


TO: Aaron Panko, Planner III
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: May 15, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB21-09MOD1PLA23-08 (23-102733)
4540 PRINGLE ROAD SE
SUBDIVISION MODIFICATION**

PROPOSAL

A property line adjustment to move the property line between two existing lots of record resulting in adjusted lot sizes approximately 24.74 acres (proposed lot 1) and 4.88 acres (proposed lot 2) in size, and modification to the boundary of a previously approved phased subdivision tentative plan (SUB21-09), resulting in the exclusion of the historic farmstead lot from the approved subdivision boundary. No change to the previously approved phasing plan or tree removal plan is proposed with this application.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

RECOMMENDED CONDITIONS OF MODIFICATION APPROVAL

The existing conditions of approval for SUB21-09 are sufficient to address public works infrastructure requirements for the proposed modification.

CRITERIA AND FINDINGS

SRC 205.070(d)(2) indicates the criteria that must be found to exist before an affirmative decision can be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.070(d)(2)(A)— The proposed modification does not substantially change the original approval:

Finding—The proposed modification will not substantially alter the conditions of the

original approval. City infrastructure is available to serve each parcel in a way that is functionally self-contained and self-sustaining no differently than for the original application.

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

Finding—The proposed modification includes modification to the boundary of a previously approved phased subdivision tentative plan resulting in the exclusion of the historic farmstead lot from the approved subdivision boundary. No change to the previously approved phasing plan or tree removal plan is proposed with this application. The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

SRC 205.015(d)(2)(C)— For applications that also include a modification to a condition of approval designating lots within the subdivision for neighborhood hub uses or middle housing dwelling units:

(i)The proposed modification does not reduce the number of lots within the subdivision designated for neighborhood hub uses below the minimum required number of lots and the alternative designated lots conform to the location and lots standards of the UDC; and

(ii)The proposed modification does not reduce the number of dwelling units within the subdivision below the minimum required dwelling unit density; does not reduce the number of middle housing dwelling units within the subdivision below the minimum required percentage of middle housing dwelling units; and the lots where the required middle housing dwelling units will be located conform to the applicable standards of the UDC.

Finding—Not applicable. The original proposal did not include a designation of lots within the subdivision for neighborhood hub uses or middle housing dwelling units.

RESPONSE TO CITIZEN COMMENTS

One comment was received indicating the following questions/concerns:

- i. Two lawful units of land do not exist; therefore, the PLA should be denied.

Staff Finding: The City Surveyor reviewed the application materials and found that both properties are lawfully created units of land that were established with the recording of Deed Reel 1329, Page 308, filed in the deed records of the Marion County Clerk on July 31, 1996. The recording of this deed was part of a City of Salem land use action (Property Line Adjustment Case No. LLA95-9) to lawfully adjust the common property lines of what is shown on present tax maps

as Tax Lots 3000 and 3200. As outlined in ORS Chapter 92, a survey was filed with the Marion County Surveyor's office, county survey number 33941, on March 6, 1996, as part of the approved land use decision. A true graphical representation of the current property configuration is shown on County Survey 39539.

Comments received also refer to tax lot boundaries shown on the County Assessor's maps. It should be noted that Assessor's tax maps are for tax assessment purposes only and are not to be used to determine property boundaries.

- ii. Trees approved as "preserved" must be protected and preserved.

Staff Finding: The previously approved subdivision (SUB21-09) is subject to a tree conservation plan (TCP22-05) that includes the proposed 4.88-acre homestead property. As a condition of approval, the applicant will be required to receive approval for a tree conservation plan adjustment to modify TCP22-05 by excluding the proposed 4.88-acre homestead property from the boundary of the subdivision. This will provide a more accurate account and representation of tree preservation and removal associated with the development. All trees designated for preservation under the tree conservation plan adjustment will be required to be protected and preserved during construction.

- iii. Grading easements will impact significant trees and historic homestead house.

Staff Finding: Grading for the future streets may have an impact on area that is outside of the proposed public right-of-way, which is why a "grading easement" is shown on the plans. The Public Works Department has not approved final construction drawings for the proposed subdivision. At time of public construction plan review, the grading limits would be established, and any necessary easements will be obtained. The proposed 4.88-acre homestead property will be excluded from the subdivision and as a condition of approval the applicant will be required to apply for an Adjustment to TCP22-05 to exclude the proposed homestead property from the tree conservation plan as well. Once this occurs, the trees on the homestead lot will be subject to the requirements of SRC Chapter 808. Related to construction activities for Hilfiker Lane SE and Ramsay Road SE, if grading activities for the construction of these streets require the removal of significant trees on the proposed homestead property, the applicant will be required to demonstrate that the removal of the significant tree complies with SRC 808.030(a)(2)(B), by demonstrating that the removal of a significant tree is necessary for the installation of a required street.

Prepared by: Laurel Christian, Planner II
cc: File