

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*

DECISION OF THE PLANNING ADMINISTRATOR

**PHASED SUBDIVISION TENTATIVE PLAN MODIFICATION / PROPERTY LINE
ADJUSTMENT CASE NO.: SUB21-09MOD1PLA23-08**

APPLICATION NO.: 23-102733-PLN

NOTICE OF DECISION DATE: May 19, 2023

SUMMARY: A property line adjustment in conjunction with a modification to the boundary of a previously approved phased subdivision tentative plan.

REQUEST: 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).

APPLICANT: Marty Kehoe

LOCATION: 4540 Pringle Rd SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 205.070(d)(2) – Subdivision Modification; 205.055(d) – Property Line Adjustment

FINDINGS: The findings are in the attached Decision dated May 19, 2023.

DECISION: The **Planning Administrator APPROVED** Phased Subdivision Tentative Plan Modification / Property Line Adjustment, Case No. SUB21-09MOD1PLA23-08 subject to the Salem Revised Code and the findings and conditions adopted in this decision.

The conditions of approval from SUB21-09 are not altered and are still applicable. The following condition of approval shall be added to the modified decision:

Condition 1: Prior to final plat approval, the applicant shall submit a tree conservation plan adjustment for TCP22-05 showing the updated tree preservation and removal totals using the modified tentative subdivision boundary.

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

Phased Subdivision Tentative Plan Modification	<u>May 10, 2025</u>
Property Line Adjustment	<u>June 13, 2023</u>
Application Deemed Complete:	<u>March 31, 2023</u>
Notice of Decision Mailing Date:	<u>May 19, 2023</u>
Decision Effective Date:	<u>June 13, 2023</u>
State Mandate Date:	<u>July 29, 2023</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 5035402356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, June 5, 2023. 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(s) 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 Planning Commission will review the appeal at a public hearing. After the hearing, the 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

DECISION

IN THE MATTER OF THE MODIFICATION)	FINDINGS AND ORDER
OF PHASED SUBDIVISION AND)	
PROPERTY LINE ADJUSTMENT)	
CASE NO. SUB21-09MOD1PLA23-08;)	
4540 PRINGLE ROAD SE – 97302)	MAY 19, 2023

REQUEST

Summary: An application for the first modification of the tentative phased subdivision approval for the Meyer Farm Subdivision (Case No. SUB-ADJ21-09).

Request: 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).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

1. Background

- (a) On July 14, 2021, an application for a Phased Subdivision Tentative Plan was filed for a proposal to divide property approximately 29.68 acres in size in two phases of development, for property located at 4540 Pringle Road SE - 97302.
- (b) On November 3, 2021, the Planning Administrator issued a decision approving the 139-lot phased subdivision tentative plan.
- (c) On November 8, 2021, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision and a public hearing before the City Council was conducted on January 10, 2022. The Planning Administrator's was ultimately modified and affirmed by the City Council with additional conditions of approval.
- (d) The City Council's final decision was appealed to the Land Use Board of Appeals (LUBA). On December 1, 2022, LUBA issued a final opinion and order (LUBA No. 2022-053) affirming the decision of the City Council.

- (e) An appeal of the final order and opinion of LUBA (LUBA No. 2022-053) was filed with the Court of Appeals of the State of Oregon. On May 10, 2023, the Court of Appeals issued an opinion affirming the decision of the Land Use Board of Appeals (325 Or App 809, A180271, Backer v. City of Salem).
- (f) On January 25, 2023, a collective tentative subdivision modification and property line adjustment application was submitted for review, and the applications were deemed complete for processing on March 31, 2023. The 120-day state mandated deadline for this collective application is July 29, 2023.

SUBSTANTIVE FINDINGS

2. Proposal

The requested modification includes a change 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, conditions of approval, 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.

The applicant's proposed modified tentative subdivision plan and site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

3. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 102733.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires for certain applications that an applicant contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), the applications for a modification of a phased subdivision tentative plan and property line adjustment do not require neighborhood association contact.

Neighborhood Association Comment: Notice of the application was provided to the Morningside Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires

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 Morningside prior to the comment deadline.

Public Comments: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and addresses within 250 feet of the subject property. Seven public comments were received during the comment period indicating the following:

- a) Six comments were received indicating opposition with the development proposal, including concerns with traffic, tree removal, and general opposition to development of the subject property.

Finding: Development of the subject property has been previously approved as part of Phased Subdivision Tentative Plan Case No. SUB21-09. The requested modification results in the exclusion of the historic farmstead lot from the approved subdivision boundary. No change to the previously approved phasing plan, conditions of approval, 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.

- b) One comment was received indicating the following questions/concerns:
 - i. Two lawful units of land do not exist; therefore, the PLA should be denied.

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.

Finding: The previously approved subdivision (SUB21-09) is subject to a tree conservation plan (TCP22-05) which 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.

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 construct 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.

Homeowners Association: The subject property is not located within a Homeowners Association.

5. City Department Comments

Fire Department - Reviewed the proposal and indicated no site concerns.

Building and Safety Division - Reviewed the proposal and indicated no site concerns.

Public Works Department - Reviewed the proposal and provided a memo which is included as **Attachment D**.

6. Public Agency Comments

No Public or Private Agency comments were received.

DECISION CRITERIA FINDINGS

7. Analysis of Modification Approval Criteria:

Salem Revised Code (SRC) 205.070(d)(2) sets forth the following criteria that must be met before approval can be granted for a modification of a tentative phased subdivision plan approval which does not involve modification of only the conditions of approval of a subdivision designating lots for neighborhood hub uses or middle housing dwelling units. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

Finding: The proposed modification results in an adjustment to the boundary of the previously approved tentative subdivision (SUB21-09). The proposed property line adjustment included in this collective application will reconfigure the existing lot line between two legal units of land, resulting in a lot approximately 4.88 acres that will contain the existing home and outbuildings of the historic homestead. This lot is in the same approximate size and configuration as shown on the previously approved subdivision, but the property line adjustment will effectively remove this lot from the subdivision as the lot will be reconfigured with the recording of the property line adjustment before the final subdivision plat is recorded. No other significant changes result from the proposed modification, the subdivision will have the same approximate layout, street configuration and the previously approved tentative plan, and the number of lots will only be reduced by one accounting for the removal of the historic homestead site from the subdivision boundary. The conditions of approval are not proposed to be modified.

The proposal does not result in a change to number of trees proposed for removal, and no adjustments have been requested to the previously approved Tree Conservation Plan (Case No. TCP22-05). However, the 4.88-acre homestead site was included in the boundary of the previously approved tentative subdivision and tree conservation plan. If the 4.88-acre lot is removed from the boundary of the subdivision, the trees on this property should also be removed from the tree conservation plan to provide a more accurate account and representation of tree preservation and removal associated with the development.

Condition 1: Prior to final plat approval, the applicant shall submit a tree conservation plan adjustment for TCP22-05 showing the updated tree preservation and removal totals using the modified tentative subdivision boundary.

With the exclusion of the 4.88-acre homestead site, staff estimates that the total number of trees in the remaining area of the subdivision will be reduced to approximately 583, with 382 trees proposed for removal and 201 tree proposed to be preserved, for a tree preservation rate of 34.5 percent. The revised totals and preservation rate will be verified with the tree conservation plan adjustment application.

Public Works Department staff has reviewed the proposal and finds that 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 that 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: As discussed, the proposed modification includes a change 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 other significant changes result from the proposed modification, the subdivision will have the same approximate layout, street configuration and the previously approved tentative plan, and the number of lots will only be

reduced by one accounting for the removal of the historic homestead site from the subdivision boundary.

As proposed and conditioned, the modification does not result in a change to the physical appearance of the development, the use of the site, or the impacts on surrounding properties. The proposal meets this criterion.

SRC 205.070(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 lot 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: The previously approved tentative subdivision did not include conditions of approval designating lots for neighborhood hub uses or middle housing dwelling units; therefore, this criterion is not applicable.

8. Effect on Expiration Period of Original Approval:

Pursuant to SRC 205.070(e)(2), the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Finding: The expiration date for the original subdivision is **May 10, 2025**. The proposed modification does not change the expiration date for the consolidated application. The applicant is permitted to apply for up to four further extensions of the expiration date, in two-year increments, with the final extension expiring no later than **May 10, 2033**.

9. Analysis of Property Line Adjustment Approval Criteria:

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a Property Line Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land.

Finding: The proposal will not create an additional unit of land, but rather reconfigures two existing units of land and results in adjusted lot sizes approximately 24.74 acres (proposed lot 1) and 4.88 acres (proposed lot 2). This criterion is met.

SRC 205.055(d)(2): The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development.

Finding: The proposed property line adjustment will relocate a property line between two properties zoned RA (Residential Agriculture) and RS (Single Family Residential).

▪ ***Lot Standards Applicable to the RA Zone.***

Lot size and dimension standards within the RA zone are established under SRC 510.010(b), Table 510-2. A summary of the lot size and dimension standards applicable to residential uses within the RA zone is provided in the following table:

RA Zone Residential Use Lot Standards		
Lot Area	Min. 1,500 sq. ft.	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other single family
	Min. 4,000 sq. ft.	Applicable to two family uses
	Min. 5,000 sq. ft.	Applicable to three family uses
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters
Lot Width	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

▪ **Lot Standards Applicable to the RS Zone.**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2. A summary of the lot size and dimension standards applicable to residential uses within the RS zone is provided in the following table:

RS Zone Residential Use Lot Standards		
Lot Area	Min. 1,500 sq. ft.	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other single family
	Min. 4,000 sq. ft.	Applicable to two family uses
	Min. 5,000 sq. ft.	Applicable to three family uses
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters
Lot Width	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

Proposed Lot 1 is located within the RA and RS zone and has an approximate lot size of 24.75 acres, an approximate lot width of 590 feet, and an approximate lot depth of 1,215 feet, in compliance with minimum and maximum lot standards.

Proposed Lot 2 is located entirely within the RA zone and has an approximate lot size of 4.88 acres, an approximate lot width of 450 feet, and an approximate lot depth of 460 feet, in compliance with minimum and maximum lot standards.

▪ **Flag Lots.**

Flag lots are lots that are set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway. Proposed Lot 2 is a flag lot. Table 800-1 provides the flag lot accessway standards for flag lot accessways serving 1-2 lots, the maximum length is 150 feet, the minimum easement width is 20 feet, and the minimum paved width is 15 feet.

The proposal results in the removal of an existing 30-foot-wide ingress/egress easement (Reel 1224, Page 737), and will include dedication of a new 60-foot-wide access easement providing access from Hillrose Street SE to Proposed Lot 2. The easement is in the same location as the right-of-way for Aldridge Avenue SE, a future street approved by SUB21-09. The easement will be removed and replaced with right-of-way for the new public street with the recording of Phase 1 of the subdivision.

The existing driveway between the homesite and Hillrose Street SE is not paved, however, with no development occurring on proposed Lot 2, there is no trigger for bringing the existing driveway into conformance with the paving requirements. The proposal does not increase the degree of nonconformity for the existing development site.

Table 800-1 provides that maximum length for flag lot accessways does not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.

Due to the distance between Hillrose Street SE and the existing location of the buildings associated with the proposed homestead property, the Planning Administrator and the Fire Marshal grant a waiver of the 150-foot maximum flag lot accessway standard in Table 800-1. The applicant will be required to demonstrate that the proposed 60-foot-wide access easement also includes provisions for a turnaround meeting the requirements of the Fire Marshal.

As identified in the findings, the proposal does not create nonconforming units of land or increase the degree of nonconformity for the development site; this criterion is met.

SRC 205.055(d)(3): The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established.

Finding: The proposed property line adjustment relocates the common property line between two units of land that were lawfully established. The units of land were established as part of Property Line Adjustment Case No. LLA95-9. The property line adjustment was perfected, and post July 1996, there are two lawfully created units of land as depicted on county survey 33941, and described in Deed Reel 1329, Page 308. Because the proposed property line adjustment involves two legal units of land, this criterion is met.

SRC 205.055(d)(4): The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land.

Finding: With the collective processing of the modification of the previously approved phased subdivision tentative plan (Case No. SUB21-09), there are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment; therefore, this criterion is met.

SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way.

Finding: The applicant's surveyor has demonstrated on the submitted preliminary plats that the proposed property line adjustment does not relocate or eliminate any public easements or public right-of-way; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Finding : Existing public infrastructure in the area surrounding the subject property is already built out and existing. The proposed property line adjustments will not affect the availability or access to public and private utilities or streets; therefore, this criterion is met.

10. Conclusion

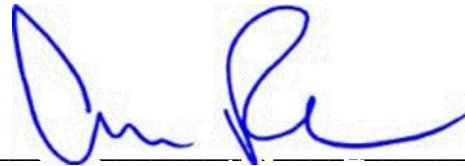
Based upon review of SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The requested modification of the tentative phased subdivision plan and property line adjustment, Case No. SUB21-09MOD1PLA23-08, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

The conditions of approval from SUB21-09 are not altered and are still applicable. The following condition of approval shall be added to the modified decision:

Condition 1: Prior to final plat approval, the applicant shall submit a tree conservation plan adjustment for TCP22-05 showing the updated tree preservation and removal totals using the modified tentative subdivision boundary.

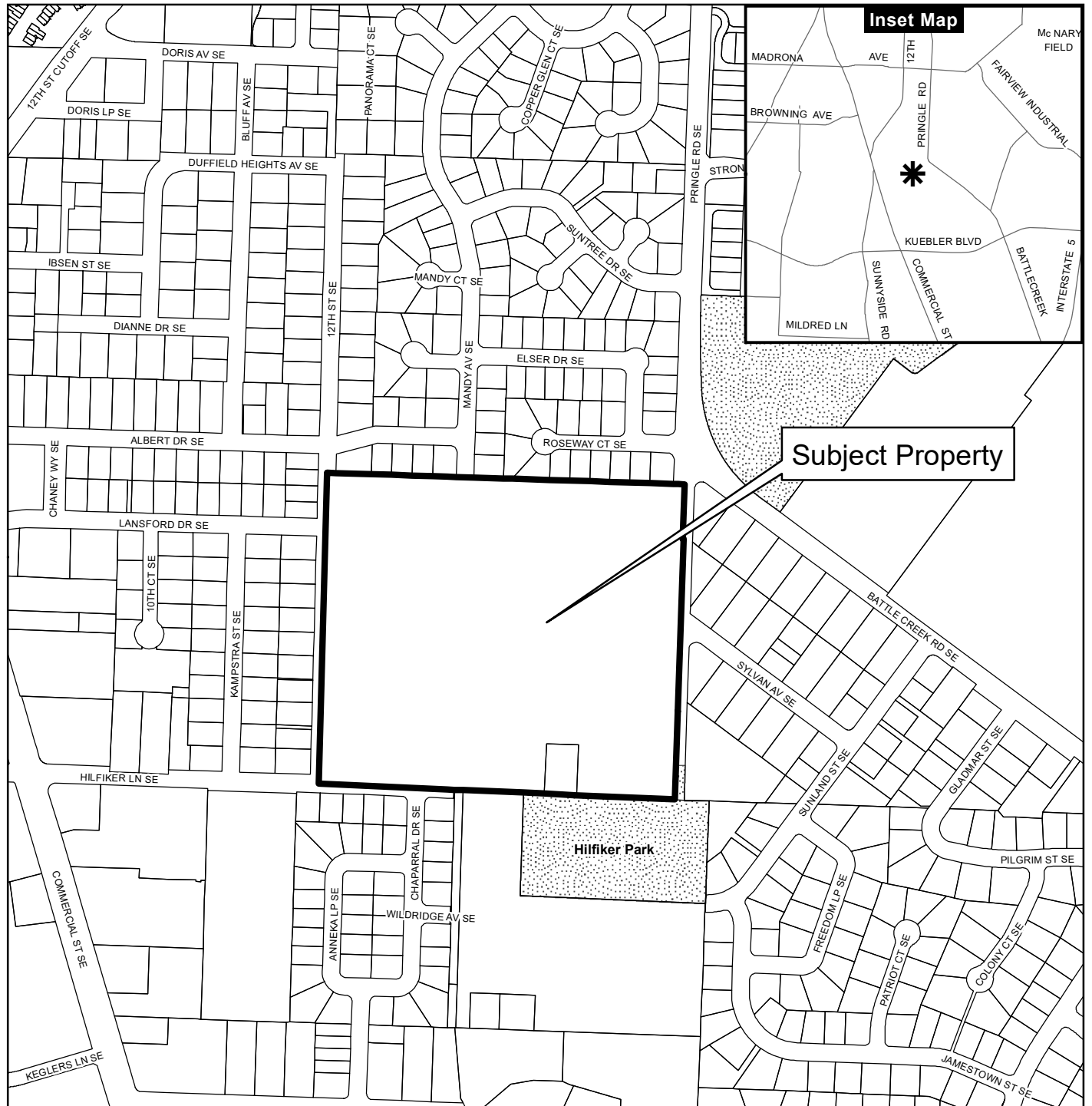


Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map

4540 Pringle Road SE



Legend

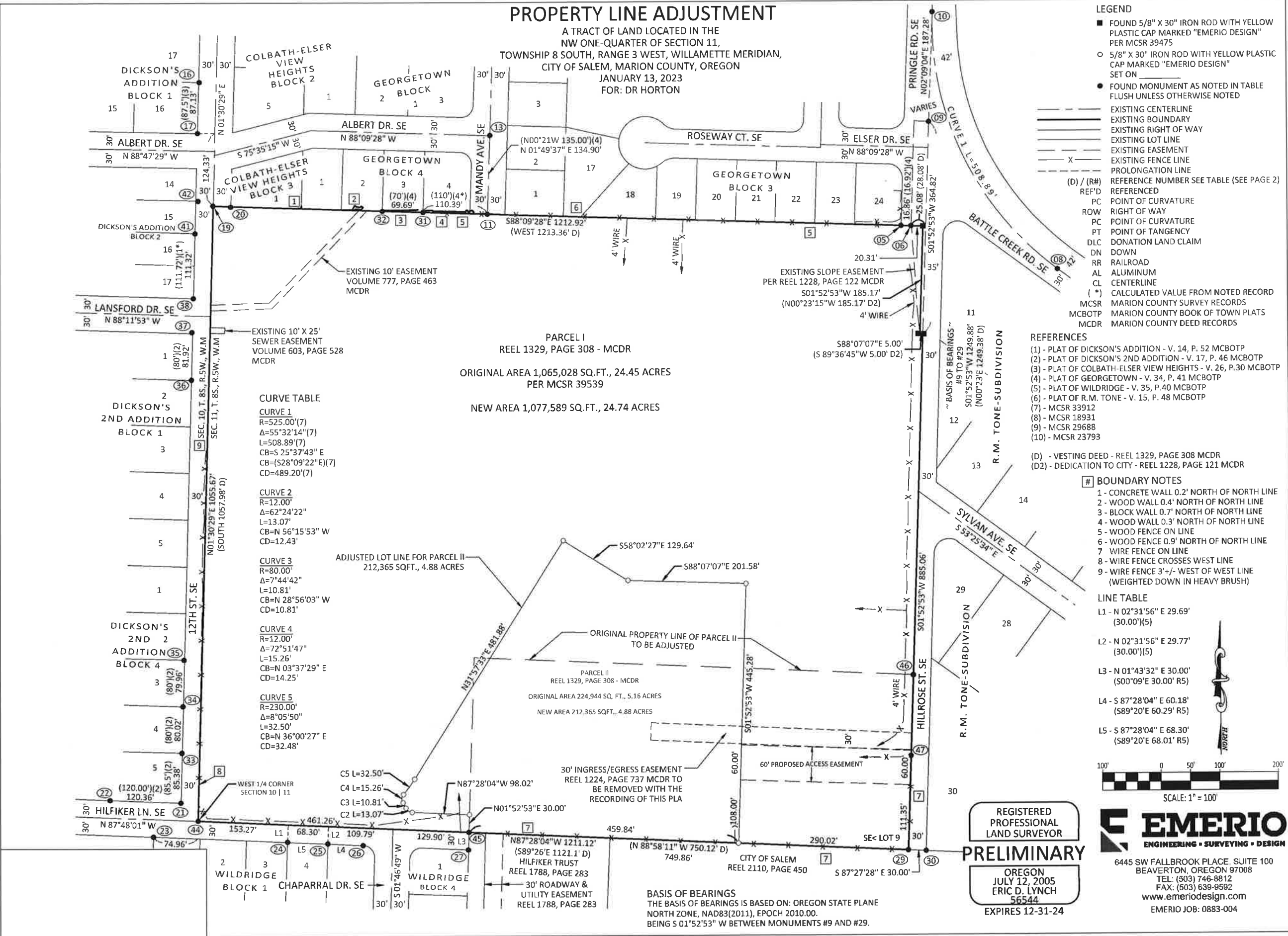
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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PROPERTY LINE ADJUSTMENT
A TRACT OF LAND LOCATED IN THE
NW ONE-QUARTER OF SECTION 11,
TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
JANUARY 13, 2023
DR HORTON

NARRATIVE
THE PURPOSE OF THIS SURVEY IS TO ADJUST THE COMMON LINES OF THOSE
PROPERTIES DESCRIBED AS PARCEL I AND II IN THAT DEED RECORDED IN
REEL 1329, PAGE 308, MARION COUNTY DEED RECORDS, AS DIRECTED BY
THE CLIENT, IN ANTICIPATION OF A FUTURE SUBDIVISION.

THIS PLAT IS SUBJECT TO THE CITY OF SALEM CONDITIONS OF APPROVAL
CASE NUMBER PLA23-_____.

THE BOUNDARY LINES ARE HELD PER EMERIO DESIGN'S PREVIOUSLY
RECORDED RECORD OF SURVEY 39539, MARION COUNTY SURVEY RECORDS.

NOTE:
MONUMENT #44 WAS SET BY THE COUNTY SURVEYOR PER THEIR
DETERMINATION AND WILL BE REPLACED WITH A PERMANENT MONUMENT
WHEN THE ANTICIPATED SUBDIVISION STREET CONSTRUCTION IS
COMPLETED. FINAL PAVING AND THE PLACEMENT OF A MONUMENT BOX
WILL BE COORDINATED WITH THE MARION COUNTY SURVEYOR.

NOTES
1. FENCES NOT RELATED TO POSSIBLE LINES OF POSSESSION EXIST BUT
ARE NOT DEPICTED.
2. NO FENCES OR WALLS ENCROACH ONTO THE SUBJECT PROPERTY
FROM ANY ADJOINING PROPERTIES.
3. FENCES LOCATED ON THE SUBJECT PROPERTY DO NOT ENCROACH
ONTO ANY ADJOINING PROPERTIES AND ARE TO BE REMOVED DURING
FUTURE DEVELOPMENT.

#	MONUMENT TABLE
05	FOUND 1/2" IRON PIPE DN 0.3' PER (4) N88°09'28"W, 0.14' FROM RIGHT OF WAY LINE
06	FOUND 1/2" IRON PIPE REF'D IN (4) N88°09'28"W, 0.23' FROM DEDICATION LINE
08	FOUND 2" AL DISK W/ PUNCH MARKED "CITY OF SALEM" PER (7) HELD FOR PT OF CURVE
09	FOUND 1-1/2" IRON PIPE DN 0.5' SW CORNER DLC 41 HELD FOR CL
10	FOUND 2" AL DISK W/ PUNCH MARKED "CITY OF SALEM" PER (7) HELD FOR PC OF CURVE
11	FOUND 1/2" IRON ROD PER (4) S01°49'37"W, 0.13' FROM BOUNDARY HELD FOR CENTERLINE
13	FOUND RR SPIKE BENT NE - DN 0.2' PER (9)
16	FOUND 1/2" IRON PIPE BENT SE - DN 0.7' PER (1) S88°29'31"E, 0.72' FROM RIGHT OF WAY
17	FOUND 1/2" IRON PIPE UP 0.3' PER (1) HELD FOR WESTERLY RIGHT OF WAY
19	FOUND 1" IRON PIPE BENT NW - DN 0.2' PER (8) N56°27'37"W, 0.79' FROM NW CORNER
20	FOUND 1" IRON PIPE DN 0.2' PER (3) S25°46'33"W, 0.82' FROM RIGHT OF WAY AT BOUNDARY

21	FOUND 1" IRON PIPE DN 0.3' PER (2) N88°29'31"W, 0.21' FROM RIGHT OF WAY
22	FOUND 1" IRON PIPE BENT, BROKEN UP 0.1' PER (2) ON RIGHT OF WAY LINE
23	FOUND 2" IRON PIPE DN 0.1' PER (10) ON RIGHT OF WAY LINE
24	FOUND 1/2" IRON PIPE UP 0.3' PER (5) N02°31'56"E, 0.31' FROM RIGHT OF WAY
25	FOUND 1/2" IRON PIPE DN 0.4' PER (5) N02°31'56"E, 0.23' FROM RIGHT OF WAY
26	FOUND 5/8" IRON ROD - DN 0.4' PER (5) ON RIGHT OF WAY LINE
27	FOUND 5/8" IRON ROD DN 0.4' PER (5) ON RIGHT OF WAY LINE
29	FOUND 1" IRON PIPE DN 0.4' PER MCSR 6237 HELD FOR SE CORNER
30	FOUND BOLT UP 0.5' NO RECORD
31	FOUND 1/2" IRON PIPE PER (4) S01°50'32"W, 0.05' FROM BOUNDARY
32	FOUND 1/2" IRON PIPE PER (4) S01°50'32"W, 0.06' FROM BOUNDARY
33	FOUND 1" IRON PIPE DN 1.0' PER (2) N88°29'31"W, 0.38' FROM RIGHT OF WAY

34	FOUND 1" IRON PIPE DN 0.5' PER (2) N88°29'31"W, 0.67' FROM RIGHT OF WAY
35	FOUND 1/2" IRON PIPE DN 0.3' PER (2) N88°29'31"W, 0.81' FROM RIGHT OF WAY
36	FOUND 1/4" IRON ROD DN 0.5' NO RECORD S88°29'31"E, 0.08' FROM RIGHT OF WAY
37	FOUND 1/4" IRON ROD DN 1.0' NO RECORD 1.61' NORTH AND 0.89' WEST OF RIGHT OF WAY LINES
38	FOUND 1/2" IRON PIPE DN 1.0' PER (1) S88°29'31"E, 0.03' FROM RIGHT OF WAY
41	FOUND 1/4" IRON ROD DN 1.0' NO RECORD S88°29'31"E, 0.15' FROM RIGHT OF WAY
42	FOUND RR SPIKE NO RECORD S88°29'31"E, 3.75' FROM RIGHT OF WAY NOT USED
44	FOUND YPC MARKED "MARION COUNTY SURVEYOR" HELD FOR SW CORNER PER MCSR 39415
45	FOUND 5/8" IRON ROD DN 0.3' HELD EAST / WEST, 0.03' NORTH OF BOUNDARY LINE PER MCSR 33941
46	FOUND YPC UNREADABLE FALLS S58°11'53"W 0.04' FROM PARCEL 2 CORNER PER (5)
47	FOUND 1/2" IRON PIPE FALLS N88°07'07"W 0.22' WEST OF BOUNDARY LINE NO RECORD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

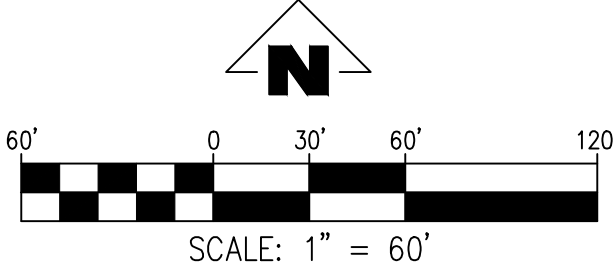
PRELIMINARY

OREGON
JULY 12, 2005
ERIC D. LYNCH
56544

EXPIRES 12-31-24

 **EMERIO**
ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com
EMERIO JOB: 0883-004
PAGE 2 OF 2



PHASE SUMMARY	
PHASE 1 – 99 LOTS	
PHASE 2 – 26 LOTS	
TOTAL – 125 LOTS	

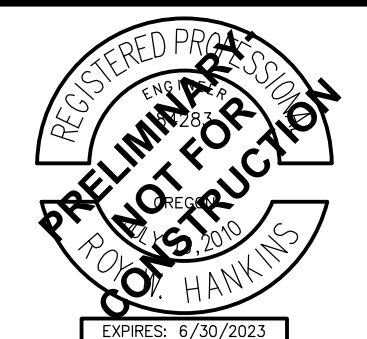
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TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC11 T8S R3W W.M.
SALEM, OREGON

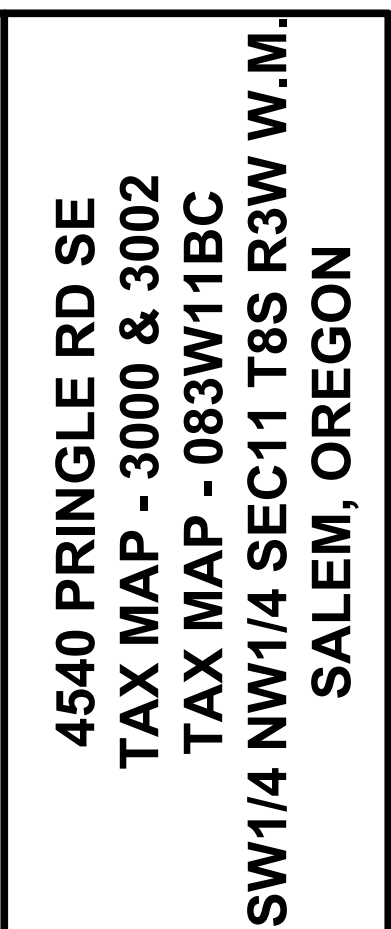
SUBDIVISION BOUNDARY MODIFICATION PLAN


REVISIONS	
NO.	DESCRIPTION

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1500 VALLEY RIVER DRIVE, SUITE 100
EUGENE, OREGON 97401
TEL: (503) 746-5812
FAX: (503) 639-9592
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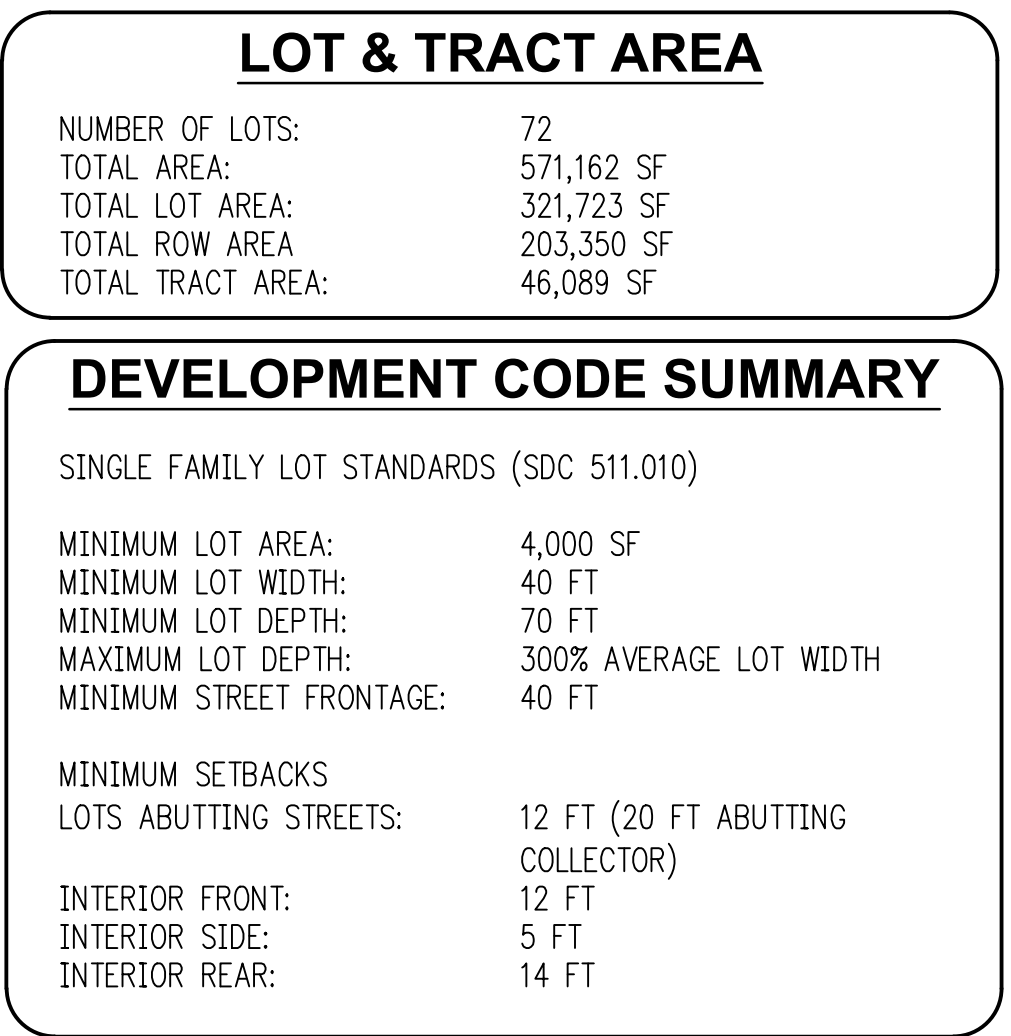
REGISTERED PROFESSIONAL ENGINEER
NO. 12266
STATE OF OREGON
**PRELIMINARY
NOT FOR CONSTRUCTION**
DAVID HAWKINS
EXPIRES: 6/30/2023

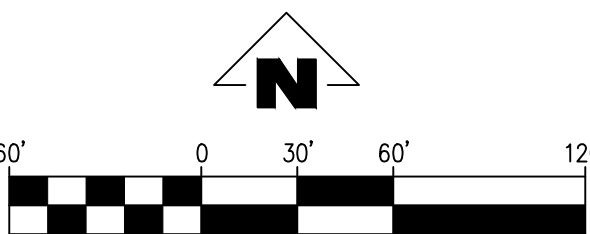
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11

OF

76





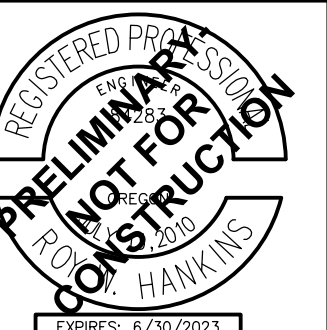
4540 PRINGLE RD SE
TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC11 T8S R3W W.M.
SALEM, OREGON

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SHEET
12 OF **76**



LOT & TRACT AREA

NUMBER OF LOTS:	53
TOTAL AREA:	508,583 SF
TOTAL LOT AREA:	243,173 SF
TOTAL ROW AREA	129,738 SF
TOTAL TRACT AREA:	135,580 SF

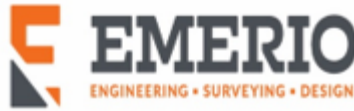
DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	70 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS
LOTS ABUTTING STREETS: 12 FT (20 FT ABUTTING
COLLECTOR)

INTERIOR FRONT: 12 FT
INTERIOR SIDE: 5 FT
INTERIOR REAR: 14 FT



Meyer Farm Property Line Adjustment & Modification

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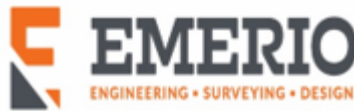
CITY OF SALEM UNIFIED DEVELOPMENT CODE TITLE X

SRC: 205: Land Division & Reconfiguration

SRC: 300: Procedure for Land Use Applications & Legislative Land Use Proposals

SRC: 510.010: Development Standards – Residential Agriculture Zone

IV. CONCLUSION



I. PROJECT DESCRIPTION

APPLICANT: Kehoe Northwest Properties
11627 S. Summerville Ave.
Portland, OR 97219

**CIVIL ENGINEER,
PLANNING &**

SURVEYOR: Emerio Design, LLC
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

Roy Hankins, P.E.
(541) 521-9797
roy@emeriodesign.com

Jennifer Arnold, Senior Land Use Planner
(541) 263-0933
jarnold@emeriodesign.com

SITE

LOCATION: The approximate 29.68-acre subject property is located at 4540 Pringle Road SE on the north side of Hilfiker Lane SE and on the west side of Pringle Road SE.

TAX LOTS: 083W11BC: Tax Lots 3000 and 3200

SITE SIZE: The subject site totals approximately 29.68 acres in size.

ZONING: Residential Agriculture (RA) & Single-Family Residential (RS), City of Salem, Oregon

REQUEST: The applicant is seeking approval for a property line adjustment and modification to the boundary of approved subdivision application SUB21-09.

II. SITE DESCRIPTION/EXISTING CONDITIONS

The subject property is made up of two legal lots of record and approximately 29.68 acres. The property is located at 4540 Pringle Road SE and split zoned between Residential Agriculture (RA) and Single Family Residential (RS). The subject property is surrounded by single-family development and has a small creek located in the northwest corner. A subdivision was tentatively approved (SUB21-09) in March 2022 and the final decision and order was signed on May 9, 2022. The Applicant proposes to adjust the property lines between two legal lots of record (tax lot 3000 and tax lot 3200). The Applicant is also requesting a modification to the approved subdivision boundary to exclude the historic farmstead (Tax lot 3200) and adjust the boundary of the farmstead parcel to match the 'Area to Remain' noted on the approved subdivision plan.

Tax Lot Number	Current Tax Lot Size	Proposed Adjustment Size
3000 (Parcel 1)	1,065,028 sf (24.45 ac)	1,077,589 sf (24.74 ac)
3200 (Parcel 2)	224,944 sf (5.16 ac)	202,365 sf (4.88 ac)

III. RESPONSE TO APPLICABLE CODE STANDARDS & APPROVAL CRITERIA

Chapter 205. – Land Division and Reconfiguration

Sec. 205.015(c). – Phased Subdivision Tentative Plan

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative phased subdivision plan shall include:
- (1) The information required in SRC 205.030; and
 - (2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.

Applicant Response: The approved phasing plan has been included with this application and the Applicant does not propose any changes to the approved phasing plan. This application submittal also includes the required information of SRC 205.030. The criteria are met.

Sec. 205.025. - Replat.

- (a) *Applicability.* A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.
- (b) *Procedure type.* A tentative replat is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

Applicant Response: This application proposes a property line adjustment, and all existing easements are shown on the preliminary plat. The proposal shows a 30' ingress/egress easement which is proposed to be eliminated with the recording of a new 60' access easement. The submittal requirements of this section are met.

- (d) *Criteria.* A tentative replat shall be approved if all of the following criteria are met:
- (1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.
 - (2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.
 - (3) The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.
 - (4) The tentative replat complies with all applicable provisions of ORS ch. 92.
 - (5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.
 - (6) The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Applicant Response: This application does not propose to vacate any public streets, roads or recorded covenants or restrictions. The proposed PLA does not create nonconforming units of land and does not increase nonconformity of an existing unit of land or development. The proposed tentative plat complies with the standards of this chapter and the provisions of ORS Chapter 92. This application proposes to modify the boundary of an approved phased subdivision (SUB21-09). This application does not propose any changes to the approved phasing plan but does propose to reduce the approved lot count by one. Lastly, this application does not adversely affect the availability of or access to city infrastructure or public/private infrastructure or streets. The criteria are met.

Sec. 205.055. - Property line adjustments.

- (a) *Applicability.* A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.
- (b) *Procedure type.* A property line adjustment is processed as a Type I procedure under SRC chapter 300.

Applicant Response: This application includes a proposal to relocate common interior property lines between two legal lots of record. No new or additional units of land are proposed to be created with this application.

- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:
 - (1) A copy of recorded deeds for the existing units of land;
 - (2) A site plan, drawn to scale, indicating:
 - (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
 - (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;

Applicant Response: Included with this application are the recorded deeds for each unit of land and a site plan showing the required information above.

- (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;
- (4) Any additional documents required to establish that the unit(s) of land were legally created

Applicant Response: A recent title report and additional documents showing each until was legally created are included with this application.

- (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:
 - (A) The names of the owners;
 - (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
 - (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
 - (D) A place for the signatures of all parties, along with proper notary acknowledgment.

Applicant Response: A copy of the draft property line adjustment deeds are included with this application.

- (d) Criteria. A property line adjustment shall be approved if all of the following criteria are met:
 - (1) The property line adjustment will not create an additional unit of land;

- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;
- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;
- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;
- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Applicant Response: The proposed property line adjustment reconfigures the common property lines between two legal lots of record. No additional lots are proposed or shown to be created on the submitted application materials. The proposed property line adjustment does not create any nonconforming units of land, development, or increase the degree of nonconformity in the existing units of land. Both units of land are legally established and have previously been adjusted in 1996 according to Marion County Surveyor file # 33941. The applicant is unaware of any previous conditions of approval or existing land use approvals affecting both units of land. The proposed property line adjustment does not involve the relocation or elimination of any public easements or right-of-way. The proposed property line adjustment does not adversely affect the availability or access to public or private utilities or streets as shown on the submitted composite utility plan.

- (e) Multiple property line adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:
 - (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
 - (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

Applicant Response: No replat is proposed with this application as this is a property line adjustment. This application only proposes one property line adjustment however, this application has been submitted within 6 months of an affirmed LUBA subdivision decision. A partition is also not required or requested with this application. The subject property has been approved by City Council for a phased subdivision but the plat for that approval has not been recorded as of the submittal of this application. Only one property line adjustment is proposed for this property and included with this application. The above criteria are met.

- (f) Monumentation recording.
 - (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
 - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
 - (i) Identifies the correct owners of each property;
 - (ii) Identifies the grantor and grantee in the correct manner;
 - (iii) Includes, when applicable, references to any easements of record;
 - (iv) Includes a legal description(s) that:
 - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
 - (v) Correctly represents the areas in each legal description; and
 - (vi) Complies with the requirements of state law.

Applicant Response: All required documents and descriptions for the property line adjustment have been submitted for City Surveyor review.

- (B) The applicant shall record the final property line adjustment deed(s) document; and
- (C) The City Surveyor shall review the record of survey map to ensure:

- (i) That the record of survey map conforms with the property line adjustment deeds; and
- (ii) Compliance with state law and this section.

Applicant Response: The applicant understands that the deed documents are required to be recorded along with the survey map, and that the City Surveyor will review to ensure compliance with standards.

- (g) Expiration.
 - (1) Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
 - (2) Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
 - (3) Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the Director.

Applicant Response: The applicant understands that this application, if approved, will expire in 2-years if the final plat and deed have not been recorded and no extensions are permitted.

Sec. 205.070. - Modification of approval.

(a) *Applicability.* The approval of a tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat.

Applicant Response: This application proposes a modification of the subdivision boundary on a previously approved subdivision (SUB21-09). Although the previously approved subdivision plan was for a phased subdivision, the applicant does not propose a modification to the approved phasing plan.

- (b) *Procedure type.* Modifications pursuant to this section are processed as a Type II procedure under SRC chapter 300.

Applicant Response: Acknowledged by the Applicant.

- (c) *Submittal requirements.* In addition to the submittal requirements under SRC chapter 300, an application for a modification pursuant to this section shall include the following:
- (1) For modification of a tentative partition plan approval, the information required under SRC 205.005(c).
 - (2) For modification of a tentative subdivision plan approval, the information required under SRC 205.010(c).
 - (3) For modification of a tentative phased subdivision plan approval, the information required under SRC 205.015(c).
 - (4) For modification of a tentative manufactured dwelling park subdivision plan approval, the information required under SRC 205.020(c).
 - (5) For modification of a tentative replat approval, the information required under SRC 205.025(c).

Applicant Response: The Applicant proposes to modify the subdivision boundary of the approved phased subdivision plan and therefore the information under SRC 205.015(c) applies to this application. The applicant does not propose modification of a tentative partition plan, tentative standard subdivision plan, or tentative replat. The information under SRC 205.015(c) is addressed below in this narrative.

- (d) *Criteria.* An application for modification pursuant to this section shall be approved if all of the following criteria are met:
- (1) The proposed modification does not substantially change the original approval; and

Applicant Response: The proposed modification does not substantially change the original approval. The proposed boundary modification follows the proposed Property Line Adjustment by excluding the parcel surrounding the historic farmstead. This area is identified as “area to remain” on the approved tentative subdivision plan. Addressed below in this narrative are the property line adjustment criteria. No proposed changes to the approved phasing plan. The above criterion is met.

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

Applicant Response: The submitted application does not propose any significant changes to the physical appearance of the approved development, use of the site, or contributes to additional impacts on surrounding properties. This application proposes to modify the boundary of the subdivision to reduce the number of lots by one from the approved tentative subdivision plan. The property line adjustment, included with this application, is proposed to exclude the ‘Area to Remain’ shown on approved land use plans from the approved subdivision boundary. The criterion is met.

- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Applicant Response: Acknowledged by the Applicant.

Chapter 300. – Procedure For Land Use Applications and Legislative Lane Use Proposals

Sec. 300.100. – Procedure Types

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

TABLE 300-1. LAND USE PROCEDURE TYPES			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.

Applicant Response: This application for a property line adjustment and a modification to the approved tentative phased subdivision approval. The property line adjustment follows a Type I Ministerial review process, but the modification follows a Type II Administrative process. In this situation with two application types, the applicant understands that this application will follow the Type II process and procedures.

Chapter 510. – RA – Residential Agriculture

Sec. 510.010. – Development Standards

Development within the RA zone must comply with the development standards set forth in this section.

(a) *Lot standards.* Lots within the RA zone shall conform to the standards set forth in Table 510-2.

(b) *Setbacks.* Setbacks within the RA zone shall be provided as set forth in Table 510-3.

Applicant Response: The subject property is split zoned between the RA (Residential Agriculture) and RS (Single-Family Residential). The RS zone follows the western property line, encroaching into the property approximately 220 feet. This area of the subject site is currently vacant. The majority of the subject site is within the RA zoning designation. All improvements on the property are within the RA zone and concentrated near the middle of the southern boundary. The proposed property line adjustment and modification intend to adjust proposed Parcel II away from Parcel I. Parcel I is the subject of an approved subdivision (SUB21-09), and Parcel II will contain all structures that exist on the property. Parcel II is also shown on the approved subdivision plan labeled as ‘Area to Remain’ and the applicant does not propose any deviation from what was shown on the approved subdivision plan.

All existing structures comply with setback standards of the RA zone. After the proposed property line adjustment, all structures still comply with setback standards of the RA zone. The closest structure is approximately 33.5 feet from the southern (rear) property line. The closest structure to the eastern (side) property line is approximately 42.5 feet and this same structure is approximately 44 feet from the southern property line. The closest structure to the western (side) property line is approximately 66 feet.

All setback standards are shown to be met prior to the proposed property line adjustment and are still compliant after the proposed adjustment.


IV. CONCLUSION

Based upon the application materials submitted herein, the Applicant respectfully requests approval from the City’s Planning Department of this application for a property line adjustment and modification of the approved phased subdivision boundary.



MEMO

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.

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cc: File