

1320 Orchard Heights Rd. NW

Property Line Adjustment Application

Date: June 2022

Submitted to: City of Salem
Planning Division
555 Liberty Street SE, Suite 305
Salem, Oregon 97301

Applicant: Salem Housing Authority
360 Church Street SE
Salem, OR 97301

AKS Job Number: 6163-12



3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

Table of Contents

I.	Executive Summary	2
II.	Site Description/Setting.....	2
III.	Applicable Review Criteria.....	2
	SALEM REVISED CODE	2
	Title X – Unified Development Code	2
	Chapter 205.LAND DIVISION AND RECONFIGURATION	2
	Chapter 803.STREETS AND RIGHT-OF-WAY IMPROVEMENTS	6
IV.	Conclusion	6

Exhibits

- Exhibit A:** Application Form
 - Exhibit B:** Preliminary Property Line Adjustment Plan
 - Exhibit C:** Title Report
 - Exhibit D:** Recorded Deed
 - Exhibit E:** Chain of Title
 - Exhibit F:** Draft PLA Deed and Legal Descriptions
 - Exhibit G:** Polk County Assessor’s Map
-

1320 Orchard Heights Road NW

Property Line Adjustment

Submitted to:	City of Salem Planning Division 555 Liberty Street SE, Suite 305 Salem, Oregon 97301
Applicant:	Salem Housing Authority 360 Church Street SE Salem, OR 97301
Property Owners:	Salem Housing Authority 360 Church Street SE Salem, OR 97301
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Daisy Goebel Email: goebeld@aks-eng.com Phone: (503) 400-6028
Site Location:	1260-1320 Orchard Heights Road NW, Salem
Polk County Assessor's Map:	07316CD, Tax Lot 1600
Site Size:	7.75 acres
Land Use Districts:	Residential Agriculture (RA)

I. Executive Summary

AKS Engineering & Forestry, LLC is submitting this application on behalf of the Salem Housing Authority (Applicant) for a property line adjustment (PLA) to consolidate two lots located at 1260-1320 Orchard Heights Road NW. The site comprises ±7.75 acres entirely within the City's Residential Agriculture (RA) zoning district. This PLA will allow the City of Salem (City) to proceed with the review of a land use application submitted on May 4, 2022, for the same property (22-109523-LD) requesting the approval of a two-parcel partition and PUD modification to create a conservation parcel for dedication to the City. City staff found evidence of an interior lot line bisecting the site during the completeness review process for 22-109523-LD and requested that the lots be consolidated via PLA prior to proceeding with their review of the original application. While the desired result of removing the Glen Creek floodway from the subject site could be achieved through a PLA, staff have interpreted Salem Revised Code (SRC) Section 205.045 to suggest that conservation lots may only be established by subdivision or partition plat. This PLA will consolidate the existing lots in order to partition the site in a manner consistent with staff's interpretation of the applicable sections of the SRC.

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

II. Site Description/Setting

The subject site is located at 1260-1320 Orchard Heights Road NW, in Salem, Polk County. The property is developed with a multifamily housing complex and currently contains a portion of the Glen Creek Floodway. The development consists of seven buildings containing 32 multifamily units and two associated accessory structures. The surrounding lots are comprised of single-family residences except for Orchard Heights Park, across the street to the north, and Chandler Nature Area/Park abutting Glen Creek to the southwest. The lots to the south and west of the subject property are zoned Single Family Residential (RS), the lots to the east are zoned Duplex Residential (RD), and the lot to the north across Orchard Heights Road NW contains a City park in the Public Amusement (PA) zoning district.

III. Applicable Review Criteria

SALEM REVISED CODE

Title X – Unified Development Code

Chapter 205. LAND DIVISION AND RECONFIGURATION

Section 205.055. – Property line adjustments

- (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.

Response: The site includes two abutting units of land that existed prior to the establishment of any applicable subdivision or partition regulations, in accordance with ORS 92. The chain of title is included with this application as evidence that the units of land existed as two distinct parcels prior to the establishment of the City's first land division ordinance in 1968 (Exhibit E). The deeds for parcels one and two date back to 1958 and 1951, respectively. This application will not create an additional unit of land nor a unit of land that would be nonconforming. This criterion is met.

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

Response: This PLA will be processed as a Type I procedure in accordance with SRC Chapter 300. The application will be reviewed concurrently with the partition and PUD modification application (22-109523-LD) that was submitted on May 4, 2022.

(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 the recorded deeds for the existing units of land;

Response: The recorded deed is included with this application as Exhibit D. This requirement is satisfied.

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

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

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

Response: The Existing Conditions Plan and Tentative Property Line Adjustment Plan, included with this application as Exhibit B, includes the above information; this criterion is met.

(3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;

Response: A recent title report is included with this application as Exhibit C. This criterion is met.

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

Response: The chain of title documents in Exhibit E show that the two parcels existed as distinct units of land as far back as 1958. This predates any City of Salem or Polk County ordinances involving land divisions and is therefore evidence that the lots were legally created.

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

(A) The names of the owners;

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

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

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

Response: The draft deed containing the above information is included with this application package in Exhibit F. 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;

Response: This property line adjustment will consolidate two existing properties and will not create an additional unit of land. This criterion is met.

(2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Response: This property line adjustment application will result in the consolidation of two units of land that have been developed as a single site. The consolidation improves on the existing non-conforming status of the site by eliminating the lot line that is currently in conflict with SRC Section 800.015, which requires buildings to be entirely located on an individual lot. The PLA will not have any impact on the lot standards of the site per the underlying zone, and the planned property line adjustment will not create any additional nonconforming development. This criterion is met.

(3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been property recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Response: As verified by the recorded deed and historical deed records, included as Exhibits D and E, the existing lots were lawfully established prior to the adoption of land use regulations pertaining to land division. This criterion is met.

(4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Response: This property line adjustment is required to be completed prior to the review of a land partition affecting the subject site. There are no conflicting conditions or land use approvals affecting the site that would prohibit the action; therefore, this criterion is met.

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

Response: This property line adjustment does not involve the relocation or elimination of any public easements or rights-of-way. This criterion is met.

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

Response: The property line adjustment will have no effect on the availability or access to public and private utilities or streets. This criterion is met.

- (e) Multiple property line adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:
 - (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
 - (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

Response: This application includes only a single property line adjustment to eliminate a common property line between two adjacent lots. No additional property line adjustments have been proposed within a six-month period; therefore, this criterion 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:
 - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
 - (i) Identifies the correct owners of each property;
 - (ii) Identifies the grantor and grantee in the correct manner;
 - (iii) includes, when applicable, references to any easements of record;
 - (iv) Includes a legal description(s) that:
 - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
 - (v) Correctly represents the areas in each legal description; and
 - (vi) Complies with the requirements of state law.
 - (B) The applicant shall record the final property line adjustment deed(s) document; and
 - (C) The City Surveyor shall review the record of survey map to ensure:
 - (i) That the record of survey map conforms with the property line adjustment deeds; and
 - (ii) Compliance with state law and this section.

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

(g) Expiration.

- (1) Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
- (2) Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
- (3) Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the director.

Response: The above requirements and procedures are understood.

Chapter 803. STREETS AND RIGHT-OF-WAY IMPROVEMENTS

803.010. Streets, generally.

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

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

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Salem Revised Code. The evidence in the record is substantial, and the City can rely upon this information to approve the application.

Exhibit A: Application Form

Exhibit B: Preliminary PLA Plan

Exhibit C: Title Report

Exhibit D: Recorded Deed

Exhibit E: Chain of Title

Exhibit F: Draft PLA Deed and Legal Descriptions

Exhibit G: Polk County Assessor's Map
