

OVERVIEW OF LAKE/PARK DEVELOPMENT AND MANAGEMENT

2008 Phase—Gated Community

The process of developing the land around Turner Lake began in 2008. 500 multifamily and single-family units were proposed, houseboats on the lake were proposed along with many acres of commercial development. In this proposal, the lake was to be entirely private, and there would be a tiny one acre park donated to the City. Since the City had no development standards that would require anything more than this, that's what was accepted. When the recession occurred, however, that proposal evaporated, and the project basically went into hibernation.

2015 Phase—Crawford Crossing

In late 2015, the City and the landowner, Jay Compton, began conversations about how to revisit development around the lake. The complete process involved conversations and negotiations at many levels, including water quality permit issues with the State of Oregon and infrastructure improvement issues both with the City of Salem and with Marion County. At one point, it seemed entirely possible all the land would be de-annexed from the City limits and go back into the County. Fortunately, we were able to craft a way forward, but it was not without compromises.

A key part in that entire process was that because the lake fringe was a designated wetland, the Department of States Lands required a permit for development to proceed. In the public process for this permit, homeowners on the hillside submitted comments that the new development could cause landslides. This led the agency to require Mr. Compton to do a series of geotechnical investigations below Val View Drive. The results of this investigation showed that there was a slight risk of land slumping in the hillside just below Val view.

Because of this certified concern, Mr. Compton felt it was no longer prudent to build in these high-risk soils areas. As the development was being redesigned, the City approached Mr. Compton with the idea of donating all of these lands to be a public park. He was receptive to deeding the property, but in return he would require that the City take ownership of the lake. This would relieve himself and the homeowners' association at the private development from any liability or regulatory management over the lake, but would continue to allow access and use by the private development.

Legal Documents

This framework then led to a long conversation and debate: research about lakes, consultation with the Oregon Marine Board, consultation with our insurance carrier, consultation with the Department

of State lands, etc. After close to a year, two documents were crafted and approved to allow land and lake donation.

The first of these is the Declaration Of Covenants, Conditions And Restrictions For Crawford Crossing Lake And Park (CCR's). It sets out the broad framework of allowed uses for the land that was not a part of the subdivision: the lot where the multifamily apartments are being built, the land that was donated to the City for a park, and the lake itself.

The second, which was a required document in the above CCR's, creates what are called the Lake Rules and Regulations (R&R). This are a list of restrictions, mostly modeled on the document used at Stats Lake in Keizer. These rules were then adopted in June 2019 by the City Council and became a part of the City's enforceable code.

Management—Joint Committee

The CCR's sets out a management structure for how both the CCR's and the R&R's must be managed and/or be modified over time. The structure is called the Joint Committee. It has two members from the private Homeowners Association of Crawford Crossing, and two members that are appointed by the public Turner City Council. (City members currently are the Mayor and City Administrator.) For either of the two documents to be modified, a majority vote of the four member joint committee must be achieved, i.e. membership from both sides of this private/public partnership must agree to make a change.

Lake Overview

The lake is man-made. From 1996 to 2006, Riverbend Sand and Gravel operated an aggregate mineral extraction company, i.e. a rock crushing plant, on the site. Over that time period, sections of the land were excavated in phases, ultimately resulting in a 70 acre open pit, varying in depth from 30 to 50 feet. In 2007, the site was closed and the rim of the project site was re-graded to a 3:1 slope and stabilized. The pit was then allowed to naturally fill with water, the majority of this being groundwater.

The current Turner Lake is approximately 70 acres in size. The entire rim of the lake is a permitted and regulated wetland under the Department of State lands and the Army Corps of Engineers. A small creek on the eastern edge empties into the lake as well as stormwater from the private development. There is a lake discharge pipe at the north western corner of the lake which leads to Turner Road. The elevation of the lake is largely set by the hydrostatic pressure of the groundwater system that feeds it.

Turner Lake is considered a water body of the state, and as a result comes under a variety of overlapping jurisdictions. (Ironically, much of this structure was evolving in the Oregon legislature and the Oregon courts at the same time the City was looking at the lake donation.)

The City began testing the water in 2018. As was expected, it showed quantities of E. coli, which is a naturally occurring bacteria in all biological systems. As development activity has lessened, and soil disturbance has stabilized, those levels have dropped significantly. They never posed a health risk at any time and are currently at or below generally accepted background levels.

General Uses--HOA Resident

As part of the development agreements, a boat ramp that would allow for public safety access to the lake was built by the developers. Only residents and their guests are allowed to use that ramp for recreation. The peninsula area where this ramp is located is owned by the HOA, and they have the right to use that land area as they so choose, as long as it does not violate any restrictions placed in the CCR's or R&R's.

All residents of the Crawford Crossing subdivision having lake front property are allowed to have a personal dock for access to the lake. Dock standards are set by the Joint Lake Committee and final approval is given by the homeowners' association.

General Uses—City Park/Resident

As detailed in the CCR's, the City is only allowed to use the donated land for a public park. That use, however, is further restricted. The east side of the lake is not allowed to be used for site-based recreation, i.e. volleyball courts and picnic areas, but only for uses where people pass through the area. The western side of the park is open to be developed for all traditional park/recreation activities. The City is allowed one boat ramp and only two docks.

General Uses—Apartments

The CC&R's grant the apartment property the installation of two docks on the lake.

2020 Park Project

The City received a \$392,000 grant from Oregon State Parks for this project. The City is required to spend at least \$150,000 in local match, including cash and donations. The City has one more year to complete the grant. Additional items covered in the grant, which are not currently under contract or construction, include a life safety equipment kiosk, two picnic canopies, playground equipment and a memorial and information site.

SPECIFIC USE TOPICS

Boating

The Oregon Marine Board has jurisdiction over the use of boats on the lake. In addition, the City has the authority to regulate the use of its boat ramp. The following basic rules guide boating:

- Non-motorized boats or electric motors only
- The entire lake is a no wake zone, under 5 mph
- The state requires invasive species permits for all watercraft
- No boats over 14 feet can be launched from the City ramp

Fishing

Fishing in the lake is allowed with a valid license issued by the State of Oregon. However, there are two restrictions to this in the CC&R's:

- Fishing shall only be from approved Joint Committee locations, and
- General access to the water shall only be via approved boat ramps, City developed beaches or as approved by the Joint Committee.

The general shoreline is therefore NOT available for fishing. Part of the reasoning behind this is that the wetland designation and regulations encourage us to provide oversight and protection.

Furthermore, these restrictions apply to the private property portion of the lake as well as the public land portion of the lake. Fishing locations must be designated by the Joint Committee.

Two initial locations have been designated at this time:

- For the HOA: the east side of the private common area peninsula, as signed.
- For the public: the southwest corner of the lake between the small dock and the exit of the stormwater swale, as signed.

Swimming

Swimming is allowed in the lake. Children 14 and under must be accompanied by an adult. As above, however, shore-based ACCESS to the lake is only from approved sites.