



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT
CASE NO. 2018-04**

I. REQUEST

The following report reviews a request to adjust a common property line between two properties. The properties are located at 4820 Rickman Rd NE (Parcel 1) and 1167 Dearborn Av NE (Parcel 2). Both properties are zoned Single Family Residential (RS) and have a Comprehensive designation of Low Density Residential (LDR). These properties are identified on Marion County Tax Assessor's Map 073W02AC Tax lots 04300 and 04000. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT:** Robert Stouder
- B. **PROPERTY OWNERS:** Robert and Shawna Stouder
- C. **PROPERTY LOCATION:** The properties are located at 4820 Rickman Rd NE and 1167 Dearborn Av NE, Keizer, Oregon and are also identified on Marion County Tax Assessor's Map 073W02AC tax lot 04300, and tax lot 04000.
- D. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 6,248 square feet (Parcel 1) and 7,914 square feet (Parcel 2). The proposed property line adjustment will result in Parcel 1 being increased to approximately 7,999 square feet and Parcel 2 will be decreased to 6,169 square feet in area. (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 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. March 5, 2018.

<p>Unless the decision is appealed, this decision becomes final on <u>March 6, 2018.</u></p>

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 March 6, 2019. If such documents are not submitted within one year 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. 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 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 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 in order to "square up" Parcel 2 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 continue to be approximately 56' wide and will be approximately 142 feet deep. Parcel 2 will continue to be approximately 62 feet wide and will be 99 feet 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. 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.

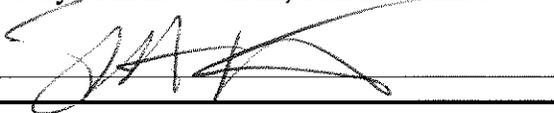
5. Section 3.106.04.E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement.

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, Senior Planner



DATE:

2/23/18

07 3W 02AC

KEIZER

SEE MAP 073W02BA

924 20 290

1/16 COR

BAILEY ROAD NE

07 3W 02AC KEIZER



MARION COUNTY, OREGON
SW1/4 NE1/4 SEC2 T7S R3W W.M.
SCALE 1" = 100'

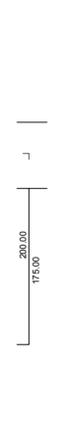
- LEGEND**
- LINE TYPES
 - Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
 - CORNER TYPES
 - + 1/16TH Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ DLC Corner
 - ⊕ 16.15 Section Corner
 - ⊕ 21.22 Section Corner

NUMBERS
Tax Code Number

000 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

4200
4800
4801
4802
5101

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 1/24/2018

07 3W 02AC KEIZER



EXHIBIT 1

EXHIBIT 2

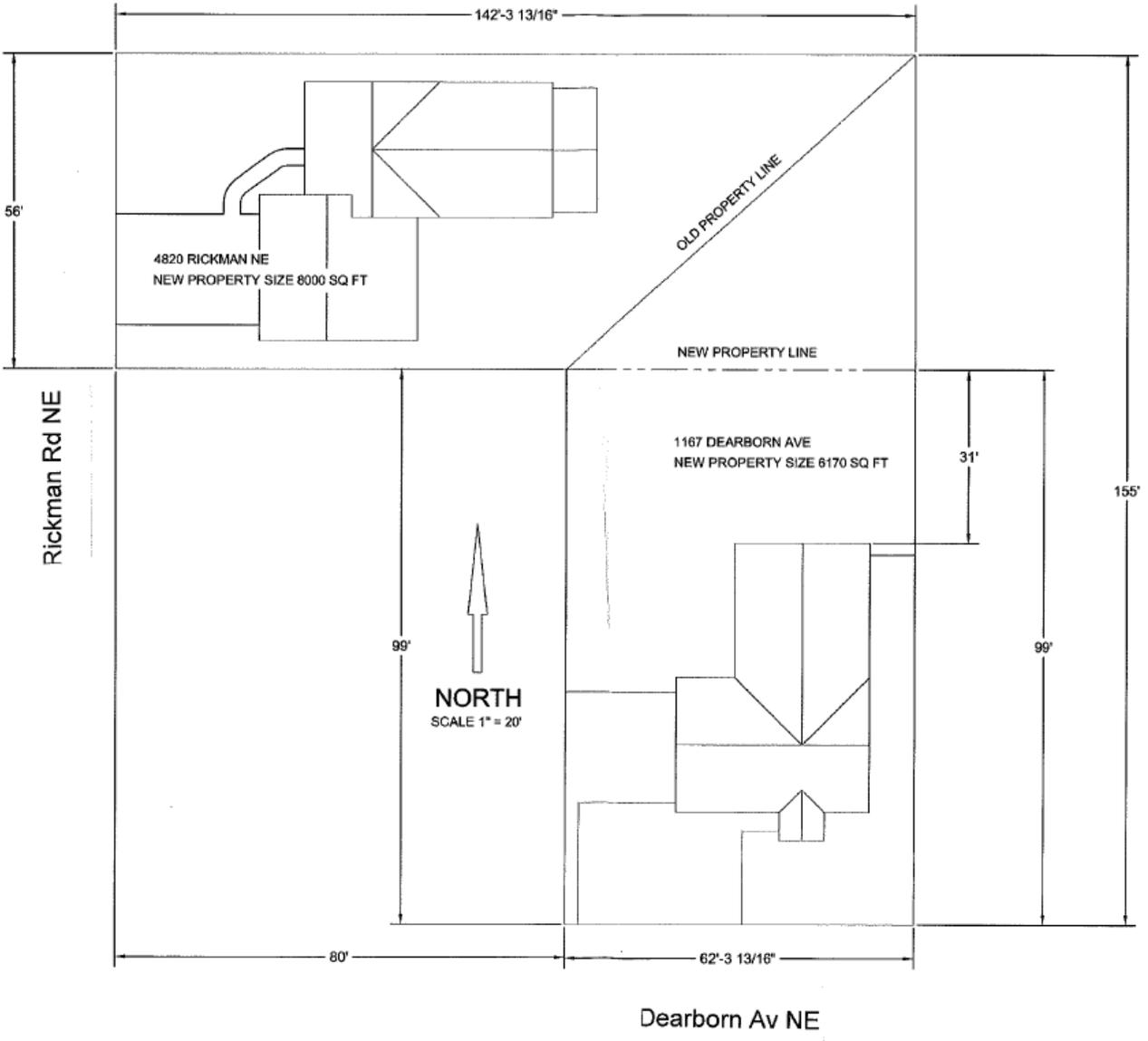


EXHIBIT 3

TO: DINA ROSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2018-04

APPLICANT – Robert Stouder
ADDRESS – 4820 Rickman Rd. NE and 1167 Dearborn Ave NE

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 7,999 sq. ft. parcel and a 6,169 sq. ft. parcel. The new configuration will “square up” the rear lot lines of the existing lots. 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. Any work required in either Rickman Rd. or Dearborn Ave. will require street opening permits.

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 PLA2018-04

Date 2/1/2018 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 less 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 less 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):

- __X__ 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: