



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

CASE NUMBER:	Validation of Units of Land Case No. VUL19-04
AMANDA APPLICATION NO:	19-105764-LD
HEARING INFORMATION:	<u>Hearing Officer, Wednesday, April 24, 2019, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301</u>
PROPERTY LOCATION:	4265 Claxter Ct NE, Salem OR 97301
OWNER/APPLICANT:	North River Partners, LLC (Timothy Moneke)
REPRESENTATIVE:	Tony Jones for Home First Development Partners
DESCRIPTION OF REQUEST:	<p>Summary: A proposal to validate units of land that were created as separate tax lots through a sale by deed in 1988.</p> <p>Request: The request is to lawfully establish tax lots created by deed in 1988, when tax lot 1600 and 1603 were described separately than the original tax lot 1603. The sale effectively divided the parent parcel into two separate units of land, without a land use approval. The applicant is requesting to validate property zone CO (Commercial Office) known as Marion County Tax Assessor numbers 073W12A / 1600 and 1603.</p>
CRITERIA TO BE CONSIDERED:	<p>VALIDATION OF UNIT OF LAND</p> <p>Pursuant to SRC 205.060(d), the validation of a unit of land shall be approved if the following criteria are met:</p> <ol style="list-style-type: none">(1) The unit of land is not a lawfully established unit of land;(2) The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;(3) The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and(4) The plat complies with SRC 205.035 and ORS 92.
HOW TO PROVIDE TESTIMONY:	<p>Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.</p>
HEARING PROCEDURE:	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.</p> <p>Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes</p>

appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:

Britany Randall, Planner II, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503 540-2304; E-mail: brandall@cityofsalem.net.

NEIGHBORHOOD ORGANIZATION:

Northgate Neighborhood Association, Frank Pack, Land Use Chair; Phone: 503-364-7353; Email: frankpack@gmail.com.

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

<https://www.cityofsalem.net/Pages/planning-notice-decisions.aspx>

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

April 4, 2019

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

For more information about Planning in Salem:

