



CITY OF KEIZER PLANNING DEPARTMENT

NOTICE OF DECISION PROPERTY LINE ADJUSTMENT 2023-01

I. REQUEST

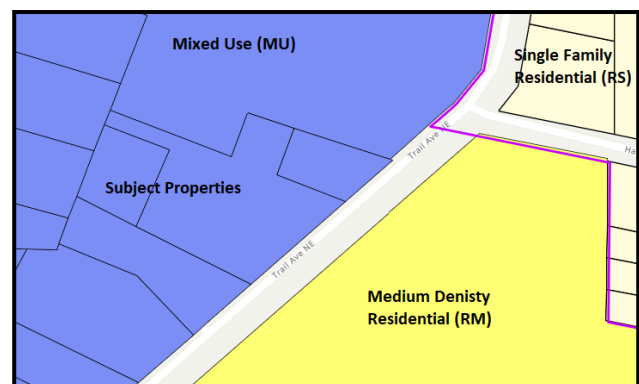
The following report reviews a request to eliminate the common property line between 1156 Long Av NE (Parcel 1) and 5799 Trail Avenue NE (Parcel 2) resulting in one parcel of 1.70 acres. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/PROPERTY OWNER:** Arthur Lydon
- B. **AGENT:** Multi-Tech Engineering
- C. **PROPERTY LOCATION:** The subject properties are located at 1156 Long Av NE and 5799 Trail Av NE; Marion County Tax Assessor's Map 063W35BD Tax Lot 00200 and Map 063W35AC Tax Lot 03900. (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Based on information from Marion County Tax Assessor's, Parcel 1 is .30 acres in size and Parcel 2 is 1.20 acres.
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both properties are functioning as one. Parcel 1 is undeveloped and Parcel 2 is developed with a single-family dwelling. The dwelling is currently served with public sewer.
- F. **ZONING:** Each parcel is designated Mixed Use on the Comprehensive Plan map and zoned Mixed Use (MU). The properties are also within the Lockhaven Center of the River-Cherry Overlay District (RCOD).
- G. **ADJACENT ZONING AND LAND USES:** Adjacent properties are zoned Mixed Use (MU) and developed with single family homes to the south and a dance studio to the north. The undeveloped property across Trail Av is zoned Medium Density Residential (RM).

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. February 16, 2023.

<p>Unless the decision is appealed, this decision becomes final on <u>February 17, 2023</u></p>
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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 February 17, 2026 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. 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 future requirements at the time of development.
- 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 and the City of Salem Planning Department 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 1.70 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 Mixed Use (MU). There are no quantified minimum dimensional or lot size standards in the MU zone. However, the MU zone does require that the parcel size be adequate to contain all structures within the required setbacks. The applicant indicates in their written statement, the existing building will be removed and the property line is being eliminated for a future proposed development of a multi-family complex. At the time of development, the Building Permit review will ensure minimum requirements of the MU 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.

Please note, information from the Marion County Tax Assessor's Department indicate Parcel 1 is .30 acres in area and Parcel 2 is 1.20 acres in area. The applicant has submitted a site plan in conflict, showing Parcel 2 is 1.40 acres in area. To verify lot area, and as a condition of the Marion County Surveyors office, the property will need to be surveyed. 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 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 the Applicant's written statement that both parcels were lawfully created. Therefore, staff finds this request complies with this criterion.

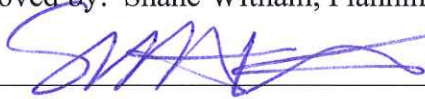
5. **Section 3.106.04.E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement.**

FINDINGS: Parcel 2 has direct access to Trail Av NE. The proposed property line adjustment/property consolidation will not change the access rights of either parcel. 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 to Trail Av NE for any of the involved properties. 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



