

# 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

**VALIDATION OF UNITS OF LAND CASE NO.: VUL25-01**

**APPLICATION NO.: 24-119841-PLN**

**NOTICE OF DECISION DATE:** February 24, 2024

**SUMMARY:** A validation of unit of land for property unlawfully established.

**REQUEST:** A validation of unit of land for property unlawfully established without land use approval. The subject properties are 11.47 acres in size, zoned IC (Industrial Commercial) and located at 1700 to 1900 block of Cordon Road SE (Marion County Assessors Map and Tax Lot Number: 082W0500 / 0500 / 0400).

**APPLICANT:** Brandie Dalton, Multi/Tech Engineering

**LOCATION:** 1700 to 1900 block of Cordon Road SE, Salem OR 97317

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.060(d) – Validation of Units of Land

**FINDINGS:** The findings are in the attached Decision dated February 24, 2025.

**DECISION:** The **Planning Administrator APPROVED** Validation of Units of Land Case No. VUL25-01 based on the application deemed complete on January 31, 2025.

The rights granted by the attached decision must be exercised, or an extension granted, by March 12, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>January 31, 2025</u>
Notice of Decision Mailing Date:	<u>February 24, 2025</u>
Decision Effective Date:	<u>March 12, 2025</u>
State Mandate Date:	<u>May 31, 2025</u>

Case Manager: Abigail Pedersen, [apedersen@cityofsalem.net](mailto:apedersen@cityofsalem.net), 503-540-2309

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Tuesday, March 11, 2025. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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	)	FINDINGS AND ORDER
VALIDATION OF UNIT OF LAND	)	
CASE NO. VUL25-01	)	
1700-1900 BLOCK OF CORDON ROAD SE	)	FEBUARY 24, 2025

In the matter of the application for a Validation of a Unit of Land, submitted by Brandie Dalton for Muti Tech Engineering, on behalf of the owner Harrison Industries LLC, 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 validation of unit of land for property unlawfully established.

**Request:** A validation of unit of land for property unlawfully established without land use approval. The subject properties are 11.47 acres in size, zoned IC (Industrial Commercial) and located at 1700 to 1900 block of Cordon Road SE (Marion County Assessors Map and Tax Lot Number: 082W0500 / 0500 / 0400).

## PROCEDURAL FINDINGS

### 1. Proposal

The proposal seeks to validate a unit of land that was created through conveyance by deed in 2002 without land use approval. A vicinity map of the subject property is included as **Attachment A**.

A request for a validation of a unit of land must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The proposed tentative plat submitted by the applicant showing the size and configuration of the property to be lawfully established is included as **Attachment B**.

The written statement provided by the applicant including such statements of proof and addressing the applicable approval criteria associated with the application is included as **Attachment C**.

### 2. Background

On September 30, 2024, an application for a Validation of a Unit of Land was filed by Brandie Dalton for Muti Tech Engineering, on behalf of the owner Harrison Industries LLC, in order to lawfully establish a unit of land that was created through the recording of a deed in 2002 without receiving required land use approval.

On January 31, 2025, the application was deemed complete for processing and notice was provided pursuant to Salem Revised Code (SRC) requirements.

The state-mandated 120-day local decision deadline for the application is May 31, 2025.

### 3. Existing Conditions

#### Site and Vicinity

The subject property, described as Exhibit A in the provided deed and shown on the proposed plat (**Attachment B**), is a single and discrete unlawful unit of land, created after a portion of the abutting property to the northwest was transferred and consolidated, as described in Reel 1897, Page 333, Marion County Deed Records. The property is zoned IC (Industrial Commercial) and currently has no assigned address but is located in the 1700 to 1900 block of Cordon Road SE (Marion County Assessor's Map and Tax Lot Number 082W0500 / 0500 / 0400).

The subject property abuts ROW adjacent to North Santiam Highway and Cordon Road SE Seattle Slew DR SE and Clydesdale SE both dead end into the property to the North. The property is currently a vacant lot.

#### Salem Area Comprehensive Plan (SACP) Designation

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

*Comprehensive Plan Map:* The subject property is designated IC "Industrial Commercial" on the Salem Area Comprehensive Plan map.

#### Zoning and Surrounding Land Use

The subject property is zoned IC (Industrial Commercial). The zoning of surrounding properties is as follows:

North: PE (Public/Private Education) and within Marion County Comprehensive Plan Designation SF (Single Family Residential)  
South: PA (Public Amusement) and RM-II (Multiple Family Residential-II) across North Santiam HW SE and EC (Employment Center) across the intersection of Cordon Road SE and North Santiam HW SE  
East: RS (Single Family Residential)  
West: RS (Single Family Residential) across Evergreen Ave NE

### SUBSTANTIVE FINDINGS

#### 4. 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: 24 119841.

## **5. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the South Mill Creek Association (SEMCA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to 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), land use applications included in this proposed land use application request do not require neighborhood association contact.

Neighborhood Association Comment: Notice of the application was provided to South Mill Creek 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. As of the date of completion of this staff report, no comments were received from the Neighborhood Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B) (i), (ii), (iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments were received from the public during the notice period.

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

## **6. City Department Comments**

Development Services Division and City Surveyor Staff – Reviewed the proposal and provided these comments and recommendations for plat approval. At the time of Final Plat submittal, 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 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 validation of units of land plat by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

Building and Safety Division – Reviewed the proposal and has indicated no concerns with the proposal.

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

## **7. Public Agency & Private Service Provider Comments**

Private agencies and private service providers for the subject property were mailed notification of the proposal.

Oregon Department of Transportation: Oregon Department of Transportation provided that if the lot validation does not impact or alter any of ODOT's existing property rights, then there are no concerns.

## **DECISION CRITERIA FINDINGS**

### **8. Analysis of Validation of a Unit of Land Approval Criteria**

Pursuant to SRC 205.060(a), a validation of a unit of land provides a process whereby a unit of land unlawfully created may be lawfully established.<sup>1</sup> SRC 205.060(d) provides that an application for a Replat 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 or for the issuance of conditions of approval to satisfy the criteria.

#### **SRC 205.060(d)(1): The unit of land is not a lawfully established unit of land.**

**Finding:** The subject property, in its current configuration, was created in 2002 by conveyance of deed when a strip of the property to the northeast was consolidated with the property to the Northeast, as described in Reel 1897, Page 333, Marion County deed records. The City of Salem would have required land use approval to adjust the property line at that time, thus causing an unlawful property line adjustment. Because the subject property was not created through proper land use procedures, the unit of land was not lawfully established; therefore, this criterion is met.

#### **SRC 205.060(d)(2): The unit of land was created through sale or deed or land sales contract executed and recorded before January 1, 2007.**

**Finding:** According to the written statement and staff research, the unit of land was created prior to January 1, 2007, by deed (Reel 1897, Page 333); therefore, this criterion is met.

#### **SRC 205.060(d)(3): The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold.**

**Finding:** The property was zoned IC (Industrial Commercial) at the time of the conveyance, therefore the IC standards from 2002 were applicable. The applicant provided City of Salem zoning code Chapter 146 –IC Industrial Commercial, which was in effect when the unit of land was created by deed. In 2002, there was no minimum lot size, width or depth in the IC zone and uses other than single family dwellings required at least 16 feet of frontage. The property has more than 16 feet of frontage on North Santiam Highway SE; therefore, the subject property would have complied with the applicable criteria for the creation of the unit of land in effect when the property was created, and this criterion is met.

#### **SRC 205.005(d)(4): The plat complies with SRC 205.035 and ORS 92.**

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<sup>1</sup> Notwithstanding criterion SRC205.060 (d)(3), the Review Authority may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction of placement of a dwelling or other building on the unit of land after the sale. No approval has been issued for such construction on the subject land area.

**Finding:** The applicant submitted a copy of a proposed plat (**Attachment B**). The Development Services Division and City Surveyor reviewed the proposal and submitted comments describing the procedure and submittal requirements for recording of a final plat.

## 9. Conclusion

Based upon review of SRC 205.060, the findings contained under Section 8 above, and the comments described, the validation of unit of land complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### **IT IS HEREBY ORDERED**

The tentative plat for the Validation of Unit of Land Case No. VUL25-01, for a property 11.47 acres in size, zoned IC (Industrial Commercial) and located at 1700 to 1900 block of Cordon Road SE (Marion County Assessors Map and Tax Lot Number: 082W0500 / 0500 / 0400) is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

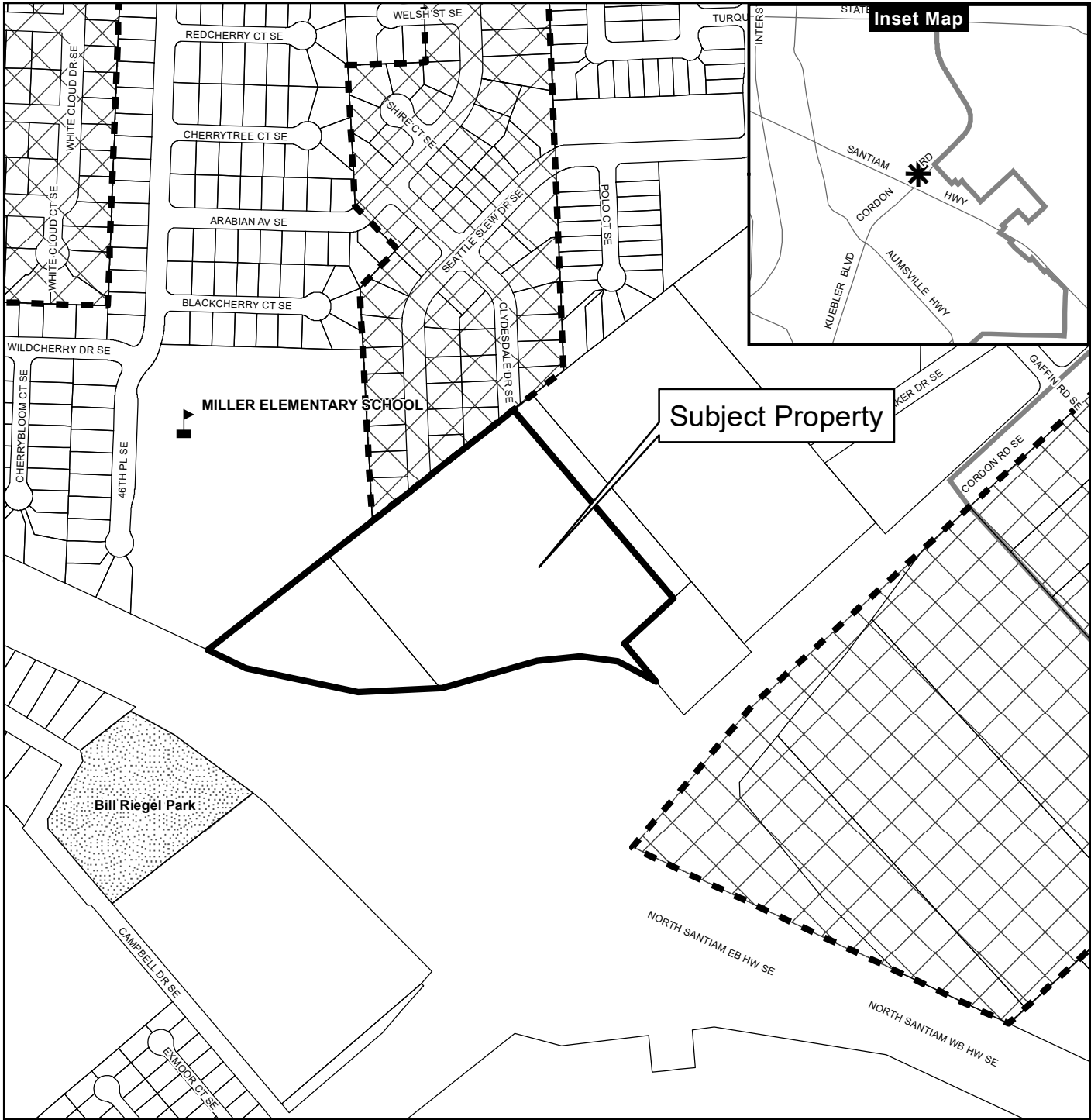


Abigail Pedersen, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments:   A. Vicinity Map  
                  B. Applicant's Proposed Plat  
                  C. Applicant's Written Statement

# Vicinity Map

## 1700 to 1900 Block of Cordon Road SE



### Legend

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



Parks

CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet





PARTITION PLAT No. 2025-

FOR THE PURPOSE OF LAND VALIDATION  
IN THE NW 1/4 SEC. 5, T. 8 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

REFERENCE DOCUMENTS:

- #1 MCSR 24936
- #2 MCSR 26300
- #3 MCSR 30038
- #4 MCSR 33593
- #5 CHERRYWOOD ESTATES - PHASE 2, V. 43, P. 46, BOTP.
- #6 MACLEAY ESTATES NO. 3, V. 33, P. 16, BOTP.
- #7 WILLBURG ESTATES, V. 42, P. 66, BOTP.
- #8 R. 4583, P. 227, MCDR. - VESTING DEED
- #9 R. 160, P. 1915, MCDR.
- #10 NOTICE OF DECISION, CITY PLANNING FILE NUMBER: 22-104460-ZO & CPC-ZC-CU-UGA-SPR-ADJ-DR23-01.
- #11 DEED R. 1498, P. 337, MCDR.

MONUMENT TABLE:

- A = 5/8" IRON ROD W/YPC SCRIBED "BARKER PLS 636, PER #6.
- B = 1/2" IRON PIPE, DOWN 0.2', PER #3.
- C# = 5/8" IRON ROD W/YPC SCRIBED "OSHD", DOWN 0.3', PER #4.
- D = 5/8" IRON ROD W/YPC SCRIBED "MULTI/TECH ENG.", PER #5.
- E# = 5/8" IR WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG.", SET IN CONJUNCTION WITH A VALIDATION PLAT FOR PARCEL 3, INSTRUMENT NO. 2022-2538, PER #10.
- F1 = 1/2" IRON PIPE, LOCATED 0.30' S46°40'56"E FROM CORNER, CALLED 0.42' S41°E FROM CORNER IN #3, PER #1.
- F2 = 1/2" IRON PIPE, LOCATED 0.49' N00°34'42"E FROM CORNER, PER #6.
- G = 1/2" IRON PIPE, DOWN 0.4', LOCATED 0.53' N11°59'19"W FROM CORNER, PER #6.
- H = 1/2" IRON PIPE, PER #2.
- J = 1/2" IRON PIPE, DOWN 0.4', LOCATED 0.65' N39°56'43"W FROM CORNER, PER #6.

LEGEND:

- MCSR = MARION COUNTY SURVEY RECORD
- MCDR = MARION COUNTY DEED RECORDS
- BOTP = BOOK OF TOWN PLATS
- W/YPC = WITH YELLOW PLASTIC CAP
- W/RPC = WITH RED PLASTIC CAP
- W/AC = WITH ALUMINUM CAP
- IP = IRON PIPE
- IR = IRON ROD
- P. = PAGE
- V. = VOLUME
- R. = REEL
- PP = PARTITION PLAT
- NO = NUMBER
- SH = SANTIAM HIGHWAY
- ( ) = RECORD DATA PER SURVEY NOTED
- [ ] = MEASURED AND RECORD DATA PER SURVEY NOTED
- { } = CALCULATED DATA PER SURVEY NOTED
- < > = MEASURED AND CALCULATED DATA PER SURVEY NOTED
- = FOUND MONUMENT AS NOTED - SEE MONUMENT TABLE
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- ✕ = CALCULATED POINT
- ▲ = CALCULATED POINT BY TRANSLATED COORDINATES PER MCSR 33593.
- = 5/8" IR WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG.", SET IN CONJUNCTION WITH A VALIDATION PLAT FOR PARCEL 2, INSTRUMENT NO. 2022-2538, PER CITY FILE NUMBER: 22-104460-ZO & CPC-ZC-CU-UGA-SPR-ADJ-DR23-01.

GENERAL NOTES:

- 1. GPS NORTH HELD FOR ROTATION. MEASUREMENTS GATHERED WITH TRIMBLE R10 MODEL 2 GNSS SYSTEM WITH A HORIZONTAL RESOLUTION OF ±0.02' +1 PPM. GPS COORDINATES BASED ON OREGON COORDINATE REFERENCE SYSTEM (OCRS) SALEM ZONE NAD83(2011), OREGON 3601 NORTH.
- 2. ALL MONUMENTS FOUND WITHIN 0.20' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
- 3. ALL MONUMENTS SET FLUSH WITH THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

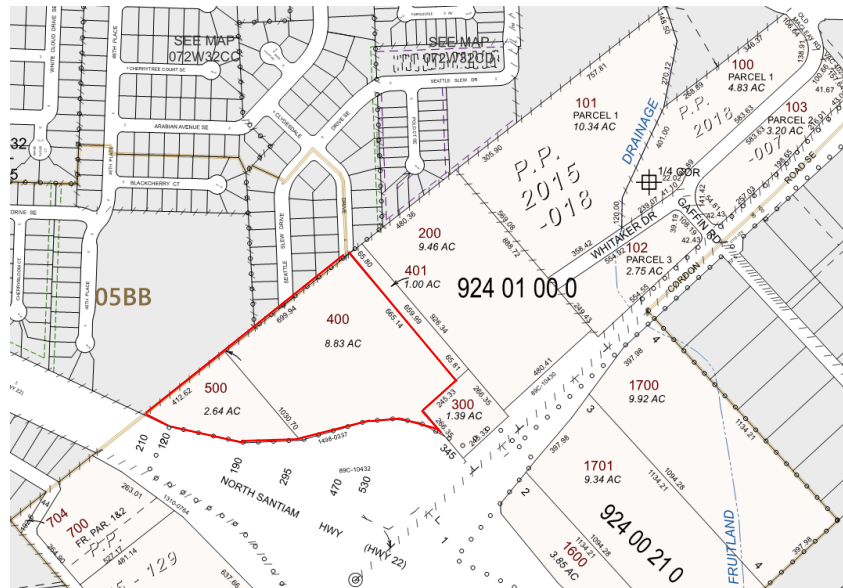
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6-30-2025

## **Validation of Unit of Land**

### **September 13, 2024**



#### **Background:**

ON April 6, 2023, CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01 was approved to allow a 396-unit multi-family residential development. The subject property is about 23.3 acres in size and identified as 082W05Tax Lots 200, 300, 400, 401, and 500.

Condition No. 3 of the approval requires the following:

**Condition 3:** Prior to building permit approval, the existing individual properties which make up the subject property shall either be reconfigured or consolidated in a manner to conform to the applicable standards of the Salem Revised Code.

Per conversations with staff, it was determined that Tax Lots 200, 400, 401, and 500 were not legal created lots.

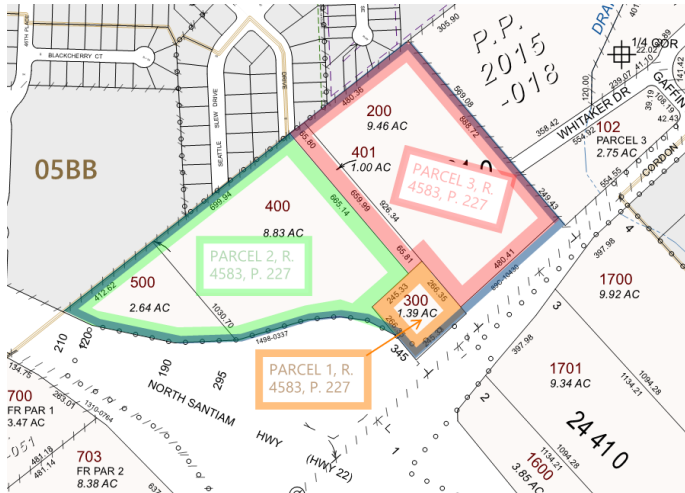
#### **Criteria SRC 205.060(d)**

1. ***The unit of land is not a lawfully established unit of land;***

**Findings:** The subject properties are identified as (082W05/Tax Lots 400 and 500). It has been determined by staff that the subject properties were not a unit of land that was awfully established. Therefore, in order to lawfully establish the subject properties as a legal unit of land, the applicant is requesting a Validation of Unit of Land review and approval.

2. ***The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;***

**Findings:** In 1945, the subject properties as shown above were created as portions of the division of the J.B. Ashby Estate as outlined in MCSR 10020 and MCSR 6545a. Reel 4583, Page 227, a deed recorded in Marion County, describes Tax Lots 400 and 500 (Parcel 2 below).



**\*1945 and 1977:** Tax Lot 400 was created as a portion of Parcel 2 (Reel 4583, Page 227) in 1945 by MCSR 10020. MCSR 26300 separates a 1.50-acre parcel from the subject property in 1977. However, the surveys did not meet the requirements of Marion County's established process and therefore, was not recognized as being legally established.

**\*1945:** Tax Lot 500 was created as a portion of Parcel 2 (Reel 4583, Page 227) in 1945 by MCSR 10020.

3. ***The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and***

**Findings:** The subject properties were originally created in 1945 via MCSR 10020 and MCSR 6545. Tax Lot 400 was created in 1945 AND 1977 through surveys (#10020 and #26300) that was determined not to have gone through Marion County's process to be established. The subject properties were zoned IC in 1975 and are currently zoned IC. These units of land currently are in compliance with the applicable IC criteria and were in compliance with the IC zone in 1975. Therefore, concluding that the site was in compliance with the Code requirements was it was established.

IC Zone Requirements-Current

Lot Area:

Required: None      Existing: 8.83 acres (Tax Lot 400)  
2.64 acre (Tax Lot 500)

Lot Width:

Required: None      Existing: 699.94 feet (Tax Lot 400)  
412.62 feet (Tax Lot 500)

Required: None      Existing: 471.95 feet (Tax Lot 400)  
471.95 feet (Tax Lot 500)

Required: 16 feet      Existing: 60 feet (Tax Lot 400 frontage on Seattle Slew Drive)  
115 feet (Tax Lot 500 frontage on North Santiam Hwy)

- Findings:** The plat has been prepared by a certified Survey and is in compliance with the requirements of SRC 205.035 and ORS 92. See the attached plat. City services are available adjacent to the site. The subject property can be adequately served by City infrastructure.