



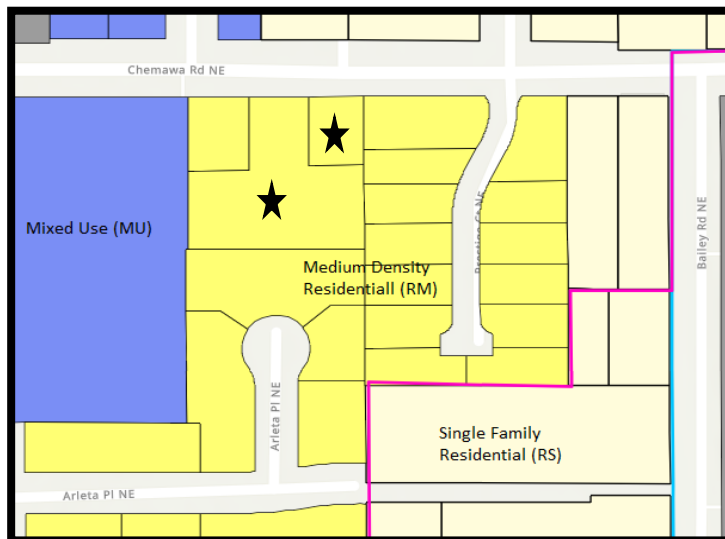
**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT
CASE 2023-03**

I. REQUEST

The following report reviews a request for a Property Line Adjustment in order to eliminate a common property line between 754 Chemawa Rd NE (Parcel 1) and 760 Chemawa Rd NE (Parcel 2), resulting in one parcel of 31,250 square feet or .71 acres. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/PROPERTY OWNER:** Chemawa Crossing LLC
- B. **AGENT:** Douglas Harnar
- C. **PROPERTY LOCATION:** The properties are located at 754 and 760 Chemawa Rd NE; Marion County Tax Assessor's Map No. 073W02BA Tax Lots 05800 and 05900. (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 25,887 square feet (Parcel 1) and 5,363 square feet (Parcel 2). The proposed property line adjustment will result in one parcel of 31,250 square feet or .71 acres.



- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both Parcel 1 and Parcel 2 are developed with a single-family dwelling. Both parcels are served with public sewer and public water.

- F. **ZONING/LAND USE:** Both properties are designated Medium High Density Residential (MHDR) in the Comprehensive Plan and each have a zoning designation as Medium Density Residential (RM). Both properties are also within the Chemawa Center of the River-Cherry Overlay District (RCOD). Adjacent properties to the south and west are developed with single family homes and are also zoned RM. The properties to the east are zoned RM and Mixed Use (MU). The MU parcel is developed with a commercial business.

III. DECISION/APPEAL

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 VI. 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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. April 6, 2023.

Unless the decision is appealed, this decision becomes final on April 7, 2023.

IV. 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 7, 2025. 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.
3. All conditions as stated in Exhibit 3 - City of Keizer Public Works Comments must be completed. Specifically, the applicant shall submit an access plan to the Public Works Department for review and approval before this Property Line Adjustment is complete.

V. 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. The Keizer Fire District submitted comments (Exhibit 5) regarding the requirements of the Fire Code which are applicable to any future development on the property.

- D. The City of Keizer Police Department and the City of Salem Planning have reviewed the proposal and determined they have no comments.

VI. 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 .71 acres in area and will not result in *more* parcels than originally existed. Therefore, 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 subject properties are zoned RM and are located within the Chemawa Center of the River-Cherry Overlay District (RCOD). The development standards of RCOD replace selected standards of the underlying zone. Properties zoned RM that are located within the RCOD require minimum lot widths and depths based on the use of the property as shown on the table below:

	Single Family Detached & Duplex	Triplex	Quadplex & Cottage Cluster	Townhouse	Multi-Family	Non-Residential
Average Width	30 feet	30 feet	30 feet	20 feet	50 feet	None
Average Depth	70 feet	70 feet	70 feet	70 feet	80 feet	None

The applicant's site plan and written statement indicate both parcels currently meet the dimensional standards of the RM zone and the RCOD, and will continue to meet the standards after the proposed property line adjustment is complete.

The applicant's site plan indicates both existing single-family dwellings will remain. At the time of future development, the Building Permit review will ensure that minimum requirements of the RCOD and RM zones are met. At that time, it is required that all improvements meet the development standards of the RCOD (Section 2.130) and the RM zone (Section 2.104) including but not limited to the standards regulating lot width and depth, setbacks, landscaping, lot coverage and parking.

As a condition of this property line adjustment approval, the applicant will be required to comply with all City of Keizer Public Works comments and the Marion County Surveyor's Office requirements regarding the property line adjustment process. With these conditions, staff finds this request can satisfy 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: The elimination of the common property line will not locate lines in violation of the setback and height provisions relative to the existing structures. Since setbacks are measure to property lines, the removal of the common property line will eliminate the interior side yard setback requirement for both parcels, and it will increase the provided rear yard setback on parcel 2. The applicant has indicated to staff the purpose of the property line adjustment is to allow for the future development of a multi-family structure to be located on the property behind the existing homes. Setbacks to structures and height requirements will be regulated at the time of future building permit review and approval process. 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 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: Both parcels currently have a driveway with direct access to Chemawa Rd NE. The Public Works Department has submitted comments requiring the applicant to submit an access plan to the Public Works Department for review of the two existing driveways and any new access point to Chemawa Rd NE prior to the lot line adjustment being recorded. It should be noted the provisions of the RCOD require the consolidation of access points with new development. This will be reviewed and regulated at the time of development. Staff finds this request does not prohibit any property from accessing a public right-of-way or an access easement. Therefore, 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

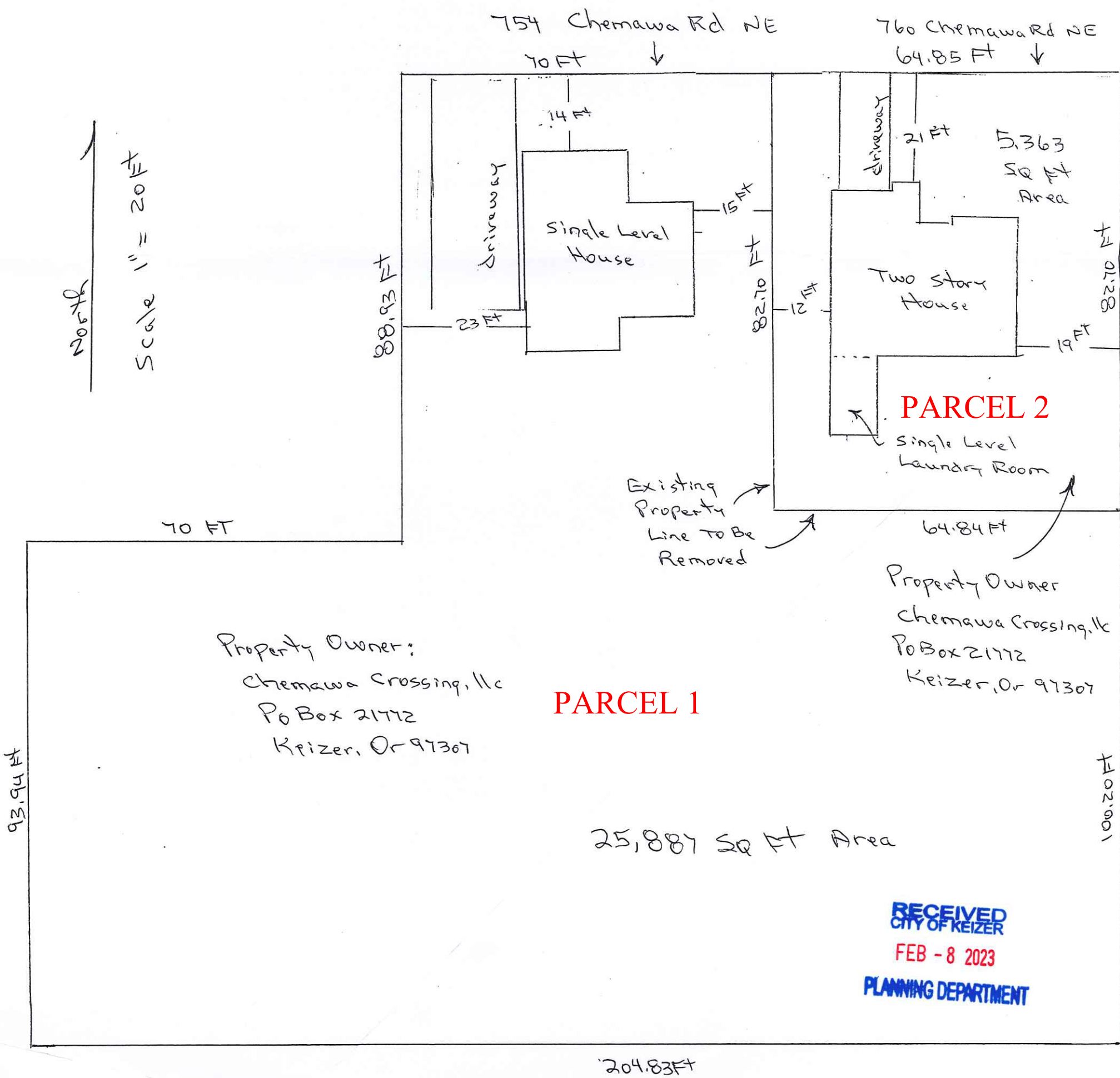
Approved by: Shane Witham, Planning Director



DATE: March 27, 2023

EXHIBIT 1

Proposed Property Line Adjustment
754 & 760 Chemawa Rd NE



**3W 02BA
KEIZER**

MARION COUNTY, OREGON
NE1/4 NW1/4 SEC2 T7S R3W W.M.

SCALE 1" = 100'

LINE TYPES

Historical Boundary

Easement

Railroad Centerline

Taxcode Line

Map Boundary

Waterline - Non Bndry

 1/4 Section Con

1/4 Section Cor

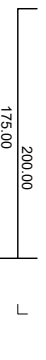
Section Corner
16 15

21 22

0.25 AC portions of the taxlot within public ROWs

Tick Marks: A tick mark in the road indicates that the

200.00	
175.00	



CANCELLED NUMBER

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: 1/6/2023

KEIZER

07 3W 02BA

TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2023-03

APPLICANT – CHEMAWA CROSSING LLC – DOUGLAS HARNER
ADDRESS – 754 AND 760 CHEMAWA ROAD NE
ZONE – MEDIUM DENSITY RESIDENTIAL (RM)
COMP PLAN: MEDIUM HIGH DENSITY RESIDENTIAL (MHDR)

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 single parcel where two parcels currently exist. The resulting size of the new parcel will be approximately 31,250 sq. ft.

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 indicated when recording the lot line adjustment.

All storm drainage runoff with any new development shall be kept on site and not directed to Chemawa Road.

The applicant shall submit an access plan to the Public Works Department for review and approval prior to the lot line adjustment being recorded so we can address how the 2 existing driveways and any proposed new access from Chemawa Road will be addressed. The applicant will also need to show any existing access or utility easements that exist on the property so we can determine if there are any issues with any existing easements and any proposed development of the property.

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 indicated when recording the lot line adjustment.

DOMESTIC WATER SYSTEM

No water system improvements will be required for the lot line adjustment but any water line easements that exist shall be indicated when recording the lot line adjustment.

Marion County Surveyor's Office

Page 1 of 2

Comments on Planning Action: Keizer 2023-03Date 3 / 09 / 2023 Person Commenting Kent InmanSubdivision:

- ☐ 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 properties greater than ten acres per ORS 92.060 (8).
- ☒ 2. Properties 10 acres or less 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):

 X 4. Property line adjustment deeds 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:

Date: March 22, 2023

Comments for: Property Line Adjustment Case 2023-03



The Keizer Fire District has the following concerns regarding the property line adjustment:

1. Depending on the future project access to the rear of the property between the two current structures could be limited for future development. If access required all Fire District needs must be met.
 - a. Access roads shall be within 150' of all portions of the exterior wall of the building as measured by and approve route around the exterior of the building. An approved turnaround is required if the remaining distance to an approve intersection roadway, as measured along the fire apparatus access road, is greater than 150'. 2022 Oregon Fire Code 503.1.1
 - b. Dead end roads: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. We can provide you with approved turn around per our Marion County Fire Code Applications Guide & 2022 Oregon Fire Code 503.2.5
 - c. Grade: Fire apparatus access roadway grades shall not exceed 10 percent. 2022 Oregon Fire Code D 103.2
 - d. Fire apparatus access road width and vertical clearance: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants (2022 OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (2022 OFC 503.2.1 & D103.1)
 - e. Surface and load capacities: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,000 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Oregon Fire Code may be requested. (2022 OFC D102.1)
 - f. No parking signs: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING – FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. You may contact the Fire Marshal if you would like code requirement for painted curbs. 2022 Oregon Fire Code 503.3 and D103.6
 - g. Premise identification: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches height with a minimum stroke width of ½ inch. 2022 Oregon Fire Code 505

If you have any questions, please contact me.

Anne-Marie Storms, Deputy Fire Marshal

Office: 503.390-9111 Cell: 971.718.4533 Email: astorms@keizerfire.com