



**CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT**

NOTICE OF DECISION

PROPERTY LINE ADJUSTMENT 2018-25

I. REQUEST

The following report reviews a request to adjust a common property line between two parcels located on River Rd N. Parcel A will increase in size from approximately 14,375 square feet to approximately 16,117 square feet and Parcel B will decrease in size from approximately 12,632 square feet to approximately 11,761 square feet. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Brandon Bay
- B. **PROPERTY LOCATION:** The properties are located at 3905 River Rd N and identified on Marion County Tax Assessor's Map No. 073W11BB Tax Lots 04600 and 04900. (Exhibit 2)
- C. **EXISTING PARCEL SIZES:** Parcel A is approximately 14,375 square feet and Parcel B is approximately 12,632 square feet. The property line adjustment will result in two parcels of approximately 16,117 square feet and approximately 11,761 square feet.
- D. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Parcel A is developed with a multi-tenant commercial building and is served by both public water and sewer and a used car lot is located on Parcel B.
- E. **ZONING/LAND USE:** Both parcels are zoned Commercial Mixed Use (CM) and designated Commercial on the Comprehensive Plan Map.

All properties in the vicinity are zoned Commercial Mixed Use (CM). Properties to the north and south are developed with multi-tenant commercial buildings and the property directly west is developed with a multi-family complex.

III. 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 VII. of this report.

IV. APPEAL

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. This fee may be refunded if the appeal is upheld. Requests for appeal by the Hearings Officer 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. November 30, 2018.

Unless the decision is appealed, this decision becomes final on December 1, 2018

V. CONDITIONS

1. Recording of the property line adjustment deeds and submitting the property line survey, as required by Marion County Surveyor (Exhibit 4), must be done before December 1, 2019. If such documents are not submitted within one year of this decision, the preliminary approval shall lapse. After the property adjustment deeds are recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
2. A site plan prepared by a licensed surveyor or engineer must be provided showing the location of the proposed property line in relation to the existing driveway approach serving Parcel B. If necessary, appropriate cross-easements may be required.
3. 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.

VI. COMMENTS

AGENCY COMMENTS:

- A. Keizer Public Works submitted comments (Exhibit 3) indicating no improvements are required.
- B. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the property line adjustment.
- C. Portland General Electric comments include "relocation or development costs per current tariff and service requirements" (Exhibit 5).
- D. Keizer Police Department stated they have no comments.

VII. 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 property lines results in no more parcels than originally existed.**

FINDINGS: The proposal complies with this requirement. The proposal is to adjust the common property line approximately 10 feet to the south, resulting in two properties where two currently exist. The result will be one parcel of approximately 16,117 square feet and another of 11,761 square feet; 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 CM zone has no minimum lot size requirements but shall be adequate to contain all structures within the required yard setbacks. Both parcels will continue to comply with the dimensional standards of the CM zone. Setbacks are addressed below. 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 A supports an existing multi-tenant building that was previously built over the shared property line. The applicant proposes a property line adjustment to move the shared boundary approximately 10' to the south allowing for independent future development of Parcel B. This will also provide a setback to the existing commercial building on Parcel A of approximately 6 feet.

The City of Keizer Development Code regulates setbacks accordingly to use. Commercial use within the CM zone has a 10' front/street side setback, and the rear and side "setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone the rear yard setback is 0 feet." In this case properties to the south, north and west are all zone CM allowing a 0' side and rear setback for the subject properties. The applicant's site plan shows over 40' to the front property line. Therefore, 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 the properties involved and has stated in his written statement that all parcels were lawfully created.

Also, as a condition of property line adjustment approval, and in order to accomplish the property line adjustment, the applicant will be required to comply with the Marion County Surveyor's Office requirements regarding the recording of Property line adjustment deeds. This is required in order to accomplish the property line adjustment and will ensure that both parcels are lawful. Therefore, this request satisfies 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 the parcels. There are existing street improvements along the front of the subject property and 2 driveway approaches currently exist, which provide access to both parcels. It is unclear as to whether or not cross-easements exist, or if the property line adjustment will bisect the existing driveway. Therefore, as a condition of approval, a site plan must be provided showing the location of the new property line in relation to the existing driveway access, and if necessary, appropriate cross-easements must be provided. With this condition, staff finds this request does not prohibit any property from accessing a public right of way or an access easement, and in no way changes the access rights of either parcel. Therefore, this request complies with this criterion.

No new development is being proposed for the subject property at this time, but as an advisory note, the Public Works Department submitted comments (Exhibit 3) pertaining to access concerns on the site. At the time of future development, access to both properties will need to be evaluated and both Parcel A and Parcel B should share access from the northerly driveway. This is not a condition of the property line adjustment approval, but is advisory and will be regulated through future building permit, or public improvement permit review and approval processes.

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 V 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: 11/20/18

07 3W 11BB

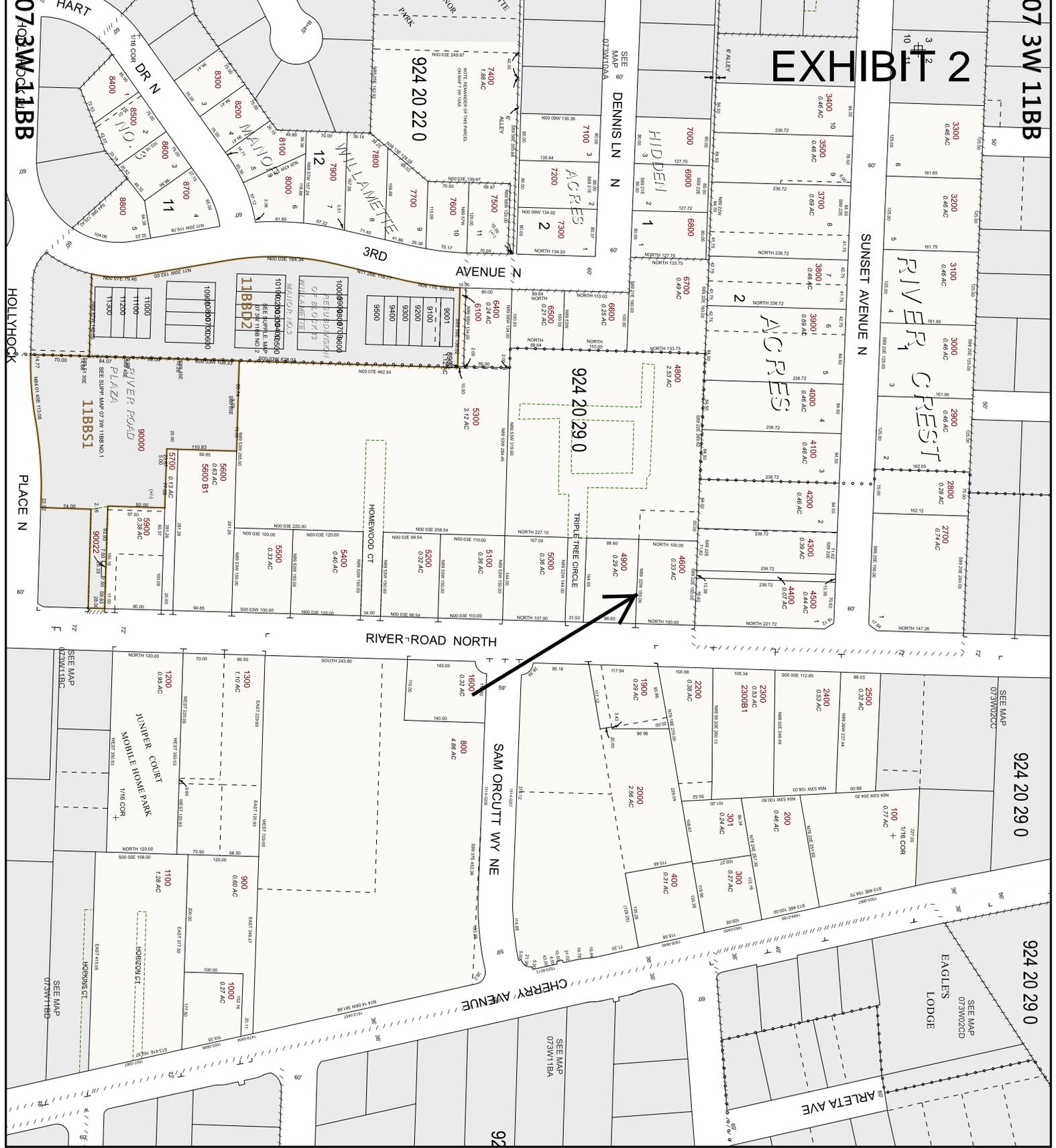
924 20 29 0

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KEIZER

EXHIBIT 2



MARION COUNTY, OREGON
 NW1/4 NW1/4 SEC11 T7S R3W W.M.
 SCALE 1" = 100'

LEGEND

- LINE TYPES**
 - Historical Boundary
 - Radior Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road Row
 - Subdivision/Plat Boundary
 - Waterline - Radior Bndry
 - Waterline - Non Bndry
- CORNER TYPES**
 - + 1/16th Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ DIC Corner
 - ⊕ Section Corner
- NUMBERS**
 - Tax Code Number
 - 000 00 00 0

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

CANCELLED NUMBERS

500
600
700
800
900
1000
1100
1200
1300
1400
1500
1600
1700
1800
1900
2000
2100
2200
2300
2400
2500
2600
2700
2800
2900
3000
3100
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4900
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5400
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5800
5900
6000
6100
6200
6300

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 1/24/2018

KEIZER

07 3W 11BB

Exhibit 3

TO: DINA RUSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2018-25

APPLICANT – BRANDON BAY
ADDRESS – 3905 RIVER RD. N.

PUBLIC WORKS DEPARTMENT REQUIREMENTS

No development is being proposed for the subject property at this time. The lot line adjustment is minor in nature and will result in the creation of a 0.37 acre parcel and a 0.27 acre parcel (Parcels A and B). The lot line adjustment plat, when submitted shall show the location of all easements, if any, that exist on the properties.

STREET AND DRAINAGE IMPROVEMENTS:

No street or drainage improvements are required at this time for the lot line adjustment. Any drainage or other easements that exist on the subject property shall be shown on the lot line adjustment plat.

The current access for Parcels A and B is a shared driveway access to River Rd. N. The Public Works Department believes that when development of Parcel B is being considered, access for Parcel B should be from the driveway further north on Parcel A. The current access is too close to the traffic signal at Sam Orcutt Way for traffic leaving the site. Many times during the day, traffic stopped at the signal would make it difficult to make a left turn onto River Rd.

SANITARY SEWERS

No sanitary sewer trunk lines are required for the lot line adjustment at this time. Any sanitary sewer easements that exist on the subject property shall be shown on the lot line adjustment plat or be revised to adequately cover the existing lines.

DOMESTIC WATER SYSTEM

No water system improvements will be required for the lot line adjustment but any water line easements that exist shall be shown on the lot line adjustment plat or be revised to adequately cover the existing lines.

Comments on Planning Action: Keizer PLA Case No. 2018-25

Date 11/5/2018 Person Commenting Phil Jones

Subdivision:

- 1. Subdivision name must be approved per ORS 92.090.
- 2. Must be surveyed and platted per ORS 92.050.
- 3. Subdivision plat must be submitted for review.
- 4. Checking fee and recording fees required.
- 5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.
- 6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Partition:

- 1. No survey required on parcels created over ten acres.
- 2. Parcels ten acres and less must be surveyed.
- 3. Per ORS 92.050, plat must be submitted for review.
- 4. Checking fee and recording fees required.
- 5. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Property Line Adjustment:

- 1. No survey required. The resultant property is greater than ten acres.
- 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- 3. Survey checking fee required at the time of review.

(See Page 2 for additional comments)

Property Line Adjustment (continued):

4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. 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. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]

Marion County Planning requires perimeter descriptions of the resultant properties.

5. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed 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 resultant property deeds 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:

Exhibit 5



REQUEST FOR COMMENTS

November 2, 2018

TO: Keizer Public Works AKS Engineering
Keizer Police Department Keizer Fire District
Marion County Surveyors Marion County Tax Assessors
Marion County Comm Dev City of Salem Public Works
City of Salem Comm Dev

FROM: Dina Russell, Assistant Planner

CASE: Property Line Adjustment Case No. 2018-25
APPLICANT: Brandon Bay
ADDRESS: 3905 River Rd N

RESPONSE DATE: **November 16, 2018**

APPLICATION: The applicant is requesting to adjust a common property line between two parcels. One property (Parcel A) is located at 3905 River Rd N and is developed as commercial. The second property (Parcel B) is an undeveloped lot currently being used as a car lot. Parcel A will increase in size from .33 acres to .37 acres and Parcel B will decrease in size from .29 acres to .27 acres. Both properties are zoned Commercial Mixed Use (CM) and Commercial on the Comprehensive Plan Map.

The Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by **November 16, 2018** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

PLEASE CHECK THE APPROPRIATE ITEMS:

- Our agency reviewed the proposal and determined we have no comment.
- Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our Agency's comments are: relocation or development costs
per current tariff and service requirements.

Response Date: 11-16-18

Person commenting: Kerri Amzon

ATTACHMENTS: (3)

DBE.