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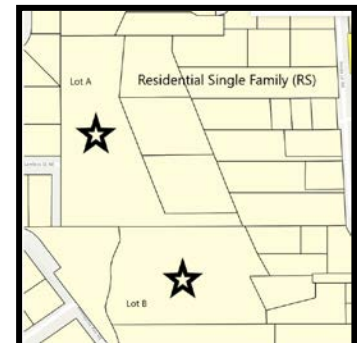
**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
PROPERTY LINE ADJUSTMENT
CASE 2024-10**

I. REQUEST

The following report reviews a request for a Property Line Adjustment to adjust a common property line between 1510 Lawless Street NE (Lot A) and 4520 Stinnett Lane NE (Lot B). Lot A will decrease from approximately 3.61 acres to 3.39 acres and Lot B will increase from approximately 3.33 acres to approximately 3.55 acres. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Macgregor and Cynthia Ostrander
- B. **PROPERTY OWNER:** David and Estella Rieben
- C. **AGENT:** William L. Ghiorso
- D. **PROPERTY LOCATION:** The properties are located at 1510 Lawless Street NE and 4520 Stinnett Lane NE; The Marion County Assessor’s map identifies the properties as Township 7 South; Range 3 West; Section 02DA; Tax Lots 05100and 03600. (Exhibit 2)
- E. **EXISTING PARCEL SIZES:** Currently, the property sizes are approximately 3.61 acres (Lot A) and 3.33 acres (Lot B).
- F. **EXISTING PUBLIC FACILITIES AND DEVELOPMENT:** Both properties are developed with single family dwellings and public sewer and public water is available to both parcels.
- G. **ZONING/LAND USE:** Both properties are designated as Low Density Residential (LDR) in the Comprehensive Plan and has a zoning designation as Single Family Residential (RS). Adjacent properties are predominately developed with single family homes.



III. 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 City of Keizer Police Department and the Keizer Fire District have reviewed the proposal and determined they have no comments.

IV. FINDINGS AND CONCLUSIONS

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, Lot A will decrease from approximately 3.61 acres to 3.39 acres and Lot B will increase from approximately 3.33 acres to approximately 3.55 acres. 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: Both properties are zoned RS. The applicant's site plan and written statement indicate both parcels currently meet the dimensional standards of the RS zone and will continue to meet the standards after the proposed property line adjustment is complete. By eliminating the "strip" of land from Lot A, the result is a more uniformly shaped parcel.

As a condition of this property line adjustment approval, the applicant will be required to comply with all City of Keizer Public Works comments and the Marion County Surveyor's Office requirements regarding the property line adjustment process. With these conditions, staff finds this request can satisfy 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 properties are developed with existing single family dwellings that comply and will continue to comply after the property line adjustment, with all setbacks and height provisions of the Keizer Development Code. Staff finds this request can satisfy 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 that indicated both parcels were lawfully created. 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 prohibit either property from accessing the public right away. Lot A will use the existing access point to Lawless Lane NE and Lot B will continue to obtain access from Stinnett Lane NE. Therefore, staff finds this request complies with this criterion.

V. DECISION/APPEAL

The proposed Property line adjustment conforms with the applicable decision criteria of Section 3.106.04 of the Keizer Development Code based on the findings located in Section IV of this report. 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.

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. July 25, 2024.

Unless the decision is appealed, this decision becomes final on July 26, 2024.

VI. CONDITIONS AND REQUIREMENTS

1. Recording of the property line adjustment deeds and submitting the property line survey must be done before July 26, 2026. 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. The property line adjustment deeds and exhibits shall show the location of all existing easements on the properties.

3. Any future development on the property will be subject to the development and permit requirements in effect at that time, including but not limited to grading and drainage, stormwater management, erosion control, construction, street opening, and floodplain development permits.
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 the parcel.

REPORT PREPARED BY: Dina Horner, Assistant Planner

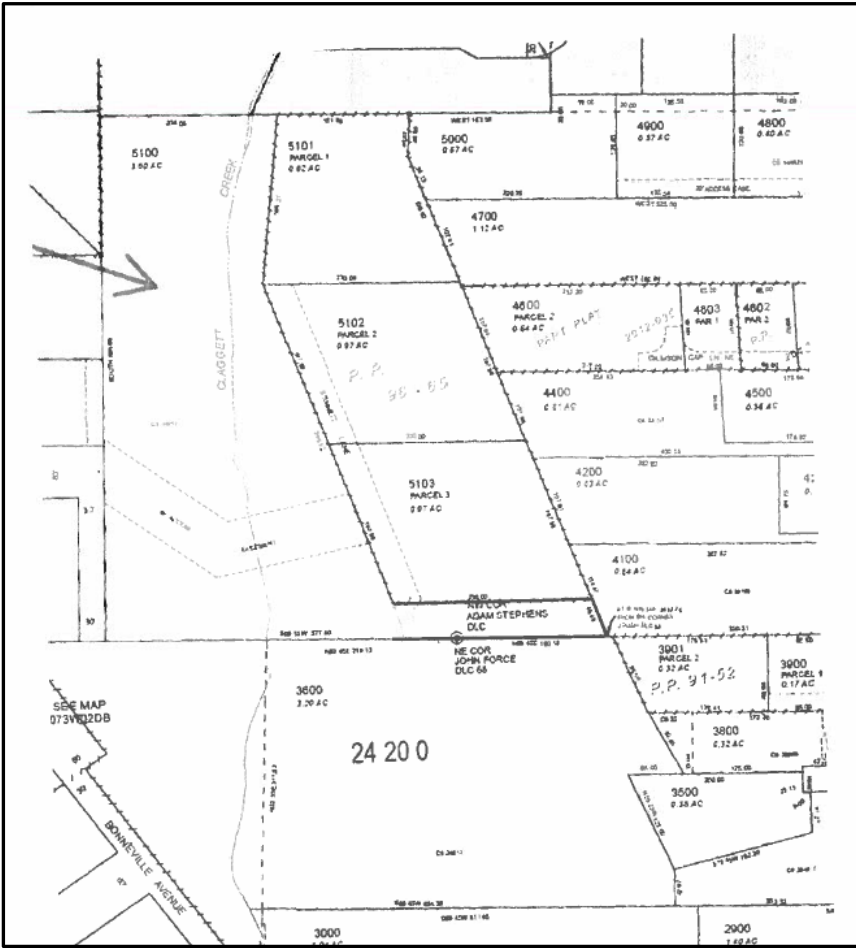
Approved by: Shane Witham, Planning Director



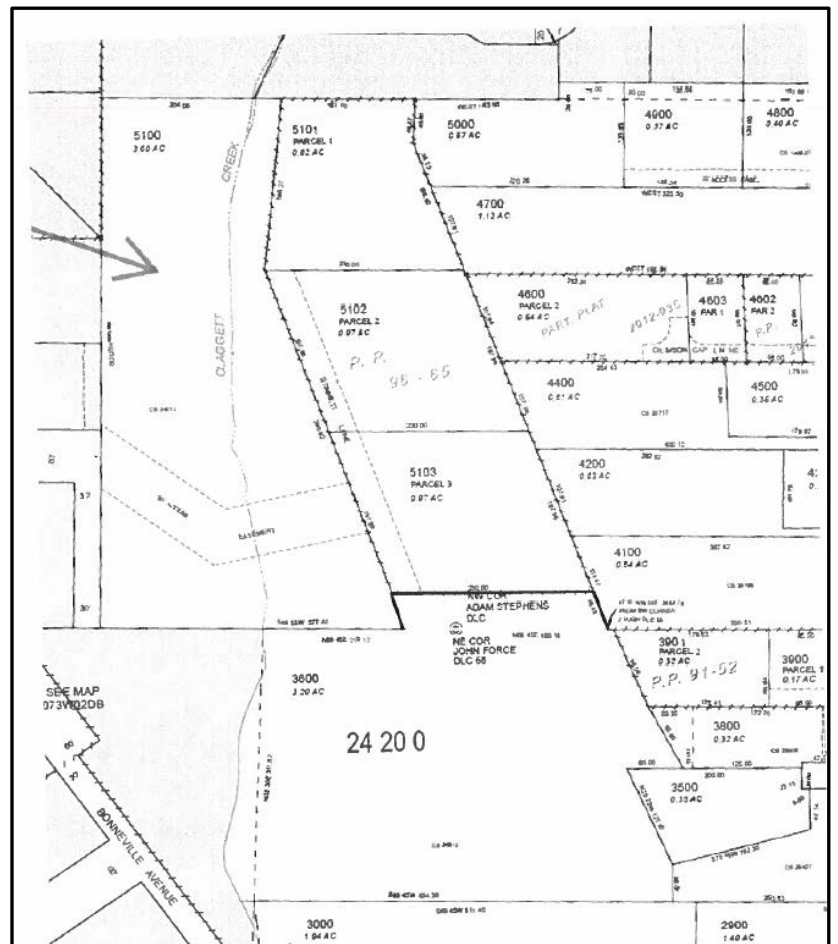
DATE: July 15, 2024

EXHIBIT 1

Current Properties



After Property Line Adjustment



PLA CASE NO. 2024-10**PROPERTY ADDRESS: 1510 Lawless St NE & 4520 Stinnett Ln NE**

The applicant is requesting to adjust a common property line between 1510 Lawless Street NE (Lot A) and 4520 Stinnett Lane NE (Lot B). Lot A will decrease from approximately 3.61 acres to 3.39 acres and Lot B will increase from approximately 3.33 acres to approximately 3.55 acres. Both properties are zoned Single Family Residential (RS) and have a Comprehensive Plan designation of Low Density Residential (DLR).

EXISTING CONDITIONS:

- a) Lot A has access to right-of-way along the southwest side of the property (Lawless Street NE and an unopened half right-of-way to the south), as well as access to the private portions of Lawless Street NE and Stinnett Lane NE. Lot B has access to Lawless Street NE through the private Stinnett Lane NE. Water, sanitary sewer, and storm systems are located in these streets and the existing structures are connected to these utilities.
- b) Wetlands on the subject properties have been delineated and are included in the Local Wetland Inventory.
- c) Per Flood Insurance Rate Map Number 41047C0332G, the majority of both Lots are located within the Zone AE Special Flood Hazard Area (SFHA), with the portion along Claggett Creek located within the regulatory Floodway.

PUBLIC WORKS DEPARTMENT REQUIREMENTS. The Public Works Department has reviewed the application materials. Development is not being proposed with this application, and the adjustment is minor in nature and reconfigures two existing parcels as indicated above. Public Works recommends the following conditions of approval and development requirements:

- a) The property line adjustment deeds and exhibits shall show the location of all existing easements on the properties.
- b) All existing agreements for access to the two properties shall remain in effect after the adjustment of the property line.
- c) Any future development on the property will be subject to the development and permit requirements in effect at that time, including but not limited to grading and drainage, stormwater management, erosion control, construction, street opening, and floodplain development permits.

Comments on Planning Action: Keizer Property Line Adjustment 2024-10

Date 7/12/2024 Person Commenting Kent Inman

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. The property line adjustment must be surveyed and monumented per ORS 92.060 (7).
- 2. 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. Per ORS 92.190 (4).
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. 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.

Other comments specific to this Planning Action: