

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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503-588-6173*

ADMINISTRATIVE DECISION FOR CLASS 2 TIME EXTENSION

CASE NO.: PAR14-06EXT1
AMANDA NO.: 16-110973-LD
DATE OF DECISION : July 26, 2016
PROPERTY LOCATION: 2512 Brown Road NE
OWNER: Pacific Interiors, Inc.
REPRESENTATIVE: Norman Bickell

REQUEST

A Class 2 Extension to extend the approval for a tentative partition plan with Class 2 Adjustment (Partition Case No. PAR14-06) by two years to July 19, 2018. PAR14-06 granted approval to divide approximately 0.47 acres into 3 parcels ranging in size from 6,674 square feet to 7,297 square feet, and extend the approval of consolidated a Class 2 Adjustment to terminate the northern end of Kodiak Court NE without a cul-de-sac turnaround.

The subject property is zoned RA (Residential Agriculture) and located at 2512 Brown Road NE (Marion County Assessor Map and Tax Lot Number: 072W18DA01100).

BACKGROUND

On July 3, 2014, the Planning Administrator approved a tentative partition plan to divide approximately 0.47 acres into 3 parcels, with proposed Parcel 1 consisting of 6,674 square feet (6,066 square feet exclusive of flag lot accessway), proposed Parcel 2 consisting of 6,682 square feet, and proposed Parcel 3 consisting of 7,297 square feet (6,090 square feet exclusive of flag lot accessway); together with a Class 2 adjustment to terminate the northern end of Kodiak Court NE without a cul-de-sac turnaround as required under SRC 63.225(c). The tentative partition plan and adjustment approvals were set to expire on July 19, 2016.

On June 9, 2016, the applicant submitted a timely request to extend the approval of the tentative partition plan and adjustment for PAR14-06 for a period of two years. On June 23, 2016, the application for the Class 2 Extension was deemed complete and public notice was provided pursuant to Salem Revised Code (SRC) requirements on June 30, 2016.

FINDINGS

1. Tentative partition plan No. 14-06 with Class 2 Adjustment was approved on July 3, 2014 (Attachment B). At this time, permits have been issued for construction of public improvements required for final plat approval. The applicant has requested a 2-year extension, which would extend the expiration period for the amended tentative subdivision plan approval to July 19, 2018.

2. Under the City's Unified Development Code, extension requests are classified under one of the following two classes:

- **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application; or
- **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

Because there have been changes to the standards and criteria used to approve the original application, this new extension request is classified as a Class 2 Extension.

3. Neighborhood Association and Citizen Comments

- A. The subject property is located within the North Lancaster Neighborhood Association (NOLA). No written comments were received from NOLA on the extension request.
- B. All property owners within 250 feet of the subject property were mailed notification and request for comments on the proposed extension. No comments from nearby property owners were received prior to the comment deadline.

4. City Department and Public Agency Comments

- The Public Works Department has reviewed the proposal and indicated that they have no comments.

5. Public and Private Service Provider Comments

Notification and request for comments on the proposed extension was distributed to public and private agencies and service providers for the subject property. Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

6. Class 2 Time Extension Approval Criteria

SRC 300.850(b)(4)(B) establishes the following approval criterion which must be met in order for a Class 2 Time Extension to be approved:

A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

7. Analysis of Class 2 Time Extension Approval Criteria

A Class 2 Extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

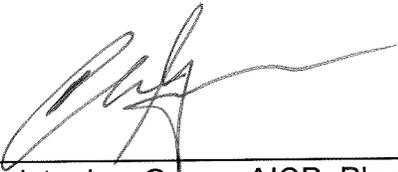
Finding: Tentative partition plan with adjustment 14-06 was approved in 2014 under the requirements of former SRC Chapter 63 (Subdivisions). Since the approval of the tentative partition plan with adjustment, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria.

The standards and criteria applicable to partitions and Class 2 Adjustments were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions require modification of the original partition approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the partition and adjustment remain the same. Because there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval, this criterion is met.

DECISION

Based on the requirements of SRC 300.850(b)(4)(B), the proposed Class 2 Extension complies with the requirements for an affirmative decision.

