



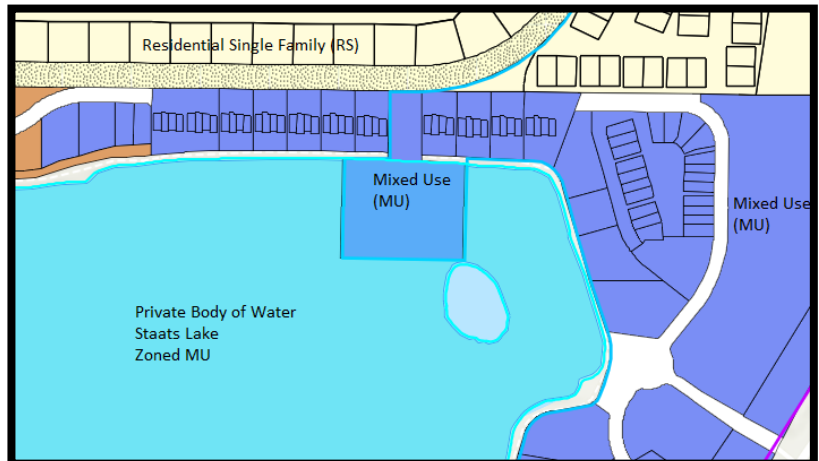
**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT
CASE 2023-06**

I. REQUEST

The following report reviews a request to adjust a common property line between 324 Crystal Springs Lane N (Parcel A) and Staats Lake. 324 Crystal Springs Lane will decrease by approximately 1.69 acres. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT:** Kip Patterson
- B. **PROPERTY OWNERS:** Kip Patterson
Staats Lake Association
- C. **PROPERTY LOCATION:** The properties are located at 324 Crystal Springs Lane (Marion County Tax Assessor’s Map No. 063W35BC Tax Lot 07500 aka Lot 8 of Inland Shores East) and Staats Lake (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Currently, Parcel A is approximately 1.98 acres. With the proposed property line adjustment, Parcel A is proposed to be decreased to approximately .29 acres.
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Parcel A is undeveloped. Both public sewer and public water are available to Parcel A.
- F. **ZONING/LAND USE:** Both properties are designated Mixed Use (MU) in the Comprehensive Plan and each have a zoning designation as Mixed Use (MU). In addition, Parcel A is also within the River-Cherry Overlay District (RCOD). Properties to the east and west of Parcel A are zoned MU and are developed with four-dwelling unit condominium buildings. A Planned Unit Development (McNary Estates) is located to the north and is zoned Single Family Residential (RS).



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. May 26, 2023.

Unless the decision is appealed, this decision becomes final on May 27, 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 within 2 years of this decision (May 27, 2025) or 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 provide a grading and drainage plan prior to approval of any development on the subject property to the Department of Public Works for review and approval.

V. COMMENTS

- A. The Keizer Public Works Department submitted comments regarding the proposed property line adjustment. Specially, addressing the requirement for the existing private storm drain line to be relocated, storm drainage runoff shall be kept on site and prior to any development, a grading and drainage plan shall be submitted for review and approval. Complete Public Works comments can be found in Exhibit 3.

- B. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the property line adjustment. In addition, the surveyor included additional comments regarding the Statutory Warranty Deed Recorded in Reel 1759 Page 150 pertaining to the lake lot.
- C. A copy of the relocated storm drain easement on Parcel A is required to be submitted to The City of Keizer Planning Department before Building Permits will be issued.
- D. 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 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 A will decrease and the area of Staats Lake 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: Parcel A has potential to be developed in the future. Staats Lake is a private body of water and does not have development potential. Parcel A is zoned MU and is located within the RCOD. There are no quantified minimum dimension or lot size standards in the MU zone, however, the MU zone does require that parcel size be adequate to contain all structures within the required setbacks. Parcel A is undeveloped and setbacks will be reviewed at the time of building permit approval.

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. 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: The common property line that is proposed to be adjustment is between a parcel of land (Parcel A) and a private body of water. Parcel A is undeveloped therefore this criterion does not apply. However, for the new development on Parcel A, setbacks and height will be regulated at the time of building permit review and approval. The City of Keizer Public Works Department submitted comments stating that the existing private storm drain line that crosses the proposed building site on Parcel A will be required to be relocated to avoid any conflicts. Before building permits are issued, a copy of the new relocated storm drain easement will need to be provided to the City of Keizer Planning Department.

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. Marion County Surveyor's office submitted comments pertaining to the site plan submitted with this application. The site plan refers to a tax lot (Marion County Tax Assessor Map 063W35 Tax Lot 600) and not the legal lot as described in the Statutory Warranty Deed for the Lake lot. Therefore, this property line adjustment application is between Lot 8 of the Inland Shores East subdivision and all of Staats lake as described in the deed. In order to accomplish this property line adjustment, new deeds shall be recorded with the Marion County Clerk's office as described in Exhibit 4. With new deeds as a condition of approval, 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. Parcel A has direct access to Crystal Springs Drive NE and will continue to have direct access. Staats Lake is a body of water, therefore does not have access to a public right of way. 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.

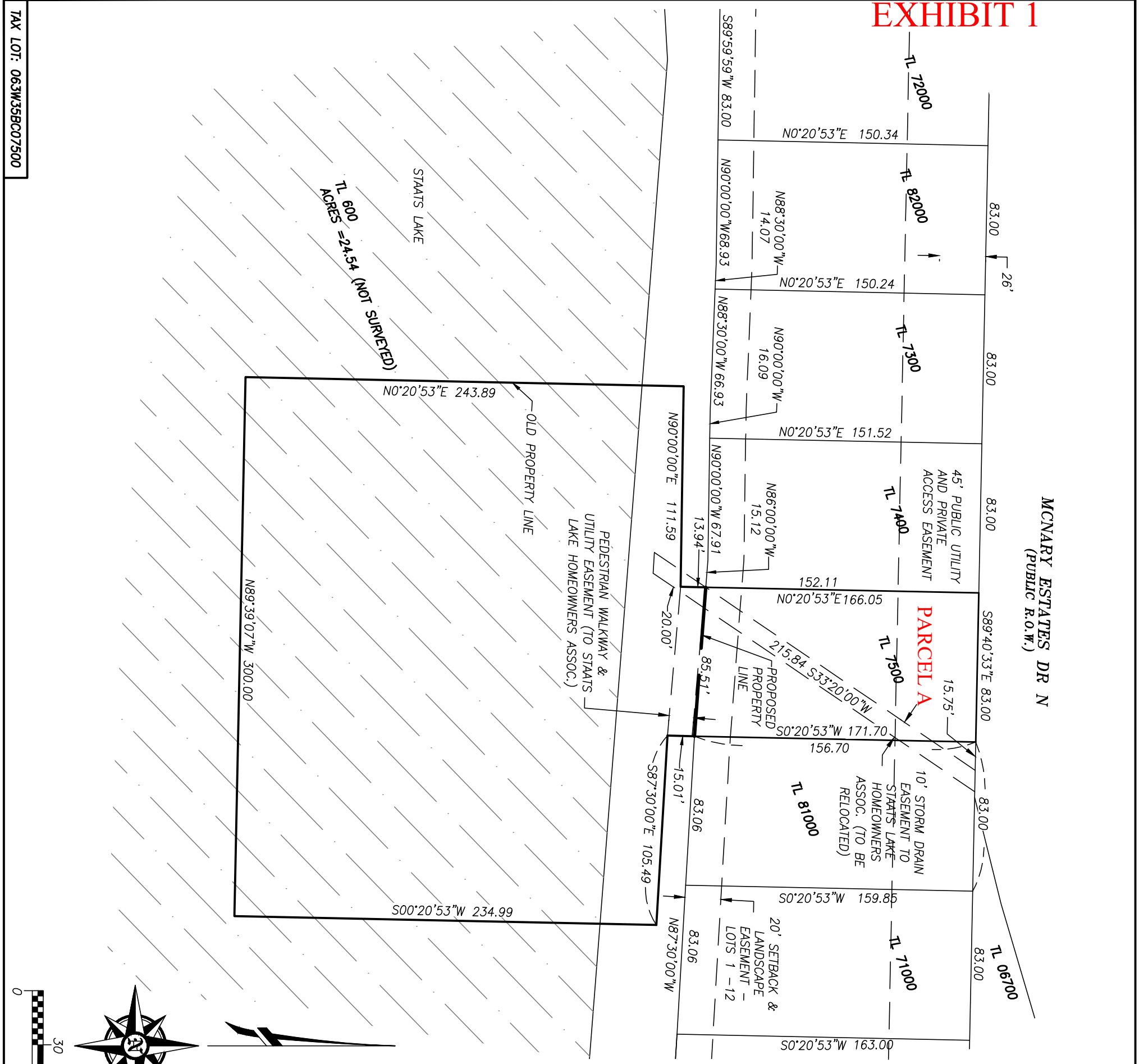
REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by: Shane Witham, Planning Director



DATE: 5/15/23

EXHIBIT 1



MCNARY ESTATES DR N
(PUBLIC R.O.W.)

PARCEL A

PEDESTRIAN WALKWAY &
UTILITY EASEMENT (TO STAATS
LAKE HOMEOWNERS ASSOC.)

10' STORM DRAIN
EASEMENT TO
STAATS LAKE
HOMEOWNERS
ASSOC. (TO BE
RELOCATED)

TL 81000

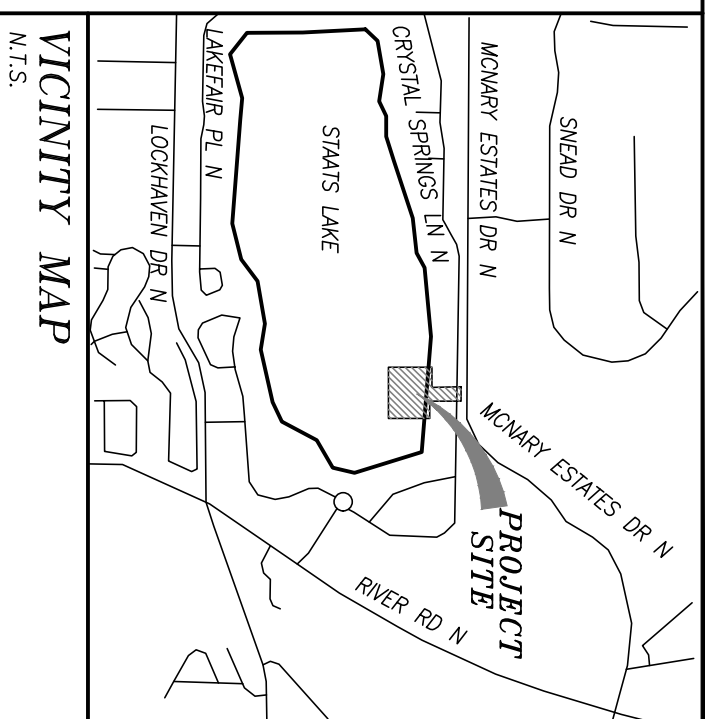
20' SETBACK &
LANDSCAPE
EASEMENT -
LOTS 1 - 12

TAX LOT: 063W35BC07500

STAATS LAKE
TL 6000
ACRES = 24.54 (NOT SURVEYED)

N0°20'53"E 243.89

S00°20'53"W 234.99



VICINITY MAP

PROPERTY OWNER

KENNETH PATTERSON
793 LAKEFAIR PLACE N
KEIZER, OREGON 97303

AREA SUMMARY

TL 063W35BC07500
 AREA BEFORE ADJUSTMENT = 86,315 SF
 AREA AFTER ADJUSTMENT = 12,815 SF
 TL 063W3500000600
 AREA BEFORE ADJUSTMENT = 1,068,962 SF
 AREA AFTER ADJUSTMENT = 1,147,437 SF

LEGEND

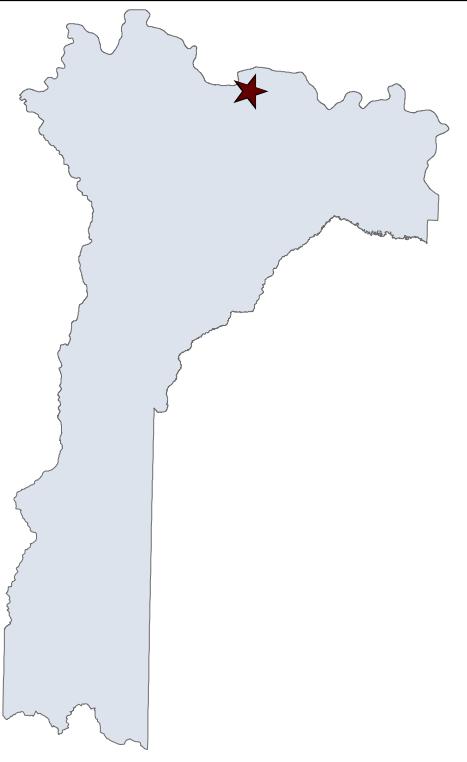
- EXISTING LOT LINE
- PROPOSED PROPERTY LINE
- OLD PROPERTY LINE TO BE ADJUSTED
- EASEMENT
- LAKE
- TAX LOT

DIGITALLY SIGNED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 12, 2011
DANIEL ADAM NELSON
84832PLS

EXPIRES: December 31, 2022



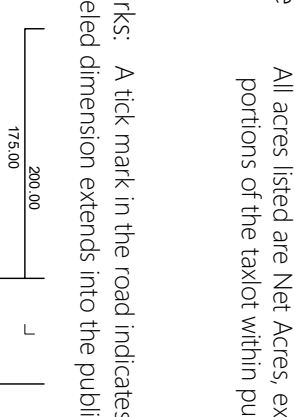
MARION COUNTY, OREGON
 SW1/4 NW1/4 SEC35 T6S R3W W.M.
 SCALE 1" = 100'

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
- CORNER TYPES**
- + 1/16th Section Cor.
 - ⊙ DLC Corner
- NUMBERS**
- ⊕ 1/4 Section Cor.
 - ⊕ 15 Section Corner
 - ⊕ 21 Section Corner
- Historical Boundary**
- Easement**
- Railroad Centerline**
- Taxcode Line**
- Map Boundary**

NOTES

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



CANCELLED NUMBERS
6800
6900
7000
7100
7200
7300
7400
7500
7600
7700
7800
7900
8000
8001
8003

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 4/29/2021

KEIZER



SEE MAP 063W34
 063W35

SEE MAP 063W35BB
 063W35

SEE MAP 063W35
 063W35

SEE MAP 063W35
 063W35

SEE MAP 063W35
 063W35

SEE MAP 063W35
 063W35

EXHIBIT 2

M McNARY

24 20 0

ESTATES

PHASE 1

M McNARY

DRIVE

EXHIBIT 1

CRISTAL SPRINGS LANE N

24 20 0

INLAND SHORES WAY N

24 20 0

SEE MAP 063W35BB
 063W35

CRYSTAL SPRINGS LN N

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

CONDO'S

INLAND SHORES

SEE MAP 063W35
 063W35

24 20 0

1/4 COR

SEE MAP 063W34DA
 06 3W 35BC

SEE MAP 063W35CB
 06 3W 35BC



EXHIBIT 3

TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2023-06
APPLICANT: KIP PATTERSON
ADDRESS: 324 CRYSTAL SPRINGS LANE N
ZONE: MIXED USE (MU)

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The applicant is requesting to adjust a common property line between 324 Crystal Springs Lane N (Parcel A) and an unaddressed lot (Parcel B). No development is being proposed for the subject property at this time, however the applicant has indicated that any future development will be located on Parcel A. Parcel A will decrease from approximately 1.98 acres to .29 acres and Parcel B will increase from approximately 24.54 acres to approximately 26.34 acres. No public improvements are anticipated at this time. The property line adjustment is minor in nature and will result in the creation of a single building parcel that will be consistent with the adjacent parcels.

The Property Line Adjustment Plat, when submitted shall show the location of all existing easements on the properties.

STREET AND DRAINAGE IMPROVEMENTS:

The subject property is located within the Staats Lake Planned Unit Development. Access to the proposed building site will be from an existing private Lane known as Crystal Springs Lane. No additional right of way is required for the proposed Lot Line Adjustment. No street or drainage improvements are required at this time for the lot line adjustment, however an existing private storm drain line that crosses the proposed building site will be required to be relocated to avoid any conflicts with the future construction on the property.

All storm drainage runoff with any new development shall be kept on site and not directed to any public streets abutting the subject property.

Prior to approval of any development on the subject property, a grading and drainage plan shall be submitted to the Department of Public Works for review and approval.

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. A new sanitary sewer service will be required for the future building construction. The City of Salem issues sewer permits in the City of Keizer and plans will be required to be submit to the City of Salem for approval prior to any building permits being issued.

DOMESTIC WATER SYSTEM

No water system improvements will be required for the lot line adjustment, but a new water service will be required for the future building on the site. Any water line easements that exist shall be shown on the lot line adjustment plat.

Comments on Planning Action: Keizer 2023-06

Date 5 / 11 / 2023 Person Commenting Kent Inman

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. The adjusted line must be surveyed and monumented per ORS 92.060 (7).
- 2. 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.

OTHER COMMENTS SPECIFIC TO THIS PLANNING ACTION: The legal description within the deed (Reel 1759, Page 150) provided by the applicant or applicant's representative, describes more land than that shown on Tax Lot 600 of Assessor's Map 63W35. The description in said deed describes the perimeter of Staats Lake except that portion lying within Lot 8 of Inland Shores East as recorded in Volume 42, Page 72 of the Marion County Book of Town Plats. Tax lots are created by the Assessor for assessment purposes only. Tax lots are proof of assessment; they are not proof of ownership. Also, tax lots are not proof that a particular tax lot is a lawfully created unit of land for land use purposes. No deed or plat has been identified which creates Tax Lot 600 as a lawful unit of land. The property line adjustment proposed here should be between Lot 8, Inland Shores East and the land described in said deed, not Tax Lot 600 as stated in the applicant's written statement or as shown on the proposed PLA map.