



**KEIZER COMMUNITY DEVELOPMENT  
DEPARTMENT  
NOTICE OF DECISION  
PROPERTY LINE ADJUSTMENT  
CASE NO. 2018-19**

**I. REQUEST**

The following report reviews a request to adjust a common property line between 450 Sunset Av N (Parcel 1) and 3930 5th Av N (Parcel 2). Both properties are zoned Single Family Residential (RS) and have a Comprehensive designation of Low Density Residential (LDR).

**II. BACKGROUND**

- A. APPLICANT/PROPERTY OWNERS:** Caleb Folsom (450 Sunset Av N) and Jack and Ruth Bornstedt (3930 5<sup>th</sup> Av N).
- B. PROPERTY LOCATION:** The properties are located at 450 Sunset Av N and 3930 5th Av N, Keizer, Oregon and are also identified on Marion County Tax Assessor's Map 073W10AA Tax lots 03102 and 03200 (Exhibit 1).
- C. EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 17,775 square feet (Parcel 1) and 6,035 square feet (Parcel 2). The proposed property line adjustment will result in Parcel 1 being decreased to approximately 8,654 square feet and Parcel 2 will be increased to 15,165 square feet in area. (Exhibit 2)
- D. 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.
- E. 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. July 13, 2018.

<b>Unless the decision is appealed, this decision becomes final on <u>July 14, 2018</u>.</b>
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#### V. CONDITIONS

1. A re-plat is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Recording of the property line adjustments deed and the recording of the re-plat must be done before July 14, 2019. If such documents are not submitted within one year of this decision, the preliminary approval shall lapse. A one-time one year extension shall be granted by the Community Development Director provided that no code revisions have been adopted by City Council that might otherwise affect the property line adjustment as proposed. Applicant shall submit written extension request prior to expiration of decision. After the re-plat and property line 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. COMMENTS

##### AGENCY COMMENTS:

- A. The Keizer Public Works Department (Exhibit 3) submitted comments regarding the proposed property line adjustment. No improvements for street, sewer or water is required. No vehicular access to the alley to the south will be allowed.
- B. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the property line adjustment.
- C. Portland General Electric submitted comments regarding a possible requirement of an electrical easement (Exhibit 5).

## 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 and Parcel 2 will increase. 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.

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 one rectangular property (Parcel 1) and one "L" shaped property (Parcel 2) that meet the dimensional standards as stated above. Parcel 1 will continue to be approximately 75' wide and will be approximately 115 feet deep. Parcel 2 will continue to be approximately 71 feet fronting along 5<sup>th</sup> Av N and will increase to 121' wide along rear property line.

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 a Property line adjustment deed and recording a re-plat. 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:** The rear lot lines of Parcel 1 and Parcel 2 will be relocated, thereby reducing the rear yard setback for Parcel 1 and increasing the rear setback for Parcel 2. The RS zone requires a minimum rear yard setback of 14 feet for a single level home. Both properties exceed the requirement, therefore, 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.

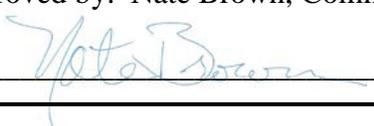
5. **Section 3.106.04.E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement.**

**FINDINGS:** The proposed property line adjustment will not change the access rights of either parcel. Parcel 1 obtains access from Sunset Av N and Parcel 2 gains access from 5<sup>th</sup> Av N. The proposal is to adjust the common property line between the two parcels without affecting the street frontage or access 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.

