

**SALEM HEIGHTS ELEMENTARY SCHOOL
PROPERTY LINE ADJUSTMENT WRITTEN STATEMENT
SERIAL NO. 1 (APPLICATION 1 OF 3)**

APPLICANT/OWNER:

Salem-Keizer School District 24J
Attn: Joel Smallwood
3630 State Street
Salem, OR 97301

APPLICANT'S REPRESENTATIVES:

Mark D. Shipman, Attorney
Margaret Y. Gander-Vo, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
503-399-1070
mshipman@sglaw.com
margaret@sglaw.com

I. SUBJECT PROPERTY INFORMATION

The subject property is located at 3495 Liberty Road South and 365 Madrona Avenue South in Salem, Oregon, and is designated by the Marion County Assessor as Tax Map 08-3W-3BC Tax Lot ("**TL**") 5400, TL 5500, and TL 5600 (herein the "**Subject Property**") which is further depicted on the attached **Exhibit "A."** The Subject Property is currently developed with the Salem Heights Elementary School campus (the "**Existing School**"). The City of Salem (herein the "**City**") has designated the Subject Property as "Community Service Education" on the City of Salem Comprehensive Plan Map and it is split zoned Single Family Residential (RS), Multiple Family Residential 2 (RM2) and Public/Private Education (PE). The City Zoning Map is attached as **Exhibit "B."** The Subject Property is located within the City limits and the City's Urban Service Area.

The Salem-Keizer School District 24J ("**Applicant**") acquired title to the Subject Property as evidenced by the vesting deeds provided as a part of this application request.

II. BACKGROUND

The Applicant is in the process of obtaining site plan review approval for interior renovations and the construction of an expanded bus loop as a part of the 2018 Bond Project (the "**Proposed Development**"). Through the site plan review process, City staff identified the existence of approximately seven (7) individual units of land, with property lines that run through the Existing School. Due to the location of the historical property lines throughout the Subject Property, processing the site plan review request is unduly constrained, and, after discussions with City staff, the Applicant has decided to apply for multiple property line adjustment ("**PLA**") applications. There will be two (2) serial sets of three (3) PLA Application filings, for a total of six (6) individual PLA application requests filed concurrently. The seventh (7th) PLA application will be the final PLA Application for the Subject Property and will be submitted six (6) months after the approval date of the sixth (6th) application. The two (2) serial PLA filings will result in two (2) consolidated parcels that will subsequently be combined into a single unit of land at the end of the statutory six (6) month waiting period. Applicant has provided an exhibit following the City Surveyor's feedback regarding the appropriate serial order of the PLA applications, which designates the individual properties as Parcels A, B, C, D, E, F, G and H, and as such, Applicant will use these lettered references for ease of review, this exhibit is attached as **Exhibit "C."**

This written statement is the first written statement for Serial No. 1, which is requesting a consolidation of Parcels B and C, only. Two additional written statements are being filed concurrently with this written statement, completing the second series referenced above.

III. REQUEST

Applicant is proposing to adjust the property lines between Parcels B and C as identified in Exhibit C, and further described in Applicant's proposed PLA deed, which has been uploaded as part of this request.

IV. CRITERIA AND PROPOSED FINDINGS

The relevant criteria for a PLA is found in Salem Revised Code ("**SRC**") 205 and is provided below.

Sec. 205.055. - Property line adjustments.

[...]

(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;

Proposed Finding: Applicant has provided the vesting deeds of record for the existing units of land. This criterion 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;

Proposed Finding: Applicant has provided a site plan which includes the elements listed above for the Subject Property. As outlined above, this PLA is being submitted as part of a series of PLA applications that will ultimately consolidate the Subject Property into one (1) single unit of land. Applicant's site plan reflects this ultimate configuration. 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;

Proposed Finding: Applicant has provided the vesting deeds showing proof of ownership and a preliminary title report herewith this PLA request. This criterion is met.

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

Proposed Finding: City surveying staff has already acknowledged that Parcels B and C are lawfully created units of land. Applicant has provided the vesting deeds for the Subject Property. No additional documentation is necessary to meet this criterion.

(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.

Proposed Finding: Applicant has provided a draft PLA deed with this Application which conforms to the requirements in this section. This criterion 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;

Proposed Finding: As established above, Parcels D and E are legal units of land. The proposed PLA will consolidate two existing units of land into a single parcel, reflecting the existing use more accurately on the Subject Property. This will subsequently allow for further development of the site generally. 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;

Proposed Finding: The PLA will not create nonconforming units of land or nonconforming development or increase the degree of nonconformity in existing units of land or existing development. Parcels B and C are legally created units of land that are being consolidated to better facilitate an existing use on the Subject Property. Applicant is seeking approval of this PLA in order to complete the renovation of the Existing School as approved under the 2018 Bond Project, which is subject to Site Plan Review due to the proposed exterior improvements. This portion of the Subject Property is zoned PE and is subject to the lot standards set forth in SRC 542.010. The PE zone requires a minimum lot area of ten thousand (10,000 SQ FT) square feet; a minimum width of fifty (50') feet; a minimum depth of eighty (80') feet; and a minimum street frontage of sixteen (16') feet. This PLA will combine two (2) nonconforming lots into one (1) single parcel that meets the applicable lot standards. 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;

Proposed Finding: As part of this application, Applicant has provided the deeds that created Parcels B and C. Additionally, the City Surveyor has reviewed the deed records and determined that Parcels B and C are lawfully created units of land. This Application does not involve the incorporation of excess right of way. 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;**

Proposed Finding: The PLA is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both 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; and**

Proposed Finding: The PLA does not involve the relocation or elimination of any right of way right or easement. No other public easement or right of way is affected by this PLA. This criterion is met.

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

Proposed Finding: The Subject Property has existing access onto Madrona Avenue SE which will not be impacted by this PLA. Additionally, this PLA will not adversely affect the availability of, or access to, utilities. This criterion is met.

V. CONCLUSION

Applicant's proposal meets the criteria for property line adjustments and respectfully requests approval as proposed.

EXHIBIT LIST:

- Exhibit A - Tax Map**
- Exhibit B - Zoning Map**
- Exhibit C - Lettered Parcel Identification Map**