The Class 2 Extension to extend the approval for the 3-parcel tentative partition plan (Partition Case No. PAR14-06), on property approximately 0.47 acres in size, zoned RA (Residential Agriculture) and located at 2512 Brown Road NE (Marion County Assessor Map and Tax Lot Number: 072W18DA01100) is hereby **APPROVED**. **The extension shall be valid through July 19, 2018.**



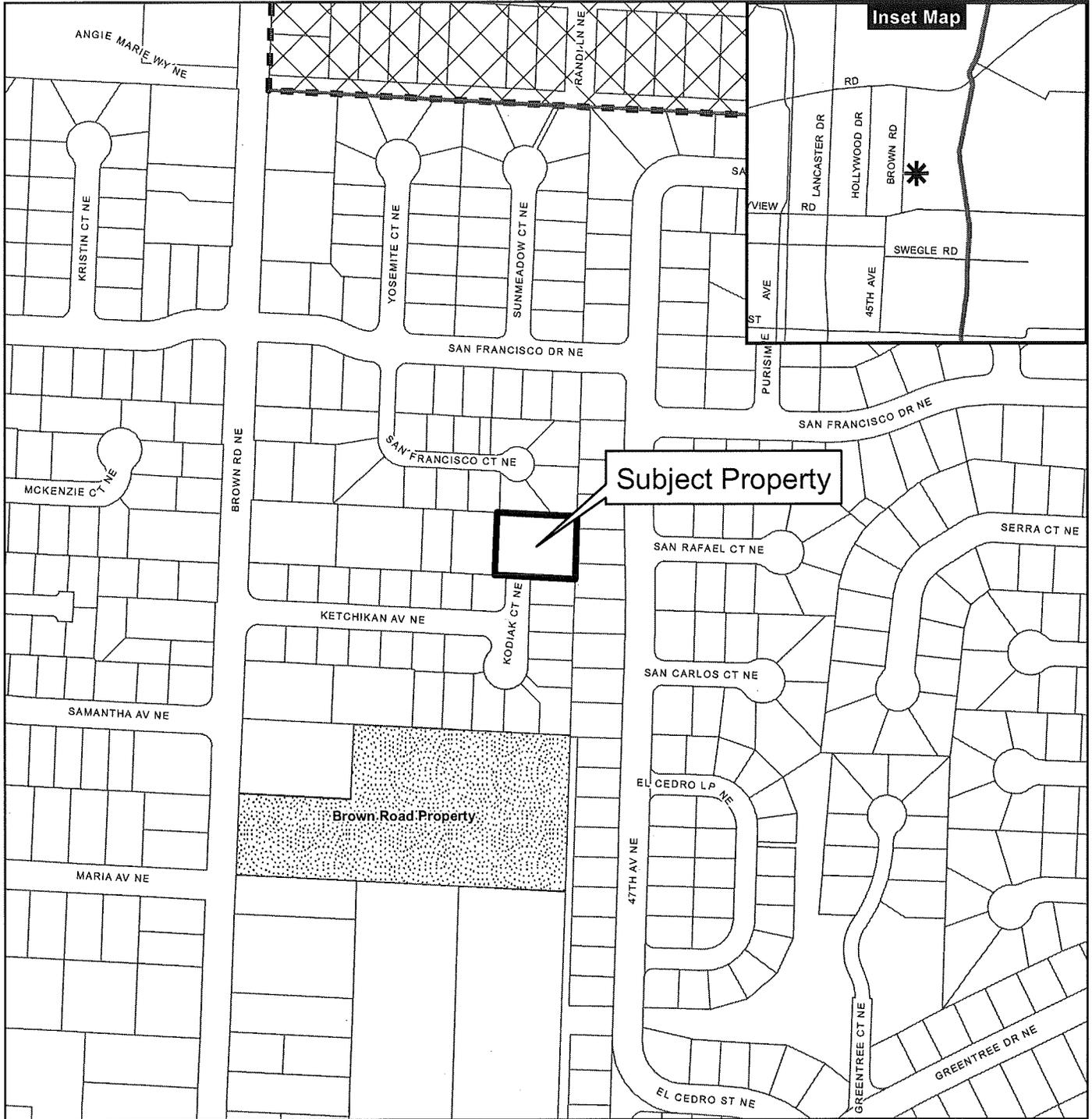
Christopher Green, AICP, Planner II
Planning Administrator Designee

Attachments: A. Vicinity Map
 B. Decision of the Planning Administrator approving Case No. PAR14-06

Application Deemed Complete: June 9, 2016
Decision Mailing Date: July 26, 2016
Decision Effective Date: August 11, 2016
State Mandated Decision Date: October 21, 2016

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division Room 305, 555 Liberty Street SE Salem OR 97301 no later than **Wednesday, August 10, 2016 by 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. The Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 2512 Brown Rd. NE



Legend

- Taxlots
- Outside Salem City Limits
- Parks
- Urban Growth Boundary
- Historic District
- City Limits
- Schools

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Community Development Dept.



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DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO. PAR14-06

APPLICATION NO. : 14-106365-LD

NOTICE OF DECISION DATE: JULY 3, 2014

Application Summary: An application to divide property located at 2512 Brown Road NE into 3 parcels. The application also includes a request to terminate the northern end of Kodiak Court NE without a cul-de-sac turnaround.

Request: To divide approximately 0.47 acres into 3 parcels, with proposed Parcel 1 consisting of 6,674 square feet (6,066 square feet exclusive of the flag lot accessway), proposed Parcel 2 consisting of 6,682 square feet, and proposed Parcel 3 consisting of 7,297 square feet (6,090 square feet exclusive of the flag lot accessway); together with a Class 2 Adjustment to terminate the northern end of Kodiak Court NE without a cul-de-sac turnaround as required under SRC 63.225(c).

The property is zoned RA (Residential Agriculture) and located at 2512 Brown Road NE (Marion County Assessor Map and Tax Lot Number: 072W18DA01100).

APPLICANT: PACIFIC INTERIORS INC (FRED KASACHEV)**LOCATION:** 2512 BROWN RD NE, 97305**CRITERIA:** Salem Revised Code Chapter 63

DECISION: The Planning Administrator **GRANTED** Partition Case No. PAR14-06 subject to the following conditions of approval:

Condition 1: Access to the parcels shall be taken from Kodiak Court NE. No access shall be allowed to the 20-foot-wide private roadway to the west of the subject property.

Condition 2: The front lot line of Parcel 1 shall be the south property line. The front lot line of Parcel 2 shall be the west property line. The front lot line of Parcel 3 shall be the west property line.

Condition 3: Prior to final plat approval, design and construct necessary water and sewer services for all proposed parcels in compliance with Public Works Design Standards.

Condition 4: Prior to final plat approval, the applicant's engineer shall obtain approval for a stormwater design per SRC 71.020. The plans shall show the proposed stormwater facilities to be used for single family dwelling construction on each lot and shall demonstrate compliance with PWDS Appendix 4E related to green stormwater infrastructure.

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Condition 5: Show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.

Condition 6: Pay water connection fees for Proposed Parcel 1, 2, and 3 prior to plat approval per SRC Chapter 21.

Condition 7: Submit a written petition to the City to dedicate, as public right-of-way, the existing reserve strip across the end of Kodiak Court NE. This dedication shall be completed prior to final plat approval.

Condition 8: The flag lot accessway serving Parcels 1, 2, and 3 shall be revised to provide a modified turnaround at the end of Kodiak Court NE as shown in **Attachment 1**. The applicant shall construct the modified turnaround and provide a 5-foot-wide private sidewalk easement to benefit the public. The remainder of the flag lot accessway located outside of the modified turnaround shall be paved to a minimum width of 20 feet. "NO PARKING" signs shall be posted on both sides of the flag lot accessway. The addresses of the flag lots shall be posted at the entrance to the flag lot accessway. The flag lot accessway, including the modified turnaround which is part of the flag lot accessway, shall be privately maintained.

The rights granted by this decision must be exercised, or an extension granted, by the following dates or this approval shall be null and void:

Tentative Partition Plan: July 19, 2016

Class 2 Adjustment: July 19, 2016

Application Deemed Complete: May 29, 2014

Notice of Decision Mailing Date: July 3, 2014

Decision Effective Date: July 19, 2014

State Mandate Date: September 26, 2014

Case Manager: Bryce Bishop, bbishop@cityofsalem.net B.B.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., **July 18, 2014**. The notice of appeal must contain the information required by SRC 300.1020. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>