

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

PROPERTY LINE ADJUSTMENT CASE NO.: PLA24-24

APPLICATION NO.: 24-116025-PLN

NOTICE OF DECISION DATE: September 4, 2024

SUMMARY: A Property Line Adjustment to consolidate two units of land.

REQUEST: A Property Line Adjustment to relocate a common property line between two abutting units of land resulting in parcels 11,790 and 8,164 square feet in size, for property zoned RS (Single Family Residential) and located at 1555 Kent St NW (Polk County Accessor's Map and Tax Lot number 073W21CB03400).and 845 Rumsey Rd NW (Polk County Accessor's Map and Tax Lot number 073W21CB03500).

APPLICANT: Britany Randall, BRAND Land Use

LOCATION: 1555 Kent Street NW, Salem OR 97304

FINDINGS: The findings are in the attached Decision dated September 4, 2024.

DECISION: The **Planning Administrator APPROVED** PLA24-24 based upon the application materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by September 4, 2026, or this approval shall be null and void.

Case Manager: Arthur Graves, Planner III, agraves@cityofsalem.net, 503-540-2326

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **no later than 21 days after September 4, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
PROPERTY LINE ADJUSTMENT)	
CASE NO. PLA24-24)	
1555 KENT ST NW)	September 4, 2024

In the matter of the application for a Property Line Adjustment, submitted by the applicant, Britany Randall, on behalf of the owner, Irving Steve Dwaine Trust, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A Property Line Adjustment to relocate an existing property line.

Request: A Property Line Adjustment to relocate a common property line between two abutting units of land resulting in parcels 11,790 and 8,164 square feet in size, for property zoned RS (Single Family Residential) and located at 1555 Kent St NW (Polk County Assessor's Map and Tax Lot number 073W21CB03400).and 845 Rumsey Rd NW (Polk County Assessor's Map and Tax Lot number 073W21CB03500).

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. On July 26, 2024, an application for a property line adjustment was received.
2. The project was deemed complete on August 16, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Property Line Adjustment affects the properties located at 1555 Kent Street NW and 845 Rumsey Road NW, (**Attachment A**). The proposed Property Line Adjustment will move the common property line between two abutting Lots 13 feet to the east resulting in two properties, 11,790 and 8,164 square feet in size (**Attachment B**).

2. Summary of Record

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence,

and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24-116025.

3. City Department Comments

City of Salem Building and Safety Division – Reviewed the proposal and indicated no concerns.

Salem City Fire Department – Reviewed the proposal and indicated no concerns.

City of Salem Surveyor – Reviewed the proposal and provided comments indicating that the application shall provide the required field survey and Deed as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC). If the said documents are not in compliance with the requirements outlined in the ORS and the SRC, and as per SRC 205.055, the approval of the PLA by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

4. Public Agency Comments

Notice to public agencies was sent on April 19, 2024, and no comments have been received at the time of this report.

DECISION CRITERIA FINDINGS

5. 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 adjustments will not create an additional unit of land;

Findings:

The proposed Property Line Adjustment relocates the common property line between two existing Lots, 1555 Kent Street NW and 845 Rumsey Road NW, 13 feet to the east. The proposed Property Line Adjustment would not create an additional unit of land; therefore, this criterion is met.

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

Findings:

The subject Lots are zoned RS (Single Family Residential) each with a single-family dwelling, which is regulated by SRC 511. According to SRC 511.010, Table 511-2, the minimum lot size is 4,000 square feet for single and two family uses.

The proposed Property Line Adjustment will result in two properties 11,790 (1555 Kent St NW) and 8,164 (845 Rumsey Rd NW) square feet in size. The resultant lots will meet the applicable lot frontage, width, depth, and width to depth standard of the RS zone for single family development.

The proposed Property Line Adjustment will move the common lot line between the two properties. For Property A (845 Rumsey), the property line proposed to be adjusted is designated as an interior side lot line. Within the RS zone, the minimum setback for an existing single-family dwelling is three feet. The proposed Property Line Adjustment will shift the side lot line east toward the existing house 13 feet, reducing the existing setback from 32.3-feet to 19.3-feet. For Property B (1555 Kent), the property line proposed to be adjusted is designated as an interior side lot line. Within the RS zone, the minimum setback for an existing single-family dwelling is three feet. The proposed Property Line Adjustment will shift the side lot line 13 feet to the east, increasing the side setback to the existing house from 8.7-feet to 21.7-feet. The proposed Property Line Adjustment will not create nonconforming development. This standard is met.

The proposed Property Line Adjustment does not result in the creation of non-conforming development. Any future development on the lots will be reviewed for conformance with the applicable development standards of the Salem Revised Code at the time of building permit review and approval for development; therefore, this criterion is met.

SRC 205.055(d)(3): The property line adjustments involve 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;

Findings: The proposed Property Line Adjustment involves Lots described as Polk County Assessor's Map 073W21CB0 / 3400 (Address) and 073W21CB0 / 3500 (Address).

Tax lot 3400 is a single and discrete lawful unit of land described as Lot 6, Block 3, of Sun Crest Heights, recorded in Book 2-B, Page 43, Polk County Book of Town Plats. Tax lot 3500 is a single and discrete lawful unit of land described as Lot 7, Block 3, of Sun Crest Heights, recorded in Book 2-B, Page 43, Polk County Book of Town Plats. The proposed Property Line Adjustment involves legal units of land; therefore, this criterion is met.

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

Findings: There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustments; therefore, this criterion is met.

SRC 205.055(d)(5): The property line adjustments do not involve the relocation or elimination of any public easement or right-of-way;

Findings: The proposal will not involve the relocation or elimination of any public easements or right-of-way. Additionally, no right-of-way will be relocated or eliminated as a result of the consolidation; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustments do not adversely affect the availability or access to public and private utilities or streets;

Findings: The proposed Property Line Adjustment adjusts the common property line between two abutting Lots. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

6. Conclusion

Based upon the requirements of SRC 205.055, the proposed Property Line Adjustment has been reviewed for compliance with the applicable standards and criteria of the Unified Development Code (UDC). The Planning Administrator certifies that the proposed property line adjustment is in conformance with the UDC, provided compliance occurs with any applicable items noted above.

The applicant is required to have the property line adjustment surveyed and monumented, and legal descriptions prepared and recorded, per SRC 205.055(f) and (g). The surveyor of record shall provide the survey and legal descriptions to the appropriate county for recording.

It is the owner/developer's responsibility to record all necessary documentation with the appropriate county. To expedite any future land use applications or building permits, submit a copy of the recorded survey and deed with your application(s).

IT IS HEREBY ORDERED

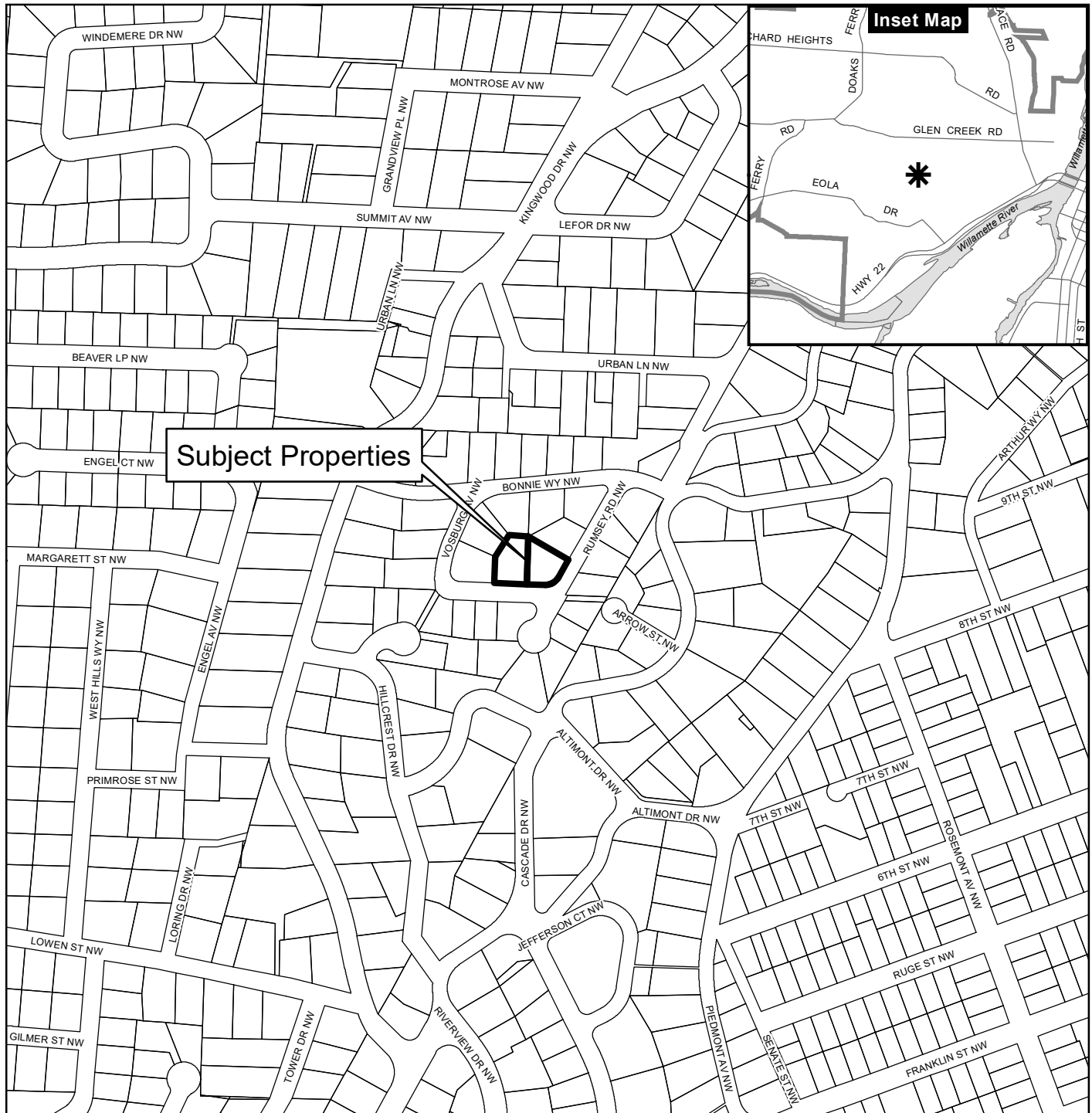
The proposed Property Line Adjustment Case No. PLA24-24 is consistent with the provisions of SRC Chapter 205.055 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



Arthur Graves, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP Planning
Administrator