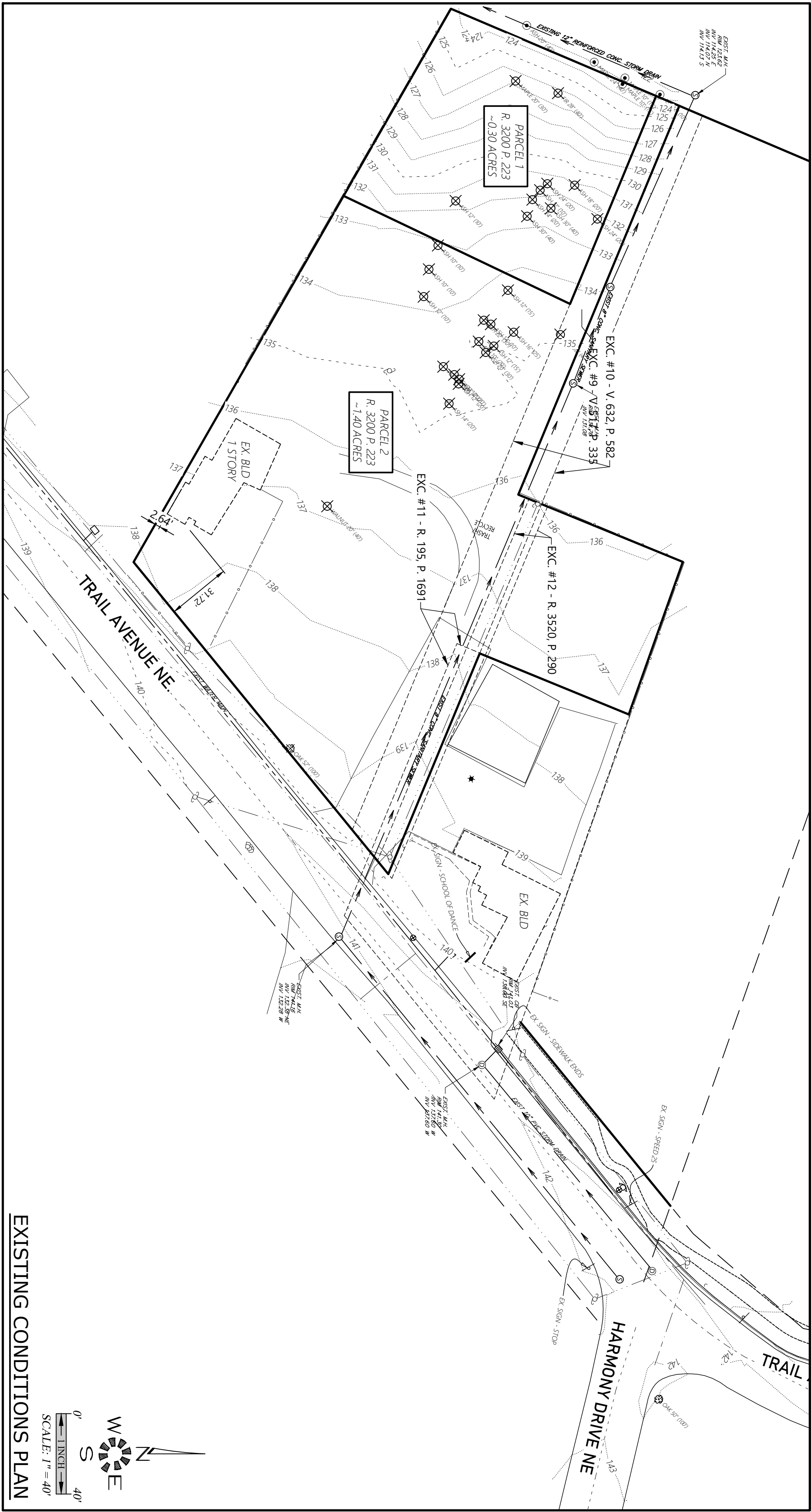
DATE: February 6, 2023

Owner's:

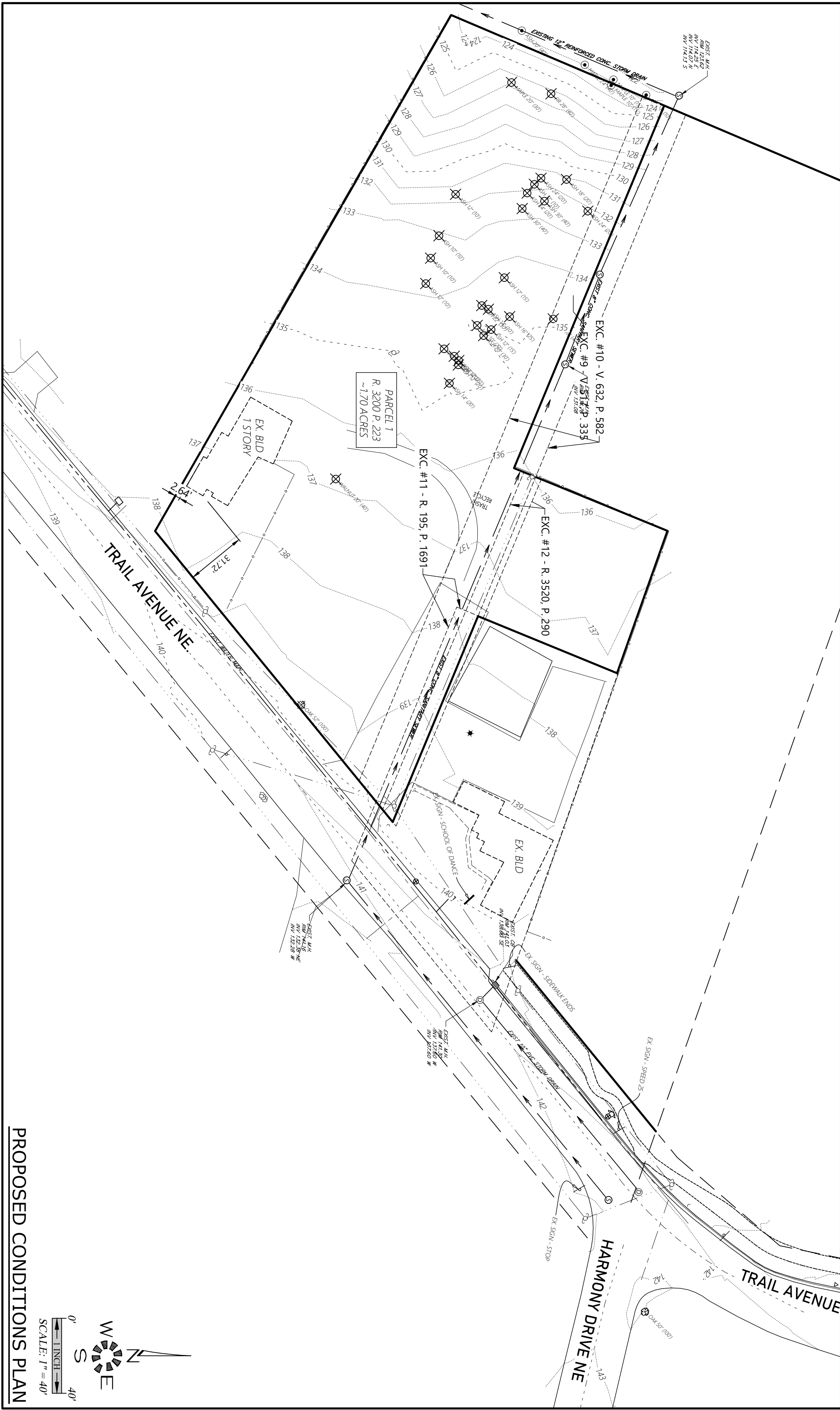
ARTHUR W. LYDON

34522 N. SCOTTSDALE
SUITE 120-269
SCOTTSDALE, AZ 85266

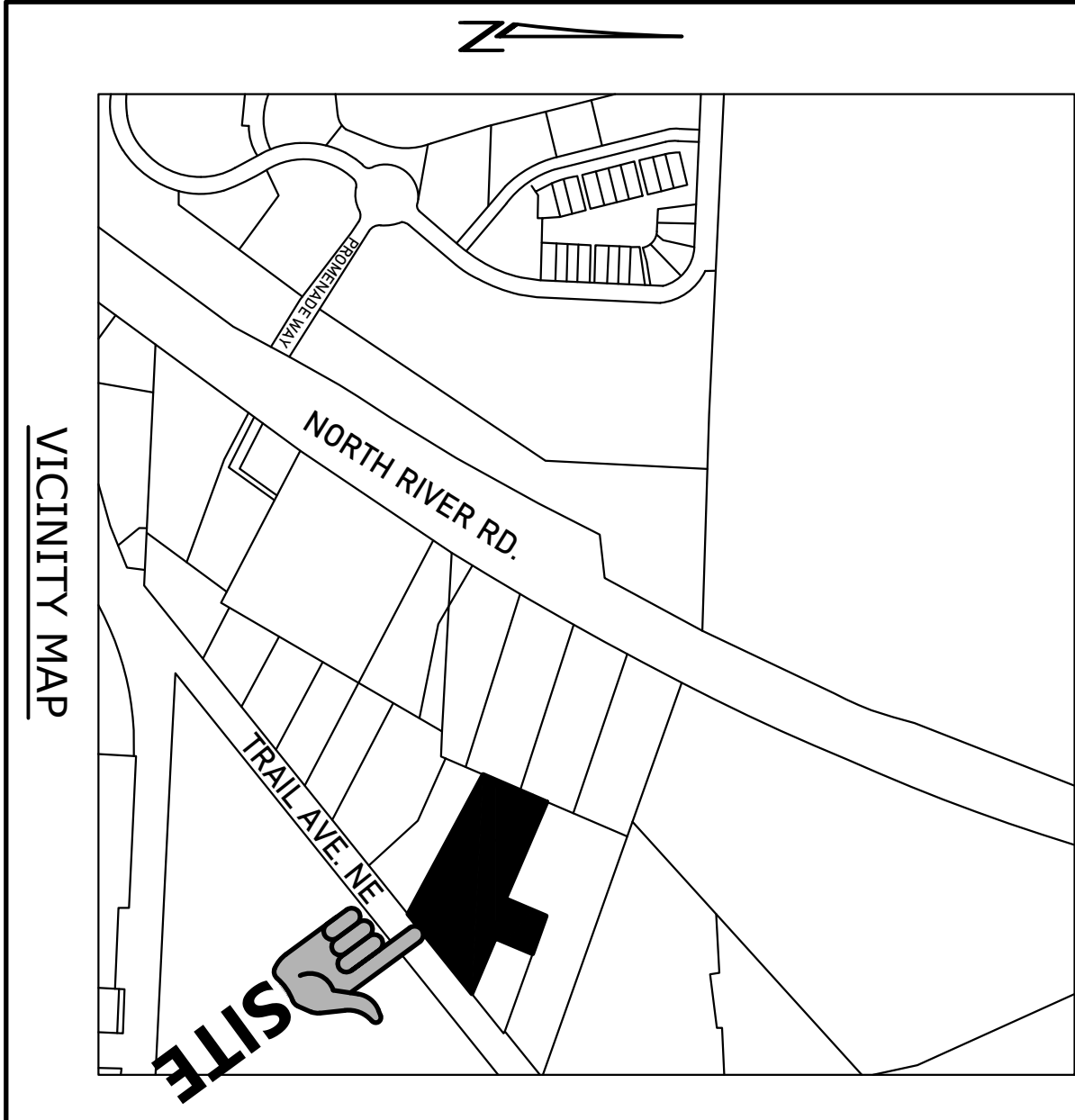
EXHIBIT 1



EXISTING CONDITIONS PLAN



PROPOSED CONDITIONS PLAN



VICINITY MAP

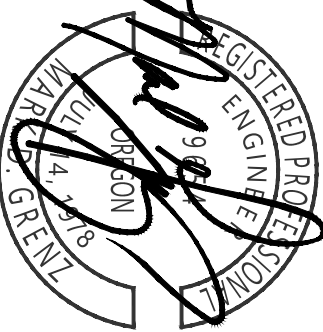
PROPERTY LINE
ADJUSTMENT PLAN

TRAIL AVE. APARTMENTS

NO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
MADE TO THESE DRAWINGS
WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: A.R.B.
Checked: J.J.G.
Date: Dec-22
Scale: AS SHOWN

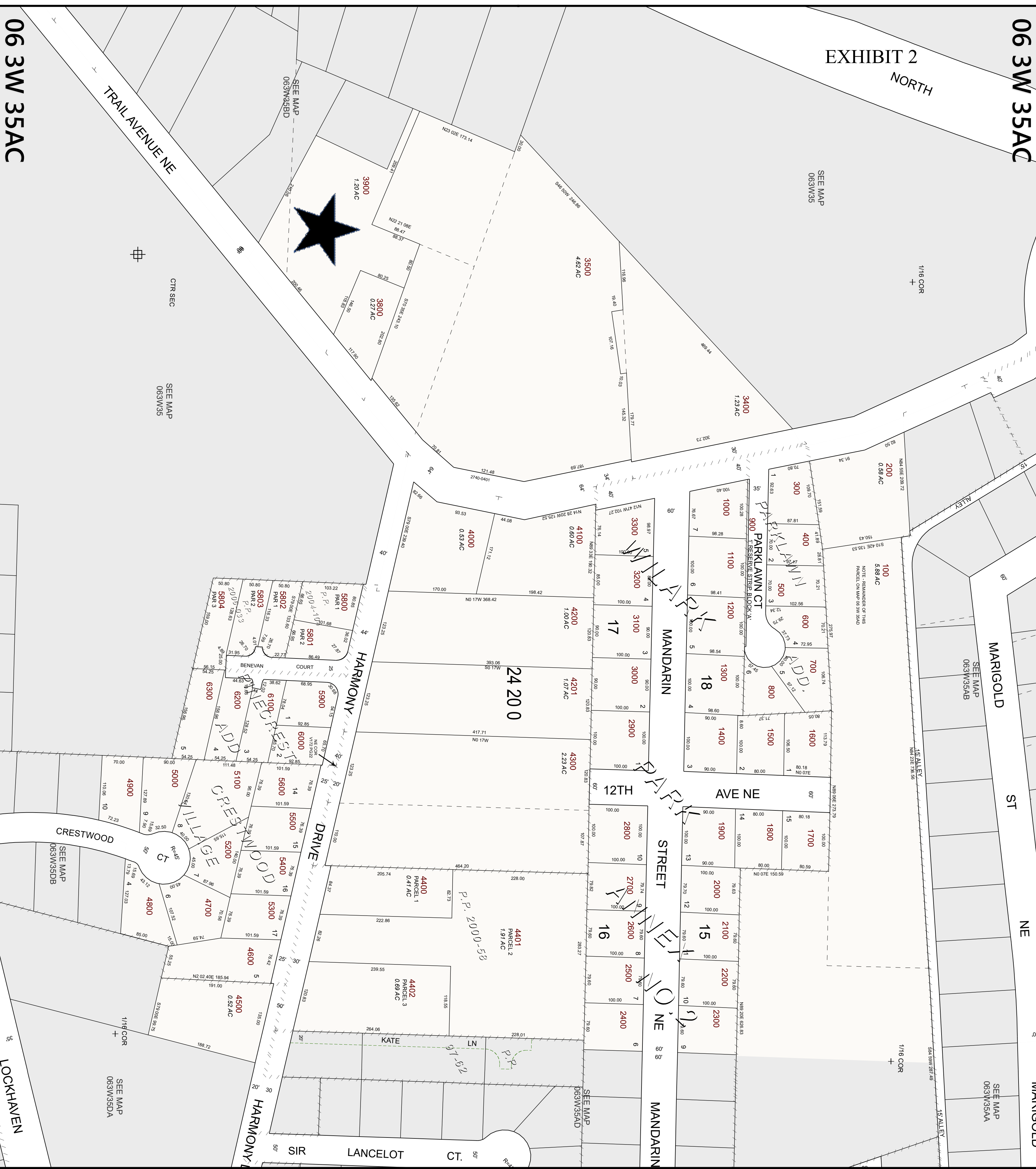


EXPIRES: 06-30-2023
JOB # 7506

06 3W 35AC

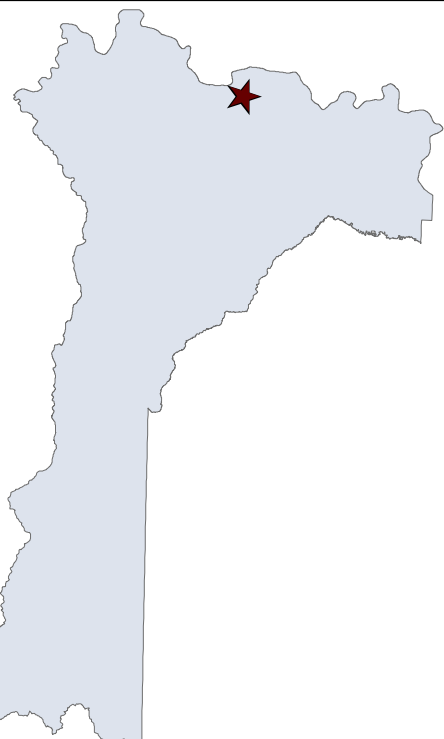
EXHIBIT 2
NORTH

06 3W 35AC



06 3W 35AC

KEIZER



MARION COUNTY, OREGON
SW1/4 NE1/4 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
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - Waterline - Non Bndry

CORNER TYPES

- + 1/16TH Section Cor.
- ⊕ 1/4 Section Cor.
- ⊙ D/LC Corner
- ⊕ Section Corner
- ⊕ Section Corner
- ⊕ Section Corner

NUMBERS

Tax Code Number
00 00 0

Acreage 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

3600
3700
5700

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 8/2/2022

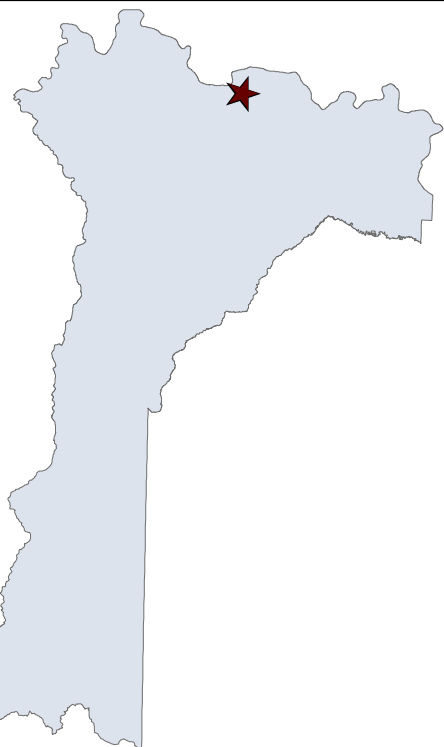
KEIZER

06 3W 35AC

06 3W 35BD

06 3W 35BD

KEIZER



MARION COUNTY, OREGON
SE1/4 NW1/4 SEC35 T6S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
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CORNER TYPES

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

NUMBERS

Tax Code Number
00 00 0

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NOTES

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



CANCELLED NUMBERS

2300
2400
2401

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

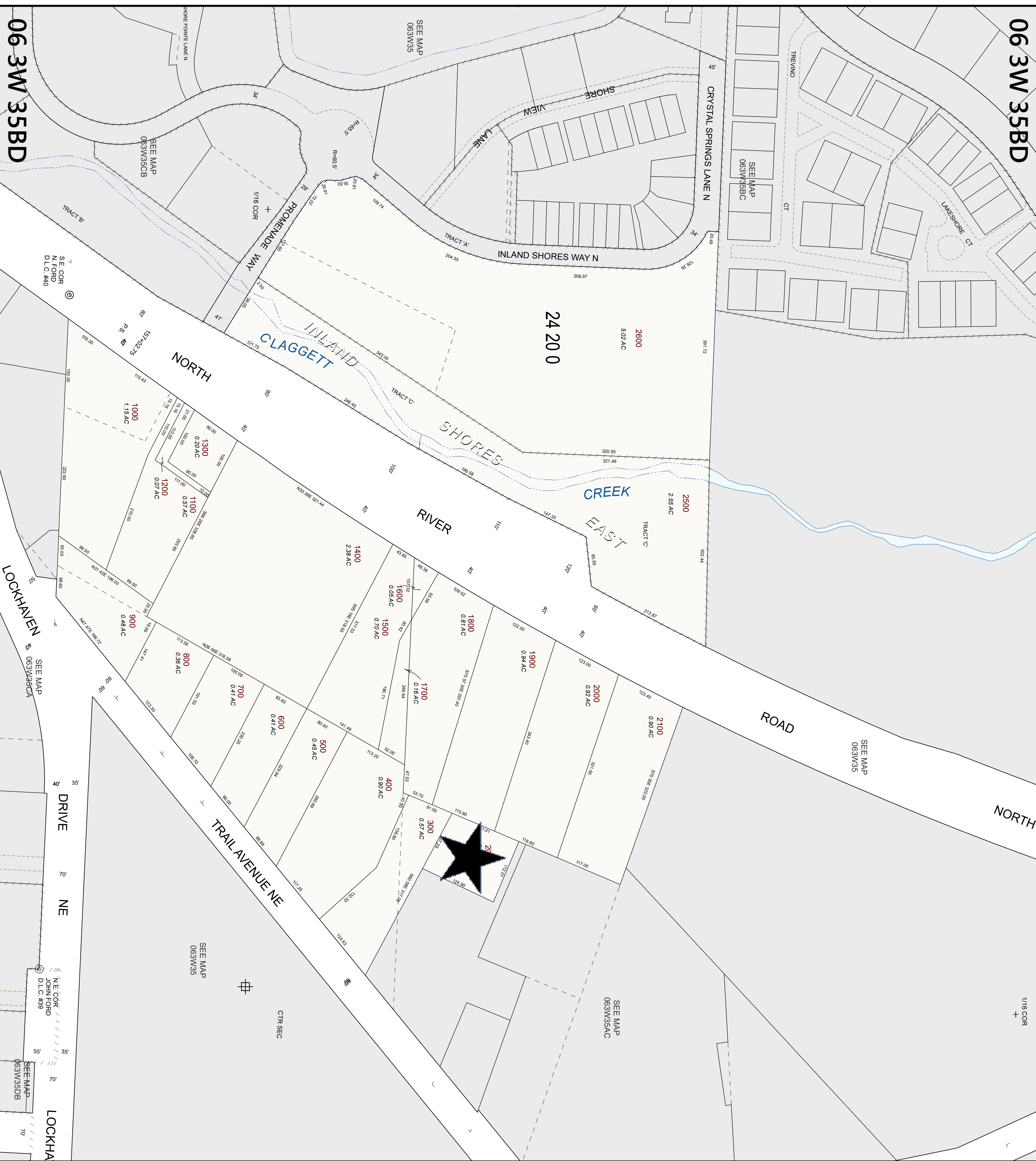


FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 8/2/2022

KEIZER

06 3W 35BD



TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2023-01

APPLICANT – ARTHUR LYDON
ADDRESS – 1156 LONG AVENUE NE AND 5799 TRAIL AVENUE
ZONE – MIXED USE (MU)

PUBLIC WORKS DEPARTMENT REQUIREMENTS

No development is being proposed for the subject property at this time, however the applicant has indicated that the future development will be an apartment project. 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 1.70 acres.

STREET AND DRAINAGE IMPROVEMENTS:

The subject property is located along a designated Collector Street that will require an ultimate 68 foot right of way. The property owner at the time of development will be required to dedicate additional right of way to provide for 34 feet of right of way from the existing centerline of Trail Avenue. No street or drainage improvements are required at this time for the lot line adjustment but will be required at the time of development. Any drainage or other easements that exist on the subject property shall be shown on the application for building permits and/or public improvement permits.

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 application for building permits and/or public improvement permits.

DOMESTIC WATER SYSTEM

No water system improvements will be required for the lot line adjustment but any water line easements that exist on the subject property shall be shown on the application for building permits and/or public improvement permits.

Comments on Planning Action: Keizer PLA 2023-01

Date 1/24/2023 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. 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):

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.

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: