



KEIZER COMMUNITY DEVELOPMENT DEPARTMENT NOTICE OF DECISION

PROPERTY LINE ADJUSTMENT CASE 2019-23

I. REQUEST

The following report reviews a request to eliminate a common property line between two parcels. One property (Parcel 1) is located at 1906 Chelan St NE and is developed with a single family home. The second property (Parcel 2) is an undeveloped lot. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Craig Hochstetler
- B. **PROPERTY LOCATION:** The properties are located at 1906 Chelan St NE and the undeveloped lot behind 1906 Chelan St NE and are also identified on Marion County Tax Assessor's Map 073W01CB Tax lots 01500 and 02000.
- C. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately .24 acres (Parcel 1) and .06 acres (Parcel 2). The proposed property line adjustment will result in Parcel 1 being increased to approximately .30 acres and eliminating the second lot. (Exhibit 2)
- D. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Parcel 1 is developed with a single family dwelling and is served with both public water and sewer. Parcel 2 is an undeveloped remnant parcel.
- E. **ZONING/LAND USE:** Both properties are designated Low Density Residential in the Comprehensive Plan and are each zoned Single Family Residential (RS). Surrounding properties are developed with single family residences and are also zoned Single Family Residential (RS).

III. COMMENTS

AGENCY COMMENTS:

- A. The Marion County Surveyor's office (Exhibit 3) submitted comments regarding the process for accomplishing the property line adjustment.
- B. The Keizer Public Works Department and The Keizer Police Department reviewed the proposal and had no comments.

IV. FINDINGS

The approval, or denial, of a Property line adjustment is based on compliance with decision criteria found in Section 3.106 of the Keizer Development Code. Section 3.106.04 establishes the decision criteria. The criteria and staff's findings are listed below.

1. **Section 3.106.04.A. The adjustment of the lot lines results in no more parcels than originally existed.**

FINDINGS: The proposal complies with this requirement as it removes the common property line between two existing parcels. The result will be one parcel of approximately .30 acres therefore it will not result in more parcels than originally existed. This request satisfies this criterion.

2. **Section 3.106.04. B. The proposed property line adjustment results in parcels that meet all area and dimension standards of the Keizer Development Code.**

FINDINGS: The minimum lot size of the RS zone is 5,000 square feet. The dimensional standards of the RS zone are a minimum average width of 40 feet and a minimum average depth of 70 feet. The applicant's proposal is to eliminate the common line between the two properties. This report is written to remove a property line and consolidate two lots, it does not change the existing zoning and in turn does not change the zoning requirements in the Keizer Development Code.

As a condition of property line adjustment approval, and to accomplish the property line adjustment, the applicant is required to comply with the Marion County Surveyor's Office requirements (Exhibit 3) regarding the replat of the property. With this condition, this request satisfies this criterion.

3. **Section 3.106.04.C. The proposed property line adjustment does not locate lines in violation of the setback and height provisions of the Code relative to existing structures and improvements.**

FINDINGS: Parcel 1 has an existing single family home that currently meets the required setbacks. Parcel 2 is an undeveloped lot and no new development is proposed with this property line adjustment. Since this proposal will adjust the property line between the two parcels in a manner that will not affect the setbacks, staff finds this request satisfies this criterion.

4. **Section 3.106.04.D. The property line adjustment involves only lots or parcels that have been lawfully created.**

FINDINGS: The applicant submitted deeds for both properties involved and has stated in his written statement that all parcels were lawfully created. Therefore, staff finds this request complies with this criterion.

5. **Section 3.106.04.E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement.**

FINDINGS: The proposed property line adjustment will not change the access rights of either parcel. The proposal removes the common property line between the two existing parcels resulting in one parcel with street frontage to Chelan St NE. Therefore, staff finds this request complies with this criterion.

V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the proposed Property Line Adjustment application subject to certain requirements noted below. Findings in support of the decision can be found in Section IV. of this report.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. Requests for an appeal must be in writing, on a form provided by the City, and shall state the alleged errors in the original action. The request must be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. December 16, 2019.

Unless the decision is appealed, this decision becomes final on December 17, 2019.

VI. CONDITIONS

1. Recording of a Replat and the recording of the property line adjustment deed, as required by Marion County Surveyor (Exhibit 3), must be accomplished before December 17, 2020. If such documents are not submitted within one year of this decision, the preliminary approval shall lapse. After the property adjustment deed and the replat is recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
2. This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon, including building permit approvals for future development on each of the parcels.

The proposed Property line adjustment conforms to Section 3.106.04 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section VI of this report. If you have any question about this application or the decision please call (503) 856-3441 or visit the Community Development Department at 930 Chemawa Rd NE, Keizer, Oregon.

REPORT PREPARED BY: Dina Russell, Assistant Planner

Approved by: Shane Witham, Senior Planner



DATE: 12/6/19



1 in = 20 ft

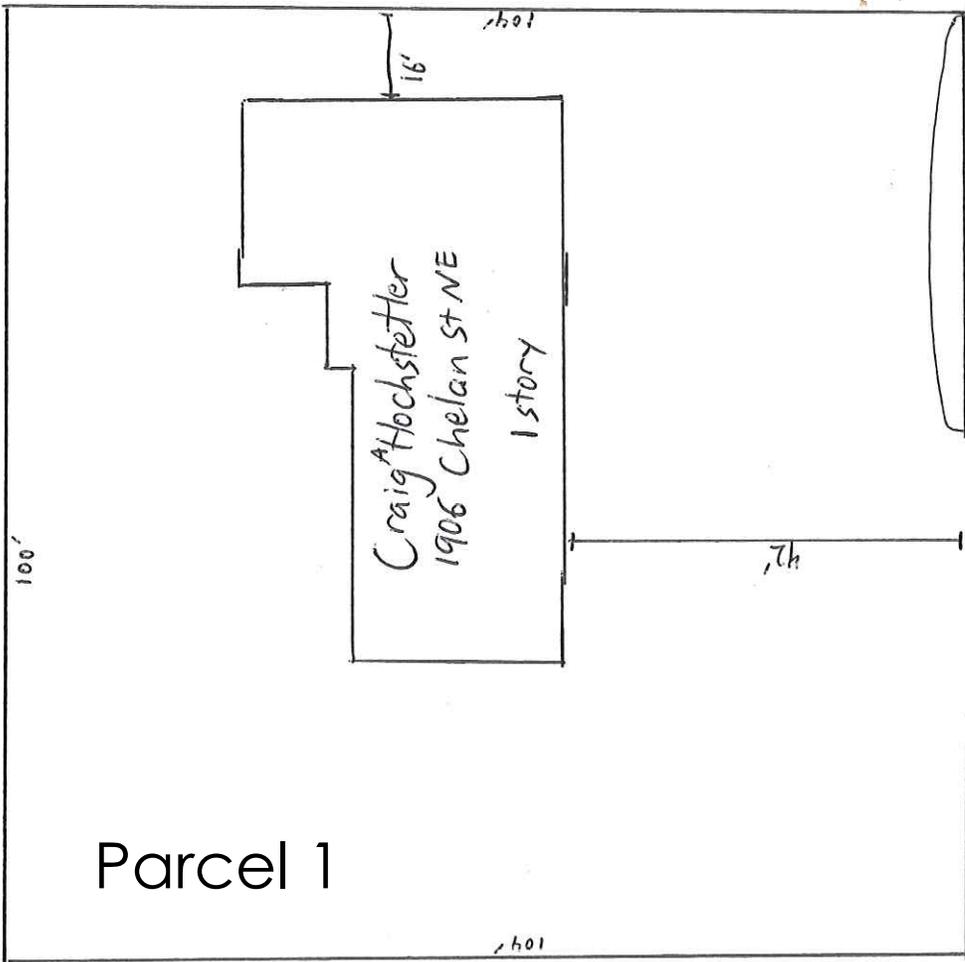
EXHIBIT 1

RECEIVED
CITY OF KEIZER

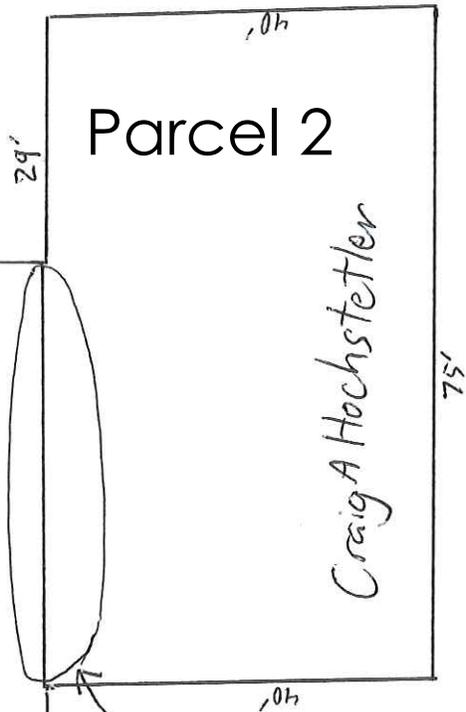
OCT 21 2019

COMMUNITY DEVELOPMENT

Chelan St NE



Parcel 1



Parcel 2

Proposal Removes
this line to
create one parcel



MARION COUNTY, OREGON
NW1/4 SW1/4 SEC1 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - Waterline - Non Bndry

- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ DLC Corner
 - ⊕ 16.15 Section Corner
 - ⊕ 21.22 Section Corner

NUMBERS
Tax Code Number
000 00 00 0

Acreage
0.26 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS
11101

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

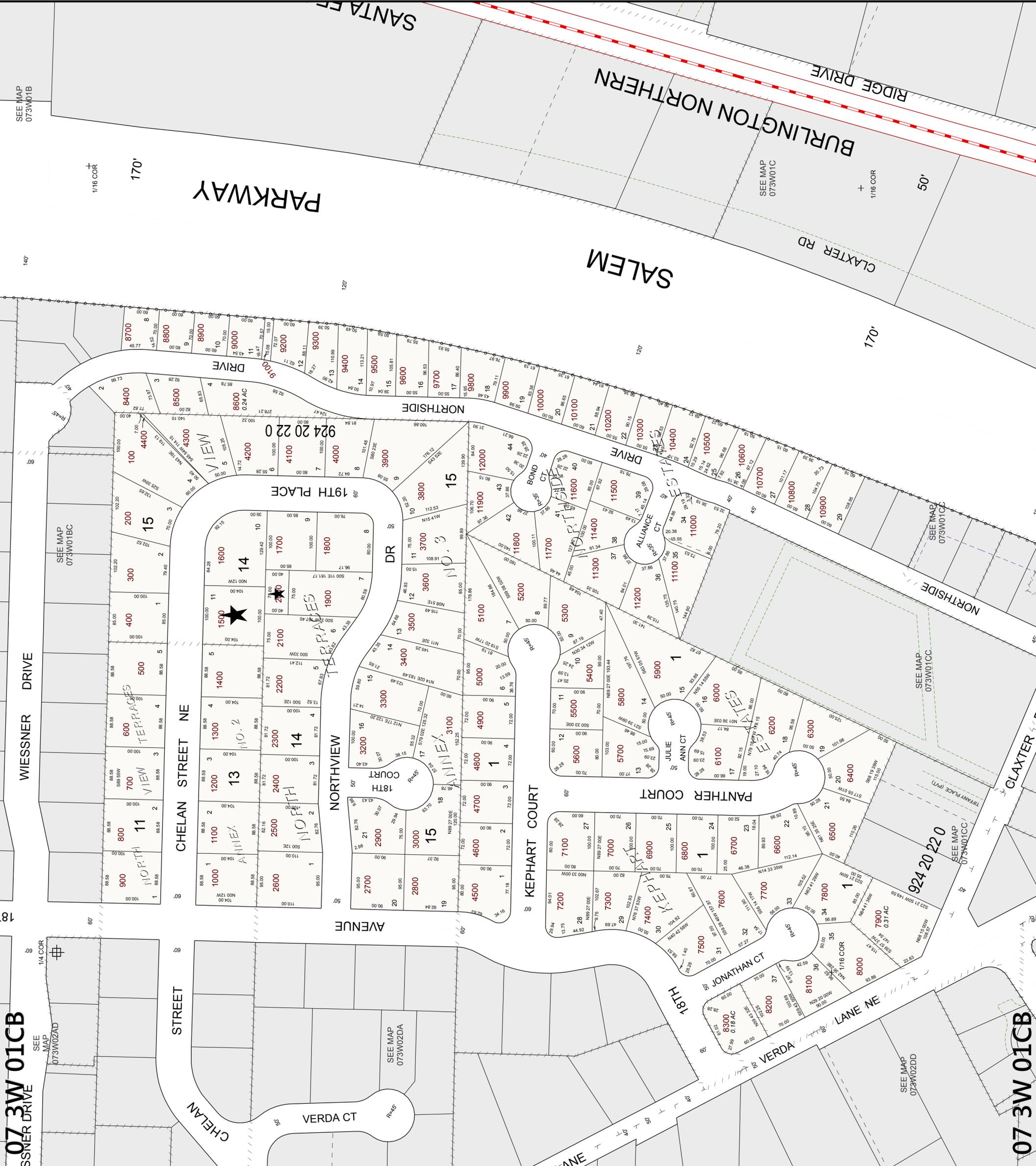


Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 1/24/2018

EXHIBIT 2



Comments on Planning Action: Keizer PLA 2019-23

Date 11/21/2019 Person Commenting Phil Jones

Property Line Adjustment:

A re-plat (in the form of a one-parcel partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

- 1. Must comply with all provisions per ORS 92.185 (6)
- 2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.
- 3. Checking fee and recording fees required.
- 4. A current or updated title report must be submitted at the time of review.
- 5. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

Other comments specific to this Planning Action: