

Property Line Adjustment Application

905 Cottage St. NE

Date: March 2022

Submitted to: City of Salem
Community Development Department
555 Liberty Street SE, Room 305
Salem, OR 97301

Applicant: DevNW
528 Cottage Street NE, Suite 304
Salem, OR 97301

AKS Job Number: 8102



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Exhibits

- Exhibit A:** Preliminary Plans
 - Exhibit B:** Application Forms
 - Exhibit C:** Title Report
 - Exhibit D:** Existing Property Deed
 - Exhibit E:** Draft PLA Deed
 - Exhibit F:** County Assessor's Map
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905 Cottage St. NE

Submitted to:	City of Salem Community Development Department 555 Liberty Street SE, Room 305 Salem, OR 97301
Applicant:	DevNW 528 Cottage Street NE, Suite 304 Salem, OR 97301
Property Owner(s):	Cottage Steet Apartments LLC C/O DevNW 212 Main Street Springfield, OR 97477
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact: Zach Pelz, AICP (pelzz@aks-eng.com) Phone: (503) 400-6028
Site Location:	Northwest corner of Cottage Street NE and D Street NE
Marion County Assessor's Map:	07 3W 23CB; Tax Lots 14300 and 14301
Site Size:	±0.30 acres
Land Use Districts:	Multiple Family High-Rise Residential (RH)

I. Executive Summary

AKS Engineering & Forestry, LLC is submitting this application on behalf of DevNW (Applicant) for a property line adjustment (PLA) to consolidate two lots within the City of Salem's Multiple Family High-Rise Residential (RH) zoning district. This will satisfy a condition of approval for an existing land use decision pertaining to the site (CPC-NPC-ZC-SPR-ADJ-DR20-03). Condition 6 of the decision requires this process to be completed prior to the issuance of building permits.

The City of Salem Revised Code (SRC) establishes that property line adjustments are to be considered through a Type I procedure. This written statement includes responses demonstrating that the application complies with all applicable approval standards. These responses are supported by substantial evidence, including preliminary plans and other written documentation. This information provides the necessary basis for the City of Salem (City) to approve the application.

II. Site Description/Setting

The subject site is located on Tax Lots 14301 and 14300 of Marion County Assessor's Map 07 3W 23CB, north of the intersection of Cottage Street NE and D Street NE in Salem, OR. The site totals ±0.30 acres consisting of two buildings that were historically used as a church (Evergreen Presbyterian Church) and a corresponding parsonage which is currently being used for multifamily housing. The property also includes a parking lot and outdoor play area to support the existing residential use. The entire site was recently rezoned to RH and approved to be redeveloped with multifamily residential housing. The site is surrounded to the north, east, and west by Single-Family Residential (RS) lots and to the south (across D Street) by Multiple Family Residential II (RM2) properties. The existing lots were lawfully created as Lots 5 and 6 of the Boise's Second Addition to the City of Salem Plat.

III. Applicable Review Standards

SALEM REVISED 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: The site includes two abutting units of land with a common property line. The lots are both legal lots of record platted within the Boise's Second Addition subdivision plat. This application will not create an additional unit of land or a unit of land that would be nonconforming.

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

Response: This application will be processed as a Type I procedure in accordance with SRC Chapter 300.

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- (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 recorded deed for the subject site is included with this application package as Exhibit D. 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;
- (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;

Response: The site plan is included with this application package in Exhibit A, showing the dimensions and areas of the units of land before and after the planned PLA. The Existing conditions plan, also included in Exhibit A, shows the required setbacks, building separations, lot coverage, vehicular access, and public and private utilities. This criterion is met.

- (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 title report, dated March 7, 2022, is included with this application package as Exhibit C. This requirement is met.

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

Response: As noted in the attached deed and title report documents, the subject site consists of two lots that were created by subdivision, described as Lots 5 and 6, Block 7 (Boise Subdivision).

- (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: The Draft PLA Deed, describing the adjusted lot and containing the required information, is included with this application package as Exhibit E. 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: The purpose of this property line adjustment is to eliminate a shared boundary between two legal units of land. No additional units of land will be created; therefore, 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;

Response: This narrative responds to the lot standards of the underlying zone, verifying that the planned property line adjustment will not create nonconforming development. 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 property 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: As verified by the recorded deed, included as Exhibit D, the existing lots were lawfully established and recorded as part of the Boise's Second Addition Subdivision Plat. 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;

Response: This property line adjustment is required by a condition of approval for a prior land use decision affecting the subject site. There are no conflicting conditions or land use approvals affecting the site that would prohibit the action; therefore, 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 property line adjustment does not involve the relocation or elimination of any public easements or rights-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: The property line adjustment will have no effect on the availability or access to public and private utilities or 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: This application includes only a single property line adjustment to eliminate a common property line between two adjacent lots. No additional property line adjustments have been proposed within a 6-month period; therefore, this criterion is not applicable.

- (f) Monumentation recording.

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- (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 above requirements and procedures are understood. The required documents are included with this application and contain the applicable information.

(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 above requirements and procedures are understood.

Chapter 515. RH – MULTIPLE FAMILY HIGH-RISE RESIDENTIAL

515.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RH zone are set forth in Table 515-1.

Table 515-1. Uses (Abridged)		
Uses	Status	Limitations and Qualification
Household Living		
Multiple Family	P	
Recreation, Entertainment, and Cultural Service and Facilities		
Religious Assembly	S	[no maximum seating capacity standard for lots located at the intersection of a collector and arterial street in the RH zones]

Response: This application does not involve a new use. Site development requests have been approved as part of a prior land use process.

515.010. Development standards.

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

- (a) Lot standards. Lots within the RH zone shall conform to the standards set forth in Table 515-2.

Table 515-2. Lot Standards		
Requirement	Standard	Limitations and Qualification
Lot Area		
All Uses	None	
Lot Width		
All Uses	None	
Lot Depth		
All Uses	None	
Street Frontage		
Single Family	Min. 40 ft.	
All other uses	Min. 16 ft.	

Response: The resulting lot will not exceed the lot standards for the RH zoning district.

- (b) Setbacks. Setbacks within the RH zone shall be provided as set forth in Table 515-3

Table 515-3. Setbacks		
Requirement	Standard	Limitations and Qualification
Abutting Street		
Buildings		
All uses	None	Applicable to buildings on lots located within the CSDP area.
	Min. 12 ft.	Applicable to buildings on lots located outside the CSDP area.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 4 ft. in height.
	None	Applicable to accessory structures greater than 4 ft. in height on lots located within the CSDP area.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height on lots located outside the CSDP area.
Vehicle Use Areas		
All Uses	Per SRC chapter 806	
Interior Front		
Buildings		
All Uses	None	Applicable to buildings on lots located within the CSDP area.
	Min. 12 ft.	Applicable to buildings on lots located outside the CSDP area.
Accessory Structures		
Accessory Structures	None	Applicable to accessory structures not more than 4 ft. in height.
	None	Applicable to accessory structures greater than 4 ft. in height on lots located within the CSDP area.

	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height on lots located outside the CSDP area.
Interior Side		
Buildings		
All uses	Min 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
Interior Rear		
Buildings		
All uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Vehicle Use Areas		
All Uses	Per SRC Chapter 806	

Response: This application does not involve new development subject to these setback requirements, and the proposed consolidation will not impact the existing setbacks. The existing development is compliant with the required setbacks, except in cases where adjustments to setback requirements have been approved by a prior land use decision.

- (c) Lot coverage; height. Buildings and accessory structures within the RH zone shall conform to the lot coverage and height standards set forth in Table 515-4.

Table 515-4. Lot Coverage; Height		
Requirement	Standard	Limitations and Qualification
Lot Coverage		
Buildings and Accessory Structures		
All Uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family and two family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
All uses	No Max.	
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family.	Max. 15 ft.	
Accessory to all other uses	No Max.	

Response: This application does not include development subject to these standards. Compliance with lot coverage and architectural standards has been reviewed through prior land use approvals.

[...]

Chapter 803. STREETS AND RIGHT-OF-WAY IMPROVEMENTS

803.010. Streets, generally.

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

Response: This application does not involve new streets or traffic-generating development that warrant street improvements.

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 the City can rely upon this information to approve the application.

Exhibit A: Preliminary Plans

Exhibit B: Application Forms

Exhibit C: Title Report

Exhibit D: Existing Deed

Exhibit E: Draft PLA Deed

Exhibit F: County Assessor's Map
