

# 710 Winding Way SE Property Line Adjustment Application

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**Date:** April 2021

**Submitted to:** City of Salem  
Planning Division  
555 Liberty Street SE #305  
Salem, OR 97301

**Applicant:** Matthew Bailey  
710 Winding Way SE  
Salem, OR 97302

**AKS Job Number:** 5176



3700 River Road N, Suite 1  
Keizer, OR 97303  
(503) 400-6028

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## **Exhibits**

- Exhibit A:** Site Plans and PLA Maps
  - Exhibit B:** City of Salem Application Form
  - Exhibit C:** Recorded Deed
  - Exhibit D:** Preliminary Title Report
  - Exhibit E:** 1943 Deed, Volume 281, Page 265
  - Exhibit F:** Alderbrook Manor Plat
  - Exhibit G:** Draft PLA Deeds
  - Exhibit H:** Legal Memo
  - Exhibit I:** Ordinance Bill No. 8-18
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555 Liberty Street SE, #305  
Salem, OR 97301

**Applicant:** Matthew Bailey  
710 Winding Way SE  
Salem, OR 97302

**Property Owners:** Matthew and Suzanne Bailey  
710 Winding Way SE  
Salem, OR 97302

**Applicant's Consultant:** AKS Engineering & Forestry, LLC  
3700 River Road N, Suite 1  
Keizer, OR 97303

Contact: Curt Fisher  
Email: fisherc@aks-eng.com  
Phone: (503) 400-6028

**Site Location:** 710-770 Winding Way SE in Salem, OR

**Marion County Assessor's Map:** 08 3W 10AB; Tax Lot 3400

**Site Size:** ±9.61 acres

**Land Use Districts:** RS (Single-Family Residential)

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## **I. Executive Summary**

AKS Engineering and Forestry, LLC is pleased to submit this application on behalf of Matthew Bailey (Applicant) to the City of Salem for three property line adjustments (PLAs) to legal lot lines contained within Tax Lot 3400 (Marion County Tax Assessor's Map 08 3W 10AB) located at 710-770 Winding Way SE in the City of Salem's Single-Family Residential (RS) zoning district. The application involves moving three property lines that are shared between a  $\pm 5.02$ -acre lot within Tax Lot 3400 that was legally created by deed in 1943 (Exhibit E and H) and Lots 16, 17, and 21 created by the Alderbrook Manor subdivision. The final configuration includes an access easement that will serve three lots: the site created by deed in 1943 and recorded in Volume 281, Page 265 of the Marion County Records (Exhibit E); Lot 16; and Lot 17. Lot 16 will contain the existing home and the Applicant intends to construct two new single-family homes on the other two adjusted lots.

## **II. Site Description/Setting**

The subject site consists of a single  $\pm 9.61$ -acre tax lot located in the Faye-Wright Neighborhood, zoned RS, and designated for single-family use on the Salem Comprehensive Plan Map. The site is an irregularly-shaped property bound by Commercial Street SE to the east, Winding Way SE to the north, and Welcome Way SE to the south. Existing development consists of two single-family homes, a detached garage, barn, swimming pool, tennis court, and garden. The areas on the property not occupied with existing structures and the garden are mostly wooded with undulating topography. The property has a mapped waterway (Alderbrook Swale) and an associated riparian area near the west property line. A small portion of the site, located to the southeast, is in the regulatory floodplain. There are no mapped landslide hazard areas on the site.

The properties to the west are in the RS zone and are developed with single-family homes. The properties along Commercial Street SE to the north of Winding Way SE are in the CR zone. The properties along Commercial Street SE to the south of Welcome Way are zoned CO (Commercial Office). Properties to the north and south along Commercial Street SE are developed with a variety of commercial uses.

As indicated on the Recorded Deed in Exhibit C, the subject property includes a total of eleven lots. The  $\pm 5.02$ -acre unit of land in the middle of the site was created in 1943 by a deed that is recorded in Volume 281, Page 265 of the Marion County Records (see Exhibit E) and contains the existing improvements described above with access taken from Winding Way SE via a private driveway that loosely follows an unimproved public right-of-way (Vacation Lane SE). Eight of the lots were created by the Alderbrook Manor subdivision plat in Exhibit F, which was recorded in 1958. Two of the lots were created by the Alder Brook Annex No. 1 subdivision plat in 1941.

This application does not propose vacating the Vacation Lane SE right-of-way. The Salem City Council approved an owner-initiated vacation of the right-of-way along Vacation Lane SE (Ordinance 8-18 in Exhibit I) with a condition that the lots will be reconfigured in such a way as to ensure that all lots have adequate access to a public street. Ordinance 8-18 does not require the condition to be satisfied with this application. Moreover, if the City determines that this application does not satisfy this condition, the Vacation Lane SE right-of-way can remain in place until a future application is submitted that reconfigures these lots to the City's satisfaction.

Of the three proposed property line adjustments, PLA 3 is the only adjustment that impacts existing access to public streets by relocating the eastern boundary of the interior lot described in Volume 281, Page 265

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of Marion County Public Records away from the terminus of Vacation Lane SE. PLA 1 involves reconfiguring access for this lot with a flag lot accessway to Welcome Way SE. PLA 3 will retain existing frontage of Lot 21 of Alderbrook Manor on Vacation Lane SE and Commercial Street SE. The other lots abutting Vacation Lane SE, such as Lots 21 and 22 of Alder Brook Annex No. 1, and Lot 22 of Alderbrook Manor, are unaffected.

### **III. Applicable Review Criteria**

#### **UNIFIED DEVELOPMENT CODE**

##### **Chapter 205 Land Division and Reconfiguration**

###### **205.055 Property Line Adjustments.**

- (a) *Applicability.* 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.

**Response:** This application includes three sequential property line adjustments to move property lines between a ±5.02-acre tract (Volume 281, Page 265 of Marion County Public Records) created by the 1943 deed in Exhibit E and lots 16, 17, and 21 created by the abutting Alderbrook Manor subdivision(Exhibit F). The property line adjustments do not result in the creation of an additional unit of land.

- (b) *Procedure type.* A property line adjustment is processed as a Type I procedure under SRC chapter 300.

**Response:** This property line adjustment application includes the applicable submittal requirements and will be processed using a Type I procedure.

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:

- (1) A copy of recorded deeds for the existing units of land;

**Response:** The current recorded deed for the entire subject property is included in Exhibit C. This requirement is met.

- (2) A site plan, drawn to scale, indicating:

- (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;

**Response:** The dimensions and areas of the units of land before and after each property line adjustment are included on the Preliminary Plans in Exhibit A and the legal descriptions in the Draft Property Line Adjustment Deeds in Exhibit G. This requirement is met.

- (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;

**Response:** Site Plans containing the required information are included in Exhibit A. This requirement is met.

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- (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;

**Response:** A Preliminary Title Report is included in Exhibit D. This requirement is met.

- (4) Any additional documents required to establish that the unit(s) of land were legally created;

**Response:** The ±5.02-acre tract abutting the Alderbrook Manor subdivision to the south and the Alder Brook Annex No. 1 subdivision to the north was created by a deed recorded in 1943 in Volume 281, Page 265 of Marion County Records (see Exhibit E). This lot was conveyed by deed prior to any applicable City land division regulations. Therefore, the lot is a legal unit of land under ORS 92.010(3)(B)(ii). Please refer to the Legal Memo in Exhibit H for a complete analysis detailing how these units of land were legally created. This requirement is met.

The City has suggested that Lot 21 of Alderbrook Annex No. 1, which is outside the boundaries of this property line adjustment application, also contains three discrete lots within it, and cited a preliminary decision (Case No. ADJ77-54) in support of this assertion. However, it does not appear that the preliminary decision cited was executed through a final plat, deed, or other legal instrument required to create these lots under ORS 92. Nevertheless, this application does not involve adjusting any of the Lot 21 lot lines.

The required documentation is provided related to the units of land included in this application.

- (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:
- (A) The names of the owners;
  - (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
  - (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
  - (D) A place for the signatures of all parties, along with proper notary acknowledgment.

**Response:** Draft property line adjustment deeds prepared using the form provided by the City containing the required information are included in Exhibit G. This requirement is met.

- (d) *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;

**Response:** As shown on the PLA maps in Exhibit A, the PLAs will 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;

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**Response:** The project is located within the RS zone. Please refer to Chapter 511 of this narrative for responses to the lot and development standards that apply in the RS zone. The street frontage requirement for the adjusted lot described in Volume 281, Page 265, Marion County Public Records is met with a flag lot accessway. Please refer to the responses in Chapter 800, Section 800.025 for specific responses the applicable flag lot accessway standards.

Lot 21 of Alder Brook Annex No. 1 is unaffected by this application. The existing lot lines abutting Winding Way SE and Vacation Lane SE will remain in their current configuration.

Lot 22 of Alder Brook Annex No. 1 is unaffected by this application. The existing lot lines abutting Commercial SE and Vacation Lane SE will remain in their current configuration.

Lot 22 of Alderbrook Manor is unaffected by this application. The existing lot line abutting Vacation Lane SE will remain in its current configuration.

Lot 21 of Alderbrook Manor will retain frontage along Commercial Street SE and Vacation Lane SE.

As discussed throughout this application, this application does not propose vacating the Vacation Lane SE right-of-way. The vacation of the Vacation Lane SE right-of-way was approved by City Council in a separate application (Ordinance 8-18 in Exhibit I) with a condition that the lots will be reconfigured in such a way as to ensure that all lots have adequate access to a public street. Ordinance 8-18 does not require the condition to be satisfied with this application. Therefore, if the City determines that this application does not satisfy this condition, the Vacation Lane SE right-of-way can remain in place until a future application is submitted that reconfigures these lots to the City's satisfaction.

PLA 3 is the only adjustment that impacts existing access to public streets by relocating the eastern boundary of the interior lot described in Volume 281, Page 265 of Marion County Public Records away from the terminus of Vacation Lane SE. PLA 1 involves reconfiguring access for this lot with a flag lot accessway to Welcome Way SE. PLA 3 will retain existing frontage of Lot 21 of Alderbrook Manor on Vacation Lane SE and Commercial Street SE. The other lots abutting Vacation Lane SE, such as Lots 21 and 22 of Alder Brook Annex No. 1, and Lot 22 of Alderbrook Manor, are unaffected.

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. Therefore, 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, 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;

**Response:** The two units of land included in PLA 1 involve Lot 16 created by the Alderbrook Manor Plat (see Exhibit F) and the legal unit of land described in Volume 281, Page 265 of the Marion County Records (see Exhibit E). The two units of land included in PLA 2 involve the

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adjusted Lot 16 resulting from PLA 1 and Lot 17 created by the Alderbrook Manor Plat. The two units of land included in PLA 3 involve the adjusted Lot 16 resulting from PLA 1 and 2 and Lot 21 created by the Alderbrook Manor Plat. Therefore, each one of these property line adjustments involves only two units of land that were lawfully established.

The City has suggested that Lot 21 of Alder Brook Annex No. 1 includes three lots that received preliminary approval under Case No. ADJ77-54. However, it does not appear that instruments creating these units of land were properly recorded. Nevertheless, this application does not include these lot lines.

This criterion is met.

- (4) The property line adjustment is not prohibited by any existing City land approval, or previous condition of approval, affecting one or both of the units of land;

**Response:** This property line adjustment is not prohibited by any existing City land approval or previous condition of approval. The property is subject to Section 3(a) of Ordinance 8-18 (see Exhibit I) which requires a reconfiguration of the lots in such a way as to ensure that all lots have adequate access to a public street. If the City finds that this application does not meet the condition, Ordinance 8-18 will not take effect and the right-of-way can remain in place. This criterion is met.

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

**Response:** This application does not involve the relocation or elimination of any public easement 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.

**Response:** Access to public and private utilities and streets can be provided, as shown on the Conceptual Composite Utility Plan in Exhibit A.

The project is located within the RS zone. Please refer to Chapter 511 of this narrative for responses to the lot and development standards that apply in the RS zone. The street frontage requirement for the adjusted lot described in Volume 281, Page 265, Marion County Public Records is met with a flag lot accessway. Please refer to the responses in Chapter 800, Section 800.025 for specific responses to the applicable flag lot accessway standards.

Lot 21 of Alder Brook Annex No. 1 is unaffected by this application. The existing lot lines abutting Winding Way SE and Vacation Lane SE will remain in their current configuration.

Lot 22 of Alder Brook Annex No. 1 is unaffected by this application. The existing lot lines abutting Commercial SE and Vacation Lane SE will remain in their current configuration.

Lot 22 of Alderbrook Manor is unaffected by this application. The existing lot line abutting Vacation Lane SE will remain in its current configuration.

Lot 21 of Alderbrook Manor will retain frontage along Commercial Street SE and Vacation Lane SE.



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As discussed throughout this application, this application does not propose vacating the Vacation Lane SE right-of-way. The rights and duties established in Ordinance 8-18 are unaffected by this application.

The property line adjustment has no affect on, and so does not adversely affect, access to public streets. This criterion is met.

- (e) *Multiple property line adjustments.* If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:
- (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
  - (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

**Response:** As previously discussed, this application does not involve more than three property line adjustments affecting the same unit of land. This criterion does not apply.

- (f) *Monumentation recording.*
- (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
    - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
      - (i) Identifies the correct owners of each property;
      - (ii) Identifies the grantor and grantee in the correct manner;
      - (iii) Includes, when applicable, references to any easements of record;
      - (iv) Includes a legal description(s) that:
        - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
        - (bb) Contains bearing and distance calls that mathematically close; and
        - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
      - (v) Correctly represents the areas in each legal description; and
      - (vi) Complies with the requirements of state law.
    - (B) The applicant shall record the final property line adjustment deed(s) document; and
    - (C) The City Surveyor shall review the record of survey map to ensure:
      - (i) That the record of survey map conforms with the property line adjustment deeds; and
      - (ii) Compliance with state law and this section.

**Response:** The process for final recording is understood.

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(g) Expiration.

- (1) Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
- (2) Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
- (3) Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the Director.

**Response:** The applicable expiration date for the final decision is understood.

Chapter 300 Procedures for Land Use Application and Legislative Land Use Approvals

300.210 Application submittal.

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.
  - (1) A completed application form. The application form shall contain, at a minimum, the following information:
    - (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - (B) The address or location of the subject property and its assessor's map and tax lot number;
    - (C) The size of the subject property;
    - (D) The comprehensive plan designation and zoning of the subject property;
    - (E) The type of application(s);
    - (F) A brief description of the proposal; and
    - (G) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

**Response:** A completed application form containing the required information has been submitted. A copy of the completed form is included in Exhibit B. This requirement is met.

- (2) Recorded deed/land sales contract with legal description;

**Response:** The recorded deed with legal descriptions of the lots contained in the subject property is included in Exhibit C. This requirement is met.

- (3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

**Response:** The Applicant is not aware of actual or potential conflicts of interest for any member of a Review Authority.

- (4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved

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pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

**Response:** According to Table 300-2, a pre-application conference is not required for a PLA application. However, the Applicant has met with the City seeking input on this application numerous times. This requirement does not apply.

- (5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

**Response:** According to Table 300-2, neighborhood association contact is not required for a PLA application. However, the Applicant is a member of the neighborhood and has undertaken extensive correspondence with neighbors and the neighborhood association throughout this project. This requirement does not apply.

- (6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

**Response:** According to Table 300-2, neighborhood association contact is not required for a PLA application. However, the Applicant is a member of the neighborhood and has undertaken extensive correspondence with neighbors and the neighborhood association throughout this project. This requirement does not apply.

- (7) For applications requiring an open house under SRC 300.320:
- (A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or
- (B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

**Response:** According to Table 300-2, an open house is not required for a PLA application. This requirement does not apply.

- (8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

**Response:** Salem-Keizer Transit District was not contacted for this particular application. This requirement does not apply.

- (9) A written statement addressing each applicable approval criterion and standard;

**Response:** This narrative provides written responses to each applicable approval criterion and standard. This requirement is met.

- (10) For Type II, Type III, and applicant initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association

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(HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.

**Response:** This PLA application is being processed as a Type I procedure. This requirement does not apply.

- (11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

**Response:** This application does not involve affordable multiple family housing. This requirement does not apply.

- (12) Any additional information required under the UDC for the specific land use action sought;

**Response:** Exhibit H includes a Legal Memo that provides additional information documenting that the lots included in the PLA application are legally created units of land. This requirement is met.

- (13) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

**Response:** Exhibit H includes a Legal Memo that provides additional information documenting that the lots included in the PLA application are legally created units of land. This requirement is met.

- (14) Payment of the applicable application fee(s) pursuant to SRC 110.090.

**Response:** The application fees have been paid.

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.

**Response:** This practice is understood. The application does not request a waiver of any required submittal items.

- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

**Response:** This practice is understood.

Chapter 511 RS – Single Family Residential  
511.005 Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

TABLE 511-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> <li>■ Single family detached dwelling.</li> <li>■ Residential home, as defined under ORS 197.660.</li> <li>■ Manufactured dwelling park, subject to SRC chapter 235.</li> </ul>
	S	The following single family activities: <ul style="list-style-type: none"> <li>■ Manufactured home, subject to SRC 700.025.</li> <li>■ Townhouse, subject to SRC 700.085.</li> <li>■ Zero side yard dwelling, subject to SRC 700.095.</li> </ul>
	N	All other Single Family.

**Response:** The single-family home will be retained on the adjusted Lot 16. Single family homes are planned for the adjusted Lot 17 and the remaining portion of the legal unit of land described in Volume 281, Page 265 of the Marion County Records in Exhibit E. These uses are permitted in the RS Zone. This standard is met.

- (b) Continued uses. Existing cottage housing within the RS zone constructed prior to May 15, 1979, but which would otherwise be made nonconforming by this chapter, is hereby deemed a continued use.
- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 511.010(f).
- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

**Response:** The subject property does not contain non-conforming structures. These standards do not apply.

511.010 Development standards.

Development within the RS zone must comply with the development standards set forth in this section.

- (a) Lot standards. Lots within the RS zone shall conform to the standards set forth in Table 511-2.

TABLE 511-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 4,000 sq. ft.	
Lot Width		
All Uses	Min. 40 ft.	
Lot Depth		
Single family and two family	Min. 70 ft.	

	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
Single family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.  In no case shall the lot width be less than 40 ft. at the front building setback line.

**Response:**

PLA 1 involves adjusting the lot line shared between the legal unit of land described in Volume 281, Page 265 of the Marion County Records and Lot 16 of Alderbrook Manor. The lot standards for these adjusted lots are met as follows:

- The adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records provides ±40,453 square feet of total lot area, ±189 feet of lot width, and ±268 feet of lot depth. The resulting lot depth is ±142 percent of the average lot width. The street frontage requirement is met with a 60-foot-wide flag lot accessway easement shared with the Adjusted Lot 16 and Lot 17 of Alderbrook Manor of frontage on Welcome Way SE. Please refer to the responses to the applicable sections of Chapter 800 for more detailed discussion of how the SRC allows street frontage requirements to be met with flag lot accessways.
- The adjusted Lot 16 of Alderbrook Manor will provide ±199,823 square feet of lot area, ±507 feet of lot width, ±622 feet of lot depth, and ±135.68 feet of street frontage on Welcome Way SE. The resulting lot depth is 122 percent of the average lot width.

PLA 2 involves adjusting a common lot line between the adjusted Lot 16 of Alderbrook Manor and Lot 17 of Alderbrook Manor. The lot standards for these adjusted lots are met as follows:

- The adjusted Lot 16 of Alderbrook Manor will provide ±189,395 square feet of lot area, ±501 feet of lot width, ±480 feet of lot depth. The resulting lot depth is 81 percent of the average lot width. The street frontage requirement is met with a 60-foot-wide flag lot accessway easement shared with the adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records and the Lot 17 of Alderbrook Manor on Welcome Way SE. Please refer to the responses to the applicable sections of Chapter 800 for more detailed discussion of how the SRC allows street frontage requirements to be met with flag lot accessways.
- The adjusted Lot 17 of Alderbrook Manor will provide ±30,925 square feet of lot area, ±241.15 feet of lot width, ±136 feet of lot depth, and ±248.63 feet of street

frontage on Welcome Way SE. The resulting lot depth is 56 percent of the average lot width.

PLA 3 involves adjusting a common lot line between the adjusted Lot 16 of Alderbrook Manor and Lot 21 of Alderbrook Manor. The lot standards for these adjusted lots are met as follows:

- The adjusted Lot 16 of Alderbrook Manor will provide ±171,200 square feet of lot area, ±468 feet of lot width, and ±480 feet of lot depth. The resulting lot depth is less than 100 percent of the average lot width. The street frontage requirement is met with a 60-foot-wide flag lot accessway easement shared with the adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records and the Lot 17 of Alderbrook Manor on Welcome Way SE. Please refer to the responses to the applicable sections of Chapter 800 for more detailed discussion of how the SRC allows street frontage requirements to be met with flag lot accessways.
- The adjusted Lot 21 of Alderbrook Manor will provide ±42,508 square feet of lot area, ±111 feet of lot width, and ±249 feet of lot depth. The resulting lot depth is ±224 percent of the average lot width. The adjusted lot will maintain ±189.29 feet of frontage on Vacation Lane SE and ±215.40 feet of frontage on Commercial Street SE.

These standards are met.

(b) Setbacks. Setbacks within the RS zone shall be provided as set forth in Table 511-3.

TABLE 511-3. SETBACKS			
Requirement	Standard	Limitations & Qualifications	
Abutting Street			
Buildings			
All uses	Min. 12 ft.	Applicable along collector or arterial streets.	
	Min. 20 ft.		
Interior Front			
Buildings			
All uses	Min. 12 ft.		
Interior Side			
Buildings			
Single family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.	
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.	
	Per SRC 700.085	Applicable to townhouses.	
	Per SRC 700.095	Applicable to zero side yard dwellings.	
Interior Rear			
Buildings			
All uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.	
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.	



**Response:** Future buildings on the adjusted lots are not included in this application. The setbacks for these will be reviewed with the building permits for the future homes on these lots. The existing buildings exceed the minimum setbacks from the new lot lines on the adjusted Lot 16, as shown in the Preliminary Plans in Exhibit A. The applicable standards under this section are met.

- (c) Lot coverage; height. Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.

TABLE 511-4. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
Single family and two family	Max. 60%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Height		
Buildings		
Single family and two family	Max. 35 ft.	Applicable to new buildings.
	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.

**Response:** Future buildings on the adjusted lots are not included in this application. The setbacks for these lots will be reviewed with the building permits for the future homes. The adjusted lot lines of Lot 16 do not cause the existing improvements to exceed the maximum lot coverage requirement for this Lot. The applicable standards under this section are met.

- (d) Maximum square footage for all accessory structures. In addition to the maximum coverage requirements established in Table 511-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.

**Response:** Future buildings on the adjusted lots are not included in this application. The setbacks for these lots will be reviewed with the building permits for the future homes. The adjusted lot lines of Lot 16 do not cause the existing improvements to exceed the maximum lot coverage requirement for this Lot. The applicable standards under this section are met.

- (e) Garages required.
- (1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RS zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.
  - (2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic



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feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.

**Response:** The existing home to be retained on the adjusted Lot 16 has a garage. Therefore, the garage requirement for this lot is met. The other lots are planned to be developed in the future with single family homes. The garage requirements for these lots will be reviewed with building permit applications. This standard is met.

- (f) Development standards for continued uses. Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:
- (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
  - (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
  - (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 511-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

**Response:** This application does not involve altering, enlarging, or rebuilding any existing structures. These standards do not apply.

Chapter 800 General Development Standards

800.015 Lot standards, generally.

- (a) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.

**Response:** As shown in the Preliminary Plans in Exhibit A, the existing buildings, structures, and other improvements will be contained entirely within the adjusted Lot 16. The other adjusted lots are planned to be developed in the future with single family homes. The location of these buildings will be reviewed with building permit applications for the new homes. This standard can be met.

- (b) Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

**Response:** As shown on the Preliminary Plans in Exhibit A, the side lots lines of the adjusted Lot 17 will run at right angles to Welcome Way SE. This standard is met.

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800.020. Designation of lot lines.

- (a) Front lot line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).

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- (1) Interior lot. For an interior lot, the front lot line shall be the property line abutting the street.
  - (2) Corner lot. For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.
  - (3) Double frontage lot. For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.
  - (4) Flag lot. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.

**Response:** As permitted under this chapter, this PLA application involves two flag lots, the adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records and the adjusted lot 16 of Alderbrook Manor.

- For the adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records, the front lot line is the outside property line (±60.11 feet long) that separates the lot from the portion of adjusted lot 16 of Alderbrook Manor that contains the flag lot accessway (the lot between it and the street from which access is provided to the flag lot).
  - For the adjusted Lot 16, the front lot line is the outside property line (±241.15 feet long) that separates the lot from lot 17 of Alderbrook Manor that contains the flag lot accessway (the lot between it and the street from which access is provided to the flag lot).
- (5) Other lots. In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.

800.025 Flag lots.

Flag lots are allowed subject to the standards set forth in this section.

**Response:** As permitted under this chapter, this PLA application includes two flag lots that meet the definition of flag lot in Chapter 111, which states:

*Flag lot means a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway (see Figure 111-1).*

As shown on the Preliminary Plans in Exhibit A, the adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records will be set back from the street (Welcome Way SE) at the rear and to the side of the adjusted Lot 16 of Alderbrook Manor with vehicular access to Welcome Way provided by a flag lot accessway. The flag lot accessway is provided with an access easement across the adjusted Lot 16 of Alderbrook Manor. Furthermore, the definition of *flag lot*

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accessway in Chapter 111, states the flag lot accessway can be provided with an access easement:

*Flag lot accessway means a portion of a lot that provides legal access from a street to one or more flag lots. An accessway may be through fee-simple ownership as part of a flag lot **or by an access easement** with associated reciprocal and irrevocable access rights for all lots using the accessway. (emphasis added)*

Similarly, the adjusted Lot 16 of Alderbrook Manor will be set back from the street (Welcome Way SE) at the rear of the adjusted Lot 17 of Alderbrook Manor with vehicular access to Welcome Way provided by a flag lot accessway in the form of an access easement across Lot 17.

Both these lots meet the definition of a flag lot with vehicular access provided by a flag lot accessway as permitted by this chapter.

- (a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.

**Response:** The adjusted lot area of the two flag lots shown on the Preliminary Plans in Exhibit A are calculated exclusive of the flag lot accessway. This standard is met.

- (b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.

**Response:** The lot dimensions shown on the Preliminary Plans in Exhibit A conform to the lot dimension standard of Table 511-2 exclusive of the flag lot accessway. This standard is met.

- (c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

TABLE 800-1. FLAG LOT ACCESSWAY STANDARDS			
Number of Lots Served by Accessway	Maximum Length	Total Width	Paved Width
3-4 lots	400 ft.	Min. 25 ft.	Min. 20 ft.

**Response:** As shown on the Preliminary Plans in Exhibit A, the flag lot accessway will serve 3 lots and is planned with 400 feet of length, 60 feet of total width, and 20 feet of paved width.

As previously discussed, Chapter 111 allows flag lot accessways to be provided with an access easement. Therefore, the access easement providing access for the adjusted legal unit of land described in Volume 281, Page 265 of the Marion County Records across the adjusted Lots 16 and 17 of Alderbrook Manor meets this standard and provides the required vehicular access to this lot. This standard is met.

800.040 Special setbacks.

- (a) Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.

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**Response:** This application does not involve new buildings. City of Salem Public Works has informed the Applicant that the boundary streets have adequate pavement and right-of-way widths. Therefore, there are no special setbacks that apply to the site. This standard does not apply.

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#### **IV. Conclusion**

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Salem Revised Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this consolidated Property Line Adjustment application.

## Exhibit A: Site Plans and PLA Maps

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## **Exhibit B: City of Salem Application Form**

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## **Exhibit C: Recorded Deed**

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## **Exhibit D: Preliminary Title Report**

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## **Exhibit E: 1943 Deed, Volume 281, Page 265**

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## **Exhibit F: Alderbrook Manor Plat**

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## Exhibit G: Draft PLA Deeds

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## **Exhibit H: Legal Memo**

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## **Exhibit I: Ordinance Bill No. 8-18**

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