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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF PHASED SUBDIVISION CASE NO.: SUB21-01MOD1

APPLICATION NO.: 21-121334-LD

NOTICE OF DECISION DATE: February 8, 2022

SUMMARY: A modification to Affinity Estates subdivision, resulting in a change to the phasing boundaries, increase overall lots to 89-Lots, and amend conditions of approval to reflect changes to phasing.

REQUEST: A modification of a tentative phased subdivision plan to divide approximately 20 acres into 88 89-Lots ranging in size from 6,000 square feet to 13,174 square feet. Phase one dividing approximately 11 acres into 47 lots and Phase two dividing approximately nine acres into 42 lots. The proposal includes three land areas designated for utilities which will be dedicated to the City of Salem. The applicant is requesting an alternative street standard to increase the grade of Lone Oak Road SE (collector) from eight percent to 12.25% and increase the grade of two local streets, Beta Court and Two Avenue, from twelve percent to approximately fifteen percent.

The subject property is approximately 19.89 acres in size, zoned RS (Single Family Residential), and located at 6719 Devon Avenue SE (Marion County Assessor Map and Tax Lot Numbers 083W22C00300).

APPLICANT: Brandie Dalton, Multi Tech Engineering, on behalf of Jim Swan, HSF Development LLC (Rodman Ward III, George A Massih III, Kelley Hamilton, Anthony R Kreitzberg, Chris Jundt)

LOCATION: 6719 Devon Ave SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapter 205.070(d) – Modification of Approval of Land Division or Reconfiguration

FINDINGS: The findings are in the attached Decision dated February 8, 2022.

DECISION: The **Planning Administrator APPROVED** Modification to Phased Subdivision SUB21-01MOD1 subject to the following conditions of approval:

Condition 1: Obtain demolition permits and remove all structures (dwelling and accessory structure) located on the subject property.

Condition 2: The designated front lot line for lots 7, 26-28, 31, 51, 55, 57, 59, 72 and 82 are as follows:

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Lot Number	Front Lot Line
Lot 7	North
Lot 26	West
Lot 27	South
Lot 28	South
Lot 31	South
Lot 51	East
Lot 55	South
Lot 57	South
Lot 59	East
Lot 72	North
Lot 82	North

Condition 3: Lot 41 shall have one driveway, which provides access to Alpha Avenue.

Condition 4: The stormwater facilities shall meet the requirements of City of Salem Ordinance 8-20. The following design standards may affect the buildable area of one or more proposed lots:

- a. An overland drainage swale and public easement may be required from the low points in Delta Court through Lot 11 to Alpha Street and from Beta Court through Lot 35 to Tract A.
- b. The easement width required for the sewer and storm mains proposed in lot 35 is 30 feet.

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- a. Condition 1 – Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the Salem Transportation System Plan (TSP) from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
- b. Condition 2 – Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
- c. Condition 3 – Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property toward Rees Hill Road SE. Access from Rees Hill Road SE to Lone Oak Road SE may be restricted only to emergency vehicles if full access cannot be provided pursuant to City and County Street Design Standards.
- d. Condition 4 – Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full

Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.

- e. Condition 5 – Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.
- f. Condition 6 – Construct a half-street improvement to Local street standards along the entire frontage of Devon Avenue SE.
- g. Condition 7 – Construct 8-inch Salem Wastewater Management Master Plan sewer lines necessary to serve the development. The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.
- h. Condition 8 – As a condition of development within the S-3 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 - 1. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
 - 2. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
 - 3. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
 - 4. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak Road SE/Sahalee Drive SE intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.
- i. Condition 9 – As a condition of Phase 2 development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 - 1. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
 - 2. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
 - 3. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
 - 4. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

Condition 6: Prior to final plat of Phase 2, a site plan review application shall be approved for construction of the proposed pump station.

Condition 7: Construct water, stormwater, and sewer systems to serve each lot.

- Condition 8:** Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.
- Condition 9:** Construct Lone Oak Road to collector street standards and other internal streets to local street standards with the following exceptions:
- a. Lone Oak Road, Alpha Avenue, and Beta Court may exceed a 12-percent street grade for a distance of less than 100 feet.
 - b. The planter strip along Alpha Avenue may be reduced to 4 feet wide.
- Condition 10:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.
- Condition 11:** Prior to final plat, the applicant have an approved tree conservation plan, which preserves trees on Lot 65 and a 22: Fir tree on Lot 89.

The rights granted by the attached decision must be exercised, or an extension granted, by March 1, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>January 13, 2022</u>
Notice of Decision Mailing Date:	<u>February 8, 2022</u>
Decision Effective Date:	<u>March 1, 2022</u>
State Mandated Decision Date:	<u>May 13, 2022</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than **5:00 p.m., Wednesday, February 23, 2022**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(CASE NO. SUB21-01MOD1)**

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

IN THE MATTER OF THE MODIFICATION)	FINDINGS AND ORDER
OF TENTATIVE PHASED SUBDIVISION)	
PLAN CASE NO. SUB21-01MOD1;)	
6719 DEVON AVENUE SE)	FEBRUARY 8, 2022

REQUEST

Summary: A modification to Affinity Estates subdivision, resulting in a change to the phasing boundaries, increase overall lots to 89-Lots, and amend conditions of approval to reflect changes to phasing.

Request: A modification of a tentative phased subdivision plan to divide approximately 20 acres into ~~88~~ **89-Lots** ranging in size from 6,000 square feet to 13,174 square feet. Phase one dividing approximately 11 acres into 47 lots and Phase two dividing approximately nine acres into 42 lots. The proposal includes three land areas designated for utilities which will be dedicated to the City of Salem. The applicant is requesting an alternative street standard to increase the grade of Lone Oak Road SE (collector) from eight percent to 12.25% and increase the grade of two local streets, Beta Court and Two Avenue, from twelve percent to approximately fifteen percent.

The subject property is approximately 19.89 acres in size, zoned RS (Single Family Residential), and located at 6719 Devon Avenue SE (Marion County Assessor Map and Tax Lot Numbers 083W22C / 300).

Background

The subject property is located generally at 6719 Devon Avenue SE (**Attachment A**). On March 30, 2021, the Planning Administrator approved tentative phased Subdivision Case no. SUB21-01 for Affinity Estates, a proposal to divide approximately 19.89 acres into two phases with 88 lots ranging in size from approximately 6,000 to 13,174 square feet for property zoned RS (Single Family Residential). UGA17-06 was previously issued for single family development.

On November 12, 2021 a subdivision modification application was submitted for review, the application was deemed complete for processing on January 13, 2022. The applicant granted an extension of the 120-day state mandated deadline for the subdivision to May 13, 2022.

SUBSTANTIVE FINDINGS

Proposal

On March 30, 2021, tentative approval was issued for the Affinity Estates Subdivision (Subdivision Case No. SUB21-01) (Attachment B) to subdivide the subject property into 88 lots in two phases and to allow streets grades on Lone Oak Road to exceed 12 percent and two local streets to exceed fifteen percent. The subject property is zoned RS (Single Family Residential) and located at 6719 Devon Avenue SE (Attachment A) (Marion County Assessor Map and Tax Lot Numbers: 083W22C / 300).

The requested modification seeks to modify the phased lines of the tentative phased subdivision plan and to modify conditions to separate into each phase. Conditions proposed to change are:

Modify Conditions to change the timing of construction of Lone Oak Road, the timing of the S-3 water system and the 12-inch main from the north line of Phase 1 within Lone Oak Road. Modify the timing of the S-4 systems between each phase and modify the how when the fee per lot for each phase is applied.

Summary of Record

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

City Department Comments

Salem Fire Department. The Fire Department has reviewed the proposal and has no concerns with the added phases. Items including fire department access and water supply will be required for future building construction.

Building and Safety Division. The Building and Safety Division has reviewed the proposal and indicated no concerns.

Public Works Department. The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided a memo included as **Attachment C**.

Public Agency and Private Service Provider Comments

Salem Keizer School District. Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the middle school levels to serve future development. The comments indicate that the elementary school and high school are will be over capacity. The school district indicated that the subject property is outside of the “walk zone” of the

assigned elementary, middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools.

Neighborhood Association Comments and Public Comments

The subject property is within the South Gateway Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” No comments were received from the South Gateway Neighborhood Association prior to the comment deadline.

One public comment was received expressing concerns regarding increase in traffic and the need to connect Lone Oak Road from Sahalee Drive SE to Rees Hill Road.

Staff Response: This is a request to modify a tentative subdivision decision that has been previously approved by altering the phasing plan for the subdivision with one additional lot and a request to change public construction to match the new phasing. The proposal includes a modification to a condition of approval to allow the potential of an emergency access at the connection of Lone Oak Road and Rees Hill, due to potential design standards required by Marion County and off-site improvements. If full access between Lone Oak Road SE and Rees Hill Road SE cannot be provided pursuant to City and County Street Design Standards, then the connection of Lone Oak Road SE to Rees Hill Road SE is authorized for emergency vehicle-only access because it meets the criteria for a fee-in-lieu of improvement pursuant to SRC 200.405.

The zoning and permitted uses for the property are not changing as a result of this subdivision modification request, and there are no plans in review at this time. This subdivision modification will not result in any greater traffic impacts than have been previously approved for this property.

1. Analysis of Modification Approval Criteria:

SRC 205.070(d) sets forth the following criteria that must be met before approval can be granted to a modification of a tentative phased subdivision plan approval. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed modification for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the modification.

SRC 205.070(d)(1): The proposed modification is not substantially inconsistent with the conditions of the original approval.

Finding: The proposed modification is consistent with the conditions of the original approval. The modification proposes to add one additional lot, changed phased boundary lines and requests modifications to several conditions. Staff has reviewed the additional impact of one additional lot and determined the property can be served as originally proposed. The phasing has been reviewed and the following changes to the

conditions have been modified to reflect the phase boundaries and Public Works Design Standards.

The following is the original conditions of approval:

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- b. Condition 2 – Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.

The applicant requested Condition 5 (b) be modified to delay off-site construction of Lone Oak Road to Sahalee drive SE until Phase 2. Staff believes the connection of Lone Oak Road SE to Sahalee Drive SE is an essential component of the Collector street system that will ultimately connect to the existing terminus of Lone Oak Road SE at Muirfield Avenue SE. Staff does not recommend delay of Lone Oak Road construction until Phase 2, therefore the conditions remains unchanged.

The following is the original conditions of approval:

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- c. Condition 3 – Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property to Rees Hill Road SE.

The applicant's engineer has consulted a great length with staff from both City of Salem and Marion County Public Works Departments to establish a safe connection at the Lone Oak Road and Rees Hill Road intersection. After a thorough review process, Marion County Staff requires that the intersection be limited to emergency vehicles unless extensive improvements and right-of-way dedication be provided along Rees Hill Road. If full access between Lone Oak Road SE and Rees Hill Road SE cannot be provided pursuant to City and County Street Design Standards, then the connection of Lone Oak Road SE to Rees Hill Road SE is authorized for emergency vehicle-only access because it meets the criteria for a fee-in-lieu of improvement pursuant to SRC 200.405. Fee-in-lieu criteria are met if the vertical alignment of Rees Hill does not allow for connection of a new collector street unless additional off-site improvements are made because funding for those improvements is unavailable at this time. No separate fee-in-lieu amount is due because the fee-in-lieu amount is provided through payment of the Lone Oak Road Reimbursement District fee in condition 5(d) of SUB21-01. Therefore Condition 5 (c) shall be modified to read:

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

c. Condition 3 – Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property toward Rees Hill Road SE. Access from Rees Hill Road SE to Lone Oak Road SE may be restricted only to emergency vehicles if full access cannot be provided pursuant to City and County Street Design Standards.

The following is the original conditions of approval:

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- d. Condition 4 – Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.

The applicant has requested the condition of approval be modified to specify the number of lots subject to the reimbursement district. Staff reviewed the requests and notes that the condition implements Resolution No. 2018-08 which establishes the Lone Oak Road Reimbursement District. The reimbursement district is due for lots developed for single family dwelling use. Lots used exclusively for stormwater facilities, water pump station, or other non-single-family residential use are not subject to the reimbursement fee as specified in the Resolution. Modification of condition 5(d) is not needed and therefore not modified.

The following is the original conditions of approval:

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- i. Condition 9 – As a condition of development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 - 1. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
 - 2. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.

3. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
4. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

Condition 6: Prior to final plat, a site plan review application shall be approved for the construction of the proposed pumping station.

The proposed modification reconfigures the exiting phase boundaries. However, the reconfiguration is not substantially inconsistent with the conditions of the original approval. Conditions related to S-4 water infrastructure are modified to reflect the proposed phased boundaries. Therefore Condition 5 (i) and Condition 6 are modified to read:

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- i. Condition 9 – As a condition of Phase 2 development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 1. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
 2. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
 3. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
 4. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

Condition 6: Prior to final plat of Phase 2, a site plan review application shall be approved for construction of the proposed pump station.

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

Finding: The proposed modification includes minor modifications that result in a reconfiguration of phase boundaries. These modifications will not result in a significant change the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

The proposal meets this criterion.

2. Effect on Expiration Period of Original Approval:

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

Finding: The expiration date for this subdivision is April 15, 2023. The expiration date will be extended again by a two-year period from the effective date of this decision to **March 1, 2024**. The applicant is permitted to apply for up to four further extensions of the expiration date, in two-year increments, with the final extension expiring no later than **March 1, 2032**.

Pursuant to SRC 200.025(g)(1), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid if the tentative subdivision approval remains valid. Therefore, UGA17-06 and its terms and conditions would remain in effect for the duration of the subject modification and any subsequent extensions.

DECISION

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

Condition 1: Obtain demolition permits and remove all structures (dwelling and accessory structure) located on the subject property.

Condition 2: The designated front lot line for lots 7, 26-28, 31, 51, 55, 57, 59, 72 and 82 are as follows:

Lot Number	Front Lot Line
Lot 7	North
Lot 26	West
Lot 27	South
Lot 28	South
Lot 31	South
Lot 51	East
Lot 55	South
Lot 57	South
Lot 59	East
Lot 72	North
Lot 82	North

Condition 3: Lot 41 shall have one driveway, which provides access to Alpha Avenue.

Condition 4: The stormwater facilities shall meet the requirements of City of Salem Ordinance 8-20. The following design standards may affect the buildable area of one or more proposed lots:

- a. An overland drainage swale and public easement may be required from the low points in Delta Court through Lot 11 to Alpha Street and from Beta Court through Lot 35 to Tract A.
- b. The easement width required for the sewer and storm mains proposed in lot 35 is 30 feet.

Condition 5: Prior to final plat, the applicant shall comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06:

- a. Condition 1 – Acquire and convey land for dedication of right-of-way to equal a width of 60 feet in an alignment approved by the Public Works Director as specified for the future Collector street in the Salem Transportation System Plan (TSP) from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE.
- b. Condition 2 – Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE.
- c. Condition 3 – Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property toward Rees Hill Road SE. Access from Rees Hill Road SE to Lone Oak Road SE may be restricted only to emergency vehicles if full access cannot be provided pursuant to City and County Street Design Standards.
- d. Condition 4 – Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08 to contribute the development's proportional share of the costs of the full Collector street improvement of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE (in the event the Reimbursement District is terminated prior to final plat approval, no reimbursement fee shall be due). The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE construction.
- e. Condition 5 – Convey land for dedication along the entire frontage of Devon Avenue SE to equal 30 feet from centerline.
- f. Condition 6 – Construct a half-street improvement to Local street standards along the entire frontage of Devon Avenue SE.
- g. Condition 7 – Construct 8-inch Salem Wastewater Management Master Plan sewer lines necessary to serve the development.

The nearest available sewer main appears to be located at the terminus of Lone Oak Road SE at Sahalee Drive SE.

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 - 3. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
 - 4. A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak Road SE/Sahalee Drive SE intersection and/or from the south line of the subject property to the existing main in Rees Hill Road SE.
- i. Condition 9 – As a condition of Phase 2 development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:
 - 1. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
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 - 3. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
 - 4. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

Condition 6: Prior to final plat of Phase 2, a site plan review application shall be approved for construction of the proposed pump station.

Condition 7: Construct water, stormwater, and sewer systems to serve each lot.

Condition 8: Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.

Condition 9: Construct Lone Oak Road to collector street standards and other internal streets to local street standards with the following exceptions:

- a. Lone Oak Road, Alpha Avenue, and Beta Court may exceed a 12-percent street grade for a distance of less than 100 feet.

- b. The planter strip along Alpha Avenue may be reduced to 4 feet wide.

Condition 10: Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.

Condition 11: Prior to final plat, the applicant have an approved tree conservation plan, which preserves trees on Lot 65 and a 22: Fir tree on Lot 89.



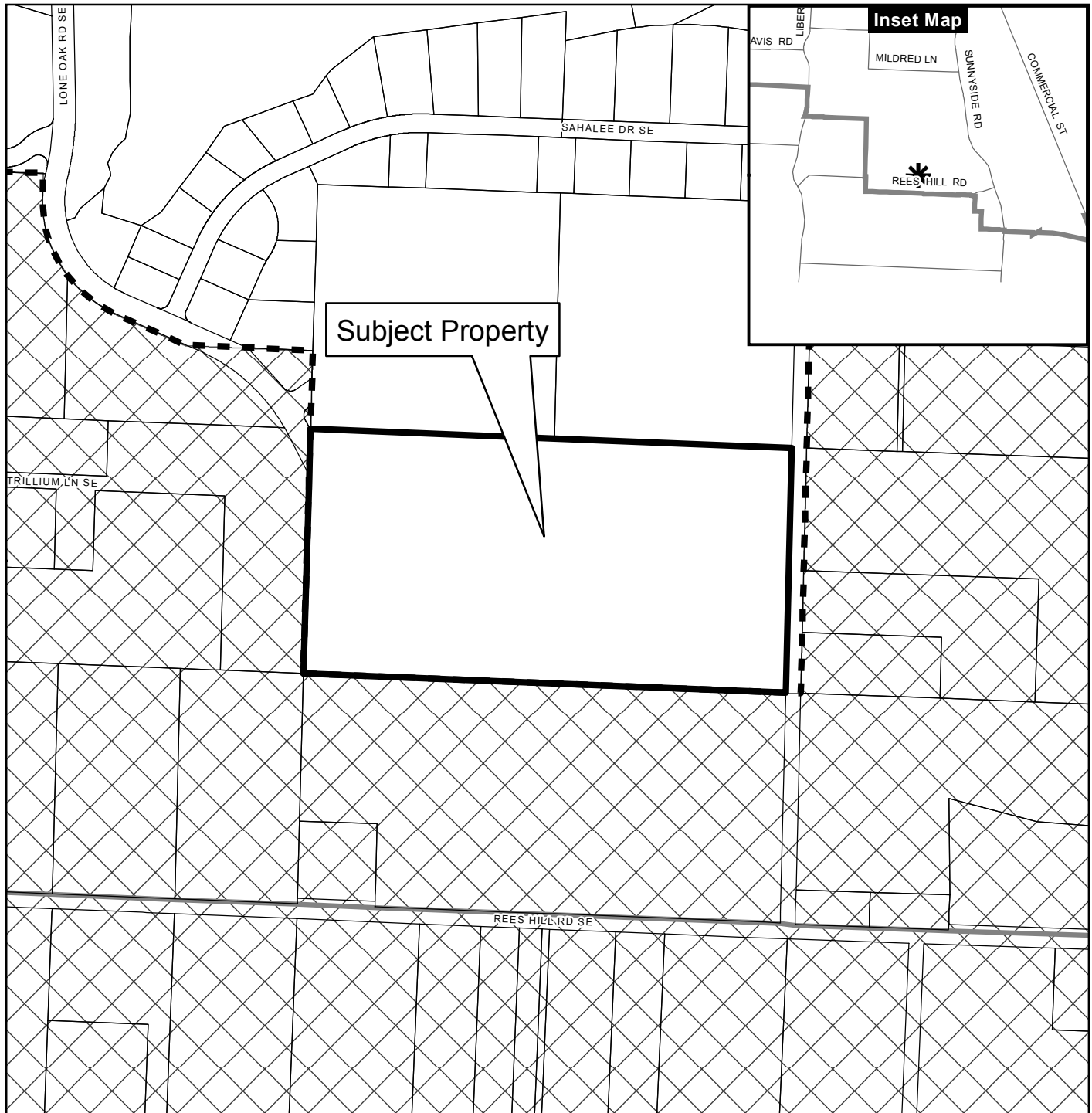
Olivia Dias, Current Planning Manager,
on behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

