



City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

DATE: December 16, 2022

TO: Surrounding Property Owners of .3785 & 37495 Pleasantview Dr NE, Keizer

SUBJECT: **AMENDED DECISION** - Property Line Adjustment Case 2022-15

A property owner near you recently applied to make a change in the land use status of their property. State law requires the City of Keizer to provide a written determination of the City's decision.

The attached Notice of Decision explains the request, the review undertaken by the City Planning Department, and the decision made on the request. While the City must meet certain legal requirements in the notification, every attempt has been made to ensure that the information is easy to read and understand.

The Notice of Decision is divided into the following sections:

- I. **REQUEST**: This is a brief introduction of your request and the application process.
- II. **BACKGROUND**: Facts relevant to the case, such as the location and zoning of the property and adjacent land uses are in this section.
- III. **DECISION**: After reviewing the criteria and whether the request complies with the criteria, the final decision is presented in this section.
- IV. **APPEAL**: If you disagree with the final decision, or any part of the decision, you have the right to appeal, or, request that the City staff reconsider your request.
- V. **CONDITIONS**: Approvals usually require the fulfillment of additional requirements called "conditions". Some are specific to the request, such as providing fencing, and some are purely technical, such as requiring the applicant to obtain a building permit. This section lists those conditions.
- VI. **COMMENTS**: Agency and neighboring property owners are requested to submit comments and are listed in this section.
- VII. **FINDINGS**: All land use applications are judged on whether they meet specific criteria of the Keizer Zoning Ordinance. This section identifies those criteria and discusses how the application does, or does not, meet them.

We hope this brief introduction was helpful in understanding the Staff Decision. If you have ANY questions, concerns or comments regarding the decision, your rights, or the format of the report, please call the Keizer Planning Department at (503) 856-3441.



AMENDED DECISION

KEIZER PLANNING DEPARTMENT NOTICE OF DECISION PROPERTY LINE ADJUSTMENT CASE 2022-14

I. REQUEST

The following report reviews a request to eliminate a common property line between 3785 Pleasant View Dr NE (Parcel A) and 3795 Pleasant View Dr (Parcel B) to create one parcel of 1.77 acres. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Truth Tabernacle
- B. **AGENT:** Michael Hearn
- C. **PROPERTY LOCATION:** The properties are located at 3785 and 3795 Pleasant View Dr, Keizer, Oregon and are also identified on Marion County Tax Assessor's Map 073W11AA Tax lots 03000 and 02800. (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 24,566 square feet (Parcel A) and 52,575 square feet (Parcel B). The proposed property line adjustment will result in one 1.77-acre parcel.
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Parcel A is developed with a single-family dwelling and multiple accessory structures currently being used in conjunction with the House of Worship on Parcel B. Both parcels are served with public water and sewer.
- 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. December 27, 2022.

Unless the decision is appealed, this decision becomes final on December 28, 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 December 16, 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 Keizer Fire District 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 removes the common property line between two existing parcels. The result will be one parcel of approximately 1.77 acres and 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: There are no parcel size or dimensional requirements in the RS zone for non-residential uses, although the parcel must be adequate in size to contain all structures within the required setbacks. Parcel A is developed with a single-family dwelling and multiple accessory structures currently being used in conjunction with the House of Worship on Parcel B. The applicant's proposal is to eliminate the common line between the two properties which will result in one 1.77-acre parcel. All structures will be continued to be used in conjunction with the House of Worship.

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 A is developed with a single-family dwelling and multiple accessory structures currently being used in conjunction with the House of Worship on Parcel B. The development onsite is existing. Both properties currently meet required setbacks and no new development is proposed with this property line adjustment. 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 eliminate 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



AMENDED 12/16/22

DATE:

12/5/22

PROPOSED PROPERTY LINE ADJUSTMENT

PROPERTY INFO

PROPERTY A & B
TRUTH TABERNACLE, INC.
PO BOX 20505
KEIZER, OR 97307

TAX LOT:
073W11A4 02800
073W11A4 03000

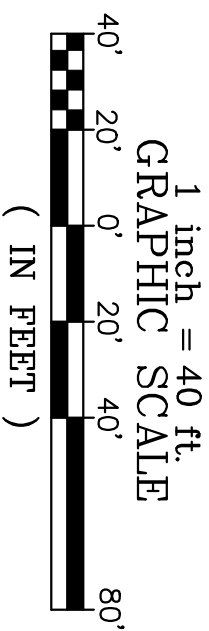
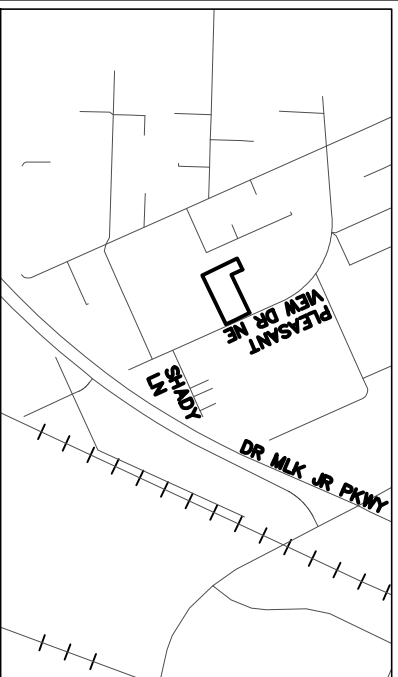
EXHIBIT 1

ZONING:

RS (Keizer)

TOTAL AREA:

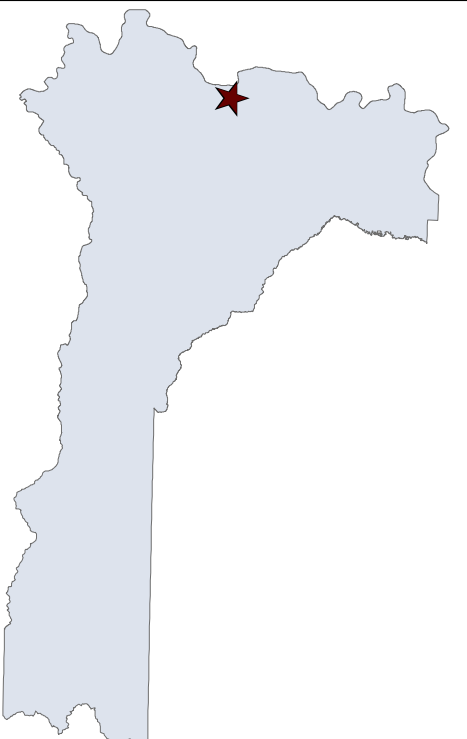
1.77 ACRES



SURVEYOR:

Gregory L Wilson
Barker Surveying
3657 Kashmir Way S.E.
Salem, OR 97317
(503) 588-8800 ext. 6
greg@barkerwilson.com





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
 - ⊕ 22 Section Corner

NUMBERS

Tax Code Number
00 00 0

Acreage
0.25 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

100
200
300
400
500
600
700
800
900
1000

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

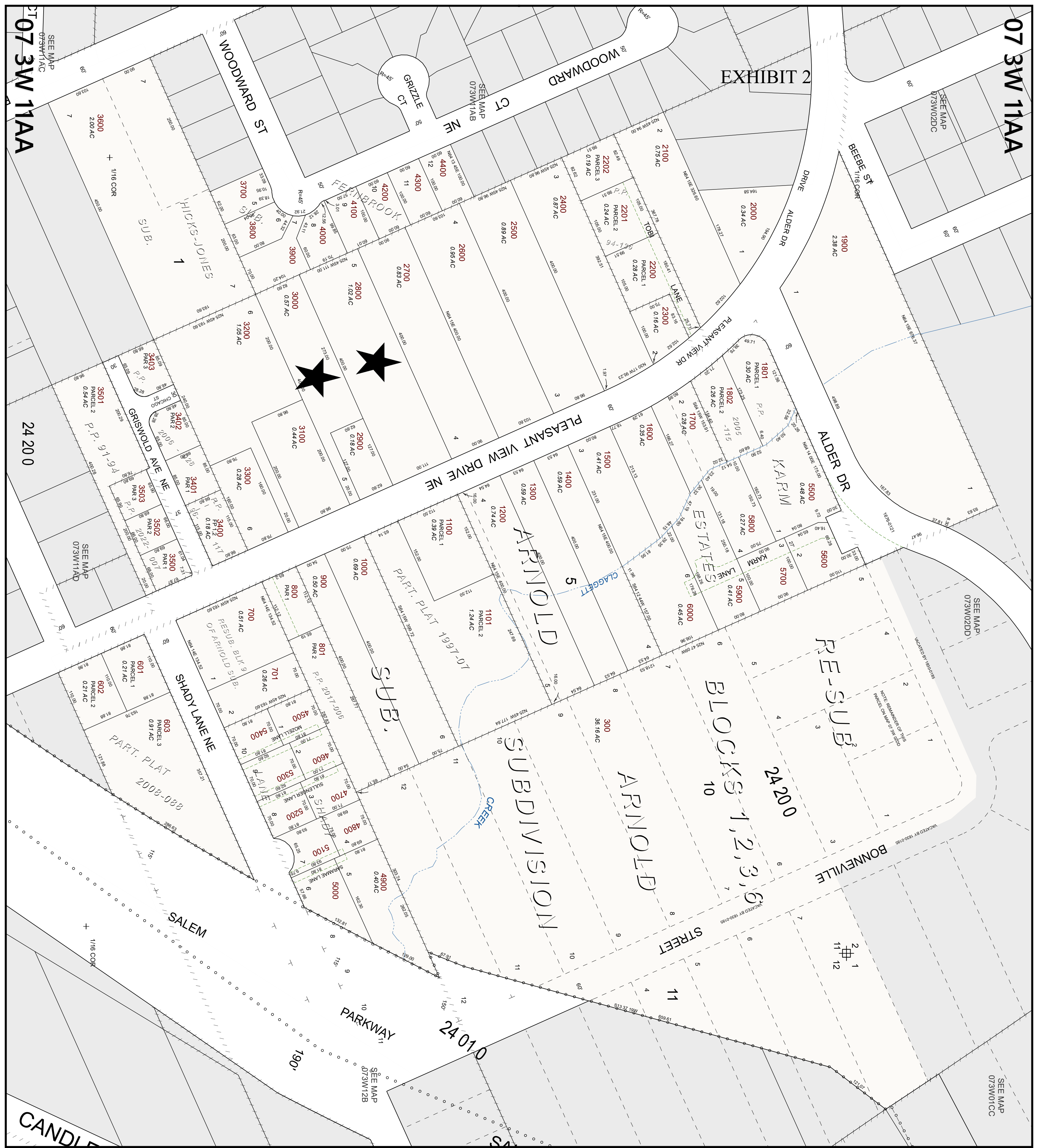


FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.comarion.or.us

PLOT DATE: 5/6/2022

KEIZER

07 3W 11AA



TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2022-15

APPLICANT – TRUTH TABERNACLE
ADDRESS – 3785 AND 3795 PLEASANT VIEW DRIVE NE
ZONE – RESIDENTIAL SINGLE FAMILY

PUBLIC WORKS DEPARTMENT REQUIREMENTS

All conditions of an earlier application that affects the subject property still apply. Those conditions are listed as follows.

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.

The property on the application shown as “Original Property A” has access to Pleasant View Drive through a narrow strip of land along the southerly boundary of the parcel. The current access consists of improvements to “Original Property A” that lay on the subject property and the property listed as “Not a Part” on the application.

The existing access along the southerly portion of the subject property shall be a limited use access controlled with a gate or chain blocking the access, which will only be open when needed for bus access.

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 2022-15

Date 12 / 02 / 2022 Person Commenting Kent Inman

EXHIBIT 4

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. The resultant properties are greater than ten acres.
- 2. Property line adjustments 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 deed(s) shall be recorded with the Marion County Clerk's Office. 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.

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. 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: