Oregon State Historic Preservation Office (SHPO) should immediately be notified and work halted in the vicinity of the finds until they can be inspected and assessed. An inadvertent discovery plan has been included in the Appendix.

There are several potential cultural sites identified in the Archaeological Cultural Resources Inventory & Assessment (Exhibit 6) of the Fairview Master Plan dated August 2004, as well as the Appendix A dated June 2004, as shown on Figure 14 below. However, in 2009 and 2010 extensive cultural resource investigations were conducted by Applied Archaeological Research, Inc. (AAR) of the entire 103.8± acre Fairview Hills (Simpson Hills, LLC) property suggesting “*the development contains very sparse archaeological remains.*” A copy of the September 9, 2010 AAR investigation has been included in the Appendix.

Trees

The grove of Oregon White Oaks located in the northeast corner of the refinement area adjacent to Lindburg Road and Reed Road SE is to be preserved as a gateway to the development in conformance with the adopted Fairview Master Plan.

Surface Water

The Refinement Plan area incorporates a storm water attenuation area allowing for natural infiltration to the extent possible. Best management practices (BMPs) will be implemented to maintain high standards of water quality.

The stormwater facility will be designed as an extended dry basin that provides both water quantity attenuation and water quality treatment that is appropriate for this setting given the existing soils, hydrology, topography, and surrounding environment. It will be designed in accordance with the Low Impact Development Approaches Handbook adopted by Clean Water Services of Washington County.

The facility will be integrated into the surrounding landscaping and will appear as a shallow landscaped depression with a flat bottom that collects and holds stormwater runoff, allowing pollutants to settle and filter out as the water infiltrates into the ground (to the extent possible) prior to release. The entire facility area, including side slopes and treatment area will feature vegetation that is appropriate for the varying conditions within the extended dry basin. Vegetation will be established through dense plantings which will include a variety of native plants as well as non-invasive ornamentals that provide aesthetic and functional value. Species will be selected to assure successful establishment based on climate, soil type, and moisture tolerance. Selections will be made to ensure that they are harmonious with the surrounding sensitive areas and existing vegetation.



Soils

Minimization of potential erosion of the on-site soils is critical to protecting local streams, wetlands, and drainage courses. Development will comply with City of Salem erosion control standards. Construction areas disturbing more than one (1) acre shall obtain a National Pollutant Discharge Elimination System (NPDES) 1200C permit from the Oregon Department of Environmental Quality (DEQ). Proof of a valid DEQ permit must be submitted to the City of Salem prior to issuance of building permits.

Reuse of on-site Materials

Construction will reuse the substantial amount of gravel and crushed rock piles that currently exist from prior work on the property when feasible. Utilizing this material for road bases, trenches and structural backfill will reduce the need for importing these materials thereby reducing the impact of construction traffic on local roads and infrastructure. The reuse of materials will also help reduce the carbon footprint.

Vegetation

Vegetative cover is crucial to the health of the soil structure and the animals that traditionally inhabit the South Salem hills. Establishment and re-establishment of vegetation native to the area is important to the successful maintenance of natural areas. Re-establishment of vegetation within the limits of construction will also be critical to minimizing the potential for erosion and shall be incorporated into construction drawings for development within the Refinement Plan area.

Wildlife

The incorporation of open space and re-establishment of vegetation native to the Willamette Valley will provide habitat inviting local wildlife to share in the diversity of the site that is not typically present in other development projects.

WETLAND AND TREE INVENTORY (8)

Wetlands

The Department of State Lands (DSL) has reviewed and concurred with the delineation of existing wetlands located on the property and has issued a removal/fill permit (45110-RF) for the site. The DSL permit identifies the areas of permanent and temporary impacts and outlines the mitigation requirements for the site. Several wetlands will remain on the property and be incorporated into the site's open space.



Tree Inventory

A certified professional arborist evaluated the trees on the Fairview Hills property. Trees were identified by species, type, size and general condition. The Refinement Plan area has several existing trees that will be retained in accordance with the City approved May 4, 2009 tree regulation variance (case no. 09-1). Preservation of trees and vegetation within the refinement area will comply with SRC Chapter 68.

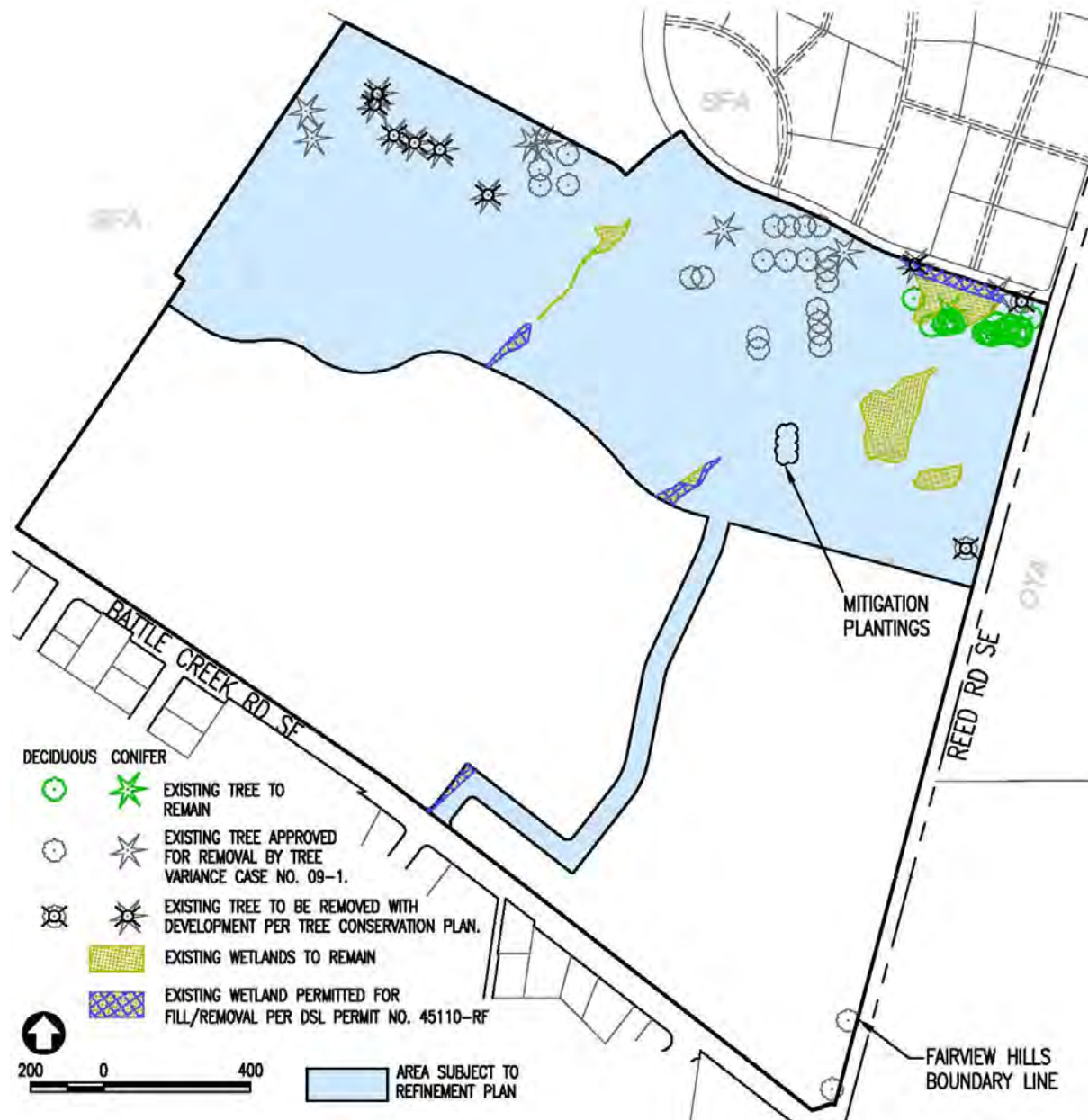


Figure 13: Tree Inventory and Conceptual Preservation Plan

METHODS OF PROTECTION FOR NATURAL FEATURES (9)

Historic Structures

The site contains no designated historic structures. The State of Oregon Archaeologist issued a letter dated July 7, 2009, a copy of which is included in the Appendix, stating "...the project will have no effect on any known cultural resources. No further archaeological research is needed with this project." In order to further protect any potential discovery of cultural resources and to comply with state law an inadvertent discovery plan is included in the Appendix and shall be included as part of the construction documents for every development on the property.

Natural Features

Mature trees existing at the property and existing wetland areas will be protected for incorporation into open spaces where possible. A tree inventory for the property was previously approved by the City of Salem as Tree Variance Case No. 09-1. Any modifications to the previously approved tree conservation plan will be processed as required by SRC Chapter 68.

Trees

During all clearing, grading and construction activities, protective fencing shall be installed and maintained around all trees designated for retention by the approved tree conservation plan for the property including any adjustments thereto. Any heritage or significant tree shall have protective fencing at least seventy percent of a circular area beneath the tree measuring one foot in radius for every one-inch of diameter at breast height (dbh), or as otherwise allowed by the project arborist.

View Sheds

The view sheds identified in the adopted Fairview Master Plan on the western portion of the Refinement Plan area have natural topography that may provide for views to the north and east. The layout and development of this area of the Refinement Plan may incorporate the natural topography into the site design to help maintain and/or enhance views to the north and east where feasible.



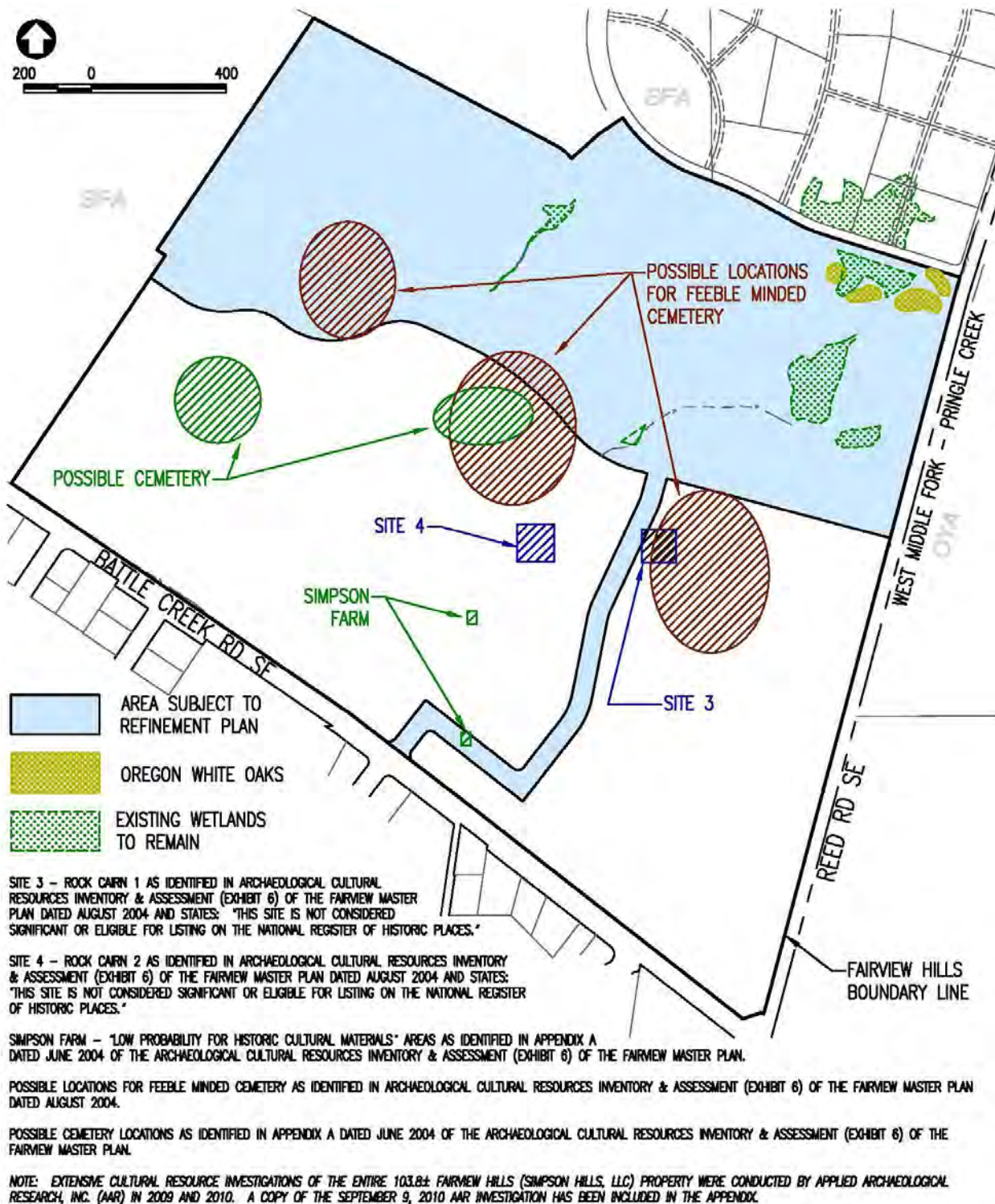


Figure 14: Natural Features

MAINTENANCE OF INFRASTRUCTURE (10)

Streets and infrastructure will be constructed to City local street standards, unless modified herein, and dedicated to the City of Salem. The City will be responsible for maintaining the public right-of-way, streets, sidewalks, lights, trees and public utility infrastructure within the refinement area. The public utility infrastructure typically includes, but is not limited to, public water, fire hydrants, valves, manholes, sanitary sewer, cleanouts, storm drain mains, manholes & catch basins, public storm drain facility, and public street furnishings/trash/recycling cans/etc.

A Property Owner Association (POA) will be created to own and manage privately owned green corridors (drainages), pedestrian/bike paths, private site furnishings/trash cans/recycling, and open space within the refinement area. The POA will establish operation and maintenance standards for the private infrastructure, perpetual maintenance of any open space, and community amenities.

CONSTRUCTION PHASING OF STREETS (11)

Street construction phasing will be tied to building permits for development on each lot within the refinement area. Lots 1, 2, and 3 are located within the Refinement Plan area. Lots 4 and 5 are outside of the refinement area; however street improvements required by the City as a condition of development on these two lots (Lots 4 & 5) is discussed below to describe how the UGA permit conditions of approval are being implemented and to provide a more complete picture of future improvements. We have also included a discussion of anticipated phasing for the remainder of the future conceptual internal street network shown within the Refinement Plan area.

Lot 1 (Inside of Refinement Plan area)

- *Linking Street* requirement for Lot 1 is satisfied by either construction of the “B” Street connection to Battle Creek Road or the widening of Reed Road from Lindburg Road to Battle Creek Road.
- *Boundary Street* requirement for Lot 1 is satisfied by improvements to Lindburg Road along full lot frontage in cooperation with SFA assuming development on Lot 2 precedes Lot 1. If Lot 1 development occurs prior to Lot 2 then Lindburg Road must be constructed from Reed Road westerly across the Lots 1, 2 and 3 frontages.
- Internal Local Street Network: Half or three-quarter street improvements as defined in SRC Chapter 63 to “1st” Street (north boundary) and “A” Street (west boundary) along the Lot 1 property lines with building permits for development on Lot 1.

Lot 2 (Inside of Refinement Plan area)

- *Linking Street* requirement for Lot 2 is satisfied by either construction of the “B” Street connection to Battle Creek Road or the widening of Reed Road from Lindburg Road to Battle Creek Road.
- *Boundary Street* requirement for Lot 2 is satisfied by improvements to Lindburg Road along the Lot 2 and Lot 3 frontage (north property line) in cooperation with SFA.
- Internal Local Street Network: Half or three-quarter street improvement as defined in SRC Chapter 63 for “B” Street (east boundary) along the Lot 2 property line with building permits for Lot 2 development.

Lot 3 (Inside of Refinement Plan area)

- *Linking Street* requirement for Lot 3 is satisfied by either construction of the “B” Street connection to Battle Creek Road or the widening of Reed Road from Lindburg Road to Battle Creek Road.
- *Boundary Street* requirement for Lot 3 is satisfied by improvements to Reed Road along Lot 3 frontage (Lindburg Road to “2nd” Street).
- Internal Local Street Network: Three-quarter local street improvement per City standards to “2nd” Street (south boundary) from Reed Road westerly along Lot 3 frontage if building permit/development on Lot 3 occurs prior to Lot 5. Otherwise a local half-street improvement to “2nd” Street per City standards for the Lot 3 south boundary is required if Lot 5 has already constructed, or is conditioned to construct, a portion of “2nd” Street.

Lot 4 (Outside of Refinement Plan area)

- *Linking Street* requirement is satisfied with Lot 4 frontage on Battle Creek Road.
- *Boundary Street* requirement for Lot 4 is satisfied with improvements to Battle Creek along Lot 4 frontage.
- Internal Local Street Network: Full local street improvements per City standards to “2nd” Street (north boundary) from “B” Street on the east to the west property line. Half or three-quarter local street improvements, as applicable, to “A” Street (west boundary) along Lot 4 frontage. Final improvements to the Lot 4 side of “B” Street (west side) is also required.

Lot 5 (Outside of Refinement Plan area)

- *Linking Street* requirement is satisfied with Lot 5 frontage on Battle Creek Road.
- *Boundary Street* requirement for Lot 5 is satisfied with improvements to Reed Road and Battle Creek Road along full Lot 5 frontages; and Reed Road right-of-way dedication across full Lot 3 frontage if the Lot 3 Reed Road frontage is not improved at the time of Lot 5 development (building permit).



- Internal Local Street Network: Local half-street improvements per City standards to "2nd" Street (north property boundary) provided Lot 3 development (building permit) precedes Lot 5 development. If Lot 5 development (building permit) occurs before Lot 3 development, then a three-quarter local street improvement per City standards to "2nd" Street from Reed Road westerly along the north boundary of Lot 5 is required. Final improvements to the Lot 5 frontage on "B" Street (east side) is also required.

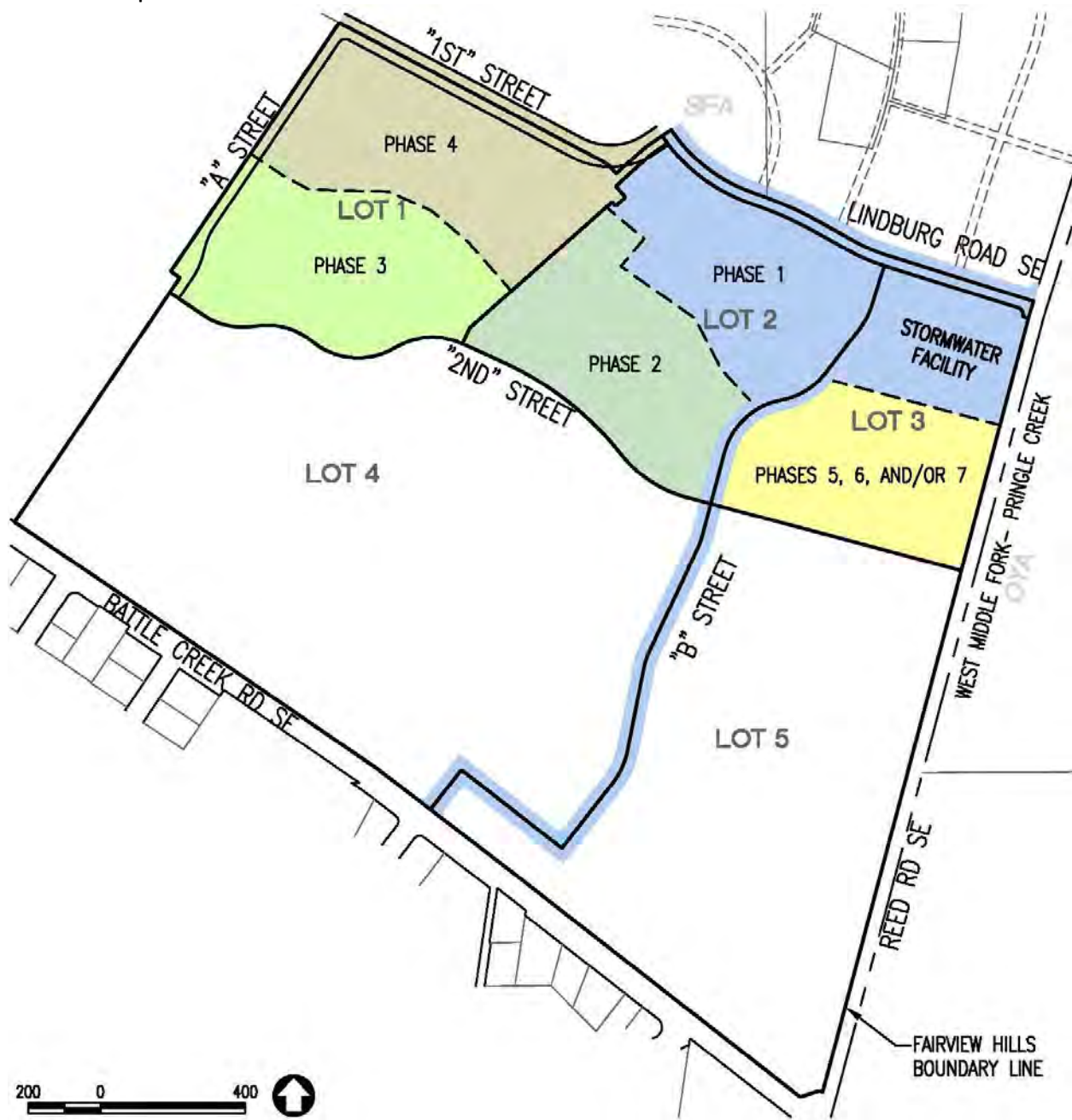


Figure 15: Proposed and Existing Street Phasing Concept

STANDARDS FOR PHASING OF PUBLIC UTILITIES (12)

Construction of sanitary sewer, storm drainage, waste disposal, and public utilities will be completed as necessary to fully serve each development phase and be installed to anticipate future development within the refinement area and adjacent properties. Each phase of development in the refinement area will provide the utility extensions and streets stubs necessary to serve adjacent phases in accordance with the concepts shown in this Refinement Plan, unless modified by subsequent land use planning actions.

PHASING SCHEDULE (13)

Development within the Refinement Plan area is anticipated to proceed in six to seven phases as market conditions allow. The phases are not intended to indicate the order in which the property will develop but are summarized below to provide a logical explanation of how development could occur for the Refinement Plan area.

Phase 1 (Lot 2)

Phase 1 would consist of the first half of apartments planned for Lot 2, the recreation center, construction of “B” Street as explained herein, construction of Lindburg Road SE in cooperation with SFA, and the stormwater facility on Lot 3 as required to support development of Lot 2.

The first phase will preserve the existing wetlands on the south side of Lindburg Road SE, and existing wetlands and green corridor (drainage) on the west boundary of Lot 2. Phase 1 will also preserve the grove of existing Oregon White Oaks located in the northeast corner of the refinement area adjacent to Lindburg Road SE and Reed Road SE as a gateway to the development in conformance with the adopted Fairview Master Plan.

Phase 2 (Lot 2)

Phase 2 would consist of the second half of the total planned apartment units to complete the project. This phase will preserve the green corridor (drainage) along the west boundary and the existing wetlands located at the south corner of Lot 2 near “B” Street. The viewshed in the area of Phase 2 has been incorporated into the conceptual site plan for the apartments by using the existing topography to allow for tiered parking lots and buildings. This tiered approach will allow for some of the apartments to enjoy views to the northeast.



Phase 3 (Lot 1)

Apartments constructed in two stages on Lot 1, possible stormwater facility expansion/modification, and construction of “1st” Street and “A” Street as explained in Section (11). The first stage would include approximately half of the total apartment units planned for Lot 1 as well as a portion of the multi-use path connecting to the Lot 2 apartments and “1st” Street as shown on Figure 20.

Phase 3 will preserve and expand the green corridor (drainage) along the east boundary of Lot 1. The conceptual site plan for the planned apartments has incorporated the natural topography of this hillside to capture the north and northeast views. The layout is ringed following the natural contours of the viewshed and steps up the hillside allowing views from most of the planned units.

Phase 4 (Lot 1)

Phase 4 would consist of the second half of the total planned apartment units and final multi-use path connections to complete the project.

This phase also preserves and expands the green corridor (drainage) along the east boundary of Lot 1. The conceptual site plan for the planned apartments has incorporated the natural topography of this hillside to capture the north and northeast views. The layout is ringed following the natural contours of the viewshed and steps up the hillside allowing views from most of the planned units.

Phase 5, 6 and/or 7 (Lot 3)

These phases would consist of commercial building(s), parking area(s), possible stormwater facility expansion/modification, supporting features such as landscaping and other amenities, and construction of Reed Road frontage improvements, a portion of “2nd” Street and “B” Street as explained in Section (11). This may occur with all the buildings being constructed in one phase or with any combination of buildings depending on market conditions at the time of development.

The existing wetlands and green corridor (drainage) located on Lot 3 will also be preserved as part of the development. There are no significant viewsheds identified within the limits of Lot 3.

Each phase of development will stand alone with regards to streets and utilities. No phase is to be developed without adequate streets and utilities available.



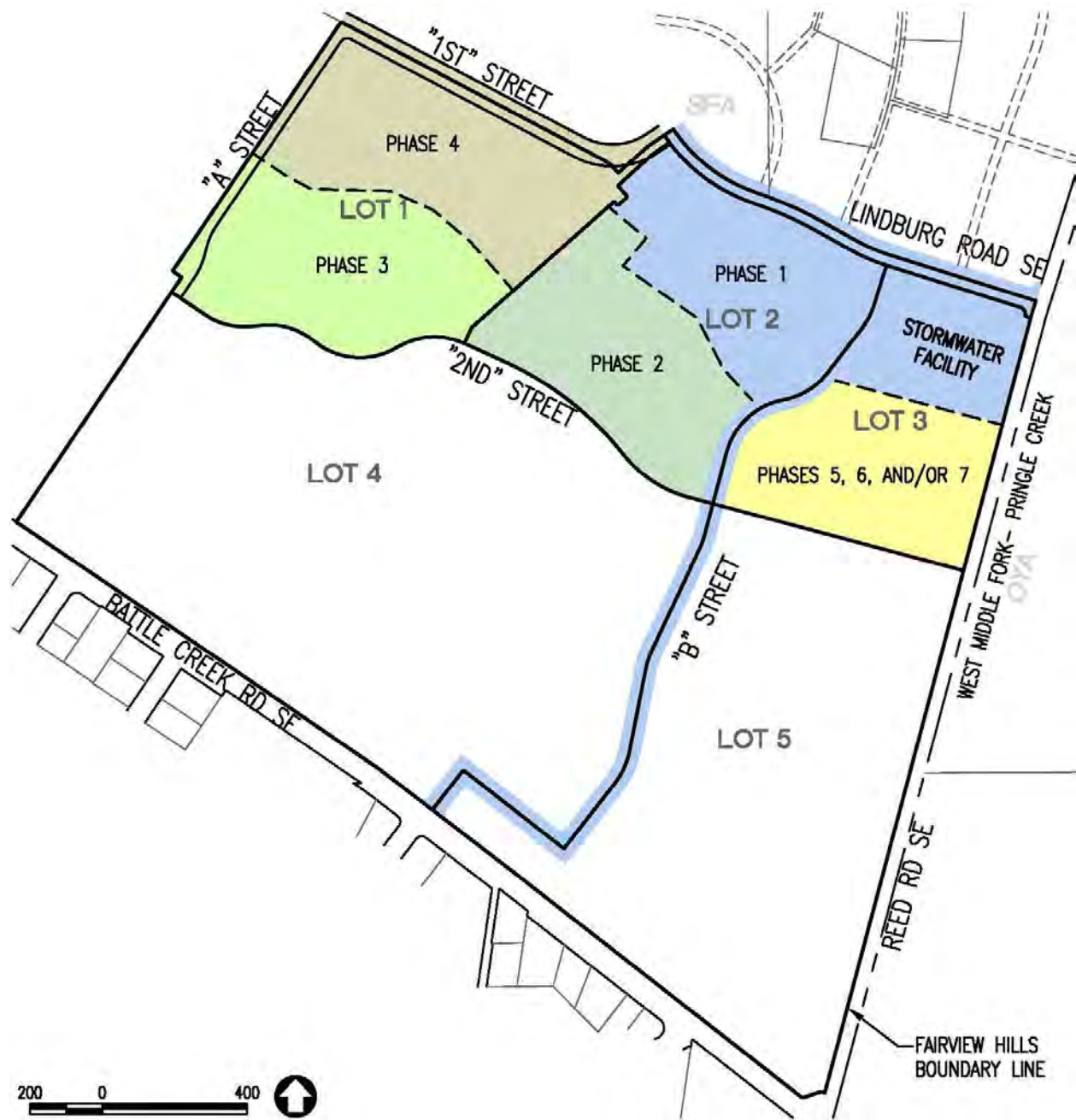


Figure 16: Conceptual Phasing Plan

FINANCIAL ASSURANCES (14)

The Fairview Hills property is subject to the 2005 Infrastructure Agreement executed by Sustainable Fairview Associates, LLC and the City of Salem. The Infrastructure Agreement creates a Development District specifying schedules, cost estimates, and

financing for infrastructure projects related to the development of the entire former Fairview Training Center property. The Infrastructure Agreement is currently being updated to insure changes in infrastructure project needs are addressed.

EXTENT THE REFINEMENT PLAN SUPPLEMENTS & SUPERSEDES ADOPTED CITY REGULATIONS (15)

Specific standards that supplement and supersede City regulations are contained in this Refinement Plan as outlined previously in the Development Standards for FMU Zones (6). The provisions of the SRC shall apply unless specifically addressed in this Refinement Plan.

STANDARDS FOR INTERPRETING THE REFINEMENT PLAN (16)

Development within the Refinement Plan area will be designed to meet the intent of the adopted Fairview Master Plan and the Fairview Mixed Use (FMU) zone code. The FMU zone, Fairview Master Plan, and this Refinement Plan have land use regulations different from the zoning regulations applicable to other zoning districts and therefore are subject to the hierarchy established under SRC 143C.050.

DESIGN GUIDELINES AND APPROVAL PROCESS (17)

Future development will be designed to comply with this Refinement Plan, the Salem Revised Code, and Development Design Handbook for multi-family developments, including the modifications stated in this document. The City of Salem will review plans for conformance and issue approvals. This will occur through submittal of subdivision and site plan review applications, subsequent Refinement Plan(s) and other standard City requirements, as is customary and appropriate.



GENERAL LANDSCAPE PLAN (18)

Critical elements of the general landscape plan include: 1) retention of mature trees in accordance with the City approved tree conservation plan, including any amendments thereto; 2) preservation of existing wetlands; and 3) providing opportunities for passive and active recreational activities. The layouts shown in the Refinement Plan have carefully considered opportunities to protect existing trees and wetlands as well as provide for active and passive recreational activities. Three main landscape types have been included for the Refinement Plan area.

- Natural Open Space with wetlands and drainages. Native vegetation is encouraged within these areas.
- Open Space and multi-use path areas where active and passive recreational activities are provided.
- Private Landscape areas falling within the limits of private developments.

Plant species tolerant of soil and hydrologic conditions without ongoing irrigation are preferred for all landscaping within the refinement area. In addition to incorporation of native drought tolerant plant and tree species, private development will be required to comply with the applicable sections of the SRC for landscape standards. The landscape plan for the area surrounding the Oregon White Oak grove at the northeast corner of the property will be designed to minimize impacts to the existing trees and/or retain in its current natural state.

Street trees will be planted in accordance with SRC Chapter 86 to provide shade tree lined public streets within the limits of the Refinement Plan.

The general landscape plan shown below further illustrates these concepts. Detailed landscape plans will be submitted when required as part of the standard City requirements for development on each lot.





Figure 17: General Conceptual Landscape Plan

GENERAL DRAINAGE PLAN (19)

There are three main ridges that define the drainage sub-basins onsite. Existing off-site uphill drainage from basins 2U and 3U currently flowing into the existing drainages on the Fairview Hills property will continue to flow downstream undetained.

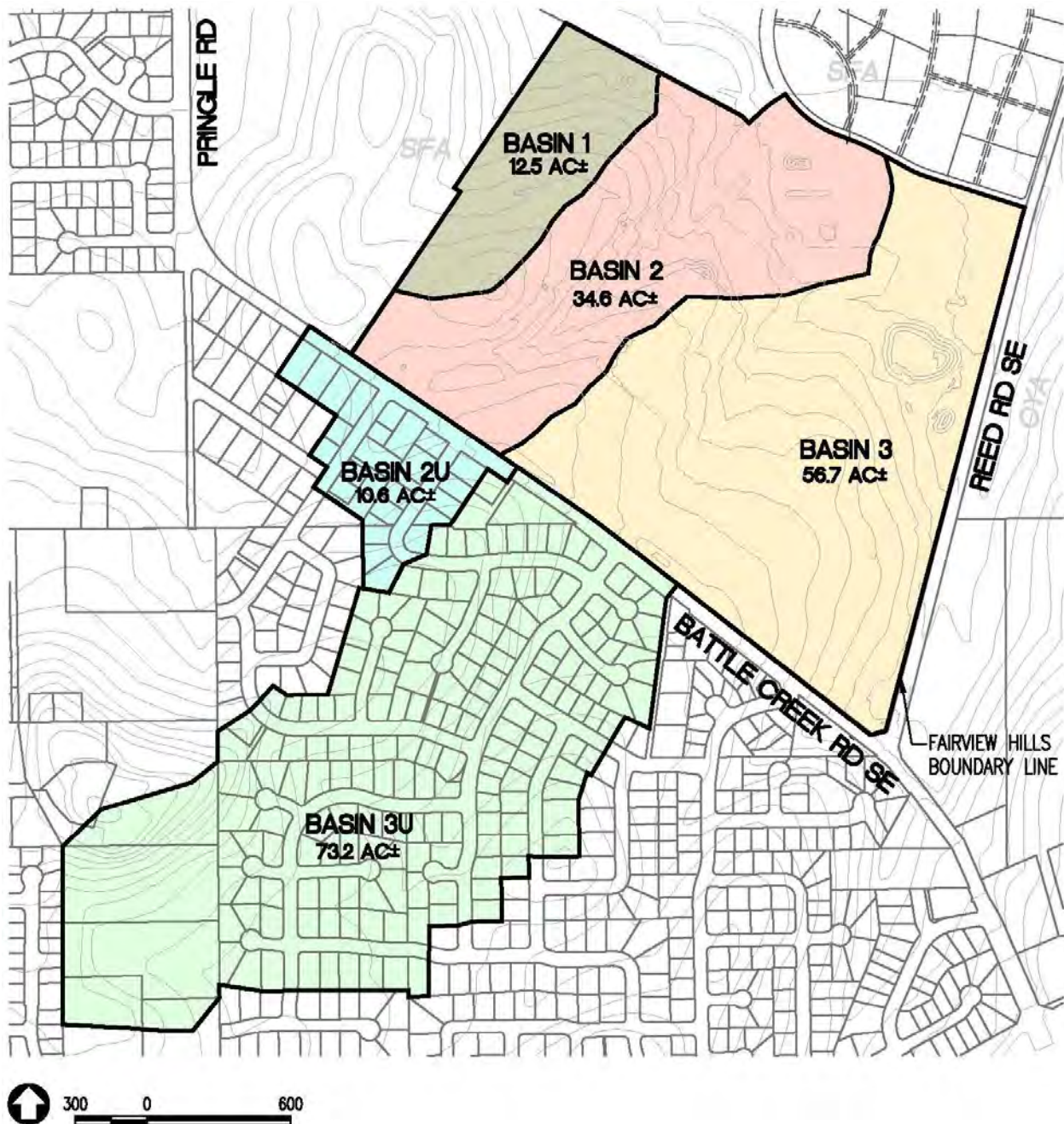


Figure 18: Existing Drainage Basins



The City of Salem has not adopted stormwater quality standards as of the date of this Refinement Plan. Therefore, stormwater quality treatment of runoff from impervious surfaces will be provided for all development within the Refinement Plan area (43.2± acres) and the remaining 60.6± acres of the Fairview Hills property located outside of the Refinement Plan area in conformance with the applicable policies and procedures of Clean Water Services of Washington County (CWS) Design and Construction Standards (R&O 04-09) as of the date of this Refinement Plan. This is an example of the innovative solutions being implemented throughout this Refinement Plan.

Section II. B. of the City of Salem Public Works Department Design Standards for Stormwater Management dated March 16, 2007 states that as interim design standards for stormwater quality the City will accept stormwater quality facilities designed in accordance with Clean Water Services (CWS) standards. Stormwater runoff originating on the Fairview Hills property will be detained in conformance with the City of Salem Public Works Department Design Standards for Stormwater Management dated March 16, 2007 and in effect as of the date of this Refinement Plan.

A public extended dry detention basin is planned for the northeast corner of the refinement area (Lot 3) to serve public right-of-ways as well as private development areas for the full build-out of the property currently owned by Simpson Hills, LLC (103.8± acres). The basin will be designed and constructed in accordance with CWS standards to provide stormwater quality treatment and stormwater quantity management (detention) per City of Salem standards as approved by the Public Works Department. The stormwater discharge location is planned as a new public storm drain outfall to the West Middle Fork Pringle Creek in the proximity of the Lindburg Road and Reed Road intersection.



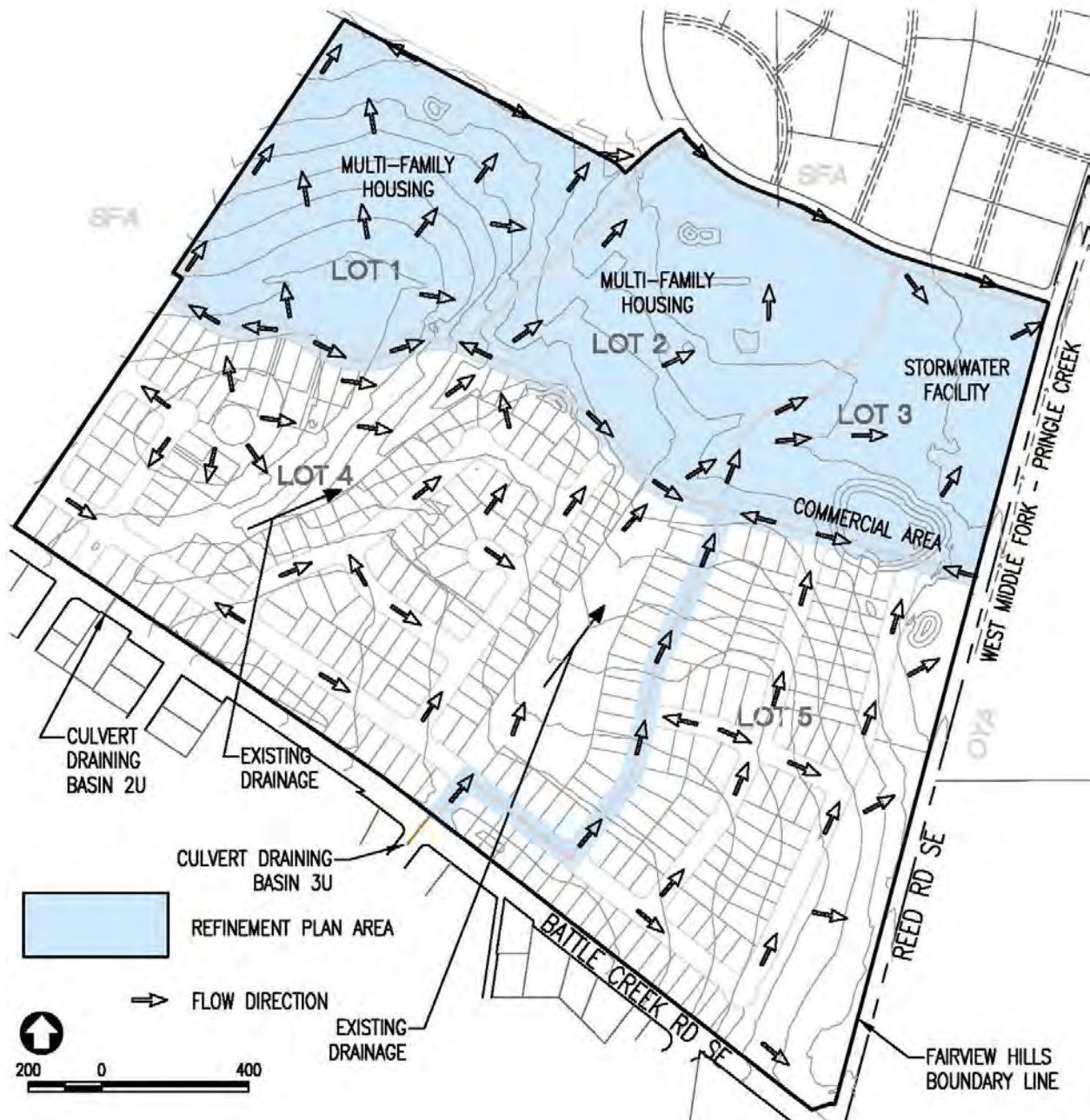


Figure 19: General Conceptual Drainage Plan

TRAFFIC IMPACT ANALYSIS REPORT (20)

The Fairview Master Plan Traffic Impact Analysis (TIA) estimated a total of approximately 17,000 trips upon full development of the former Fairview Training Center site (275± acres). Subsequent to the Fairview Plan TIA, Kittelson & Associates, Inc. (K&A) prepared a memorandum dated July 22, 2009 providing revised trip generation estimates covering the existing Pringle Creek Community, Fairview Hills

property, and Sustainable Fairview Associates, LLC property. The July 22, 2009 K&A memorandum reduced the traffic impact to approximately 12,000 trips. Subsequently, K&A prepared another update on January 13, 2012 based on the Fairview Hills Refinement Plan which indicates that approximately 5,110 new daily trips would be generated if the refinement area, upon full development, matches the conceptual layouts shown. For further information a copy of the K&A memorandum has been included in the Appendix.

IMPACTS ON EXISTING STRUCTURES AND OTHER DEVELOPMENT (21)

The Refinement Plan area is bordered on the north and west by Sustainable Fairview Associates (SFA) which is subject to SRC 143C FMU zoning; on the east by Hillcrest Youth Correctional Facility operated by the Oregon Youth Authority (OYA); and on the south by existing single-family residences. Multi-use pedestrian/bike pathways through the property are important amenities that will increase recreational opportunities in the neighborhood. The multi-use paths will coordinate with the Fairview Refinement Plan II. Future SFA refinement plans and Fairview Hills refinement plans will be required to coordinate with all City approved refinement plans and the general intent of the adopted Fairview Master Plan.



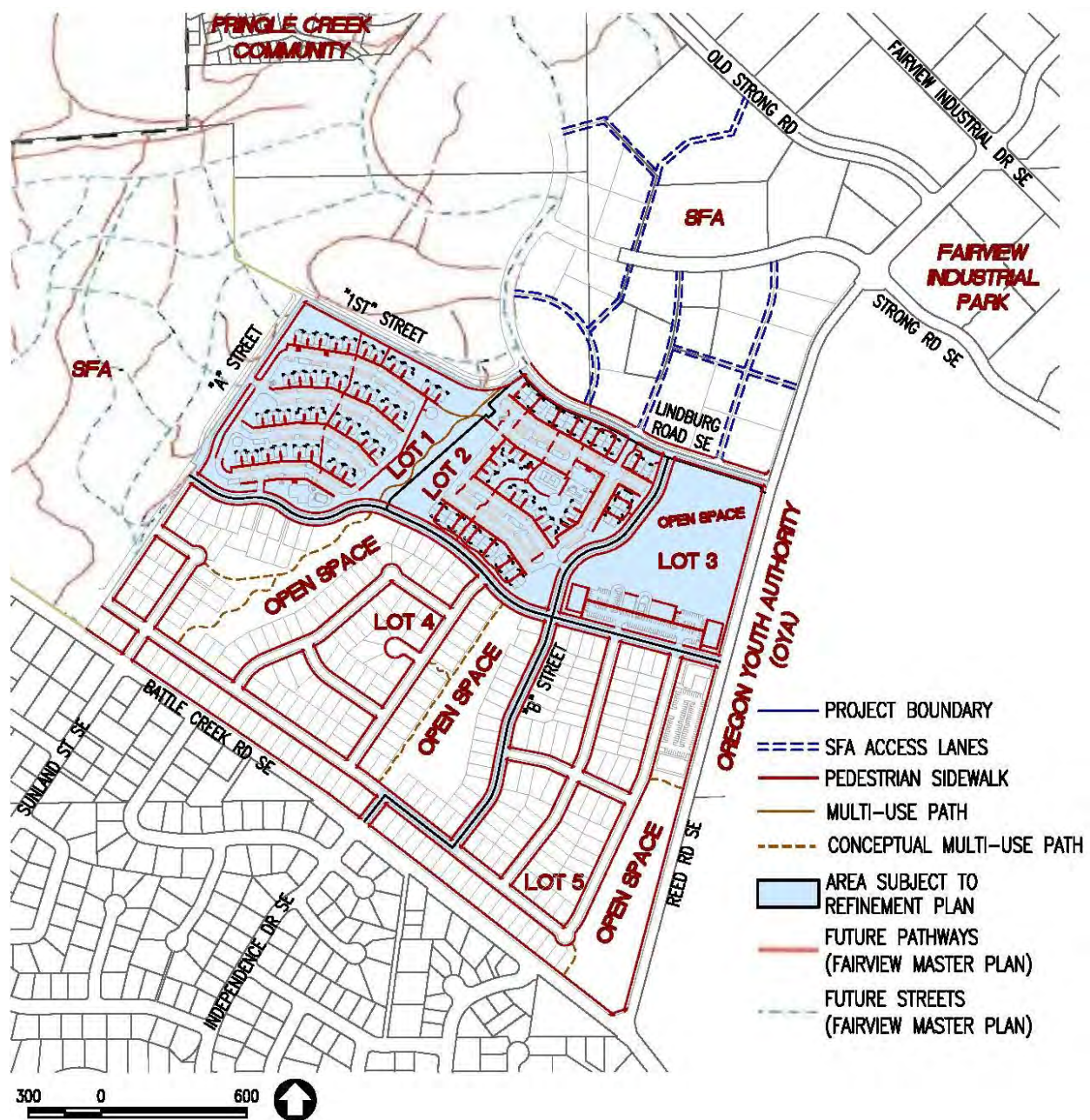


Figure 20: Pedestrian Connectivity and Multi-Use Pathway Conceptual Plan

IMPACTS ON EXISTING INFRASTRUCTURE AND PUBLIC SERVICES (22)

The Urban Growth Area (UGA) Development Permit (No. 04-8) coupled with the Infrastructure Agreement (IA) entered into by Sustainable Fairview Associates, LLC and the City of Salem on September 20, 2005 identify the infrastructure improvement needs required due to the impacts on the existing infrastructure and public services that the development of the former Fairview Training Center site will create. The IA provides for the method of financing the infrastructure improvements as well as the timing for construction based on triggers due to traffic impacts (K&A Memo) as the former Fairview Training Center property develops. The refinement area shows development that is consistent with the adopted Fairview Master Plan and the impacts to the off-site infrastructure as outlined in the IA.

LOCATION AND EXTENT OF SANITARY SEWER, STORM DRAINAGE AND UTILITIES (23)

Water, sanitary sewer, and storm drain main lines will be public and constructed within street right-of-ways or easements as required by City standards. Separate public water, sanitary sewer and storm drain easements outside of the right-of-ways may be necessary to serve proposed development. Water, sanitary sewer, and storm drain lines will be sized in accordance with City of Salem design standards. Power, telephone, gas and cable lines will be installed within public utility easements following the alignment of several of the public street right-of-ways.

Private sanitary sewer, domestic water, irrigation, fire, storm drains and utilities will be constructed with development of each lot within the Refinement Plan area. Final designs will be completed with construction plans for development of each lot and submitted to the City of Salem for review and permitting as required.



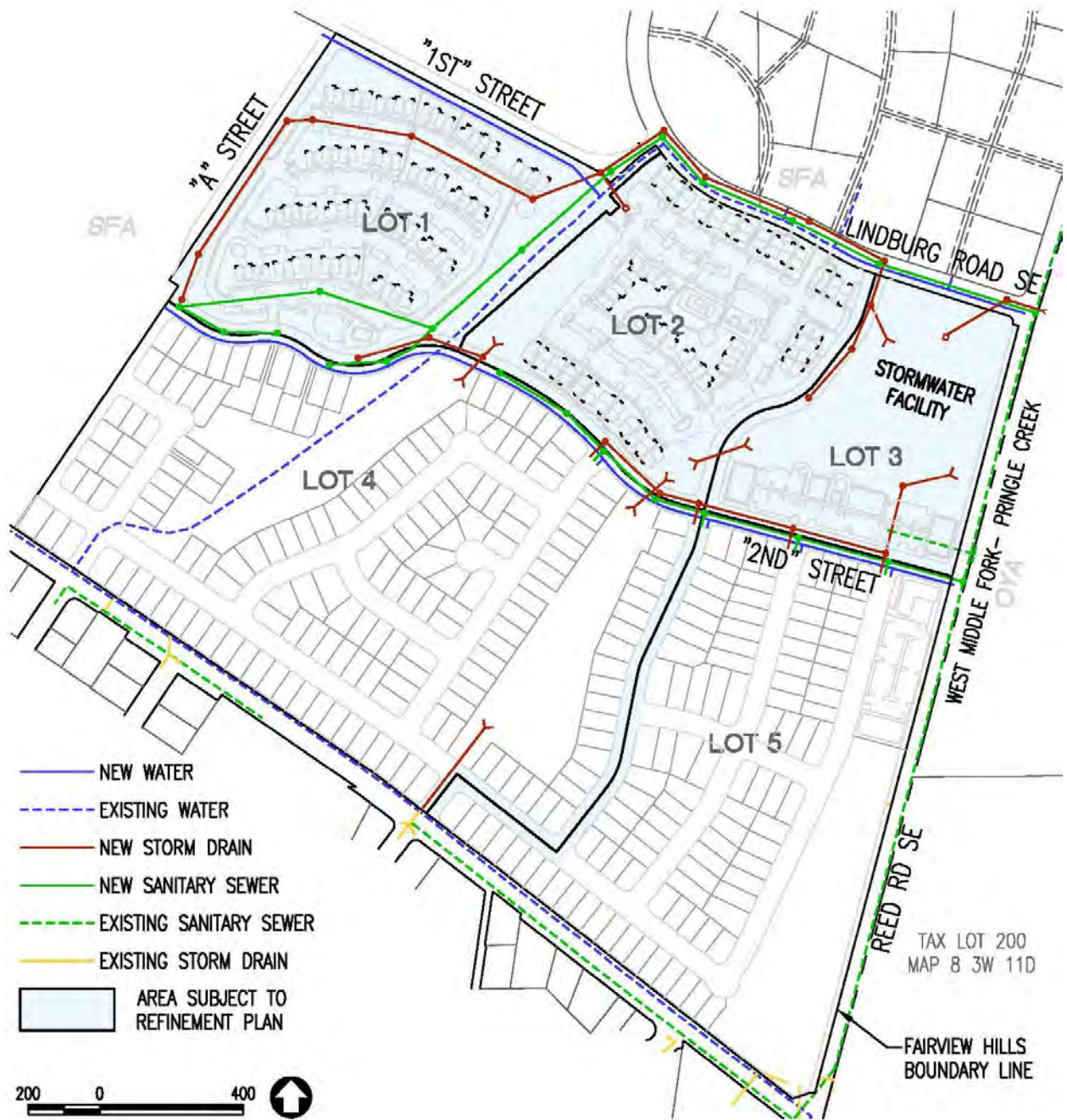


Figure 21: General Public Utilities Conceptual Plan

EXISTING “HISTORICALLY SIGNIFICANT” RESOURCES (24)

The adopted Fairview Master Plan inventory does not identify buildings, structures or sites, which possess the criteria for historic resource designation under SRC Chapter 120A.040 or which have been designated as “historically significant”, as being located within the Refinement Plan area.

As stated in Section 7, there are several potential cultural sites identified in the Archaeological Cultural Resources Inventory & Assessment (Exhibit 6) of the Fairview Master Plan dated August 2004, as well as the Appendix A dated June 2004, which have been shown on Figure 14. Subsequently two extensive cultural resource investigations focused on the 103.8± acre Fairview Hills development where conducted including background research, pedestrian surveys, the excavation of 170 shovel test pits, and the use of a magnetometer to locate evidence for historic-era burials. The report makes the following statements.

“No evidence for burials or a cemetery was uncovered during the fieldwork.”

“Despite intensive efforts to locate archaeological deposits, combined results of AAR’s surveys suggest that the development area contains very sparse archaeological remains...”

A copy of the September 9, 2010 AAR investigation has been included in the Appendix.



APPENDIX 1
INADVERTENT DISCOVERY PLAN

NOTICE:
**THIS DOCUMENT MUST BE AVAILABLE ON SITE AND MUST BE REVIEWED
WITH ALL CONSTRUCTION MANAGERS AND EMPLOYEES INVOLVED IN ANY
EARTHWORK FOR THIS PROJECT.**

Fairview Hills Development Project
Human Remains Protocol

Treatment of Native American and other Human Remains Discovered Inadvertently or Through Criminal Investigations.

Native American burial sites are not simply artifacts of the tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify the Tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

Identification of Human Remains

- Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.
- If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Native American Tribes. To determine who the "appropriate Native American Tribe" the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Native American the responsible parties should contact the appropriate Native American
- Tribes at the initial discovery. It should be noted that there may be more than one appropriate Native American Tribe to be contacted.
- If the human remains are possibly Native American then the area should be secured from further disturbance. The human remains and associated objects **should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above named parties**. These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- All parties involved and the appropriate Native American Tribes shall implement a culturally sensitive plan for reburial.

Notification

- State law [ORS 97.745 (4)] requires that any discovered human remains suspected to be Native American shall be reported to-
 1. State Police (current contact Lt. Steven R. Lane, Department of State Police, office phone 503-934-0324, cell 503-931-7273)
 2. AKS Engineering & Forestry, LLC
 - Primary Contact – J. Michael Poissant, office phone 503-400-6028, cell phone 503-428-3469
 - Secondary Contact – Alex Hurley, office phone 503-925-8799, cell phone 503-407-4536
 3. State Historic Preservation Office (SHPO)
 - Below-Ground Resources contact – John Pouley, office phone 503-986-0675, email john.pouley@state.or.us
 - Above-Ground Resources contact – Ian Johnson, office phone 503-986-0678, email ian.johnson@state.or.us
 4. Commission on Indian Services (CIS)
 - Current contact - Karen Quigley, Director, office phone 503-986-1067. Karen will provide the list of appropriate Native American Tribes.
 5. All appropriate Native American Tribes provided by CIS. This list includes but is not limited to the following:
 - Confederated Tribes of Grand Ronde - Eirik Thorsgard, 503-879-1630; cell 971-241-2696
 - Confederated Tribes of Siletz - Robeli Kentta, 541-444-2532; cell 541-351-0148
 - Confederated Tribes of Warm Springs - Sally Bird 541-553-3555
 6. Applied Archaeological Research, Inc.
 - Primary contact - Bill Roulette, Principal Investigator, office phone 503-281-9451
 - Secondary contact - Jessica Hale, Project Archaeologist, office phone 503-281-9451, cell phone 503-888-9399

APPENDIX 2
JULY 7, 2009 SHPO LETTER



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0671

Fax (503) 986-0793

www.oregonheritage.org



7/7/2009

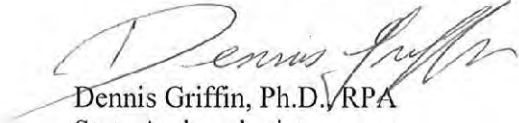
Mr. Mark Lowen
Curry Architecture LLC
471 High SE STE 10
Salem, OR 97301

RE: SHPO Case No. 09-0340
Fairview Training Center Site Proj
8S 3W, Salem, Marion County

Dear Mark:

Our office recently received your monitoring report about the project referenced above. I have reviewed your report (SHPO# 22530) and agree that the project will have no effect on any known cultural resources. No further archaeological research is needed with this project.

Please be aware, however, that if during development activities you or your staff encounters any cultural material (i.e., historic or prehistoric), all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding any future discovery or my letter, feel free to contact our office at your convenience.


Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

APPENDIX 3
KITTELSON & ASSOCIATES
TRIP GENERATION ANALYSIS



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 503.228.5230 503.273.8169

MEMORANDUM

Date: January 13, 2012
To: Matt Harrell
Simpson Hills LLC
2260 McGilchrist Street SE
Salem, Oregon 97302
From: Chris Tiesler, P.E.
Project: Sustainable Fairview Development – Fairview Hills
Subject: Phase II Trip Generation Analysis

Project #: 12243



EXPIRES: 6/30/2012

This memorandum serves to update trip generation estimates for the Fairview Hills portion of Phase II of the Sustainable Fairview development located between Battle Creek Road SE, Reed Road SE, and Strong Road SE in Salem, Oregon. Simpson Hills has revised their land use plan since the last trip generation analysis (memorandum prepared by Kittelson & Associates, Inc.¹). Phase II follows the first phase of development (Pringle Creek Community – September 2005) and continues to follow the Sustainable Fairview Development Plan, previously submitted and approved by the City of Salem.

The purpose of this memorandum is update the number of Phase II daily, weekday a.m., and weekday p.m. peak hour net new site-generated trips generated by the new Fairview Hills plan, and determine if any transportation improvements identified in the development's Area Facilities Plan will be required as a result.

The Pringle Creek Community development (Phase I) generated 1,770 net new daily trips and did not trigger any off-site transportation improvements according to the Area Facilities Plan (see Attachment "A"). Phase II of the development is anticipated to generate approximately 6,550 additional net new daily trips. Based on the Area Facilities Plan, this will trigger three off-site transportation improvements (sum of Phase I & Phase II net new daily trips).

DEVELOPMENT PLAN

Sustainable Fairview Associates LLC and Simpson Hill LLC propose to develop the next phase of the Sustainable Fairview mixed-use development incorporating additional office and retail land uses, a private K-8 school, a public park, and a mixture of residential dwellings. An exact

¹ Kittelson & Associates, Inc. *Sustainable Fairview Development – Phase II Trip Generation Analysis*. July 22, 2009.

breakdown of the size, number, and mixture of these land uses is presented in the next section of this memorandum.

TRIP GENERATION

Kittelson & Associates, Inc. (KAI) prepared estimates of daily, weekday a.m., and weekday p.m. peak hour vehicle trip ends for Phase II of site development based on empirical observations at similar land uses. These observations are summarized in the standard reference *Trip Generation, 8th Edition*, published by the Institute of Transportation Engineers (Reference 1). This methodology is consistent with the methodology followed in the Sustainable Fairview Development Plan.

As the data represented in the ITE trip generation manual is primarily collected at suburban locations with little or no transit service and minimal pedestrian or bicycle facilities, the process likely overestimates the trip generation of the proposed mixed-use development. To adjust for this, trip generation estimates were reduced by ten percent to represent this multi-modal development. The ten percent reduction is consistent with the Transportation Planning Rule (TPR) policies and the City of Salem agreed to its application in this case.

The *Trip Generation Handbook*, published by the Institute of Transportation Engineers (Reference 2) provides estimates for pass-by and internal trips. Internal trip reductions for each identified land use were based on the mixed-use nature of the proposed development. The mix of land uses proposed in Phase II is roughly equivalent and consistent with the original Sustainable Fairview Development Plan; as such, the same internal trip reductions were applied accordingly. The pass-by reduction is only applicable to the retail component of the development; as such, pass-by trips were deducted from the total trips generated by the retail use. These reductions were subtracted from the total site-generated trips to calculate the final net new trips attributable to the site.

Table 1 summarizes the estimated site trip generation during a typical weekday as well as during the weekday a.m. and p.m. peak hours for Phase II of the development. Trip generation estimates shown in the table below are rounded to the nearest five trips.

**Table 1
Estimated Trip Generation – Phase II**

Land Use	ITE Code	Size (s.f./units)	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
<i>Fairview Hills</i>									
Apartment	220	450 units	2,850	225	45	180	280	180	100
<i>Internal Trips (5%)</i>			(140)	(10)	(5)	(5)	(10)	(5)	(5)
Fast-Food Restaurant w/ Drive Thru	934	3,000	1,490	150	75	75	100	55	45
<i>Pass-By (49%/50%)¹</i>			(740)	(70)	(35)	(35)	(50)	(25)	(25)
Shopping Center	820	15,000	640	15	10	5	55	25	30
<i>Pass-By (34%)</i>			(220)	(5)	(5)	0	(20)	(10)	(10)
Coffee Shop w/ Drive Thru	937	3,000	2,460	330	170	160	130	65	65
<i>Pass-By (49%/50%)²</i>			(1,230)	(160)	(80)	(80)	(60)	(30)	(30)
<i>Sustainable Fairview</i>									
Private School (K-8)	534	500 students	1,380 ³	455	250	205	300	140	160
<i>Internal Trips (4%)</i>			(60)	(20)	(10)	(10)	(10)	(5)	(5)
General Office	710	50,000 s.f.	550	80	70	10	75	15	60
<i>Internal Trips (4%)</i>			(20)	(5)	(5)	(0)	(5)	(0)	(5)
Specialty Retail Center	814	20,000 s.f.	890	0	0	0	70	30	40
<i>Pass-By (34%)⁴</i>			(300)	(0)	(0)	(0)	(20)	(10)	(10)
City Park ⁵	411	5 acres	10	0	0	0	0	0	0
<i>Internal Trips (4%)</i>			(0)	(0)	(0)	(0)	(0)	(0)	(0)
Total Site-Generated Trips (Phase II)			10,270	1,255	620	635	1,010	510	500
<i>Total Internal Trips</i>			(220)	(35)	(20)	(15)	(25)	(10)	(15)
<i>10% TPR Reduction</i>			(1,010)	(120)	(60)	(60)	(100)	(50)	(50)
<i>Total Pass-By Trips</i>			(2,490)	(235)	(120)	(115)	(150)	(75)	(75)
NET NEW TRIPS (Phase II)			6,550	865	420	445	735	375	360
<i>Phase I Net New Trips – September 2005</i>									
NET NEW TRIPS (Phase I)			1,770	140	40	100	160	95	65
TOTAL NET NEW TRIPS (Phase I + Phase II)									
TOTAL NET NEW TRIPS			8,320	1,005	460	545	895	470	425

¹ Pass-by rate for ITE #934 is 49% in the weekday a.m. peak hour and 50% in the p.m. peak hour. 50% assumed for daily.

² Pass-by rate taken from ITE #934. No pass-by rate is available for ITE #937.

³ Daily trips estimated based on the relationship of p.m. peak hour trips to daily trips of ITE #530 (Elementary School). No daily trip data is available for ITE #534.

⁴ Pass-by rate taken from ITE #820. No pass-by rate is available for ITE #814.

⁵ No ITE data is provided for a.m. or p.m. peak hours. Given the relatively small size of the park and its central location within the development, no net new vehicle trips are assumed to occur during the weekday a.m. or p.m. peak hours.

As shown in Table 1, Phase II of the development is anticipated to generate approximately 6,550 net new daily trips. Of these trips, 865 (420 in/445 out) are anticipated during the weekday a.m.

peak hour and 735 (375 in/360 out) are anticipated during the weekday p.m. peak hour. Overall, Phases I and II combined are estimated to generate 8,320 net new daily trips.

AREA FACILITIES PLAN

The development team and City of Salem have collectively developed an Area Facilities Plan for the entire Sustainable Fairview development to identify specific required public improvements and the trigger for each improvement. Table 2 summarizes the improvements triggered by Phase II.

Table 2
Area Facilities Plan – Anticipated Off-Site Improvements

Required Public Improvement	Trigger (Net New Daily Trips)	Estimated Cost ¹
<u>Battle Creek Road SE/Kuebler Boulevard SE</u> - Construct eastbound and westbound right-turn lanes within the existing right-of-way. - Traffic signal modifications to allow protected permissive left-turns and right-turn overlap phasing.	2,000	\$300,000
<u>25th Street SE/Madrona Avenue SE</u> - Realign Madrona Avenue SE with 25 th Street SE and Airway Drive SE with Madrona Avenue SE. - Widen Madrona Avenue SE to a five-lane cross-section east of the railroad to 25 th Street SE.	6,000	\$3,000,000 ²
<u>Commercial Street SE/Madrona Avenue SE</u> - Construct a westbound right-turn lane within the existing right-of-way.	8,000	\$175,000

¹ Cost estimates in year 2004 dollars.

² Cost estimate includes right-of-way acquisition.

As shown in Table 2, three public improvements are triggered by the combined total of 8,320 net new daily trips generated by Phases I and II. The next transportation improvement is not triggered until the development reaches 12,000 net new daily trips per the Area Facilities Plan.

We trust this memorandum addresses the impacts of Phase II of the Sustainable Fairview development. If you any questions, please call us at (503) 228-5230.

REFERENCES

1. Institute of Transportation Engineers. *Trip Generation, 8th Edition*. 2008.
2. Institute of Transportation Engineers. *Trip Generation Handbook*. 2004.

ATTACHMENTS

Attachment “A” – Sustainable Fairview Development Area Facilities Plan

Attachment "A"
Area Facilities Plan

Area Facilities Plan

Attachment "D"

	Required Public Improvements	Estimated Cost Dollars	Trigger	Estimated Start
1	Transportation: Battle Creek Road SE/Kuebler Boulevard SE. This improvement calls for the construction of eastbound and westbound right-turn lanes at this intersection. Construction can be accommodated within the existing right-of-way. Traffic signal modifications to allow protected/permitted left-turns and right-turn overlap phasing are also required.	\$300,000.00	2000 total daily vehicle trips (FN 1)	6/1/2006
2	Water: Coburn Pump Station 3,000 GPM S-1 and control building.	\$1,000,000.00	First Floor Construction Above Elevation 278	6/1/2007
3	Transportation: 25th Street SE/Madrona Ave SE. The improvement calls for Madrona Avenue SE to be realigned with 25th Street see and Airway Drive SE realigned with Madrona Avenue SE. The new Madrona Avenue SE/25th Street SE intersection shall also be signalized. Madrona Avenue SE will be widened to a five-lane cross-section east of the railroad track to 25th Street SE. Right of way acquisition is required and or included in the cost estimate. (FN 2)	\$3,000,000.00	6,000 total daily vehicle trips	6/1/2008
4	Parks: Acquire 5 acre neighborhood park site, within the development.	\$500,000.00	When funds have accumulated	6/1/2010
5	Transportation: Commercial Street SE/Madrona Ave SE. The developer is required to construct a westbound right-turn lane at this intersection. No right-of-way acquisition is required for this improvement.	\$175,000.00	8,000 total daily vehicle trips	7/1/2010
6	Transportation: Madrona Avenue SE/Fairview Industrial Drive SE. This improvement calls for the construction of an additional westbound left-turn lane from Madrona Avenue SE to southbound Fairview Industrial Drive SE. An additional southbound lane on Fairview Industrial Drive SE must also be constructed to receive the dual left-turn lanes, and shall terminate as a southbound right-turn lane at the intersection with Strong Road SE. Costs of right of way acquisition is included in the estimate. (FN 3)	\$2,300,000.00	12,000 total daily vehicle trips	9/1/2011
7	Water: Coburn connecting lines. S-1 Master Plan trunk lines.	\$250,000.00	When funds have accumulated	9/1/2011
8	Water: Coburn Reservoir. S-1 3.2 million gallon concrete reservoir.	\$2,500,000.00	When funds have accumulated	6/1/2012

9	Parks: Develop neighborhood park on land previously acquired to master plan standards.	\$500,000.00	When funds have accumulated	6/1/2013
10	Transportation: Battle Creek Road SE/Reed Lane SE. Construction of a signal and a southbound left-turn lane on Battle Creek Road SE is required. Minimal right-of-way is required to accommodate this improvement and acquisition is included in the cost estimate.	\$500,000.00	15,000 total daily vehicle trips	6/1/2013
11	Transportation: Fairview Industrial Drive SE/Strong Road SE. This improvement calls for the construction of a traffic signal at this intersection. Minimal right-of-way is required to accommodate this improvement and is included in the estimate.	\$350,000.00	15,000 total daily vehicle trips	6/1/2013
12	Transportation: Traffic Signal at unspecified location on Pringle/Battle Creek.	\$300,000.00	After 15,000 total daily trips and when circumstances warrant the signal	7/1/2013
13	Transportation: Reed Road SE/Fairview Industrial Drive SE. Restripe the southbound approach and add separate right turn lane (or consider a round about).	\$200,000.00	17,100 total daily vehicle trips	7/1/2013
14	City Administration Fee:	\$314,100.00	Payable after City makes its 60% share payment for Reservoir	9/1/2013
Total:		\$12,189,100.00		

Add Back from City: 60% share of Coburn Reservoir, Pump Station, and connecting lines to be paid from city water revenues.	\$2,250,000.00		7/1/2013
Existing Capacity Payments: Payment to the City CIP account from Phase 1.	\$245,550.00	If funds are available	9/1/2013
Existing Capacity Payments: Payment to the City CIP account from Phase 2.	\$310,467.00	If funds are available	9/1/2013
Existing Capacity Payment: Payment to City CIP accounts from Phase 3.	\$1,831,649.00	If funds are available	11/1/2015
Prior Trip Redevelopment Exemption Value: Payment to SFA for credits from vehicle trips of prior development. (6770 trips at \$190 per trip)	\$1,286,300.00	If funds are available	12/1/2015
Prior Sewer Use Redevelopment Exemption Value: Payment to SFA for prior sewer use.	\$250,000.00		9/1/2016
Total Estimated Repayments/Exemptions	\$3,923,966.00		
Total Estimated City Payment to Account for Reservoir	\$2,250,000.00		

	Supplemental Projects	Estimated Cost in 2004 Dollars	Trigger	Estimated Start
1	Transportation: Pringle Road SE/Ewald Ave SE. install traffic signal.	\$355,000.00	If funds are available	7/1/2016
2	Transportation: Battle Creek SE/Kuebler Boulevard SE. construct north bound and south bound right turn lanes. Protected signal leads added to all intersection approaches.	\$575,000	If funds are available	7/1/2017
3	Transportation: Madrona Avenue SE/Pringle Road SE construct northbound and southbound through lanes.	\$1,250,000	If funds are available	7/1/2018
Total Supplemental Projects		\$2,180,000		

(FN 1) If funds are available in the Trust account prior to the stated Trigger, then the project will be buildt with available funds, ahead of the Trigger. This applies to all Required Public Improvements.

(FN 2) Widening of Madrona Ave SE at 25th Street to five lanes may trigger the need for equipment upgrades, relocations, and/or other improvements to the Southern Pacific railroad crossing located approximately 1,900 feet west of the current 25th Street SE/Madrona Avenue SE intersection. It is unlikely that ODOT Rail would require such modifications due to this improvement. Such modifications are much more likely to be required for the Madrona Avenue SE/Fairview Industrial Drive SE intersection improvement outlined below. Because of these reasons and the preliminary nature of this conceptual design, costs associated with such modifications to the existing railroad crossing are not included in this estimate.

(FN 3) In order to accommodate a second westbound left-turn lane at this intersection, it may be necessary to reconfigure/update the Southern Pacific railroad crossing on Madrona Avenue SE, located approximately 650 feet east of the intersection. Due to the likelihood of ODOT Rail gates, partial reconstruction, and interconnection to prevent possible queue spillbacks over the tracks when a train is approaching would be required in conjunction with this improvement. The cost of work related to the railroad crossing is estimated to be approximately \$500,000, and is included in this cost estimate.

APPENDIX 4
SEPTEMBER 9, 2010 CULTURAL
RESOURCES INVESTIGATION

Findings: +
County: Marion
Section(s): 11, T8S, R3W, WM
USGS Quad(s)/Date: Salem West, Oreg. (1969) 7.5-minute
Project Type: Formal Survey
Project Acres: ca. 64
Acres Surveyed: ca. 64
New Prehistoric 0 Historic 0 Isolate 1

**CULTURAL RESOURCES INVESTIGATION OF THE
NORTHERN SECTION OF THE SIMPSON HILL
DEVELOPMENT SITE,
MARION COUNTY, OREGON**

By

Jessica A. Hale, M.A.
and
Bill R. Roulette, M.A., RPA

Prepared for
Lenity Group
Salem, Oregon

RECEIVED

SEP 13 2010

LENITY GROUP LLC

September 9, 2010

APPLIED ARCHAEOLOGICAL RESEARCH, INC. REPORT NO. 979



**APPLIED
ARCHAEOLOGICAL
RESEARCH, INC.**

Cultural Resource Management and Historic Preservation

4001 NE Halsey Street, Suite 3
Portland, OR 97232
Phone (503) 281 9451
Fax (503) 281 9504

INTRODUCTION

Under contract to Lenity Group (Lenity), Applied Archaeological Research, Inc. (AAR) recently completed cultural resources investigations of 64 acres within the 104-acre Simpson Hill development area located in Salem, Marion County, Oregon (Figure 1). The 64 acres surveyed (the project area) approximates the northern half of the development site that is on the grounds of the former Fairview Training Center (FTC), which previously was the Oregon Institution for the Feeble Minded. This report follows one that was previously prepared by AAR that dealt with cultural resource investigations for the southern 40 acres of the development property (Hale and Roulette 2009). Proposed developments in the current project area will include modifying wetlands, which will require a Section 404 permit from the U.S. Army Corps of Engineers (ACOE), which means the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800.

AAR's investigations included background research at the Oregon State Historic Preservation Office (SHPO), an intensive pedestrian survey, and the excavation of 25 shovel test pits (STPs). The fieldwork was conducted between August 9 and 11, 2010 by Jessica Hale, M.A., assisted by (in alphabetical order) Melissa Lehman, B.A., Robert McCurdy, B.S., and Kendal McDonald, M.A. The project was under technical supervision of AAR's Principal Investigator, Bill R. Roulette, M.A., RPA. As result of AAR's study, one prehistoric flake from a type of cryptocrystalline silicate (CCS) rock was found in STP 23. The flake has been recorded as archaeological isolate AAR 979-1i. A documentation form for this resource is attached as Appendix A.

Conventions

In this report, measurements for common distances, elevations, and areas are provided in English units. Measurements used to describe archaeological areas, procedures, and findings are in metric units.

Project Area Description

The project area is located in the north half of Section 11, Township 8 South, Range 3 West, Willamette Meridian (WM), in southeast Salem at the base of the Salem Hills overlooking the broad Mill Creek bottomlands. The general aspect of the land is to the north and east toward Mill Creek, which is approximately 1.75 miles distant. The 64-acre project area is bordered to the east by Reed Road SE and to the north, south, and west by arbitrary lines. East to west the property is maximally 2,575 feet (ft) wide. North to south, it is maximally 1,980 ft long (Figure 2). It encompasses parts of two ridges that are oriented roughly southwest to northeast. The ridges are separated by swales where intermittent streams and wetlands are located. Within the area surveyed, elevations vary between 350 ft above mean sea level (amsl) along the property's southwest edge and along the southern boundary, to around 200 ft amsl at its northern most part.

Much of the project area had been developed when the FTC was open although at the time of the survey, developed lands had been cleared. Formerly within it were the rehabilitation center (the Benton Building), the Steele Education and Training Center, and several smaller structures, pens, and barns used as part of farm-related therapies. A large part of the project area was disturbed by the razing and clearing of the grounds where these facilities had been located (Figures 3 and 4). Other parts of the project area were paved or covered with gravel piles, concrete rubble, and gravel construction roads. Areas that were not obviously disturbed were thickly vegetated, mostly with tall grasses and Himalayan blackberry (Figure 5), but also with conifer and deciduous trees that probably are remnants of FTC landscaping. Six designated wetlands are included in the project area and each contained thick grasses (Figure 6).

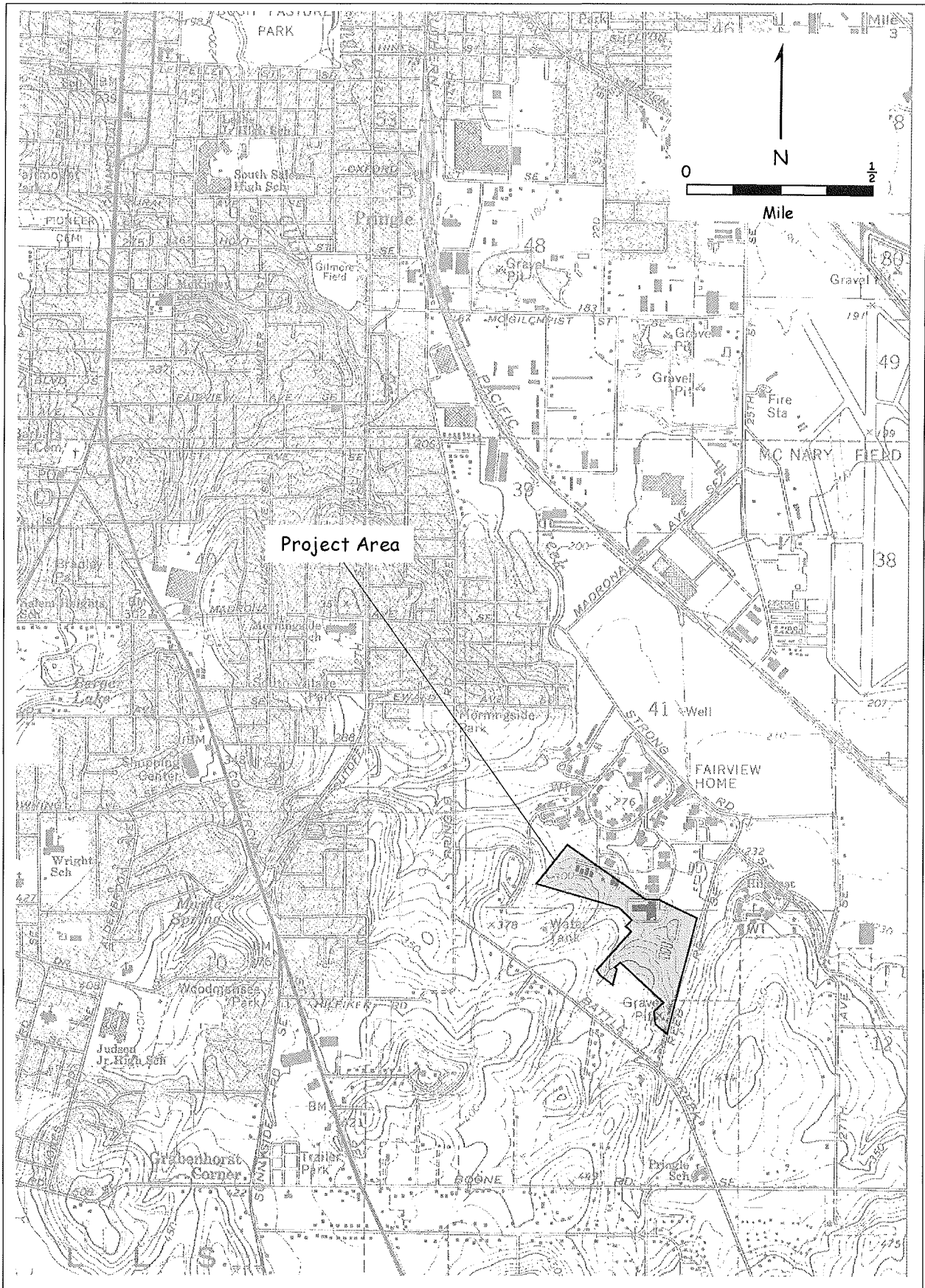


Figure 1. Location of the project area as depicted on the 1969 (photorevised 1986) Salem West, Oreg., 7.5-minute topographic quadrangle.

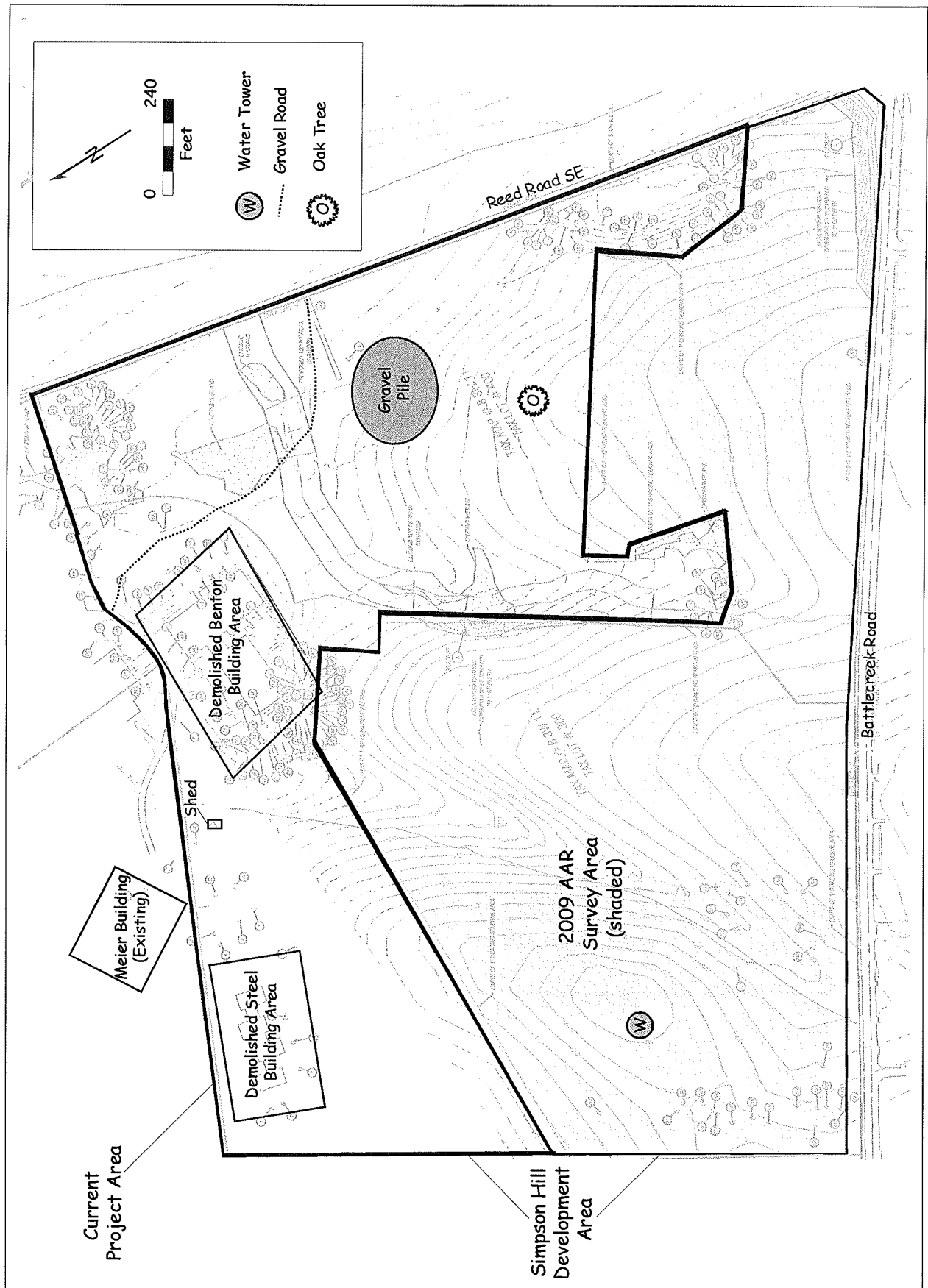


Figure 2. Configuration of the project area.



Figure 3. Overview of the project area showing disturbed ground where the Benson Building was formerly located. View is to the northwest.



Figure 4. Overview of the project area, facing east, showing large gravel piles, debris piles, disturbed areas, and typical vegetation in ostensibly undisturbed areas.



Figure 5. Overview of the project area showing typical vegetation and conditions at the time of the fieldwork. Note gravel pile. View is southwest.



Figure 6. Overview of the project area, facing northwest, near one of the designated wetlands.

Background

The 64 acres that are the subject of the current study adjoin a 40-acre section of the development site that AAR previously investigated. The report describing AAR's earlier survey includes detailed context statements regarding the environmental setting, ethnographical background, prehistoric overview, and historical background of the FTC (Hale and Roulette 2009). These statements are not reproduced in this report. This section provides information on the previous archaeology on the grounds of the former FTC which is an updated version of the same section in AAR's earlier report. It is included as it contains information that is germane to the current study.

The Simpson Hill development site is located within the former FTC campus, which was considerably larger. In the early 2000s, Sustainable Fairview Associates (SFA) purchased 275 acres of the grounds of the former FTC and sponsored an archaeological survey of their lands, which included the entire Simpson Hill development site. No cultural resources were observed in the current project area during that survey but several were identified elsewhere on the SFA property (Darby 2004). The only cultural resources identified in the Simpson Hill development site were in its southern part and consisted of two rock piles that were from field clearing. The rock piles were not assigned formal site numbers and no further work at them was recommended (Darby 2004:20). Sites identified on the SFA property are mainly located north of the current project area between .2 and .5 mile away. They include an extension of previously recorded prehistoric site 35MA142, site 35MA193, the Holden/Carey Cabin and Barn site, and 35MA195, the Cartwright/Payne House site. A boulder exhibiting possible glyphs was also found and recorded as site 35MA194 (Darby 2004:20-21).

As part of her study of the SFA property, Darby (2004, 2005) established that between 1909 and 1913, at least 29 patients at the Oregon Institution for the Feeble Minded died on the premises and that perhaps as many as 17 were buried at unspecified locations on the grounds. Darby (2004, 2005) interviewed Dean Byrd who lived at the institution while his father was superintendent there. In 1940, during a visit after his father's death, Mr. Byrd walked the grounds of the institution and saw a cemetery. He remembered that it was "on one of the hills behind the school" in an area used as a pasture. When Darby showed Mr. Byrd a topographic map of the 275-acre SFA project area, he identified two possible locations for the cemetery he had observed some 64 years earlier (Darby 2004:12). Both locales were within the southern 40 acres of the Simpson Hill development site. Upon surveying the areas one was ruled out as a possible cemetery site because of an abundance of rock visible at the ground surface. The other area was investigated using a magnetometer followed by the ground-truthing of select magnetic anomalies. No graves or evidence for burials were found (Darby 2005).

In 2009, AAR contracted with Curry Architecture LLC to survey 40 acres in the southern part of the Simpson Hill development site. Low-level contamination in the topsoil required that it be scraped from the 40 acres before they could be developed. The Oregon State Historic Preservation Office (SHPO) determined that the removal of topsoil had the potential to affect historic-era burials and other types of archaeological resources and required an archaeological survey of the 40 acres to be scraped. AAR's investigations included extensive background research, a pedestrian survey, the excavation of 145 STPs, a remote sensing survey using a magnetometer of 12 areas that based on soil type, slopes, and aspect were deemed the most likely to have been used as a cemetery, and archaeological monitoring.

As was described in AAR's report (Hale and Roulette 2009), no official document was located during the background research that described where patients were buried. Two anecdotal accounts were found but they contradict each other and could not be used to locate burial sites. The magnetometer surveys identified numerous magnetic anomalies in the areas investigated. Eight strong anomalies were investigated using STPs but no evidence for burials was found. Finally, no evidence for burials was noted during the archaeological survey.

Field investigations resulted in the identification of one historic-era archaeological site and three prehistoric isolates. The site, 35MA277, was identified at the head of the swale that contains one of the designated wetlands in the Simpson Hill development area. The site is a sparse scatter of structural and domestic refuse distributed over an area measuring 45 by 35 meters (m). It could not be directly dated. Overlaying its location onto a 1907 State Engineers map shows that it extends northward from a structure believed to have been the W. H. Simpson home. Based on its character and the cartographic evidence, it was interpreted as a yard or sheet midden deposit that accumulated in the vicinity of the home that was established on the property by 1878 (Hale and Roulette 2009).

The prehistoric isolates appear to represent transient use of the area. Locally, prehistoric archaeological sites are concentrated on the Mill Creek bottomlands more than a mile from the development site where previous investigations have documented intensive use for 6,000 years (Connolly et al. 1998; Freidenburg and Burtchard 1990; Minor and Toepel 1995; Pettigrew 1980; Tasa 2003). It appears that landforms that comprise the lower part of the Salem Hills were little used by the prehistoric populations that focused their activities on the bottomlands. The seven prehistoric artifacts found in the 40-acre project area include a projectile point, a split pebble used as a scraper, and five pieces of debitage. All of the artifacts are CCS. These few items could represent a single use of the area that, based on the character of the finds, was oriented toward hunting rather than food plant gathering or processing.

FIELD METHODS AND RESULTS

Field Methods

Fieldwork was conducted between August 9 and 11, 2010. It started with a thorough search of the ground surface throughout the project area using pedestrian transects spaced approximately 10 m apart where possible (Figure 7). The survey transects were spaced more opportunistically on slope faces and areas that contained obstacles. Where encountered, mineral soil exposures were closely inspected for the presence of artifacts and other indicators of archaeological resources, such as fire-cracked rock or stained sediment.

After the surface survey, 25 STPs were excavated in areas deemed to be the likeliest locations for archaeological resources. These areas mainly included the crests and side slopes on the two ridges partly contained in the project area and dry areas adjacent to designated wetlands (Figure 7). Areas not investigated using STPs were those that were obviously disturbed, contained standing or running water, were steeply sloping, or were covered with gravel and concrete debris piles, or asphalt and gravel roads.

The STPs were 30 centimeters (cm) in diameter and were excavated to a minimum of 50 cm below surface (cmbs) at which depth the excavations had penetrated well into clay subsoil or to bedrock (Table 1). Excavated sediment was processed using one-eighth-inch mesh hardware cloth. Standardized information including a description of the location, physical setting, types of sediment, and artifact recovery was recorded for each STP. The STPs were completely backfilled and the location of each probe was plotted using a global positioning system device. One artifact was found in a STP. It was analyzed to the extent possible to determine material, form, and function. It was not retained and was placed back into the STP in which it was found when it was backfilled.

Results

The entire project area was vegetated and overall had less than 10 percent surface visibility. Surface exposures were limited to small patches of ground with thin vegetation, rodent burrow backdirt piles, disturbed areas devoid of vegetation, and the beds of two-track roads. No unequivocal

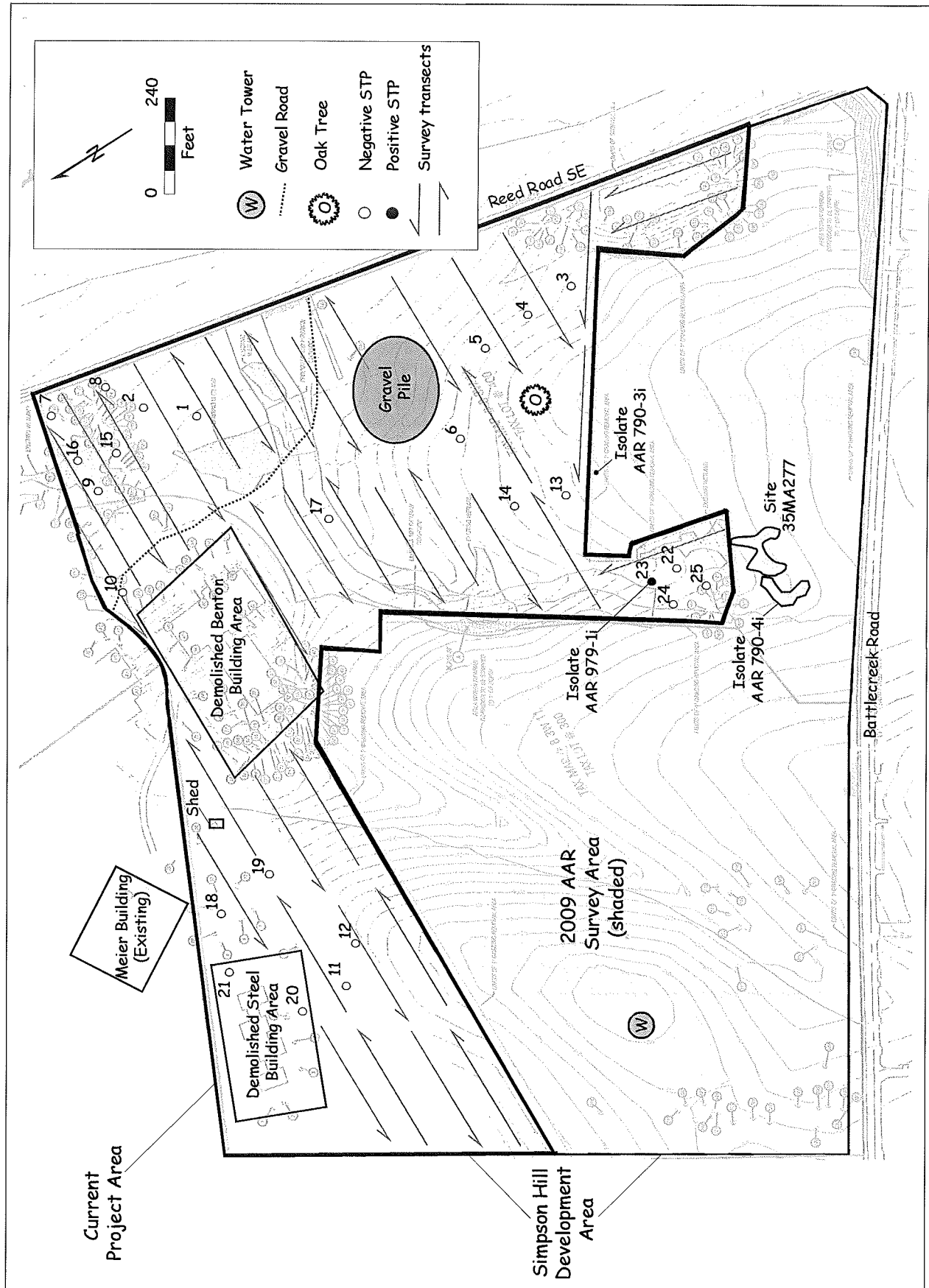


Figure 7. Configuration of the project area showing the approximate pedestrian transects, the location of the shovel test probes, and the location of Isolate AAR 979-1i in relation to the resources recorded during the 2009 survey.

Table 1. Summary of STPs Excavated in the Current Project Area.

STP	Terminal Depth (cmbs)	Description
1	50	-
2	50	1 green bottle glass fragment of indeterminate age found at 0-20 cmbs
3	50	-
4	50	1 white earthenware ceramic of indeterminate age found 0-20 cmbs
5	50	-
6	50	-
7	50	-
8	50	-
9	50	-
10	50	-
11	50	Modern plastic fragments at 20-40 cmbs
12	50	-
13	50	-
14	50	-
15	50	-
16	50	-
17	35	-
18	50	-
19	35	-
20	50	-
21	50	-
22	25	-
23	50	1 CCS flake
24	50	-
25	75	-

archaeological items were observed during the pedestrian survey. Modern objects such as pieces of flat glass, nails, and pieces of plastic and metal objects, were noted in areas where buildings had recently been demolished.

Of the 25 STPs, four were placed in dry areas adjacent to a designated wetland in the southernmost part of the project area as near as possible to the location to historic-era site 35MA277 and prehistoric isolate field designated AAR 790-4i that were found during AAR's 2009 survey (Hale and Roulette 2009:28). Two other STPs were placed near to where another of the prehistoric isolates (field designated AAR 790-3i) was found during the previous AAR survey (Hale and Roulette 2009:28). The others were distributed throughout the current project area according to the criteria listed above.

Soil profiles exposed in STPs were consistent with the typical pedon descriptions of the soil units mapped for the project area. The typical profile of STPs excavated in the less elevated parts of the project area conform to the Silverton silt loam, 2 to 12 percent slopes, which features a friable brown silt loam surface horizon (Williams 1972:107). These soils are formed on terraces and contain decomposing gravels at approximately 50 cmbs. Soil profiles noted in the more elevated parts of the project area conform to the typical pedon description for Nekia silt clay loam, 2 to 12 percent slopes (Williams 1972:101). Many STPs that featured this soil profile terminated at decomposing bedrock at approximately 50 cmbs. The typical profile noted in areas closest to designated wetlands contained an upper layer, 30 cm thick, of dark brown or gray brown silt clay loam that graded to clay loam with strong redoximorphic features below about 30 cmbs.

A CCS flake was found in one of the STPs excavated next to a designated wetland along the southern edge of the current project area. The STP was one of several placed as close as possible to where historical site 35MA277 and isolate AAR 790-4i were previously identified. It was the only one to contain an artifact. The flake was found in STP 23 that was minimally 100 m from AAR 790-4i. The lack of close proximity indicates that the flake in STP is not a dispersed element of that isolate and for that reason it has been recorded as a separate isolate that is field designated AAR 979-1i. A documentation form for the isolate is included in Appendix A in this report.

The flake was produced during the thinning of a biface and measures approximately 2 x 1 cm (Figure 8). It is pot-lidded on one side from exposure to heat. Three other STPs were excavated with a 40-m radius of STP 23 but no additional artifacts were found.

STPs 2, 4, and 11 contained modern or items of indeterminate age (Table 1). Most of the materials were found between 0 and 20 cmbs, but some were found as deep as 40 cmbs. These items were not recorded as archaeological resources.

SUMMARY AND RECOMMENDATIONS

Over the past two years, AAR has conducted two cultural resource investigations that focused on the 104-acre Simpson Hill development area. Together, these projects have included extensive background research, pedestrian surveys, the excavation of 170 STPs, and the use of a magnetometer to locate evidence for historic-era burials. Despite intensive efforts to locate archaeological deposits, the combined results of AAR's surveys suggest that the development area contains very sparse archaeological remains: only eight prehistoric artifacts have been found and only one very sparse scatter of presumably historic-era artifacts has been identified. Moreover, AAR's work followed an initial investigation by Darby (2004) during which no archaeological resources were found in what is now the development area.

Because the development of the Simpson Hill project will no doubt include grading, it is important to consider the potential that the current project area contains historic-era burials. During AAR's 2009 investigations, it could not be determined based on written records that burials or a cemetery associated with the Oregon Institution for the Feeble Minded are located within the proposed development site. No evidence for burials or a cemetery was uncovered during the fieldwork. Likewise, Darby (2005) found no evidence for burials in her earlier survey of the parts of the development site formerly included in the SFA tract. Despite the negative evidence, the presence of historic-era burials cannot be precluded. In recognition of this, an inadvertent discovery plan is appended to this report (Appendix B) to guide the response to the inadvertent discovery of human remains.

In brief, as described in the plan, if human remains are found inadvertently on the Simpson Hill property, the State Police, the Commission on Indian Services, and the Oregon SHPO are to be immediately contacted. Until the State Police determines that the remains do not represent a crime scene, they should not be moved or otherwise disturbed. Once it has been established that the remains do not represent a crime scene, it must be determined whether they are historical or prehistoric in age, and if they are Native American or non-Native American. In any case, the human remains are to be treated with care and appropriate parties are to be given the opportunity to pay respects before their removal. Importantly, if it is established that the human remains date to the historic-period, from 1934 or before, which would be the case if they were associated with the Oregon Institution for the Feeble Minded, they would be considered archaeological in nature and a permit would be needed prior to their removal for reburial.



Figure 8. CCS flake found in STP 23.

As a result of the current study, a single prehistoric isolate was found. It, like the isolates found during AAR's previous survey, suggests transient use of the lands comprising the project area. In all, after two phases of archaeological investigations eight prehistoric artifacts have been found on the 104-acre development site. These include a projectile point, a split pebble used as a scraper, and six pieces of debitage. All of the artifacts are CCS. These few items could represent a single use of the area that, based on the character of the finds, was oriented toward hunting rather than food plant gathering or processing.

Thorough investigation of the area around it established that Isolate AAR 979-1i found during the current study is not part of a larger prehistoric deposit. Consequently, it is AAR's opinion that it does not have the potential to be eligible for listing in the National Register of Historic Places and that the information that it contains was collected at the survey level. It is therefore AAR's recommendation that the isolate requires no additional study or protection.

It is also recommended that contractors working on the Simpson Hill development be made aware of the potential that historic-era human burials may be encountered in the project area. The inadvertent discovery plan should be readily available to contractors and it should be reviewed prior to the initiation of ground disturbing work with the potential to expose grave shafts.

Finally, in the unlikely event that cultural resources are encountered during construction in the project area, in compliance with various county, state, and federal laws and regulations, the Oregon State SHPO should immediately be notified and work halted in the vicinity of the finds until they can be inspected and assessed.

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APPENDIX A

Isolate AAR 979-1i Documentation Form

State of Oregon Archaeological Site Record

Summary of Isolate Form#: 3601

Form Type/Identification	
Field Id:	AAR 979-1i
Isolate Description:	One CCS lithic flake
Form Type:	Isolate
Recording Date:	08/13/2010
Location	
Cadastral Locations	Township Range Section ¼ ¼ ¼ DLC Meridian 8 S 3 W 11 Willamette
Map References	Salem West
7.5	
1969	
Elevation	From 310 To 315 ft
UTM Coordinates	Type East North Method Zone Datum Centerpoint 498631 4970892 GPS Unknown Error 10 83
Files Uploads	
<ul style="list-style-type: none"> • 10-979 Fig 1 isolate AAR 979-1i.pdf • AAR 979-1i Figure 2.pdf 	

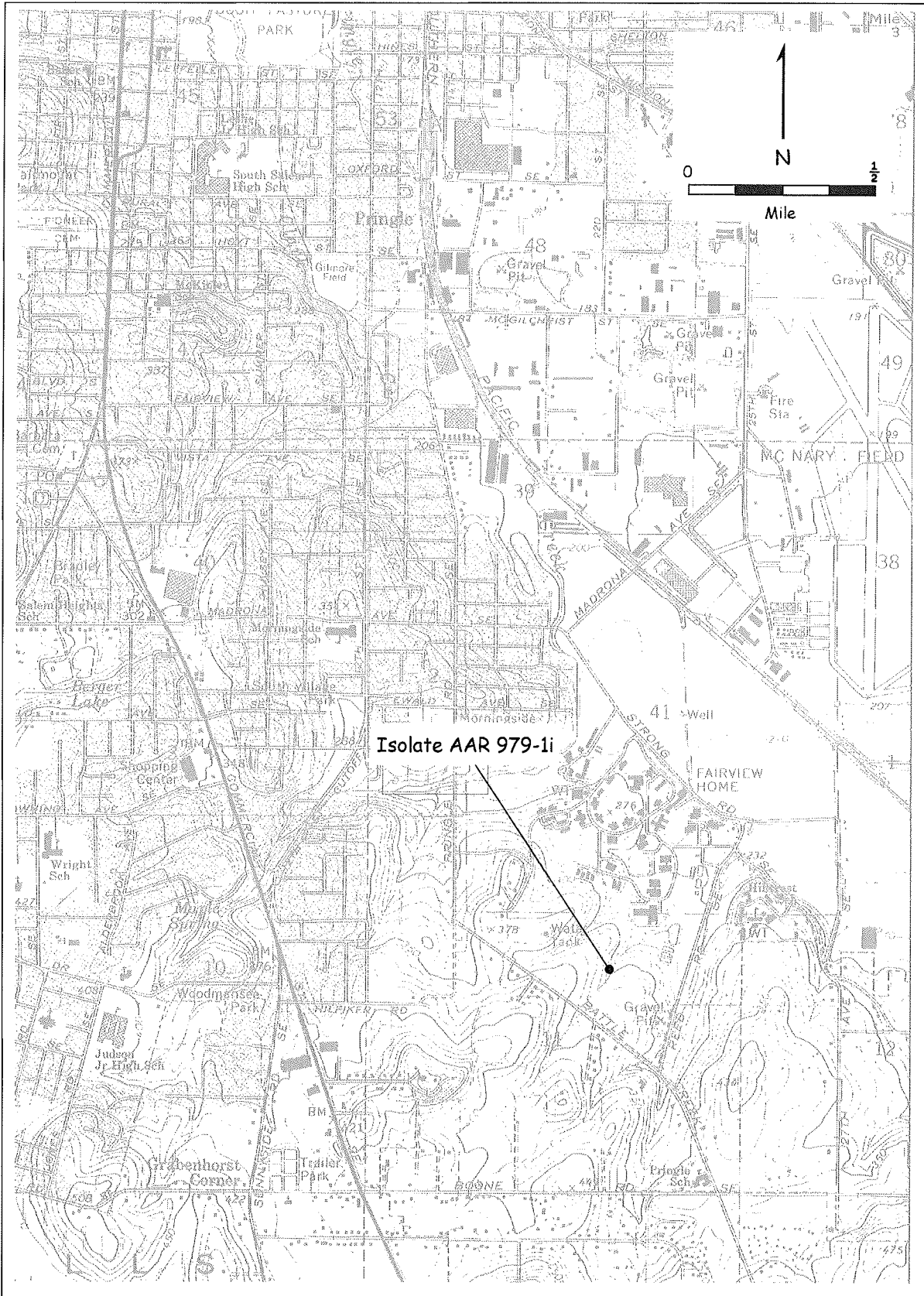


Figure 1. Location of isolate AAR 979-1i as depicted on the 1969 (photorevised 1986) Salem West, Oreg., 7.5-minute topographic quadrangle.



Figure 2. CCS flake found in STP 23 at Isolate AAR 979-1i.

APPENDIX B

Inadvertent Discovery Plan

NOTICE:
THIS DOCUMENT MUST BE AVAILABLE ON SITE AND MUST BE REVIEWED
WITH ALL CONSTRUCTION MANAGERS AND EMPLOYEES INVOLVED IN ANY
EARTHWORK FOR THIS PROJECT.

Simpson Hills Development Project
Human Remains Protocol

Treatment of Native American and other Human Remains Discovered Inadvertently or Through Criminal Investigations.

Native American burial sites are not simply artifacts of the tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify the Tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

Identification of Human Remains

- Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.
- If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Native American Tribes. To determine who the "appropriate Native American Tribe" the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Native American the responsible parties should contact the appropriate Native American Tribes at the initial discovery. It should be noted that there may be more than one appropriate Native American Tribe to be contacted.
- If the human remains are possibly Native American then the area should be secured from further disturbance. The human remains and associated objects **should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above named parties**. These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- All parties involved and the appropriate Native American Tribes shall implement a culturally sensitive plan for reburial.

Notification

- State law [ORS 97.745 (4)] requires that any discovered human remains suspected to be Native American shall be reported to-
 1. State Police (current contact Lt. Steven R. Lane, Department of State Police, office phone 503-934-0324, cell 503-931-7273
 2. Curry Architecture
 - Primary Contact – Ron Jackson, office phone 503-339-1090, cell phone 503-507-2866
 - Secondary Contact – Mark Lowen, office phone 503-339-1090, cell phone 503-507-2518
 3. State Historic Preservation Office (SHPO)
 - Primary contact - Dennis Griffin, State Archaeologist, office phone 503-986-0674, cell phone 503-881-5038
 - Secondary contact - Susan Lynn White, Asst. State Archaeologist, office phone 503-986-0675, cell phone 503-508-1973
 4. Commission on Indian Services (CIS)
 - Current contact - Karen Quigley, Director, office phone 503-986-1067. Karen will provide the list of appropriate Native American Tribes.
 5. All appropriate Native American Tribes provided by CIS. This list includes but is not limited to the following:
 - Confederated Tribes of Grand Ronde - Eirik Thorsgard, 503-879-1630; cell 971-241-2696
 - Confederated Tribes of Siletz - Robert Kentta, 541-444-2532; cell 541-351-0148
 - Confederated Tribes of Warm Springs - Sally Bird 541-553-3555
 6. Applied Archaeological Research, Inc.
 - Primary contact – Bill Roulette, Principal Investigator, office phone 503-281-9451
 - Secondary contact – Jessica Hale, Project Archaeologist, office phone 503-281-9451, cell phone 503-888-9399