

# REQUEST FOR COMMENTS

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

**REGARDING:** Property Line Adjustment Case No. PLA14-14  
**PROJECT ADDRESS:** 6161 COMMERCIAL ST SE, SALEM OR 97306  
**AMANDA Application No.** 14-120388-LD  
**COMMENT PERIOD ENDS:** January 29, 2015

**REQUEST:** A property line adjustment to relocate the common property line between two units of land equal to a combined size of approximately 14.17 acres, which results in adjusted Parcels 1 and 2 approximately 10.43 acres and 3.74 acres in size respectively, for the purpose of creating parcels which conform to the current zoning boundaries of the existing site, for property zoned CR (Retail Commercial), PA (Public Amusement) and RM1 (Multi-Family Residential), and located at 6161 Commercial Street SE (Marion County Assessors Map and Tax Lot numbers: 083W23B / 00100, 00101, and 083W23BA / 00400).

Attached is a copy of the proposal and any related maps. A decision for this proposal will be prepared by the planning staff from information available to the staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

**Comments received by 5:00 P.M., January 29, 2015,** will be considered in the decision process. Comments received after this date will be not considered. **Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail or hand deliver your comments to the case manager listed below.**

**SEND QUESTIONS OR  
COMMENTS TO:**

Aaron Panko, Case Manager *AP*  
City of Salem, Planning Division  
555 Liberty St SE, Room 305  
Salem, OR 97301  
Phone: 503-540-2356  
Fax: 503-588-6005  
E-Mail: APanko@cityofsalem.net  
<http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

- ☐ 1. I have reviewed the proposal and have no objections to it.  
☐ 2. I have reviewed the proposal and have the following comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
☐ 3. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Date: \_\_\_\_\_

**IMPORTANT: PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**

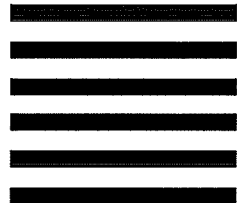


POSTAGE WILL BE PAID BY ADDRESSEE

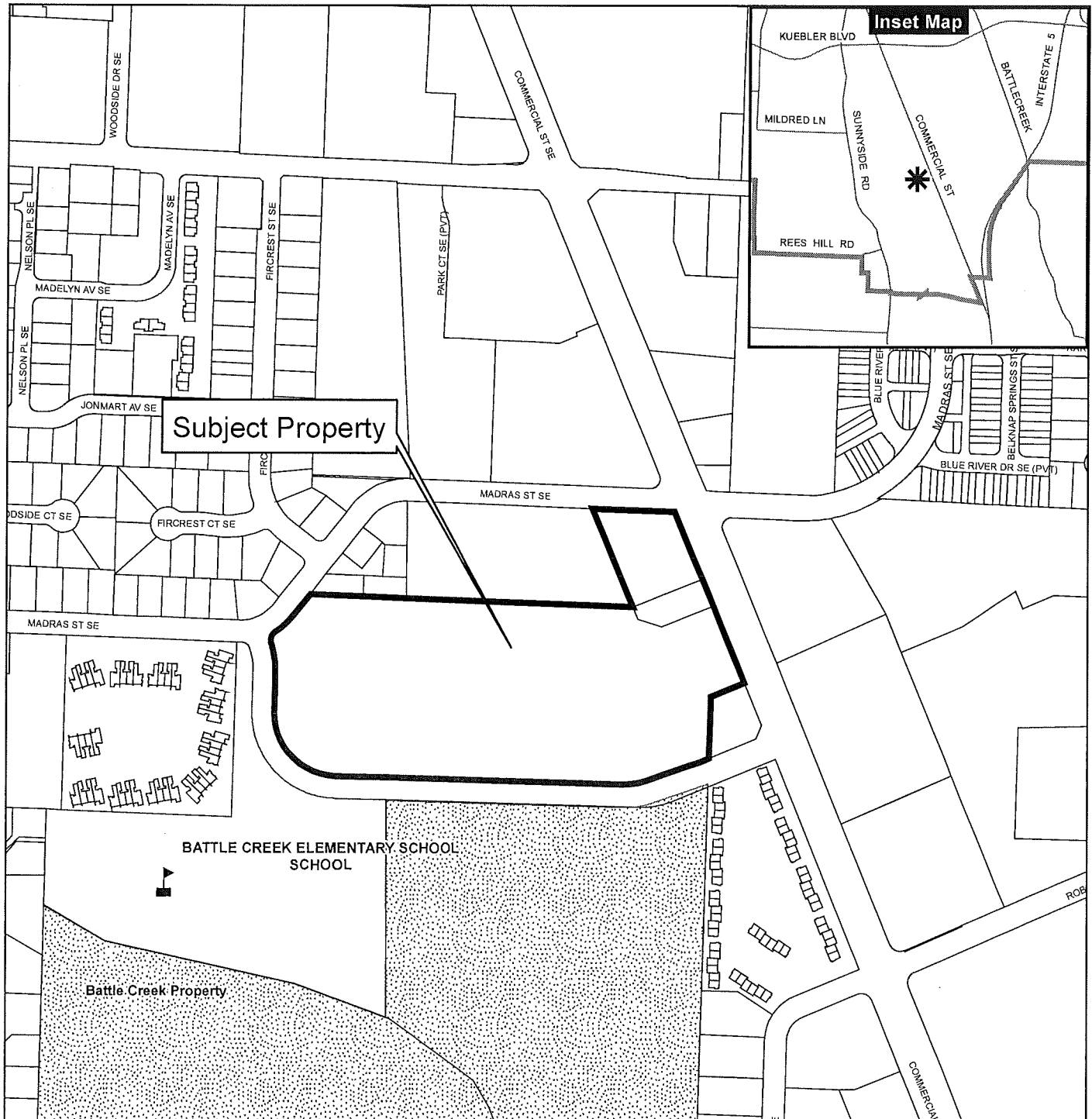
PLANNING DIVISION  
CITY OF SALEM  
555 LIBERTY ST SE  
SALEM OR 97301-9907



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# Vicinity Map 6161 Commercial Street 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



Property Line Adjustment Request  
Written Statement

**Applicant/Owner:**

Terry Kelly  
Mary Rentfro  
4676 Commercial Street SE, PMB 261  
Salem, Oregon 97302

**Applicant's Representative:**

Michael Paluska  
Michael J. Paluska, PC  
1820 Commercial Street SE  
Salem, Oregon 97302

**Request:**

A property line adjustment to adjust the common boundary between two parcels, with resultant Parcel 1 (Marion County Assessor's Map and Tax Lot Number 083W23B 00100) consisting of approximately 10.43 acres zoned RM1 (Multiple Family Residential 1) and resultant Parcel 2 (Marion County Assessor's Map and Tax Lot Number 083W23B 00101 and Map and Tax Lot Number 083W23BA 00400) consisting of approximately 3.74 acres for property that is zoned and CR (Retail Commercial) and is addressed at 6161 Commercial St. SE, Salem, Oregon 97306.

The subject site is a portion of the property that formerly made up the Battle Creek Golf Course. The purpose of this adjustment application is to create parcels which conforms to the current zoning pattern which exists on the subject site. Currently, Parcel 1 (Marion County Assessor's Map and Tax Lot Number 083W23B 00100) (hereinafter "*Parcel 1*") is split zoned between the RM1 and CR zones. The intent of this adjustment would be to adjust the boundary of Parcel 2 (Marion County Assessor's Map and Tax Lot Number 083W23B 00101) (hereinafter "*Parcel 2*"), so that the boundary line corresponds with the zoning boundary, as set forth on Exhibit D, attached hereto. The Applicant's proposal includes adjusting the common property line of Parcel 1 and 2, respectively 12.72 acres and 1.44 acres, resulting in adjusted parcels of approximately 10.43 acres and 3.74 acres. See Exhibits C and D. The proposed legal descriptions for the parcels are attached as Exhibit E.

**Findings:**

The proposal to move the common property line between the two units of land is supported by the following findings demonstrating compliance with the applicable Unified Development Code (UDC) standards, including the requirements of UDC Chapter 205.055 pertaining to Property Line Adjustments as stated below:

UDC 205.055(d): **Property Line Adjustment 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;*

Proposed Finding: The property line adjustment will relocate the common property line between two abutting units of land. Two units of land currently exist, and two units of land will exist after the adjustment. The proposed 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;*

Proposed Finding: The Applicant proposes to reduce the size of Parcel 1 from 12.72 acres to 10.43 acres. The resulting Parcel 1 will be located entirely within the RM1 zoning district, which requires a minimum parcel size of 20,000 square feet. The resulting size of Parcel 1 will exceed the minimum requirements for new parcels in the RM1 zone.

The Applicant proposes to increase the size of Parcel 2 from 1.44 acres to 3.74 acres. The resulting Parcel 2 will be located entirely within the CR zoning district. The resulting Parcel 2 will be able to comply with the development standards found in UDC 522.

(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;*

Proposed Finding: The property designated as Parcel 1 was created as a result of a previous property line adjustment (City of Salem PLA No. 10-12). See Exhibit F.

The property designated as Parcel 2, which includes both Marion County Assessor's Map and Tax Lot Number 083W23B 00101 and Map and Tax Lot Number 083W23BA 00400, was conveyed by metes and bounds description in a deed executed on April 1, 1979 and recorded in the real property records of Marion County at Reel 123, Page 1562. See Exhibit G.

Prior to Salem's formal process for minor partitions, which became effective October 23, 1979, any conveyance of land that would not have been affected by the City of Salem's major partition requirements could have been legally transferred by way of a metes and bounds description. Since compliance with the major partition ordinance was not required in conjunction with the division of Parcel 2 at the time, no formal application would have been required in order to lawfully create that unit of land.

Subsequent to this April 1, 1979 conveyance, the same metes and bounds description which includes both tax lots which make up Parcel 2 has been used to transfer this parcel. See chain of title materials attached hereto as Exhibit G. ORS 92.017 requires that Parcel 2, in its current configuration be recognized as a separate legal parcel. ORS 92.017 provides that, "[a] lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are

vacated or the lot or parcel is further divided, as provided by law." To date, no evidence has been provided to show that any parcel lines were ever vacated or that the parcel was ever legally divided beyond Parcel 2's current legal boundary configuration. As such, Parcel 2 in its current configuration is a legal unit of land.

*(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;*

Proposed Finding: The subject site has been subject to past land use applications, most notably Comprehensive Plan Change/Neighborhood Plan Change/Zone Change 08-15. This approval attached a number of conditions of approval, which are attached hereto as Exhibit H. None of these conditions prohibit the proposed property line adjustment proposed herein by the Applicant. The Applicant is not aware of other conditions of approval which may prohibit the proposed property line adjustment.

*(5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and*

Proposed Finding: This adjustment is being proposed primarily for purposes of creating consistency between the property lines and the zoning boundaries. This adjustment will not involve the relocation or elimination of any public easement or right-of-way.

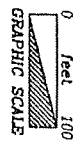
*(6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.*

Proposed Finding: The result of the adjustment will not adversely affect the availability or access to public and private utilities or streets. The adjustment will not encroach into any public right of way or private utility.

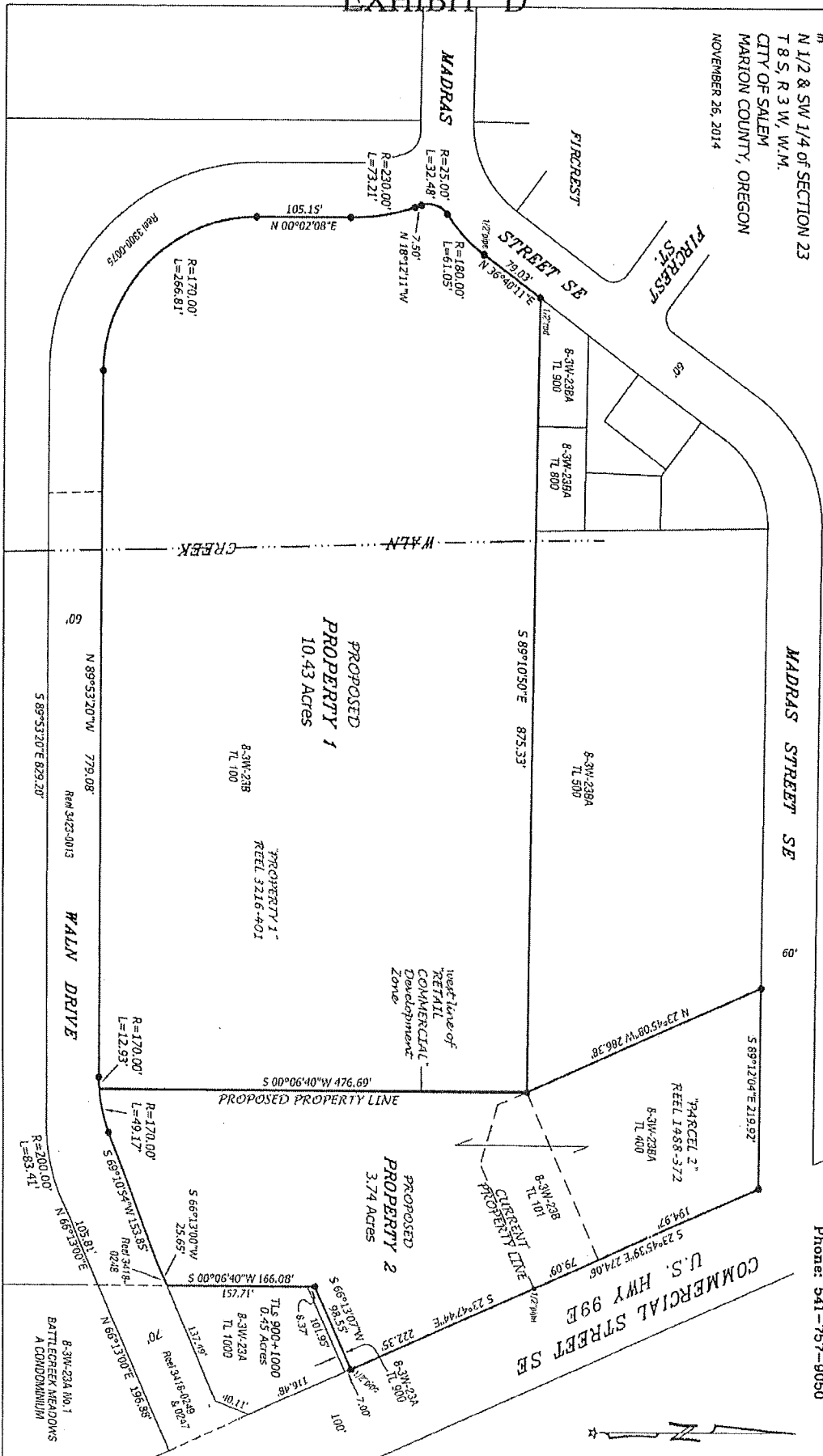
# EXHIBIT "D"

PROPERTY LINE ADJUSTMENT PLAN  
for  
BATTLECREK GOLF COURSE, LLC  
in  
N 1/2 & SW 1/4 OF SECTION 23  
T 8 S, R 3 W, W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON  
NOVEMBER 26, 2014

NOTE: • denotes a survey monument of record -  
a 5/8" iron rod unless otherwise stated



NORTHSTAR SURVEYING, INC.  
750 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 541-757-9050





## EXHIBIT "E-1"

W.L. LAUER - REGISTERED SURVEYOR #2558

720 NW 4<sup>th</sup> Street, Corvallis, Oregon 97330 Phone 541-757-9050; FAX 541-757-7578

November 26, 2014

### EXHIBIT E-1

#### RESULTANT PROPERTY 1

A Tract of land in Section 3, Township 8 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon, said Tract being a portion of Property 1 as described in that deed recorded September 22, 2010, in Reel 3216 at Page 401, Marion County Deed Records, and being more specifically described as follows:

Beginning at a 1/2" iron rod at the Northwest corner of said Property 1, being on the easterly right-of-way line of Madras Street SE;  
THENCE along the north line thereof, S 89°10'50"E 875.33 feet to a 5/8" iron rod on the west line of Parcel 2 as described in that deed recorded May 15, 1998, in Reel 1488 at Page 372, Marion County Deed Records;  
THENCE S 00°06'40"W 476.69 feet to the north line of that strip of land dedicated as public right-of-way by Resolution No. 2012-83, recorded September 11, 2012, in Reel 3423 at Page 13, Marion County Deed Records;  
THENCE along the north line of said right-of-way on the arc of a 170.00 foot radius curve right (chord bears S 87°55'59"W 12.92 feet) 12.93 feet to a 5/8" iron rod;  
THENCE continuing along said north line, N 89°53'20"W 779.08 feet to a 5/8" iron rod;  
THENCE along the arc of a 170.00 foot radius curve right (chord bears N 44°55'36"W 240.26 feet) 266.81 feet to a 5/8" iron rod;  
THENCE N 00°02'08"E 105.15 feet to a 5/8" iron rod;  
THENCE along the arc of a 230.00 foot radius curve left (chord bears N 09°05'01"W 72.91 feet) 73.21 feet to a 5/8" iron rod;  
THENCE N 18°12'11"W 7.50 feet to a 5/8" iron rod;  
THENCE along the arc of a 25.00 foot radius curve right (chord bears N 19°00'56"E 30.24 feet) 32.48 feet to a 5/8" iron rod on said easterly right-of-way line of Madras Street SE;  
THENCE along said easterly right-of-way line on the arc of a 180.00 foot radius curve left (chord bears N 46°31'06"E 60.76 feet) 61.05 feet to a 1/2" iron pipe;  
THENCE N 36°40'11"E 79.03 feet to the point of beginning;

Containing 10.43 acres, more or less.

The Basis of Bearings for this description is Marion County Survey MCSR 37867.





## EXHIBIT "E-2"

W.L. LAUER - REGISTERED SURVEYOR #2558

720 NW 4<sup>th</sup> Street, Corvallis, Oregon 97330 Phone 541-757-9050; FAX 541-757-7578

November 26, 2014

### *EXHIBIT E-2*

#### RESULTANT PROPERTY 2 (RETAIL – COMMERCIAL)

A Tract of land in Section 3, Township 8 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon, said Tract being Parcel 2 as described in that deed recorded May 15, 1998, in Reel 1488 at Page 372, Marion County Deed Records together with a portion of the tract referred to as Property 1 by deed recorded September 22, 2010, in Reel 3216 at Page 401, said Deed Records, altogether being more specifically described as follows:

Beginning at a 5/8" iron rod at the Northwest corner of said Parcel 2 of Reel 1488 at Page 372, said rod being on the southerly right-of-way line of Madras Street SE;

THENCE along said right-of-way line S 89°12'04"E 219.92 feet to a 5/8" iron rod at the intersection of said southerly right-of-way line with the westerly right-of-way line of U.S. Highway 99E (Commercial Street SE);

THENCE along said Highway right-of-way line, S 23°45'39"E 274.06 feet to a 1/2" iron pipe;

THENCE continuing along said right-of-way line, S 23°47'44"E 222.35 feet to a 1/2" iron pipe;

THENCE leaving said right-of-way line, S 66°13'07"W 98.55 feet to a 5/8" iron rod;

THENCE S 00°06'40"W 166.08 feet to the north line of that tract conveyed to the City of Salem by deed recorded August 28, 2012, in Reel 3418 at Page 248, said Deed Records;

THENCE along the north line of said City tract, S 66°13'00"W 25.65 feet to the north line of that strip of land dedicated as public right-of-way by Resolution No. 2012-83, recorded September 11, 2012, in Reel 3423 at Page 13, Marion County Deed Records;

THENCE along said right-of-way line, S 69°10'54"W 153.85 feet to a 5/8" iron rod;

THENCE continuing along said right-of-way line on the arc of a 170.00 foot radius curve right (chord bears S 77°28'06"W 49.00 feet) 49.17 feet;

THENCE leaving said right-of-way line, N 00°06'40"E 476.69 feet to a 5/8" iron rod on the west line of said Parcel 2 of Reel 1488, Page 372;

THENCE N 23°45'08"W 286.38 feet to the point of beginning;

Containing 3.74 acres, more or less.

The Basis of Bearings for this description is Marion County Survey MCSR 37867.