Prepared by Olivia Dias, Current Planning Manager






Attachments: A. Vicinity Map
 B. Proposed Modified Subdivision Plan
 C. Public Works Memo

Vicinity Map

6719 Devon Avenue SE



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools

-  Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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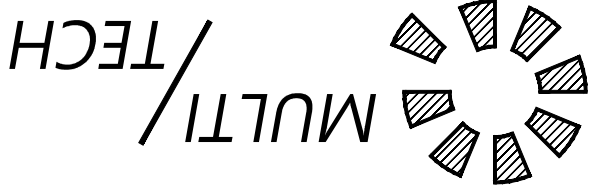
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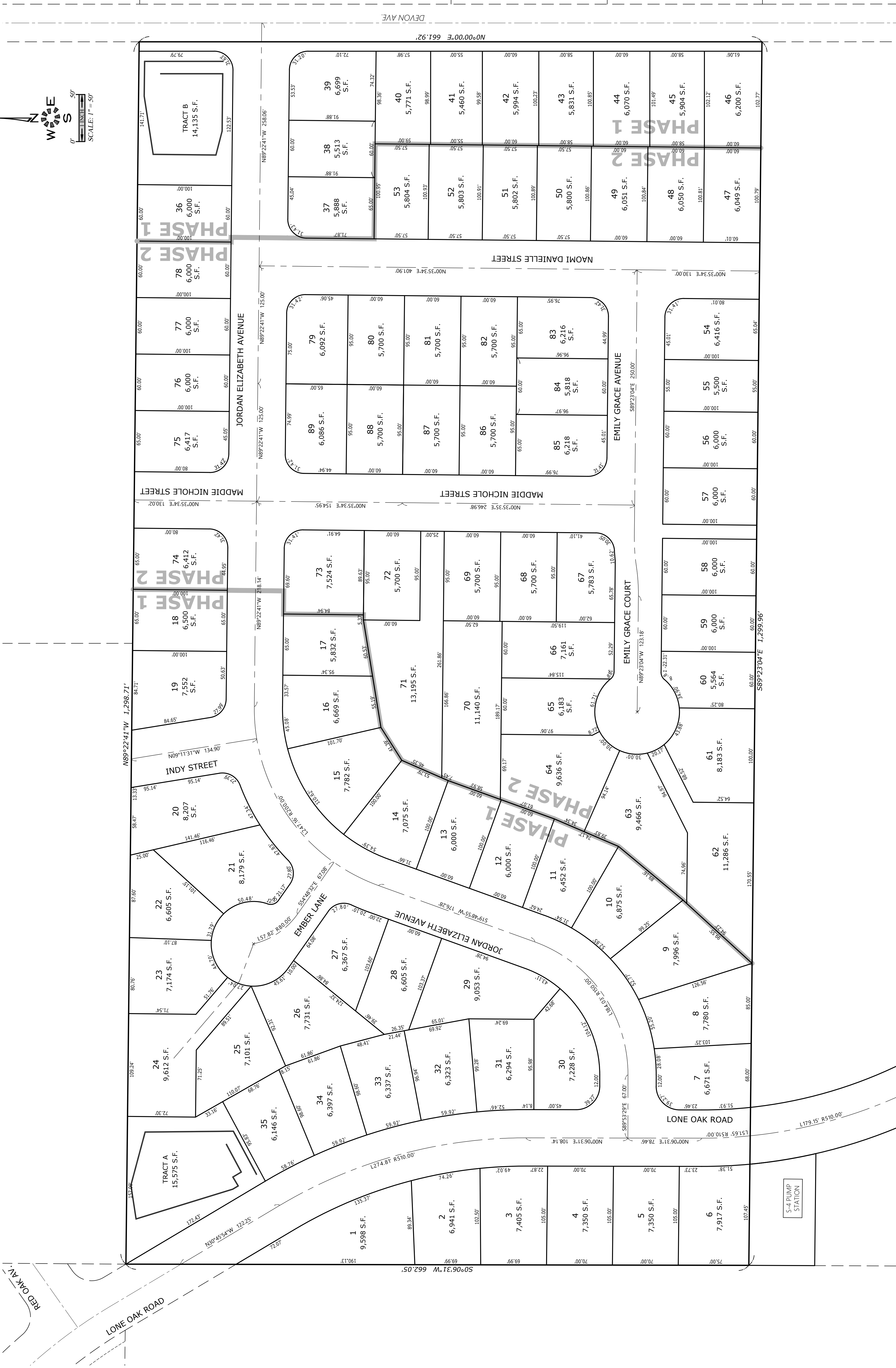
Attachment B

