

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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

DECISION OF THE PLANNING ADMINISTRATOR

PROPERTY LINE ADJUSTMENT CASE NO.: PLA22-09

APPLICATION NO.: 21-116895-LD

NOTICE OF DECISION DATE: APRIL 15, 2022

APPLICANT: Curt Fisher, AKS Engineering, for Seth Garey, Lancaster Development Company, LLC (Jeffrey Thomas and Jon Jummelt)

LOCATION: 783 and 831 Lancaster Dr NE

REQUEST

The first of two property line adjustments to relocate a line between two abutting properties 10.04 and 2.58 acres in size resulting in properties 9.63 and 2.99 acres in size within in a larger development site known as the Willamette Town Center, zoned CR (Commercial Retail), and located at 831 Lancaster Dr NE and 783 Lancaster Dr NE (Marion County Tax Lot Numbers: 072W19CC/5403 and 072W19CC/5404).

FINDINGS

1. Proposal

The proposed property line adjustment affects properties located at 831 Lancaster Dr NE and 783 Lancaster Dr NE (Attachment A). The proposed property line adjustment relocates the common property line between two abutting units of land (labeled as Property A and B in the Attachments) resulting in two properties approximately 9.63 acres and 2.99 acres in size, for Marion County tax lot numbers 072W19CC/5403 and 072W19CC/5404 (Attachment B).

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 21 116895.

3. City Department and Public Agency Comments

The City of Salem Building and Safety Division reviewed the proposal and indicated no concerns with the proposal.

The Salem City Fire Department reviewed the proposal and indicated that they have no concerns with the Property Line Adjustment. Items including fire department access and water supply will be required at the time of development.

The City of Salem Surveyor reviewed the proposal and provided the following comment: 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 the 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.

DECISION CRITERIA FINDINGS

4. Analysis of 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:

SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land;

Finding: The proposed property line adjustment relocates 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.

SRC 205.055(d)(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: The subject properties are zoned CR (Commercial Retail). The proposed property line adjustment will result in two properties approximately 9.63 acres and 2.99 acres in size.

Development within the CR zone must comply with the development standards set forth in SRC Chapter 522.010, Table 522-2:

TABLE 522-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		

All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
All other uses	Min. 16 ft.	

As proposed, both lots meets the lot standards of the zone.

The lots are currently developed and approved with commercial developments (most recently approved via SPR-ADJ22-03). The applicant received an adjustment (ADJ22-01) to reduce the required five-foot required setback between vehicle use areas to zero in order to allow an existing parking area that serves the development site to cross over property lines. The adjustment was approved with one condition requiring additional adjustments if more lot line adjustments are requested.

With the approved adjustment, the applicant is not creating nonconforming units of land or nonconforming development or increasing the degree of nonconformity in existing units of land or existing development, this criterion is met.

SRC 205.055(d)(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;

Finding: Existing Property A (Tax lot 072W19CC/5404; 783 Lancaster Dr NE) is lawfully established as Exhibit D of Reel 4459, Page 352, Marion County Deed Records, approved via Property Line Adjustment Case PLA 20-28.

Existing Property B (Tax lot 072W19CC/5403; 831 Lancaster Dr NE) is lawfully established as Exhibit D of Reel 4308, Page 319, Marion County Deed Records, approved via Property Line Adjustment Case PLA 19-11.

As 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, this criterion is met.

SRC 205.055(d)(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: There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment, therefore this criterion is met.

SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way;

Finding: The proposed property line adjustment does not relocate or eliminate any easements or public right-of-way. Therefore, this criterion is met.

SRC 205.055(d)(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 abutting units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

5. 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).

The rights granted by the attached decision must be exercised by April 15, 2024, or this approval shall be null and void.

If you have any questions regarding items in this decision, please feel free to contact me at 503-540-3247 or kstraus@cityofsalem.net.

ORDER

The proposed Property Line Adjustment is consistent with the provisions of SRC Chapter 205.055 and is hereby **APPROVED**.

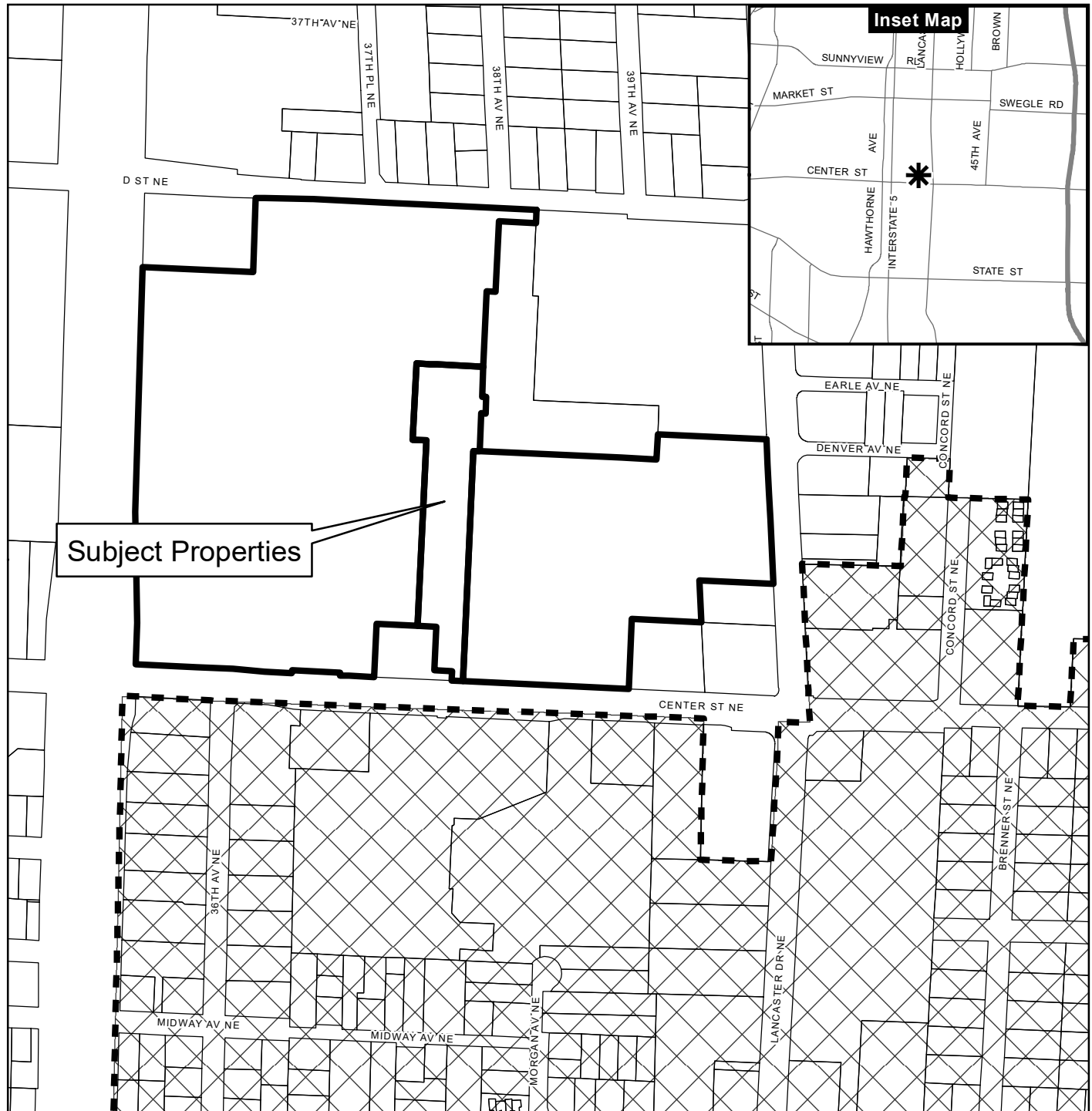


Kirsten Straus, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map

831 and 783 Lancaster Dr NE



Legend

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

Parks

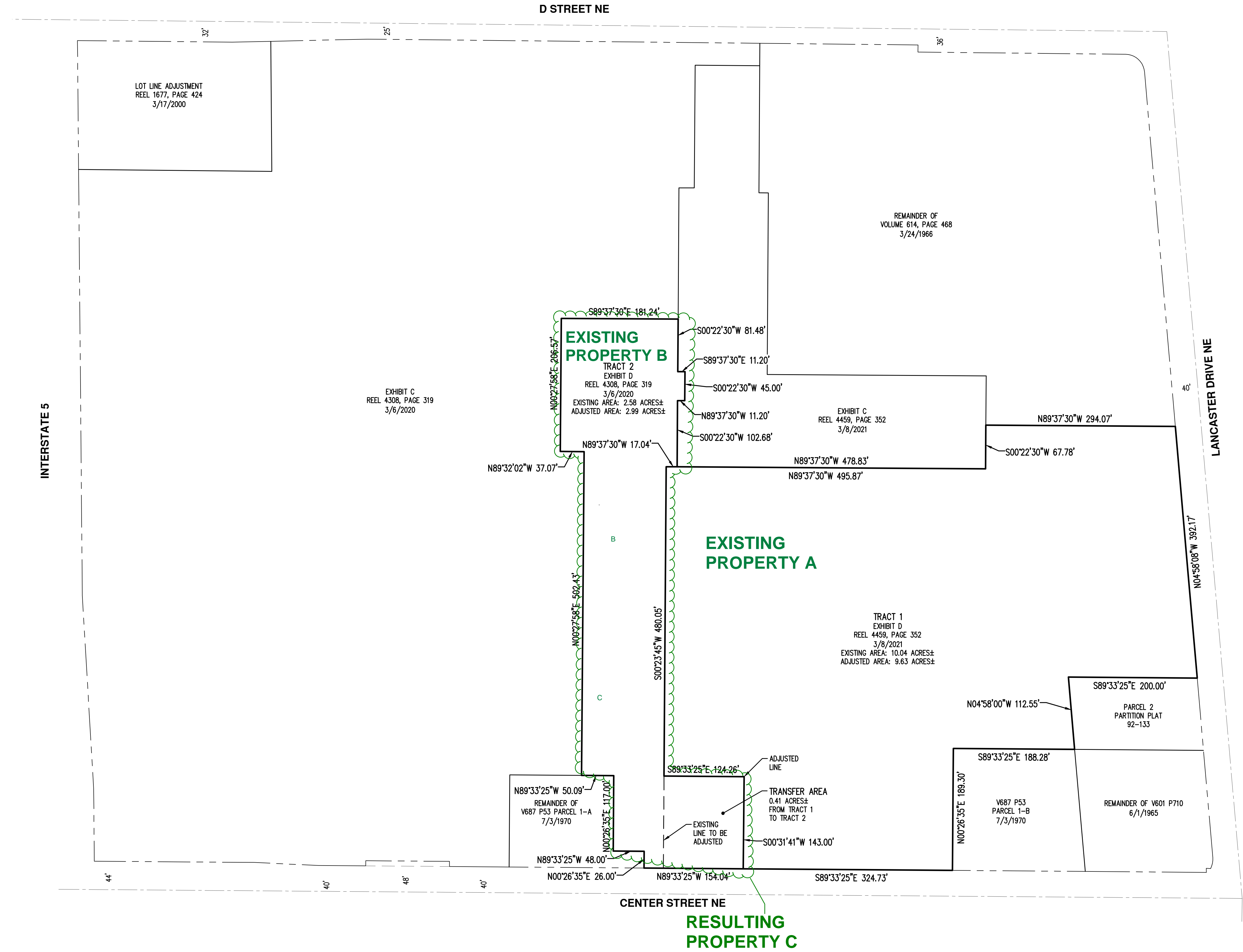
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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



AKS DRAWING FILE: 5410PLA SITEPLAN.DWG | LAYOUT: PLA 1 SHEET 1



After recording, return to:

Lancaster Development Company LLC
1701 SE Columbia River Dr.
Vancouver, WA 98661

Send tax statements to:

No Change.

Property Line Adjustment Deed (PLA__ - __)

LANCASTER DEVELOPMENT COMPANY LLC, an Oregon limited liability company, hereinafter called Grantor, 1701 SE Columbia River Drive, Vancouver, Washington 98661, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property A (Exhibit D of Deed Reel 4459 and Page 352, recorded March 8, 2021), and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. LANCASTER DEVELOPMENT COMPANY LLC, an Oregon limited liability company, hereinafter called Grantee, 1701 SE Columbia River Drive, Vancouver, Washington 98661, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property B (Exhibit D of Deed Reel 4308 and Page 319, recorded March 6, 2020), 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 B will be reduced in size by approximately 0.41 acres and will hereafter consist of only the land described on Exhibit D, which is attached hereto and incorporated herein by this reference, and Property A will be increased in size by approximately 0.41 acres 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 properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Marion County, Oregon, described on Exhibit E, 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, and the two parcels are to remain separate and distinct.

This property line adjustment deed is executed this _____ day of _____, 20____.

LANCASTER DEVELOPMENT COMPANY LLC, an
Oregon limited liability company

By: C.E. John Company, Inc., Manager

By: _____
Grantor

Title

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Jeffery V. Thompson, as President of C.E. John Company, Inc. manager of Lancaster Development Company LLC, an Oregon limited liability company.

Notary Public—State of Oregon
My commission expires: _____

LANCASTER DEVELOPMENT COMPANY LLC, an
Oregon limited liability company

By: C.E. John Company, Inc., Manager

By: _____
Grantee

Title

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Jeffery V. Thompson, as President of C.E. John Company, Inc. manager of Lancaster Development Company LLC, an Oregon limited liability company.

Notary Public—State of Oregon
My commission expires: _____



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Existing Tract 1

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the easterly line of Exhibit D of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said east line South 00°23'45" West 623.05 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line South 89°33'25" East 448.66 feet to the west line of Deed Volume 687, Page 53 Parcel 1-B (recorded July 3, 1970); thence along said west line North 00°26'35" East 189.30 feet to the north line of said Deed; thence along said north line South 89°33'25" East 188.28 feet to the west line of Parcel 2 of Partition Plat Number 92-133; thence along said west line North 04°58'00" West 112.55 feet to the north line of said Parcel 2; thence along said north line South 89°33'25" East 200.00 feet to the west right-of-way line of Lancaster Drive NE (40.00 feet from centerline); thence along said west right-of-way line North 04°58'08" West 392.17 feet to the southerly line of the remainder of Volume 614, Page 468 (recorded March 24, 1966); thence along said southerly line North 89°37'30" West 294.07 feet to the southerly line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said southerly line South 00°22'30" West 67.78 feet; thence continuing along said southerly line and westerly extension thereof, North 89°37'30" West 495.87 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 10.04 acres, more or less.

9/1/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

REVIEW COPY

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/22



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AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT B

Existing Tract 2

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the west line of Exhibit D of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said west line South 00°23'45" West 623.05 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line North 89°33'25" West 30.11 feet to the easterly line of Deed Volume 687, Page 53 Parcel 1-A (recorded July 3, 1970); thence along said easterly line the following courses: North 00°26'35" East 26.00 feet, North 89°33'25" West 48.00 feet, North 00°26'35" East 117.00 feet, North 89°33'25" West 50.09 feet to the easterly line of Exhibit C of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said easterly line the following courses: North 00°27'58" East 502.43 feet, North 89°32'02" West 37.07 feet, North 00°27'58" East 206.57 feet, South 89°37'30" East 181.24 feet to the westerly line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said westerly line the following courses: South 00°22'30" West 81.48 feet, South 89°37'30" East 11.20 feet, South 00°22'30" West 45.00 feet, North 89°37'30" West 11.20 feet, South 00°22'30" West 102.68 feet to the northerly line of Exhibit D of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said northerly line North 89°37'30" West 17.04 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 2.58 acres, more or less.

9/1/2021

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AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT C

Adjusted Tract 1

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the easterly line of Exhibit D of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said easterly line South 00°23'45" West 480.05 feet; thence leaving said easterly line South 89°33'25" East 124.26 feet; thence South 00°31'41" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line South 89°33'25" East 324.73 feet to the west line of Deed Volume 687, Page 53 Parcel 1-B (recorded July 3, 1970); thence leaving said north right-of-way line along said west line North 00°26'35" East 189.30 feet to the north line of said Deed; thence along said north line South 89°33'25" East 188.28 feet to the west line of Parcel 2 of Partition Plat Number 92-133; thence along said west line North 04°58'00" West 112.55 feet to the north line of said Parcel 2; thence along said north line South 89°33'25" East 200.00 feet to the west right-of-way line of Lancaster Drive NE (40.00 feet from centerline); thence along said west right-of-way line North 04°58'08" West 392.17 feet to the southerly line of the remainder of Volume 614, Page 468 (recorded March 24, 1966); thence leaving said west right-of-way line along said southerly line North 89°37'30" West 294.07 feet to the southerly line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said southerly line South 00°22'30" West 67.78 feet; thence continuing along said southerly line and westerly extension thereof, North 89°37'30" West 495.87 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 9.63 acres, more or less.

9/1/2021

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AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT D

Adjusted Tract 2

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the west line of Exhibit D of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said west line South 00°23'45" West 480.05 feet; thence South 89°33'25" East 124.26 feet; thence South 00°31'41" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line North 89°33'25" West 154.04 feet to the easterly line of Deed Volume 687, Page 53 Parcel 1-A (recorded July 3, 1970); thence along said easterly line the following courses: North 00°26'35" East 26.00 feet, North 89°33'25" West 48.00 feet, North 00°26'35" East 117.00 feet, North 89°33'25" West 50.09 feet to the easterly line of Exhibit C of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said easterly line the following courses: North 00°27'58" East 502.43 feet, North 89°32'02" West 37.07 feet, North 00°27'58" East 206.57 feet, South 89°37'30" East 181.24 feet to the westerly line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said westerly line the following courses: South 00°22'30" West 81.48 feet, South 89°37'30" East 11.20 feet, South 00°22'30" West 45.00 feet, North 89°37'30" West 11.20 feet, South 00°22'30" West 102.68 feet to the northerly line of Exhibit D of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said northerly line North 89°37'30" West 17.04 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 2.99 acres, more or less.

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OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT E

Transfer Area

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records also being on the easterly line of Exhibit D of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said easterly line South 00°23'45" West 480.05 feet to the Point of Beginning; thence leaving said easterly line South 89°33'25" East 124.26 feet; thence South 00°31'41" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line North 89°33'25" West 123.93 feet to said easterly line; thence along said easterly line North 00°23'45" East 143.00 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 0.41 acres, more or less.

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DECISION OF THE PLANNING ADMINISTRATOR

PROPERTY LINE ADJUSTMENT CASE NO.: PLA22-10

APPLICATION NO.: 21-116896-LD

NOTICE OF DECISION DATE: APRIL 15, 2022

APPLICANT: Curt Fisher, AKS Engineering, for Seth Garey, Lancaster Development Company, LLC (Jeffrey Thomas and Jon Jummelt)

LOCATION: 783 and 831 Lancaster Dr NE

REQUEST

The second of two property line adjustments to relocate a line between two abutting properties 2.99 and 22.52 acres in size resulting in properties 0.64 and 24.87 acres in size within in a larger development site known as the Willamette Town Center, zoned CR (Commercial Retail), and located at 831 Lancaster Dr NE and 3811 Center St NE (Marion County Tax Lot Numbers: 072W19CC/5403 and 072W19CC/5400).

FINDINGS

1. Proposal

The proposed property line adjustment affects properties located at 831 Lancaster Dr NE and 3811 Center St NE (Attachment A). The proposed property line adjustment relocates the common property line b between two abutting properties 2.99 and 22.52 acres in size resulting in properties 0.64 and 24.87 acres in size, for Marion County tax lot numbers 072W19CC/5403 and 072W19CC/5400 (Attachment B).

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 21 116896.

3. City Department and Public Agency Comments

The City of Salem Building and Safety Division reviewed the proposal and indicated no concerns with the proposal.

The Salem City Fire Department reviewed the proposal and indicated that they have no concerns with the Property Line Adjustment. Items including fire department access and water supply will be required at the time of development.

The City of Salem Surveyor reviewed the proposal and provided the following comment: 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 the 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.

DECISION CRITERIA FINDINGS

4. Analysis of 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:

SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land;

Finding: The proposed property line adjustment relocates 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.

SRC 205.055(d)(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: The subject properties are zoned CR (Commercial Retail). The proposed property line adjustment will result in two properties approximately 90.64 and 24.87 acres in size.

Development within the CR zone must comply with the development standards set forth in SRC Chapter 522.010, Table 522-2:

TABLE 522-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		

All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
All other uses	Min. 16 ft.	

As proposed, both lots meets the lot standards of the zone.

The lots are currently developed and approved with commercial developments (most recently approved via SPR-ADJ22-03). The applicant received an adjustment (ADJ22-01) to reduce the required five-foot required setback between vehicle use areas to zero in order to allow an existing parking area that serves the development site to cross over property lines. The adjustment was approved with one condition requiring additional adjustments if more lot line adjustments are requested.

With the approved adjustment, the applicant is not creating nonconforming units of land or nonconforming development or increasing the degree of nonconformity in existing units of land or existing development, this criterion is met.

SRC 205.055(d)(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;

Finding: Existing Property C is lawfully created by Property Line Adjustment Case 22-09.

Existing Property D (Tax lot 072W19CC/5400; 3811 Center St NE) is lawfully established as Exhibit D of Reel 4308, Page 319, Marion County Deed Records, approved via Property Line Adjustment Case PLA 19-11.

As 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, this criterion is met.

SRC 205.055(d)(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: There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment, therefore this criterion is met.

SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way;

Finding: The proposed property line adjustment does not relocate or eliminate any easements or public right-of-way. Therefore, this criterion is met.

SRC 205.055(d)(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 abutting units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

5. 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).

The rights granted by the attached decision must be exercised by April 15, 2024, or this approval shall be null and void.

If you have any questions regarding items in this decision, please feel free to contact me at 503-540-3247 or kstraus@cityofsalem.net.

ORDER

The proposed Property Line Adjustment is consistent with the provisions of SRC Chapter 205.055 and is hereby **APPROVED**.

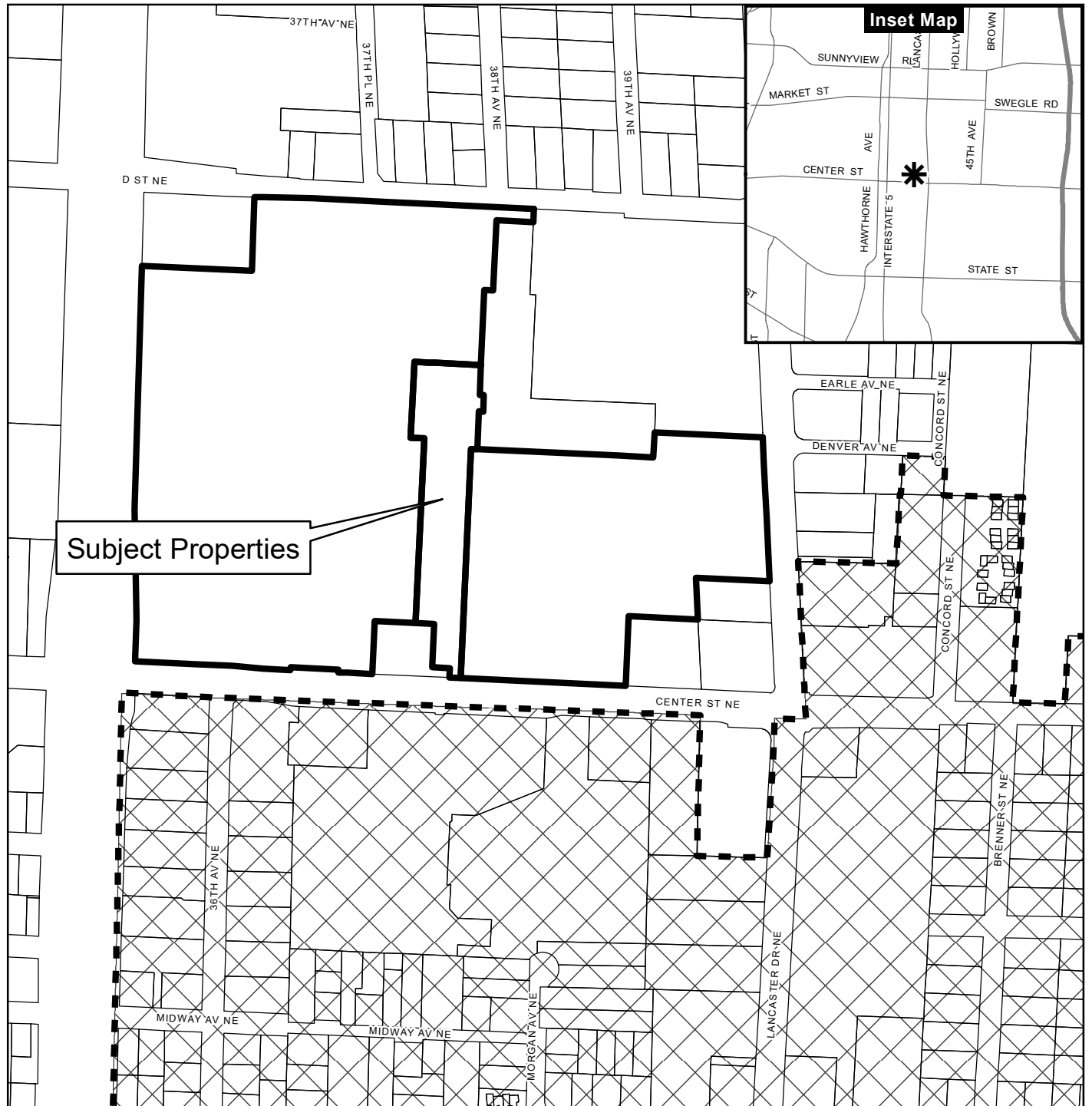


Kirsten Straus, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map

831 and 783 Lancaster Dr NE



Legend

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

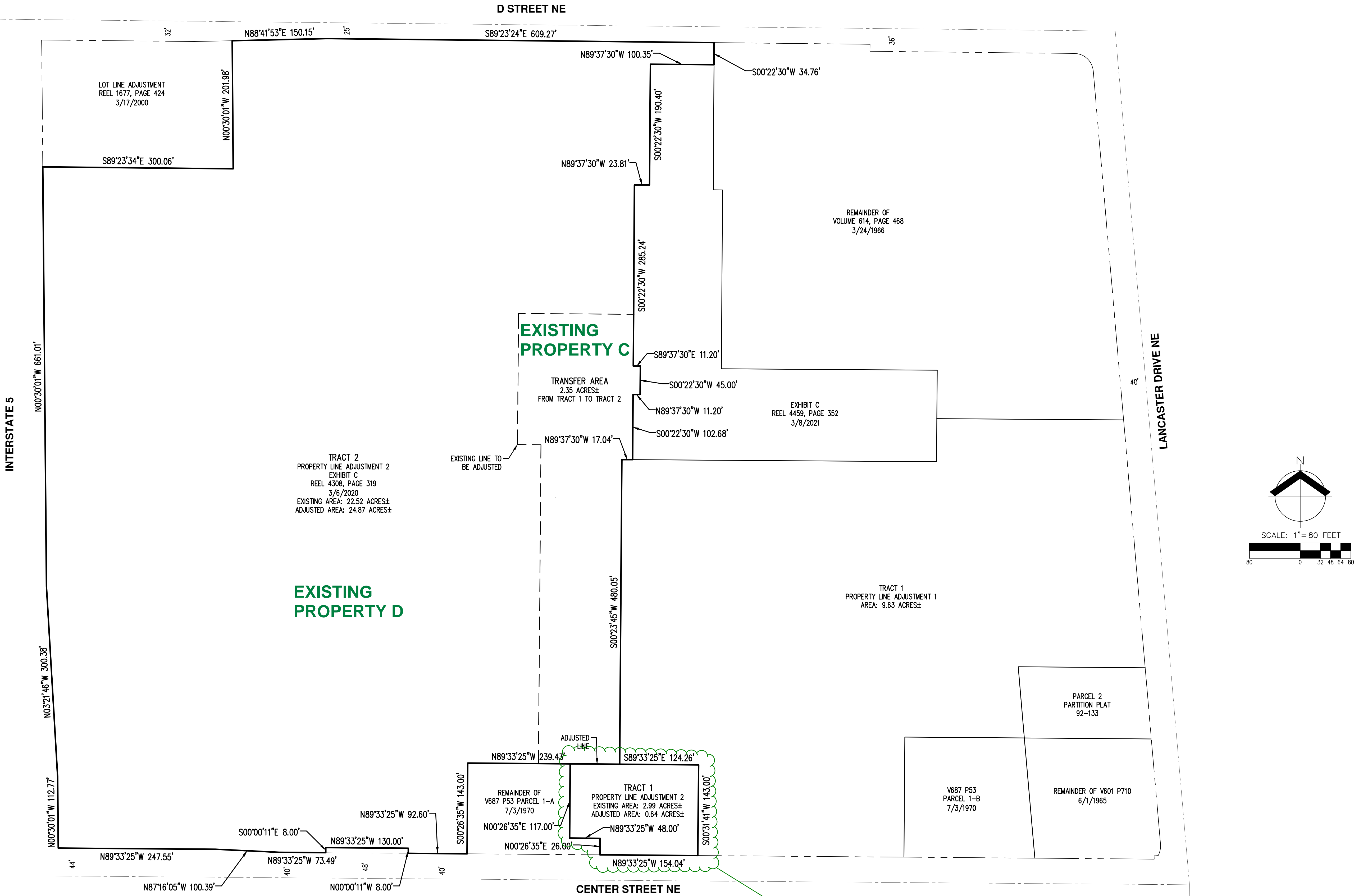
- Parks

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





LANCASTER MALL
PLA SITE PLAN EXHIBIT
SALEM OREGON

ORIGINAL AND ADJUSTED
LEGAL LOT LINES

DESIGNED BY:	
DRAWN BY:	MSD
CHECKED BY:	NSW
SCALE:	AS NOTED
DATE: 8/25/2021	
REGISTERED PROFESSIONAL LAND SURVEYOR	
JANUARY 9, 2007	
NICK WHITE	
70652LS	
RENEWS: 6/30/22	
REVISIONS	
JOB NUMBER	5410
SHEET	01

After recording, return to:

Lancaster Development Company LLC
1701 SE Columbia River Dr.
Vancouver, WA 98661

Send tax statements to:

No Change.

Property Line Adjustment Deed (PLA__-__)

LANCASTER DEVELOPMENT COMPANY LLC, an Oregon limited liability company, hereinafter called Grantor, 1701 SE Columbia River Drive, Vancouver, Washington 98661, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property A (Exhibit D of PLA 1 Deed Reel ____ and Page ____, recorded _____, 20__), and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. LANCASTER DEVELOPMENT COMPANY LLC, an Oregon limited liability company, hereinafter called Grantee, 1701 SE Columbia River Drive, Vancouver, Washington 98661, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property B (Exhibit C of Deed Reel 4308 and Page 319, recorded March 6, 2020), 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 2.35 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 2.35 acres and will hereafter consist of the land more particularly described on Exhibit D, 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 properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Marion County, Oregon, described on Exhibit E, 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, and the two parcels are to remain separate and distinct.

This property line adjustment deed is executed this _____ day of _____, 20____.

LANCASTER DEVELOPMENT COMPANY LLC, an
Oregon limited liability company

By: C.E. John Company, Inc., Manager

By: _____
Grantor

Title

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Jeffery V. Thompson, as President of C.E. John Company, Inc. manager of Lancaster Development Company LLC, an Oregon limited liability company.

Notary Public—State of Oregon
My commission expires: _____

LANCASTER DEVELOPMENT COMPANY LLC, an
Oregon limited liability company

By: C.E. John Company, Inc., Manager

By: _____
Grantee

Title

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Jeffery V. Thompson, as President of C.E. John Company, Inc. manager of Lancaster Development Company LLC, an Oregon limited liability company.

Notary Public—State of Oregon
My commission expires: _____



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Existing Tract 1

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the westerly line of Exhibit C of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said westerly line the following courses: South 00°23'45" West 480.05 feet, South 89°33'25" East 124.26 feet, South 00°31'41" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line North 89°33'25" West 154.04 feet to the easterly line of Deed Volume 687, Page 53 Parcel 1-A (recorded July 3, 1970); thence leaving said north right-of-way line along said easterly line the following courses: North 00°26'35" East 26.00 feet, North 89°33'25" West 48.00 feet, North 00°26'35" East 117.00 feet, North 89°33'25" West 50.09 feet to the easterly line of Exhibit C of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said easterly line the following courses: North 00°27'58" East 502.43 feet, North 89°32'02" West 37.07 feet, North 00°27'58" East 206.57 feet, South 89°37'30" East 181.24 feet to the westerly line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said westerly line the following courses: South 00°22'30" West 81.48 feet, South 89°37'30" East 11.20 feet, South 00°22'30" West 45.00 feet, North 89°37'30" West 11.20 feet, South 00°22'30" West 102.68 feet to the northerly line of Exhibit C of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said northerly line North 89°37'30" West 17.04 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 2.99 acres, more or less.

9/1/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

REVIEW COPY

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/22



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT B

Existing Tract 2

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, and located in the Southeast One-Quarter of Section 24 and the Northeast One-Quarter of Section 25, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the easterly line of Exhibit D of Deed Reel ____, Page ____ (recorded _____, 2021); thence along said easterly line South 00°23'45" West 480.05 feet to the easterly extension of the north line of Deed Volume 687, Page 53 Parcel 1-A (recorded July 3, 1970); thence along said easterly extension thereof, North 89°33'25" West 128.08 feet to a point on the north line of said Deed, also being the Point of Beginning; thence along said north line North 89°33'25" West 111.35 feet to the west line of said Deed; thence along said west line South 00°26'35" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line the following courses: North 89°33'25" West 92.60 feet, North 00°00'11" West 8.00 feet to a point 48.00 feet from centerline, North 89°33'25" West 130.00 feet, South 00°00'11" East 8.00 feet to a point 40.00 feet from centerline, North 89°33'25" West 73.49 feet, North 87°16'05" West 100.39 feet to a point 44.00 feet from centerline, North 89°33'25" West 247.55 feet to the east right-of-way line of Interstate 5 as described in Reel 973, Page 206 (recorded July 28, 1992); thence along said east right-of-way line the following courses: North 00°30'01" West 112.77 feet, North 03°21'46" West 300.38 feet, North 00°30'01" West 661.01 feet to the south line of Deed Reel 1677, Page 424 (recorded March 17, 2000); thence along said south line South 89°23'34" East 300.06 feet to the east line of said Deed; thence along said east line North 00°30'01" West 201.98 feet to the south right-of-way line of D Street NE (variable width from centerline); thence along said south right-of-way line North 88°41'53" East 150.15 feet to a point 25.00 feet from centerline; thence continuing along said south right-of-way line South 89°23'24" East 609.27 feet to the westerly line of the remainder of Deed Volume 614, Page 468 (recorded March 24, 1966); thence along said westerly line South 00°22'30" West 34.76 feet to the north line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said north line North 89°37'30" West 100.35 feet to the westerly line of said Deed; thence along said westerly line the following courses: South 00°22'30" West 190.40 feet, North 89°37'30" West 23.81 feet, South 00°22'30" West 203.75 feet to the north line of Exhibit D of Deed Reel ____, Page ____ (recorded _____, 2021); thence along said north line North 89°37'30" West 181.24 feet to the westerly line of said Deed; thence along said westerly line the following courses: South 00°27'58" West 206.57 feet, South 89°32'02" East 37.07 feet, South 00°27'58" West 502.43 feet to the Point of Beginning.

9/1/2021

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The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above described tract of land contains 22.52 acres, more or less.

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWALS: 6/30/20



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
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AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT C

Adjusted Tract 1

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of Parcel 1 Partition Plat Number 92-133 Marion County Plat Records, also being on the westerly line of Exhibit C of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said westerly line South 00°23'45" West 480.05 feet to the Point of Beginning; thence continuing along said westerly line South 89°33'25" East 124.26 feet; thence continuing along said westerly line South 00°31'41" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line North 89°33'25" West 154.04 feet to the easterly line of Deed Volume 687, Page 53 Parcel 1-A (recorded July 3, 1970); thence along said easterly line the following courses: North 00°26'35" East 26.00 feet, North 89°33'25" West 48.00 feet, North 00°26'35" East 117.00; thence leaving said easterly line South 89°33'25" East 77.99 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 0.64 acres, more or less.

9/1/2021

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OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/22



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AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT D

Adjusted Tract 2

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, and located in the Southeast One-Quarter of Section 24 and the Northeast One-Quarter of Section 25, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 92-133 Marion County Plat Records, also being on the easterly line of Exhibit D of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said easterly line South 00°23'45" West 480.05 feet to the easterly extension of the north line of Deed Volume 687, Page 53 Parcel 1-A (recorded July 3, 1970); thence along said easterly extension thereof, North 89°33'25" West 239.43 feet to the west line of said Deed; thence along said west line South 00°26'35" West 143.00 feet to the north right-of-way line of Center Street NE (40.00 feet from centerline); thence along said north right-of-way line the following courses: North 89°33'25" West 92.60 feet, North 00°00'11" West 8.00 feet to a point 48.00 feet from centerline, North 89°33'25" West 130.00 feet, South 00°00'11" East 8.00 feet to a point 40.00 feet from centerline, North 89°33'25" West 73.49 feet, North 87°16'05" West 100.39 feet to a point 44.00 feet from centerline, North 89°33'25" West 247.55 feet to the east right-of-way line of Interstate 5 as described in Reel 973, Page 206 (recorded July 28, 1992); thence along said east right-of-way line the following courses: North 00°30'01" West 112.77 feet, North 03°21'46" West 300.38 feet, North 00°30'01" West 661.01 feet to the south line of Deed Reel 1677, Page 424 (recorded March 17, 2000); thence along said south line South 89°23'34" East 300.06 feet to the east line of said Deed; thence along said east line North 00°30'01" West 201.98 feet to the south right-of-way line of D Street NE (variable width from centerline); thence along said south right-of-way line North 88°41'53" East 150.15 feet to a point 25.00 feet from centerline; thence continuing along said south right-of-way line South 89°23'24" East 609.27 feet to the westerly line of the remainder of Deed Volume 614, Page 468 (recorded March 24, 1966); thence along said easterly line South 00°22'30" West 34.76 feet to the north line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said north line North 89°37'30" West 100.35 feet to the westerly line of said Deed; thence along said westerly line the following courses: South 00°22'30" West 190.40 feet, North 89°37'30" West 23.81 feet, South 00°22'30" West 285.24 feet, South 89°37'30" East 11.20 feet, South 00°22'30" West 45.00 feet, North 89°37'30" West 11.20 feet, South 00°22'30" West 102.68 feet to the northerly line of Exhibit C of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said northerly line North 89°37'30" West 17.04 feet to the Point of Beginning

9/1/2021

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 24.87 acres, more or less.

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JANUARY 9, 2007
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70652LS

RENEWS: 6/30/22



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AKS Job #5410

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT E

Transfer Area

A tract of land located in the Southwest One-Quarter of Section 19 and the Northwest One-Quarter of Section 30, Township 7 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 Partition Plat Number 92-133 Marion County Plat Records, also being on the westerly line of Exhibit C of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said westerly line South 00°23'45" West 480.05 feet; thence leaving said westerly line North 89°33'25" West 128.08 feet to the easterly line of Exhibit C of Deed Reel 4308, Page 319 (recorded March 6, 2020); thence along said easterly line the following courses: North 00°27'58" East 502.43 feet, North 89°32'02" West 37.07 feet, North 00°27'58" East 206.57 feet, South 89°37'30" East 181.24 feet to the westerly line of Exhibit C of Deed Reel 4459, Page 352 (recorded March 8, 2021); thence along said westerly line the following courses: South 00°22'30" West 81.48 feet, South 89°37'30" East 11.20 feet, South 00°22'30" West 45.00 feet, North 89°37'30" West 11.20 feet, South 00°22'30" West 102.68 feet to the northerly line of Exhibit C of Deed Reel ____, Page ____ (recorded ____, 2021); thence along said northerly line North 89°37'30" West 17.04 feet to the Point of Beginning.

The Basis of Bearings is along the northerly line of Exhibit D of Deed Reel 4459, Page 352 per Marion County Survey Number 39396. The above-described tract of land contains 2.35 acres, more or less.

9/1/2021

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OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/22