



**KEIZER PLANNING DEPARTMENT  
NOTICE OF DECISION  
PROPERTY LINE ADJUSTMENT  
CASE 2022-06**

**I. REQUEST**

The following report reviews a request to adjust a common property line between 3400 River Rd N (Parcel A) and 609 Plymouth Dr NE (Parcel B). Parcel A will decrease from approximately 38,768 square feet to 30,163 square feet and Parcel B will increase from approximately 16,553 square feet to approximately 23,609 square feet. (Exhibit 1)

**II. BACKGROUND**

- A. APPLICANT:** Chris Anderson
- B. PROPERTY OWNERS:** Chris Anderson  
Lilly Chen and Hong Ying Wu
- C. PROPERTY LOCATION:** The properties are located at 3400 River Rd N and 609 Plymouth Dr NE; Marion County Tax Assessor's Map No. 073W11CB Tax Lots 01100 and 01200. (Exhibit 2)
- D. EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 38,768 square feet (Parcel A) and 16,553 square feet (Parcel B). The proposed property line adjustment will result in Parcel A being decreased to approximately 30,163 square feet and Parcel B being increased to 23,609 square feet.
- E. EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Parcel A is developed with a eating and drinking establishment and Parcel B is currently being developed with a mixed use development. Both parcels are served with public sewer and public water.
- F. ZONING/LAND USE:** Both properties are designated Mixed Use (MU) in the Comprehensive Plan and each have a zoning designation as Mixed Use (MU). Both properties are also within the River-Cherry Overlay District (RCOD). Surrounding properties to the north and south are developed with commercial businesses and the property to the east is zone Medium Density Residential (RM) and developed with a multi-family complex.

**III. DECISION/APPEAL**

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 VI. of this report.

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. May 23, 2022.

**Unless the decision is appealed, this decision becomes final on May 24, 2022.**

#### IV. 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 May 24, 2024. 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.
3. All conditions as stated in Exhibit 3 - City of Keizer Public Works Comments must be completed. Specifically, the applicant shall provide a minimum 20-foot-wide pipeline easement (currently, the easement shown is only 10 feet) to the City of Keizer Public Works Department before this Property Line Adjustment is complete.

#### V. 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. Keizer Fire District, City of Keizer Police Department and the City of Salem Planning have reviewed the proposal and determined they have no comments.

## VI. 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 A will decrease and Parcel B 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 subject properties are zoned MU and are located within the RCOD. There are no quantified minimum dimension or lot size standards in the MU zone, however, the MU zone does require that parcel size be adequate to contain all structures within the required setbacks. Parcel A is developed with an eating and drinking establishment and associated parking lot area. The property line adjustment will locate the property line closer to the existing building and parking area, but still provides adequate setback to the improvements. Parcel B will be developed with a mixed-use development and setbacks will be reviewed at the time of building permit approval. The proposed property line adjustment is being pursued in order to construct a parking lot area that will serve the mixed-use development on Parcel B.

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 surveying of the property and recording of Property line adjustment deeds. 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:** Parcel A is developed with an existing eating and drinking establishment and Parcel B is proposed to be developed with a mixed-use complex and associated parking. Both properties currently meet required setbacks and with this property line adjustment, both sites will continue to maintain appropriate setbacks. For the new development on Parcel B, setbacks will be regulated at the time of building permit review

and approval. The City of Keizer Public Works Department submitted comments stating that a 10' wide pipeline easement exists on Parcel A, however, it is not adequately sized for the existing public storm and sewer utilities. As a condition of approval, the applicant shall provide a minimum 20-foot-wide pipeline easement to the City of Keizer Public Works Department before this Property Line Adjustment is complete. 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 access to the public right-of-way for either parcel. The City of Keizer Public Works has submitted comments (Exhibit 3) regarding the requirement for the two existing driveways on Plymouth Drive to be consolidated with the new development on Parcel B. 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:

