

# 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.: PLA22-17**

**APPLICATION NO.: 22- 106470-LD**

**NOTICE OF DECISION DATE:** June 1, 2022

**SUMMARY:** A Property Line Adjustment to remove an existing property line.

**REQUEST:** A Property Line Adjustment to eliminate a common property line between two abutting units of land resulting in a parcel approximately .30 acres in size, for property zoned RH (Multiple Family High-Rise Residential) and located at 905 and 925 Cottage Street SE (Marion County Assessors Map and Tax Lot Numbers: 073W23CB / 14300 and 14301).

**APPLICANT:** Dev NW

**LOCATION:** 905 and 925 Cottage St NE

**FINDINGS:** The findings are in the attached Decision dated June 1, 2022.

**DECISION:** The **Planning Administrator APPROVED** PLA22-17 based upon the application materials and the findings as presented in the decision.

The rights granted by the attached decision must be exercised by June 1, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>April 22, 2022</u>
Notice of Decision Mailing Date:	<u>June 1, 2022</u>
Decision Effective Date:	<u>June 23, 2022</u>

Case Manager: Jamie Donaldson, Planner II, [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net), 503-540-2328

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after **June 1, 2022**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>) FINDINGS &amp; ORDER</b>
<b>PROPERTY LINE ADJUSTMENT</b>	<b>)</b>
<b>CASE NO. PLA22-17</b>	<b>)</b>
<b>905 AND 925 COTTAGE ST NE</b>	<b>) June 1, 2022</b>

In the matter of the application for a Property Line Adjustment, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

A Property Line Adjustment to eliminate a common property line between two abutting units of land resulting in a parcel approximately .30 acres in size, for property zoned RH (Multiple Family High-Rise Residential) and located at 905 and 925 Cottage Street SE (Marion County Assessors Map and Tax Lot Numbers: 073W23CB / 14300 and 14301).

**PROCEDURAL FINDINGS**

1. On March 22, 2022, an application for a Property Line Adjustment was submitted for property located at 905 and 925 Cottage St NE.
2. After additional requested information was provided by the applicant, the application was deemed complete on April 22, 2022.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The proposed property line adjustment affects properties located at the 905 and 925 Cottage St NE (**Attachment A**). The proposed property line adjustment eliminates a common property line between two abutting units of land resulting in a parcel approximately .30 acres in size, for property zoned RH (Multiple Family High-Rise Residential) and located at 905 and 925 Cottage Street SE (Marion County Assessors Map and Tax Lot Numbers: 073W23CB / 14300 and 14301) (**Attachment B**).

**2. Summary of Record**

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 22 106470.

### 3. City Department Comments

City of Salem Building and Safety Division – Reviewed the proposal and indicated no concerns with the proposal.

Salem City Fire Department – Reviewed the proposal and indicated that they have no concerns with the proposal.

City of Salem Surveyor – Reviewed the proposal and provided comments indicating that the applicant shall provide the required field survey and deed 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, as per SRC 205.055, the approval of the final property line adjustment application by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

### 4. Public Agency Comments

Notice to public agencies was sent on April 22, 2022, and no comments were received.

## **DECISION CRITERIA FINDINGS**

### 5. 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.

Salem Revised Code (SRC) 205.055(d) provides that an application for a Property Line Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

***SRC 205.055(d)(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.

***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 RH – Residential High Rise. The proposed property line adjustment will result in one parcel approximately .30 acres in size.

Pursuant to SRC 515.010(a), Table 515-2, there are no minimum lot area or dimension requirements within the RH zone, other than a minimum street frontage requirement of 16 feet for all uses other than Single Family.

As shown on the property line adjustment site plan, the resulting lot area and dimensions of both properties meet or exceed the minimum lot area, lot width, lot depth, and street frontage requirements of the RH zone.

The proposed property line adjustment does not result in the creation of non-conforming 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 non-conforming units of land or non-conforming development or increase the degree of non-conformity in existing units of land, 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:** The proposed property line adjustment eliminates the common property line between two units of land created in 1891 in Boise's Second Addition to Salem. The units of land were therefore lawfully established. Because the proposed property line adjustment involves two legal units of land, 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 eliminates the common property line between two existing properties. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

## 6. Conclusion

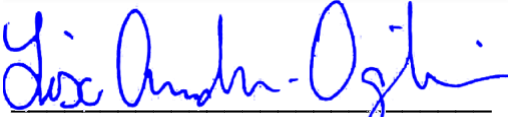
Based upon the requirements of SRC 205.055, the proposed property line adjustment has been reviewed for compliance with the applicable standards and criteria of the Unified Development Code (UDC). The Planning Administrator certifies that the proposed property line adjustment is in conformance with the 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).

### **IT IS HEREBY ORDERED**

The proposed Property Line Adjustment is consistent with the provisions of SRC Chapter 205.055 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

  
\_\_\_\_\_  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

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

# Vicinity Map

## 905 & 925 Cottage Street 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.

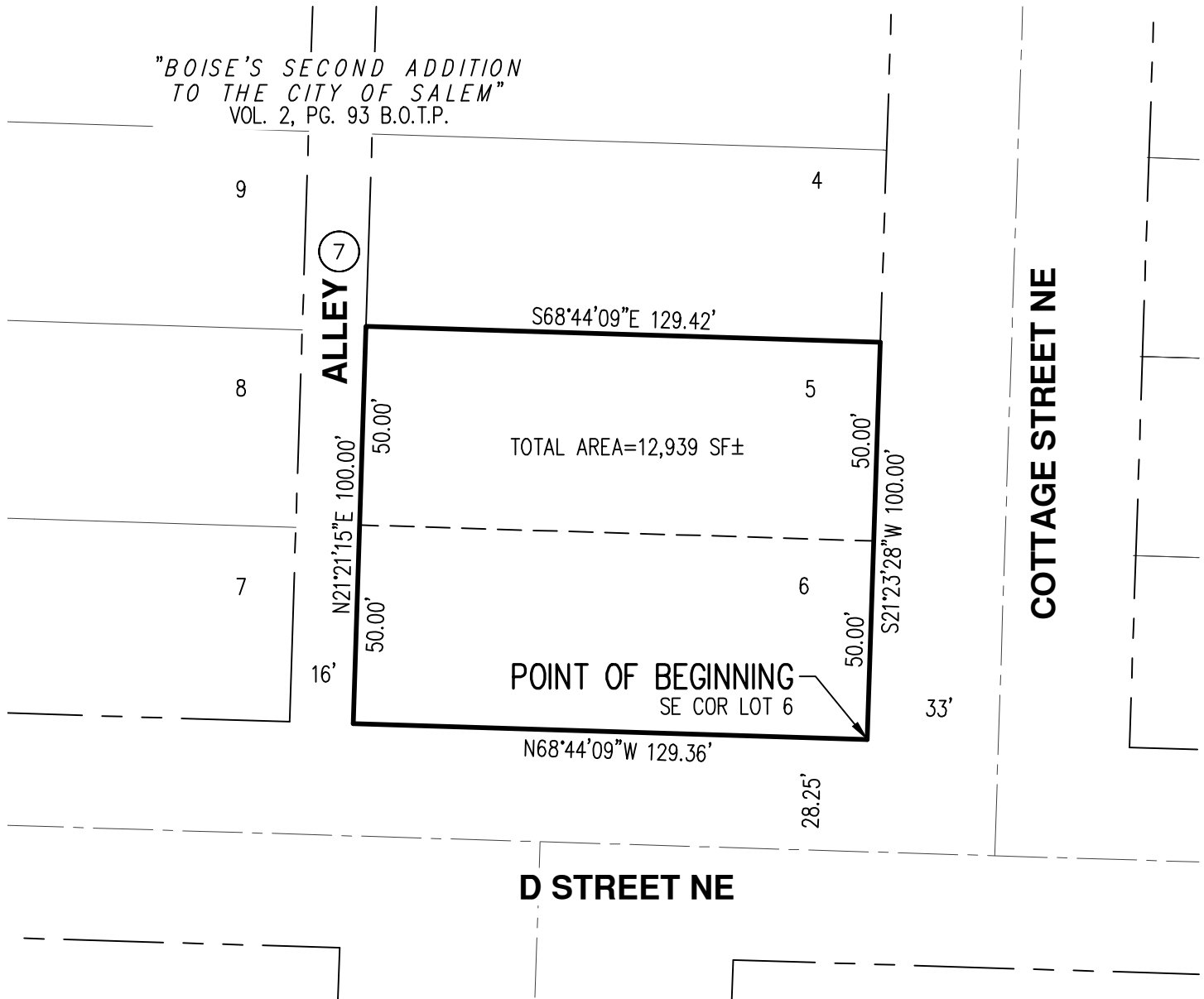
0 100 200 400 Feet



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**EXHIBIT B**

LOTS 5 & 6, BLOCK 7 OF  
THE PLAT "BOISE'S SECOND ADDITION TO THE CITY OF SALEM",  
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 23,  
TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,  
CITY OF SALEM, MARION COUNTY, OREGON



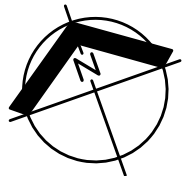
3/11/2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**PREPARED FOR**

GMA ARCHITECTS  
860 W. PARK STREET, SUITE 300  
EUGENE, OR 97401

SCALE: 1" = 40 FEET



**PRELIMINARY**

OREGON  
MARCH 9, 2021  
ABRAHAM KAHNAMOOIAN  
95376PLS

RENEWS: 6/30/23

**CONSOLIDATION MAP**

AKS ENGINEERING & FORESTRY, LLC  
3700 RIVER RD N, STE 1  
KEIZER, OR 97303  
503.400.6028 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
**B**

DRWN:  
CHKD: AK  
AKS JOB:  
8102

**After recording, return to:**

Cottage Street Apartments, LLC  
212 Main Street  
Springfield, OR 97477

**Send tax statements to:**

No Change

## **Property Line Adjustment Deed**

Cottage Street Apartments, LLC, hereinafter called Grantor, 212 Main Street, Springfield, OR 97477 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. Cottage Street Apartments, LLC, hereinafter called Grantee, 212 Main Street, Springfield, OR 97477, 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 consolidation between Property A and Property B such that Property A will be reduced in size by approximately 0.149 acres and will hereafter be eliminated, and Property B will be increased in size by approximately 0.149 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and by this reference incorporated herein.

NOW THEREFORE, in order to effect the consolidation and to create the reconfigured land as described on Exhibit C and depicted on Exhibit D, 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 zero; 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 consolidation, and the two parcels are to be consolidated into one.

Cottage Street Apartments, LLC

By: \_\_\_\_\_  
Grantor

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Title

STATE OF OREGON                 )  
  ) ss.

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

Notary Public—State of Oregon  
My commission expires: \_\_\_\_\_

By: \_\_\_\_\_  
Grantee

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Title

STATE OF OREGON )  
 ) ss.

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

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 | [www.aks-eng.com](http://www.aks-eng.com)

AKS Job #8102

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

## EXHIBIT A

Lot 5, Block 7 of the plat “Boise’s Second Addition to the City of Salem”, Volume 2, Page 93, Book of Town Plats, located in the Southwest One-Quarter of Section 23, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon.

The above described tract of land contains 6,470 square feet, more or less.

3/11/2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 9, 2021  
ABRAHAM KAHNAMOOIAN  
95376PLS  
RENEWS: 6/30/23



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AKS Job #8102

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

## EXHIBIT B

Lot 6, Block 7 of the plat “Boise’s Second Addition to the City of Salem”, Volume 2, Page 93, Book of Town Plats, located in the Southwest One-Quarter of Section 23, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon.

The above described tract of land contains 6,469 square feet, more or less.

3/11/2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 9, 2021  
ABRAHAM KAHNAMOOIAN  
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RENEWS: 6/30/23



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AKS Job #8102

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

## EXHIBIT C

### Consolidation Description

Lots 5 and 6, Block 7 of the plat "Boise's Second Addition to the City of Salem", Volume 2, Page 93, Book of Town Plats, located in the Southwest One-Quarter of Section 23, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon, and being more particularly described as follows:

Beginning at the southeasterly corner of said Lot 6, also being the intersection of the westerly right-of-way line of Cottage Street NE (33.00 feet from centerline) and the northerly right-of-way line of D Street NE (28.25 feet from centerline); thence along said northerly right-of-way line, North 68°44'09" West 129.36 feet to the southwesterly corner of said Lot 6, also being on the easterly right-of-way line of an Alley (16.00 feet wide); thence along said easterly right-of-way line, North 21°21'15" East 100.00 feet to the northwesterly corner of said Lot 5; thence along the northerly line of said Lot 5, South 68°44'09" East 129.42 feet to the northeasterly corner of said Lot 5, also being on said westerly right of way of Cottage Street NE; thence along said westerly right-of-way line, South 21°23'28" West 100.00 feet to the Point of Beginning.

The above described tract of land contains 12,939 square feet, more or less.

3/11/2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 9, 2021  
ABRAHAM KAHNAMOOIAN  
95376PLS

RENEWS: 6/30/23