

## Tree Conservation Plan Adjustment Application

### Planning/Permit Application Center

City Hall / 555 Liberty St. SE / Room 320 / Salem, OR 97301-3513

503-588-6173 \* [planning@cityofsalem.net](mailto:planning@cityofsalem.net)

If you need the following translated in Spanish, please call 503-588-6256.

Si usted necesita lo siguiente traducido en español, por favor llame 503-588-6256.

(For office use only)

Permit #:

### Work site location and information

Street address or location of subject property	6719 Devon Avenue SE
Lot size	19.74 Acres
Proposed use or type of development	SUB
Original Tree Conservation Plan (TCP) case number	TCP21-02
Associated Subdivision/Partition case number	SUB21-01

### People information

	Name	Full Mailing Address	Phone Number and Email address
Applicant	HSF Development, LLC	3425 Boone Road SE Salem, OR 97317	

### Project information

Total number of trees on subject property prior to development	66
Number of trees to be removed under original TCP	47
Number of additional trees to be removed under all previously approved TCP Adjustments	0
Number of trees to be removed under this TCP adjustment	2
Total number of trees to be removed	49
Total number of trees to be retained	17
Percent of original trees retained after this adjustment	26%
Description of trees to be removed (species and size [dbh])	20" Cherry Tree (Lot 5) 20" Fir Tree (Lot 37)

### Reason for adjustment (attach additional pages if needed)

See Attached Findings

**Authorization by property owner(s)/applicant**

**\*If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your application.**

**Copyright release for government entities:** I hereby grant permission to the City of Salem to copy, in whole or part, drawings and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities.

**Electronic signature certification:** By attaching an electronic signature (whether typed, graphical or free form) I certify herein that I have read, understood and confirm all the statements listed above and throughout the application form.

**Authorized Signature:** \_\_\_\_\_

**Print Name:** Kelley Hamilton

**Date:** 9/7/21

(For office use only)		
Received by	Date:	Receipt Number:

**Not using Internet Explorer?**

Save the file to your computer and email to [planning@cityofsalem.net](mailto:planning@cityofsalem.net).

## Section 2 (to be completed by staff)

Is TCPA inconsistent with approved TCP (or most recently approved TCPA)?	Yes	No
Are more than 5 additional trees to be removed?	Yes	No
Are less than 25% of total trees retained?	Yes	No
Are riparian trees/native vegetation to be removed?	Yes	No
Are significant trees to be removed?	Yes	No

If "Yes" is checked for any of the above questions, refer to extended review. Otherwise, review over-the-counter.

Check one of the following:

1. Adjustment to be reviewed over-the-counter.
2. Adjustment to be referred to Current Planning for extended review.

## Section 3 (to be completed by staff)

**Staff Finding:** Adequate staff review has been completed in order to issue a decision on the proposed Tree Conservation Plan Adjustment. The Urban Planning Administrator or designee hereby elects to: (Check appropriate box.)

Approve this adjustment to TCP \_\_\_\_\_ pursuant to SRC 808.040. Staff has established that all applicable requirements of SRC Chapter 808, Preservation of Trees and Vegetation, have been met or shall be met by conditions of approval. The applicant shall be subject to the requirements of this decision, which is binding on the property until the issuance of a Notice of Final Completion. Any conditions or replanting requirements imposed by this approval shall be in addition to, and not in lieu of, any other conditions or replanting requirements previously or subsequently required for the original Tree Conservation Plan and any concurrent adjustments made thereto.

Deny this adjustment to TCP \_\_\_\_\_ pursuant to SRC 808.040. The applicant has failed to demonstrate adequate justification for the removal of trees proposed for removal under this adjustment and/or the applicable requirements of SRC Chapter 808, Preservation of Trees and Vegetation, have not been met.

## Approval

Approval of this Tree Conservation Plan Adjustment shall require compliance with the following conditions as authorized by SRC 808.040(e):

1. The property owner, developer, and all representatives thereof shall comply with the **conditions attached hereto as Attachment 1**.
2. The property owner, developer, and all representatives thereof shall comply with the following additional condition(s):

Date of Decision:

Staff Name:

Staff Signature:

**Appeals:** Pursuant to SRC 300.420(e)(1)(C), the decision on a Tree Conservation Plan Adjustment may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a Tree Conservation Plan Adjustment. The decision of the Hearings Officer on appeal shall be the final decision of the City.

**Attachment 1: Additional Conditions of Approval**  
**Attachment 2: Tree Conservation Plan Adjustment**

## Attachment 1: Additional Conditions of Approval

The submitted Tree Conservation Plan Adjustment is consistent with the provisions of SRC Chapter 808. The developer, and all representatives thereof, shall comply with all applicable SRC Chapter 808 development standards, and shall comply with the following conditions:

1. No tree designated for removal on the approved Tree Conservation Plan Adjustment shall be removed prior to the Tree Conservation Plan Adjustment approval date.
2. Any changes to the approved Tree Conservation Plan Adjustment must be submitted to the Community Development Department in the form of another Tree Conservation Plan Adjustment application for review and approval.
3. No tree designated for preservation may be removed or critically damaged unless and until a Tree Conservation Plan Adjustment application is submitted to the Community Development Department and approval has been granted by the Planning Administrator. Failure to preserve trees marked for preservation may result in a civil penalty.
4. Prior to and during any grubbing, grading and construction activities, **all trees designated for preservation shall be protected from removal or critical damage. Trees designated for protection shall be clearly marked on-site.**
5. All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground high-visibility silt fence, or its equivalent. **No grubbing, grading, construction, vehicle parking, or storage/disposal of materials/fill shall be allowed inside the protective fencing.** Protection measures shall continue until the issuance of a Notice of Final Completion for the single family or two family dwelling.
6. Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.





# A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

## **TREE HAZARD EVALUATION FORM** 2nd Edition

Site/Address: 6719 Devon Ave SE  
 Map/Location: Salem, OR 97306  
 Owner: public ☐ private ☒ unknown ☐ other ☐  
 Date: 8-23-2021 Inspector: Austin Cohn SO-10036A  
 Date of last inspection: \_\_\_\_\_

### HAZARD RATING:

Failure Potential	+	Size of part	+	Target Rating	=	Hazard Rating
_____		_____		_____		_____
_____ Immediate action needed						
_____ Needs further inspection						
_____ Dead tree						

### TREE CHARACTERISTICS

Tree #: \_\_\_\_\_ Species: wild cherry tree  
 DBH: 34" # of trunks: 2 Height: 45' Spread: 20'  
 Form: ☐ generally symmetric ☒ minor asymmetry ☐ major asymmetry ☐ stump sprout ☐ stag-headed  
 Crown class: ☐ dominant ☒ co-dominant ☐ intermediate ☐ suppressed  
 Live crown ratio: 30 % Age class: ☐ young ☐ semi-mature ☒ mature ☐ over-mature/senescent  
 Pruning history: ☐ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ pollarded ☐ crown reduced ☐ flush cuts ☐ cabled/braced  
☒ none ☐ multiple pruning events Approx. dates: \_\_\_\_\_  
 Special Value: ☐ specimen ☐ heritage/historic ☐ wildlife ☐ unusual ☐ street tree ☐ screen ☐ shade ☐ indigenous ☐ protected by gov. agency

### TREE HEALTH

Foliage color: ☐ normal ☒ chlorotic ☐ necrotic Epicormics? ☒ Y ☐ N  
 Foliage density: ☐ normal ☒ sparse Leaf size: ☒ normal ☐ small  
 Annual shoot growth: ☐ excellent ☒ average ☐ poor Twig Dieback? ☒ Y ☐ N  
 Woundwood development: ☐ excellent ☐ average ☒ poor ☐ none  
 Vigor class: ☐ excellent ☐ average ☐ fair ☒ poor  
 Major pests/diseases: \_\_\_\_\_  
 Growth obstructions: ☐ stakes ☐ wire/ties ☐ signs ☐ cables  
☐ curb/pavement ☐ guards  
☒ other Ivy covered

### SITE CONDITIONS

Site Character: ☐ residence ☐ commercial ☒ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest  
 Landscape type: ☐ parkway ☐ raised bed ☐ container ☐ mound ☐ lawn ☐ shrub border ☐ wind break  
 Irrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wetted  
 Recent site disturbance? ☒ Y ☐ N ☒ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ site clearing  
 % dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N  
 % dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%  
 % dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%  
 Soil problems: ☐ drainage ☐ shallow ☐ compacted ☐ droughty ☐ saline ☐ alkaline ☐ acidic ☐ small volume ☐ disease center ☐ history of fail  
☒ clay ☐ expansive ☐ slope \_\_\_\_\_° aspect: \_\_\_\_\_  
 Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☐ \_\_\_\_\_  
 Exposure to wind: ☒ single tree ☐ below canopy ☐ above canopy ☐ recently exposed ☐ windward, canopy edge ☒ area prone to windthrow  
 Prevailing wind direction: \_\_\_\_\_ Occurrence of snow/ice storms ☐ never ☐ seldom ☒ regularly

### TARGET

Use Under Tree: ☒ building ☐ parking ☒ traffic ☐ pedestrian ☐ recreation ☐ landscape ☐ hardscape ☐ small features ☐ utility lines  
 Can target be moved? Y ☒ N Can use be restricted? Y ☒ N  
 Occupancy: ☐ occasional use ☐ intermittent use ☒ frequent use ☐ constant use

## TREE DEFECTS

### ROOT DEFECTS:

Suspect root rot: ☒ Y ☐ N Mushroom/conk/bracket present: ☒ Y ☐ N ID: \_\_\_\_\_

Exposed roots: ☐ severe ☐ moderate ☒ low Undermined: ☐ severe ☐ moderate ☒ low

Root pruned: \_\_\_\_\_ distance from trunk Root area affected: 10 % Buttress wounded: Y ☒ N When: \_\_\_\_\_

Restricted root area: ☐ severe ☐ moderate ☒ low Potential for root failure: ☒ severe ☐ moderate ☐ low

LEAN: 20 deg. from vertical ☒ natural ☐ unnatural ☐ self-corrected Soil heaving: ☒ Y ☐ N

Decay in plane of lean: ☒ Y ☐ N Roots broken Y ☒ N Soil cracking: ☒ Y ☐ N

Compounding factors: Lots of soil erosion, in a heavily saturated area Lean severity: ☐ severe ☒ moderate ☐ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper	S	M	M	
Bow, sweep				
Codominants/forks	S	S	S	
Multiple attachments				
Included bark		S	S	
Excessive end weight				
Cracks/splits		M		
Hangers				
Girdling	S			
Wounds/seam				
Decay		M		
Cavity				
Conks/mushrooms/bracket	M	M		
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burrs				
Previous failure				

### HAZARD RATING

Tree part most likely to fail: codominant at base

Inspection period: \_\_\_\_\_ annual \_\_\_\_\_ biannual \_\_\_\_\_ other \_\_\_\_\_

Failure Potential + Size of Part + Target Rating = Hazard Rating

3 + 3 + 3 = 9

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);

3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 intermittent use;

3 - frequent use; 4 - constant use

### HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clean ☐ thin ☐ raise canopy ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: \_\_\_\_\_ Inspect further: ☐ root crown ☐ decay ☐ aerial ☐ monitor

Remove tree: ☒ Y ☐ N Replace? Y ☒ N Move target: Y ☒ N Other: \_\_\_\_\_

Effect on adjacent trees: ☒ none ☐ evaluate

Notification: ☒ owner ☐ manager ☐ governing agency Date: \_\_\_\_\_

COMMENTS tree is girdled by overgrown Ivy causing tip die back

# TRANSMITTAL



**DATE:** September 5, 2021

**JOB #:** 6502

**To:** Planning Division  
Community Development  
Room 305

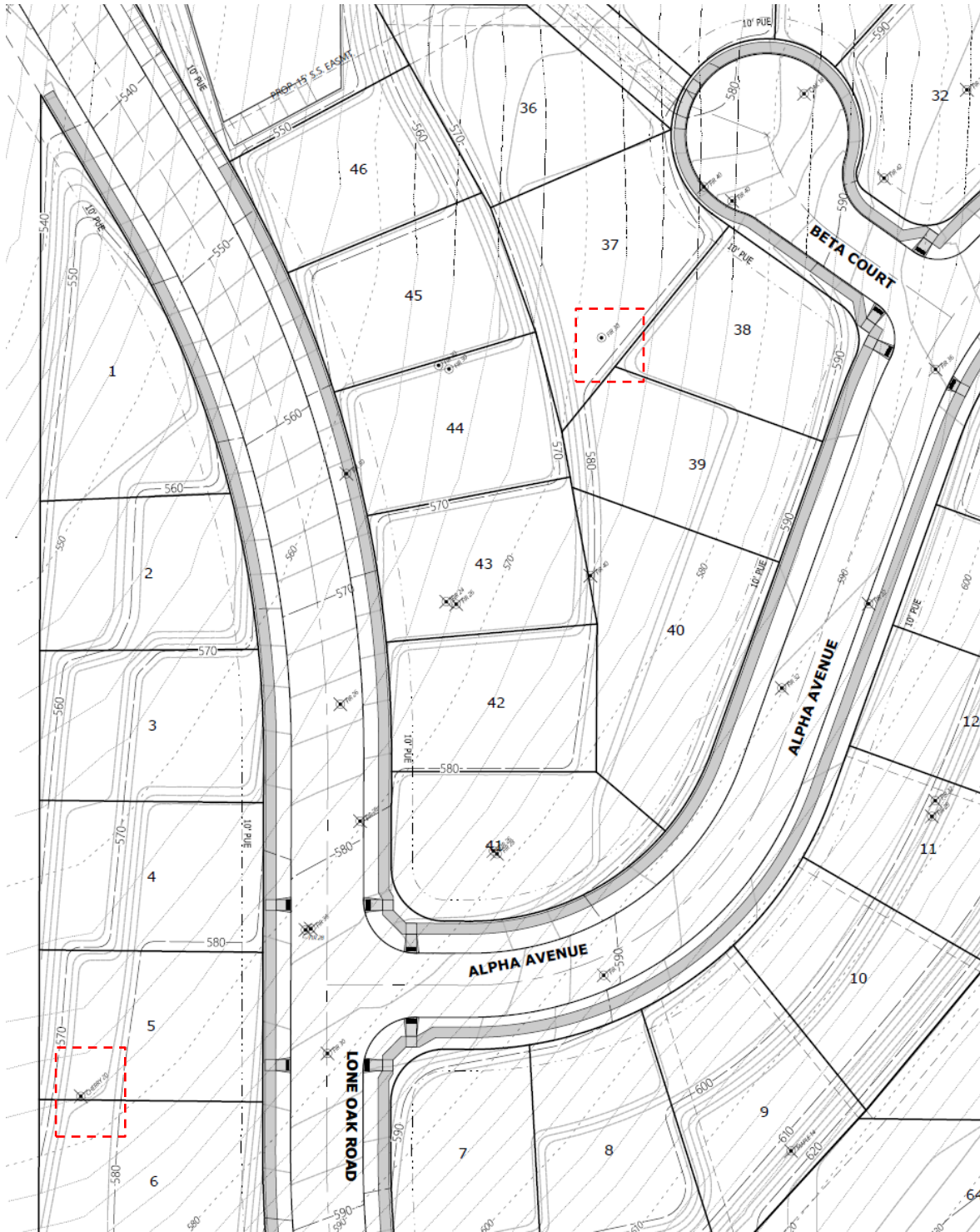
**PROJECT:** Devon Subdivision

**FROM:** Brandie Dalton, Land-Use Planner

**RE:** *TREE CONSERVATION PLAN ADJUSTMENT FOR TCP21-02*

ENCLOSED IS A TREE CONSERVATION PLAN ADJUSTMENT FOR THE DEVON SUBDIVISION (SUB21-01). AFTER BEING OUT ON THE SITE, IT WAS DETERMINED THAT THE CHERRY TREE LOCATED ON LOT 5 NEEDS TO BE REMOVED. DUE TO GRADING ON THE SITE, THE FIR TREE ON LOT 37 NEEDS TO BE REMOVED AS WELL.

THE APPLICANT IS REQUESTING A TREE CONSERVATION ADJUSTMENT IN ORDER TO REMOVE THE CHERRY TREE LOCATED ON LOT 5 AND THE FIR TREE LOCATION ON LOT 37 OF THE SUBDIVISION. ON MAY 3, 2021, THE APPLICANT WAS GIVEN APPROVAL TO REMOVE 47 TREES ON THE SITE THROUGH TREE CONSERVATION PLAN (TCP) 21-02.



**SRC 808.040(p):**

- (1) *THERE ARE SPECIAL CONDITIONS THAT COULD NOT HAVE BEEN ANTICIPATED AT THE TIME THE TREE CONSERVATION PLAN WAS SUBMITTED THAT CREATED UNREASONABLE HARDSHIPS OR PRACTICAL DIFFICULTIES.***

APPLICANT FINDINGS: TCP 21-02 ALLOWED THE APPLICANT APPROVAL TO REMOVE 47 TREES ON THE SITE WHILE PRESERVING 19 TREES (28%), OF THE ORIGINAL TREES WITHIN SUB21-01.

THE APPLICANT IS REQUESTING THE REMOVAL OF 2 ADDITIONAL TREES ON THE SITE, WHICH WOULD BRING THE PROPOSED TREES TO BE REMOVED TO 49 TREES.

AFTER STARTING WORK AND GRADING ON THE SITE, IT WAS DETERMINED THAT THE CHERRY TREE ON LOT 5 AND THE FIR TREE ON LOT 37 BOTH NEED TO BE REMOVED.

DUE TO GRADING ON LOT 37, THE FIR TREE WILL NEED TO BE REMOVED.

AN ARBORIST REPORT DATED AUGUST 23, 2021, INDICATES THAT THE CHERRY TREE ON LOT 5 IS COVERED IN IVY WHICH IS CAUSING THE TREE TO DIE. THE TREE HAS A HIGH FAILURE RATE AND IT IS RECOMMENDED TO BE REMOVED (SEE ATTACHED ARBORIST REPORT).

THE APPLICANT HAD ORIGINALLY REQUESTED THIS TREE ON LOT 5 TO BE REMOVED. HOWEVER, AS PART OF THE TCP21-02, THE FOLLOWING CONDITION WAS PLACED ON THE APPROVAL:

***CONDITION 1: THE APPLICANT SHALL PRESERVE THE 20" CHERRY TREE ON LOT 5 AS A DESIGNATED RIPARIAN TREE.***

THE HEALTH OF THE TREE ON LOT 5 AND THE LOCATION WITH THE RIPARIAN CORRIDOR IS NOT A SPECIAL CONDITION THAT COULD HAVE BEEN ANTICIPATED BY THE APPLICANT.

ACCORDING TO STAFF, THIS TREE ADJACENT TO THE CHAMPION SWALE. HOWEVER, THIS SWALE IS DRY A MAJORITY OF THE YEAR AND IS NON-FISH BEARING. THEREFORE, THE REMOVAL WILL HAVE NO IMPACTS ON THE SWALE OR THE RIPARIAN CORRIDOR.

- (2) *WHEN THE TREE CONSERVATION PLAN ADJUSTMENT PROPOSES THE REMOVAL OF A SIGNIFICANT TREE, THERE ARE NO REASONABLE DESIGN ALTERNATIVE THAT WOULD ENABLE PRESERVATION OF THE TREE.***

APPLICANT FINDINGS: THERE ARE NO SIGNIFICANT TREES LOCATED WITHIN THE BOUNDARY OF THE APPROVED SUBDIVISION. THEREFORE, THIS CRITERIA IS NOT APPLICABLE.

- (3) *WHEN THE TREE CONSERVATION PLAN ADJUSTMENT PROPOSES THE REMOVAL OF A TREE OR NATIVE VEGETATION WITHIN A RIPARIAN CORRIDOR, THERE ARE NO REASONABLE DESIGN ALTERNATIVES THAT WOULD ENABLE PRESERVATION OF THE TREE OR NATIVE VEGETATION.***

APPLICANT FINDINGS: ACCORDING TO STAFF, THE CHAMPION SWALE WATERWAY IS LOCATED ADJACENT TO THE WEST EDGE OF THE SUBJECT PROPERTY, CREATING A RIPARIAN CORRIDOR AND THE CONDITION TO RETAIN THE CHERRY TREE ON LOT 5.

ACCORDING TO STAFF, THIS TREE ADJACENT TO THE CHAMPION SWALE. HOWEVER, THIS SWALE IS DRY A MAJORITY OF THE YEAR AND IS NON-FISH BEARING. THEREFORE, THE REMOVAL WILL HAVE NO IMPACTS ON THE SWALE OR THE RIPARIAN CORRIDOR.

AN ARBORIST REPORT DATED AUGUST 23, 2021, INDICATES THAT THE CHERRY TREE ON LOT 5 IS COVERED IN IVY WHICH IS CAUSING THE TREE TO DIE. THE TREE HAS A HIGH FAILURE RATE AND IT IS RECOMMENDED TO BE REMOVED (SEE ATTACHED ARBORIST REPORT).

SINCE THE TREE IS IN POOR HEALTH AND DYING, THERE ARE NO ALTERNATIVE DESIGNS THAT WOULD SAVE THE TREE. THE ARBORISTS RECOMMENDATION WARRANTS REMOVAL OF THE CHERRY TREE ON LOT 5 OF SUB21-01.

***(4) WHEN THE TREE CONSERVATION PLAN ADJUSTMENT PROPOSES TO REDUCE THE NUMBER OF TREES PRESERVED IN THE ORIGINAL TREE CONSERVATION PLAN BELOW 25 PERCENT, ONLY THOSE TREES REASONABLY NECESSARY TO ACCOMMODATE THE PROPOSED DEVELOPMENT ARE DESIGNATED FOR REMOVAL.***

APPLICANT FINDINGS: THE PROPOSED TCPA WILL RESULT IN THE REMOVAL OF 2 ADDITIONAL TREES WHILE PRESERVING 17 TREES (26%) ON THE SITE WITHIN THE DEVON SUBDIVISION (SUB21-01).

**TREE INVENTORY**

TOTAL TREES ON SITE:	66
TREES TO BE REMOVED:	49
TREES TO REMAIN:	17

**IF YOU HAVE ANY QUESTIONS REGARDING THIS ISSUE, PLEASE FEEL FREE TO CONTACT US. THANK YOU.**

Brandie Dalton  
Land-Use Planner  
[bdalton@mtengineering.net](mailto:bdalton@mtengineering.net)



# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION CASE NO.:** SUB21-01

**APPLICATION NO.:** 20-118048-LD

**NOTICE OF DECISION DATE:** March 30, 2021

**REQUEST:** A tentative phased subdivision plan to divide approximately 19.89 acres into 88 lots ranging in size from 6,000 square feet to 13,174 square feet. 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% 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:** Jim Swan, HSF Development LLC (Chris Jundt, Kelley Hamilton, Anthony Kreitzberg)

**LOCATION:** 6719 Devon Ave SE, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapter 205.010(d) – Tentative Subdivision

**FINDINGS:** The findings are in the attached Decision dated March 30, 2021.

**DECISION:** The **Planning Administrator APPROVED** Tentative Phased Subdivision SUB21-01 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:

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 to Rees Hill Road SE.
- 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 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.

**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 April 15, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>March 3, 2021</u>
Notice of Decision Mailing Date:	<u>March 30, 2021</u>
Decision Effective Date:	<u>April 15, 2021</u>
State Mandate Date:	<u>July 1, 2021</u>

Case Manager: Olivia Dias, Current Planning Manager, [odias@cityofsalem.net](mailto: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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Wednesday, April 14, 2021. 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  
(SUBDIVISION PLAT NO. 21-01)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173  
<http://www.cityofsalem.net/planning>*

**IN THE MATTER OF THE  
TENTATIVE APPROVAL OF  
SUBDIVISION PLAT NO. 21-01;  
6719 DEVON AVENUE SE**

)  
)  
)  
)

**FINDINGS AND ORDER**

**MARCH 30, 2021**

**REQUEST**

A tentative phased subdivision plan to divide approximately 20 acres into 88 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).

**DECISION**

The tentative subdivision plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

**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 to Rees Hill Road SE.
- 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 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.

**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.

### **PROCEDURAL FINDINGS**

1. On November 20, 2020, an application for a Phased Tentative Subdivision Plan was filed proposing to divide a 19.89-acre property at 6719 Devon Avenue SE (Attachment B) into 88 lots.
2. After the applicant submitted additional required information, the application was deemed complete for processing on March 3, 2021. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 3, 2021.
3. The state-mandated local decision deadline is July 1, 2021.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative plan proposes to divide the property into 88 lots, ranging from 6,000 square feet to 13,174 square feet (Attachment B). The applicant has proposed two phases for the subdivision and residential development.

#### **2. Existing Conditions**

##### Site and Vicinity

The subject property consists of one rectangular tax lot extending approximately 1,300 feet eastward from the connection with Lone Oak Road frontage. The abutting properties to the north, south and east are vacant undeveloped properties. One of the 10 acre properties to the north has been previously approved for a single family subdivision (SUB08-4). The previously approved subdivision on the northern 10 acres required as a condition of approval connection to the subject property.

The eastern portion of the tax lot, near the Devon Avenue SE frontage, is developed with single family residences. The western portion have remained undeveloped over the years. The tentative subdivision plan shows the existing dwelling and accessory structures will be removed.

The vicinity is primarily characterized by rural residential areas, agricultural use and the approximately 600 feet of continuous frontage along Devon Avenue SE. Overall elevation change on the site ranges from approximately 652 feet to 542 feet above sea level, sloping downward to Devon Avenue SE frontage to the east property line and the west property line. Environmental resource and natural hazard maps show no areas of wetlands, or floodplains on the subject property. The subject property has a steep slope and landslide hazard areas on the western portion.

### Salem Area Comprehensive Plan (SACP) Designation

*Urban Growth Policies:* The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

*Comprehensive Plan Map:* The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Developing Residential

South: Developing Residential

East: (Across Devon Avenue SE) Developing Residential

West: Developing Residential

### Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

North: RA (Residential Agriculture); large lot single family residential

South: UT-10 (Urban Transition - 10 Acres); large lot single family residential

East: (Across Devon Avenue SE) UT-10 (Urban Transition - 10 Acres); large lot single family residential

West: UT-10 (Urban Transition - 10 Acres); large lot single family residential

### Relationship to Urban Service Area

The subject property is outside of the City’s Urban Service Area. The subject property has received approval for an Urban Growth Preliminary Declaration (UGA17-06)

### Infrastructure

*Water:* The subject property is located within the S-3 water service level, below an elevation of 629-feet, and partially in S-4 water service level, above 629 feet.

A 10-inch S-3 water line is located in Devon Avenue SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.

A 10-inch S-3 water line is located in Lone Oak Road SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.

A 16-inch S-3 water line is located in Rees Hill Road SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.

There is no existing S-4 water system.

*Sewer:* The property is split into two sewage drainage basins – partially toward the west line and partially toward the east.

The nearest adequate linking facility for the west basin appears to be an existing 8-inch sewer line approximately 400 feet to the northwest of the property in Lone Oak Road SE.

The nearest adequate linking facility for the east basin appears to be an existing 8-inch sewer line approximately 850 feet to the northeast of the property. The east basin may be able to receive service from the existing sewer main in Lone Oak Road SE.

*Storm Drainage:* Champion Swale is mapped to the west of the subject property, while an unidentified creek runs through the western portion of the property. Powell Creek is mapped east of the subject property. No public storm mains are adjacent to the proposed development.

The subject property is within the Battle Creek Drainage Basin.

*Parks:* The subject property abuts the lot designated for the future Neighborhood Park (NP 28) along its southern boundary. This property was recently purchased by the City to be developed as NP 28. A street connection and a pedestrian connection are proposed with the tentative plan. Since the City has purchased NP 28, condition 10 of UGA17-06 has been satisfied.

*Streets:* Lone Oak Road SE right of way currently abuts the subject property to the north. Although, the improvement terminates at Sahalee Drive SE, approximately 500-feet north of the subject property. This segment of Lone Oak Road SE is designated as a Collector street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 34-foot improvement within a 60-foot right-of-way.
- The portion of Lone Oak Road SE currently terminates at its intersection with Sahalee Drive SE.

Devon Avenue SE abuts the subject property along the southern boundary of the subject property, is designated as a local street in the TSP and under Marion County jurisdiction.

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Devon Avenue SE has an approximate 26-foot-wide improvement within a 40-foot-wide right-of-way.

### 3. Land Use History

**UGA17-06:** An Urban Growth Area Permit to determine public facilities and infrastructure required to develop 19.89 acres for single family development.

**Anxc-725:** An annexation of approximately 20.35 acres of territory, including approximately 19.74 acres of private property and 0.61 acres of right-of-way of Devon Avenue SE.

**SUB19-05:** A subdivision to divide approximately 19.89 acres into 84 lots.

**SUB19-05MOD1:** A modified tentative phased subdivision to divide approximately 19.89 acres into 84 lots. The current proposal will replace this approval.

### 4. Public and Private Agency Review

**Public Works Department** - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment D.

**Fire Department** - The Salem Fire Department submitted comments indicating that if Lone Oak Road SE is going to be extend from Sahalee Drive SE to Rees Hill Road SE, the second required means of Fire Department access will be provided to this development. Fire hydrants are required within 600 feet of all portions of the structures. Where street grade exceeds 12% for over 200 feet in length, structures accessed off of that stretch are required to contain fire sprinklers.

**Building and Safety Division** - The Salem Building and Safety Division submitted comments indicating that fire Sprinklers may be required.

**Portland General Electric (PGE)** reviewed the proposal and indicated that capacity appears adequate in the area.

### 5. Neighborhood Association 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.

## **6. Public Comments**

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. No property owner in the vicinity of the site submitted comments prior to the comment deadline.

## **7. Criteria for Granting a Tentative Subdivision**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.010(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

**SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:**

**(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.**

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 19.89-acre property into 85 lots and street rights-of-way with no remainder. The subject property is currently zoned RS (Single Family Residential).

The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

**Lot Standards for RS zone** (see SRC Chapter 511, Table 511-2)



Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 6,000 square feet to 10,115 square feet. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

**Setback Requirements:** SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

The western portion of the subject property is primarily undeveloped and the eastern portion contains a single family dwelling and accessory structure. The proposal does not indicate that either structure is to remain as part of the subdivision. In order to ensure that the subject property complies with the setback and use requirements of the RS zone upon recording of the plat, the following condition shall apply:

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

Setbacks on the proposed lots will be evaluated at the time of building permit.

As conditioned, the proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is primarily undeveloped, except for a single family residence on the eastern portion of each tax lot. The applicant is not proposing to retain the dwelling as part of the proposed development. Based on the proposed tentative subdivision layout the dwelling and accessory structure would cross proposed lot lines, and building envelopes. Condition 2 requires the applicant to obtain demolition permits and remove these structures prior to final plat, thereby ensuring compliance with SRC 800.015(a).

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. There are no double frontage lot, four flag lots and several corner lots proposed within the subdivision. The proposed subdivision has fifteen corner lots, four of which meet the minimum depth and width for each frontage. Although, lots 7, 26-28, 31, 51, 55, 57, 59, 72 and 82 do not have the minimum width for each frontage. In addition, Lot 41 has adequate frontage along both Alpha Avenue and Lone Oak Road. To minimize the amount driveways on the Collector Street, Lot 41 shall only have one driveway, which accesses Alpha Avenue.

**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.

As conditioned, the proposal conforms to the requirements of SRC Chapter 800.

**(B) City Infrastructure Standards.**

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all lots.

Public Works staff has reviewed the tentative stormwater design and recommends that additional area will be required to accommodate the stormwater facilities needed to serve the proposed development. The final stormwater facility requirements will be determined at the time of construction plan approval.

The proposed development is subject to City of Salem Ordinance 8-20, SRC Chapter 71, and PWDS. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Public Works staff has reviewed the tentative stormwater design and recommends that additional area may be required to accommodate the stormwater facilities needed to serve the proposed development. The final stormwater facility requirements will be determined at the time of construction plan approval.

The following design standards may affect the buildable area of one or more proposed lots:

1. 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.
2. The easement width required for the sewer and storm mains proposed in lot 35 is 30 feet.

As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

- 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.

As conditioned, the proposal meets the requirements of SRC Chapter 71.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located outside the Urban Service Area and an application for an Urban Growth Preliminary Declaration (UGA17-06) for the subject property has been previously approved. As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development, subject to the requirements listed in the Urban Growth Preliminary Declaration. Pursuant to SRC 200.025(e), the developer must construct these improvements as a condition of approval for the tentative subdivision plan. To ensure compliance with UGA17-06, the following conditions apply:

- 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 to Rees Hill Road SE.
  - 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 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.

Subject to the conditions of approval of the corresponding Urban Growth Preliminary Declaration, the proposal meets the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure will be available to the site and appears to be adequate to serve the proposed subdivision once the conditions of UGA17-06 are complete. Specifications for required public improvements are summarized in the Public Works Department memo dated March 25, 2021 (Attachment D).

The subject property is located outside of the Urban Service Area and Urban Growth Preliminary Declaration Case No. UGA17-06 was issued July 17, 2018. Pursuant to SRC 200.055, 200.060, 200.065, 200.070, the proposed development shall be linked to existing adequate facilities as defined in SRC 200.005. Developments are also required to extend public utility services to serve upstream and neighboring properties. The applicant shall provide linking water mains consistent with the Water System Master Plan adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards. These improvements ensure that permanent water service is available in accordance with the Water System Master Plan.

As a condition above and in UGA17-06 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.

Based on the topography of the subject property, the S-4 area of the proposed development shall receive domestic service from the S-4 service level and fire service from the S-3 service level. As a condition above and in UGA17-06 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.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003). Pursuant to SRC 200.060, the proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities. The nearest available sewer facility appears to be located in Sahalee Drive SE, both northwest and northeast of the subject property. As conditioned above and in UGA17-06, the applicant shall construct 8-inch Salem Wastewater Management Master Plan sewer lines necessary to serve the development and upstream parcels. The applicant shall construct the Salem Wastewater Management Master Plan improvements and link the site to existing facilities that are defined as adequate under SRC 200.005 and conditioned above. Since a pumping station is required, a Site Plan Review application will be required prior to final plat to ensure the building will meet requirements of the UDC.

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

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

The existing dwellings on the property appear to be served by private well and septic systems. In order to ensure that the existing septic systems are abandoned in compliance with state and local standards, the following condition shall apply:

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

As conditioned, the proposal meets the requirements of SRC Chapter 802.

**SRC Chapter 803 (Streets and Right-of-Way Improvements):**

*SRC 803.015 (Traffic Impact Analysis):* The previous Urban Growth Preliminary Declaration permit conditioned prior to any development, the applicant shall acquire and convey land for right-of-way for the future collector from Lone Oak Road at Sahalee Drive to Reed Hill Road SE. The proposed 88-lot subdivision generates less than 1,000 average daily vehicle trips to Lone Oak Road, a collector, and less than 200 average daily trips to Devon Avenue, a local street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

*SRC 803.020 (Public and Private Streets):* The applicant proposes for all internal streets within the subdivision to be public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Lone Oak Road SE is a future Collector street along the western boundary of the subject property in the Salem TSP and is planned to connect Muirfield Avenue SE to Rees Hill Road SE. The applicant is required to acquire and convey land for right-of-way for the future collector from Lone Oak Road at Sahalee Drive to Reed Hill Road SE. As conditioned by UGA17-06, the dedication of Lone Oak Road 60-foot right-of-way width and constructed with a minimum of 34-foot wide full Collector Street from Sahalee Drive to the south property line of the subject property. The remainder of Lone Oak Road (Collector) from the south property line to Rees Hill Road will be constructed with a minimum of 34-foot wide linking street improvement.

City Council approved the Lone Oak Reimbursement District under Resolution 2018-08 on January 22, 2018. This district provides a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE so that all benefited properties pay a proportional share of the cost for street improvements. Pursuant to Resolution 2018-08, the applicant is required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District for 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. The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for the construction of Lone Oak Road SE.

Devon Avenue abuts the subject property and does not meet the current right-of-way or improvement width standards for a Local street. In implementing boundary street requirements pursuant to SRC 803.040, Conditions 5 and 6 of UGA17-06 require the applicant to dedicate additional right-of-way and construct a 23-foot-wide half street improvement, consistent with the applicable requirements for the segment of Devon Avenue SE abutting the development. The tentative subdivision plan shows the extension of Lone Oak Road as a 60-foot-wide right-of-way, but does not meet the standards for a Collector street set forth in SRC 803.025.

All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception of the proposed Alpha Avenue and Beta Court on the applicant's tentative plan. The applicant is requesting an alternative street standard for Alpha Avenue and Beta Court to allow for grade greater than 12 percent due to the existing topography and physical constraints of the site. Pursuant to SRC 803.065(a), the Director may authorize the use of one or more alternate street standards: (1) where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable; and (3) where topography or other conditions make the construction that conforms to the standards impossible or undesirable. Based on topographic constraints, the Public Works Director authorizes the proposed grade to exceed 12% for a distance less than 100-feet. To ensure local street standards are met the following condition applies:

**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.

As conditioned, the proposal meets this requirement.

*SRC 803.030 (Street Spacing):* The subject property consists of one tax lot surrounded by undeveloped residential land to the north, south, and west. The proposed configuration of the subdivision provides for at least 600-foot block length, required by subsection (a). In addition, local street connections are provided to adjoining undeveloped properties for eventual connection to the street system. The proposal does provide connection to both properties abutting to the north, one which has been granted previous approval to subdivide the property into 38 lots. The approval included a condition of approval to provide the required connection to the subject property, which is consistent with the applicant's proposal.

The west side of Lone Oak Road will exceed the 600-foot block length, due to topography and existing conditions. The proposal meets the exception of SRC 803.030(b), due to topography and the City of Salem Park located just south of the property, block length cannot be reasonably met.

*SRC 803.035 (Street Standards):* The proposed alignment of streets within the subdivision does not result in street spacing in excess of the maximum lengths established in subsection (a). Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The property abuts undeveloped, residentially zoned, property zoned to the north, south and east. The proposed subdivision plan provides internal street connectivity by extending Lone Oak Road from S from Sahalee Drive to the southern property line and connection to the undeveloped northwest, northeast property and southern property; these internal streets in turn provide several points of connection to these existing boundary streets and the surrounding street network.

Subsection (l) requires sidewalks to be constructed parallel to and one foot from the adjacent right-of-way and the construction of sidewalks as part of street improvement projects.

The tentative subdivision plat shows property line sidewalks, which is consistent with SRC 803.035(l). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

Subsection (m) requires streets identified in the Salem Transportation System Plan (TSP) Bicycle System Map as requiring a bicycle facility to conform to the designation of the TSP and Public Works Design Standards. The TSP Bicycle Map designates Lone

Oak Road SE at the location of the subject property as a “Constructed Bike lane” route. Collector Street improvements along Lone Oak Road are required with the proposal, and shall include a bike lane.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comment from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

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

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Devon Road SE abuts the subject property and does not meet the current right-of-way or improvement width standards for a Local street. In addition, In addition, a future Collector Street (Lone Oak Road SE) goes through the subject property. In order to ensure that boundary street improvements are implemented consistent with the Transportation System Plan and Public Works Design Standards, Condition 5 above and Conditions 5 and 6 of UGA17-06 apply prior to plat.

As conditioned, the proposal meets the requirements of SRC 803.040.

**(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

SRC Chapter 808 (Preservation of Trees and Vegetation): The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP21-02) was submitted in conjunction with the subdivision tentative plan. A previous Tree Conservation Plan (TCP19-10) is no longer valid with the expiration of the previous subdivision application.

The Tree Conservation Plan identifies 64 trees on the subject property, with 54 trees proposed for removal, which does not preserve 25% of trees on the subject property. The applicant did not provide evidence on the necessity of preserving less than 25% of the trees on site. As part of the tree conservation plan application, the applicant will need to submit an accurate and updated tree conservation plan map and appropriate findings. The applicant has discussed with staff that trees located on Lot 65 and a 22”

Fir tree on Lot 89 could be preserved. With the trees identified by staff and the applicant to be preserved, 25% of the trees on the subject property will be preserved.

**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.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there no areas of landslide susceptibility on the subject property.

As proposed, the tentative subdivision plan complies with all applicable special development standards.

**SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The subject property consists of one tax lot surrounded by undeveloped residential land to the north, south, and west. The proposed configuration of the subdivision provides for at least 600-foot block length, required by subsection (a). In addition, local street connections are provided to adjoining undeveloped properties for eventual connection to the street system. The proposal does provide connection to both properties abutting to the north, one which has been granted previous approval to subdivide the property into 88 lots. The approval included a condition of approval to provide the required connection to the subject property, which is consistent with the applicant's proposal.

The west side of Lone Oak Road will exceed the 600-foot block length, due to topography and existing conditions. The proposal meets the exception of SRC 803.030(b), due to topography and the City of Salem Park located just south of the property, block length cannot be reasonably met.

**SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.**

**Finding:** Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. Conditions of approval require decommissioning of septic systems serving the existing lots, an engineered stormwater design to accommodate future impervious surfaces, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by the recent purchase of a future neighborhood park (NP-28), an undeveloped park site which abuts the southern boundary of the proposed subdivision. No park-related improvements are required as a condition of development and Condition 10 of UGA17-06 is satisfied.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat.

The proposal meets this criterion.

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

**Finding:** Devon Avenue SE abutting the subject property does not meet the improvement and right-of-way widths for a minor arterial classification as shown in the Salem Transportation System Plan (TSP). Boundary street improvements are required. As identified in the conditions of approval, the applicant is required to dedicate right-of-way and construct half-street improvements, along the entire frontage of the subject property on Devon Avenue SE.

Lone Oak Road SE is a future Collector street along the western boundary of the subject property in the Salem TSP and is planned to connect Muirfield Avenue SE to Rees Hill Road SE. The applicant is required to acquire and convey land for right-of-way for the future collector from Lone Oak Road at Sahalee Drive to Reed Hill Road SE. As conditioned by UGA17-06, the dedication of Lone Oak Road 60-foot right-of-way width and constructed with a minimum of 34-foot wide full Collector Street from Sahalee Drive to the south property line of the subject property. The remainder of Lone Oak Road (Collector) from the south property line to Rees Hill Road will be constructed with a minimum of 34-foot wide linking street improvement.

City Council approved the Lone Oak Reimbursement District under Resolution 2018-08 on January 22, 2018. This district provides a funding mechanism for completion of Lone

Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE so that all benefited properties pay a proportional share of the cost for street improvements. Pursuant to Resolution 2018-08, the applicant is required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District for 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. The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for the construction of Lone Oak Road SE.

The proposal meets this criterion.

**SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Finding:** Condition 5 implements the required boundary street improvements along the Devon Avenue SE and Lone Oak Road SE. In addition to the boundary improvement, internal circulation would be provided throughout the subdivision.

The proposed network of boundary and internal streets serving the subdivision provides access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The proposal meets this criterion.

**SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**

**Finding:** The proposed subdivision is situated within one-half mile of three neighborhood activity centers:

- Rolling Hills Christian School, a private school, is approximately a half mile to the east.
- Creekside Golf Course, a 130-acre private golf course located at 6250 Country Club Drive SE, approximately 1,400 feet north of the subject property.
- No bus stops or routes within the general vicinity.

The proposed subdivision is accessed by an existing collector street and the extension of a local street into the subject property. The subject property will provide internal streets with safe and convenient bicycle and pedestrian access, and provide boundary

street improvements connecting northward to existing bicycle and pedestrian facilities on Lone Oak Road.

The proposal meets this criterion.

**SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.**

**Finding:** The Public Works Department has reviewed the proposal and finds that the 88-lot subdivision will generate less than 1,000 average daily vehicle trips to Lone Oak Road SE, designated in the Transportation System Plan as a collector, and less than 200 average daily trips to Devon Avenue SE, designated as a local street. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan, pursuant to SRC 803.015(b).

**SRC 200.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The configuration of lots on the subject property makes logical use of the remaining developable land. As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards without the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

**SRC 200.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

**Finding:** The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. The extension of Lone Oak Road provides a logical extension of the existing street network and allows an arrangement of home sites that takes into account the existing topography. The tree conservation plan submitted in conjunction with the tentative subdivision plan will be reviewed pursuant to SRC 808, as conditioned above.

The proposal meets this criterion.



**SRC 200.010(d)(10):** When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

**Finding:** The subject property is located outside of the Urban Service Area but has a previous approval (UGA17-06). Therefore, this criterion does not apply.

**SRC 205.015(d)(2):** Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

**Staff Response:** The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended from Phase 1 and Phase 2 in a logical and efficient manner.

**SRC 205.015(d)(3):** Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

**Staff Response:** The proposed phasing boundary, as shown on the proposed utility plan, provides for Phase 1 to function as a standalone subdivision, while retaining logical connections to future development of Phase 2.

**SRC 205.015(d)(4):** Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.

**Staff Response:** The proposed configuration of lots and streets within both phases are designed to provide for efficient connection of utilities and other infrastructure from Phase 1 to Phase 2. Because there are only two phases proposed, a design which supports the orderly and efficient extension of utilities to Phase 2 effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

## **8. Conclusion**

Based upon review of SRC 205.005, the findings contained under Section 7 above, and the comments described, the tentative subdivision plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

## IT IS HEREBY ORDERED

That Tentative Subdivision Plan Case No. 21-01, on property RS (Single Family Residential), and located at 6719 Devon Avenue SE (Marion County Assessor Map and Tax Lot Numbers 083W22C00300)., is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

**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 to Rees Hill Road SE.
- 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 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.

**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.



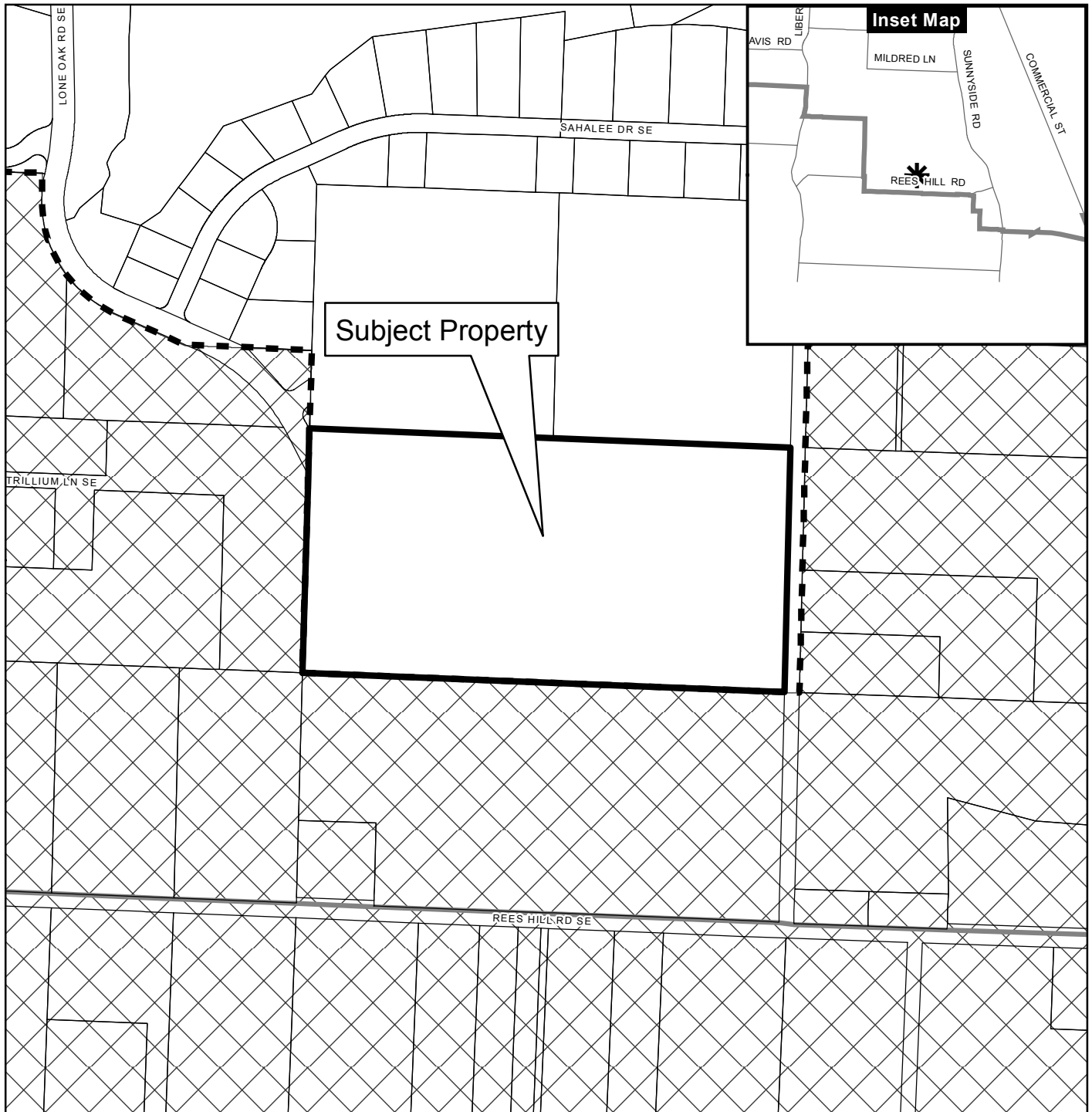
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Olivia Dias, Current Planning Manager, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Tentative Subdivision Plan and Street Profiles  
C. Applicant's Written Statement  
D. City of Salem Public Works Department Memorandum

# 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.

0 100 200 400 Feet



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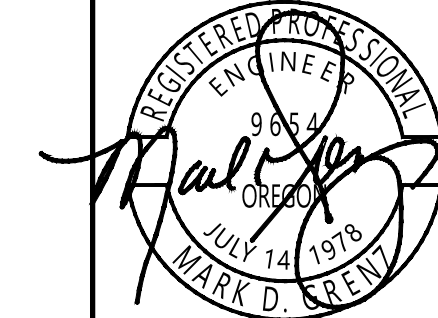


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# DEVON ESTATES

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

Design:	M.D.G.
Drawn:	P.H.S.
Checked:	M.D.G.
Date:	NOV. 2017
Scale:	AS SHOWN
As-Built:	---



EXPIRES:	06-30-2021
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JOB # 6502

# P201

# **Devon Avenue**

## **Subdivision Application**

January 22, 2021

### **BACKGROUND:**

On July 17, 2017, Pre-Application Conference (PRE-AP) 17-57 was held with the City staff to discuss the development of property located at 6719 Devon Avenue SE.

On June 11, 2018, the subject property was annexed into the City of Salem on June 11, 2018, by City Council.

On May 29, 2018, Urban Growth Area Permit (UGA) 17-06 was approved by staff on May 29, 2018.

On July 29, 2019, SUB19-05 was approved for the subject property. The approval allows the site to develop about 19.74 acres into an 84-lot single family subdivision.

On January 23, 2020, SUB19-05MOD1 was approved for the subject property. The approval modified SUB19-05.

### **PROPOSAL:**

**The applicant is requesting to divide 19.74 acres into a 2 Phase Subdivision consisting of 89-lots.**

**Phase 1: Lots 1-46**

**Phase 2: Lots 47-89**

**The applicant is also requesting Alternative Street Standards for the following:**

- 1) Alternative Street Standard to allow the proposed cul-de-sac streets to be less than 60 feet in width (803.025).**
- 2) Alternative Street Standard to allow the Lone Oak extension, Alpha Avenue, and Beta Court to exceed a 12-percent street grade.**
- 3) Alternative Street Standards to allow a narrow planter strip (4').**

### **SITE VICINITY and CHARACTERISTICS:**

The subject property is located at 6719 Devon Avenue. The subject property is identified as 083W22C/Tax Lots 300.





The surrounding properties are zoned and used as follows:

- North: RA (Residential Agriculture) and RS (Single Family Residential); vacant land
- East: Across Devon Avenue; RS (Single Family Residential); vacant lots, and existing single-family dwellings
- South: Outside City Limits, Marion County-UT; vacant land and existing single-family dwellings
- West: Outside City Limits, Marion County-UT; vacant land and existing single-family dwellings

### **CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d)(1):**

**The proposed subdivision does not change or impact compliance with the required criteria.**

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in UDC 205.010(d) and UDC 205.015(d). The decision criteria for subdivisions without a concurrent variance under UDC 205.010(d) and UDC 205.015(d) must be found to exist before an affirmative decision may be made for a subdivision application.

***(1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:***

Findings: The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs



development of property within the city limits. The subdivision process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed meets all applicable provisions of the Salem Revised Code.

***(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.***

Findings: The proposal does not require any variances to lot development standards specified in the Code.

Minimum Lot Area and Dimensions: As shown on the site plan, all 89 lots meet lot size (4,000 square feet) and lot dimension (40' by 70') standards as required under UDC Chapters 510 and 511. The proposed lots range in size from 5,500 square feet to 13,195 square feet in size, with an average lot size of 6,753 square feet.

There are five flag-lots within the proposed subdivision (Lots 20, 21, 35, 36, and 64).

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is also checked prior to city staff signing the final subdivision plat.

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. As shown on the site plans, all lots meet the required lot size, lot depth, and lot width. At the time of development of the lots, building permits will be required. Setbacks will be reviewed for compliance at the time of building permit submittal. The proposed subdivision is and will be in compliance with lot standard requirements and required access.

Therefore, this criteria has been met.

***(B) City infrastructure standards.***

Findings: Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

The applicant is proposing to divide the subject property into 89 single family residential lot, with two lots designated for stormwater detention (Tracts A and B). There is a S-4 water pump station located south of Lot 6. The applicant is working with the City on the location of this pump station.

Therefore, this criteria has been met.

***(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

Findings: There are no wetlands or floodplains located on the subject property.

A geological assessment is required for this site. There are landslide hazards identified on the site. A geological assessment date August 11, 2017 was approved as part of the original subdivision approval. This criteria has been met.

***(2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.***

Findings: The proposal is for the entire subject property and will be developed into 89 lots. As shown on the site plan. Therefore, a shadow plan is not required.

The properties to the northeast and northwest have the potential to be developed or currently have development approvals. The properties to the west and south are vacant, they are also located outside the City limits. Two stub streets have been provided to the northeast and northwest properties, two stub streets and a pedestrian path have been provided to the south, a connection to Devon Avenue, and a connection to Lone Oak to the west for future development.



The applicant has provided sufficient information to show how all the proposed street and pedestrian connections will be provided.

All proposed lots and surrounding properties have direct access onto the existing internal street system. The subdivision does not impede the future use of the property or adjacent land. Adequate connections to adjacent properties have been provided for future development.

Therefore, this criteria has been met.

***(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.***

Findings: Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services. A Storm Drainage Report dated January 18, 2021 has been provided as part of this application.

The subject property is within ½ mile from Creekside Golf Course to the north, Rees Hill Park and Battle Creek Elementary School to the east. Therefore, the subject property is served by parks.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. On-site detention and a pump station are being provided within the proposed subdivision. A Storm Drainage Report dated January 18, 2021 has been provided as part of this application.

In conclusion, the location and design of the proposed subdivision allows for public sanitary sewer, water service, and storm drainage to be conveniently provided.

Therefore, this criterion has been satisfied.

#### **Proposed Stormwater Management System:**

Findings: Stormwater quality and quantity are required for this development. An LID (low impact development) Stormwater technique will be used to mitigate the increase in pollutants contributed from development. This system may also be used to provide storage and water quantity control. The exact system will be determined at the time of design. Any proposed technique will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management.

A Preliminary Drainage Report dated October 12, 2018 was provided and approved as part the original approval. A new Drainage Report dated January 18, 2021 has been provided as part of this submittal.

#### ***(4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.***

Findings: The major street system is in place due to prior development. Devon Avenue is located to the east of the site and Lone Oak Road is located northwest of the site. Devon Avenue is designated as a 'local street' and Lone Oak Road is designated as a 'collector' on the Salem Transportation System Plan.

All street design and improvements will be determined through the subdivision review process and regulated through the Conditions of Approval.

The applicant is also requesting Alternative Street Standards for the following:

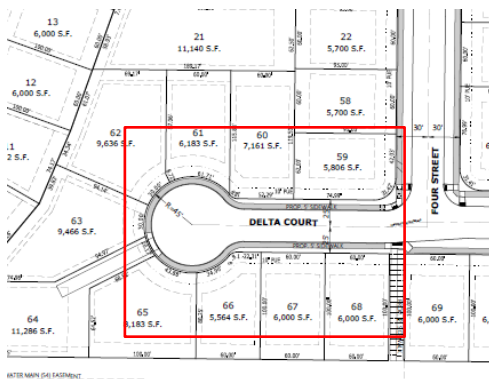
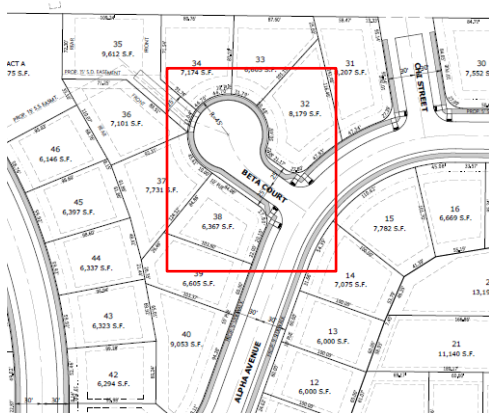
- 1) Alternative Street Standard to allow the proposed cul-de-sac streets to be less than 60 feet in width (803.025).
- 2) Alternative Street Standard to allow the Lone Oak extension, Alpha Avenue, and

Beta Court to exceed a 12-percent street grade for a distance of less than 100 feet. We also request the use of a short section of grade in excess of 12 percent for the cul-de-sac off of Alpha Ave.

- 3) Alternative Street Standards to allow a narrow planter strip (4')
- 4) Alternative Street Standards to allow for the elimination of some of the mid-block pedestrian crossings to facilitate street grades and reduce the number of crossings provided.

*Street Width:* All street design and improvements will be determined through the subdivision review process and regulated through the Conditions of Approval. The applicant is requesting an alternative street standard to allow the proposed internal streets to be 50 feet in width where a 60-foot width is required.

The applicant is requesting an alternative street standard to street width and location. Due to the topography of the site and the proposed street alignments with existing and streets, the two cul-de-sacs due not meet the required 60-foot street width. The applicant has requested an alternative street design to allow 50-foot street widths.



The intent of the street width is to allow vehicles to maneuver the streets safely. The internal streets proposed will provide safe and efficient circulation throughout the

subdivision. As shown on the street sections provided, the street connect to existing streets that are 60-foot in width currently. The 50-foot street widths for the cul-de-sacs provide adequate width. Due to the topography of the site and the location of the existing street connections, additional street width is not feasible for the cul-de-sacs. All streets within the proposed subdivision will be designed to provide safe and efficient conditions.

Therefore, the existing street system and proposed street improvements will be in compliance with the STSP.

*Street Grade:* As shown on the street section provided, Lone Oak Road will have a 13% street grade. Beta Court will have a 14.83% street grade, and Alpha Avenue will have a 13% street grade. Due to the topography of the site and the proposed street alignments with existing streets, along with required stub street connections, these proposed streets within the subdivision exceed the street grade allowed. The applicant's engineer has provided a detailed memo address the alternative street standard criteria. Alternative street standards were approved with the original subdivision approval. See attached memo dated May 16, 2019.

The intent of the maximum street grade is to allow vehicles to climb and descend the street safely in all conditions. The internal streets proposed will provide safe and efficient circulation throughout the subdivision. As shown on the street sections provided, there is only curtain sections of each street that will exceed the allowed street grade. All streets within the proposed subdivision will be designed to provide safe and efficient conditions.

There are several access points provided throughout the proposed subdivision which provide alternative access options.

The intent of the standard is being met; therefore, the proposal equally meets the intent of the maximum street grade standard.

*Planter Strip Width:* The applicant is also requesting an Alternative Street Standard to allow the planter strip along Alpha Avenue to be 4 feet in width where 8 feet is required. This request is made to help reduce the grading impacts to the site on the upper side of the roadway. The street has been designed to provide a safe access way but the site topographic elements require major grading to the lots on the upper site. The short reduction in planter will allow for better access onto the lots, yet still provide the needed areas for street trees.

*Mid-Block Crossings:* The standards set out the need for mid-block crossings a street intersections on one side. The project has a section along Alpha Ave where several street intersections are provided with short distanced between them. The design as proposed would call for the elimination of some of those crossing, while still providing

ample options for pedestrians to cross from one side of the roadway to the other. The acceptance ramps on the opposite side create impacts to the driveway locations to the lots and having four (4) such ramps into a total of three consecutive lots is excessive.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision.

Therefore, the existing street system and proposed street improvements will be in compliance with the STSP.

#### Transportation Planning Rule Review:

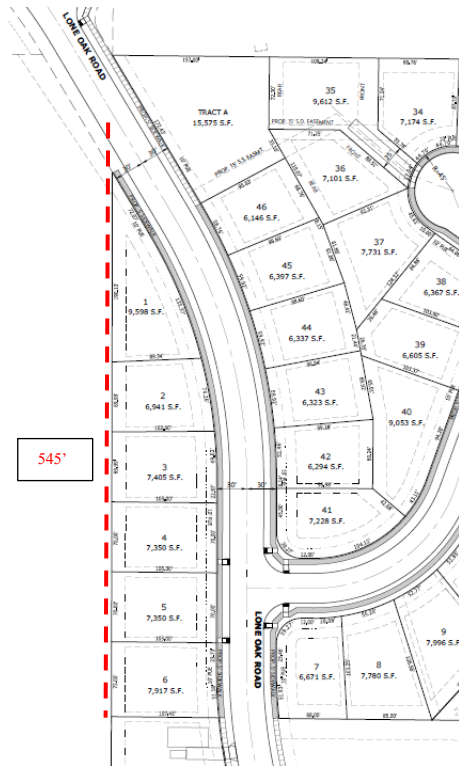
The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015 and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements.

In conclusion, the development will provide bicycle and pedestrian facilities on-site to encourage people to walk and reduce vehicle trips. The development on the property will allow residents to reduce vehicle usage, by the convenience of bicycle and pedestrian paths to and from the uses and existing sidewalk system. Therefore, the proposed subdivision is in compliance with the intent of the TPR to reduce vehicle usage and encourage other modes of transportation to and from the site.

***(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.***

Findings: The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The local street system serving the development provides the necessary connections and access to the local streets and circulation system serving this residential neighborhood.

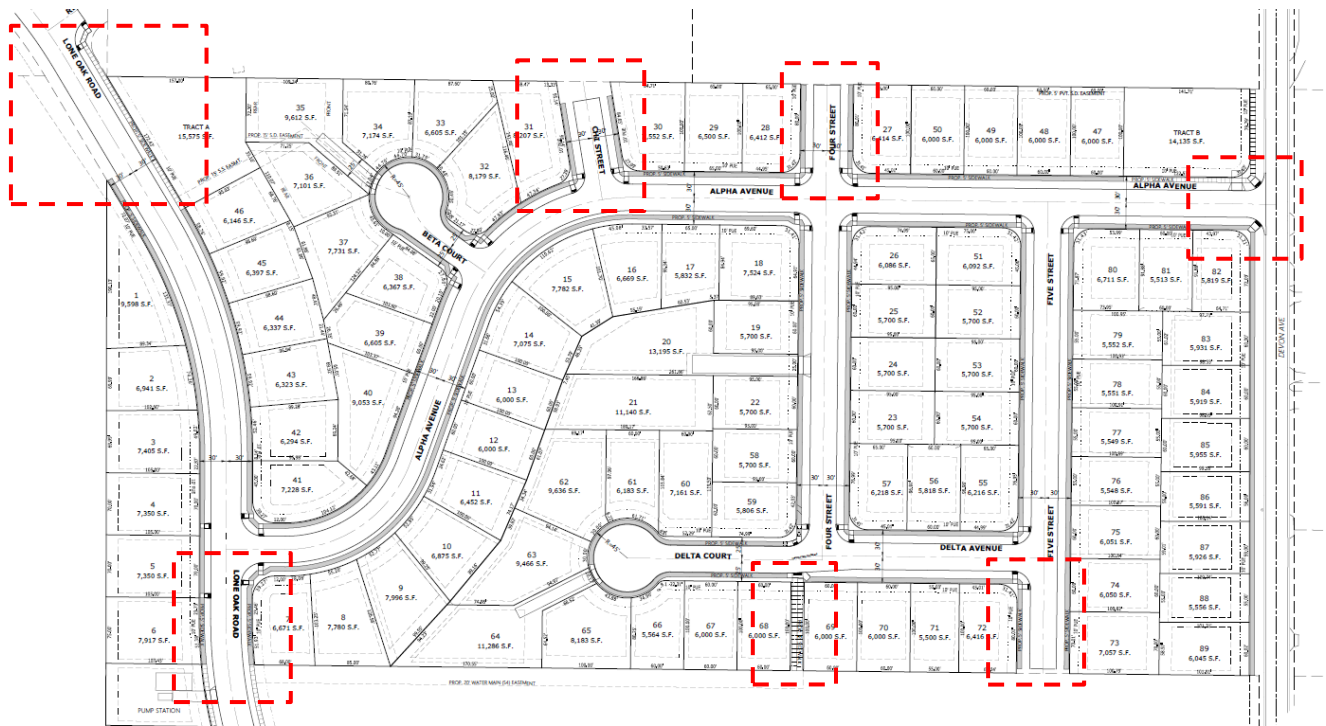
**Block Length:** Blocks shall be a maximum of 600 feet between street centerlines. The length of the blocks was taken into consideration at the time of design layout. The block lengths within the subdivision do not exceed 600 feet in length. There are more than enough street connections within the proposed development.



The properties to the northeast and northwest have the potential to be developed or currently have development approvals. The properties to the west and south are vacant, they are also located outside the City limits. Two stub streets have been provided to the northeast and northwest properties, two stub streets and a pedestrian path have been provided to the south, a connection to Devon Avenue, and a connection to Lone Oak to the west for future development.

Due to the topography of the lot to the west, an additional street connection to the west is not feasible.





Two street connections have been provided to the north (northwest and northeast), two street connections to the south along with a pedestrian path, a street connection to the east onto Devon Avenue has been provided, and a connection to Lone Oak to the west. By providing these connections, block length and connectivity have been met.

As shown on the site plan, the proposed subdivision provides a safe and efficient circulation pattern in the development for vehicles and pedestrians.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The Public Works Department will address the level of street improvements that are

roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application.

In conclusion, the proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision demonstrates this review criterion can be met.

Therefore, this criterion has been satisfied.

***(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.***

Findings: The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system.

Therefore, via paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods.

Therefore, this criteria has been met.

***(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.***

Findings: The proposal is for an 89-lot subdivision. The size of the proposed subdivision does not warrant the need for a Traffic Impact Analysis. The proposed subdivision plan mitigates impacts to transportation system by providing adequate access and circulation for all 89-lots.

Therefore, this criterion has been met.

***(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

Findings: All lots are in compliance with the UDC/SRC. Therefore, no variances have been requested.

***(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.***

Findings: The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The subdivision plan takes into consideration the topography and vegetation of the site. The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

There are 64 trees located within the boundary of the site. Fifty-four (54) trees are designated for removal, with ten (10) trees designated to remain. Sixteen (16%) percent of the trees on the site will be preserved. Trees designated for removal are within the right-of-way, the building envelop or within an area close to the building envelope but have the potential of being damaged during grading and construction.

Due to the required street extension to the north, south and west, several trees had to be removed to accommodate the pedestrian and vehicle extensions. Therefore, the removal of these 54 trees is necessary for development of the site.

There are no heritage or significant trees (Oregon White Oak) on the site.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots are in compliance with the UDC. Therefore, no variances have been requested.

Therefore, this criteria has been met.

***10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.***

Findings: The property and development are located inside the Urban Service Area (USA). However, an Urban Growth Preliminary Declaration is required and has been approved. Urban Growth Area Permit (UGA) 17-06 was approved by staff on May 29, 2018. As required by code, all requirements of the UGA will be met prior to development or recording of the final plat. Therefore, this criterion has been met.

## **TREE CONSERVATION/REMOVAL PLAN**

There are 64 trees located within the boundary of the site. Fifty-four (54) trees are designated for removal, with ten (10) trees designated to remain. Sixteen (16%) percent of the trees on the site will be preserved. Trees designated for removal are within the right-of-way, the building envelop or within an area close to the building envelope but have the potential of being damaged during grading and construction.

Due to the required street extension to the north, south and west, several trees had to be removed to accommodate the pedestrian and vehicle extensions. Therefore, the removal of these 54 trees is necessary for development of the site.

There are no heritage or significant trees (Oregon White Oak) on the site.

Tree Conservation Plan (TCP19-10) was approved for the original subdivision on October 23, 2019. The applicant is requesting a Tree Conservation Plan Adjustment.

## **PHASED SUBDIVISION 205-015(D)**

**The applicant is requesting to divide 19.74 acres into a two (2) Phase Subdivision consisting of 89-lots.**

*Criteria. A tentative phased subdivision plan shall be approved if all of the following criteria are met:*

- (1)     *The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).***

Applicant Findings: The subject property is about 19.74 acres in size and zoned RA (Residential Agriculture). The subject property is located at 6719 Devon Avenue. The subject property is identified as 083W22C/Tax Lots 300. The applicant is proposing to divide the subject property into 89 single family residential lot, with two tracts designated for stormwater detention.

Proposed:

Phase 1: Lots 1-46

Phase 2: Lots 47-89

The proposed phased subdivision meets all the criteria for a tentative subdivision as outlined above under SRC 205.010(d).

- (2)     *Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.***

Applicant Findings: The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The local street system serving the development provides the necessary connections and access to the local streets and circulation system serving this residential neighborhood.

**Block Length:** Blocks shall be a maximum of 600 feet between street centerlines. The length of the blocks was taken into consideration at the time of design layout. The block lengths within the subdivision do not exceed 600 feet in length. There are more than enough street connections within the proposed development. By providing these connections, block length and connectivity have been met.

The properties to the northeast and northwest have the potential to be developed or currently have development approvals. The properties to the west and south are vacant, they are also located outside the City limits. Two street connections have been provided to the north (northwest and northeast), two street connections to the south along with a pedestrian path, a street connection to the east onto Devon Avenue has been provided, and a connection to Lone Oak to the west. By providing these connections, block length and connectivity have been met. Due to the topography of the lot to the west, an additional street connection to the west is not feasible.

As shown on the site plan, the proposed subdivision provides a safe and efficient circulation pattern in the development for vehicles and pedestrians.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The proposed phased subdivision will not impede the future development of other phases as shown on the site plan. All phases will have access to the internal street system and the existing street system.

Each phase will ensure the orderly and efficient construction of the required improvements as required by Conditions of Approval and Code compliance. Therefore, this criteria has been met.

**(3) *Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.***

Applicant Findings: Each phase is required to provide the needed improvements to accommodate that phase. Due to the required conditions of approval and City

standards all two (2) Phases will be functionally self-contained and self-sustaining as shown on the site plans.

- (4) *Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.***

Applicant Findings: The applicant will be required to comply with conditions of approval that will be designed to ensure that the phases are developed to support the infrastructure requirements for each phase and the subdivision as a whole. See attached site plans.

### **Conclusion**

The applicant is requesting to divide 19.74 acres into a 2 Phase Subdivision consisting of 89-lots.

Phase 1: Lots 1-46

Phase 2: Lots 47-89

The applicant is also requesting Alternative Street Standards for the following:


- 1) Alternative Street Standard to allow the proposed cul-de-sac streets to be less than 60 feet in width (803.025).
- 2) Alternative Street Standard to allow the Lone Oak extension, Alpha Avenue, and Beta Court to exceed a 12-percent street grade.
- 3) Alternative Street Standards to allow a narrow planter strip (4')

The proposed subdivision is in compliance with all applicable Code and the original Conditions of Approval. All Conditions of Approval will be met as specified in the SUB19-05MOD1, along with requirements of this proposed decision.



# MEMO

**TO:** Olivia Dias, Current Planning Manager  
Community Development Department

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

**DATE:** March 30, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUB21-01 (20-118048-LD)  
6719 DEVON AVENUE SE  
88-LOT SUBDIVISION**

## **PROPOSAL**

A tentative phased subdivision plan to divide approximately 19.89 acres into 88 lots ranging in size from 6,000 square feet to 13,174 square feet. 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 percent and increase the grade of two local streets, Beta Court SE and Two Avenue SE, 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 CONDITIONS OF APPROVAL**

1. Comply with the conditions of approval for UG Preliminary Declaration Case No. UGA17-06, copied below:
  - 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 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 to Rees Hill Road SE.
- 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. The reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE and is eligible for reimbursement to the developer for construction of Lone Oak Road SE.
- 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:
  - i. A 12-inch S-3 main in the portion of Lone Oak Road SE within the subject property.
  - ii. A 12-inch S-3 main connecting east/west through the property from Lone Oak Road SE to Devon Avenue SE.
  - iii. A 12-inch S-3 main along the entire frontage of Devon Avenue SE.
  - 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.
- 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:



- i. An S-4 domestic pump station with sufficient capacity to serve the entire S-4 water service area between Lone Oak Road SE and Devon Avenue SE.
  - ii. An 8-inch S-4 main from the pump station to the S-4 water service area within the subject property.
  - iii. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
  - iv. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.
2. Construct Lone Oak Road SE to Collector street standards and other internal streets to local street standards with the following exceptions:
  - a. Lone Oak Road may exceed an 8-percent grade and 30 mile-per-hour design speed pursuant to a Design Exception by the City Engineer.
  - b. Alpha Avenue SE and Beta Court SE may exceed a 12-percent street grade for a distance of less than 100 feet.
  - c. The planter strip along Alpha Avenue SE may be reduced to 4 feet wide.
3. Dedicate a 10-foot public utility easement along the street frontage of all abutting and internal streets.
4. Construct water, stormwater, and sewer systems to serve each lot.
5. 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 from the low points in Delta Court SE through lot 11 to Alpha Street SE and from Beta Court SE through lot 35 to Tract A.
  - b. A 30-foot-wide easement width for the sewer and storm mains proposed in lot 35.
6. Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.
7. Prior to final plat, a site plan review application shall be approved for the construction of the proposed S-4 water pump station.

## **FACTS**

### **Streets**

#### 1. Lone Oak Road SE

- a. Standard—This street is designated as a Collector street in the *Salem TSP*. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street terminates near Sahalee Drive SE northwest of the subject property.

#### 2. Devon Avenue SE

- a. Standard—This street is currently under Marion County jurisdiction and is designated as a Local street in the *Salem TSP*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 26-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

#### 1. Existing Stormwater

- a. Champion Swale is mapped to the west of the subject property, while an unidentified creek runs through the western portion of the property. Powell Creek is mapped east of the subject property. No public storm mains are adjacent to the proposed development.
- b. The subject property is within the Battle Creek Drainage Basin.

### **Water**

#### 1. Existing Water

- a. The subject property is located partially in the S-3 water service level, below an elevation of 629 feet, and partially in the S-4 water service level, above 629 feet.
- b. A 10-inch S-3 water line is located in Devon Avenue SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.
- c. A 10-inch S-3 water line is located in Lone Oak Road SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.

- d. A 16-inch S-3 water line is located in Rees Hill Road SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.
- e. There is no existing S-4 water system.

## **Sanitary Sewer**

### **1. Existing Sewer**

- a. The property is split into two sewage drainage basins, partially toward the west line and partially toward the east.
- b. The nearest adequate linking facility for the west basin appears to be an existing 8-inch sewer line approximately 400 feet to the northwest of the property in Lone Oak Road SE.
- c. The nearest adequate linking facility for the east basin appears to be an existing 8-inch sewer line approximately 850 feet to the northeast of the property. The east basin may be able to receive service from the existing sewer main in Lone Oak Road SE.

## **Parks**

The subject property abuts the lot designated for the future Neighborhood Park (NP 28) along its southern boundary. This property was recently purchased by the City to be developed as NP 28. A street connection and a pedestrian connection are proposed with the tentative plan.

## **CRITERIA AND FINDINGS**

The following code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

**SRC 205.010(d)(1)**—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

- 1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
- 2. City infrastructure standards; and
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

**Findings**—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Trees that are located in the right-of-way require Tree Removal permits pursuant to SRC Chapter 86 and/or tree protection measures pursuant to PWDS.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along the frontages of all internal streets and along the frontages of Lone Oak Road SE and Devon Avenue SE pursuant to SRC 803.035(n).

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of 5 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated August 11, 2017, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

**SRC 205.010(d)(3)**—Development within the tentative subdivision plan can be adequately served by City infrastructure.

**Findings**—The subject property is located outside of the Urban Service Area and Urban Growth Preliminary Declaration Case No. UGA17-06 was issued July 17, 2018. Pursuant to SRC 200.055, 200.060, 200.065, and 200.070, the proposed development shall be linked to existing adequate facilities as defined in SRC 200.005. Developments are also required to extend public utility services to serve upstream and neighboring

properties. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the *Water Distribution Design Standards*. These improvements ensure that permanent water service is available in accordance with the *Water System Master Plan*.

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 and Sahalee Drive SE intersection and from the south line of the subject property to the existing main in Rees Hill Road SE.

Based on the topography of the subject property, the S-4 area of the proposed development shall receive domestic service from the S-4 service level and fire service from the S-3 service level. 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. An 8-inch S-4 main extended to the south line of the subject property. The proposed pump station is located at the south line.
4. One or more 8-inch S-4 mains to serve each lot within the S-4 service area.
5. One or more S-3 mains that provide adequate fire flow to the entire S-4 area.

The applicant shows an S-4 water main to be constructed along the park property outside the right-of-way. This alignment would require a design exception, which has not been approved to date.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003). Pursuant to SRC 200.060, the proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities. The nearest available sewer facility appears to be located in Sahalee Drive SE, both northwest and northeast of the subject property. The applicant shall construct 8-inch Salem Wastewater Management Master Plan sewer lines necessary to serve the development and upstream parcels. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005.

The proposed development is subject to City of Salem Ordinance Bill No. 8-20, SRC Chapter 71, and PWDS. Ordinance Bill No. 8-20 ensures a limitation on impacts to downstream properties through flow control over 4 major storm events. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Public Works staff has reviewed the tentative stormwater design and recommends that additional area may be required to accommodate the stormwater facilities needed to serve the proposed development. The final stormwater facility requirements will be determined at the time of construction plan approval.

The following design standards may affect the buildable area of one or more proposed lots:

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

As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through,**

**and out of the subdivision.**

**Finding**— Pursuant to SRC 200.055(c), all streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Lone Oak Road SE is a future Collector street along the western boundary of the subject property in the Salem TSP and is planned to connect Muirfield Avenue SE to Rees Hill Road SE. To provide safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision, the applicant shall 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 from the existing terminus of Lone Oak Road SE at Sahalee Drive SE to Rees Hill Road SE. The property south of the subject property was acquired by the City of Salem for use as right-of-way and a City park.

The applicant is required construct Lone Oak Road SE with a minimum 34-foot-wide full Collector street improvement from Sahalee Drive SE to the south line of the subject property, and 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 pursuant to SRC Chapters 200 and 803.

City Council approved the Lone Oak Reimbursement District under Resolution 2018-08 on January 22, 2018. This district provides a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE so that all benefited properties pay a proportional share of the cost for street improvements. Pursuant to Resolution 2018-08, the applicant is required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District for 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.

Condition 4 of UGA17-06 specifies that the reimbursement fee shall be credited toward the performance guarantee amount required in SRC 110.100(c) for Lone Oak Road SE and is eligible for reimbursement to the developer for construction of Lone Oak Road SE. Since adoption of Resolution 2018-08, City Council adopted Ordinance Bill No. 9-20, which authorized true credits to be based on an engineer's estimate of cost. Therefore, the Lone Oak Reimbursement Fee is eligible as a true credit toward estimated costs of Lone Oak Road SE if the developer constructs Lone Oak Road SE.

Devon Avenue SE abuts the subject property and does not meet the current standard for a Local street. As identified in the conditions of approval, the applicant is required to convey land for dedication equal to 30 feet from the centerline and construct a half-street improvement along the entire frontage of Devon Avenue SE pursuant to SRC Chapter 803 and PWDS.

The applicant is requesting to construct Lone Oak Road SE to Collector street

standards and other internal streets to Local street standards with the following exceptions:

1. Lone Oak Road SE, Alpha Avenue SE, and Beta Court SE may exceed a 12-percent street grade for a distance of less than 100 feet.
2. The planter strip along Alpha Avenue may be reduced to 4 feet wide.

Pursuant to SRC 803.065(a), the Director may authorize the use of one or more alternate street standards: (1) where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable; and (3) where topography or other conditions make the construction that conforms to the standards impossible or undesirable. Based on topographic constraints, the Public Works Director authorizes the alternative street standards as the minimum necessary to provide safe access to the proposed development. The applicant requested to reduce the cul-de-sac right-of-way to 50 feet, but no alternative is required because 50 feet is the standard width for cul-de-sacs.

**SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**

**Findings**—Future Neighborhood Park (NP 28) is a recently purchased, undeveloped park site that abuts the southern boundary of the proposed development. This park acquisition satisfies condition 10 of UG Preliminary Declaration Case No. UGA17-06. A street connection and a pedestrian sidewalk connection are proposed from the subject property to the park. The pedestrian path shall be constructed to Public Works Standard Plan No. 314. Curb ramps shall be constructed to PWDS. No park-related improvements are recommended as a condition of development.

**SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.**

**Findings**— The proposed 84-lot subdivision generates less than 1,000 average daily vehicle trips to Lone Oak Road SE (a Collector street). Therefore, a TIA was not required as part of the proposed subdivision submittal.

Prepared by: Jennifer Scott, Program Manager  
cc: File



# NOTICE OF DECISION

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



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

## PLANNING ADMINISTRATOR DECISION FOR TREE CONSERVATION PLAN

**CASE NO.:** TCP21-02  
**AMANDA NO.:** 21-105774-NR  
**DATE OF DECISION:** May 3, 2021  
**PROPERTY LOCATION:** 6719 Devon Avenue SE  
**APPLICANT:** HSF Development LLC

### REQUEST

A new Tree Conservation Plan in conjunction with a Phased Subdivision (Case No. SUB21-01) proposing the preservation of 18 trees, or 28.8 percent, out of a total of 66 trees on the property. 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's Map and Tax Lot number 083W22C / 0300).

### FINDINGS

The subject property is located at 6719 Devon Avenue SE (**Attachment A**). The tree conservation plan (**Attachment B**) was submitted in conjunction with a new subdivision application for the subject property (Case No. SUB21-01). A previous Tree Conservation Plan (TCP19-10) is no longer valid with the expiration of the previous subdivision application.

The tree conservation plan identifies a total of 66 trees above 10 inches diameter-at-breast-height (dbh) on the property, with 19 trees identified for preservation.

There are no heritage trees, significant trees, or riparian corridor trees or vegetation located on the property.

#### **1. Analysis of Tree Conservation Plan Approval Criteria:**

##### **(1) No heritage trees are designated for removal.**

**Finding:** There are no heritage trees located on the subject property; therefore, the preservation requirements of SRC 808.035(d)(1) are not applicable to the tree conservation plan.

##### **(2) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.**

**Finding:** There are no significant trees located on the subject property; therefore, the preservation requirements of SRC 808.035(d)(2) are not applicable to the tree conservation plan.

- (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.

**Finding:** The Champion Swale waterway is located adjacent to the west edge of the subject property, creating a riparian corridor for portions of the lots at the southwest corner of the subdivision. The tree conservation plan identifies a 20" Cherry tree for removal on Lot 5 that measures within this riparian corridor; no justification for removal of the riparian tree was provided. Upon further discussion with staff, the applicant agreed to preserve the riparian tree, establishing the following condition as part of this approval:

**Condition 1:** The applicant shall preserve the 20" Cherry tree on Lot 5 as a designated riparian tree.

With the above condition in place, there is no proposed removal within the riparian corridor on the subject property; therefore, the tree conservation plan complies with the requirements of SRC 808.035(d)(3).

- (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.

**Finding:** The applicant originally submitted a tree conservation plan indicating 54 trees out of a total of 64 identified trees on the subject site would be removed, leaving only 15 percent of the trees for preservation, thus dropping below the minimum 25 percent retention standard in SRC 808.035(d)(4). Staff determined with the subdivision review that an additional six trees originally designated for removal would be re-designated for preservation to maintain the 25 percent retention standard. As such, a version of Condition 11 placed on the property under SUB21-01 will be included on this approval to ensure consistency between the two applications. Therefore, the following condition applies:

**Condition 2:** The applicant shall preserve all five trees on Lot 65 and a 22" Fir tree on Lot 88.

A recount of the tree conservation plan identified a total of 66 trees on the property, with a total of 19 trees designated for preservation with the above conditions in place. As a result, the tree conservation plan preserves approximately 29 percent of the trees on the subject property and exceeds the minimum tree preservation requirement of 25 percent. Because the tree conservation plan preserves more than 25 percent of the existing trees on the subject properties, the tree conservation plan complies with the requirements of SRC 808.035(d)(4).

## 2. SRC Chapter 808 Planting Requirements

SRC Chapter 808.050 establishes tree planting requirements for lots or parcels to be used for Single-Family or Two-Family uses. The specific number of trees that must be provided on each lot is based upon the requirements of Table 808-1, as shown below:

**Table 808-1**

Lot Size	Required Trees
Up to and including 6,000 square feet	2
6,001 to 7,000 square feet	3
7,001 to 8,000 square feet	4
8,001 to 9,000 square feet	5
Above 9,000 square feet	6

In the event there are insufficient existing trees on a lot or parcel to meet the requirements of Table 808-1, the deficiency shall be made up by planting trees that are at least 1.5 inches in caliper.

### **DECISION**

The proposed Tree Conservation Plan is consistent with the provisions of SRC Chapter 808. The Tree Conservation Plan is hereby APPROVED, subject to SRC Chapter 808 and the following conditions, adopted pursuant to SRC 808.050(e)(2):

- Condition 1:** The applicant shall preserve the 20" Cherry tree on Lot 5 as a designated riparian tree.
- Condition 2:** The applicant shall preserve all five trees on Lot 65 and a 22" Fir tree on Lot 88.
- Condition 3:** The conditions of SUB21-01 shall be complied with during all construction activities.
- Condition 4:** All trees designated for retention under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 5:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

The applicant, and all representatives thereof, shall comply with all applicable development standards of SRC Chapter 808. The approved Tree Conservation Plan is on file with the City of Salem and is binding on the lots created by the subdivision of the subject property. No tree designated for removal on the approved Tree Conservation Plan shall be removed or critically damaged prior to the Tree Conservation Plan approval date.



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Jamie Donaldson, Planner II, on behalf of,  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments:

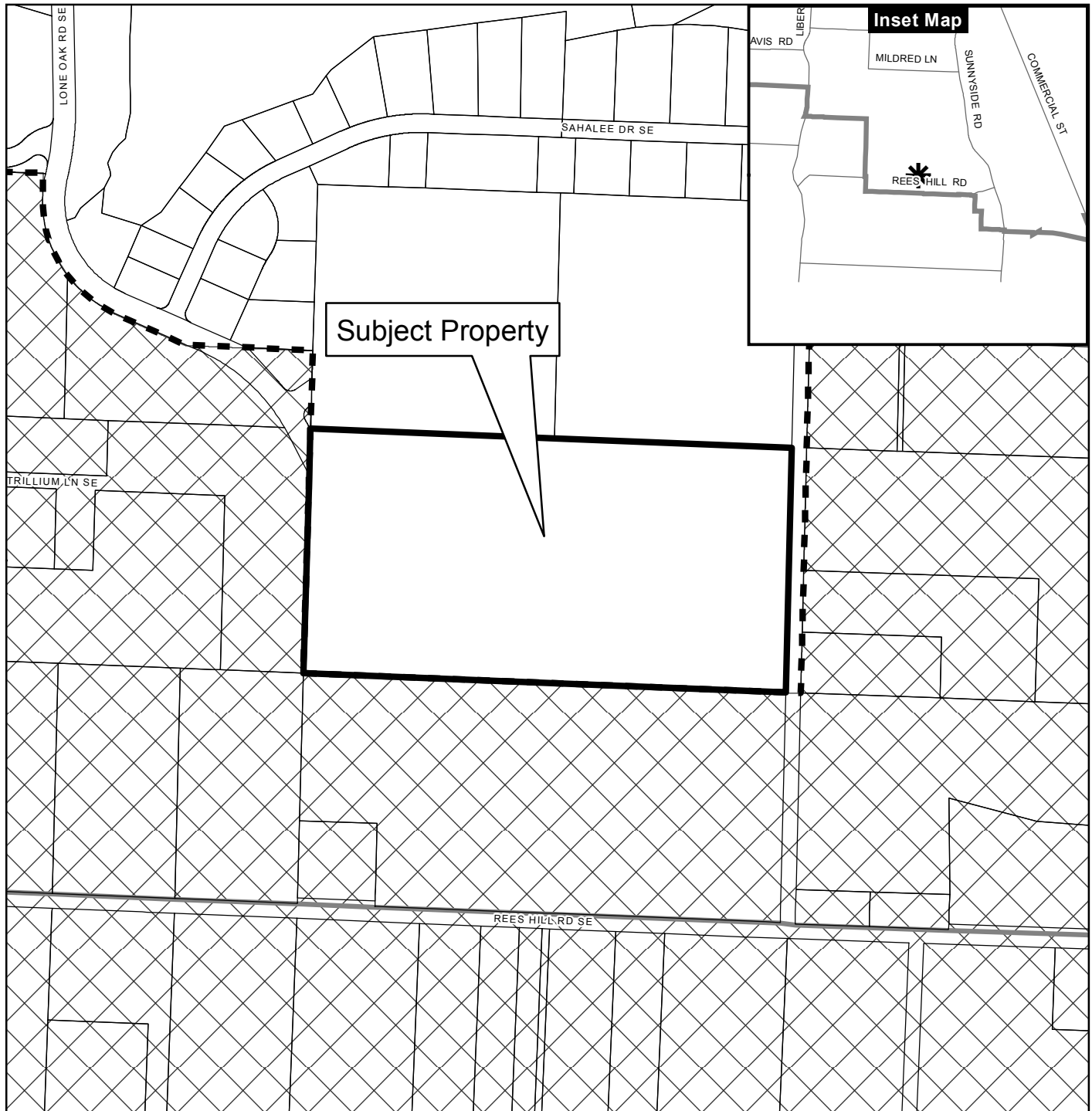
- A. Vicinity Map
- B. Approved Tree Conservation Plan

This decision is final unless written appeal from the applicant or the owner of the subject property is filed with the City of Salem Planning Division Room 305, 555 Liberty Street SE Salem OR 97301 no later than **Monday, May 17, 2021 by 5:00 p.m.** The appeal must state where the decision failed to conform to the approval criteria for a tree conservation plan adjustment (SRC Chapter 808). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information. Approval of a tree conservation plan adjustment application does not expire.





cc: Alan Kessler, GIS

# 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.

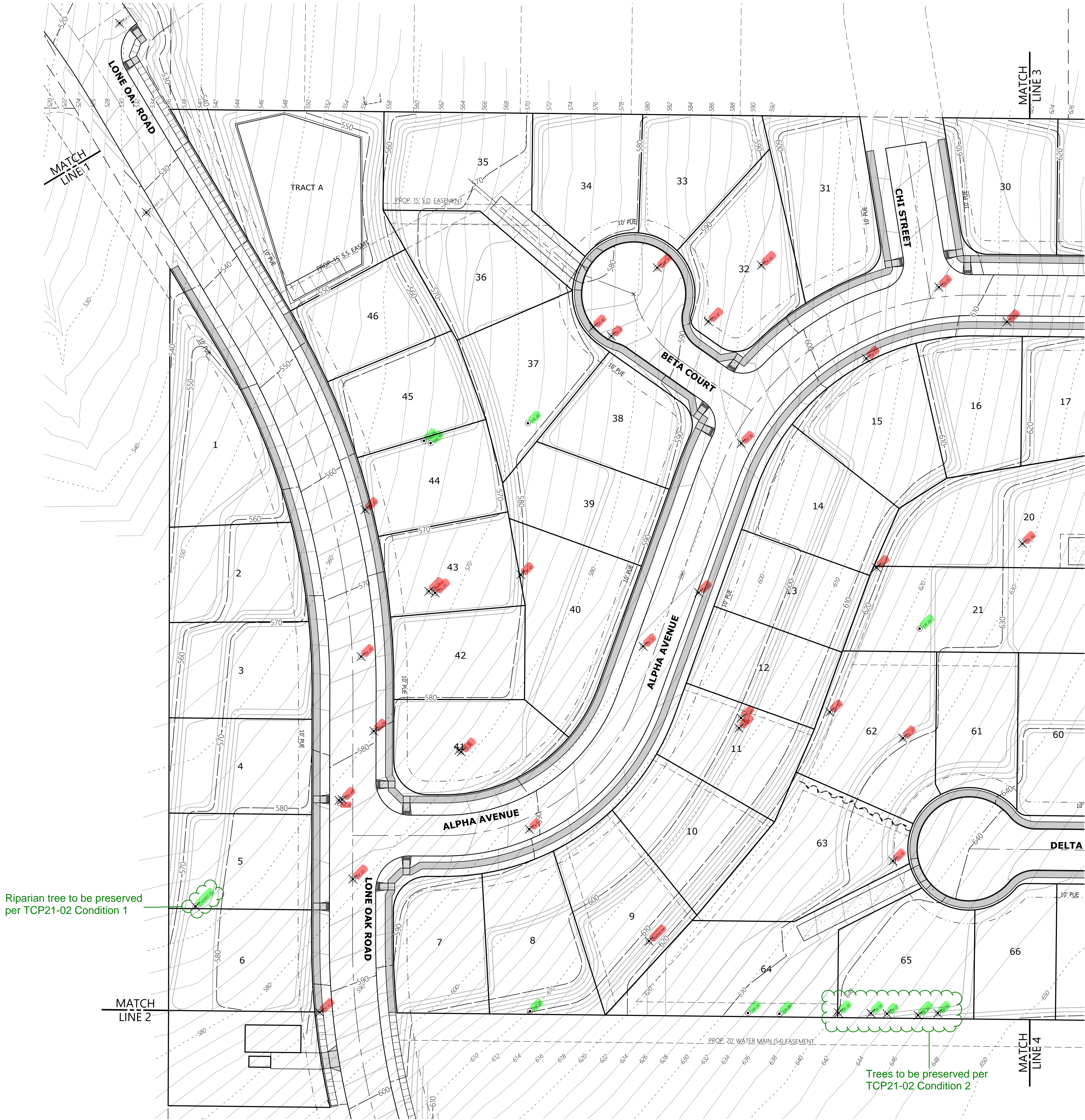
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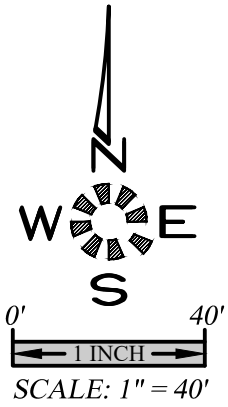




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Attachment B

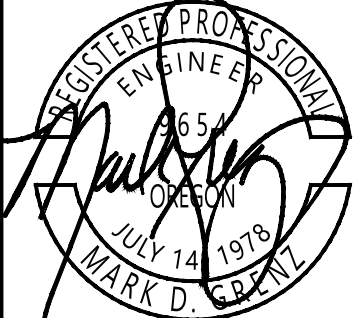


PRELIMINARY  
TREE CONSERVATION  
PLAN - ONSITE: WEST

DEVON ESTATES

NO CHANGES, MODIFICATIONS  
OR REVISIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
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Design: M.D.G.  
Drawn: P.H.S.  
Checked: M.D.G.  
Date: NOV. 2017  
Scale: AS SHOWN  
As-Built: ----

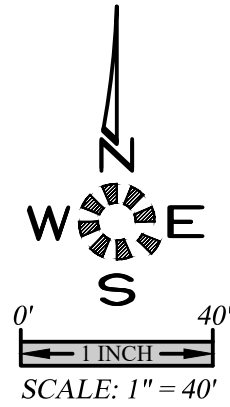


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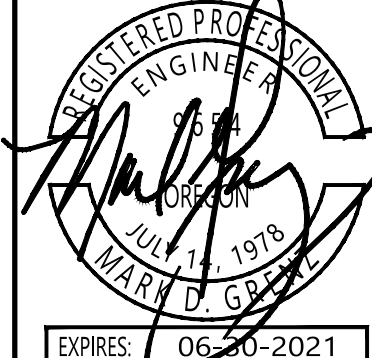


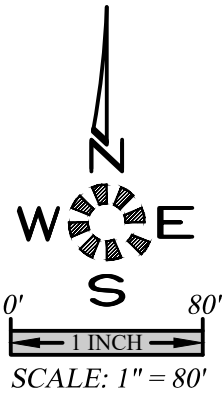
**PRELIMINARY  
TREE CONSERVATION  
PLAN - ONSITE: EAST**

**DEVON ESTATES**

NO CHANGES, MODIFICATIONS  
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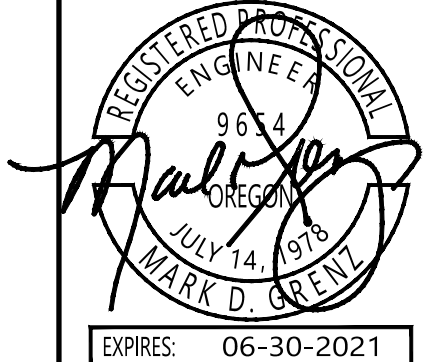


**PRELIMINARY  
EXISTING CONDITIONS  
PLAN**

**DEVON ESTATES**

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EXPIRES: 06-30-2021

JOB # 6502

**P102**







