



## Staff Report

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**File #:** 22-159

**Version:** 1

**Date:** 5/9/2022

**Item #:** 3.3 d.

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**TO:** Mayor and City Council

**THROUGH:** Kristin Retherford, Interim City Manager

**FROM:** Norman Wright, Community Development Director

### **SUBJECT:**

Adoption of Final Order No. 2022-6-SUB21-09 following City Council's vote to affirm Phased Subdivision Tentative Plan Case No. SUB21-09 subject to an amended tentative plan and additional conditions of approval.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association

Result Area(s): Welcoming and Livable Community

### **SUMMARY:**

On March 28, 2022, the City Council conducted deliberations and voted to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan Case No. SUB21-09 subject to the applicant's proposed modifications dated March 9, 2022 reducing the number of lots from 139 to 126, and subject to additional conditions of approval.

### **ISSUE:**

Shall the City Council adopt the Final Order to affirm the Planning Administrator's decision approving phased subdivision tentative plan case no. SUB21-09 subject to the applicant's proposed modifications dated March 9, 2022, and additional conditions of approval?

### **RECOMMENDATION:**

Adopt the Final Order to affirm the Planning Administrator's decision approving phased subdivision tentative plan case no. SUB21-09 subject to the applicant's proposed modifications dated March 9, 2022, and additional conditions of approval.

### **FACTS AND FINDINGS:**

- (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 into 138 single family lots in two phases of development, for property located at 4540 Pringle Road SE - 97302.
- (b) On September 13, 2021, the applicant provided a response to staff's notification letter that the application was incomplete, including revised plans and written findings. The applicant indicated per ORS 227.178(2)(a) that all missing information had been provided and that the City is required to start the 120-day period for issuance of a final decision under ORS 227.178 (1).
- (c) The application was deemed complete for processing on September 13, 2021. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on September 17, 2021, and public notice was posted on the subject property on September 17, 2021, pursuant to SRC 300.520(b)(2).
- (d) On October 25, 2021, the applicant provided updated application materials that include an adjustment to the phasing plan, inclusion of the existing homestead as a separate lot in the subdivision which increased the number of lots proposed from 138 to 139, an updated tree inventory, and additional written findings.
- (e) On November 3, 2021, the Planning Administrator issued a decision approving the 139-lot phased subdivision tentative plan.
- (f) On November 8, 2021, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for January 10, 2022.
- (g) On January 10, 2022, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing but leave the record open for additional public comment. The City Council directed City staff to conduct a site visit of the subject property to verify the accuracy of the tree data provided by the applicant.
- (h) On February 2, 2022, the applicant provided an updated tree assessment correcting the number of significant trees located on the subject property and adjacent right-of-way.
- (i) On February 28, 2022, the City Council conducted deliberations and voted to reverse the Planning Administrator's decision and deny the phased subdivision tentative plan.
- (j) Following City Council's vote to deny the application, the applicant citing ORS 197.522, requested an opportunity to offer an amendment to the phased subdivision tentative plan and additional conditions of approval. On March 14, 2022, the City Council voted to reconsider the decision and to reopen the record in the proceeding to allow for additional public comment on the applicant's revised plan and proposed conditions.
- (k) On March 28, 2022, the City Council conducted deliberations to reconsider the application and voted to affirm the Planning Administrator's decision with the applicant's proposed

modifications dated March 9, 2022 and proposed additional conditions of approval. Modifications include reducing the total number of lots from 139 to 126, reducing the number of significant trees removed from 17 to six, and proposing two additional traffic mitigation conditions.

- (I) The 120-day State mandated deadline for final decision has been extended by the applicant to April 25, 2022.

Aaron Panko  
Planner III

**Attachments:**

1. Vicinity Map
2. Final Order
3. Exhibit 1
4. Exhibit 2