

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 informacion, por forvor llame
503-588-6173*

ADMINISTRATIVE DECISION FOR PROPERTY LINE ADJUSTMENT

CASE NO.: PLA 20-04
AMANDA NO.: 20-105250-LD
DATE OF DECISION : March 23, 2020
PROPERTY LOCATION: 4700 Block Battle Creek Road SE
APPLICANT: Brandie Dalton, Multi-Tech Engineering

REQUEST

A property line adjustment to eliminate a common property line between two abutting units of land which results a 26.29-acre property and a 7.35-acre property, for property zoned RA (Residential Agriculture), and located at 4700 Block Battle Creek Road SE - 97302 (Marion County Assessor's Map and Tax Lot number: 083W11D / 100, 200 and 400).

FINDINGS

The proposed property line adjustment affects properties located at located at 4700 Block Battle Creek Road SE (Attachment A). The proposed property line adjustment would result in a 26.29-acre property and a 7.35-acre property between Tax Lots 083W11D / 100, 200 and 400 (Attachment B).

A. City Department and Public Agency Comments

1. The Salem Fire Department reviewed the proposal and indicated that they have no issues with this request.
2. The Building and Safety Division reviewed the proposal and indicated that they have no comments.
3. The Salem City Surveyor reviewed the proposal and indicated no concerns at this time and will review final documents as part of the "final property line adjustment approval"

B. 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). Property line adjustments shall not be used to create an additional unit of land, or to create

units of land that are nonconforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

SRC 205.055(d) establishes the following approval criteria which must be met in order for a property line adjustment to be approved:

- (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;*
- (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.*

Analysis of Property Line Adjustment Approval Criteria

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

Finding: The proposed property line adjustment moves a common property line between two existing properties. The proposed property line adjustment would not create an additional unit of land. This criterion is met.

(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 property located at the 4700 Block of Battle Creek Road SE are zone RA (Residential Agriculture). Both lots are currently vacant. The proposed property line adjustment will result in a 26.29-acre property and a 7.35-acre property.

The resulting lot area and dimensions meet or exceed the minimum lot area, lot width, lot depth, and street frontage requirements of the RA zone.

The proposed property line adjustment does not result in the creation of nonconforming 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.

Because the proposed property line adjustment does not result in the creation of nonconforming units of land or nonconforming development or increase the degree of nonconformity in existing units of land, this criterion is met.

- (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.**

Finding: The proposed property line adjustment involves two units of land. The property created by a previous property line adjustment (LLA 98-27), contains Marion County Assessor's numbers 083W11D / 100 and 083W11D 200, together. The property known as Marion County Assessor's number 083W11D / 400 was created by deed prior to 1968. This criterion is met.

- (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: There are no existing City land use approval, or previous condition of approval on either unit of land that would affect the proposal. This criterion is met.

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

Finding: The proposed property line adjustment does not relocate or eliminate any easements or public right-of-way. Because the proposed property line adjustment will not relocate or eliminate any public easements or right-of-way, this criterion is met.

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

Finding: The proposed property line adjustment relocates the common property line between two existing units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

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 takes 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). If you have any questions regarding items in this decision, please feel free to contact me at 503-540-2343 or odias@cityofsalem.net.



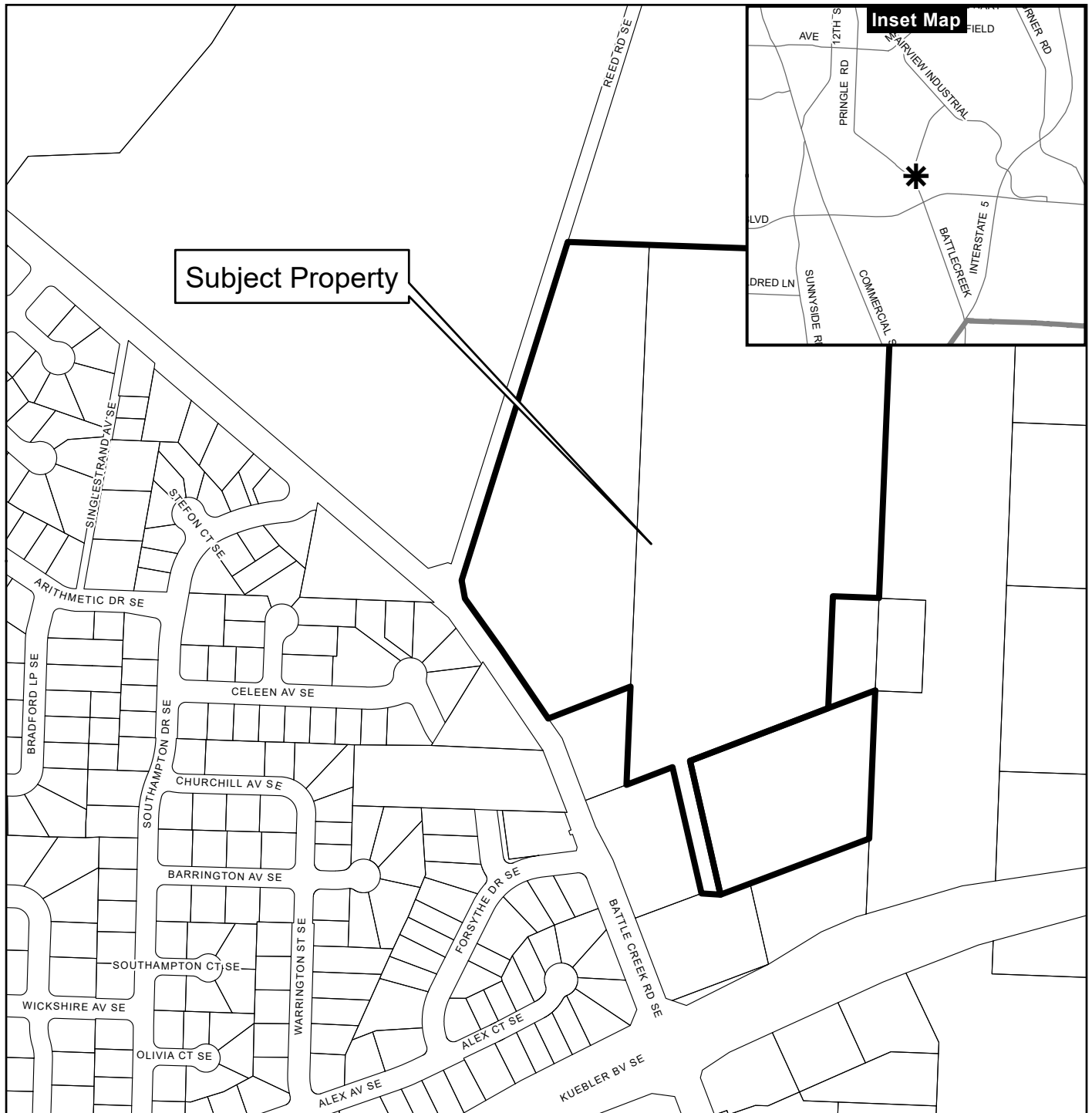
Olivia Dias, Planner III
Planning Administrator Designee

Attachments: A. Vicinity Map
B. Proposed Property Line Adjustment Site Plan and Deed

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\PLA - PB\2020\Decisions\PLA\Decisions\PLA20-04.oed.docx

Vicinity Map

4600 Block Reed Road



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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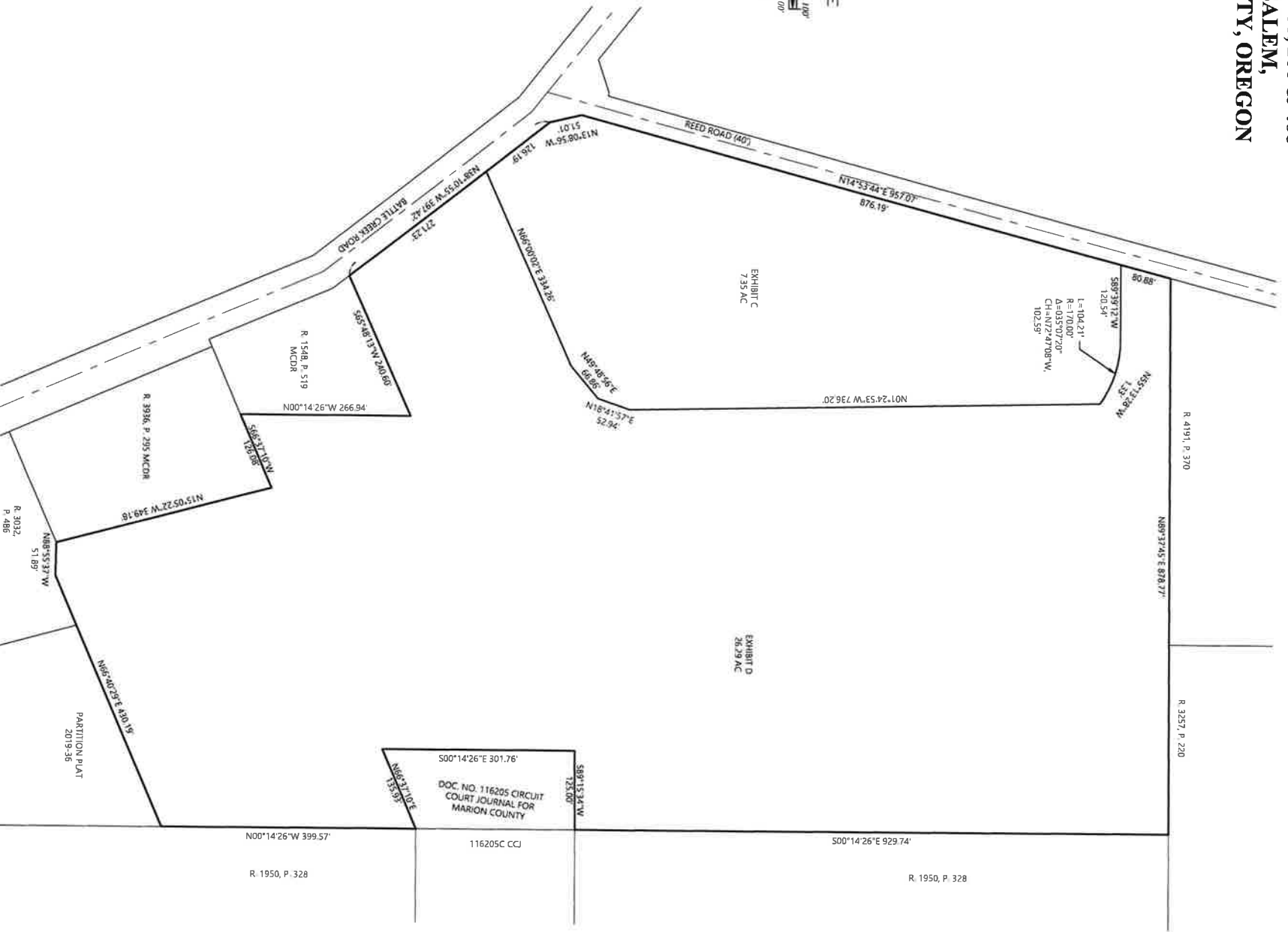
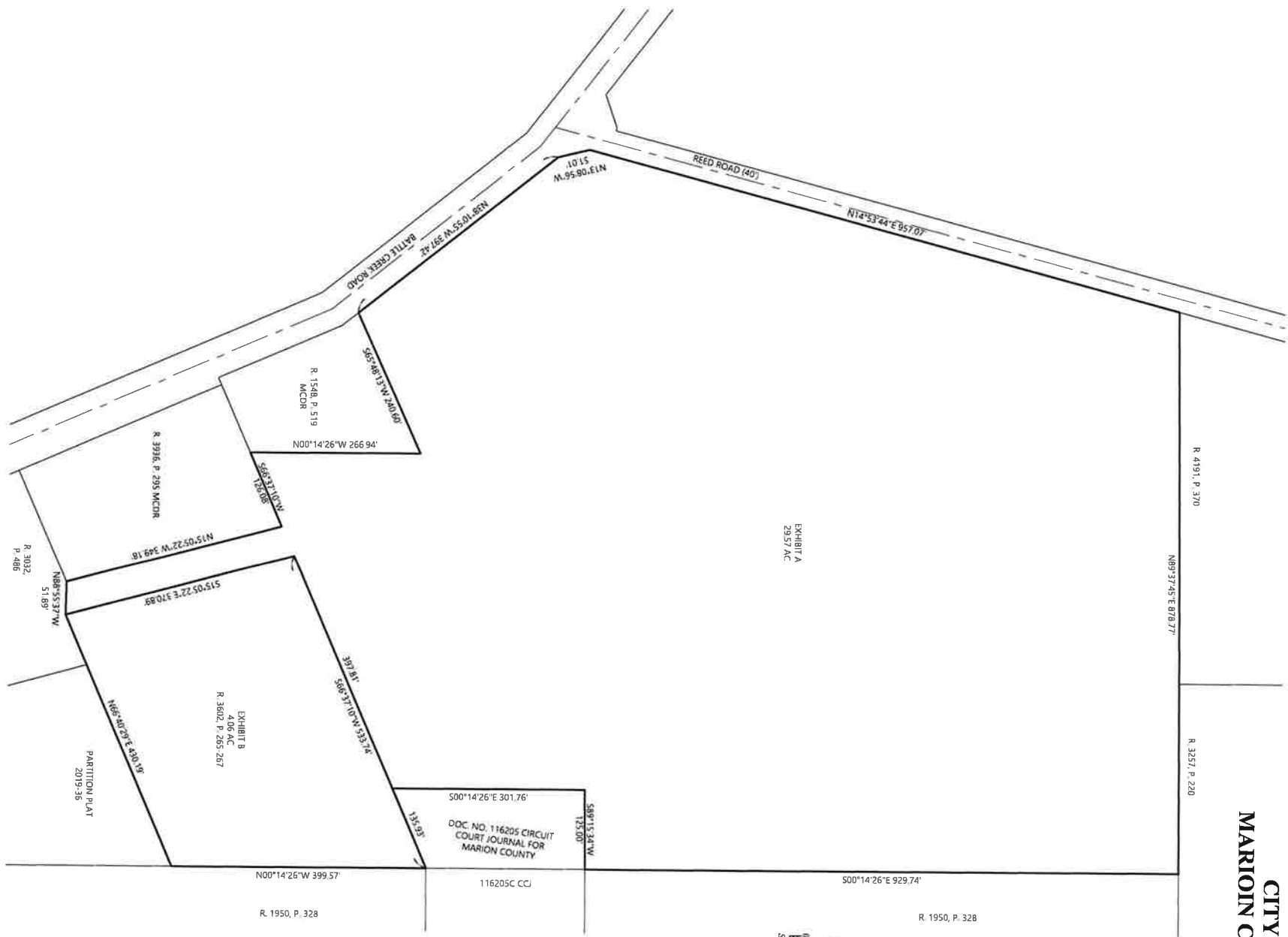
0 100 200 400 Feet



Existing Conditions

T. 8 S., R. 3 W., W.M.
SEC. 11D Tax lots 100, 200 & 400
CITY OF SALEM,
MARION COUNTY, OREGON

Proposed Conditions



08 3W 11D
SALEM



MARION COUNTY, OREGON
SEL/4 SEC11 T8S R3W W.M.
SCALE 1" = 200'

LEGEND

LINE TYPES

- Taxlot Boundary
- Road Right-of-Way
- Railroad Right-of-Way
- Private Road ROW
- Subdivisional Boundary
- Waterline - Taxlot Boundary
- Waterline - Non Boundary
- Historical Boundary
- Easement
- Railroad Centerline
- 3xcode Line
- Map Boundary
- Waterline - Non Boundary

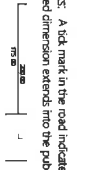
CORNER TYPES

- 1/4th Section Cor.
- DIC Corner
- 1/4 Section Cor.
- 16, 15
- Section Corner
- 21, 22

NUMBERS

Tax Code Number
000 00 00 0

NOTES
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW.
Acreage: All acreage listed is Net Acreage, excluding any portions of the taxlot within public ROW's.



CANCELLED NUMBERS

201	1400	2300
501	1500	2400
502	1600	2500
603	1700	2600
704	1800	2700
705	1900	2800
706	2000	2900
807	2100	3000
808	2200	3100
909	2300	3200
1000	2400	3300

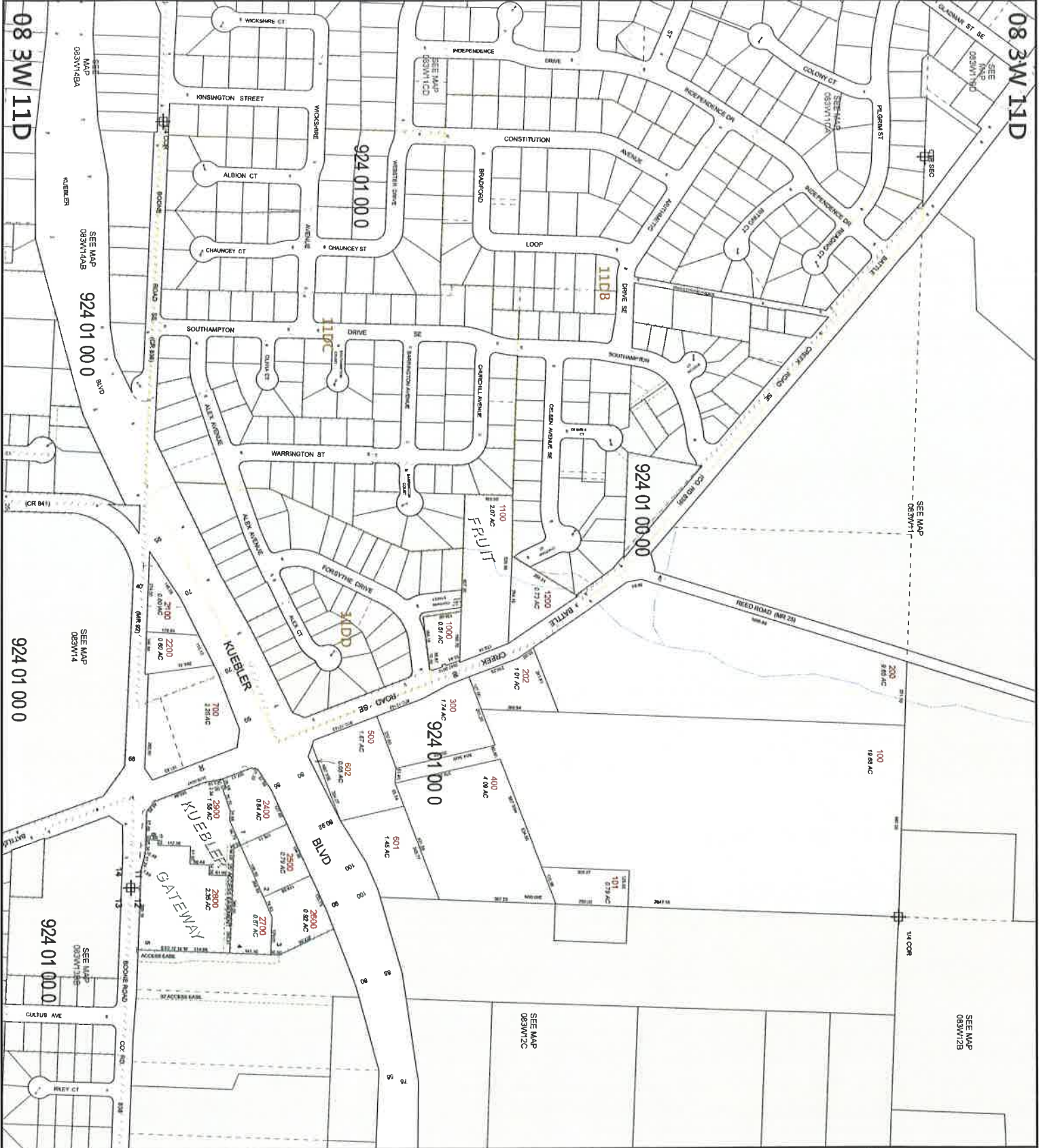
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.CO.MARION.ORG

PLAT DATE: 1/24/2018

SALEM
08 3W 11D



UNTIL FURTHER NOTICE, SEND ALL TAX
STATEMENTS TO:

Boulder Hill LLC
Robert W. Nunn, Manager
1000 SW Broadway, Suite 1400
Portland, OR 97205-3089

REEL PAGE
1950 327

**AFTER COMPLETING RECORDING, RETURN
THIS DOCUMENT TO:**

Evans, Freeby & Jennings, LLP
Attorneys at Law
280 Court St. NE
Salem, OR 97301

BARGAIN AND SALE DEED

**ROBERT W. NUNN, Trustee under the
EVELYN M. COBURN LIVING TRUST, dated March 15, 1995, GRANTOR**

Conveys to

**BOULDER HILL LLC, an Oregon Manager-Managed Limited Liability Company
GRANTEE**

All the following real property situated in Marion County, State of Oregon, specifically described on Exhibit "A" hereto and by this reference incorporated herein, generally described as: Tax Lot 100, Tax Account No. R32164; Tax Lot 200, Tax Account No. R32163, and Tax Lot 601, Tax Account No. R32158.


The true and actual consideration for this transfer is other than money.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 23rd day of May, 2002.

GRANTOR

Evelyn M. Coburn Living Trust, dated March 15, 1995



By: Robert W. Nunn, Trustee

STATE OF OREGON, County of Marion

) ss.

Personally appeared before me this 23rd day of May, 2002, Robert W. Nunn, as Trustee and acknowledged the foregoing instrument to be his voluntary act.



Jaime Lynne Tremblay
Notary Public for Oregon
My Commission Expires: 11 18 03

MAY 29 2002

EXHIBIT A

LEGAL DESCRIPTION

Map 8S-3W-11D; Tax Lots 100, 200, and 601:

Tax Lot 100

Account No. R32164

Beginning at the Northeast corner of the Southeast Quarter of Section 11, Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South $0^{\circ} 30'$ West along the East line of said Section, a distance of 929.74 feet, more or less, to the North line of that tract of land described in Document No. 116205 Circuit Court Journal for Marion County; thence westerly along the North line of said tract, a distance of 125.00 feet; thence South $0^{\circ} 30'$ West parallel with the East line of said Section 11, a distance of 303.27 feet to a point on the northerly line of that tract of land conveyed to Kathryn L. Young, Linda S. Schaeffers and Robert W. Nunn by deed recorded in Reel 1021, Page 231, Deed Records for Marion County, Oregon; thence South $67^{\circ} 30'$ West along said northerly line a distance of 398.72 feet to the Northwest corner thereof; thence South $14^{\circ} 34' 00''$ East 370.20 feet to the Southwest corner of said tract; thence North $89^{\circ} 47' 36''$ West 51.83 feet to the Southeast corner of that tract of land conveyed to Dale E. Christison and Darlene A. Christison by deed recorded in Reel 76, Page 282, Deed Records for Marion County, Oregon; thence North $14^{\circ} 34' 00''$ West along the easterly line of said Christison tract, a distance of 350.00 feet to the Northeast corner thereof; thence South $67^{\circ} 30' 00''$ West along the northerly line of said Christison tract, a distance of 131.77 feet to a point which is 660.00 feet West of the East line of said Section 11, thence North $0^{\circ} 30'$ East parallel with the East line of said Section 11, a distance of 1454.12 feet to a point on the North line of the Southeast Quarter of said Section 11; thence easterly along said North line, a distance of 660.00 feet to the point of beginning.

Contains 19.57 acres of land, more or less.

Tax Lot 200

Tax Account No. R32163

Beginning 10 chains West of the Northeast corner of the Southeast quarter of Section 11 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, State of Oregon, and running thence South 26.62 chains; thence North $23^{\circ} 45'$ West 9.68 chains; thence North $50^{\circ} 45'$ West 4.80 chains; thence North 15° East 16.60 chains; thence East 3.35 chains to the place of beginning in Section 11, Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon.

SAVE AND EXCEPT: Beginning in the center of a County Road at a point which is North $89^{\circ} 49'$ West 315.48 feet and North $22^{\circ} 30'$ West 876.91 feet from the Southeast corner of Section 11 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North $67^{\circ} 30'$ East 232.90 feet; thence North $14^{\circ} 34'$ West 350.00 feet; thence South $67^{\circ} 30'$ West 281.20 feet to the center of said County Road; thence South $22^{\circ} 30'$ East along the center of said County Road 346.50 feet to the place of beginning.

SAVE AND EXCEPT: Beginning at the point of intersection of the Northerly line of County Road No. 839 (commonly known as Battle Creek Rd.) and the Easterly line of Market Road No. 25 (commonly known as Reed Road) and being in the Southeast quarter of Section 11, Township 8 South, Range 3 West, of the Willamette Meridian, Marion County, Oregon; thence South $10^{\circ} 11' 36''$ East 21.00 feet along the Northerly line of said County Road No. 839 to a point; thence North $13^{\circ} 09' 17''$ West 51.01 feet to a point on the Easterly line of said Market Road No. 25; thence South $14^{\circ} 53' 45''$ West 27.00 feet along said Easterly line to the point of beginning.

SAVE AND EXCEPT that portion of the premises herein described lying within the limits of roads, streets and highways

Tax Lot 601

Tax Account No. R32158

Beginning at the Southeast corner of that tract of land conveyed to Kathryn L. Young, Linda S. Schaeffers and Robert W. Nunn by deed recorded in Reel 1021, Page 231, Deed Records for Marion County, Oregon which point is recorded as being North 0° 30' East 1064.65 feet from the Southeast corner of Section 11 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 0° 30' West along the East line of said Section 11, a distance of 208.73 feet, more or less, to a point on the northerly right-of-way line of Kuebler Boulevard; thence South 69° 58' 53" West along the northerly right-of-way line, a distance of 24.48 feet, more or less, to an angle point in said right-of-way line; thence South 63° 02' 05" West along said right-of-way line a distance of 102.74 feet to an angle point in said right-of-way line; thence South 54° 40' 44" West along said right-of-way line a distance of 167.14 feet to the Southeast corner of that tract of land conveyed to Bernard F. Bednarz and Miriam L. Bednarz, husband and wife, by deed recorded in Volume 681, Page 328, Deed Records for Marion County, Oregon; thence North 14° 34' West along the East line of said Bednarz tract, a distance of 222.00 feet to the Northeast corner thereof; thence North 67° 30' East along the southerly line of said tract described in Reel 1021, Page 231, Deed Records, a distance of 345.77 feet to the point of beginning.

Contains 1.44 acres of land, more or less.

MAY 29 2002

REEL:1950

PAGE: 327

May 29, 2002, 02:46 pm.

CONTROL #: 59651

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 36.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.

MAY 29 2002