



**CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT**

**NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT 2018-03**

I. REQUEST

The following report reviews a request to adjust a common property line between two properties located in the 1100 block of Candlewood Dr. NE, Keizer, Oregon. Parcel A will decrease in size from 58,806 square feet to 19,799 square feet and Parcel B will increase in size from 24,148 square feet to 63,166 square feet. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT:** Clutch Industries Inc
- B. **PROPERTY OWNER:** West Candlewood Business Park LLC
- C. **PROPERTY LOCATION:** The properties are identified as being located on the Marion County Tax Assessor's Maps as Township 7 South; Range 3 West; Section 11AC; Tax Lots 06700 and 06900. (Exhibit 2)
- D. **EXISTING PARCEL SIZES:** Parcel A is 58,806 square feet in area and Parcel B is 24,148 square feet in area.
- E. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** An industrial building of approximately 24,000 square feet currently straddles both Parcel A and Parcel B.
- F. **ZONING:** Each parcel is designated General Industrial on the Comprehensive Plan map and zoned Industrial Business Park (IBP).
- G. **ADJACENT ZONING AND LAND USES:** Properties to the east are zoned Medium Density Residential (RM) and developed with apartments. Properties to the west and north are zoned Industrial Business Park (IBP) and developed with a recycling business and an auto repair business. Properties to the south are within the city limits of Salem.

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 and conditions 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 Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. March 5, 2018.

**Unless the decision is appealed, this decision becomes final on
March 6, 2018.**

V. CONDITIONS

1. Recording of the property line adjustment deeds and submitting the property line survey, as required by Marion County Surveyor, must be done before March 5, 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. In order to ensure Parcel B has a legal means of access, the proposed access easement must be provided, and shall be a minimum of 20 feet in width. The easement must be shown on the property line survey. Appropriate documentation must be provided to the City regarding the creation and maintenance of the proposed easement prior to the property line survey being submitted for review. The applicant may wish to provide more than 20 feet in width for the access easement in order to preserve development options for the property. Contact the Keizer Fire District to determine the required width of the proposed access easement.
3. Development of the access easement area, including paving, installation of no parking signs, and installation of address signage will be placed as a condition of any building permit approval or other development on Parcel B.
4. 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 public facility requirements for the proposed property line adjustment.
- B. The Marion County Surveyor's office (Exhibit 4) submitted comments regarding the process for accomplishing the lot line adjustment.
- C. The Keizer Fire District submitted comments (Exhibit 5) regarding the access easement width.
- D. The City of Keizer Police 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 adjusts the common property line between two existing parcels in order to reconfigure them. It will not create a new parcel. The result of the reconfiguration is that Parcel A will decrease in size and Parcel B will increase in size. Two separate parcels currently exist, and after the property line adjustment, two parcels will still exist. Therefore, 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 Industrial Business Park (IBP). There are no quantified minimum dimension or lot size standards in the IBP zone. However the IBP zone does require that parcel sizes must be adequate to contain all structures within the required yard setbacks. It shall be noted that no changes or development is proposed with this Property Line Adjustment. However, when the parcels are developed, the building permit review and approval process will ensure minimum requirements of the IBP 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.

Also, 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. Therefore, 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: Currently there is an existing industrial building approximately 24,000 square feet that straddles both properties. When an IBP zoned property abuts any other district except another “I” district, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. The Applicant does not propose any development at this time. Setbacks to any future structures and height requirements will be regulated at the time of development of the parcel through the building permit review and approval process. Therefore, with this condition 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 all 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 existing building currently straddles the property line separating Parcel A and Parcel B. Parcel B, as it currently is configured, has no legal means of access and is landlocked. The applicant is proposing the creation of a 20’ wide private access easement to serve Parcel B in conjunction with this property line adjustment request. This is acceptable to the City, as it will ensure both parcels have a legal means of access. As a condition of approval, the access easement must be shown on the property line survey and appropriate documentation must be provided to the City regarding the creation and maintenance of the proposed easement prior to the property line survey being submitted for review.

The Keizer Fire District submitted comments (Exhibit 5) that the proposed 20’ width does meet their minimum standard (20’ paved width with no parking signs located on both sides), but the requirement could expand to as much as 26’ of paved width depending on the use established. It is recommended the applicant contact the Keizer Fire District for details.

Development of the access easement, including paving, installation of no parking signs, and installation of address display signage will be placed as a condition of any building permit approval or other development on Parcel B. The development of the access easement must be consistent with the provisions of the Keizer Development Code.

Staff finds, with the creation of the access easement, this request does not prohibit any property from accessing a public right of way or an access easement. Therefore, with this condition this request satisfies this criterion.

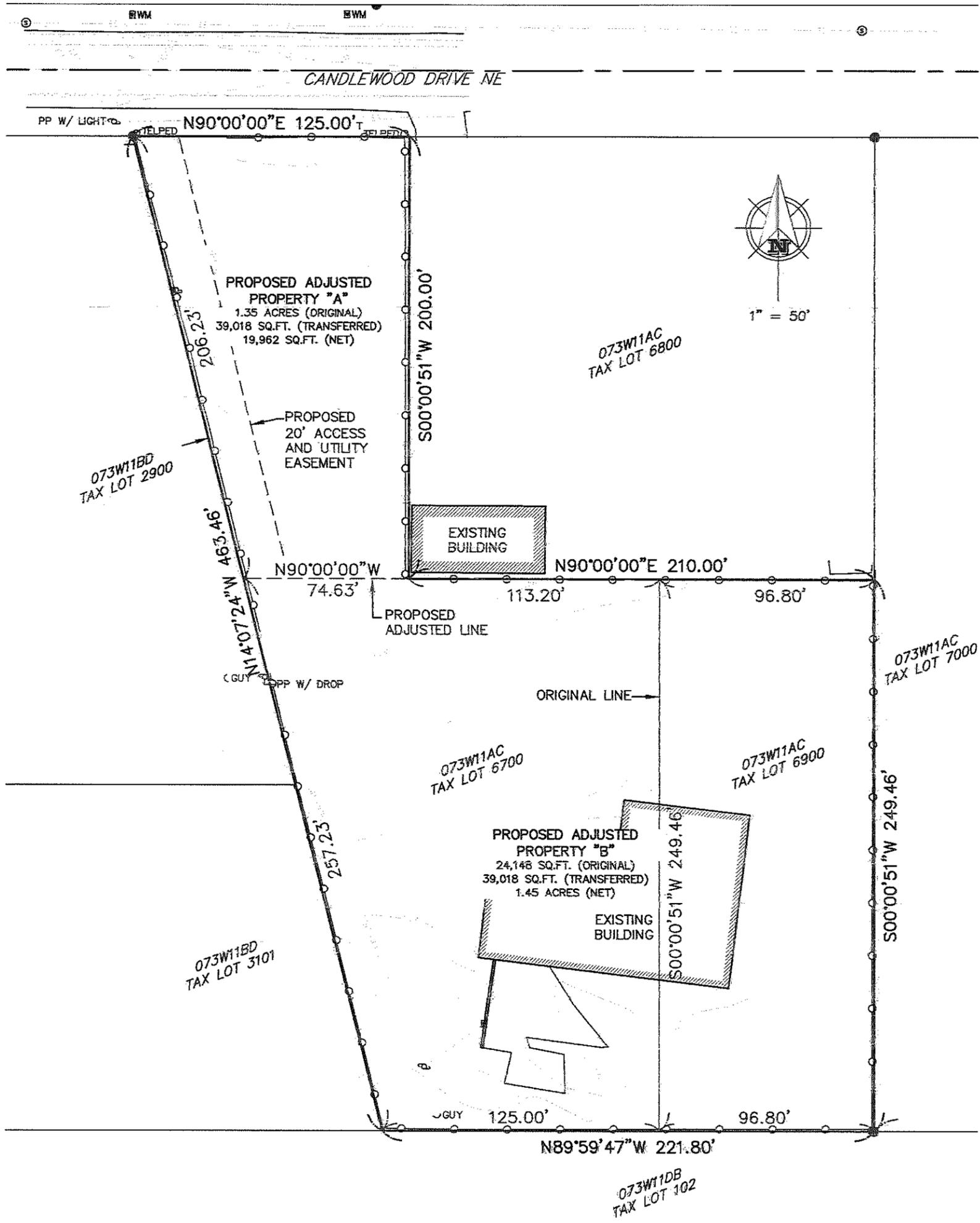
The proposed property line adjustment conforms to Section 3.106.04 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section V of this report. If you have any question about this application or the decision please call (503) 856-3441 or visit the 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: 2/23/18

PROPOSED PROPERTY LINE ADJUSTMENT



PROPERTY INFO

West Candlewood Business Park LLC
360 Belmont St NE
Salem, OR 97301

TAX LOT:

073W11AC 06700, 06900

SITE ADDRESS:

1120 Candlewood Drive NE
Keizer, OR 97303

ZONING:

Industrial Business Park (IBP)

SURVEYOR:

Jamison Best
Barker Surveying
3657 Kashmir Way S.E.
Salem, OR 97317
(503) 588-8800 ext. 6
jay@barkerwilson.com

TOTAL AREA:

1.91 ACRES

RECEIVED
CITY OF KEIZER

JAN 09 2018

COMMUNITY DEVELOPMENT



07 3W 11AC

KEIZER

07 3W 11AC

KEIZER



MARION COUNTY, OREGON
SW1/4 NE1/4 SEC11 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Historical Boundary
 - Road Right-of-Way
 - Easement
 - Railroad Right-of-Way
 - Railroad Centerline
 - Private Road ROW
 - Taxcode Line
 - Subdivision/Plat Bndry
 - Map Boundary
 - 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
000 000 000
- Acreage All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs
0.25 AC
- NOTES**
- Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

EXHIBIT 2

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



Assessors Office
Cartography Dept

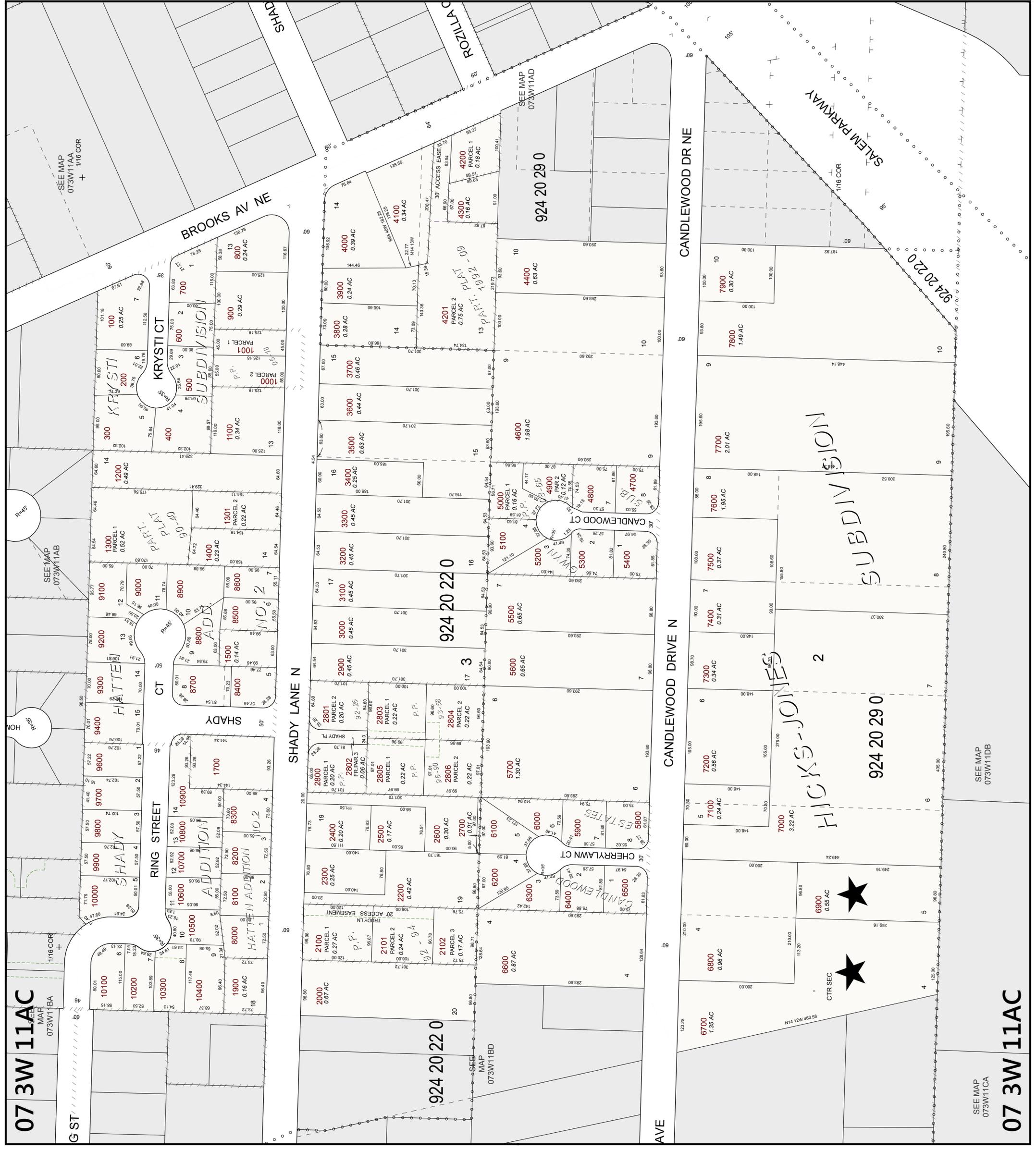
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 1/24/2018

KEIZER

07 3W 11AC

07 3W 11AC



CANCELLED NUMBERS

1401
1501
1600
1701
1800
1801
1901
4500
9500

SEE MAP 073W11CA

SEE MAP 073W11DB

SEE MAP 073W11AA

SEE MAP 073W11AB

SEE MAP 073W11BD

SEE MAP 073W11AD

SEE MAP 073W11CA

SEE MAP 073W11DB

EXHIBIT 3

TO: DINA ROSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2018-03

APPLICANT – Clutch Industries Inc
ADDRESS – 1100 Block of Candlewood Dr. 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 19,799 sq. ft. parcel and a 63,166 sq. ft. parcel. The new configuration will eliminate a lot line through an existing building. 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 in Candlewood Drive 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 PLA 2018-03

Date 2/6/2018 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):

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:

EXHIBIT 5

From: [Anne-Marie Storms](#)
To: [Russell, Dina](#)
Subject: RE: Request for Comments Property Line Adjustment 218-04
Date: Tuesday, February 20, 2018 4:39:08 PM
Attachments: [image003.emz](#)
[image007.png](#)
[image008.png](#)
[image012.png](#)

Good Afternoon,

The 20 foot access road currently meets the minimum standards; however it needs to be a 20 foot drivable surface with no parking on either side. Depending on what the property use is, it may need to be expanded to 26 feet drivable surface in the future.

Anne-Marie

Anne-Marie Storms
Deputy Fire Marshal
Keizer Fire District
503-390-9111
