



**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT
CASE 2021-10**

I. REQUEST

The following report reviews a request to adjust a common property line between 1520 Shady Lane NE (Parcel 1) and 1530 Shady Lane NE (Parcel 2). Parcel 1 will increase from approximately 9,680 square feet to approximately 10,614 square feet and Parcel 2 will decrease from approximately 9,680 square feet to approximately 8,746 square feet. These properties are identified on Marion County Tax Assessor's Map 073W11AD Tax lots 04900 and 04901. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT:** Rusty Thompson
- B. **PROPERTY OWNERS:** Rusty Thompson
Adalberto Acosta
- C. **PROPERTY LOCATION:** The properties are located at 1520 and 1530 Shady Lane NE, Keizer, Oregon and are also identified on Marion County Tax Assessor's Map 073W11AD Tax Lots 04900 and 04901.
- D. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 9,680 square feet (Parcel 1) and 9,680 square feet (Parcel 2). The proposed property line adjustment will result in Parcel 1 being increased to approximately 10,614 square feet and Parcel 2 will be decreased to 8,746 square feet. (Exhibit 2)
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both Parcel 1 and Parcel 2 are developed with single family dwellings and both served with both public water and sewer.
- F. **ZONING/LAND USE:** Both properties are designated Low Density Residential (LDR) in the Comprehensive Plan and are each zoned Single Family Residential (RS). Properties to the east and west are developed with single family residences and are also zoned Residential Single Family (RS). The property to the south is zoned Medium Density Residential (RM) and is developed with Multi-Family.

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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. August 16, 2021.

Unless the decision is appealed, this decision becomes final on August 17, 2021.

V. 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 before August 17, 2023. 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. 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. AGENCY COMMENTS

- A.
- B. The Keizer Public Works Department (Exhibit 3) submitted comments regarding the proposed property line adjustment.
- C. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the property line adjustment.

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 increase and Parcel 2 will decrease. 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 with the increase of Parcel 1 and the decrease 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. The result of this Property Line Adjustment will be two rectangular properties that meet the dimensional standards as stated above. Parcel 1 will increase from 50' wide to be approximately 54' 10" wide and will remain approximately 193' deep. Parcel 2 will reduce to approximately 45' 2" wide and will remain approximately 193' in depth.

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 recording of Property line adjustment deeds. This is required in order to accomplish the property line adjustment. 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: 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. This proposal will adjust the property line between the two parcels in a manner that will affect the side yard setback for each existing home. Side yard setbacks of 5' are required to be maintained. 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 or access to the public right-of-way for 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 Planning Department at 930 Chemawa Rd NE, Keizer, Oregon.

REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by: Shane Witham, Planning Director

DATE: _____