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

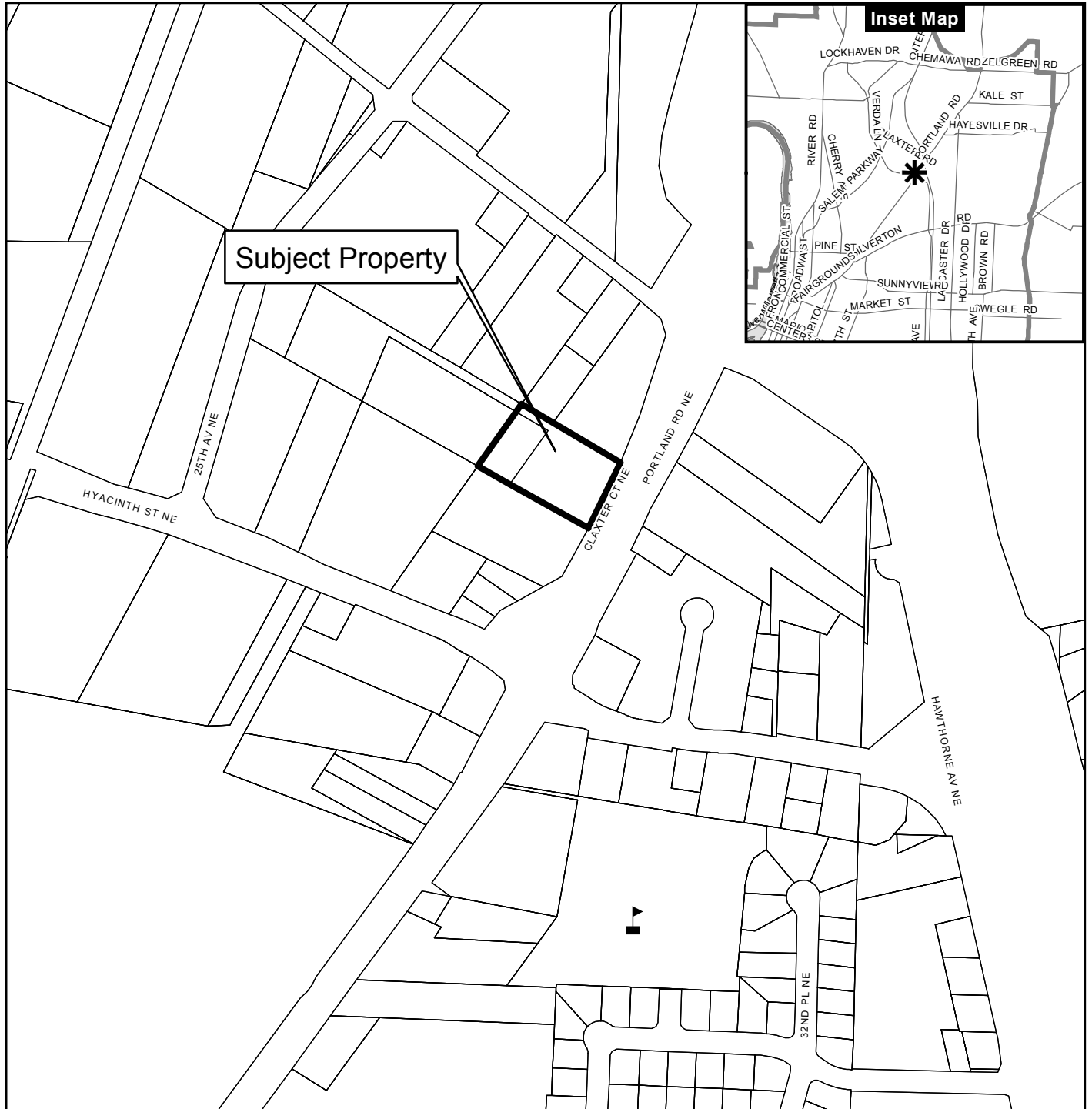
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It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.








TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map

4285 Claxter Ct. NE & Tax Lot 073W12A / 1603



Legend

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



0 100 200 400 Feet

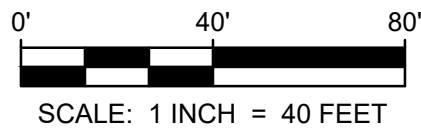


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PARTITION PLAT NO. _____

IN THE NE 1/4 OF SECTION 12, T.7S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

DATE: MARCH 28, 2019



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	18.78'	1909.86'	00°33'49"	S33°27'43"W	18.78'

MONUMENT/CONTROL LIST

- A IP 1-1/2", DOWN 1.3' (2)
- B IR 1/2", DOWN 1.0' (7)
BEARS 0.22' S. OF LINE
- C IP 1-1/2", DOWN 0.8' (7)
- D IP 1-1/2", DOWN 1.0', SHOWN IN (3)
- E IP 1-1/4", FLUSH (2)
- F IR 5/8" W/YPC MARKED
"S&K INC. LS447 LS548", FLUSH (5)
BEARS S33°12'44"W, 0.14' FROM CORNER
- G IP 1/2", DOWN 0.4' (1)
- H IP 1", DOWN 0.4' (1)
BEARS S61°15'18"E, 1.99' FROM CORNER
- I IR 5/8" W/YPC MARKED
"S&K INC. LS447 LS548", FLUSH (5)
- J IP 3/4" (1)
- K IR 5/8" IN CONCRETE, DOWN 0.3' (4)
- L MAG NAIL W/WASHER MARKED
"OTAK CONTROL", FLUSH (6)
(CONTROL POINT #1 PER MCSR 35872)
- M MAG NAIL W/WASHER MARKED
"OTAK CONTROL", FLUSH (6)
(CONTROL POINT #6 PER MCSR 35872)

SURVEY/DEED REFERENCES

NOTE: ALL REFERENCES ARE FROM MARION COUNTY RECORDS

- (1) MCSR 9160
- (2) MCSR 10595
- (3) MCSR 26883
- (4) MCSR 31266
- (5) MCSR 32299
- (6) MCSR 35872
- (7) TIMOTHY PARK
VOLUME 34, PAGE 5, B.O.T.P
- (8) ODOT DRAWING NO. 6B-23-21

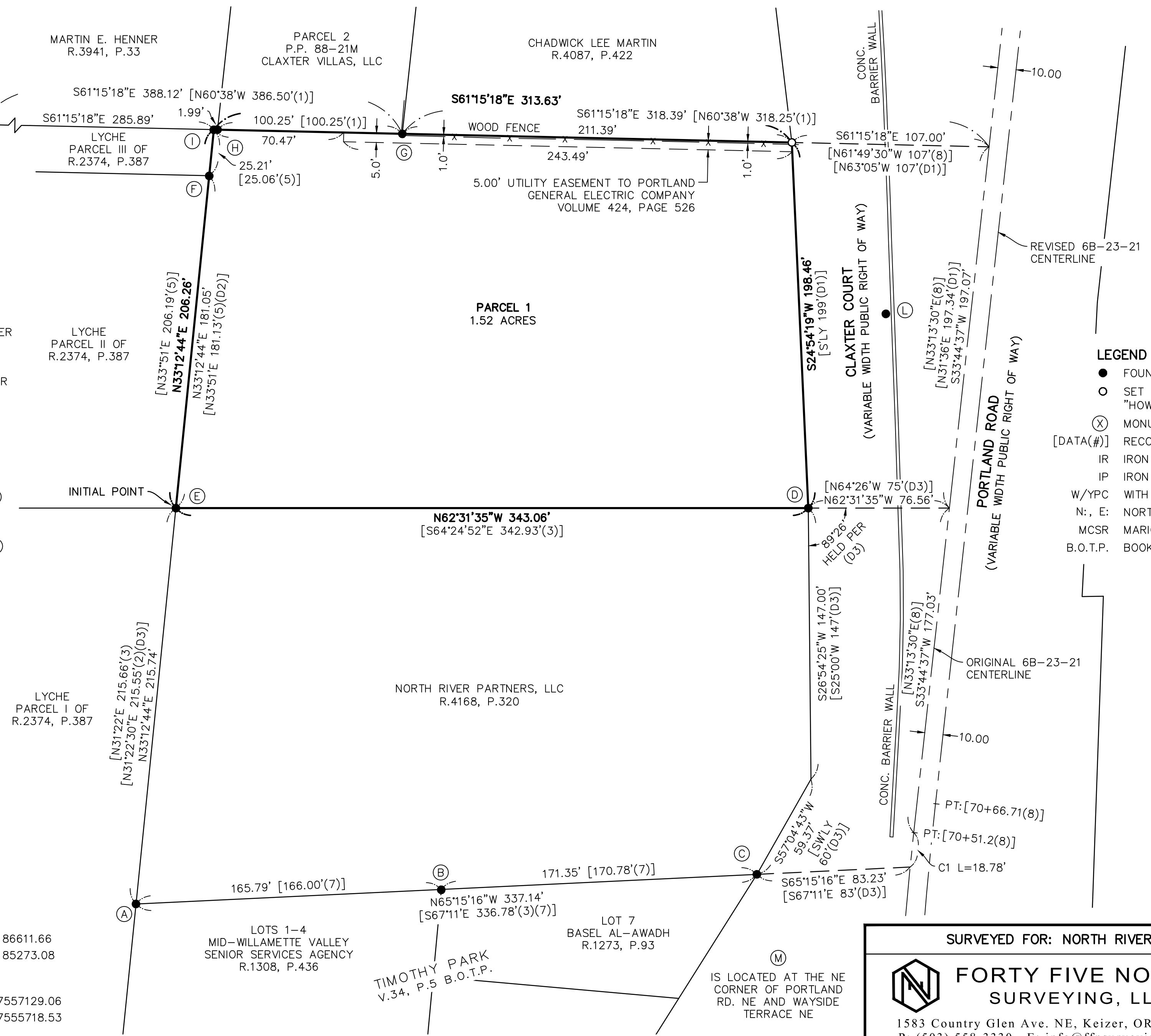
- (D1) REEL 4163, PAGE 129 (TL 1600)
- (D2) REEL 1861, PAGE 265 (TL 1603)
- (D3) REEL 4168, PAGE 320 (TL 900)

PROJECT CONTROL COORDINATES

SALEM ZONE (HELD PER THIS SURVEY)
CONTROL POINT 'L' N: 236096.64 E: 186611.66
CONTROL POINT 'M' N: 233824.19 E: 185273.08

LOCAL DATUM PLANE PER MCSR 35872

CONTROL POINT 'L' N: 489147.76 E: 7557129.06
CONTROL POINT 'M' N: 486919.26 E: 7555718.53



LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8"x30" IR W/YPC MARKED "HOWELL LS 91569"
- ⊗ MONUMENT REFERENCE
- [DATA(#)] RECORD DATA & REFERENCE
- IR IRON ROD
- IP IRON PIPE
- W/YPC WITH YELLOW PLASTIC CAP
- N:, E: NORTHING, EASTING
- MCSR MARION COUNTY SURVEY RECORD
- B.O.T.P. BOOK OF TOWN PLATS

REGISTERED PROFESSIONAL LAND SURVEYOR

DRAFT

OREGON
SEPTEMBER 12, 2007
STEVEN LEE HOWELL
91569

RENEWAL: 6-30-2019

SURVEYED FOR: NORTH RIVER PARTNERS, LLC

FORTY FIVE NORTH SURVEYING, LLC

1583 Country Glen Ave. NE, Keizer, OR 97303
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 18-037

SHEET 1/2

PARTITION PLAT NO. _____

IN THE NE 1/4 OF SECTION 12, T.7S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

DATE: MARCH 28, 2019

APPROVAL AND ACCEPTANCE OF DEDICATION

CITY PLANNING ADMINISTRATOR
XXXX CASE NO. XXXX

DATE

APPROVALS

CITY OF SALEM SURVEYOR

DATE

MARION COUNTY ASSESSOR

DATE

TAXES AND ASSESSMENTS ON THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AS PROVIDED BY ORS 92.095, HAVE BEEN PAID IN FULL THROUGH _____

MARION COUNTY TAX COLLECTOR

DATE

STATE OF OREGON }
COUNTY OF MARION } SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT NO. _____ WAS RECEIVED FOR RECORDING ON THE _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M., AND RECORDED IN THE BOOK OF PARTITION PLATS. IT IS FURTHER RECORDED IN MARION COUNTY DEED RECORDS IN REEL _____ AT PAGE _____.

BILL BURGESS, MARION COUNTY CLERK

BY: _____
DEPUTY COUNTY CLERK

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT NORTH RIVER PARTNERS, LLC IS THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE LAND TO BE PARTITIONED INTO ONE PARCEL AS SHOWN, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

RANDY FULTZ, MEMBER
NORTH RIVER PARTNERS, LLC

ACKNOWLEDGEMENT

STATE OF OREGON }
COUNTY OF _____ } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY RANDY FULTZ, MEMBER, NORTH RIVER PARTNERS, LLC

NOTARY SIGNATURE

NOTARY PUBLIC – OREGON (PRINTED)

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

NOTES

- 1) PARCEL 1 IS SUBJECT TO A 5.00 FOOT UTILITY EASEMENT TO PORTLAND GENERAL ELECTRIC COMPANY PER VOLUME 424, PAGE 526, MARION COUNTY DEED RECORDS, ALONG THE NORTH LINE AS SHOWN.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT TRACT OF LAND CONVEYED TO NORTH RIVER PARTNERS, LLC BY REEL 4163, PAGE 129, MARION COUNTY DEED RECORDS, AND REEL XXXX, PAGE XXXX, MARION COUNTY DEED RECORDS, INTO ONE PARCEL PER CITY OF SALEM XXXX CASE NO. XXX.

FOR MY BASIS OF BEARINGS, I HELD THE OREGON COORDINATE REFERENCE SYSTEM "SALEM ZONE", NAD83(2011), EPOCH 2010.00.

THE "ORIGINAL 6B-23-21" AND "REVISED 6B-23-21" CENTERLINES WERE ESTABLISHED BY HOLDING THE "CALCULATED POINTS" NOTED ALONG SAID CENTERLINES PER MCSR 35872, ALONG WITH RECORD GEOMETRY. PROJECT CONTROL POINTS 'L' AND 'M' (OTAK CONTROL POINTS 6 & 1 PER MCSR 35872) WERE HELD FOR HORIZONTAL LOCATION WHEN PLACING THE CALCULATED CENTERLINES.

THE NORTH LINE WAS ESTABLISHED BY HOLDING A LINE THROUGH MONUMENTS 'G' AND 'K'.

THE EAST LINE WAS ESTABLISHED BY HOLDING A DEED DISTANCE OF 107.00 FEET FROM THE "ORIGINAL 6B-23-21" CENTERLINE, AS MEASURED ALONG SAID NORTH LINE, AND MONUMENT 'D'.

THE SOUTH LINE WAS ESTABLISHED BY HOLDING MONUMENTS 'D' AND 'E'.

THE WEST LINE WAS ESTABLISHED BY HOLDING MONUMENTS 'E' AND 'I'.

SURVEYOR'S CERTIFICATE

I, STEVEN L. HOWELL, HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ATTACHED PARTITION PLAT, IN THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON, THE BOUNDARIES OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE INITIAL POINT, BEING A FOUND 1-1/4" IRON PIPE AT THE NORTHWEST CORNER OF THAT PROPERTY CONVEYED TO NORTH RIVER PARTNERS, LLC BY REEL 4168, PAGE 320, MARION COUNTY DEED RECORDS, BEING ALSO ON THE EAST LINE OF THAT PROPERTY CONVEYED TO LYCHE BY REEL 2374, PAGE 387, MARION COUNTY DEED RECORDS; THENCE, ALONG THE EAST LINE OF SAID LYCHE PROPERTY, NORTH 33°12'44" EAST, 206.26 FEET TO THE SOUTH LINE OF THAT PROPERTY CONVEYED TO HENNER BY REEL 3941, PAGE 33, MARION COUNTY DEED RECORDS; THENCE, ALONG THE SOUTH LINE OF SAID HENNER PROPERTY, THE SOUTH LINE OF PARTITION PLAT 88-21M, MARION COUNTY PLAT RECORDS, AND THE SOUTH LINE OF THAT PROPERTY CONVEYED TO MARTIN BY REEL 4087, PAGE 422, MARION COUNTY DEED RECORDS, SOUTH 61°15'18" EAST, 313.63 FEET TO THE WEST RIGHT OF WAY LINE OF CLAXTER COURT; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 24°54'19" WEST, 198.46 FEET TO THE NORTH LINE OF SAID NORTH RIVER PARTNERS PROPERTY; THENCE, ALONG LAST SAID NORTH LINE, NORTH 62°31'35" WEST, 343.06 FEET TO THE INITIAL POINT.

CONTAINING 66,254 SQUARE FEET OR 1.52 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWAL: 6-30-2019

SURVEYED FOR: NORTH RIVER PARTNERS, LLC	
 <p>FORTY FIVE NORTH SURVEYING, LLC</p> <p>1583 Country Glen Ave. NE, Keizer, OR 97303 P: (503) 558-3330 E: info@ffnsurveying.com</p>	<p>JOB NO. 18-037</p> <hr/> <p>SHEET 2/2</p>