



NOTICE of FILING

LAND USE REQUEST AFFECTING THIS AREA

There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213.

CASE NUMBER:	Validation of Units of Land Case No. VUL23-05
PROPERTY LOCATION:	1390 Overlook Ave NW, Salem OR 97304
NOTICE MAILING DATE:	June 14, 2023
PROPOSAL SUMMARY:	A validation of unit of land created by deed in 1998.
COMMENT PERIOD:	All written comments must be submitted to City Staff no later than <u>5:00 p.m. Wednesday, June 28, 2023</u>. Please direct any questions and/or comments to the Case Manager listed below. Comments received after the close of the comment period will not be considered. Note: Comments submitted are <u>public record</u>. This includes any personal information provided in your comment such as name, email, physical address and phone number.
CASE MANAGER:	Peter Domine, Planner I , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2311; E-mail: pdomine@cityofsalem.net
NEIGHBORHOOD ASSOCIATION:	<i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:</i> West Salem Neighborhood Association, Steven Anderson, Land Use Chair; Email: andersonriskanalysis@comcast.net .
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA TO BE CONSIDERED:	Salem Revised Code (SRC) Chapter(s) 205.060(d) – Validation of Units of Land Salem Revised Code (SRC) is available to view at this link: http://bit.ly/salemorcode . Type in the chapter number(s) listed above to view the applicable criteria.

PROPERTY OWNER(S):	Jason Flores, Edward Bynon, and Susan Bynon
APPLICANT(S):	Devin Sene
PROPOSAL REQUEST:	A validation of unit of land to lawfully establish a property created without land use approval. The subject property is 0.23 acres in size, zoned RS (Single Family Residential) and located at 1390 Overlook Ave NW - 97304 (Polk County Assessors Map and Tax Lot Number 073W22BB / 1401).
APPLICATION PROCESS:	<p>Following the close of the Public Comment Period, a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who submitted written comments, and anyone who received notice of the land use request.</p> <p>Failure to raise an issue in writing prior to the close of the Public Comment Period with sufficient specificity to provide the opportunity to respond to the issue, precludes 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.</p>
MORE INFORMATION:	All documents and evidence submitted by the applicant are available on the City's online Permit Application Center at https://permits.cityofsalem.net . You can use the search function without registering and enter the permit number listed here: 23 110771. Paper copies can be obtained for a reasonable cost.

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>

*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*

REQUEST FOR COMMENTS

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

REGARDING: Validation of Units of Land Case No. VUL23-05

PROJECT ADDRESS: 1390 Overlook Ave NW, Salem OR 97304

AMANDA Application No.: 23-110771-PLN

COMMENT PERIOD ENDS: June 28, 2023

SUMMARY: A validation of unit of land created by deed in 1998.

REQUEST: A validation of unit of land to lawfully establish a property created without land use approval. The subject property is 0.23 acres in size, zoned RS (Single Family Residential) and located at 1390 Overlook Ave NW - 97304 (Polk County Assessors Map and Tax Lot Number 073W22BB / 1401).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m. Wednesday, June 28, 2023, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Peter Domine, Planner I, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2311; E-Mail: pdomine@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: _____

Name/Agency: _____

Address: _____

Phone: _____

Email: _____

Date: _____

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1508 SALEM, OR

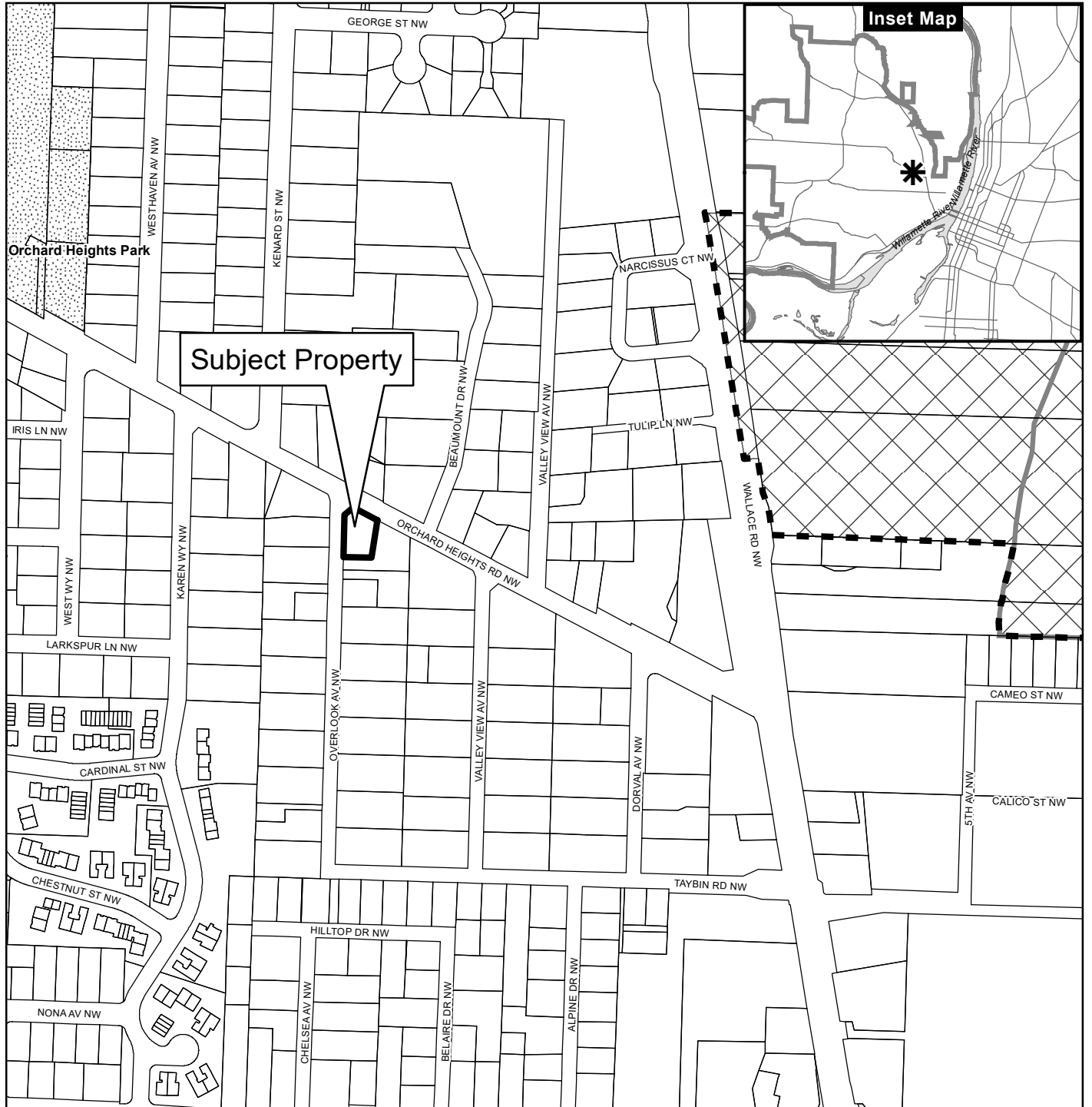
POSTAGE WILL BE PAID BY ADDRESSEE

PLANNING DIVISION
CITY OF SALEM RM 305
555 LIBERTY ST SE
SALEM OR 97301-9907










Vicinity Map

1390 Overlook Ave NW



Legend

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

CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

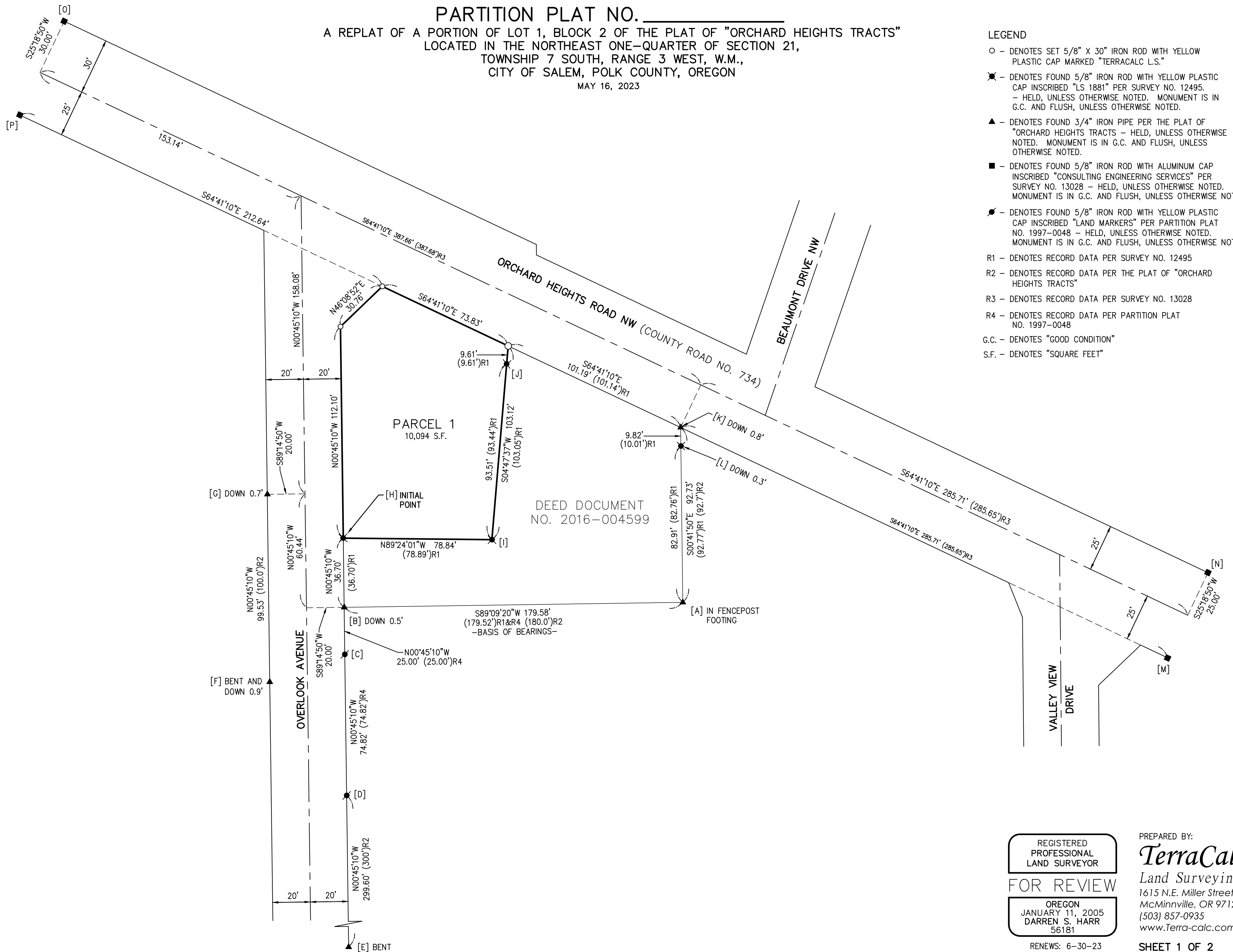
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PARTITION PLAT NO. _____

A REPLAT OF A PORTION OF LOT 1, BLOCK 2 OF THE PLAT OF "ORCHARD HEIGHTS TRACTS"
 LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21,
 TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.,
 CITY OF SALEM, POLK COUNTY, OREGON
 MAY 16, 2023



- LEGEND**
- - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TERRACALC L.S."
 - ✖ - DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LS 1881" PER SURVEY NO. 12495. - HELD, UNLESS OTHERWISE NOTED. MONUMENT IS IN G.C. AND FLUSH, UNLESS OTHERWISE NOTED.
 - ▲ - DENOTES FOUND 3/4" IRON PIPE PER THE PLAT OF "ORCHARD HEIGHTS TRACTS - HELD, UNLESS OTHERWISE NOTED. MONUMENT IS IN G.C. AND FLUSH, UNLESS OTHERWISE NOTED.
 - - DENOTES FOUND 5/8" IRON ROD WITH ALUMINUM CAP INSCRIBED "CONSULTING ENGINEERING SERVICES" PER SURVEY NO. 13028 - HELD, UNLESS OTHERWISE NOTED. MONUMENT IS IN G.C. AND FLUSH, UNLESS OTHERWISE NOTED.
 - - DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LAND MARKERS" PER PARTITION PLAT NO. 1997-0048 - HELD, UNLESS OTHERWISE NOTED. MONUMENT IS IN G.C. AND FLUSH, UNLESS OTHERWISE NOTED.
 - R1 - DENOTES RECORD DATA PER SURVEY NO. 12495
 - R2 - DENOTES RECORD DATA PER THE PLAT OF "ORCHARD HEIGHTS TRACTS"
 - R3 - DENOTES RECORD DATA PER SURVEY NO. 13028
 - R4 - DENOTES RECORD DATA PER PARTITION PLAT NO. 1997-0048
 - G.C. - DENOTES "GOOD CONDITION"
 - S.F. - DENOTES "SQURE FEET"

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

FOR REVIEW

OREGON
 JANUARY 11, 2005
 DARREN S. HARR
 56181

RENEWS: 6-30-23

PREPARED BY:

TerraCalc
 Land Surveying Inc.

1615 N.E. Miller Street
 McMinnville, OR 97128
 (503) 857-0935
 www.Terra-calc.com

SHEET 1 OF 2

PARTITION PLAT NO. _____

A REPLAT OF A PORTION OF LOT 1, BLOCK 2 OF THE PLAT OF "ORCHARD HEIGHTS TRACTS" LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M., CITY OF SALEM, POLK COUNTY, OREGON MAY 16, 2023

CITY OF SALEM APPROVALS:

APPROVED THIS _____ DAY OF _____, 2023

BY: _____ CITY OF SALEM PLANNING ADMINISTRATOR PARTITION CASE NO. PAR18-03

APPROVED THIS _____ DAY OF _____, 2023

BY: _____ CITY OF SALEM SURVEYOR

POLK COUNTY APPROVALS:

APPROVED THIS _____ DAY OF _____, 2023

POLK COUNTY BOARD OF COMMISSIONERS

BY: _____ CHAIRPERSON OR VICE CHAIRPERSON

APPROVED THIS _____ DAY OF _____, 2023

BY: _____ POLK COUNTY ASSESSOR

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID AS OF

THIS _____ DAY OF _____, 2023

BY: _____ POLK COUNTY TAX COLLECTOR

STATE OF OREGON)) SS COUNTY OF POLK)

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON THIS _____ DAY OF _____, 2023, AT _____ O'CLOCK ____M AND RECORDED IN THE COUNTY CLERK RECORDS.

POLK COUNTY CLERK

DEPUTY POLK COUNTY CLERK

SURVEYOR'S CERTIFICATE:

I, DARREN S. HARR, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THIS PARTITION PLAT, BEING THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2020-011171, RECORDED AUGUST 7, 2020, POLK COUNTY DEED RECORDS, ALSO BEING A REPLAT OF A PORTION OF LOT 1, BLOCK 2 OF THE PLAT OF "ORCHARD HEIGHTS TRACTS", RECORDED AUGUST 10, 1945 IN BOOK 2-B, PAGE 49, RECORD OF TOWN PLATS OF POLK COUNTY, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M., CITY OF SALEM, POLK COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT BEING A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LS 1831" ON THE EASTERLY RIGHT-OF-WAY LINE OF OVERLOOK AVENUE, BEING 20.00 FEET EASTERLY OF THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO, SAID POINT BEARS NORTH 00°45'10" WEST, 36.75 FEET FROM A 3/4" IRON PIPE MARKING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 2 OF THE PLAT OF "ORCHARD HEIGHTS TRACTS"; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°45'10" WEST, 112.15 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "TERRACALC L.S."; THENCE NORTH 46°08'52" EAST, 30.76 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "TERRACALC L.S." ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ORCHARD HEIGHTS ROAD NW (COUNTY ROAD NO. 734), BEING 25.00 FEET SOUTHERLY OF THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 64°41'10" EAST, 73.83 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "TERRACALC L.S."; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 04°47'37" EAST, 103.13 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LS 1831"; THENCE NORTH 89°21'01" WEST, 78.84 FEET TO THE INITIAL POINT.

CONTAINS 10,094 SQUARE FEET, MORE OR LESS.

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PERFORM A LOT VALIDATION FOR THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2020-011171, RECORDED AUGUST 7, 2020, POLK COUNTY DEED RECORDS. SAID TRACT OF LAND WAS ORIGINALLY CREATED BY THAT DEED RECORDED JANUARY 9, 1992 IN BOOK 249, PAGE 718, POLK COUNTY DEED RECORDS. BECAUSE SAID TRACT WAS ORIGINALLY CREATED BY DEED INSTEAD OF THROUGH THE PARTITION PLAT PROCESS WHICH WAS REQUIRED AT THE TIME, THIS RESULTED IN THE CREATION OF AN ILLEGAL LOT OF RECORD. THEREFORE, THE PURPOSE OF THIS SURVEY IS TO PRODUCE A LEGAL LOT OF RECORD FROM SAID TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2020-011171 BY RECORDING THIS PARTITION PLAT.

THE BASIS OF BEARINGS WAS ESTABLISHED BY HOLDING A RECORD BEARING OF SOUTH 89°09'20" WEST BETWEEN MONUMENTS [A] AND [B] PER SURVEY NO. 12495, POLK COUNTY SURVEY RECORDS, AS SHOWN HEREON.

THE SOUTHERLY RIGHT-OF-WAY LINE OF ORCHARD HEIGHTS ROAD NW (COUNTY ROAD NO. 734) WAS ESTABLISHED BY HOLDING MONUMENTS [P] AND [M]. THIS ALIGNMENT FOR THE RIGHT-OF-WAY OF ORCHARD HEIGHTS ROAD ALSO AGREES WITH MONUMENTS [O] AND [N], AS SHOWN HEREON.

THE EAST RIGHT-OF-WAY LINE OF OVERLOOK AVENUE WAS ESTABLISHED BY HOLDING MONUMENTS [B] AND [E], BEING ORIGINAL MONUMENTS PER THE PLAT OF "ORCHARD HEIGHTS TRACTS" WHICH CREATED SAID RIGHT-OF-WAY. THIS ALIGNMENT FOR THE RIGHT-OF-WAY OF OVERLOOK AVENUE ALSO AGREES WITH MONUMENTS [H], [C], [D], [F] AND [G], AS SHOWN HEREON.

THE RIGHT-OF-WAY DEDICATION LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF ORCHARD HEIGHTS ROAD NW WITH OVERLOOK AVENUE WAS DEDICATED TO THE CITY OF SALEM AS DESCRIBED IN BOOK 285, PAGE 929, RECORDED APRIL 6, 1994, POLK COUNTY DEED RECORDS. THE LOCATION OF SAID RIGHT-OF-WAY DEDICATION WAS ESTABLISHED BY HOLDING THE RECORD DISTANCES OF 25.00 FEET AND 32.00 FEET PER SAID BOOK 285, PAGE 929 FROM THE INTERSECTION OF THE ABOVE-DESCRIBED ESTABLISHED SOUTHERLY RIGHT-OF-WAY LINE OF ORCHARD HEIGHTS ROAD NW WITH THE EAST RIGHT-OF-WAY LINE OF OVERLOOK AVENUE.

THE SOUTH LINE OF PARCEL 1 WAS ESTABLISHED BY HOLDING MONUMENTS [H] AND [I].

THE EAST LINE OF PARCEL WAS ESTABLISHED BY HOLDING MONUMENTS [I] AND [J] AND EXTENDING SAID LINE NORTHERLY TO INTERSECT THE ABOVE-DESCRIBED ESTABLISHED SOUTHERLY RIGHT-OF-WAY LINE OF ORCHARD HEIGHTS ROAD NW.

SURVEY NO. 12495 PREPARED BY RICHARD W. MONTGOMERY AND DATED NOVEMBER 21, 1991 CONTAINS THE EXACT SAME COURSES AND DISTANCES AS CONTAINED IN THE LEGAL DESCRIPTION OF THE ORIGINAL VESTING DEED FOR THE SUBJECT PROPERTY (BOOK 249, 718). SAID ORIGINAL VESTING DEED WAS RECORDED ON JANUARY 9, 1992, BEING A LITTLE OVER A MONTH AFTER THE DATE ON SURVEY NO. 12495. THEREFORE, I BELIEVE IT'S SAFE TO ASSUME THAT THE SURVEY MONUMENTS SHOWN AS BEING SET AT THE CORNERS OF THE SUBJECT PROPERTY IN SURVEY NO. 12495 ARE VALID EVIDENCE AS TO THE INTENDED LOCATION OF SUBJECT PROPERTY AS DESCRIBED IN THE LEGAL DESCRIPTION CONTAINED IN THE VESTING DEED OF THE SUBJECT PROPERTY. FOR THIS REASON, I HELD MONUMENTS [H], [I] AND [J] OVER THE COURSES AND DISTANCES SHOWN ON SURVEY NO. 12495 AND CONTAINED IN THE DEED.

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT EDWARD A. BYNON, SUSAN K. BYNON, AND JASON FLORES ARE THE OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND AS SHOWN ON THE ANNEXED MAP, AND HAVE CAUSED THE SAME TO BE SURVEYED AND PARTITIONED INTO PARCELS AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

BY: _____ EDWARD A. BYNON

BY: _____ SUSAN K. BYNON

BY: _____ JASON FLORES

ACKNOWLEDGMENT:

STATE OF OREGON)) COUNTY OF _____) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2023, BY EDWARD A. BYNON, SUSAN K. BYNON, AND JASON FLORES.

NOTARY SIGNATURE

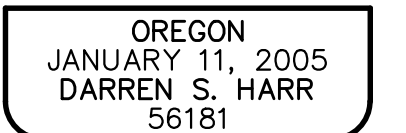
NOTARY PUBLIC - OREGON (PRINT NAME)

COMMISSION NO. _____

MY COMMISSION EXPIRES _____



FOR REVIEW



RENEWS: 6-30-23

PREPARED BY:

TerraCalc Land Surveying Inc 1615 N.E. Miller Street McMinnville, OR 97128 (503) 857-0935 www.Terra-calc.com