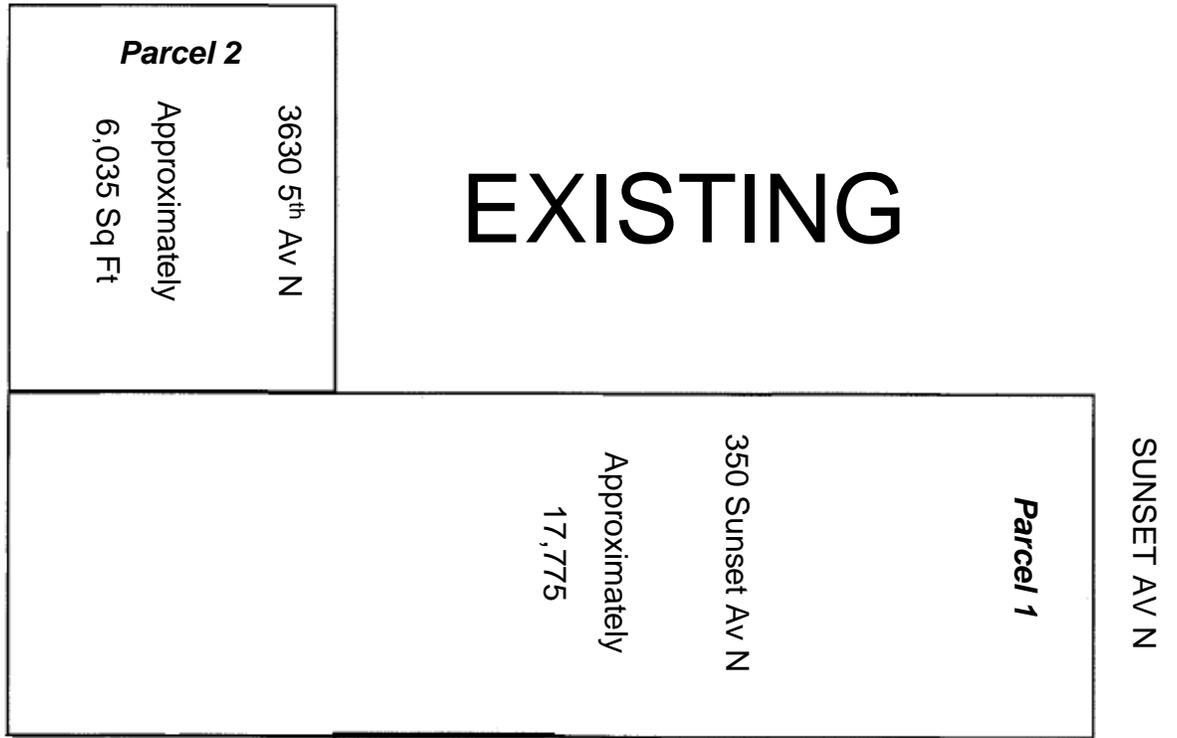
REPORT PREPARED BY: Dina Russell, Assistant Planner

Approved by: Nate Brown, Community Development Director

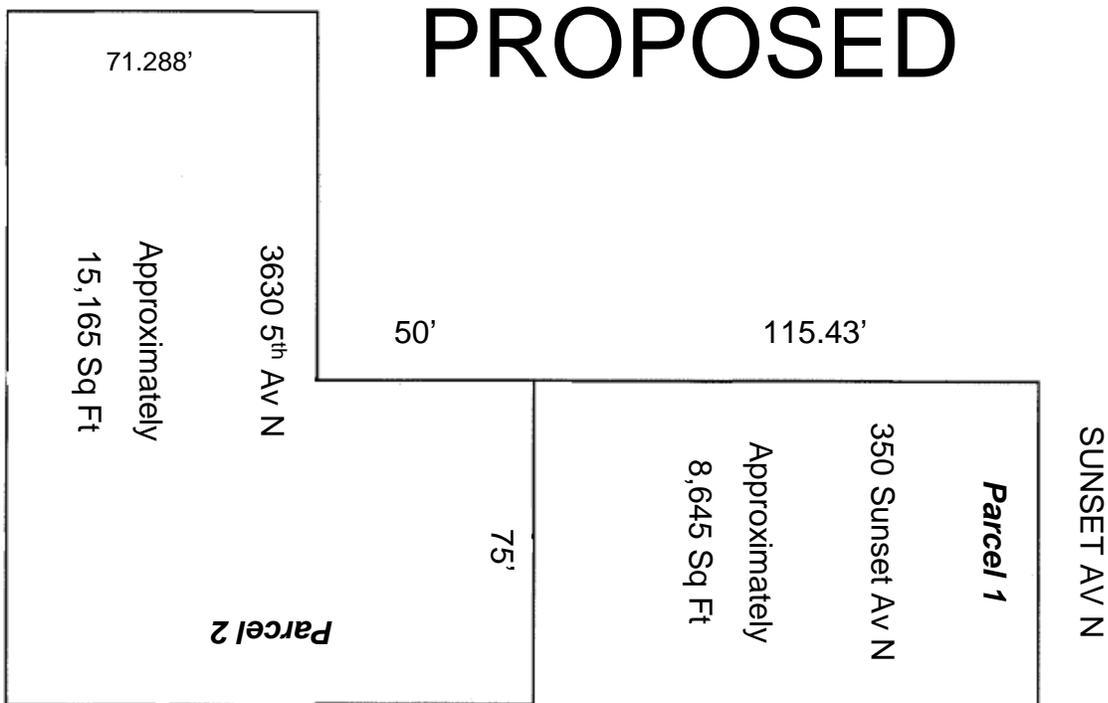
 \_\_\_\_\_ DATE: July 3, 2018



5<sup>th</sup> Av N



5<sup>TH</sup> AV N



# EXHIBIT 3

TO: DINA ROSSELL, ASSISTANT PLANNER  
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT  
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2018-19

APPLICANT – Jack and Rush Bornstedt and Caleb Folsom  
ADDRESS – 3950 5<sup>th</sup> Av. and 450 Sunset Av. N.

## PUBLIC WORKS DEPARTMENT REQUIREMENTS

No development is being proposed for the subject property at this time. The lot line adjustment is minor in nature and will result in the creation of a 8,654 sq. ft. parcel and a 15,165 sq. ft. parcel. The lot line adjustment plat, when submitted shall show the location of all easements, if any, 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. Proposed Parcel 2 will front on 5<sup>th</sup> Avenue and is adjacent to an unimproved alley to the south. No vehicular access to proposed Parcel 2 from the alley will be allowed.

## 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.

Comments on Planning Action: Keizer PLA 2018-19

Date 6/15/2018 Person Commenting Phil Jones

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. No survey required on parcels created over ten acres.
- 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 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 resultant property deeds 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:**



# REQUEST FOR COMMENTS

# EXHIBIT 5

June 14, 2018

TO: Keizer Public Works  
 Keizer Police Department  
 Marion County Surveyors  
 Marion County Comm Dev  
 City of Salem Comm Dev

AKS Engineering  
 Keizer Fire District  
 Marion County Tax Assessors  
 City of Salem Public Works

FROM: Dina Russell, Assistant Planner  
 CASE: Property Line Adjustment Case 2018-19  
 RESPONSE DATE: **June 28, 2018**

APPLICATION: The applicant is requesting to adjust a common property line between 450 Sunset Av N (Parcel 1) and 3930 5th Av N (Parcel 2). Parcel 1 will decrease from approximately 17,775 square feet to 8,654 square feet and Parcel 2 will increase from approximately 6,035 square feet to approximately 15,165 square feet. Both properties are zoned Single Family Residential (RS) and have a Comprehensive designation of Low Density Residential (LDR).

APPLICANT: Jack and Rush Bornstedt and Caleb Folsom  
 ADDRESS: 3930 5th Av and 450 Sunset Av N  
 ZONE: Residential Single Family (RS)

The Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by **June 28, 2018** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

### PLEASE CHECK THE APPROPRIATE ITEMS:

- Our agency reviewed the proposal and determined we have no comment.
- Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our Agency's comments are: depending on location of existing utilities an electrical easement may be required

Response Date: 6-18-18 Person commenting: Lerni Amzon PGE.

- ATTACHMENTS**
- Applicant's Statement
  - Vicinity Map
  - Proposed Site Plan