



**CITY OF KEIZER
PLANNING DEPARTMENT**

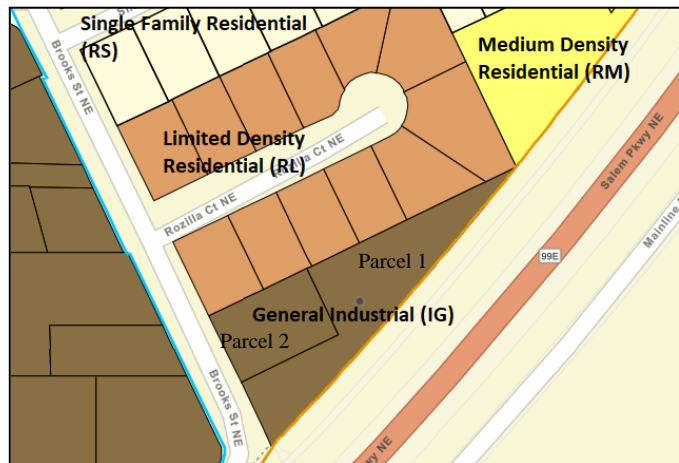
**NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT 2022-16**

I. REQUEST

The following report reviews a request to eliminate a common property line between 3606 Brooks Av NE, Keizer Oregon (Parcel 1) and the unaddressed parcel to the north (Parcel 2) ending with one parcel of 1.01 acres. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Big Water LLC
- B. **AGENT:** James Robinson - Anderson Shirley Architects
- C. **PROPERTY LOCATION:** The properties are located on Brooks Avenue NE identified as being located on the Marion County Tax Assessor's Maps as Township 7 South; Range 3 West; Section 11 AD; Tax Lots 02803 and 02900. (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Parcel 1 is .69 acres in size and Parcel 2 is .32 acres.
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both properties are functioning as one. Parcel 1 is developed with a 4-bay industrial building and Parcel 2 is a gravel lot. Public water and sewer are available.
- F. **ZONING:** Each parcel is designated Medium High Density Residential on the Comprehensive Plan map and zoned Industrial General (IG).
- G. **ADJACENT ZONING AND
LAND USES:** Parcel 1 borders the city limits and the MLK Parkway on the southside, properties to the west are zoned IG (Industrial General) and properties to the north are zoned RS (Limited Density Residential).



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. This fee may be refunded if the appeal is upheld. Requests for appeal by the Hearings Officer 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.

<p style="text-align: center;">Unless the decision is appealed, this decision becomes final on <u>December 28, 2022.</u></p>

V. CONDITIONS

1. All requirements of the Marion County Surveyor's office must be met. The property line adjustment deeds shall be recorded with the Marion County Clerk by December 28, 2024 and shall comply with ORS 92.190(4). The property must be surveyed and the survey, along with the survey checking fee, must be submitted for review.
2. All requirements required by the Public Works Department outlined in Exhibit 3 must be met.
3. 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. COMMENTS

- A. The City of Keizer Public Works Department (Exhibit 3) submitted comments regarding public facility requirements and easements for the proposed property line adjustment.
- B. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the lot line adjustment.
- C. The City of Keizer Police Department and the Keizer Fire District submitted they have reviewed the proposal and 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 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 1.01 acres in area 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: The subject properties are zoned General Industrial (IG). There are no quantified minimum dimension or lot size standards in the IG zone. However, the IG zone does require that the parcel size be adequate to contain all structures within the required setbacks. The applicant is requesting the property line to be eliminated for the addition of a new 6-bay metal building shop with attached office space and new parking lot. Currently, a small portion of the existing 4-bay industrial building overlaps the common property line between Parcel 1 and Parcel 2. Because the Keizer Development Code does not allow buildings to be built over property lines, even with common ownership, a property line adjustment is required to eliminate the property line. The Building Permit review will ensure minimum requirements of the IG zone are met. For example, setbacks for the proposed structures will be reviewed as well as all the associated improvements such as parking and landscaping. At the time of review, it is required that all improvements proposed can be contained within the lot. As a condition of 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. The Keizer Public Works submitted comments pertaining to appropriate easements being shown on the plat, however, Marion County Surveyors office submitted comments pertaining to recording of property deeds in lieu of a replat. A condition of this Property Line Adjustment will be for the applicant to submit all necessary easement and information to the Public Works Department before building permit approval. Therefore, 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: As was discussed above, elimination of the common property line is necessary for the existing structure and for future development on the combined property. Setbacks to structures and height requirements will be regulated at the time of the 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: The proposed property line adjustment will not change the access rights of the parcels. Staff finds this request does not prohibit any property from accessing a public right-of-way or an access easement, and in no way changes the access rights of any of the involved properties. Driveway location will be reviewed at the time of a future building permit. 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 V 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.

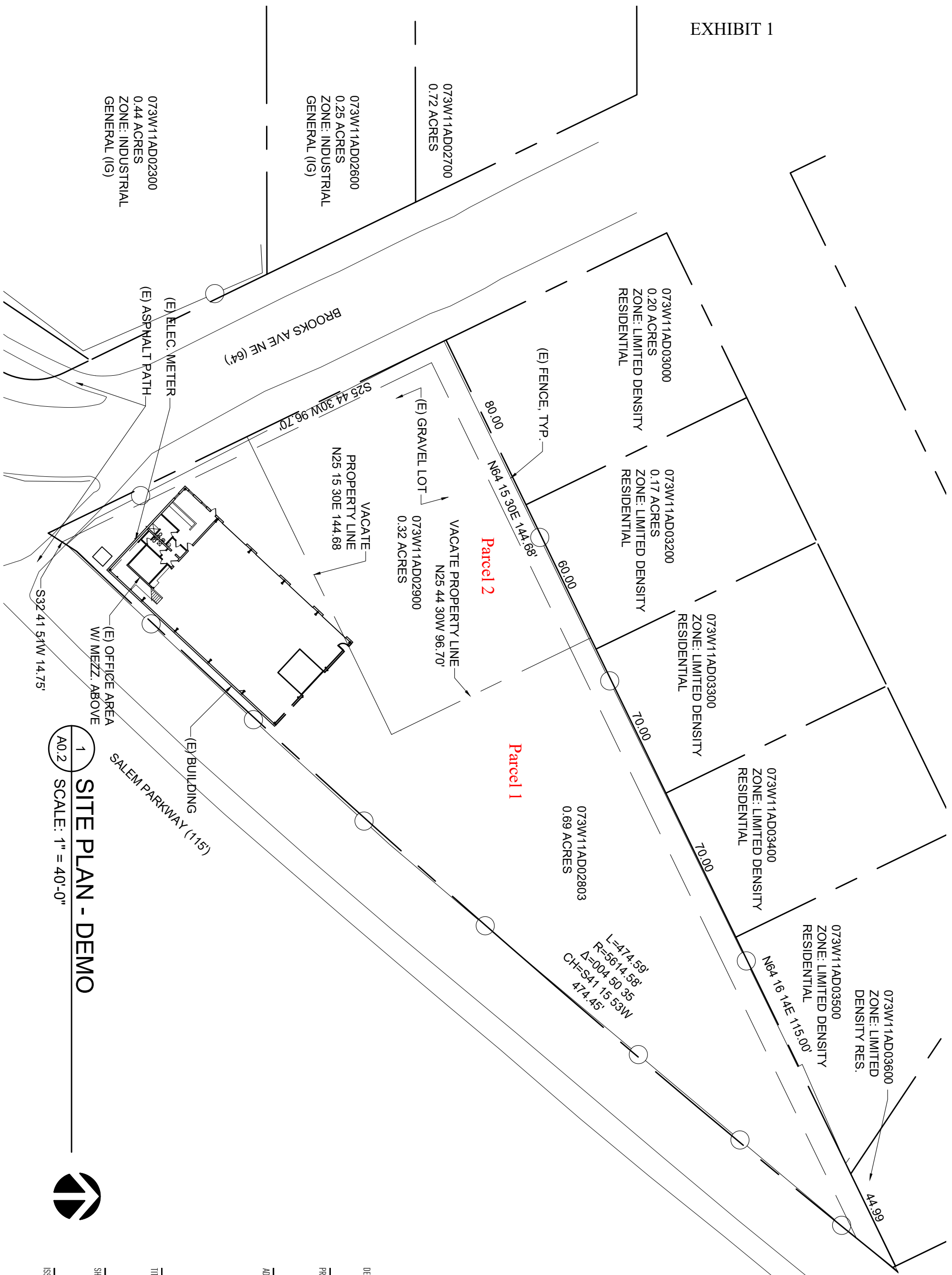
REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by: Shane Witham, Planning Director



