

**SALEM-KEIZER SCHOOL DISTRICT 24J
HALLMAN ELEMENTARY SCHOOL
PROPERTY LINE ADJUSTMENT (CONSOLIDATION)
WRITTEN STATEMENT**

APPLICANT/OWNER:

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

APPLICANT'S REPRESENTATIVES:

Mark D. Shipman, Attorney
Margaret Y. Gander-Vo, Attorney
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Salem, OR 97308
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margaret@sglaw.com



I. SUBJECT PROPERTY INFORMATION

The subject property is located at 4000 Deerhaven Drive NE, which are designated by the Marion County Assessor as Tax Lot 3201 (the **“School Parcel”**), and Tax Lot 3200 (the **“Parking Parcel”**) both of which are located in Township 7 South, Range 3 West, Section 12AC, in the City of Salem (herein the **“City”**) (collectively, the **“Subject Property”**). As a general reference point, the Subject Property is shown above and is further depicted on the map attached as **Exhibit “A.”** The Subject Property is developed as the Salem-Keizer School District 24J’s (herein **“Applicant”**) Hallman Elementary School. The City’s Comprehensive Plan Map designates the Parking Parcel as “Commercial” (COM) and the School Parcel as “Single Family Residential” (SFR). The Parking Parcel is zoned “Retail Commercial” (CR) and is subject to the Portland/Fairgrounds Road Overlay. The School Parcel is zoned “Single Family Residential” (RS). (For Current Comprehensive Plan Designation and Zoning Maps, See **Exhibit “B”**). The Subject Property is located within the City limits and within the City’s Urban Service Area (**“USA”**).

The Salem-Keizer School District 24J (**“Applicant”**) acquired title to the Subject Property as evidenced by the deeds uploaded herewith this written statement request.

II. Background

The Applicant is in the process of obtaining site plan review approval for an addition to the existing school building that will contain two (2) classrooms, interior renovations including a security vestibule remodel, acoustical and divider upgrades, renovation of the existing gym, the installation of a photovoltaic array to offset the site’s energy usage, and a new parking lot and drop off area (the **“Proposed Development”**). Through the site plan review process, City staff identified that the School Parcel and the Parking Parcel were not legal units of land. Applicant has submitted along with this application, two validation

applications creating the School Parcel and the Parking Parcel. Applicant is requesting the consolidation of the Subject Property into a single unit of land via this property line adjustment request (“**PLA**”).

III. REQUEST

Applicant is proposing the removal of the property line between the Parking Parcel and the School Parcel as depicted on Exhibit A. Applicant’s proposed configuration is attached hereto as **Exhibit “C,”** (the “**Adjusted Property**”).

IV. CRITERIA AND PROPOSED FINDINGS

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

Sec. 205.055. - Property line adjustments.

[...]

(c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:

(1) A copy of recorded deeds for the existing units of land;

Proposed Finding: Applicant has provided the recorded deeds for the existing units of land with this written request. This criterion is met.

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

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

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

Proposed Finding: Applicant has provided a site plan with this request which includes the elements listed above for the Subject Property. As outlined above, this PLA will consolidate the Subject Property into a single unit of land. Applicant’s site plan reflects this ultimate configuration. This criterion is met.

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

Proposed Finding: Applicant has provided the vesting deeds showing proof of ownership. Due to the consolidated nature of Applicant’s land use submittal, a Preliminary Title Report will be submitted prior to recording of the new PLA deed to allow for a timely response to this criterion. This criterion is met.

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

Proposed Finding: City surveying staff has determined that the Parking Parcel and the School Parcel are illegal units of land. As a result, Applicant has submitted two validation applications, approval of which will result in two legally created units of land. Applicant has provided the vesting deeds for the totality of the Subject Property. No additional documentation is necessary to meet this criterion.

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

- (A) The names of the owners;**
- (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;**
- (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and**
- (D) A place for the signatures of all parties, along with proper notary acknowledgment.**

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

(d) *Criteria.* A property line adjustment shall be approved if all of the following criteria are met:

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

Proposed Finding: As established above, the Parking Parcel and the School Parcel are illegal units of land and Applicant is requesting lot validations concurrent with this PLA written request. The proposed PLA will consolidate two existing units of land into a single parcel, better reflecting the existing and proposed use more accurately on the Subject Property. This will subsequently allow for further development of the site. This criterion is met.

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

Proposed Finding: The PLA will not create nonconforming units of land or nonconforming development or increase the degree of nonconformity in existing units of land or existing development. The Parking Parcel and the School Parcel are being consolidated to better facilitate an existing use on the Subject Property. Applicant is seeking approval of this PLA in order to complete the Proposed Development. The Parking Parcel is zoned CR, is within the Portland-Fairgrounds Road Overlay Zone, and is subject to the lot standards set forth in SRC 522.010(a) and SRC 603.020(b). Meanwhile the School Parcel is zoned RS is subject to the lot standards set forth in SRC 511.010.

The RS zone requires a minimum lot size of 6,000 square feet, a minimum lot width of 40 feet, a minimum lot depth of 120 feet, a maximum lot width of 300% of average lot depth, and a minimum street frontage of 40 feet. The CR and PFO Zone lot standards only apply to Single Family development, with the exception of street frontage standards in the CR zone. The street frontage requirement in the CR Zone is 16 feet.

The Subject Property is approximately three hundred forty five thousand eight hundred sixty six (345,866 sq. ft.) square feet in size. It is approximately three hundred twenty two (322') feet wide at its narrowest point and approximately six hundred twenty five (625') feet at its widest point, for an average of approximately four hundred seventy four (473') feet. The Subject Property is five hundred sixty (560') feet deep at its deepest point. It has approximately three hundred twenty one (321') feet of frontage along Portland Road NE and is located at the terminus of Deerhaven Drive NE.

This PLA will combine two conforming lots into a single, larger parcel that meets the applicable lot

standards. This criterion is met.

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

Proposed Finding: The Applicant has submitted two validation applications to create the School Parcel and the Parking Parcel. Upon approval of these applications, the deeds of record which have been submitted will reflect two legally created units of land. Applicant is requesting that the City allow the Applicant to record a consolidated plat, effectuating the validations and the property line adjustment in the interest of expediency and efficiency, conditioning approval of this application on the approval of the validation applications submitted concurrently with this PLA. This Application does not involve the incorporation of excess right of way. As conditioned, this criterion is met.

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

Proposed Finding: The PLA is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both units of land. This criterion is met.

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

Proposed Finding: The PLA does not involve the relocation or elimination of any right of way right or easement. This criterion is met.

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

Proposed Finding: The Subject Property has existing access on to both Portland Road NE and Deerhaven Drive NE, neither of which will be impacted by this PLA. This PLA will additionally not adversely affect the availability of or access to utilities. This criterion is met.

V. CONCLUSION

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

EXHIBIT LIST:

- Exhibit A** - Tax Map
- Exhibit B** - Comprehensive Plan Designation and Zoning Maps
- Exhibit C** - Consolidated Property Depiction

EXHIBIT B
COMPREHENSIVE PLAN DESIGNATION
AND ZONING MAPS

Map of Salem Area Comprehensive Plan

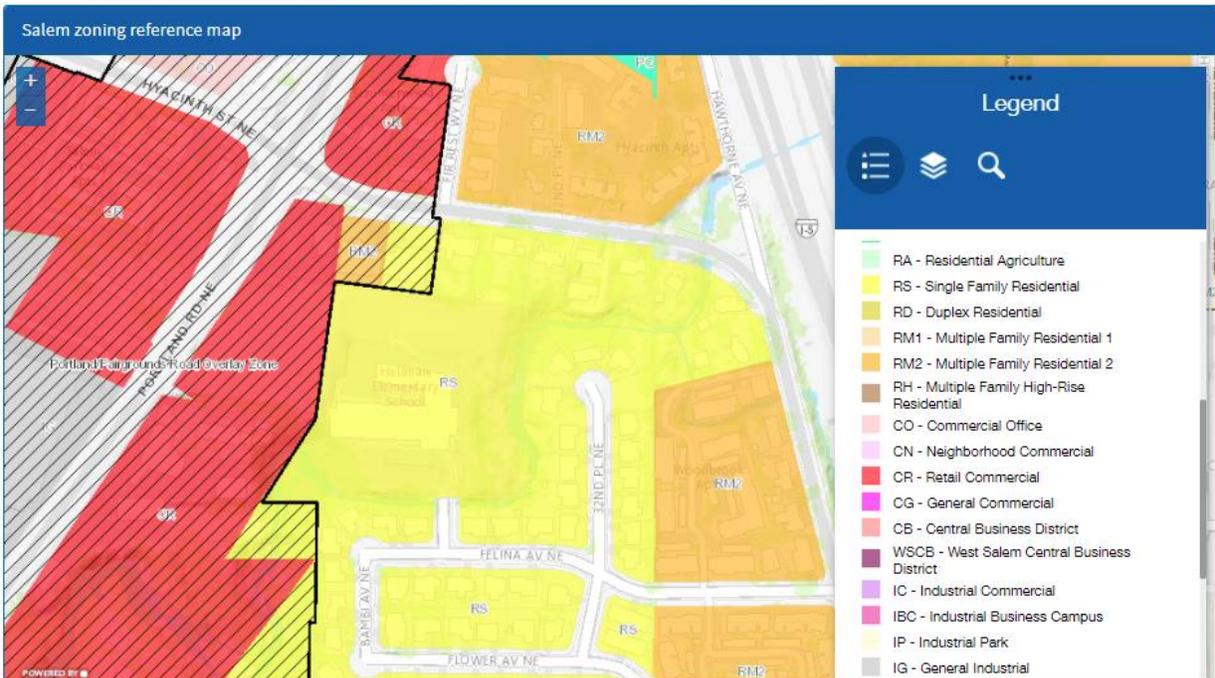
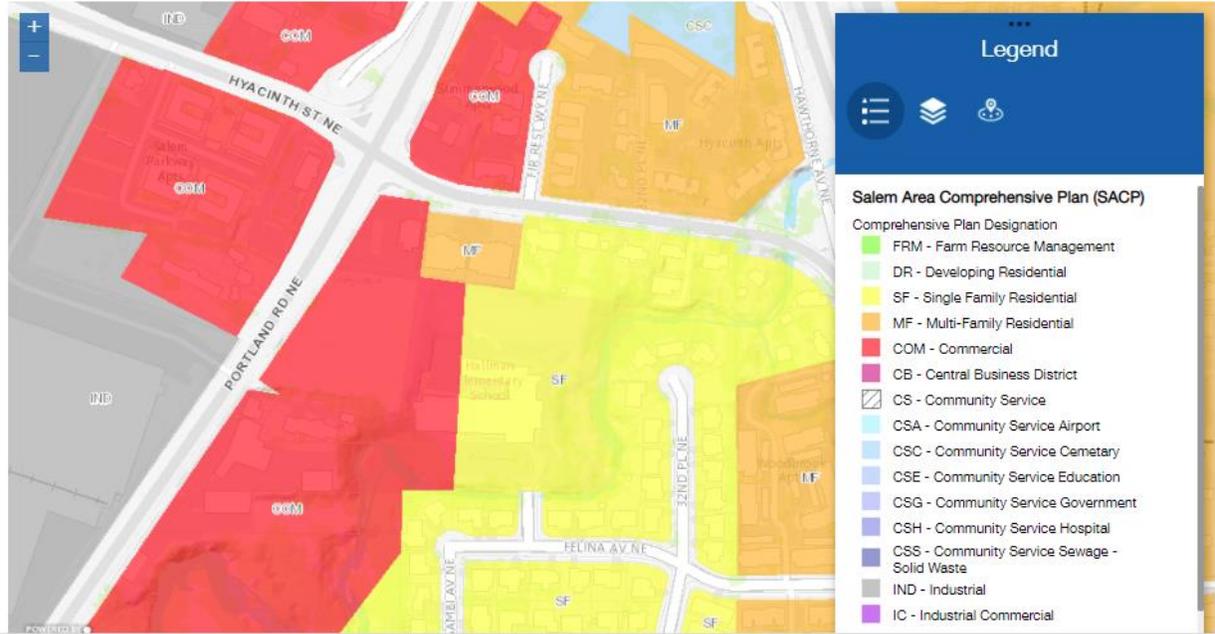
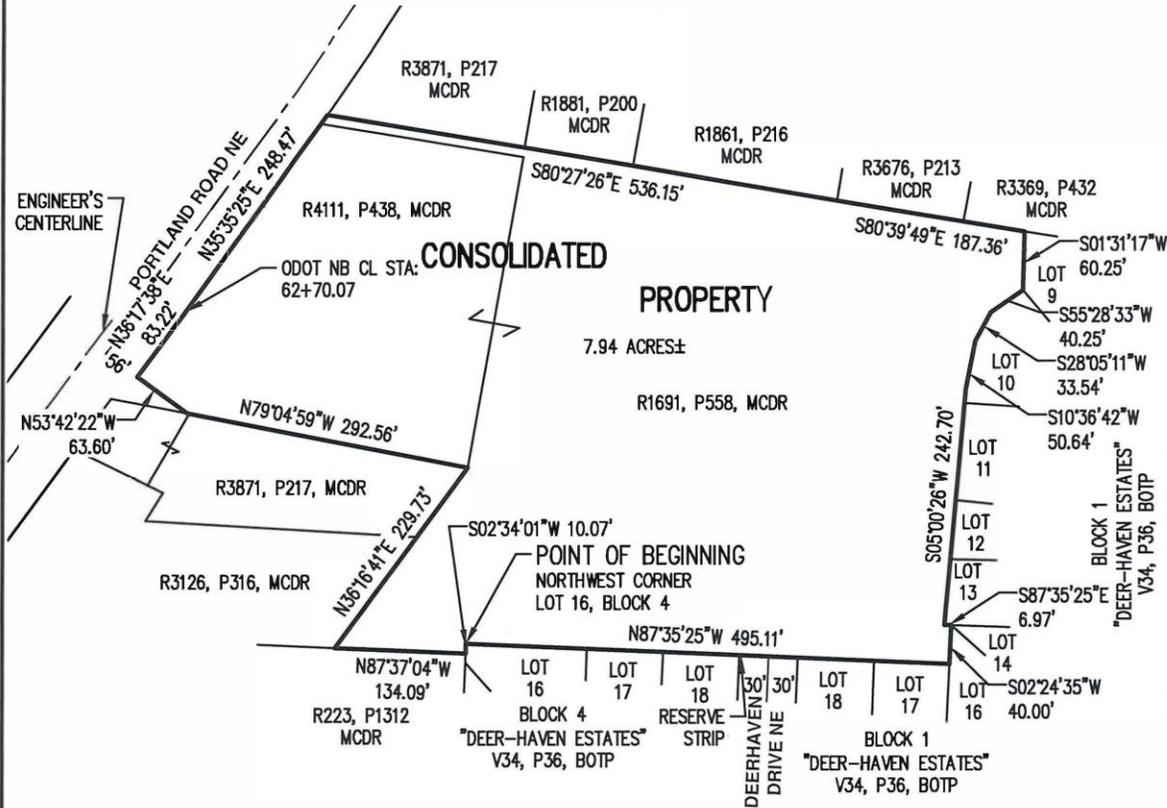


EXHIBIT C

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON



LEGEND

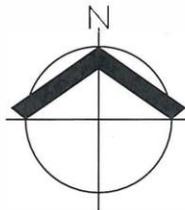
- BOTP MARION COUNTY BOOK OF TOWN PLATS
- MCDR MARION COUNTY DEED RECORDS
- NB CL STA NORTHBOUND CENTERLINE STATION
- P PAGE
- R REEL
- V VOLUME

10/21/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

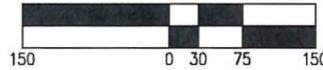
Abraham Kahnamooin

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



PREPARED FOR
SALEM-KEIZER SCHOOL DISTRICT
2450 LANCASTER DR NE
SALEM, OR 97305

SCALE: 1"=150 FEET



MAP OF DESCRIPTION		EXHIBIT C
AKS ENGINEERING & FORESTRY, LLC 3700 RIVER RD N, STE 1 KEIZER, OR 97303 503.400.6028 WWW.AKS-ENG.COM		DRWN: JS CHKD: AK AKS JOB: 6656-32



DWG: 6656-39 EXHIBIT R - HAJIMAN | EXHIBIT