



KEIZER COMMUNITY DEVELOPMENT DEPARTMENT

PROPERTY LINE ADJUSTMENT 2021-04

NOTICE OF DECISION

I. REQUEST

The following report reviews a request to adjust a common property line between two properties. The properties are located at 6955 Fir Grove Lane N (Parcel 1) and 6899 Westridge Court N (Parcel 2). Both properties are zoned Single Family Residential (RS) and have a Comprehensive designation of Low Density Residential (LDR). (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT:** Chris and Megan Anderson
- B. **PROPERTY OWNERS:** Chris and Megan Anderson
Kevin J. Drost and Elizabeth Doran
- C. **PROPERTY LOCATION:** The properties are located at 6955 Fir Grove Lane N and 6899 Westridge Court N, Keizer, Oregon and are also identified on Marion County Tax Assessor's Map 063W26CB Tax lots 08400 and 11000.
- D. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 34,762 square feet (Parcel 1) and 8,555 square feet (Parcel 2). The proposed property line adjustment will result in Parcel 1 being decreased to approximately 25,472 square feet and Parcel 2 will increase to approximately 17,846 square feet. (Exhibit 2)
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both Parcel 1 and Parcel 2 are developed with single family dwellings and both are served with public water and sewer.
- F. **ZONING/LAND USE:** Both properties are designated Low Density Residential in the Comprehensive Plan and are each zoned Residential Single Family (RS). Surrounding properties are developed with single family residences and are also zoned Residential Single Family (RS).

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. 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 Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. May 17, 2021.

Unless the decision is appealed, this decision becomes final on May 18, 2021.

V. CONDITIONS

1. Recording of the replat, as required by Marion County Surveyor (Exhibit 4), must be done before May 18, 2023. If such is recording is not completed within two years of this decision, the preliminary approval shall lapse. After the replat is 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.

VI. COMMENTS

AGENCY 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 and the Keizer Police Department reviewed the proposal and had no comment.

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 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 1 will decrease in size and Parcel 2 will increase in size. 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: The minimum lot size of the RS zone is 5,000 square feet. The dimensional standards of the RS zone are a minimum average width of 40 feet and a minimum average depth of 70 feet. The applicant's proposal is to adjust the common line between the two properties in order to expand the backyard of Parcel 2 with the decrease in size of Parcel 1 and the increase in size of Parcel 2.

Both parcels currently exceed the minimum area and dimension standards of the RS zone and after the proposed adjustment will continue to exceed the minimum lot size and dimension standards. Currently Parcel 1 is an irregular "L" shaped lot. The Property Line Adjustment will result in Parcel 1 being a rectangular lot measuring approximately 195 feet by 130 feet. Currently Parcel 2 is an irregular, pie-shaped lot. After the Property Line Adjustment, Parcel 2 will remain an irregular shaped lot that exceeds the average width and average depth requirements of the RS zone.

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 in Exhibit 4 regarding a re-plat of the property. In addition, the City of Keizer Public Works Department is requiring all easements to be shown on the plat. With these conditions set as part of the replat process, staff finds 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: Both Parcel 1 and Parcel 2 have existing single-family homes. Both homes currently meet required setbacks and no new development is proposed with this property line adjustment. Since this proposal will adjust the property line between the two parcels in a manner that will not affect the setbacks, staff finds 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.

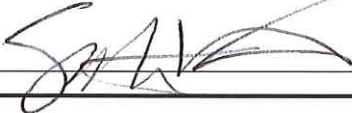
5. Section 3.106.04.E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement.

FINDINGS: The proposed property line adjustment will not change the access rights of either parcel. The proposal is to adjust the common property line between the two parcels without affecting the street frontage, access, or width of either parcel. Therefore, 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 Community Development Department at 930 Chemawa Rd NE, Keizer, Oregon.

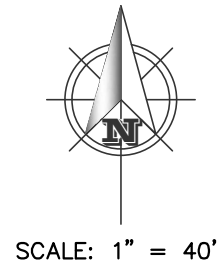
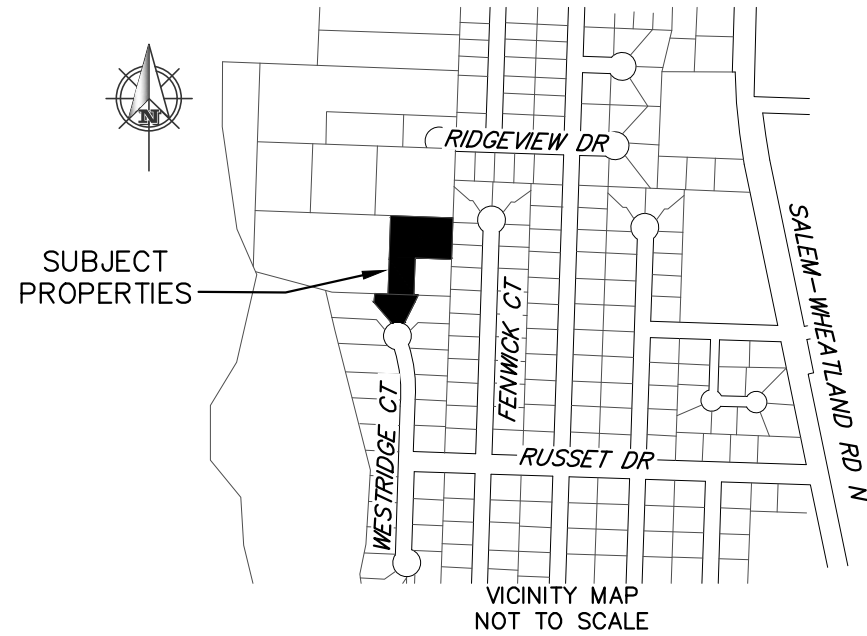
REPORT PREPARED BY: Dina Russell, Assistant Planner

Approved by: Shane Witham, Planning Director



DATE: 5/5/21

PROPOSED PROPERTY LINE ADJUSTMENT



SURVEYOR:

Gregory L Wilson
Barker Surveying
3657 Kashmir Way S.E.
Salem, OR 97317
(503) 588-8800 ext. 6
greg@barkerwilson.com

TOTAL AREA:

43,317 SQ. FT.

PROPERTY INFO

PROPOSED ADJUSTED PROPERTY "A"
Christopher & Megan Anderson
6955 Fir Grove Ln N
Keizer, OR 97303

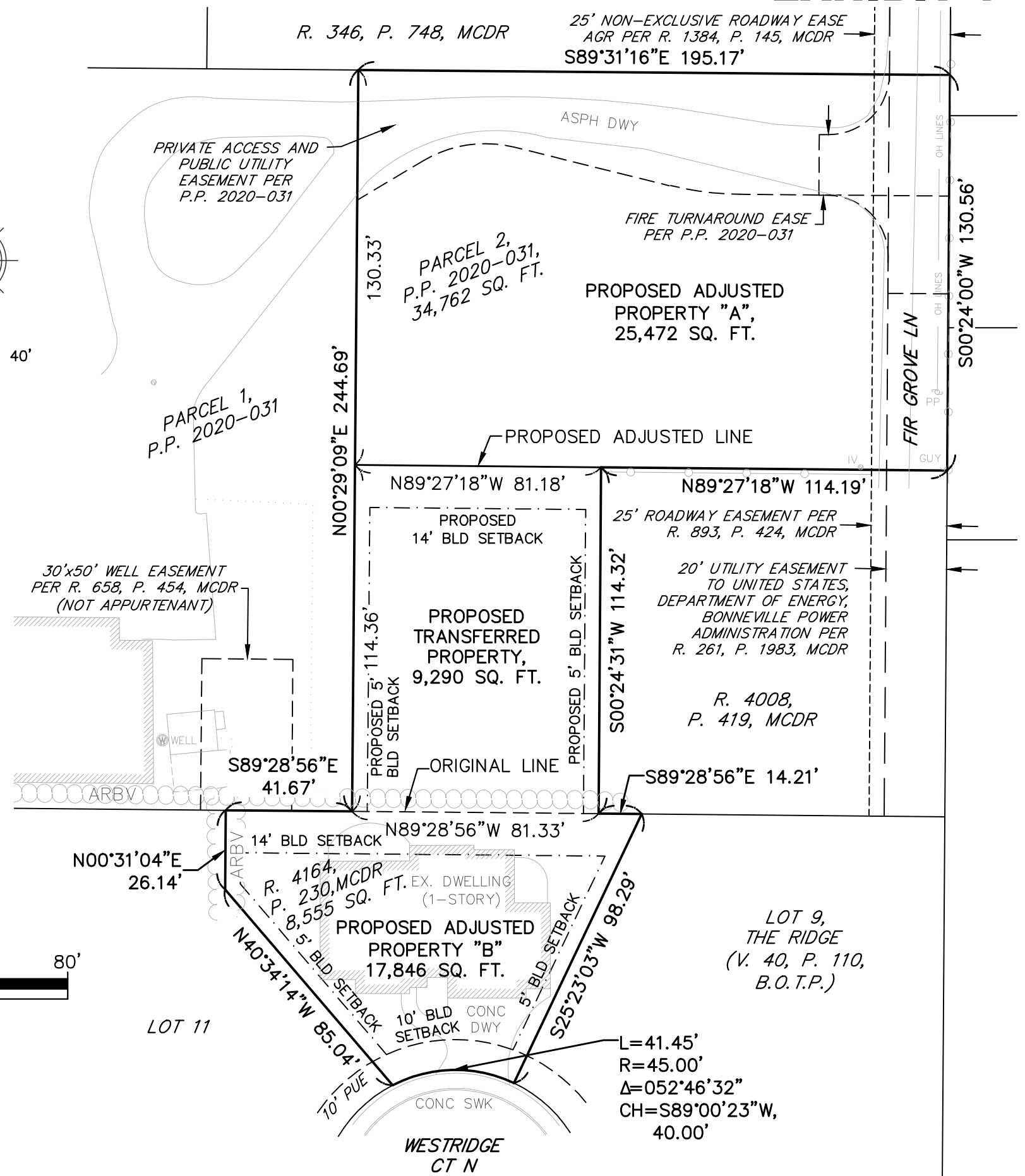
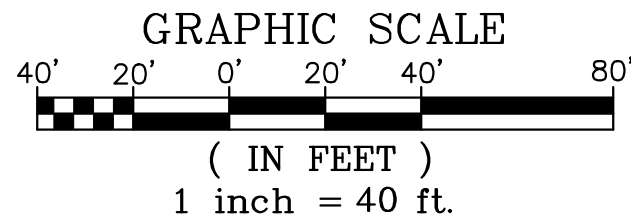
PROPOSED ADJUSTED PROPERTY "B"
Kevin Drost & Elizabeth Doran
6899 Westridge Ct N
Keizer, OR 97303

TAX LOT:

063W26CB 08400
063W26CB 11000

ZONING:

RS (Keizer)



06 3W 26CB

06 3W 26CB
KEIZER

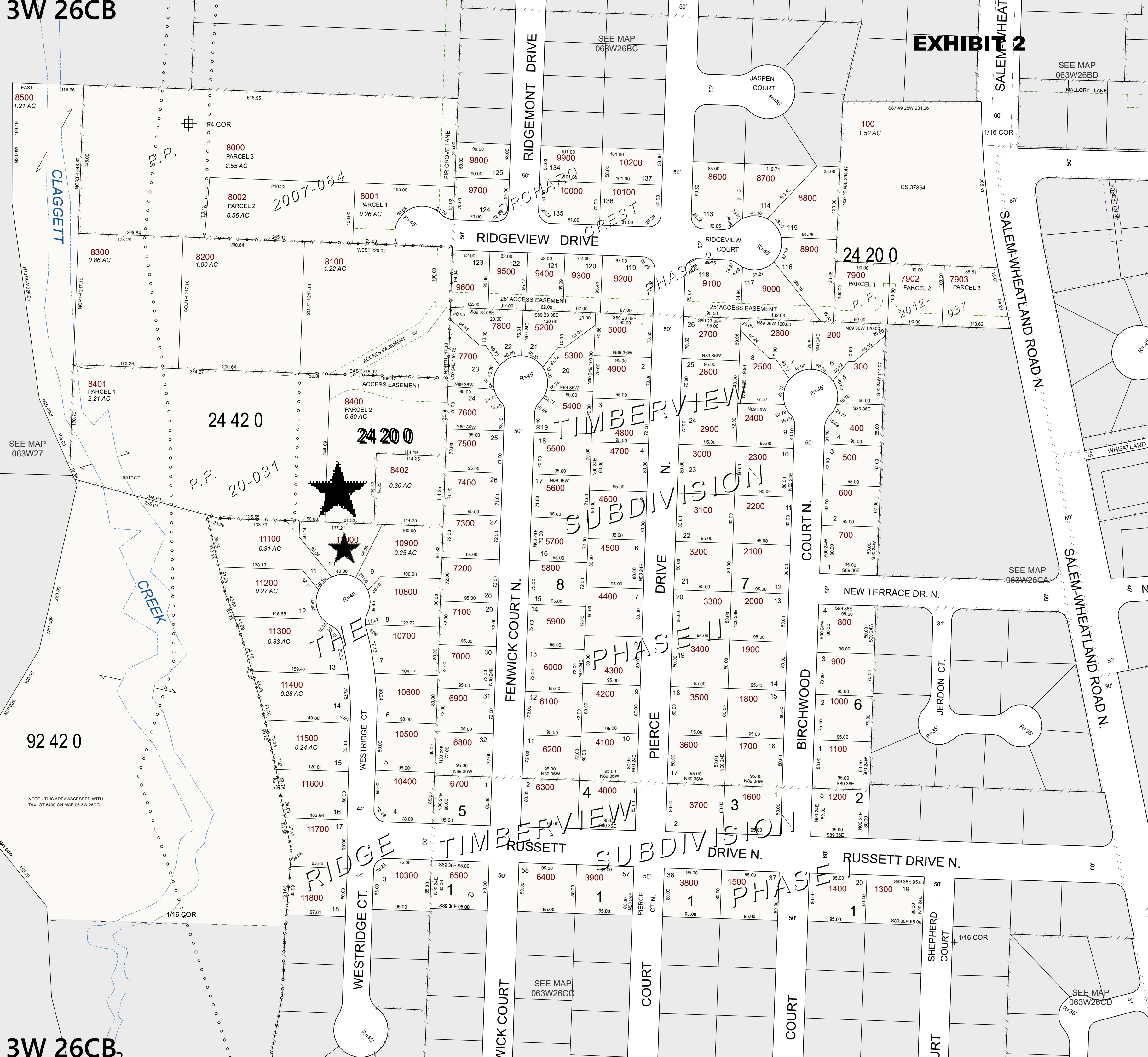
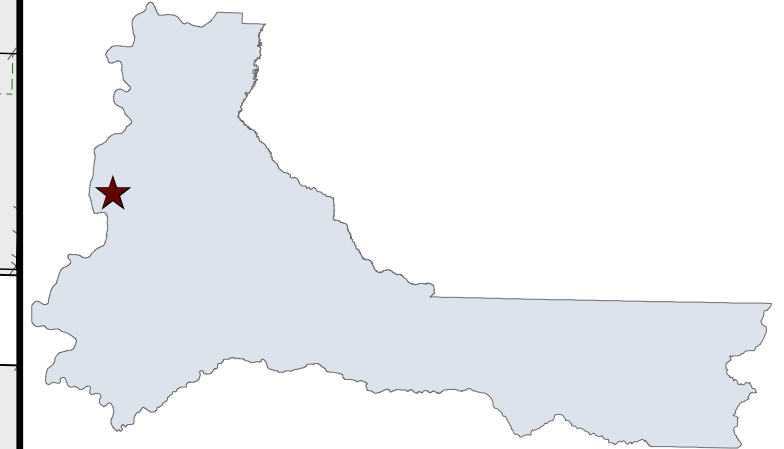


EXHIBIT 2



MARION COUNTY, OREGON
 NW1/4 SW1/4 SEC26 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
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - Waterline - Non Bndry

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

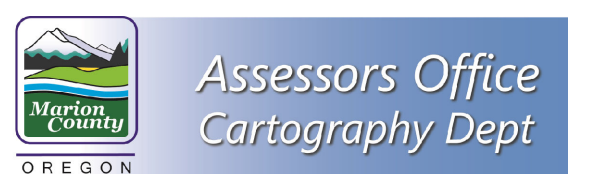
NUMBERS
 Tax Code Number
00 00 0
 Acreage 0.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

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

CANCELLED NUMBERS

5100		
6600		
7901		

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 10/16/2020
KEIZER
06 3W 26CB

06 3W 26CB

TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2021-04

APPLICANT – CHRIS ANDERSON
ADDRESS – 6955 FIR GROVE LANE AND 6899 WESTRIDGE CT. N.
ZONE – RESIDENTIAL SINGLE FAMILY

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 modification in the size of two parcels (proposed adjusted Property A and proposed adjusted Property B). Property A will be a resized parcel reduced from 34,762 sq. ft. to 25,472 sq. ft. Property B will be a resized lot from 8,555 sq. ft. to 17,846 sq. ft. The lot line adjustment plat, when submitted shall show the location of all easements that exist on the properties.

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.

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 or be revised to adequately cover the existing lines.

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.

GENERAL

Access for any future improvements proposed for either Property A of Property B shall require approval by the Public Works Department.

Comments on Planning Action: _KEI PLA 2021-04_____

Date _04/14/2021 Person Commenting _ Stephanie Heuschkel_____

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 property is greater than ten acres.
2. 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 deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. 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. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]

Marion County Planning requires perimeter descriptions of the resultant properties.

- ___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, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. 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)

- _X_1. Must comply with all provisions per ORS 92.185 (6)
- _X_2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed.
- _X_3. Checking fee and recording fees required.
- _X_4. A current or updated title report must be submitted at the time of review.
- _X_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: Replatting remaining portion of Lot 10, The Ridge and Parcel 2, P2020-031 to effect a property line adjustment.