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TO: Olivia Dias  
Current Planning Manager  
City of Salem / Community Development Department  
555 Liberty Street SE  
Salem, Or. 97301

FROM: Karl D. Goertzen, Applicant

DATE: March 19, 2023

SUBJECT: 4151 Gardner Rd. SE Proposed Partition / 23-103036-PLN / Planning Review Checklist

Please consider this our Cover Memo in response to the City's February 28, 2023 Planning Review Checklist regarding the subject Proposed Partition. The additional documents representing our response will be referred to here and uploaded as separate documents into the City file system.

#### **Lot Legality - Chain of Title**

A pdf file (REV 1-3) entitled "Lot Legality" is being uploaded as a separate file which is a copy of a Circuit Court document "Ordering the Confirmation Sale of Real Property" recorded in Marion County Records Volume 11, Page 254, dated December 20, 1955 verifies the property existed with the same legal description as is used today. The actual deed could not be found by American Tile Co. However; this Court record confirms the property was sold by Gardner to Stowe prior to December 20, 1955. A subsequent deed dated Jan 7, 1971 shows that the same property was sold by Stowe to Reitenauer.

We and American Title agree that these documents confirm the subject property being partitioned was created before January 1, 1968, and therefore was legally created.

#### **Stormwater Management**

The description of the proposed Stormwater Plan has been revised on the Schematic Utility plan which is being uploaded as a pdf file (REV 1-4) entitled "Schematic Utility Plan" with the Rev. No. 1 as shown in the title block.

#### **Preliminary grading plan**

A note has been added to the Schematic Utility Plan to indicate the grading plan will be included as part of the house plans. Because the lot is relatively flat no major grading will be necessary. It is more appropriate that a grading plan become part of the home construction plan, at which time the finish

floor plans of the building will be known. As noted above, the Schematic Utility plan which is being uploaded as a pdf file entitled "Schematic Utility Plan" with the Rev. No. 1 as shown in the title block.

### **Tentative Plan Map**

The tentative Plan map has been cleaned up and revised to include all the information requested. The midpoint of the north line of Parcel has been re-calculated as shown along with the re-calculated lot width at the midpoint. Since this recalculated lot width (30.1 feet) is less than the required 40 feet, a Class 2 Adjustment application is being uploaded as a separate document. The revised Tentative Plan map is being uploaded as a pdf file (REV 1-5) entitled "Tentative Plan Map " with the Rev. No. 1 as shown in the title block

### **TCP - Site Plan**

The TCP site plan has been revised to include the information requested. It should be noted that since the original application, the developer has removed the 15" Holly tree and the 36" Maple tree. The original narrative mentioned in criteria "i" that one tree was in poor health. The 36" maple was this tree. It was leaning, had lost limbs as large as 8" diameter, and was dying in the opinion of the developer/owner. For these reasons the developer removed it. An arborists report at this point would seem redundant. In the uploaded Files (REV 1-7 AND 1-7a) entitled "PINE TREE 48", the removal of the 48" pine tree will be analyzed. File (REV 1-6) , Revised Tree Plan and file (REV 1-8) Revised Tree Conservation Plan are also being uploaded.