

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