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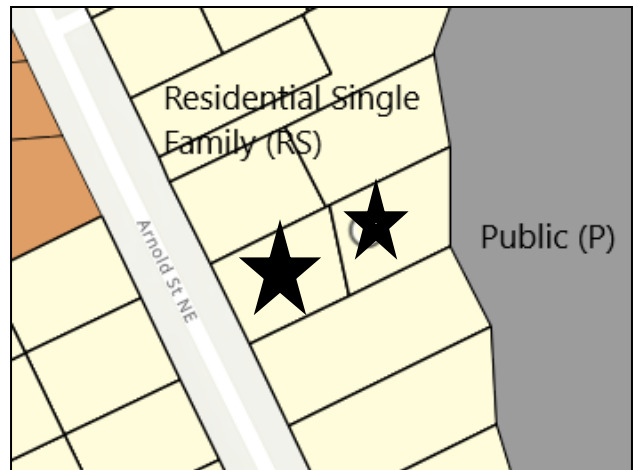
KEIZER PLANNING DEPARTMENT NOTICE OF DECISION PROPERTY LINE ADJUSTMENT CASE 2025-08

I. REQUEST

The following report reviews a request for a Property Line Adjustment to adjust a common property line between two properties located at 4100 and 4104 Arnold St NE to correct a setback issue. Lot A will increase from 6,705 square feet to 7,966 square feet and Lot B will decrease from 6,702 square feet to 5,441 square feet. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Kerry & Jennifer Parks (Lot A);
Marion Polk Holdings LLC (Lot B)
- B. **PROPERTY LOCATION:** The properties are located at 4100 and 4104 Arnold Street NE; The Marion County Assessor's map identifies the properties as Township 7 South; Range 3 West; Section 02DD; Tax Lots 02700 and 02600. (Exhibit 2)
- C. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 6,705 square feet (Lot A) and 6,702 square feet (Lot B).
- D. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both properties are developed with single family dwellings. Both public sewer and public water is available to both parcels.
- E. **ZONING/LAND USE:** Both properties are designated as Low Density Residential (LDR) in the Comprehensive Plan and has a zoning designation as Single Family Residential (RS). Adjacent properties are predominately developed with single family homes. The property behind Lot A is an elementary school and zoned Public (P).



III. 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 City of Keizer Police Department, the City of Salem Public Works Department and the City of Salem Planning Department have reviewed the proposal and determined they have no comments.

IV. FINDINGS AND CONCLUSIONS

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, Lot A will increase in size to approximately 7,966 square feet and Lot B will decrease to approximately 5,441 square feet. 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: Both properties are zoned RS. The applicant's site plan and written statement indicate both parcels currently meet the dimensional standards of the RS zone and will continue to meet the standards after the proposed property line adjustment is complete.

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: Lot A is developed with a single-family dwelling and an accessory structure located in the front yard, which currently encroaches over the shared property line with the adjacent lot (Lot B). This application proposes a property line adjustment to relocate the common boundary so that the accessory structure is located entirely on Lot A,

resulting in a 2.14' setback. According to the applicant, the structure has 8' walls, which under current code requires a zero-foot setback from the property line.

While accessory structures are not permitted in front yards, this particular structure is considered legally established and non-conforming. The proposed lot line adjustment does not increase the degree of non-conformity and complies with the applicable setback requirements.

Furthermore, the dwelling on Lot B will be required to maintain a minimum rear yard setback of 14' to the newly adjusted rear lot line. This requirement will be included as a condition of approval. Therefore, staff finds the proposal can meet the applicable review 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 that indicated both parcels were lawfully created. 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 prohibit either property from accessing the public right away. Both Lots A and B will have an access point to Arnold Street NE. Therefore, staff finds this request complies with this criterion.

V. DECISION/APPEAL

The proposed Property line adjustment conforms with the applicable decision criteria of Section 3.106.04 of the Keizer Development Code based on the findings located in Section IV of this report. 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.

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. August 1, 2025.

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| Unless the decision is appealed, this decision becomes final on August 2, 2025. |
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VI. CONDITIONS AND REQUIREMENTS

1. Recording of the property line adjustment deeds and submitting the property line survey must be done before August 2, 2027. 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. The property line adjustment deeds and exhibits shall show the location of all existing easements on the properties.
3. The existing home on Lot B must meet the minimum required rear setback of 14'. A site plan prepared by a licensed engineer or surveyor must be submitted which shows the location of the existing home in relation to the minimum setbacks to ensure this requirement is met.
4. All requirements required by the Public Works Department outlined in Exhibit 3 must be completed.
5. Any future development on the property will be subject to the development and permit requirements in effect at that time, including but not limited to grading and drainage, stormwater management, erosion control, construction, street opening, and floodplain development permits.
6. 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 the parcel.

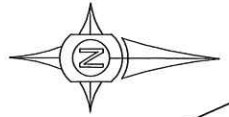
REPORT PREPARED BY: Dina Horner, Assistant Planner



Shane Witham, Planning Director

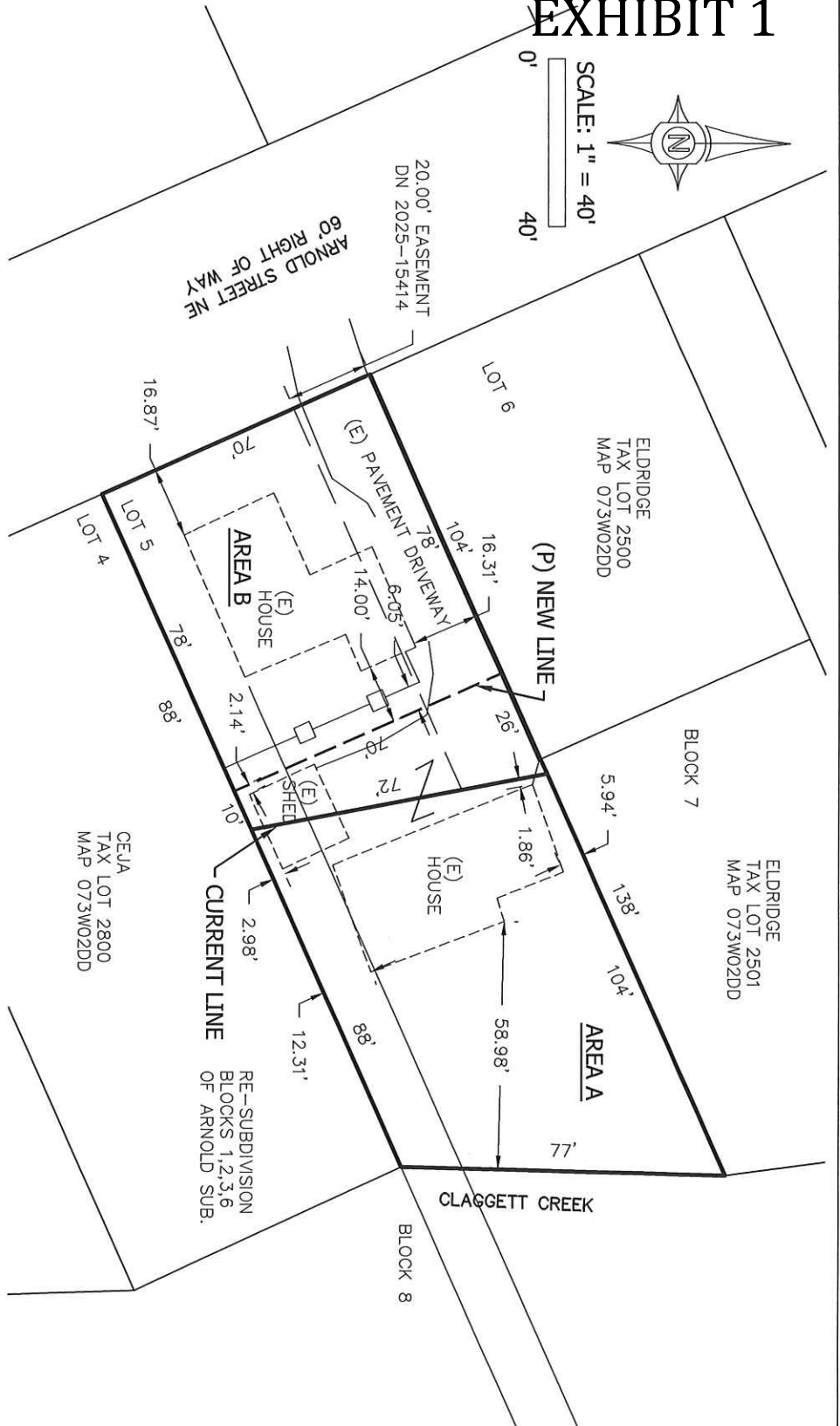
DATE: July 22, 2025

EXHIBIT 1



SCALE: 1" = 40'

0' 40'



PROPERTY INFORMATION

AREA A
ZONING: RS
LAND USE: RESIDENTIAL
OWNER: KERRY AND JENNIFER PARKS
ASSESSORS MAP: 073W02DD
TAX LOT: 2700
ADJUSTMENTS: ±6,705 SF (E)
 +1,261 SF (P)
 ±7,966 SF (P) TOTAL

AREA B
ZONING: RS
LAND USE: RESIDENTIAL
OWNER: MARION POLK HOLDINGS LLC
ASSESSORS MAP: 073W02DD
TAX LOT: 2600
ADJUSTMENTS: ±6,702 SF (E)
 -1,261 SF (P)
 ±5,441 SF (P) TOTAL

NOTE: DRIVEWAY AND BUILDING FOOTPRINTS
 DRAWN BY SUPERIMPOSING AN AERIAL PHOTO.
 LOCATIONS ARE APPROXIMATE.

LEGEND

(E) EXISTING
 (P) PROPOSED
 SF SQUARE FEET
 EXISTING 6' WOOD FENCE



Date 6/3/2025
 Project 25-001 PARKS
 Drawn by GSR
 Checked by KWL

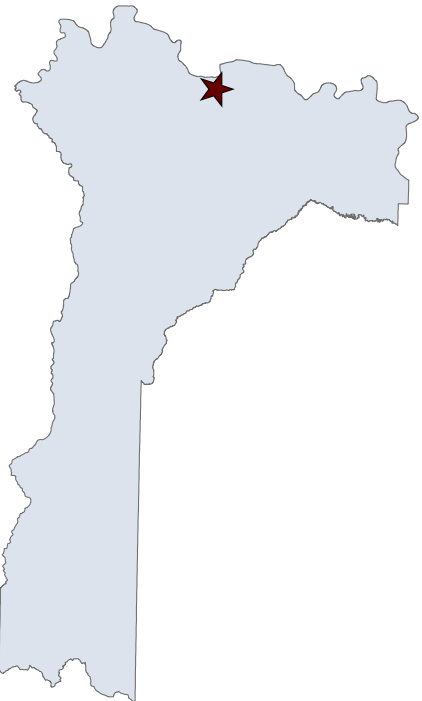
TENTATIVE PLA MAP
 4104-4100
 ARNOLD ST. NE
 KEIZER, OREGON

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON, 97355
 541-451-5125

SHEET 1
 of 1
 SCALE: AS NOTED

07 3W 02DD

KEIZER



MARION COUNTY, OREGON

SE1/4 SE1/4 SEC2 T7S R3W W.M.

SCALE 1" = 100

LINE TYPES

| Symbol | Meaning |
|--------|--------------------------|
| | Historical Boundary |
| | Easement |
| | Railroad Centerline |
| | Taxcode Line |
| | Map Boundary |
| | Waterline - Non Brdly |
| | Taxlot Boundary |
| | Road Right-of-Way |
| | Railroad Right-of-Way |
| | Private Road ROW |
| | Subdivision/Plat Brdly |
| | Waterline - Taxlot Brdly |

CORNER TYPES

- | | | | |
|---|---------------------|---|-------------------------|
| + | 1/16TH Section Cor. | | 1/4 Section Cor |
| ⊙ | DLC Corner | | 16 15 Section Corner |
| | | | 21 22 |

NUMBERS

Tax Code Number
00000

| Acreage 0.25 AC | 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

| | |
|------|--|
| 200 | |
| 600 | |
| 700 | |
| 800 | |
| 900 | |
| 1000 | |

**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: 4/16/2025

KEIZER

07 3W 02DD

Keizer Public Works Comments

July 9, 2025

Page 1 of 2

PROPERTY LINE ADJUSTMENT CASE NO. 2025-08

PROPERTY ADDRESS: 4100 & 4104 ARNOLD STREET NE

The applicant is requesting to adjust a common property line between two properties located at 4100 Arnold St NE (Lot A – Tax Lot 12400 on Marion County Tax Map 073W02BD) and 4104 Arnold St NE (Lot B – Tax Lot 12300) to correct a setback issue. Lot A will increase from 6,705 square feet to 7,966 square feet and Lot B will decrease from 6,702 square feet to 5,441 square feet. Both properties are zoned Single Family Residential (RS) and have a Comprehensive Plan designation of Low Density Residential (LDR).

EXISTING CONDITIONS:

- a) Access to Lot A is provided via a 20-foot-wide easement and driveway that extends along the north side of Lot B from Arnold Street NE, a Local street in the Keizer Transportation System Plan (TSP). This easement is documented on Marion County Survey Record (MCSR) 31596.
- b) Lot B has access to and frontage along Arnold Street NE with west property frontage along Arnold St NE and driveway approach onto a local street as identified in the Keizer TSP.
- c) A 24-inch reinforced concrete City sanitary sewer main is located along Claggett Creek east of the subject properties. No new connections are allowed into this main.
- d) An 8-inch concrete City sanitary sewer main is located along the west side of Arnold Street NE. It is believed that the existing structures on both Lots are connected to this main.
- e) A 6-inch unknown material City water main runs along the east side of Arnold Street NE. The existing structures on both Lots are connected to this main.
- f) A City fire hydrant is located on the southeast corner of the Arnold Street NE/Sieberg Street NE intersection, approximately 400 feet northwest of the subject properties.
- g) A 10-inch PVC City storm main is located in Sieberg Street NE, approximately 400 feet northwest of the subject properties.
- h) An 8-inch PVC City storm main is located in Beebe Street NE, approximately 360 southeast of the subject properties. The Oregon Rapid Wetland Assessment Protocol (ORWAP shows wetland and hydric soil areas on a portion of Lot A.
- i) Per Flood Insurance Rate Map Number 41047C0332G, a portion of Lot A is located within the Zone AE Special Flood Hazard Area (SFHA) and Floodway.
- j) Per the Statewide Landslide Information Layer for Oregon (SLIDO) maps (maintained by the Oregon Department of Geology and Mineral Industries), there are areas of moderate susceptibility to landslides across the subject properties.

PUBLIC WORKS DEPARTMENT REQUIREMENTS. The Public Works Department has reviewed the application materials. Development is not being proposed with this application, and the adjustment is minor in nature and reconfigures two existing parcels as indicated above. Public Works recommends the following conditions of approval and development requirements:

- a) The property line adjustment deeds and exhibits shall be prepared by an Oregon-licensed surveyor.
- b) The property line adjustment deeds and exhibits shall show the location of all existing easements on the properties.
- c) Existing agreements between the two properties, if any, shall remain in effect after the adjustment of the property line.
- d) Any future development on the property will be subject to the development and permit requirements in effect at that time, including but not limited to driveway access limitations, new connections to City systems, grading and drainage, stormwater management, erosion control, construction, street opening, and floodplain development permits.

EXHIBIT 4

Marion County Surveyor's Office

Page 1 of 2

Comments on Planning Action: Keizer PLA 2025-08

Date 6/26/2025 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 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.

Other comments specific to this Planning Action: