

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## ADMINISTRATIVE DECISION FOR PROPERTY LINE ADJUSTMENT

**CASE NO.:** PLA 20-24  
**AMANDA NO.:** 20-114448-LD  
**DATE OF DECISION:** November 17, 2020  
**PROPERTY LOCATION:** 4600 Block of Reed Rd SE  
**APPLICANT:** Brandie Dalton on behalf of Robert Nunn

### REQUEST

A property line adjustment to relocate the common property line between two abutting units of land reducing the size of Tax Lot 400 to 14.85 acres and increasing the size of Tax Lot 601 to 12.87 acres in size, for properties zoned RA (Residential Agriculture), and located at the 4600 Block of Reed Rd SE - 97302 (Marion County Assessor map and tax lot numbers: 083W11D / 400 and 601).

### FINDINGS

The proposed property line adjustment affects tax lots 083W11D / 400 and 601 located at the 4600 Block of Reed Rd SE (**Attachment A**). The proposed property line adjustment relocates the common property line between the two abutting units of land reducing the size of Tax Lot 400 to 14.85 acres and increasing the size of Tax Lot 601 to 12.87 acres in size. A draft survey is included as **Attachment B**.

#### **A. City Department and Public Agency Comments**

1. The City of Salem Building and Safety Division reviewed the proposal and indicated no objections.
2. The Salem City Fire Department reviewed the proposal and indicated no objections but noted that Fire Department access and water supply will be required for future developments.
3. Public Works staff recommends the applicant request a Pre-PLA Review Meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with applicable ORS/SRC regulations. At the time of final PLA 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 PLA by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

## **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), 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. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. 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:

### **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 relocates 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 subject properties are zoned RA (Residential Agriculture). The proposed property line adjustment will result in one property approximately 14.85 acres in size and one property approximately 12.87 acres in size.

The resulting lot area and dimensions of both properties 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 parcels of land that were lawfully established. The land area known as tax lot 400 was created through

Property Line Adjustment PLA20-04, which was approved by the Planning Administrator on March 23, 2020. Prior to this property line adjustment being finalized, PLA 20-04 will be recorded. Since the previous property line adjustment will be recorded prior to finalization of this application, the property is a lawfully established unit of land.

The land area known as tax lot 601 was recorded by Partition Plat 2019-36, which was lawfully established through Validation of Unit of Land Case VUL18-02, approved by the Hearings Officer on January 29, 2019.

Because the proposed property line adjustment involves legal units of land that were lawfully established, 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:** Staff has reviewed previous land use decisions at this location, including a Urban Growth Area Development permit (UGA), a Subdivision and UGA modification, and multiple PLAs, and have determined there are no existing land use approvals or previous conditions of approval that would prohibit the proposed property line adjustment. Because the proposed property line adjustment is not prohibited by any existing City land use approvals, or previous conditions of approval, affecting one or both of the units of land, 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 property line adjustment does not propose to 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 lots. 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 503-540-2347 or [kstraus@cityofsalem.net](mailto:kstraus@cityofsalem.net).



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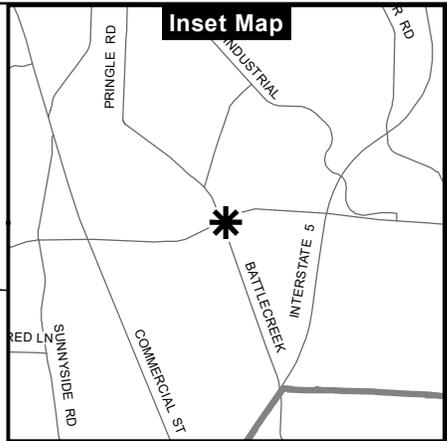
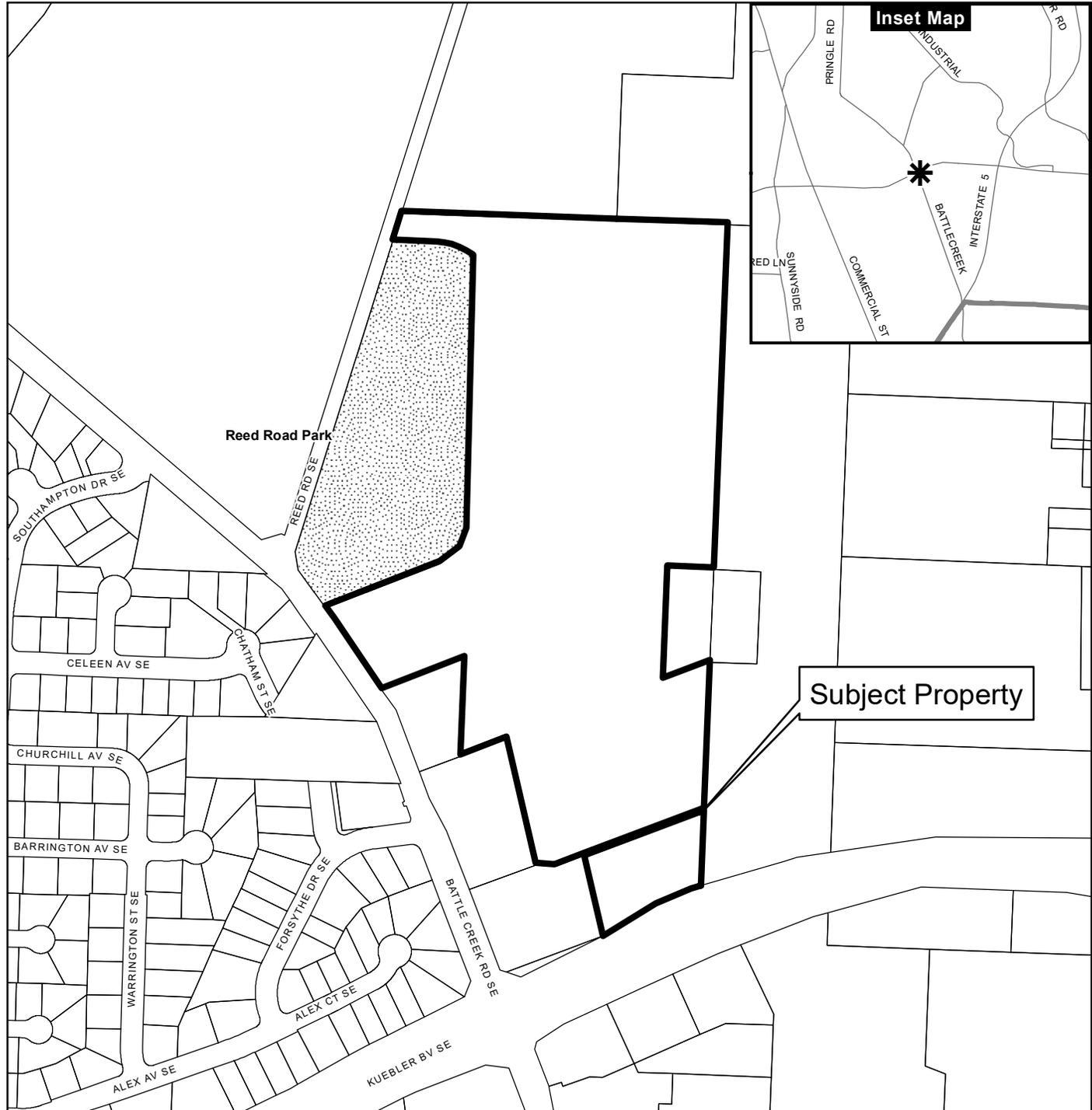
Kirsten Straus, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Proposed Property Line Adjustment Site Plan and Draft Record of Survey

G:\CD\PLANNING\Kirsten Straus\Current Planning\PLA\0 Reed Rd\PLA Draft Reed Rd.docx

# Vicinity Map 4600 Block of Reed Rd SE



### Legend

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

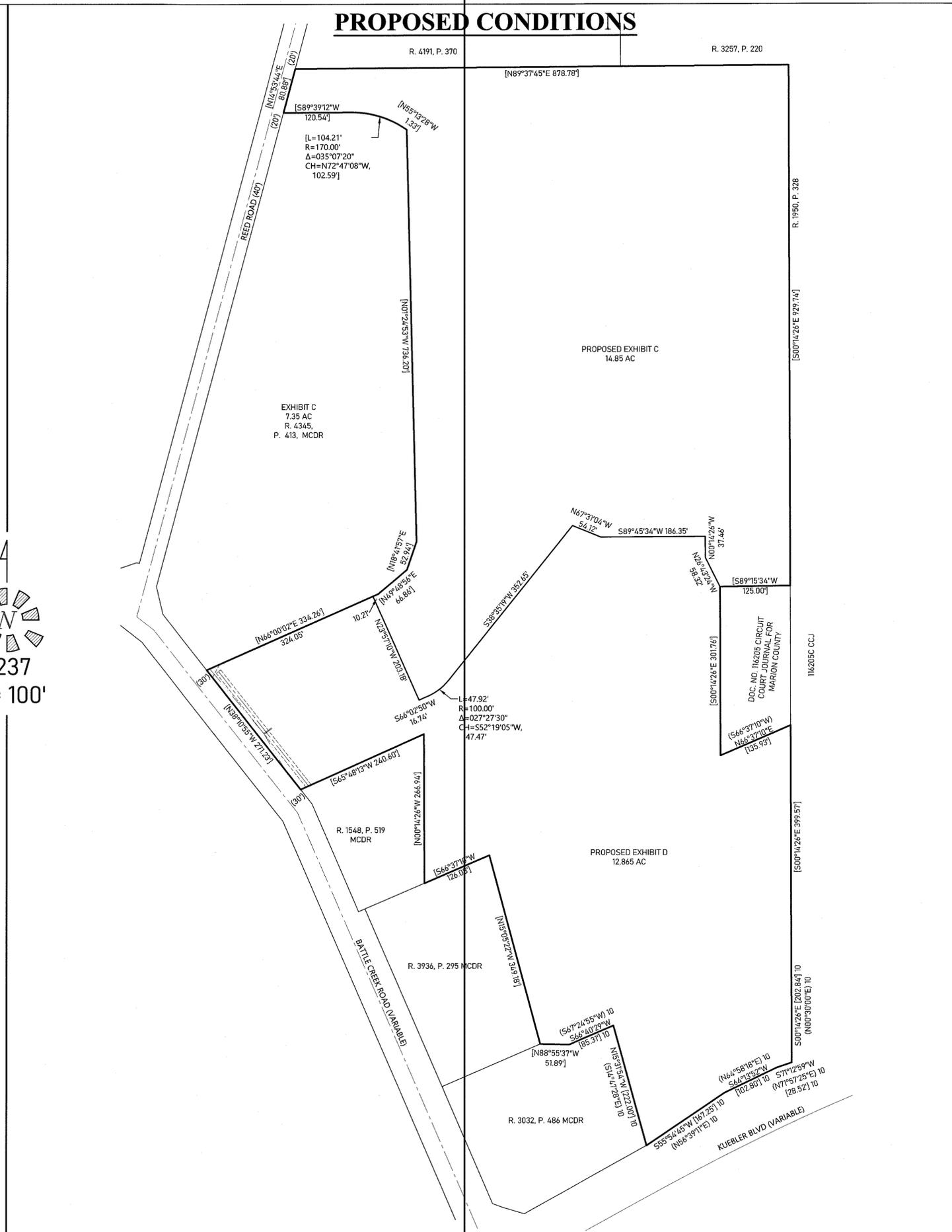
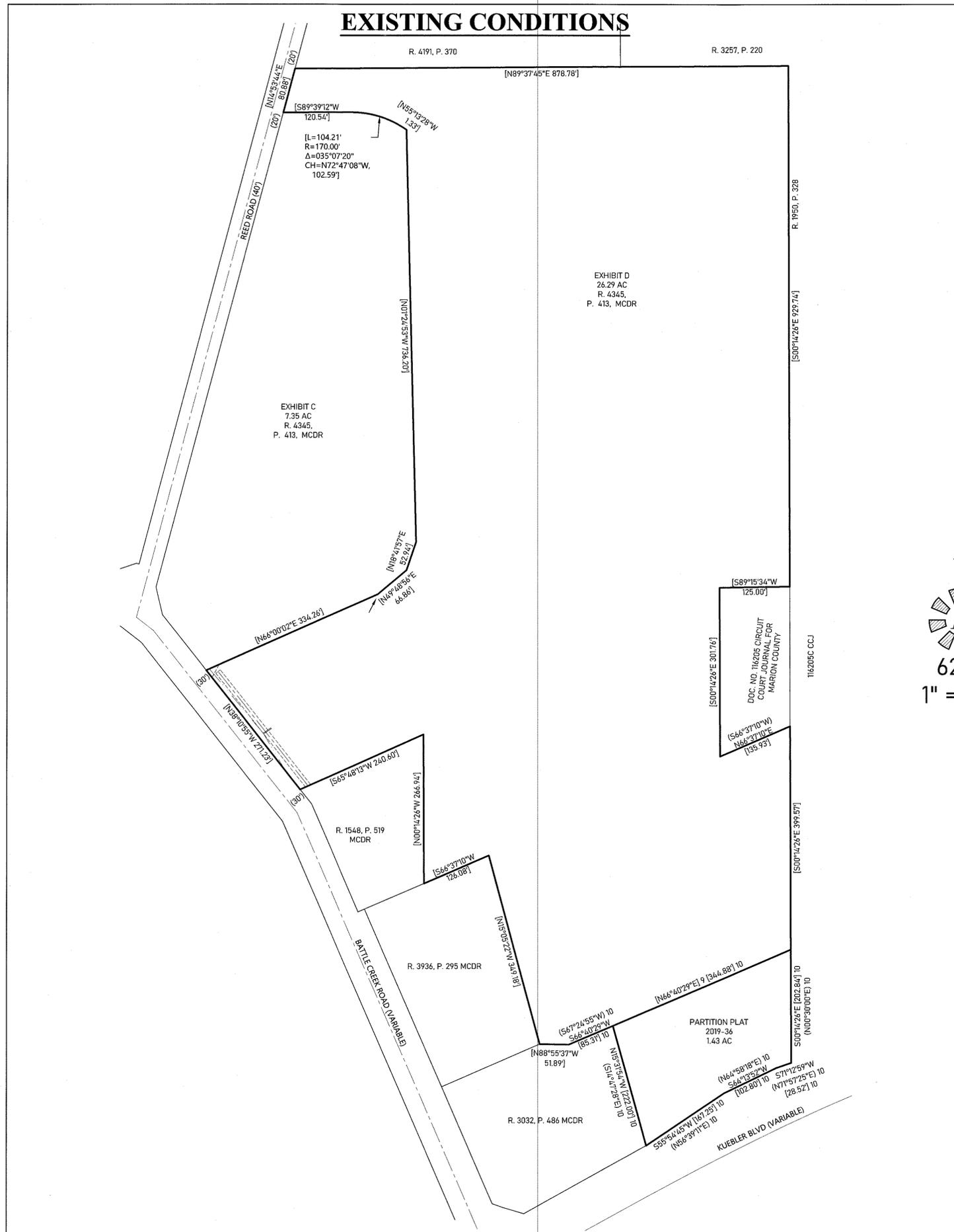
**CITY OF Salem**  
*AT YOUR SERVICE*  
 Community Development Dept.



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EXISTING CONDITIONS

PROPOSED CONDITIONS



# RECORD OF SURVEY

## PROPERTY LINE ADJUSTMENT

### IN THE SE 1/4 SEC. 11, T. 8 S., R. 3 W., W.M.

#### CITY OF SALEM, MARION COUNTY, OREGON

DATE OF MAP 09/04/2020

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO PERFORM A PROPERTY LINE ADJUSTMENT AS ALLOWED BY CITY OF SALEM CASE NO. PLA \_\_\_\_\_ THE BASIS OF BEARING IS ALONG THE EAST LINE OF EXHIBIT D, REEL 4345, PAGE 413, MARION COUNTY DEED RECORDS PER MCSR 39260.

THE TWO PARENT TRACTS IN THIS SURVEY WERE PREVIOUSLY SURVEYED IN MCSR 39260 AND PARTITION PLAT 2019-36, AND I HELD THE MONUMENTS AS PREVIOUSLY TIED.

RESULTANT DEEDS ARE RECORDED AS REEL \_\_\_\_\_, PAGE \_\_\_\_\_, MARION COUNTY DEED RECORDS.

- MCSR = MARION COUNTY SURVEY RECORD
- MCDR = MARION COUNTY DEED RECORD
- BOTP = BOOK OF TOWN PLATS
- DOC = DOCUMENT
- CCJ = CIRCUIT COURT JOURNAL
- P.P. = PARTITION PLAT
- AC = ACRES
- R. = REEL
- B. = BOOK
- P. = PAGE

- [ ] = RECORD AND MEASURED DATA PER MCSR 39260, UNLESS OTHERWISE NOTED
- ( ) = RECORD DATA PER MCSR 39260, UNLESS OTHERWISE NOTED
- { } = CALCULATED RECORD DATA MCSR 39260, UNLESS OTHERWISE NOTED

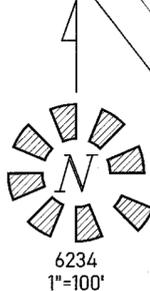
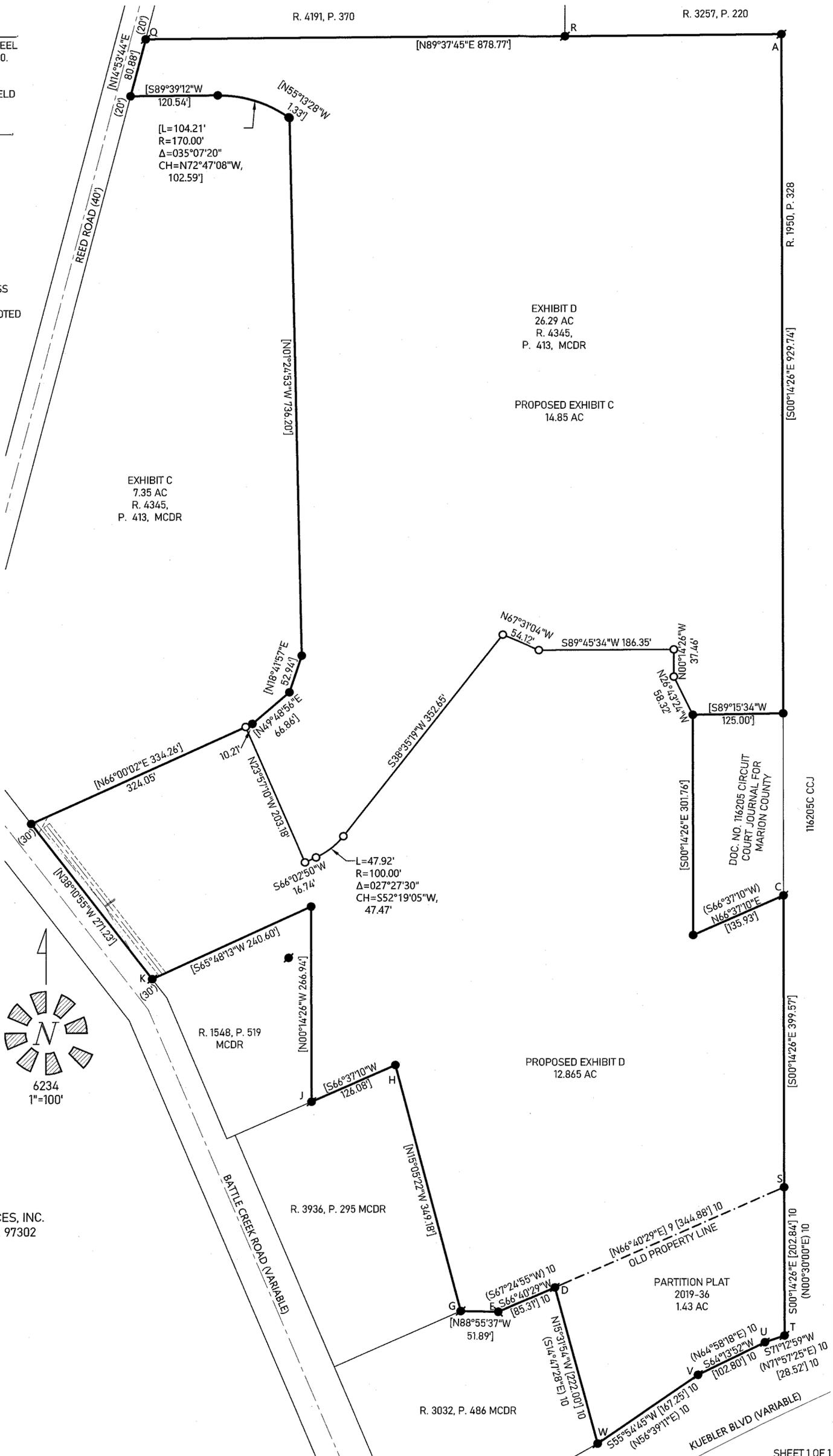
- = FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER MCSR 39260, UNLESS OTHERWISE NOTED
- = FOUND MONUMENT, SEE TABLE
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." FLUSH WITH GROUND ON \_\_\_\_\_

**REFERENCE SURVEYS:**

1. MCSR 1689
2. MCSR 6400
3. MCSR 14257
4. MCSR 21333
5. MCSR 34811
6. MCSR 37437A
7. MCSR 37442
8. MCSR 37906
9. MCSR 39260
10. P.P. 2019-36

**FOUND MONUMENT TABLE:**

- A. STONE AT QUARTER CORNER COMMON TO SECTIONS 11 AND 12 SCRIBED "CS +" PER MCSR 6400, HELD
- C. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 37442, S21°59'09"W 0.77' FROM CALCULATED POSITION
- D. 1/2" IRON PIPE PER MCSR 21333, N32°48'29"W 0.20' FROM CALCULATED POSITION PER P.P. 2019-36
- E. 5/8" IRON ROD PER MCSR 14257, HELD
- G. 1/2" IRON ROD PER MCSR 14257, HELD
- H. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 34811, S66°37'10"W 1.85' FROM SET MONUMENT
- J. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 34811, HELD
- K. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 34811, HELD
- Q. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "LAND MARKERS" PER MCSR 34737A, HELD
- R. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENGINEERING" PER MCSR 37906, HELD
- S. 5/8" IRON ROD, W/IPC SCRIBED "MULTI/TECH ENG." PER P.P. 2019-36, HELD
- T. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" N85°59'27"W 0.11' FROM TRUE CORNER, NO RECORD, IN MCSR 37442 IT APPEARS THE SYMBOL HAS BEEN LEFT OFF AT THIS POINT.
- U. 5/8" IRON ROD WITH ALUMINUM CAP SCRIBED "CITY OF SALEM" PER MCSR 1689, HELD
- V. 5/8" IRON ROD WITH ALUMINUM CAP SCRIBED "CITY OF SALEM" PER MCSR 1689, HELD
- W. 1/2" IRON PIPE PER MCSR 21333, HELD



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 2020  
LEO LITOWICH  
91070

RENEWS: 12-31-2022  
BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
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