DEVON ESTATES

MODIFICATION PHASING SITE PLAN




ENGINEERING SERVICES, INC.
1155 13th ST., S.E. SALEM, OR, 97303
PH. (503) 363 - 9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net





MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer 
Public Works Department

DATE: February 7, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB21-01MOD1 (21-121334-LD)
6719 DEVON AVENUE SE
AFFINITY ESTATES SUBDIVISION MODIFICATION**

PROPOSAL

A modification of a tentative phased subdivision plan to divide approximately 20 acres into 89 lots ranging in size from 6,000 square feet to 13,174 square feet. Phase one dividing approximately 11 acres into 47 lots and Phase two dividing approximately nine acres into 42 lots. The proposal includes three land areas designated for utilities that will be dedicated to the City of Salem. The applicant is requesting an alternative street standard to increase the grade of Lone Oak Road SE (Collector) from eight percent to 12.25 percent, and increase the grade of two local streets, Beta Court and Two Avenue, from twelve percent to approximately fifteen percent.

The subject property is approximately 19.89 acres in size, zoned RS (Single Family Residential), and located at 6719 Devon Avenue SE (Marion County Assessor Map and Tax Lot Numbers 083W22C00300).

RECOMMENDED MODIFICATIONS TO CONDITIONS FOR SUB21-01

1. Modify Condition 5(b) to read:

5(b) Condition 2 – Construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement within the subject property and from the north line of the subject property to Sahalee Drive SE. The performance guarantee shall include a restriction on building permits within Phase 2 pursuant to SRC 110.110(c)(6).

2. Modify Condition 5(c) to read:

5(c) Condition 3 – Construct Lone Oak Road SE with a minimum 34-foot-wide linking street improvement from the south line of the subject property toward Rees Hill Road SE. Access from Rees Hill Road SE to Lone Oak Road SE may be restricted

only to emergency vehicles if full access cannot be provided pursuant to City and County Street Design Standards.

3. Modify Condition 5(h)(i)v to read:

(iv) A 12-inch S-3 main in Lone Oak Road SE from the north line of the subject property to the existing main at the Lone Oak Road SE and Sahalee Drive SE intersection and from the south line of the subject property to the existing main in Rees Hill Road SE. The performance guarantee shall include a restriction on building permits within Phase 2 pursuant to SRC 110.110(c)(6).

4. Modify Condition 5(i) to read:

5(i) Condition 9 – As a condition of Phase 2 development within the S-4 water service area, the applicant shall construct the following facilities as specified in the Water System Master Plan and approved by the Public Works Director:

1. An S-4 domestic pump station with sufficient capacity to serve entire the S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
2. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
3. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
4. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

5. Modify Condition 6 to read:

Condition 6: Prior to final plat of Phase 2, a site plan review application shall be approved for construction of the proposed pump station.

STAFF ANALYSIS OF APPLICANT'S REQUESTED MODIFICATIONS

Public Works staff has reviewed the applicant's request to modify the conditions of approval for SUB21-01 and provide the following analysis:

Request: Modify condition 5(b) to delay off-site construction of Lone Oak Road SE to Sahalee Drive SE until Phase 2.

Staff Analysis: Connection of Lone Oak Road SE to Sahalee Drive SE is an essential component of the Collector street system that will ultimately connect to the existing terminus of Lone Oak Road SE at Muirfield Avenue SE. Staff does not recommend delay of Lone Oak Road construction until Phase 2. However, pursuant to SRC 205.035(c)(7)(B), the applicant has up to 36 months to complete the street improvements after recording the final plat. Building permits may be issued within Phase 1 prior to completion of the off-site improvements under SRC 110.110(c), but a

performance guarantee shall be provided and include a restriction on building permits within Phase 2 pursuant to SRC 110.110(c)(6) and SRC 200.020(b).

Request: Modify condition 5(c) to limit access between Lone Oak Road SE and Rees Hill Road SE to emergency vehicles only as a condition of Phase 1 and a right-in/right-out intersection as a condition of Phase 2.

Staff Analysis: The applicant's engineer has consulted at great length with staff from both City of Salem and Marion County Public Works Departments to establish a safe connection at the Lone Oak/Rees Hill intersection. After a thorough review process, Marion County staff requires that the Lone Oak/Rees Hill intersection be limited to emergency vehicles unless extensive improvements and right-of-way dedication be provided along Rees Hill Road SE. The connection of Lone Oak Road SE to Rees Hill Road SE is authorized for emergency vehicle only access because it meets the criteria for a fee-in-lieu of improvement pursuant to SRC 200.405. Fee-in-lieu criteria are met because the vertical alignment of Rees Hill Road SE does not allow for connection of a new Collector street unless additional off-site improvements are made and because funding for those improvements is unavailable at this time. No separate fee-in-lieu amount is due because the fee-in-lieu amount is provided through payment of the Lone Oak Road Reimbursement District fee in condition 5(d).

Request: Modify condition 5(d) to specify the number of lots subject to the reimbursement district fee.

Staff Analysis: Condition 5(d) implements Resolution No. 2018-08 that establishes the Lone Oak Road Reimbursement District. The reimbursement district is due for lots developed for single-family dwelling use. Lots used exclusively for stormwater facilities, water pump station, or other non-single-family residential use are not subject to the reimbursement fee as specified in the Resolution. Modification of condition 5(d) is not needed.

Request: Modify condition 6 to require Site Plan Review of the water pump station as a condition of Phase 2.

Staff Analysis: This request is appropriate because all lots within Phase 1 are served from the S-3 water service level and all lots within Phase 2 are served from the S-4 water service level; therefore, the required pump station will be constructed with Phase 2.

CRITERIA AND FINDINGS

SRC 205.070(d) indicates the criteria that must be found to exist before an affirmative decision can be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.070(d)(1)—The proposed modification is not substantially inconsistent with the conditions of the original approval:

Finding—The applicant seeks to add one additional lot, change phase boundaries, and modify conditions of approval by assigning each condition to a specific phase.

The reconfiguration is not substantially inconsistent with the conditions of the original approval. Conditions related to transportation and water infrastructure are modified to reflect the proposed phased boundaries as described in the analysis above.

City infrastructure is available to serve individual phases in a way that is functionally self-contained and self-sustaining no differently than for the original application. The improvements constructed in each phase will be constructed in such a manner that provides sufficient capacity to serve later phases.

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

Finding—The proposed modification includes minor modifications that result in a reconfiguration of phase boundaries. These modifications will not result in a significant change the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

RESPONSE TO COMMENTS

1. **Lone Oak Road:** One public comment was received expressing concerns regarding increase in traffic and the need to connect Lone Oak Road from Sahalee Drive SE to Rees Hill Road.

Response: This is a request to modify a tentative subdivision decision that has been previously approved by altering the phasing plan for the subdivision with one additional lot and a request to change public construction to match the new phasing. The proposal includes a modification to a condition of approval to allow the potential of an emergency access at the connection of Lone Oak Road SE and Rees Hill SE, due to potential design standards required by Marion County and off-site improvements. If full access between Lone Oak Road SE and Rees Hill Road SE cannot be provided pursuant to City and County Street Design Standards, then the connection of Lone Oak Road SE to Rees Hill Road SE is authorized for emergency vehicle only access because it meets the criteria for a fee-in-lieu of improvement pursuant to SRC 200.405.

The zoning and permitted uses for the property are not changing as a result of this subdivision modification request, and there are no plans in review at this time. This subdivision modification will not result in any greater traffic impacts than have been previously approved for this property.

Prepared by: Laurel Christian, Program Coordinator
cc: File