

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.: PLA23-16

APPLICATION NO.: 23-112128-PLN

NOTICE OF DECISION DATE: July 19, 2023

SUMMARY: A property line adjustment to move the property line between two existing lots of record.

REQUEST: A property line adjustment to move the property line between two existing lots of record resulting in adjusted lot sizes approximately 24.74 acres (proposed lot 1) and 4.88 acres (proposed lot 2) in size. No change to the previously approved phased subdivision tentative plan (SUB21-09) or tree removal plan is proposed with this application.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

APPLICANT: Martin Kehoe, Kehoe Northwest Properties

LOCATION: 4540 Pringle Road SE

FINDINGS: The findings are in the attached Decision dated July 19, 2023.

DECISION: The **Planning Administrator APPROVED** PLA23-16 based upon the application materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by July 19, 2025, or this approval shall be null and void.

Case Manager: Aaron Panko, Planner III, apanko@cityofsalem.net, 503-540-2356

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 July 19, 2023**. 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

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
PROPERTY LINE ADJUSTMENT)
CASE NO. PLA23-16)
4540 PRINGLE ROAD SE) JULY 19, 2023

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

Summary: A property line adjustment to move the property line between two existing lots of record.

Request: A Property line adjustment to move the property line between two existing lots of record resulting in adjusted lot sizes approximately 24.74 acres (proposed lot 1) and 4.88 acres (proposed lot 2) in size. No change to the previously approved phased subdivision tentative plan (SUB21-09) or tree removal plan is proposed with this application.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

PROCEDURAL FINDINGS

1. On June 9, 2023, an application for a Property Line Adjustment was submitted for property located at 4540 Pringle Road SE.
2. The application was deemed complete for processing on June 30, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed property line adjustment affects the properties located at 4540 Pringle Road SE (**Attachment A**). The proposed property line adjustment relocates the property line between two existing lots of record resulting in adjusted lot sizes approximately 24.74 acres (proposed lot 1) and 4.88 acres (proposed lot 2) in size (**Attachment B**). The applicant's written statement addressing the approval criteria is included as **Attachment C**.

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: 23 112128.

3. City Department Comments

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

Salem City Fire Department – Reviewed the proposal and indicated no concerns.

City of Salem Surveyor – Reviewed the proposal and indicated that for final PLA submittal “the applicant 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”.

4. Public Agency Comments

Notice to public agencies was sent on June 30, 2023, 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 proposal will not create an additional unit of land, but rather reconfigures two existing units of land. The combined size of the property is approximately 29.68 acres, the current lot size for Parcel 1 (Tax Lot Number 3000) is approximately 24.45 acres in size and the lot size for Parcel 2 (Tax Lot Number 3200) is approximately 5.16 acres. The proposed adjustment results in adjusted lot size for Parcel 1 of approximately 24.74 acres and an adjusted lot size for Parcel 2 of approximately 4.88 acres. 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 proposed property line adjustment will relocate a property line between two properties zoned RA (Residential Agriculture) and RS (Single Family Residential).

▪ ***Lot Standards Applicable to the RA Zone.***

Lot size and dimension standards within the RA zone are established under SRC 510.010(b), Table 510-2. A summary of the lot size and dimension standards applicable to residential uses within the RA zone is provided in the following table:

RA Zone Residential Use Lot Standards		
Lot Area	Min. 1,500 sq. ft.	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other single family
	Min. 4,000 sq. ft.	Applicable to two family uses
	Min. 5,000 sq. ft.	Applicable to three family uses
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters
Lot Width	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

▪ ***Lot Standards Applicable to the RS Zone.***

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2. A summary of the lot size and dimension standards applicable to residential uses within the RS zone is provided in the following table:

RS Zone Residential Use Lot Standards		
Lot Area	Min. 1,500 sq. ft.	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other single family
	Min. 4,000 sq. ft.	Applicable to two family uses

RS Zone Residential Use Lot Standards		
	Min. 5,000 sq. ft.	Applicable to three family uses
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters
Lot Width	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

Proposed Lot 1 is located within the RA and RS zone and has an approximate lot size of 24.75 acres, an approximate lot width of 590 feet, and an approximate lot depth of 1,215 feet, in compliance with minimum and maximum lot standards.

Proposed Lot 2 is located entirely within the RA zone and has an approximate lot size of 4.88 acres, an approximate lot width of 450 feet, and an approximate lot depth of 460 feet, in compliance with minimum and maximum lot standards.

▪ **Flag Lots.**

Flag lots are lots that are set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway. Proposed Lot 2 is a flag lot. Table 800-1 provides the flag lot accessway standards for flag lot accessways serving 1-2 lots, the maximum length is 150 feet, the minimum easement width is 20 feet, and the minimum paved width is 15 feet.

The proposal results in the removal of an existing 30-foot-wide ingress/egress easement (Reel 1224, Page 737), and will include dedication of a new 60-foot-wide access easement providing access from Hillrose Street SE to Proposed Lot 2. The easement is in the same location as the proposed right-of-way for Aldridge Avenue SE, a future street approved by SUB21-09. The easement will be removed and replaced with right-of-way for the new public street with the recording of Phase 1 of the subdivision.

The existing driveway between the homesite and Hillrose Street SE is not paved, however, with no development occurring on proposed Lot 2, there is no trigger for bringing the existing nonconforming driveway into conformance with the paving requirements. The proposal does not increase the degree of nonconformity for the existing development site.

Table 800-1 provides that maximum length for flag lot accessways does not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.

Due to the distance between Hillrose Street SE and the existing location of the buildings associated with the proposed homestead property, the Planning Administrator and the Fire Marshal grant a waiver of the 150-foot maximum flag lot accessway standard in Table 800-1. The applicant will be required to demonstrate that the proposed 60-foot-wide access easement also includes provisions for a turnaround meeting the requirements of the Fire Marshal.

As identified in the findings, the proposal does not create nonconforming units of land or increase the degree of nonconformity for the development site; 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 relocates the common property line between two units of land that were lawfully established. The units of land were established as part of Property Line Adjustment Case No. LLA95-9. The property line adjustment was perfected, and post July 1996, there are two lawfully created units of land as depicted on county survey 33941, and described in Deed Reel 1329, Page 308. 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: A phased subdivision tentative plan was previously approved for the subject property (Case No. SUB21-09), the proposed property line adjustment allows for the creation of the "homestead lot" ahead of the platting of the subdivision. The homestead lot dimensions proposed by this property line adjustment are the same as those approved by SUB21-09, and the lot will remain a part of the subdivision and be subject to applicable conditions of approval from SUB21-09. There are no other changes proposed to SUB21-09 or the previously approved Tree Conservation Plan (TCP22-05) related to the subdivision.

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 applicant's surveyor has demonstrated on the submitted preliminary plats that the proposed property line adjustment does not relocate or eliminate any public 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: Existing public infrastructure in the area surrounding the subject property is already built out and existing. The proposed property line adjustments will not affect the availability or access to public and private utilities or streets; therefore, 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). 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 Properly 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.

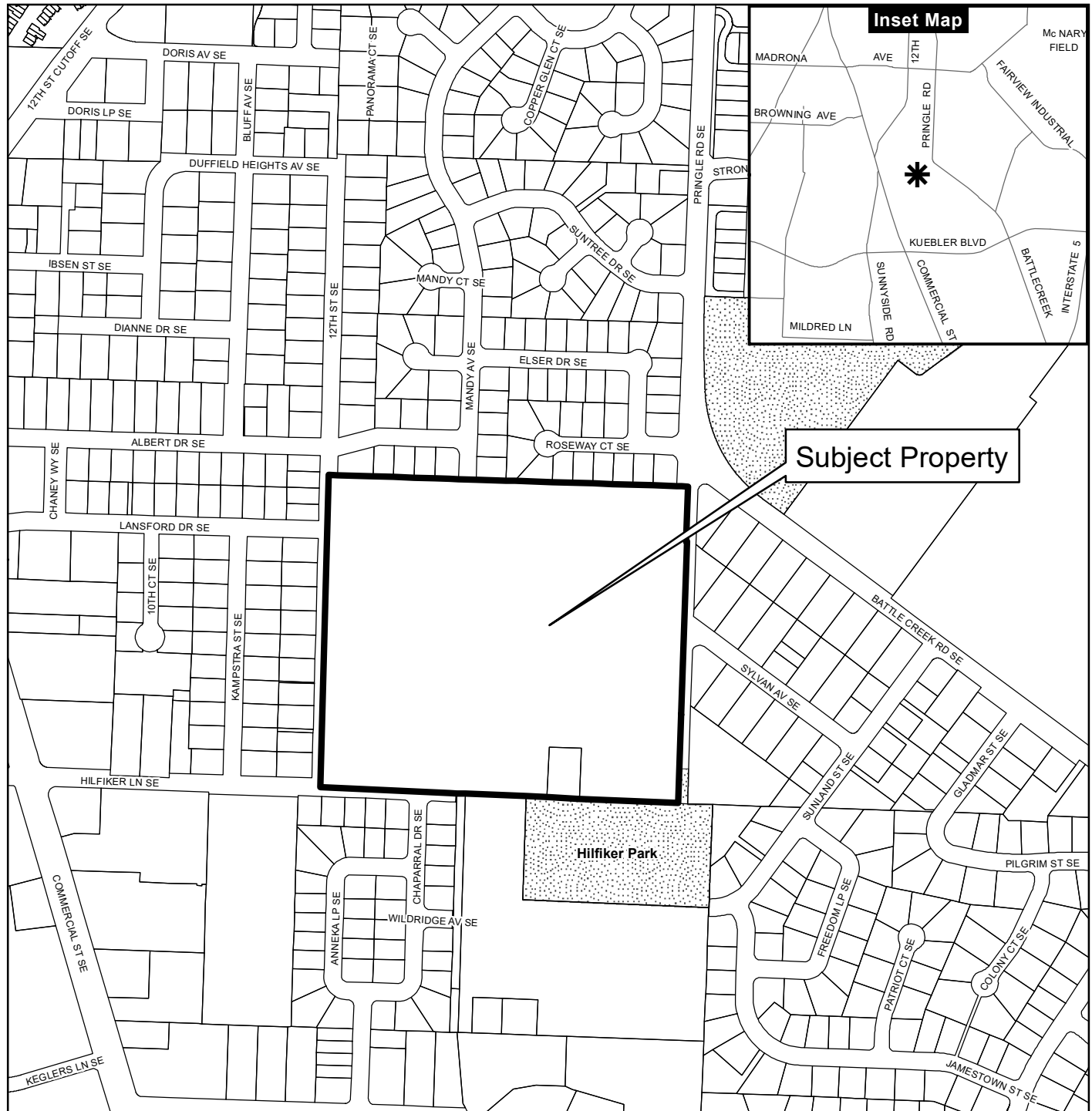


Aaron Panko, Planner III,
on behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Proposed Property Line Adjustment Deed and Site Plan
 C. Applicant's Written Statement

Vicinity Map

4540 Pringle Road SE



Legend

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

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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After recording, return to:

Michelle M Morrow, Trustee
PO BOX 3257
SALEM, OR 97302

Send tax statements to:

HENRY A MEYER RT & MEYER, TIMOTHY H TRE &
MEYER, JOHN K TRE
PO BOX 3257
SALEM, OR 97302

Property Line Adjustment Deed

Timothy H. Meyer & John K. Meyer, Co-Trustee of the Henry A. Meyer Revocable Living Trust/ Michelle M Morrow, Trustee, hereinafter called Grantor, PO Box 3257, Salem OR 97302, is the owner of real property located in 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. Grantor is also the owner of real property located in 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 line adjustment between Property A and Property B such that Property A will be increased in size by approximately 12,561 square feet 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 decreased in size by approximately 12,579 square feet 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 lots as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey 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.

Henry A. Meyer Revocable Living Trust/
Michelle M Morrow, Trustee

Title

This instrument was acknowledged before me on _____, 20____, by _____, as _____ of _____.

Page 3 of 3

**EXHIBIT A
SHEET 1 OF 1
EXISTING PROPERTY - PARCEL 1**

THOSE TRACTS OF LAND DESCRIBED IN REEL 1329, PAGE 308, MARION COUNTY DEED RECORDS, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN THE CITY OF SALEM, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE QUARTER SECTION CORNER BETWEEN SECTIONS 10 AND 11, IN TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; THENCE SOUTH 89° 26' EAST 18.35 CHAINS (1,211.10 FEET); THENCE NORTH 0° 23' EAST 18.93 CHAINS (1,249.38 FEET) TO THE SOUTHWEST CORNER OF THE DONATION LAND CLAIM OF ABIJAH CAREY; THENCE WEST 38 LINKS (25.08 FEET); THENCE WEST 18.08 CHAINS (1,193.28 FEET) TO THE LINE BETWEEN SECTIONS 10 AND 11; THENCE SOUTH 16.03 CHAINS (1,057.98 FEET) TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT: BEGINNING ON THE SOUTH LINE OF LOT 9, PRINGLE FRUIT TRACTS IN SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; AT A POINT WHICH IS 335.00 FEET NORTH 89° 20' WEST FROM THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 89° 20' WEST FROM THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 89° 20' WEST, ALONG SAID SOUTH LINE, 110.00 FEET; THENCE NORTH 0° 23' EAST 170.00 FEET; THENCE SOUTH 89° 20' EAST 110.00 FEET; THENCE SOUTH 0° 23' WEST 170.00 FEET TO THE PLACE OF BEGINNING.

ALSO SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF SALEM BY WARRANTY DEED RECORDED MARCH 24, 1995, IN REEL 1228, PAGE 121, FILM RECORDS FOR MARION COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHEAST CORNER OF "GEORGETOWN" A DULY RECORDED SUBDIVISION IN MARION COUNTY OREGON, AND BEING LOCATED IN SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN SAID COUNTY AND STATE; THENCE NORTH 01° 00' 59" EAST 71.15 FEET ALONG THE EASTERLY LINE OF SAID GEORGETOWN TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 839 (COMMONLY KNOWN AS PRINGLE ROAD S.E.); THENCE SOUTH 55° 55' 29" EAST 29.87 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON THE WEST LINE OF R.M. TONE SUBDIVISION, A DULY RECORDED SUBDIVISION WITHIN SAID COUNTY AND STATE; THENCE SOUTH 00° 23' 15" EAST 239.30 FEET ALONG SAID WEST LINE TO A POINT; THENCE SOUTH 89° 36' 45" WEST TO A POINT 5.00 FEET FROM SAID WEST LINE IF MEASURED PERPENDICULAR THERETO; THENCE NORTH 00° 23' 15" WEST 185.17 FEET PARALLEL WITH SAID WEST LINE TO A POINT WHICH IS NORTH 89° 17' 45" EAST 19.33 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 89° 17' 45" WEST 19.33 FEET TO THE POINT OF BEGINNING.

CONTAINS 24.45 ACRES, MORE OR LESS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Digitally signed by Eric D. Lynch
Eric D. Lynch
Date: 2023.03.16
13:53:06-07'00'

**OREGON
JULY 12, 2005
ERIC D. LYNCH
56544**

EXPIRES 12-31-24

EXHIBIT B
SHEET 1 OF 1
EXISTING PROPERTY - PARCEL 2

THOSE TRACTS OF LAND DESCRIBED IN REEL 1329, PAGE 308, MARION COUNTY DEED RECORDS, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN THE CITY OF SALEM, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9, PRINGLE FRUIT TRACTS IN SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON: THENCE NORTH 88°58'11" WEST 750.12 FEET TO THE NORTHEAST CORNER OF WILDRIDGE; THENCE NORTH 00°23'00" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 9, 300.00 FEET; THENCE SOUTH 88°58'11" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 9, 750.12 FEET TO THE EAST LINE THEREOF; THENCE SOUTH 00°23'00" WEST, 300.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.16 ACRES, MORE OR LESS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Eric D. Lynch Digitally signed by Eric
D. Lynch
Date: 2023.03.16
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**OREGON
JULY 12, 2005
ERIC D. LYNCH
56544**

EXPIRES 12-31-24

**EXHIBIT C
SHEET 1 OF 2**

**PROPERTY LINE ADJUSTMENT
PARCEL 1**

A PROPERTY LINE ADJUSTMENT OF THE COMMON LINE BETWEEN PARCELS 1 AND 2 OF THAT TRACT OF LAND DESCRIBED IN REEL 1329, PAGE 308, MARION COUNTY DEED RECORDS, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN THE CITY OF SALEM, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 11; THENCE ALONG THE SOUTHERLY LINE OF THE SUBJECT PROPERTY SOUTH $87^{\circ}28'04''$ EAST, 461.26 FEET; THENCE LEAVING SAID SOUTHERLY LINE, NORTH $01^{\circ}52'53''$ EAST, 30.00 FEET; THENCE NORTH $87^{\circ}28'04''$ WEST, 98.02 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 12.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF $62^{\circ}24'22''$ (THE CHORD BEARS NORTH $56^{\circ}15'53''$ WEST, 12.43 FEET), AN ARC DISTANCE OF 13.07 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF AN 80.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF $07^{\circ}44'42''$ (THE CHORD BEARS NORTH $28^{\circ}56'03''$ WEST, 10.81 FEET), AN ARC DISTANCE OF 10.81 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 12.00 FOOT RADIUS CURVE CONCAVE TO THE EAST, THROUGH A CENTRAL ANGLE OF $72^{\circ}51'47''$ (THE CHORD BEARS NORTH $03^{\circ}37'29''$ EAST, 14.25 FEET), AN ARC DISTANCE OF 15.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF $08^{\circ}05'50''$ (THE CHORD BEARS NORTH $36^{\circ}00'27''$ EAST, 32.48 FEET), AN ARC DISTANCE OF 32.50 FEET; THENCE NORTH $31^{\circ}57'33''$ EAST, 481.88 FEET; THENCE SOUTH $58^{\circ}02'27''$ EAST, 129.64 FEET; THENCE SOUTH $88^{\circ}07'07''$ EAST, 201.58 FEET; THENCE SOUTH $01^{\circ}52'53''$ WEST, 445.28 FEET TO THE SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE, SOUTH $87^{\circ}28'04''$ EAST, 290.02 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY, NORTH $01^{\circ}52'53''$ EAST, 885.06 FEET; THENCE NORTH $88^{\circ}07'07''$ WEST, 5.00 FEET; THENCE NORTH $01^{\circ}52'53''$ EAST, 185.17 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTHERLY LINE OF SAID PROPERTY NORTH $88^{\circ}09'28''$ WEST, 1212.92 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE WESTERLY LINE OF SAID PROPERTY, SOUTH $01^{\circ}30'29''$ WEST, 1055.67 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 24.74 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE OREGON STATE PLANE COORDINATE SYSTEM
OREGON NORTH ZONE (3601) NAD 83/91.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

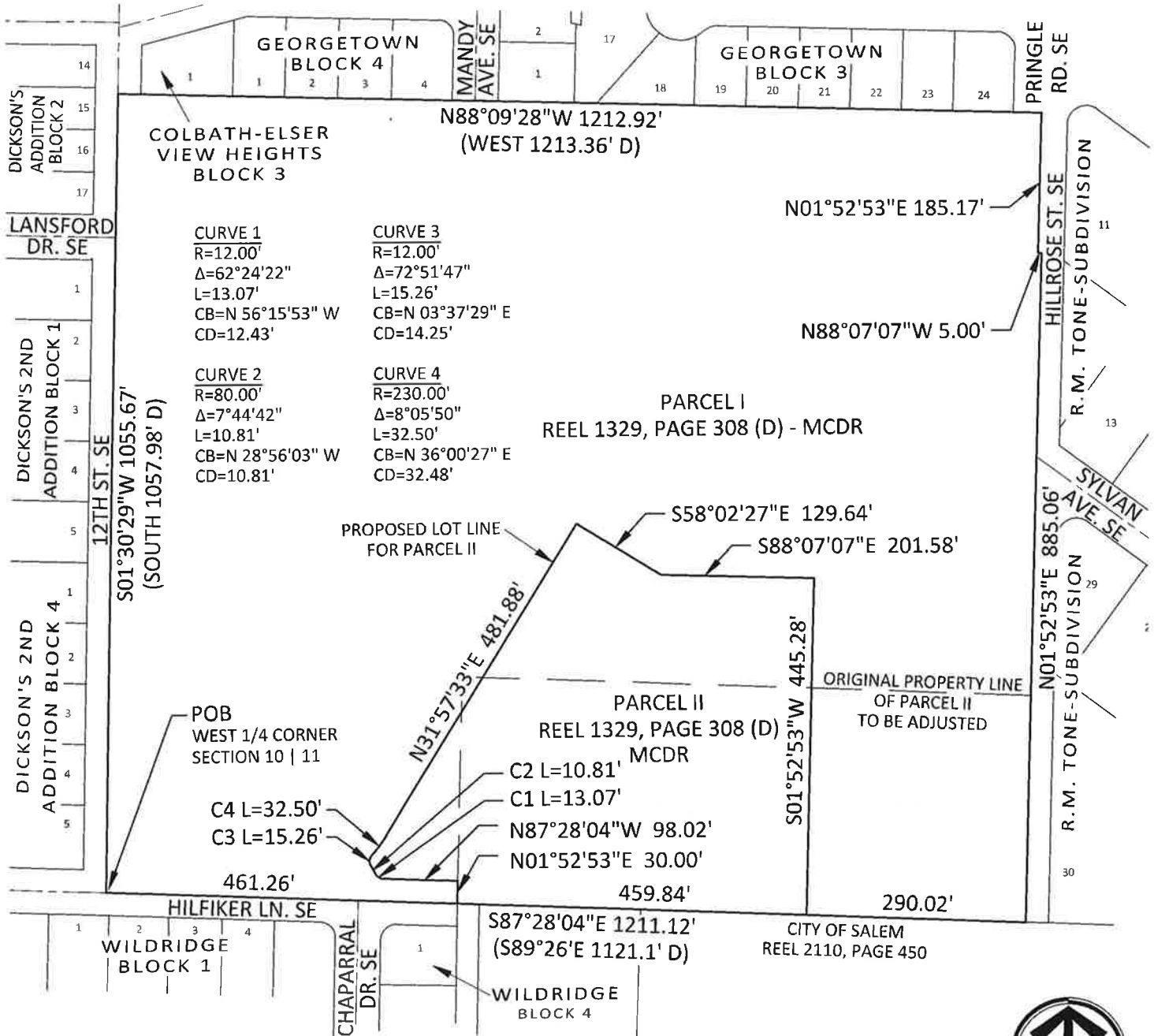
Eric D. Lynch

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Lynch
Date: 2023.03.16
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**OREGON
JULY 12, 2005
ERIC D. LYNCH
56544**

EXPIRES 12-31-24

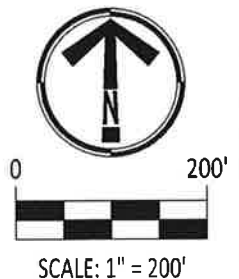
EXHIBIT C



PARCEL I
ORIGINAL AREA 1,065,028 SQ.FT., 24.45 ACRES
NEW AREA 1,077,589 SQ.FT., 24.74 ACRES

PARCEL II
ORIGINAL AREA 224,944 SQ. FT., 5.16 ACRES
NEW AREA 212,365 SQFT., 4.88 ACRES

POB = POINT OF BEGINNING
(D) = REEL 1329, PAGE 308
MCDR = MARION COUNTY DEED RECORDS



PROJECT NO. 0883-004
ORIG. DATE: 3/16/2023
DRAWN BY: EDL
SHEET No. 2 OF 2

PROPERTY LINE ADJUSTMENT
PARCEL 1
DR HORTON
SALEM, OREGON

EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

**EXHIBIT D
SHEET 1 OF 2**

**PROPERTY LINE ADJUSTMENT
PARCEL 2**

A PROPERTY LINE ADJUSTMENT OF THE COMMON LINE BETWEEN PARCELS 1 AND 2 OF THAT TRACT OF LAND DESCRIBED IN REEL 1329, PAGE 308, MARION COUNTY DEED RECORDS, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN THE CITY OF SALEM, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 11; THENCE ALONG THE SOUTHERLY LINE OF THE SUBJECT PROPERTY SOUTH 87°28'04" EAST, 461.26 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID SOUTHERLY LINE, NORTH 01°52'53" EAST, 30.00 FEET; THENCE NORTH 87°28'04" WEST, 98.02 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 12.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 62°24'22" (THE CHORD BEARS NORTH 56°15'53" WEST, 12.43 FEET), AN ARC DISTANCE OF 13.07 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF AN 80.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 07°44'42" (THE CHORD BEARS NORTH 28°56'03" WEST, 10.81 FEET), AN ARC DISTANCE OF 10.81 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 12.00 FOOT RADIUS CURVE CONCAVE TO THE EAST, THROUGH A CENTRAL ANGLE OF 72°51'47" (THE CHORD BEARS NORTH 03°37'29" EAST, 14.25 FEET), AN ARC DISTANCE OF 15.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 08°05'50" (THE CHORD BEARS NORTH 36°00'27" EAST, 32.48 FEET), AN ARC DISTANCE OF 32.50 FEET; THENCE NORTH 31°57'33" EAST, 481.88 FEET; THENCE SOUTH 58°02'27" EAST, 129.64 FEET; THENCE SOUTH 88°07'07" EAST, 201.58 FEET; THENCE SOUTH 01°52'53" WEST, 445.28 FEET TO THE SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE, NORTH 87°28'04" WEST, 459.84 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 4.88 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE OREGON STATE PLANE COORDINATE SYSTEM
OREGON NORTH ZONE (3601) NAD 83/91.

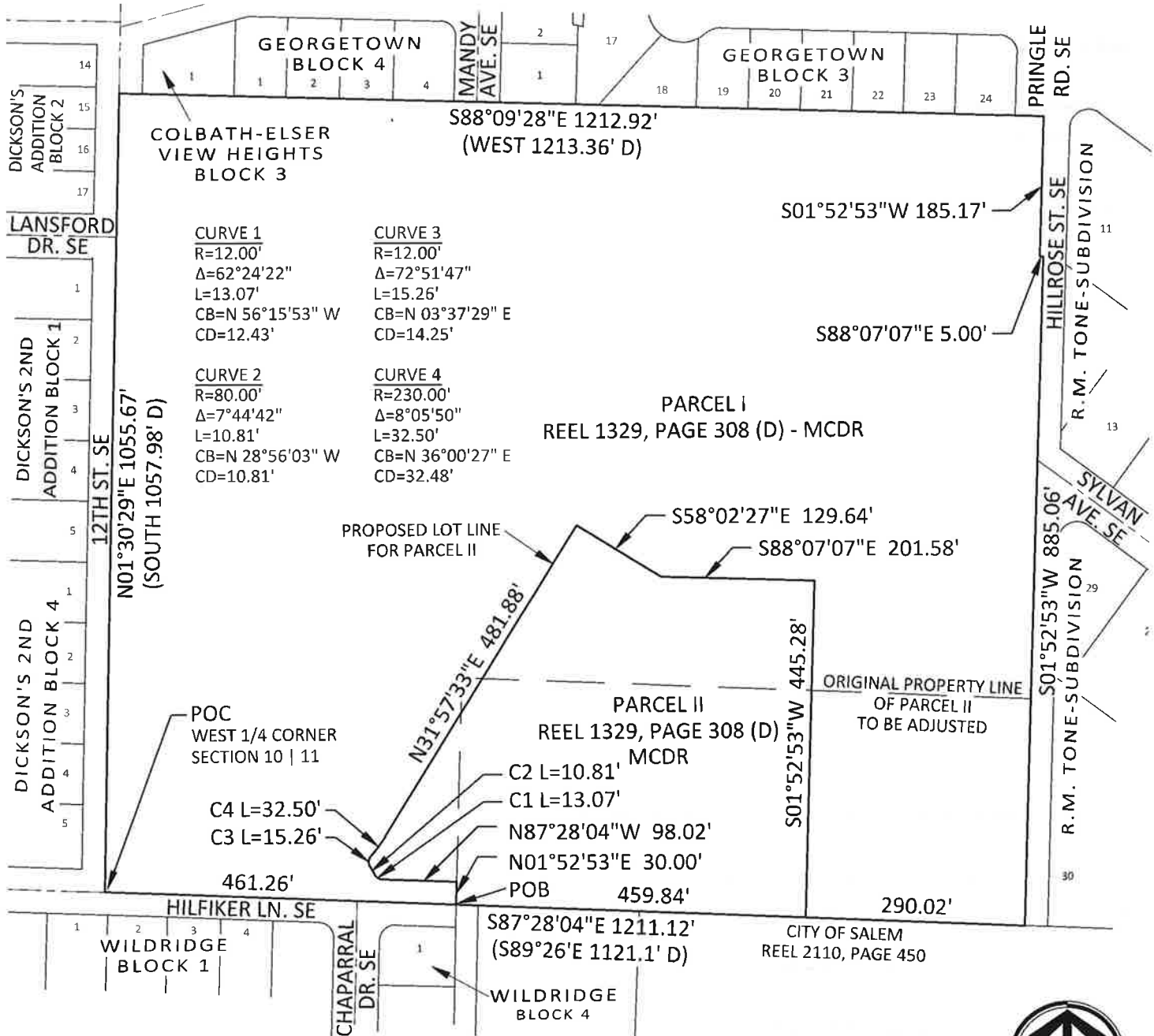
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Lynch
Digitally signed by Eric D. Lynch
Date: 2023.03.16 13:55:12-07'00'

OREGON
JULY 12, 2005
ERIC D. LYNCH
56544

EXPIRES 12-31-24

EXHIBIT D



PARCEL I

ORIGINAL AREA 1,065,028 SQ.FT., 24.45 ACRES

NEW AREA 1,077,589 SQ.FT., 24.74 ACRES

POC = POINT OF COMMENCEMENT

POB = POINT OF BEGINNING

(D) = REEL 1329, PAGE 308

MCDR = MARION COUNTY DEED RECORDS

PARCEL II

ORIGINAL AREA 224,944 SQ. FT., 5.16 ACRES

NEW AREA 212,365 SQFT., 4.88 ACRES



SCALE: 1" = 200'

PROJECT NO. 0883-004

ORIG. DATE: 3/16/2023

DRAWN BY: EDL

SHEET No. 2 OF 2

PROPERTY LINE ADJUSTMENT

PARCEL 2

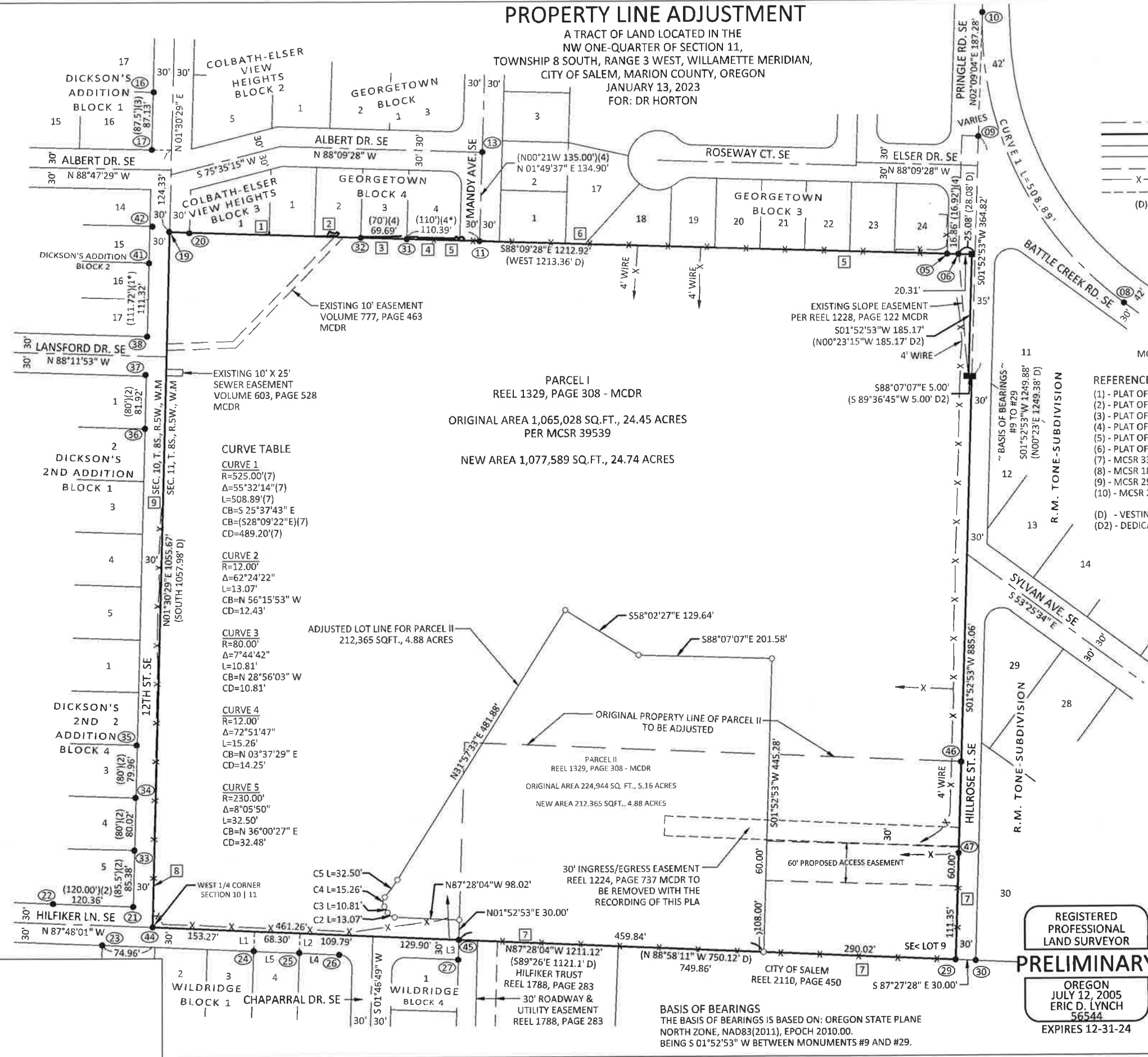
DR HORTON
SALEM, OREGON



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PROPERTY LINE ADJUSTMENT

A TRACT OF LAND LOCATED IN THE
NW ONE-QUARTER OF SECTION 11,
TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
JANUARY 13, 2023
FOR: DR HORTON



LEGEND

- FOUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "EMERIO DESIGN" PER MCSR 39475
- 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "EMERIO DESIGN" SET ON
- FOUND MONUMENT AS NOTED IN TABLE FLUSH UNLESS OTHERWISE NOTED

- EXISTING CENTERLINE
- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING LOT LINE
- EXISTING EASEMENT
- EXISTING FENCE LINE
- PROLONGATION LINE
- (D) / (R#) REFERENCE NUMBER SEE TABLE (SEE PAGE 2)
- REF'D REFERENCED
- PC POINT OF CURVATURE
- ROW RIGHT OF WAY
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- DLC DONATION LAND CLAIM
- DN DOWN
- RR RAILROAD
- AL ALUMINUM
- CL CENTERLINE
- (*) CALCULATED VALUE FROM NOTED RECORD
- MCSR MARION COUNTY SURVEY RECORDS
- MCBOTP MARION COUNTY BOOK OF TOWN PLATS
- MCDR MARION COUNTY DEED RECORDS

REFERENCES

- (1) - PLAT OF DICKSON'S ADDITION - V. 14, P. 52 MCBOTP
- (2) - PLAT OF DICKSON'S 2ND ADDITION - V. 17, P. 46 MCBOTP
- (3) - PLAT OF COLBATH-ELSER VIEW HEIGHTS - V. 26, P.30 MCBOTP
- (4) - PLAT OF GEORGETOWN - V. 34, P. 41 MCBOTP
- (5) - PLAT OF WILDRIDGE - V. 35, P.40 MCBOTP
- (6) - PLAT OF R.M. TONE - V. 15, P. 48 MCBOTP
- (7) - MCSR 33912
- (8) - MCSR 18931
- (9) - MCSR 29688
- (10) - MCSR 23793

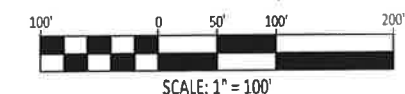
- (D) - VESTING DEED - REEL 1329, PAGE 308 MCDR
(D2) - DEDICATION TO CITY - REEL 1228, PAGE 121 MCDR

BOUNDARY NOTES

- 1 - CONCRETE WALL 0.2' NORTH OF NORTH LINE
- 2 - WOOD WALL 0.4' NORTH OF NORTH LINE
- 3 - BLOCK WALL 0.7' NORTH OF NORTH LINE
- 4 - WOOD WALL 0.3' NORTH OF NORTH LINE
- 5 - WOOD FENCE ON LINE
- 6 - WOOD FENCE 0.9' NORTH OF NORTH LINE
- 7 - WIRE FENCE ON LINE
- 8 - WIRE FENCE CROSSES WEST LINE
- 9 - WIRE FENCE 3'+/- WEST OF WEST LINE (WEIGHTED DOWN IN HEAVY BRUSH)

LINE TABLE

- L1 - N 02°31'56" E 29.69'
(30.00')(5)
- L2 - N 02°31'56" E 29.77'
(30.00')(5)
- L3 - N 01°43'32" E 30.00'
(500°09'E 30.00' R5)
- L4 - S 87°28'04" E 60.18'
(S89°20'E 60.29' R5)
- L5 - S 87°28'04" E 68.30'
(S89°20'E 68.01' R5)



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LAND SURVEYOR

PRELIMINARY

OREGON
JULY 12, 2005
ERIC D. LYNCH
56544

EXPIRES 12-31-24

BASIS OF BEARINGS
THE BASIS OF BEARINGS IS BASED ON: OREGON STATE PLANE
NORTH ZONE, NAD83(2011), EPOCH 2010.00.
BEING S 01°52'53" W BETWEEN MONUMENTS #9 AND #29.

PROPERTY LINE ADJUSTMENT
A TRACT OF LAND LOCATED IN THE
NW ONE-QUARTER OF SECTION 11,
TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
JANUARY 13, 2023
DR HORTON

NARRATIVE
THE PURPOSE OF THIS SURVEY IS TO ADJUST THE COMMON LINES OF THOSE
PROPERTIES DESCRIBED AS PARCEL I AND II IN THAT DEED RECORDED IN
REEL 1329, PAGE 308, MARION COUNTY DEED RECORDS, AS DIRECTED BY
THE CLIENT, IN ANTICIPATION OF A FUTURE SUBDIVISION.

THIS PLAT IS SUBJECT TO THE CITY OF SALEM CONDITIONS OF APPROVAL
CASE NUMBER PLA23-_____.

THE BOUNDARY LINES ARE HELD PER EMERIO DESIGN'S PREVIOUSLY
RECORDED RECORD OF SURVEY 39539, MARION COUNTY SURVEY RECORDS.

NOTE:
MONUMENT #44 WAS SET BY THE COUNTY SURVEYOR PER THEIR
DETERMINATION AND WILL BE REPLACED WITH A PERMANENT MONUMENT
WHEN THE ANTICIPATED SUBDIVISION STREET CONSTRUCTION IS
COMPLETED. FINAL PAVING AND THE PLACEMENT OF A MONUMENT BOX
WILL BE COORDINATED WITH THE MARION COUNTY SURVEYOR.

NOTES
1. FENCES NOT RELATED TO POSSIBLE LINES OF POSSESSION EXIST BUT
ARE NOT DEPICTED.
2. NO FENCES OR WALLS ENCROACH ONTO THE SUBJECT PROPERTY
FROM ANY ADJOINING PROPERTIES.
3. FENCES LOCATED ON THE SUBJECT PROPERTY DO NOT ENCROACH
ONTO ANY ADJOINING PROPERTIES AND ARE TO BE REMOVED DURING
FUTURE DEVELOPMENT.

#	MONUMENT TABLE
05	FOUND 1/2" IRON PIPE DN 0.3' PER (4) N88°09'28"W, 0.14' FROM RIGHT OF WAY LINE
06	FOUND 1/2" IRON PIPE REF'D IN (4) N88°09'28"W, 0.23' FROM DEDICATION LINE
08	FOUND 2" AL DISK W/ PUNCH MARKED "CITY OF SALEM" PER (7) HELD FOR PT OF CURVE
09	FOUND 1-1/2" IRON PIPE DN 0.5' SW CORNER DLC 41 HELD FOR CL
10	FOUND 2" AL DISK W/ PUNCH MARKED "CITY OF SALEM" PER (7) HELD FOR PC OF CURVE
11	FOUND 1/2" IRON ROD PER (4) S01°49'37"W, 0.13' FROM BOUNDARY HELD FOR CENTERLINE
13	FOUND RR SPIKE BENT NE - DN 0.2' PER (9)
16	FOUND 1/2" IRON PIPE BENT SE - DN 0.7' PER (1) S88°29'31"E, 0.72' FROM RIGHT OF WAY
17	FOUND 1/2" IRON PIPE UP 0.3' PER (1) HELD FOR WESTERLY RIGHT OF WAY
19	FOUND 1" IRON PIPE BENT NW - DN 0.2' PER (8) N56°27'37"W, 0.79' FROM NW CORNER
20	FOUND 1" IRON PIPE DN 0.2' PER (3) S25°46'33"W, 0.82' FROM RIGHT OF WAY AT BOUNDARY

21	FOUND 1" IRON PIPE DN 0.3' PER (2) N88°29'31"W, 0.21' FROM RIGHT OF WAY
22	FOUND 1" IRON PIPE BENT, BROKEN UP 0.1' PER (2) ON RIGHT OF WAY LINE
23	FOUND 2" IRON PIPE DN 0.1' PER (10) ON RIGHT OF WAY LINE
24	FOUND 1/2" IRON PIPE UP 0.3' PER (5) N02°31'56"E, 0.31' FROM RIGHT OF WAY
25	FOUND 1/2" IRON PIPE DN 0.4' PER (5) N02°31'56"E, 0.23' FROM RIGHT OF WAY
26	FOUND 5/8" IRON ROD - DN 0.4' PER (5) ON RIGHT OF WAY LINE
27	FOUND 5/8" IRON ROD DN 0.4' PER (5) ON RIGHT OF WAY LINE
29	FOUND 1" IRON PIPE DN 0.4' PER MCSR 6237 HELD FOR SE CORNER
30	FOUND BOLT UP 0.5' NO RECORD
31	FOUND 1/2" IRON PIPE PER (4) S01°50'32"W, 0.05' FROM BOUNDARY
32	FOUND 1/2" IRON PIPE PER (4) S01°50'32"W, 0.06' FROM BOUNDARY
33	FOUND 1" IRON PIPE DN 1.0' PER (2) N88°29'31"W, 0.38' FROM RIGHT OF WAY

34	FOUND 1" IRON PIPE DN 0.5' PER (2) N88°29'31"W, 0.67' FROM RIGHT OF WAY
35	FOUND 1/2" IRON PIPE DN 0.3' PER (2) N88°29'31"W, 0.81' FROM RIGHT OF WAY
36	FOUND 1/4" IRON ROD DN 0.5' NO RECORD S88°29'31"E, 0.08' FROM RIGHT OF WAY
37	FOUND 1/4" IRON ROD DN 1.0' NO RECORD 1.61' NORTH AND 0.89' WEST OF RIGHT OF WAY LINES
38	FOUND 1/2" IRON PIPE DN 1.0' PER (1) S88°29'31"E, 0.03' FROM RIGHT OF WAY
41	FOUND 1/4" IRON ROD DN 1.0' NO RECORD S88°29'31"E, 0.15' FROM RIGHT OF WAY
42	FOUND RR SPIKE NO RECORD S88°29'31"E, 3.75' FROM RIGHT OF WAY NOT USED
44	FOUND YPC MARKED "MARION COUNTY SURVEYOR" HELD FOR SW CORNER PER MCSR 39415
45	FOUND 5/8" IRON ROD DN 0.3' HELD EAST / WEST, 0.03' NORTH OF BOUNDARY LINE PER MCSR 33941
46	FOUND YPC UNREADABLE FALLS S58°11'53"W 0.04' FROM PARCEL 2 CORNER PER (5)
47	FOUND 1/2" IRON PIPE FALLS N88°07'07"W 0.22' WEST OF BOUNDARY LINE NO RECORD

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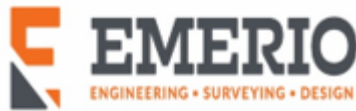
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PAGE 2 OF 2



Meyer Farm Property Line Adjustment

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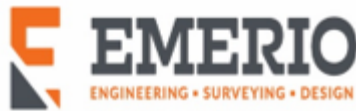
CITY OF SALEM UNIFIED DEVELOPMENT CODE TITLE X

SRC: 205: Land Division & Reconfiguration

SRC: 300: Procedure for Land Use Applications & Legislative Land Use Proposals

SRC: 510.010: Development Standards – Residential Agriculture Zone

IV. CONCLUSION



I. PROJECT DESCRIPTION

APPLICANT: Kehoe Northwest Properties
11627 S. Summerville Ave.
Portland, OR 97219

**CIVIL ENGINEER,
PLANNING &**

SURVEYOR: Emerio Design, LLC
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

Roy Hankins, P.E.
(541) 521-9797
roy@emeriodesign.com

Jennifer Arnold, Senior Land Use Planner
(541) 263-0933
jarnold@emeriodesign.com

SITE

LOCATION: The approximate 29.68-acre subject property is located at 4540 Pringle Road SE on the north side of Hilfiker Lane SE and on the west side of Pringle Road SE.

TAX LOTS: 083W11BC: Tax Lots 3000 and 3200

SITE SIZE: The subject site totals approximately 29.68 acres in size.

ZONING: Residential Agriculture (RA) & Single-Family Residential (RS), City of Salem, Oregon

REQUEST: The applicant is seeking approval for a property line adjustment between two legal lots of record at 4540 Pringle Road SE.

II. SITE DESCRIPTION/EXISTING CONDITIONS

The subject property is made up of two legal lots of record and approximately 29.68 acres. The property is located at 4540 Pringle Road SE and split zoned between Residential Agriculture (RA) and Single Family Residential (RS). The subject property is surrounded by single-family developments and has a small creek located in the northwest corner. A subdivision was tentatively approved (SUB21-09) in March 2022 and the final decision and order was signed on May 9, 2022. The Applicant proposes to adjust the property lines between two legal lots of record (tax lot 3000 and tax lot 3200) without modifying the approved subdivision.

Tax Lot Number	Current Tax Lot Size	Proposed Adjustment Size
3000 (Parcel 1)	1,065,028 sf (24.45 ac)	1,077,589 sf (24.74 ac)
3200 (Parcel 2)	224,944 sf (5.16 ac)	202,365 sf (4.88 ac)

III. RESPONSE TO APPLICABLE CODE STANDARDS & APPROVAL CRITERIA

Chapter 205. – Land Division and Reconfiguration

Sec. 205.015(c). – Phased Subdivision Tentative Plan

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative phased subdivision plan shall include:
- (1) The information required in SRC 205.030; and
 - (2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.

Applicant Response: The approved phasing plan has been included with this application and the Applicant does not propose any changes to the approved phasing plan or any documentation associated with SUB21-09. The criteria are met.

Sec. 205.025. - Replat.

- (a) *Applicability.* A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.
- (b) *Procedure type.* A tentative replat is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

Applicant Response: This application proposes a property line adjustment, and all easements are shown on the preliminary plat. The proposal shows a 30' ingress/egress easement which is proposed to be eliminated with the recording of a new 60' access easement. The submittal requirements of this section are met.

- (d) *Criteria.* A tentative replat shall be approved if all of the following criteria are met:

- (1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.
- (2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.
- (3) The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.
- (4) The tentative replat complies with all applicable provisions of ORS ch. 92.
- (5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.
- (6) The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Applicant Response: This application does not propose to vacate any public streets, roads or recorded covenants or restrictions. The proposed PLA does not create nonconforming units of land and does not increase nonconformity of an existing unit of land or development. The proposed tentative plat complies with the standards of this chapter and the provisions of ORS Chapter 92. This application does not propose any changes to the approved phasing plan or subdivision. Lastly, this application does not adversely affect the availability of or access to city infrastructure or public/private infrastructure or streets. The criteria are met.

Sec. 205.055. - Property line adjustments.

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

Applicant Response: This application includes a proposal to relocate common interior property lines between two legal lots of record. No new or additional units of land are proposed to be created with this application.

- (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;
 - (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;

Applicant Response: Included with this application are the recorded deeds for each unit of land and a site plan showing the required information above.

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

Applicant Response: A recent title report and additional documents showing each until was legally created are included with this application.

- (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.

Applicant Response: A copy of the draft property line adjustment deeds are included with this application.

- (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;

- (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;
- (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;
- (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;
- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Applicant Response: The proposed property line adjustment reconfigures the common property lines between two legal lots of record. No additional lots are proposed or shown to be created on the submitted application materials. The proposed property line adjustment does not create any nonconforming units of land, development, or increase the degree of nonconformity in the existing units of land. Both units of land are legally established and have previously been adjusted in 1996 according to Marion County Surveyor file # 33941. Other than the SUB21-09 conditions of approval, the applicant is unaware of any previous conditions of approval or existing land use approvals affecting both units of land. The proposed property line adjustment does not involve the relocation or elimination of any public easements or right-of-way. The proposed property line adjustment does not adversely affect the availability or access to public or private utilities or streets as shown on the submitted composite utility plan.

- (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.

Applicant Response: No replat is proposed with this application as this is a property line adjustment. This application only proposes one property line adjustment. A partition is also not required or requested with this application. The subject property has been approved by City Council for a phased subdivision but the plat for that approval has not been recorded as of the submittal of this application. Only one property line adjustment is proposed for this property and included with this application. The above criteria are met.

- (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.

Applicant Response: All required documents and descriptions for the property line adjustment have been submitted for City Surveyor review.

- (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.

Applicant Response: The applicant understands that the deed documents are required to be recorded along with the survey map, and that the City Surveyor will review to ensure compliance with standards.

- (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.

Applicant Response: The applicant understands that this application, if approved, will expire in 2 years if the final plat and deed have not been recorded and no extensions are permitted.

Sec. 205.070. - Modification of approval.

(...)

(a) *Applicability.* The approval of a tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat.

Applicant Response: A subdivision was tentatively approved on the subject property (SUB21-09) in March 2022 and the final decision and order was signed on May 9, 2022. No modification of that approval is proposed with this application. This application proposes to adjust tax lots 3000 and 3200 through a property line adjustment process.

Chapter 300. – Procedure For Land Use Applications and Legislative Lane Use Proposals

Sec. 300.100. – Procedure Types

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

TABLE 300-1. LAND USE PROCEDURE TYPES			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.

Applicant Response: This application is for a property line adjustment and follows a Type I Ministerial review process.

Chapter 510. – RA – Residential Agriculture

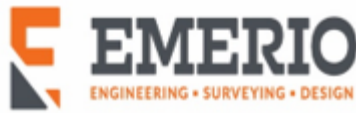
Sec. 510.010. – Development Standards

Development within the RA zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the RA zone shall conform to the standards set forth in Table 510-2.

- (b) *Setbacks.* Setbacks within the RA zone shall be provided as set forth in Table 510-3.

Applicant Response: The subject property is split zoned between the RA (Residential Agriculture) and RS (Single-Family Residential). The RS zone follows the western property line, encroaching into the property approximately 220 feet. This area of the subject site is currently vacant. The majority of the subject site is within the RA zoning designation. All improvements on the property are within the RA zone and concentrated near the middle of the southern boundary.



All existing structures comply with setback standards of the RA zone. After the proposed property line adjustment, all structures still comply with setback standards of the RA zone. The closest structure is approximately 33.5 feet from the southern (rear) property line. The closest structure to the eastern (side) property line is approximately 42.5 feet and this same structure is approximately 44 feet from the southern property line. The closest structure to the western (side) property line is approximately 66 feet.

All setback standards are shown to be met prior to the proposed property line adjustment and are still compliant after the proposed adjustment.

IV. CONCLUSION

Based upon the application materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department of this application for a property line adjustment.