DATE:

12/15/22



1 SITE PLAN - DEMO
A0.2 SCALE: 1" = 40'-0"

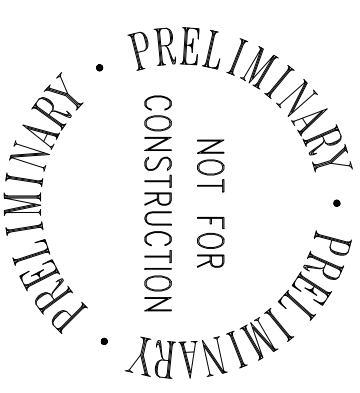


DESC. ADDITION TO EXIST. BLDG & ASSOC. SITE WORK
PROJECT SALEM EXHAUST

ADDRESS 3606 BROOKS AVE. NE
KEIZER, OR
97303

JOB 2214 DRAWN: JMR
DATE: 2022-10-21
TITLE SITE PLAN - DEMO

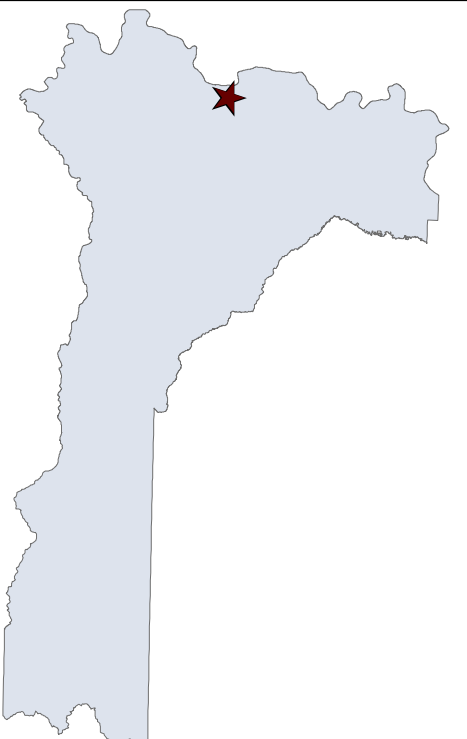
SHEET A0.2
ISSUE



AS/A

ANDERSON SHIRLEY ARCHITECTS

695 COMMERCIAL ST. SE SUITE 5 SALEM, OR 97301
OFFICE: 503-371-1140 FAX: 503-364-6751



MARION COUNTY, OREGON
SE1/4 NE1/4 SEC11 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.
 - ⊕ 16 15 Section Corner
 - ⊕ 21 22 Section Corner

NUMBERS

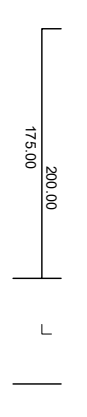
Tax Code Number
00 00 0

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	
101	
700	
1100A1	
1700	
1701	
1800	
1900	
2100	
2400	
2500	
2800	
3100	
5000	
5900	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

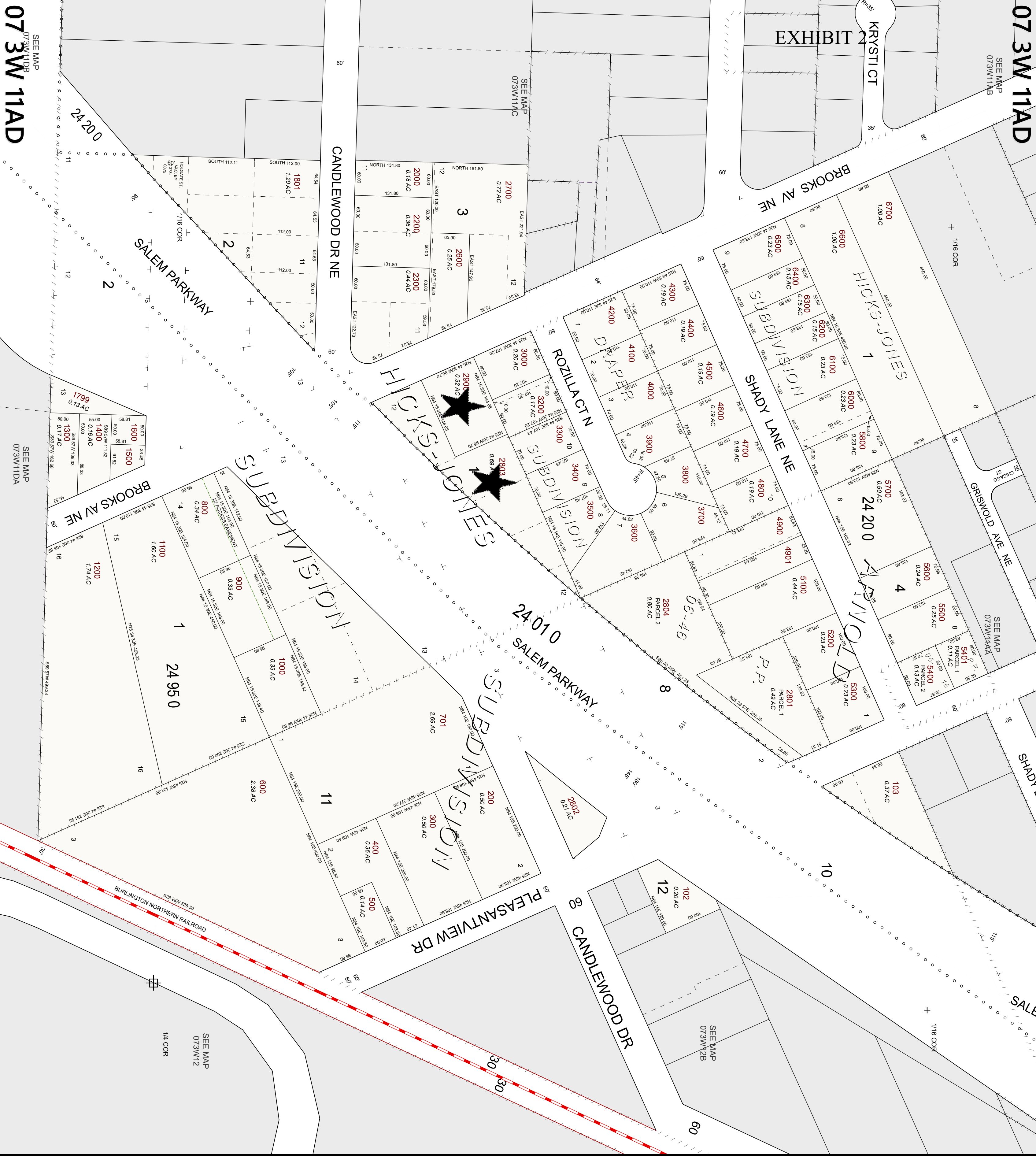


FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.marion.or.us

PLOT DATE: 4/4/2022

KEIZER

07 3W 11AD



TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2022-16

APPLICANT – BIG WATER LLC
ADDRESS – 3606 BROOKS AVE. NE AND AN UNADDRESSED PARCEL TO THE NORTH
ZONE – GENERAL INDUSTRIAL

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 one acre.

The Property Line Adjustment Plat, when submitted shall show the location of all easements that exist on the properties. It appears from the application and a brief field investigation that the southwesterly portion of the subject property includes a portion of a walkway from Brooks Avenue to the Parkway to the south. An easement for the walkway shall be shown on the Lot Line Adjustment plat.

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.

All storm drainage runoff with any new development shall be kept on site and not directed to either Brooks Avenue or the Parkway.

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.

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.

Marion County Surveyor's Office

Page 1 of 2

Comments on Planning Action: Keizer PLA 2022-16Date 12 / 02 / 2022 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. 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: