

3697/3737 CROSIAN CREEK RD S

Property Line Adjustment Application - 2

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Submitted To:

City of Salem

555 Liberty Street SE, #305
Salem, Oregon 97301

Applicants:

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1 Introduction

This property line adjustment presents an application to reconfigure 2 units of land pertaining to Taxlot 2600 of Marion County Taxmap 083W05DA situs address 3697 Crosian Creek Rd S and Taxlot 2501 of Marion County Taxmap 083W05DA situs address 3737 Crosian Creek Rd S. This application is a 2nd property line adjustment concurrently and the area of 3697 Crosian Creek Rd S Tract 1 post property line adjustment 1. Taxlot 2501 is legally established parcel 2 of partition plat 1999-125 containing 1.57 acres. Tract 1 of the post adjusted 1st property line adjustment contains approximately 2.68-acres.

2 Project Overview and Description

The applicants propose to reconfigure the existing tract and parcel into a 0.97-acre tract and 3.27-acre parcel. Access for the resultant tract would retain the existing access from Croisan Creek Rd S. Access for Parcel 2 would retain the existing access from Croisan Creek via a flag portion. The existing tract has a single-family residence, accessory structure, and forested piece in the westerly portion. Tract 1 has no existing structures and is forested. This property line adjustment has a goal of transfer of forested land from one landowner to a neighboring land owner for conservation purposes. No development is proposed at this time.

3 Applicable Review Standards

Salem Revised Code

CHAPTER 205. - LAND DIVISION AND RECONFIGURATION

Sec. 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 tract is a legally established unit of land. The neighboring parcel is a legal established unit of land. No creation of additional unit of lands is proposed therefore a property line adjustment is applicable.

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

Response: A Type I procedure requires submittal information pursuant to Sec 300.210 of the City of Salem Unified Development Code. Applicable information has been included in this submittal.

(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: Record deeds for the project have been included.

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

Response: A site plan has been submitted.

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

Response: An existing conditions and site plan have been included in the submittal.

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

Response: An existing conditions showing relevant information has been submitted. A proposed site plan has been submitted with relevant information.

(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 has been submitted.

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

Response: A chain of title has been included to establish tract 1 and tract 2 prior to 1960 therefore conforming to a legal units of land requirements.

(5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:

Response: Draft deeds have been included with the submittal.

(A) The names of the owners;

Response: Property is under single ownership and has been written on application documents.

(B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;

Response: Draft legal descriptions sealed by an Oregon PLS have been included.

(C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and

Response: A chain of title has been included. Deeds pertaining to the creation of Tract 1 of this application are as follows:

**Tract 1 (Northerly) – Marion County Deed Vol. 388 Page 629 Recording Date May 26, 1948
Parcel 2 – Partition Plat 1999-125**

(D) A place for the signatures of all parties, along with proper notary acknowledgment.

Response: PLA Surveys have applicable signature lines.

(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 property line adjusts lines between 2 legal tracts of land and does not create any additional tracts of land.

(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: The property line adjustment does not create nonconforming units of land pursuant to RA zoning requirements. The post adjusted Parcel 2 having an average width approximately 340 feet and an overall depth of approximately 779 feet. Therefore, lot width and depth are met. Lot areas are compliant per zoning for RA.

(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: Tract 1 prior to adjustment was established by deed prior to 1960. Post adjusted Tract 1 is still legally established. Parcel 2 was established legally by a partition plat. Discussed above.

(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: No prior City land use approval prohibiting this action has been discovered at this time.

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

Response: The property line adjustment does not relocate or eliminate any public easement or right-of-way.

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

Response: Existing the tract have access to public utilities via Crosian Creek Rd S. Tract 1 has legal access from Crosian Creek Rd S. Parcel 2 has legal access from Croisan Creek Rd S.

(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

Response: This adjustment is 2 of 2 proposed adjustments and therefore this section is not applicable.

(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 adjustment is 2 of 2 proposed adjustments and therefore this section is not applicable.

(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:

Response: Project line record of survey monumentation will be set pursuant to ORS 92.

(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.*

Response: Adjustment deeds and post adjustment deeds have been included in the submittal. They shall be modified as necessary based on City Surveyor comments.

(B) The applicant shall record the final property line adjustment deed(s) document; and

Response: After planning approval and City surveyor approval final adjustment deeds shall be recorded with Marion County.

(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: Property line adjustment surveys have been included in the submittal pursuant to ORS 92 and conform with property line adjustment deeds.

(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: Expiration for the project is understood.

4 Conclusion

The applicable code sections and required findings have been made and this written narrative and accompanying documentation demonstrate the submitted replat application is consistent with City of Salem code.