Attachments: A. Vicinity Map
B. Proposed Property Line Adjustment

Vicinity Map 1555 Kent St NW



Legend

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

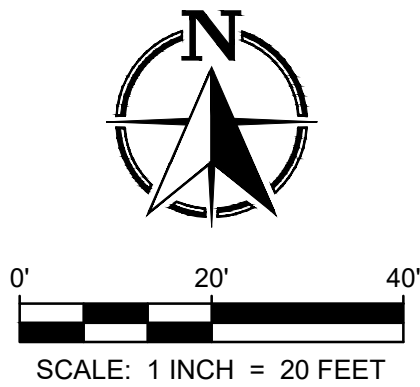
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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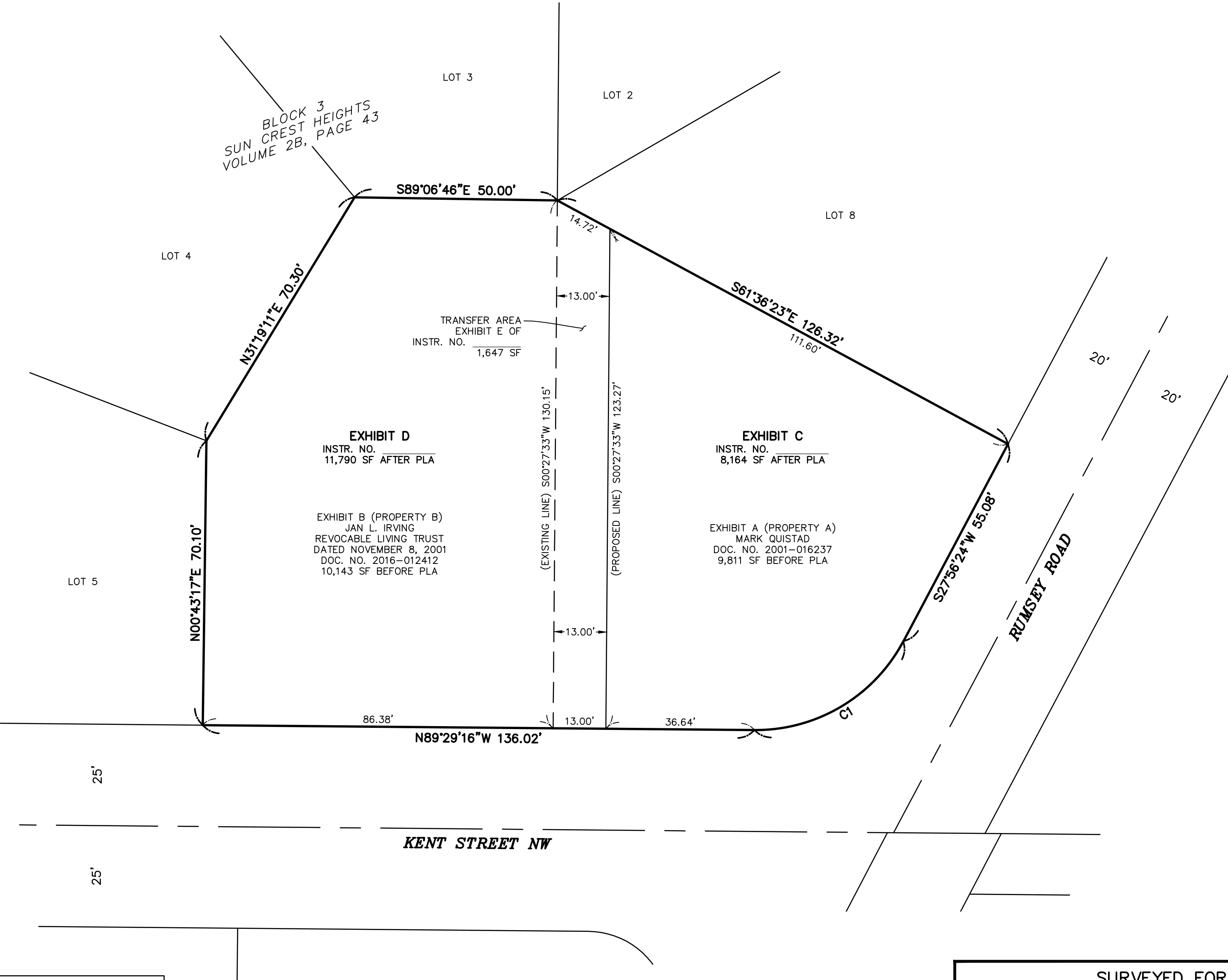




PROPOSED PROPERTY LINE ADJUSTMENT

LOTS 6 & 7, BLOCK 3 OF "SUN CREST HEIGHTS"
IN THE SW 1/4 OF SECTION 21, T.7S., R.3W., W.M.
CITY OF SALEM, POLK COUNTY, OREGON

DATE: JULY 25, 2024



REGISTERED
PROFESSIONAL
LAND SURVEYOR


DRAFT

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	44.93'	41.14'	62°34'20"	S59°13'34"W	42.73'

SURVEYED FOR: JAN IRVING

**FFN SURVEYING**

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-516

SHEET 1/1