5/12/22



# PROPOSED PROPERTY LINE ADJUSTMENT

**PROPERTY INFO**

**PROPOSED ADJUSTED PROPERTY "A"**  
 CHEN, LILLY WU, HONG YING  
 3400 RIVER RD N  
 Keizer, OR 97303

**PROPOSED ADJUSTED PROPERTY "B"**  
 ANDERSON PROPERTY SOLUTIONS, INC  
 609 PLYMOUTH DR NE  
 Keizer, OR 97303

**TAX LOT:**

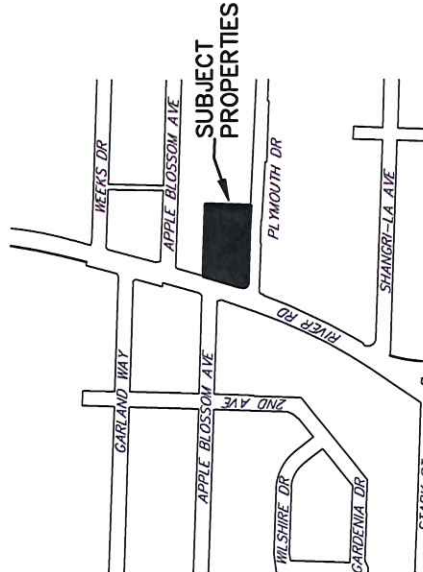
073W11CB 01100  
 073W11CB 01200

**ZONING:**

MU (Keizer)

**TOTAL AREA:**

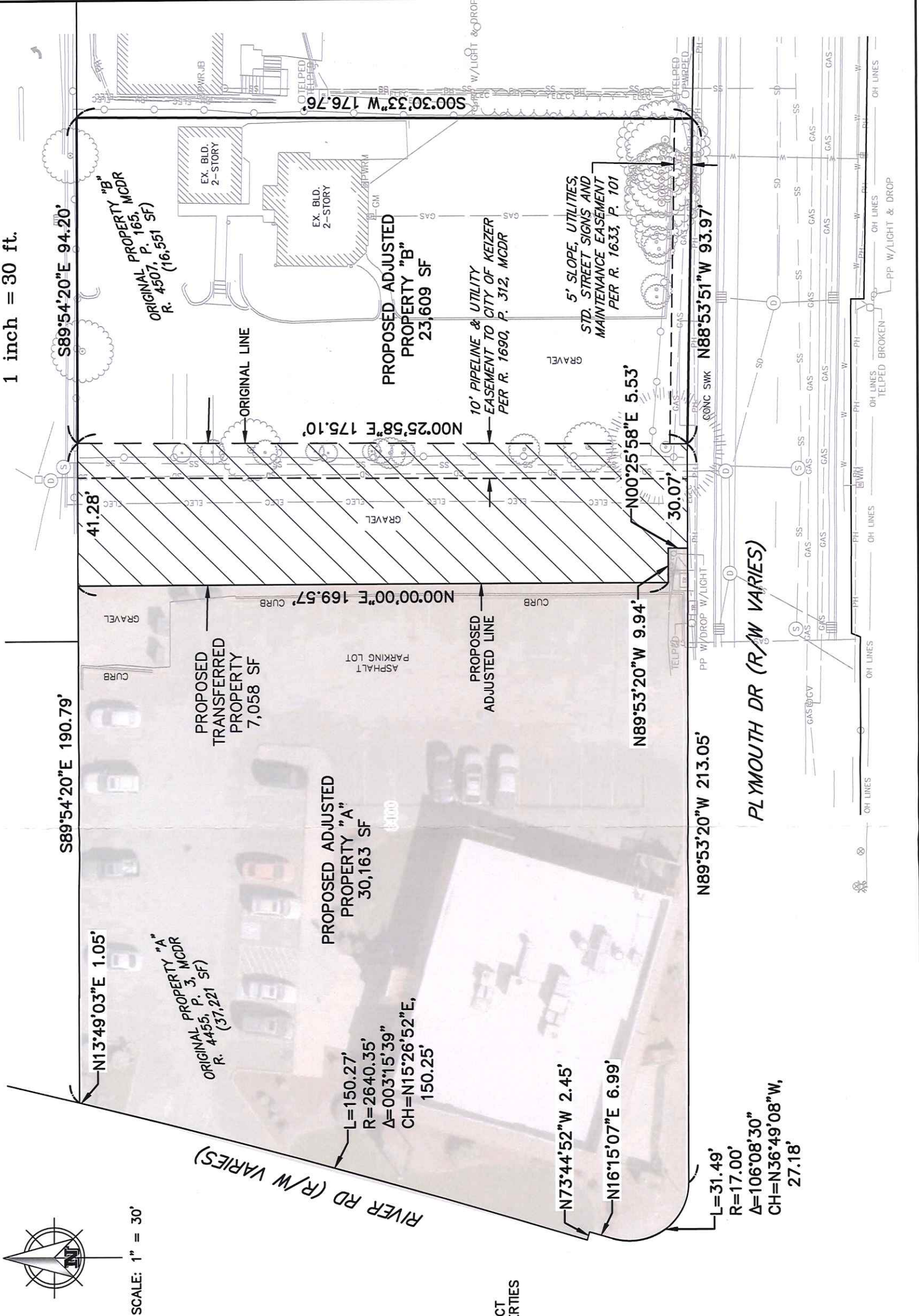
1.23 ACRES



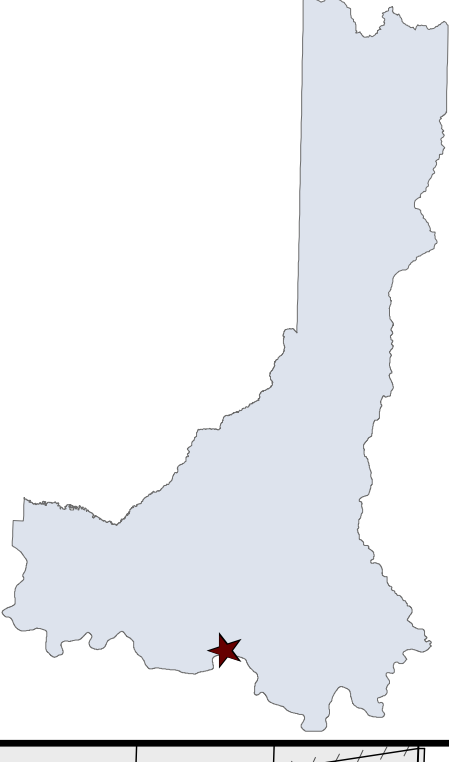
VICINITY MAP  
 NOT TO SCALE

**SURVEYOR:**

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







MARION COUNTY, OREGON  
NW1/4 SW1/4 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.
  - ⊙ D/LC Corner
  - ⊕ 16 15 Section Corner
  - ⊕ 21 22 Section Corner
- NUMBERS**
- Tax Code Number  
**00 00 0**

**NOTES**

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

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWS

CANCELLED NUMBERS

1300
1500
1700
2001
2201L1
3201
4400
5000
5100

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 10/16/2020



# EXHIBIT 3

TO: DINA HORNER, ASSISTANT PLANNER  
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT  
SUBJECT: PROPERTY LINE ADJUSTMENT CASE NO. 2022-06

APPLICANT – CHRIS ANDERSON  
ADDRESS – 3400 RIVER ROAD (PROPOSED PARCEL A) AND 609 PLYMOUTH DR.  
(PROPOSED PARCEL B).  
ZONE – MIXED USE (MU)

## PUBLIC WORKS DEPARTMENT REQUIREMENTS

The property line adjustment is minor in nature and will result in a size modification of Parcel A and Parcel B. Proposed Parcel A, 3400 River Road will decrease from approximately 38,768 square feet to approximately 30,163 square feet and Proposed Parcel B will increase from approximately 16,553 square feet to approximately 23,609 square feet

The lot line adjustment plat, when submitted shall show the location of all easements that exist and are proposed on the properties.

## STREET AND DRAINAGE IMPROVEMENTS:

The Lot Line Adjustment will extend frontage for Parcel B along Plymouth Dr. and result in 2 existing driveways being closely spaced on Proposed Parcel B. The 2 driveways shall be consolidated with any new development on Parcel B which will require street improvements to replace the impacted curb and sidewalk along the frontage of Plymouth Drive. The required street improvements shall be constructed to meet the current City of Keizer Street Standards. Any drainage or other 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.

## SANITARY SEWERS

No sanitary sewer improvements 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.

## EASEMENTS

A 10-foot wide pipeline easement does exist on eastern property line of the existing Parcel A, however, it is not adequately sized for the existing public storm and sewer utilities. As condition of approval, applicant shall provide a minimum 20-foot-wide pipeline easement to the City of Keizer.

Comments on Planning Action: Keizer PLA 2022-06

Date 04/21/2022 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)]
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)

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:**