

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

ADMINISTRATIVE DECISION FOR PROPERTY LINE ADJUSTMENT

CASE NO.: PLA21-25
AMANDA NO.: 21-110695-LD
DATE OF DECISION: December 3, 2021
PROPERTY LOCATION: 2960, 3000, & 3010 Lansing Ave NE
APPLICANT: Capital Baptist Church

REQUEST

The second of two property line adjustments to eliminate the common property line between two abutting units of land resulting in one property approximately 3.8 acres in size, for properties zoned RS (Single-Family Residential), and located at 2960, 3000, & 3010 Lansing Ave NE - 97301 (Marion County Assessor Map and Tax Lot number: 073W13AC / 5600, 5700 and 5800).

FINDINGS

The proposed property line adjustment is the second of two that affect common property lines between two abutting units of land (**Attachment A**). This property line adjustment eliminates the common property line between Tax Lot 073W13AC / 5700 and Tax Lot 073W13AC / 5800. The result of the property line adjustment will consolidate both properties into one one, resulting in a property approximately 3.8 acres in size. (**Attachment B**)

A. City Department and Public Agency Comments

1. The City of Salem Building and Safety Division reviewed and had no concerns.
2. The Salem City Fire Department reviewed the proposal and indicated no concerns with the property line adjustment.
3. The City of Salem Surveyor reviewed the proposal and provided comments indicating that at the time of final property line adjustment 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 eliminates the 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: This is the second property line adjustment in a series of two proposed property line adjustments that affects properties within a development site that contains an existing religious assembly use (Capitol Baptist Church). The subject properties are zoned RS (Single-Family Residential). The proposed property line adjustment will result in one property approximately 3.8 acres in size.

Pursuant to SRC 511.010(a), Table 511-2, the minimum lot area for a Religious Assembly use is 6,000 square feet, minimum lot width is 40 feet, minimum lot depth is 80 feet and minimum street frontage is 40 feet. The proposed property line adjustment will consolidate Tax Lot 073W13AC / 5700 (created from Property Line Adjustment PLA21-24) and Tax Lot 073W13AC / 5800, resulting in a consolidated property approximately 3.8 acres in size. As shown on the property line adjustment site plan, the combined lots will meet the minimum lot area, lot width, lot depth, and street frontage requirements of the RS 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 that were lawfully established. Tax Lot 073W13AC/ 5700 was created through Property Line Adjustment PLA21-24, which was approved by the Planning Administrator on December X, 2021 (PLA Case No. 21-24 has not yet recorded), and Tax Lot 073W13AC / 5800, described in Volume 565, Page 789 and recorded in 1962.

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: The subject property received Conditional Use and Site Plan Review Approval (CU-SPR20-09) in April of 2021 for construction of a new fellowship building for an existing religious assembly (Capital Baptist Church). Condition 6 of the approval required that prior to issuance of a building permit, the existing property lines within the development site shall be eliminated by final recording of either (1) property line adjustment(s), or (2) a replat. The applicant has chosen to eliminate the existing property lines through two property line adjustment permits, PLA21-24 and PLA21-25.

Additionally, the applicant has signed a Memorandum of Agreement (MOU) with the City that would allow the issuance of a building permit once the existing property lines within the development are eliminated by final recording of either (1) property line adjustment(s), or (2) a replat. The applicant is required to have the property line adjustment surveyed and monumented, and legal descriptions prepared and recorded.

Therefore, there are no existing land use approvals or previous conditions of approval applicable to the properties 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 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 503-540-2311 or sjlong@cityofsalem.net.



Sally Long, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

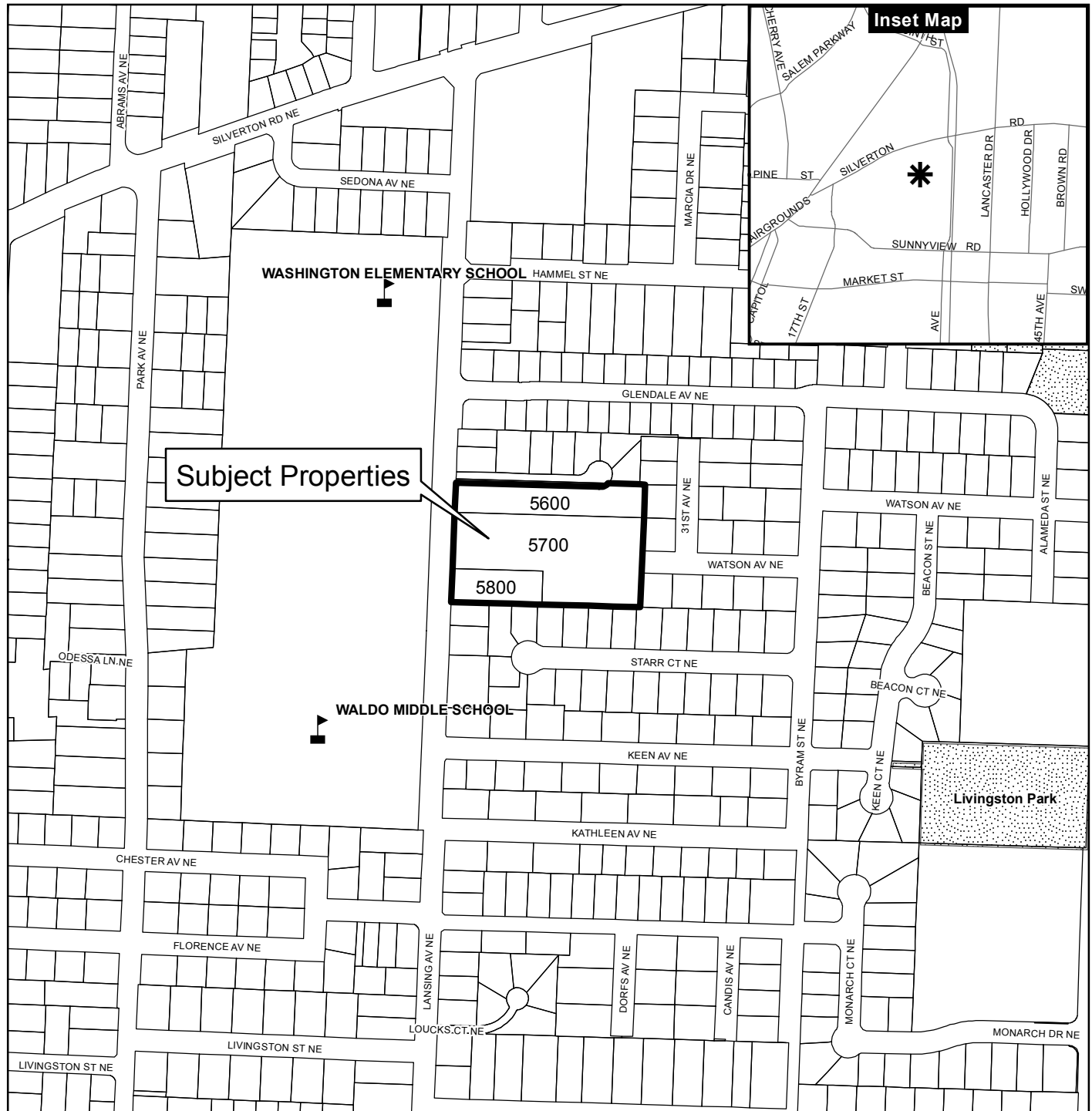
Attachments:

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

Vicinity Map

2960, 3000 and 3010 Lansing Avenue NE

(073W13AC05600, 073W13AC05700 and 073W13AC05800)



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



After recording, return to:

Capital Baptist Church
3000 Lansing Avenue NE
Salem, OR 97301

Send tax statements to:

NO CHANGE FROM CURRENT
ADDRESS ON FILE

Property Line Adjustment Deed 2 of 2

Capital Baptist Church, hereinafter called Grantor, 3000 Lansing Avenue NE, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property A, and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. Capital Baptist Church, hereinafter called Grantee, 3000 Lansing Avenue NE, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property B, more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 22,048 square feet and will hereafter be eliminated, and Property B will be increased in size by approximately 22,048 square feet and will hereafter consist of the land more particularly described on Exhibit C, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured property as described on Exhibit C, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Marion County, Oregon, described on Exhibit A, which is attached hereto and by this reference incorporated herein.

“BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336, AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, to consolidate two parcels into one.

EXHIBIT A

A tract of land situated in the northeast one-quarter of Section 13, Township 7 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being more particularly described as follows:

All of that property as described in Volume 565, Page 789, Marion County Deed Records.

Containing 22,048 square feet, more or less.



EXHIBIT B

A tract of land situated in the northeast one-quarter of Section 13, Township 7 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being more particularly described as follows:

All of that property as described in Exhibit 'C' of Reel ____, Page ____, Marion County Deed Records.

Containing 144,051 square feet, more or less.

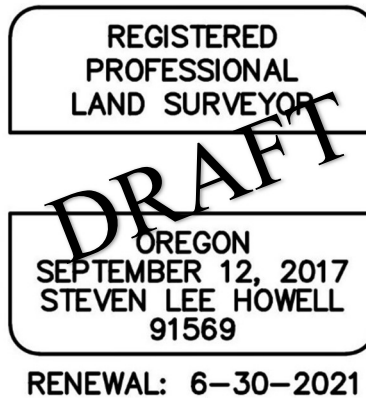


EXHIBIT C

A tract of land situated in the northeast one-quarter of Section 13, Township 7 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being a portion of Lots 6 and 7 of FAIR GROUND GARDEN TRACTS, recorded in Volume 2, Page 83, Book of Town Plats, being more particularly described as follows:

Beginning at the intersection of the south right of way of Sorenson Court and the east right of way of Lansing Avenue NE;

thence, along the south right of way of Sorenson Court, South 88°16'44" East, 386.59 feet to a point of curvature;

thence, along a 35.00 foot radius curve to the left, through a central angle of 44°24'29" (chord bears North 69°28'12" East, 26.45 feet) an arc distance of 27.13 feet to the southwest corner of Lot 5 of DIANE SUBDIVISION, recorded in Volume 35, Page 46, Book of Town Plats;

thence, along the south line of said Lot 5, South 88°16'46" East, 85.21 feet to the southwest corner of Lot 2 of DUVALL SUBDIVISION, recorded in Volume 31, Page 34, Book of Town Plats;

thence, along the south line of said Lot 2, South 88°18'59" East, ' to the northwest corner of Parcel 1 as shown on Survey Number 23119, Marion County Survey Records;

thence, along the west line of said Parcel 1, South 02°25'01" West, 89.76 feet to the northwest corner of SILVER PARK ADDITION, recorded in Volume 20, Page 4, Book of Town Plats;

thence, along the west line of said SILVER PARK ADDITION, South 02°25'01" West, 242.15 feet to the north line of STARR SUBDIVISION, recorded in Volume 30, Page 12, Book of Town Plats;

thence, along the north line of said STARR SUBDIVISION, and continuing along the north line of STARR SUBDIVISION NO. 2, recorded in Volume 30, Page 27, Book of Town Plats, North 88°23'59" West, 511.66 feet the east right of way of said Lansing Avenue NE;

thence, along said east right of way line, North 02°21'34" East, 322.97 feet to the Point of Beginning.

Containing 166,099 square feet, more or less.

Basis of Bearings is North 02°21'34" East along the east right of way of Lansing Avenue NE per the Oregon State Plane North Zone, NAD83(2011), Epoch 2010.00.



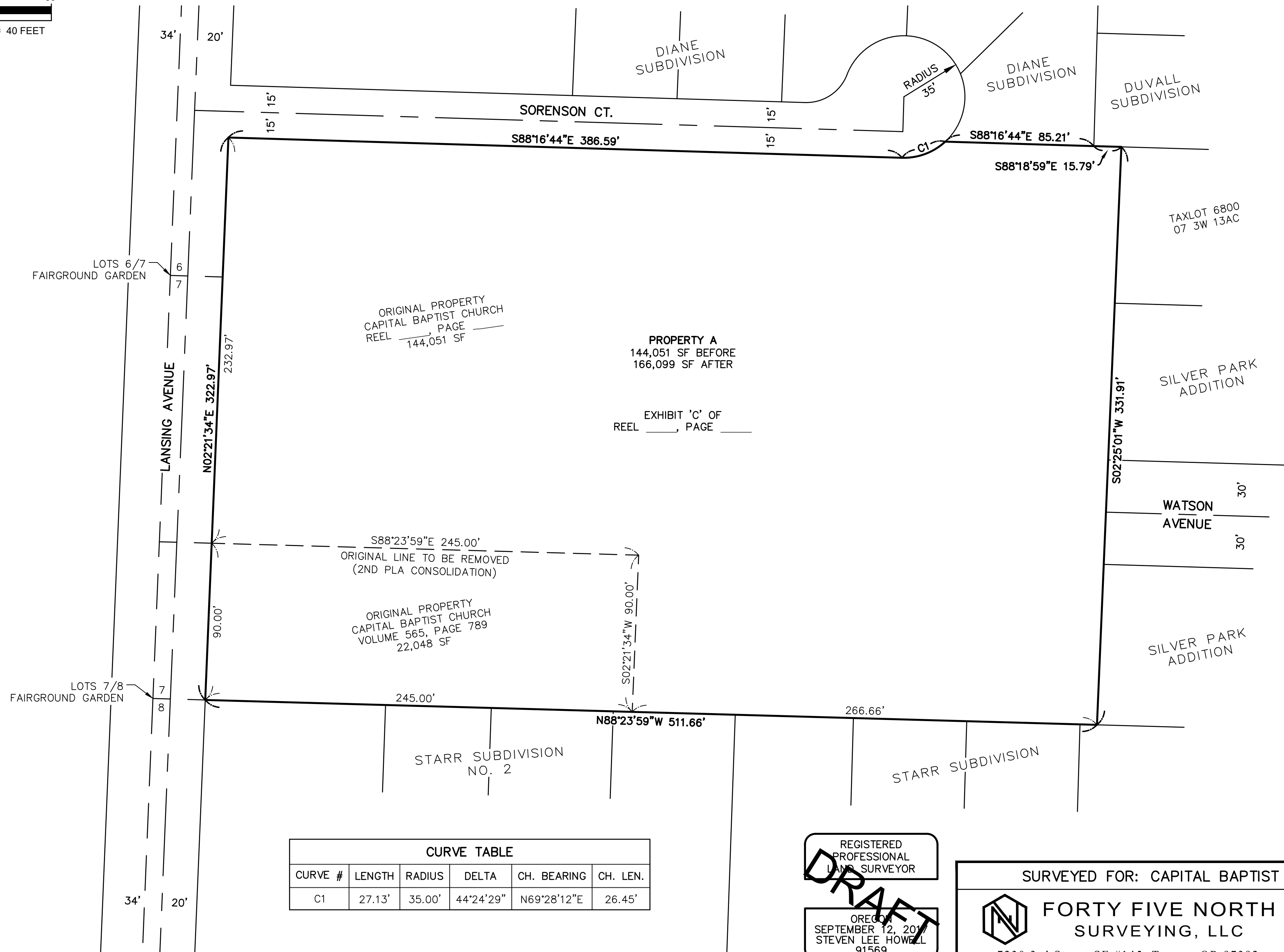


0' 40' 80'
SCALE: 1 INCH = 40 FEET

PROPOSED RECORD OF SURVEY PLA 2 of 2 FOR PROPERTY LINE ADJUSTMENT 2 OF 2

IN THE NE 1/4 OF SECTION 13, T.7S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

DATE: MAY 25, 2021




REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
SEPTEMBER 12, 2011
STEVEN LEE HOWELL
91569

RENEW: 6-30-2021

SURVEYED FOR: CAPITAL BAPTIST CHURCH

 **FORTY FIVE NORTH
SURVEYING, LLC**

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 20-227

SHEET **2/2**