



**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT
CASE 2022-02**

I. REQUEST

The following report reviews a request to adjust a common property line between 3875 Pleasant View Dr NE (Parcel 1) and 3795 Pleasant View Dr (Parcel 2). Parcel 1 will decrease from approximately 36,155 square feet to approximately 28,055 square feet and Parcel 2 will increase from approximately 44,431 square feet to approximately 52,531 square feet. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT:** Paul and Gail Hanley
- B. **PROPERTY OWNERS:** Paul and Gail Hanley
Truth Tabernacle
- C. **PROPERTY LOCATION:** The properties are located at 3875 and 3795 Pleasant View Dr, Keizer, Oregon and are also identified on Marion County Tax Assessor's Map 073W11AA Tax lots 02700 and 02800. (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 36,155 square feet (Parcel 1) and 44,431 square feet (Parcel 2). The proposed property line adjustment will result in Parcel 1 being decreased to approximately 28,055 square feet and Parcel 2 being increased to 52,531 square feet.
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Parcel 1 is developed with a single-family dwelling and Parcel 2 is developed with a House of Worship. Both parcels are served with public sewer. Parcel 2 is also served with public water.
- F. **ZONING/LAND USE:** Both properties are designated Low Density Residential (LDR) in the Comprehensive Plan and are each zoned Single Family Residential (RS). Surrounding properties are developed with single family residences and are also zoned Residential Single Family (RS).

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. 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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. April 18, 2022.

Unless the decision is appealed, this decision becomes final on April 19, 2022.

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 April 19, 2024. If such documents are not submitted within two years 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. 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. AGENCY COMMENTS

- A. The Keizer Public Works Department (Exhibit 3) submitted comments regarding the proposed property line adjustment.
- B. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the property line adjustment.
- C. Both the City of Keizer Police Department and the City of Salem Planning have reviewed the proposal and determined 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 lot lines results in no more parcels than originally existed.**

FINDINGS: The proposal complies with this requirement as it will adjust the common property line between two contiguous parcels. No new parcels will be created through this land use action. With this Property Line Adjustment, Parcel 1 will decrease and Parcel 2 will increase. Staff finds 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 4,000 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 adjust the common line between the two properties with the decrease of Parcel 1 and the increase of Parcel 2.

Both parcels currently exceed the minimum area and dimension standards of the RS zone and after the proposed adjustment will continue to exceed the minimum lot size and dimension standards. The result of this Property Line Adjustment will be two properties that meet the dimensional standards as stated above. Parcel 1 will remain 90' wide and will decrease from 400' in depth to approximately 310'. Parcel 2 will become an "L" shaped lot increasing in area by a 90' x 90' square at the back of the lot. The width along Pleasant View Drive will remain 110' wide and the property will remain 400' in depth.

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 surveying of the property and recording of Property line adjustment deeds. This is required in order to accomplish the property line adjustment. 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 is developed with an existing one-story single-family home and Parcel 2 is developed with a House of Worship. This proposal will adjust the property line between the two parcels in a manner that will affect the rear yard setback for the existing home and the setback for the barn structure, both located on Parcel 1. Both properties currently meet required setbacks and no new development is proposed with this property line adjustment. Rear yard setback for a one-story home is 14 feet and is

required to be maintained to the new rear property line. In addition, the barn structure is said to be 12 feet in height and will require a minimum of 4 feet to the new rear property line. 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 is to adjust the common property line between the two parcels without affecting the street frontage or access to the public right-of-way for either parcel. Therefore, staff finds this request complies with this criterion.

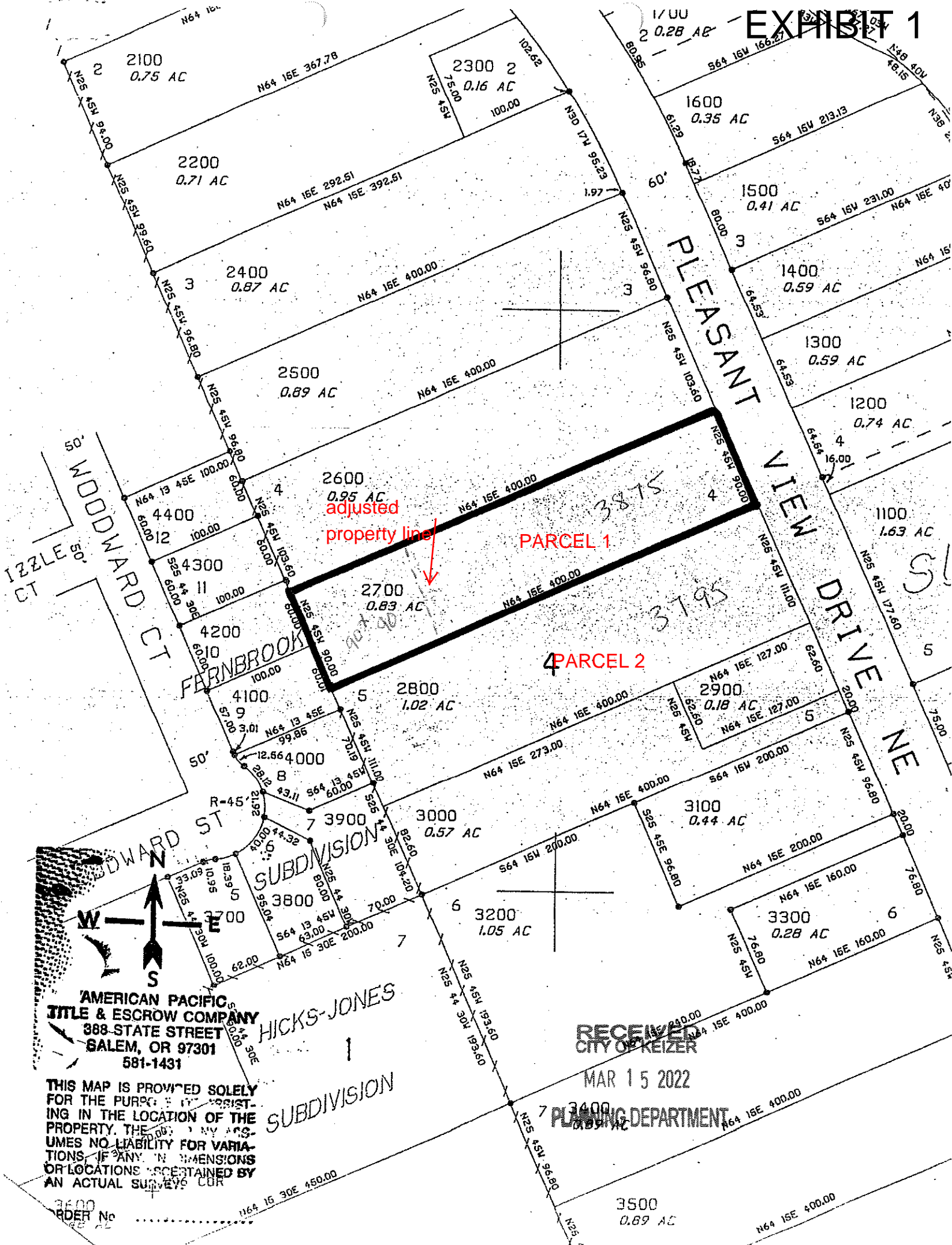
The proposed Property line adjustment conforms to Section 3.106.04 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section IV of this report. If you have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

REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by: Shane Witham, Planning Director



DATE: 4/5/22



adjusted property line

PARCEL 1

PARCEL 2

AMERICAN PACIFIC
TITLE & ESCROW COMPANY
388 STATE STREET
SALEM, OR 97301
581-1431

HICKS-JONES

SUBDIVISION

RECEIVED
CITY OF KEIZER

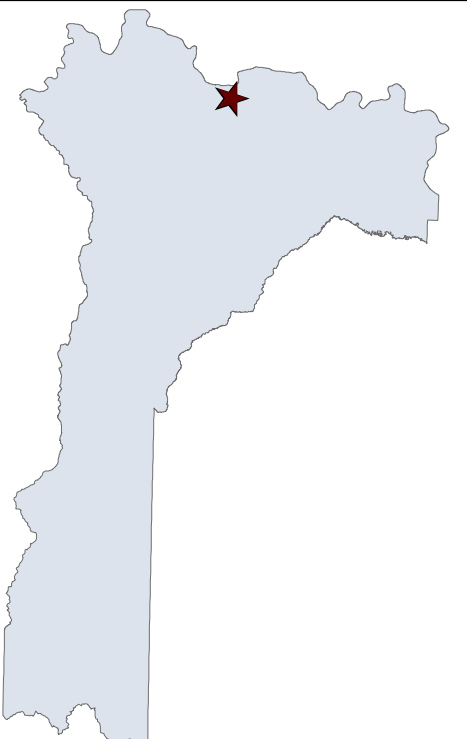
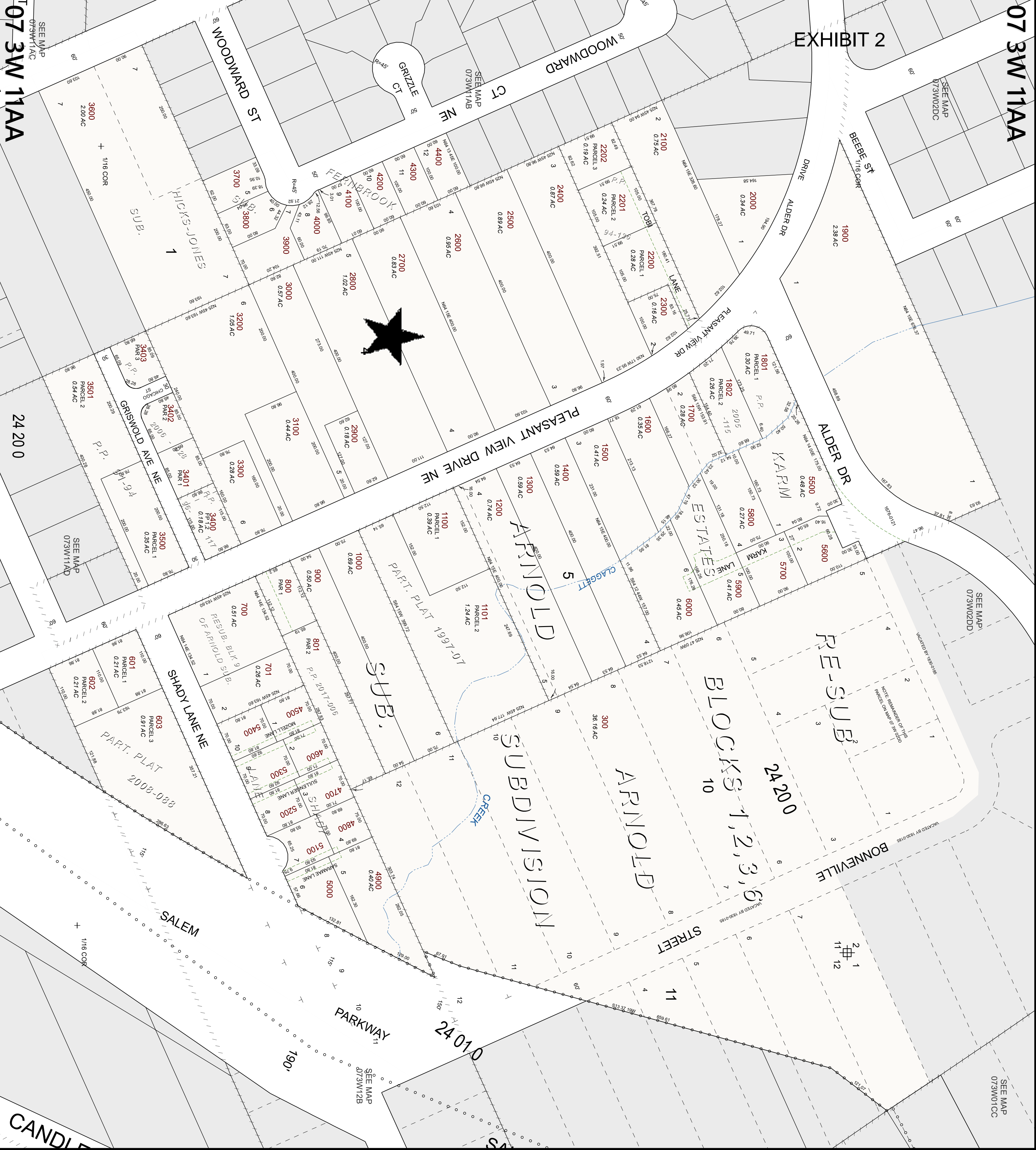
MAR 15 2022

PLANNING DEPARTMENT

THIS MAP IS PROVIDED SOLELY
FOR THE PURPOSE OF ASSISTING
IN THE LOCATION OF THE
PROPERTY. THE MAP MAKER
ASSUMES NO LIABILITY FOR VARI-
ATIONS, IF ANY, IN DIMENSIONS
OR LOCATIONS ASCERTAINED BY
AN ACTUAL SURVEYOR

ORDER No

3500
0.89 AC



MARION COUNTY, OREGON
 NE 1/4 NE 1/4 SEC 11 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
 - Waterline - Non Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary

- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ 15 Section Corner
 - ⊕ 21 Section Corner

NUMBERS
 Tax Code Number
 00 00 0

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

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

CANCELLED NUMBERS

100
200
300
400
500
600
700
800
900
1000

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 10/16/2020

KEIZER

07 3W 11AA

TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2022-02

APPLICANT – PAUL AND GAIL HANLEY – TRUTH TABERNACLE
ADDRESS – 3875 AND 3795 PLEASANT VIEW DRIVE NE
ZONE – RESIDENTIAL SINGLE FAMILY

PUBLIC WORKS DEPARTMENT REQUIREMENTS

No development is being proposed for the subject property at this time but any public improvements necessary for the subject property will be required as part of the building permit process. The property line adjustment is minor in nature and will result in the creation of a modification in the size of two parcels. Proposed Parcel 1, 3875 Pleasant View Dr. NE will be reduced to approximately 28,055 square feet and Proposed Parcel 2 will be increased to approximately 52,531 square feet.

The lot line adjustment plat, when submitted shall show the location of all easements 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. Any development on the area being added to Parcel 2 will be required to conform to the Public Works Department storm drainage standards and no increase in storm water runoff will be allowed. Calculations for storm water management shall be submitted to the Public Works Department for review and approval prior to any soil disturbance on the area being added to Parcel 2.

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 2022-02_____

Date _03/30/2022__ Person Commenting __Stephanie Heuschkel_____

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. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed.
- 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 for the property that 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)]
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 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: Property line adjustment between a fractional portion of Lot 4, Block 4 and a fractional portion of Lot 5, Block 4, Arnold Subdivision in Keizer

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