

*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173.*

ADMINISTRATIVE DECISION FOR CLASS 2 TIME EXTENSION

CASE NO.: SUB08-04EXT4
AMANDA NO.: 16-115320-LD
DATE OF DECISION: September 29, 2016
PROPERTY LOCATION: 6617 Devon Avenue SE
OWNER: Garret and Alice Berndt
APPLICANT: Mark Shipman, Saalfeld Griggs

REQUEST

A Class 2 Extension to extend the approval of Subdivision Case No. SUB08-04, a 38-lot subdivision approved in 2008. The subject property is approximately 9.95 acres in size, zoned RA (Residential Agriculture), and located at 6617 Devon Avenue SE (Marion County Assessor's Map and Tax Lot Number: 083W22C00200).

BACKGROUND

On August 11, 2016, an extension request was submitted by the applicant seeking to extend the approval of the Oakridge Estates subdivision (Case No. SUB08-04) for an additional period of two years (**Attachment A**).

The subdivision, which was approved in 2008, divided RA (Residential Agriculture) zoned property located at 6617 Devon Avenue SE (**Attachment B**) into 38 lots ranging in size from approximately 7,500 square feet to approximately 13,789 square feet (**Attachment C**).

On August 31, 2016, the application was deemed complete and public notice was provided pursuant to Salem Revised Code (SRC) requirements.

FINDINGS

1. Subdivision 08-04 was originally approved on September 15, 2008. However, due to the state of the economy and the inventory of single family homes on the market, the applicant was unable to commence with development of the subdivision within the initial 2-year expiration period. As a result, the applicant requested their first time extension to extend the expiration period of the subdivision in 2010 and subsequently requested two additional 2-year time extensions, one in 2012 and one in 2014. All of the prior extensions were approved and the expiration period for the subdivision was extended to September 15, 2016.
2. On August 11, 2016, a new extension request was submitted by the applicant. Pursuant to SRC 300.850(b)(1), Table 300-3, a maximum of four two-year time extensions are allowed for a tentative subdivision approval. Because this new extension is the fourth extension requested for the subdivision, it will also be the final extension possible under the code.
3. 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.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

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 South Gateway Neighborhood Association. No comments on the proposal were received from the neighborhood association.
- B. All property owners within 250 feet of the subject property were mailed notification of the proposal. One comment was received from a neighboring property owner indicating they have reviewed the proposal and have no objections to it.

4. City Department and Public Agency Comments

The Public Works Department and Salem Fire Department reviewed the proposal and indicated no objections.

5. 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.

6. 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: Subdivision 08-04 was approved in 2008 under the requirements of former SRC Chapter 63 (Subdivisions). Since approval of the subdivision in 2008, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The Unified Development Code 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 subdivisions 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 subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision 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.

CONCLUSION

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

DECISION

The Class 2 Extension to extend the approval of Subdivision Case No. SUB08-04, a 38-lot subdivision approved in 2008 for property approximately 9.95 acres in size, zoned RA (Residential Agriculture), and located at 6617 Devon Avenue SE (Marion County Assessor Map and Tax Lot Number: 083W22C00200), is hereby **APPROVED.**

The extension shall be valid through September 15, 2018. Pursuant to SRC 300.850(b)(1), Table 300-3, this is the final time extension possible under the Salem Revised Code.



Bryce Bishop, Planner II
Planning Administrator Designee

Attachments: A. Applicant's Extension Request
B. Vicinity Map
C. Subdivision Case No. SUB08-04 Tentative Plan

Application Deemed Complete: August 31, 2016
Decision Mailing Date: September 29, 2016
Decision Effective Date: October 15, 2016
State Mandated Decision Date: December 29, 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 **October 14, 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.

ATTACHMENT A

August 11, 2016

Glenn Gross
City of Salem
Community Development Department
555 Liberty Street SE, Room 305
Salem, OR 97301



RE: Subdivision No. 08-4 Approval – Oak Ridge Estates (6617 Devon Avenue SE)
Our File No. 18495

Dear Glenn:

This office represents the Owner of the property which is the subject of the above-referenced subdivision decision. On behalf of the Owner, we hereby request a 2-year extension of the approval of Subdivision No. 08-4 pursuant to SRC 63.049(b). Approval was granted by the Subdivision Review Committee on September 15, 2008. A two-year time extension was granted for this project in 2010, 2012 and 2014 by the Urban Planning Administrator. The current expiration date for both the subdivision approval and the related UGA approval is September 15, 2016.

Due to the area's current economic state and the current inventory of single family homes on the market, the engineering on the project has not been completed. Nothing has changed to warrant re-filing a subdivision application, and the property owner still anticipates moving forward with this project at a more advisable time. Therefore, the applicant is requesting a two-year time extension for Subdivision No. 08-4, thereby extending the date to September 15, 2018.

I have also enclosed a check for the required fee of \$169.00.

Please copy this office on further correspondence related to this matter. If you have any questions regarding this issue, please call me at (503) 399-1070. Thank you in advance for your attention to this matter.

Sincerely,


MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MDS:jsm
Enclosure
cc: Bruce Thorn

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

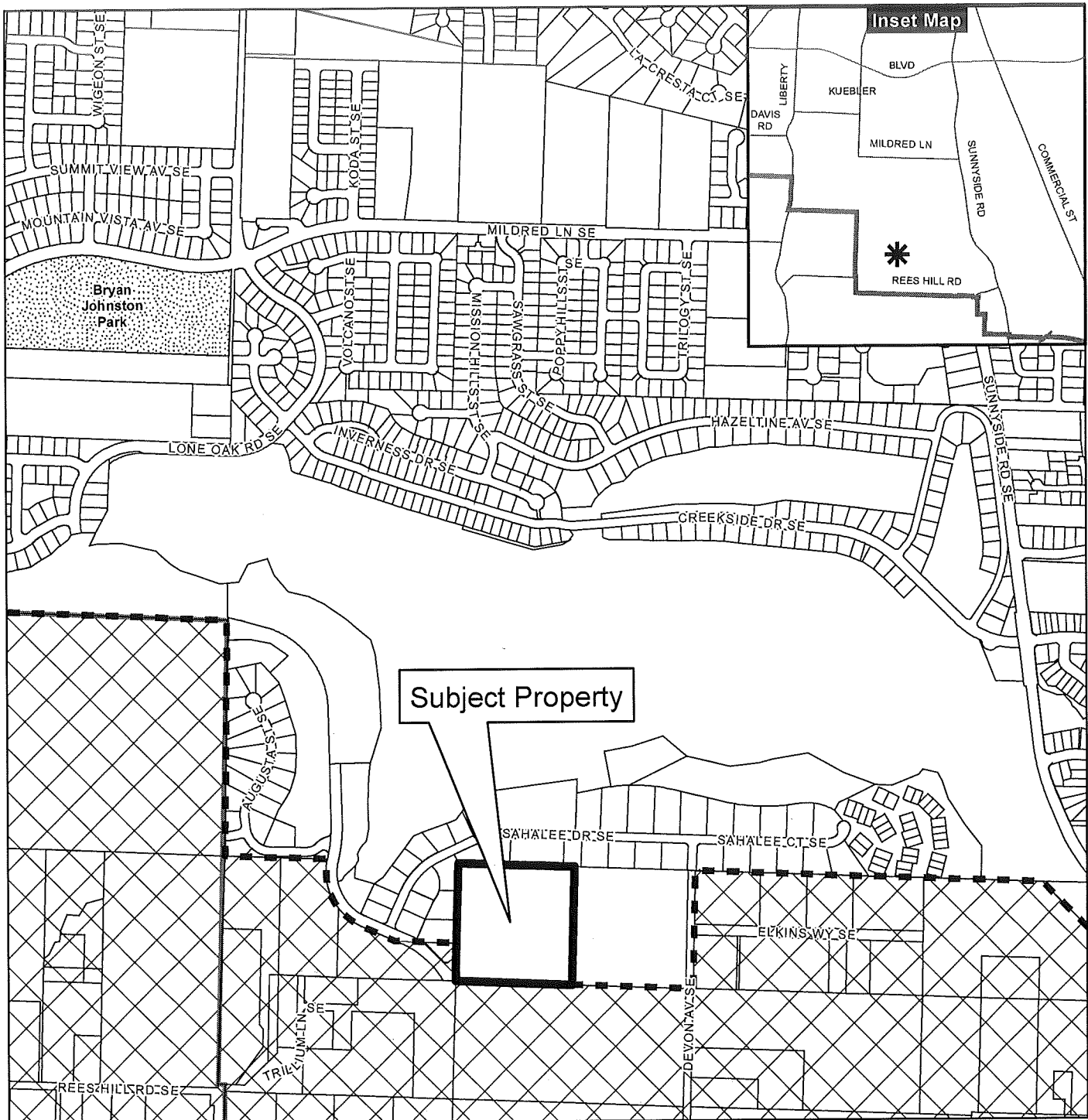
Post Office Box 470
Salem, Oregon 97308

tel 503 399.1070
fax 503.371.2927

www.sglaw.com

Vicinity Map

6617 Devon Avenue SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

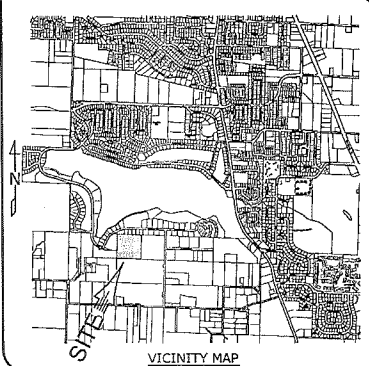
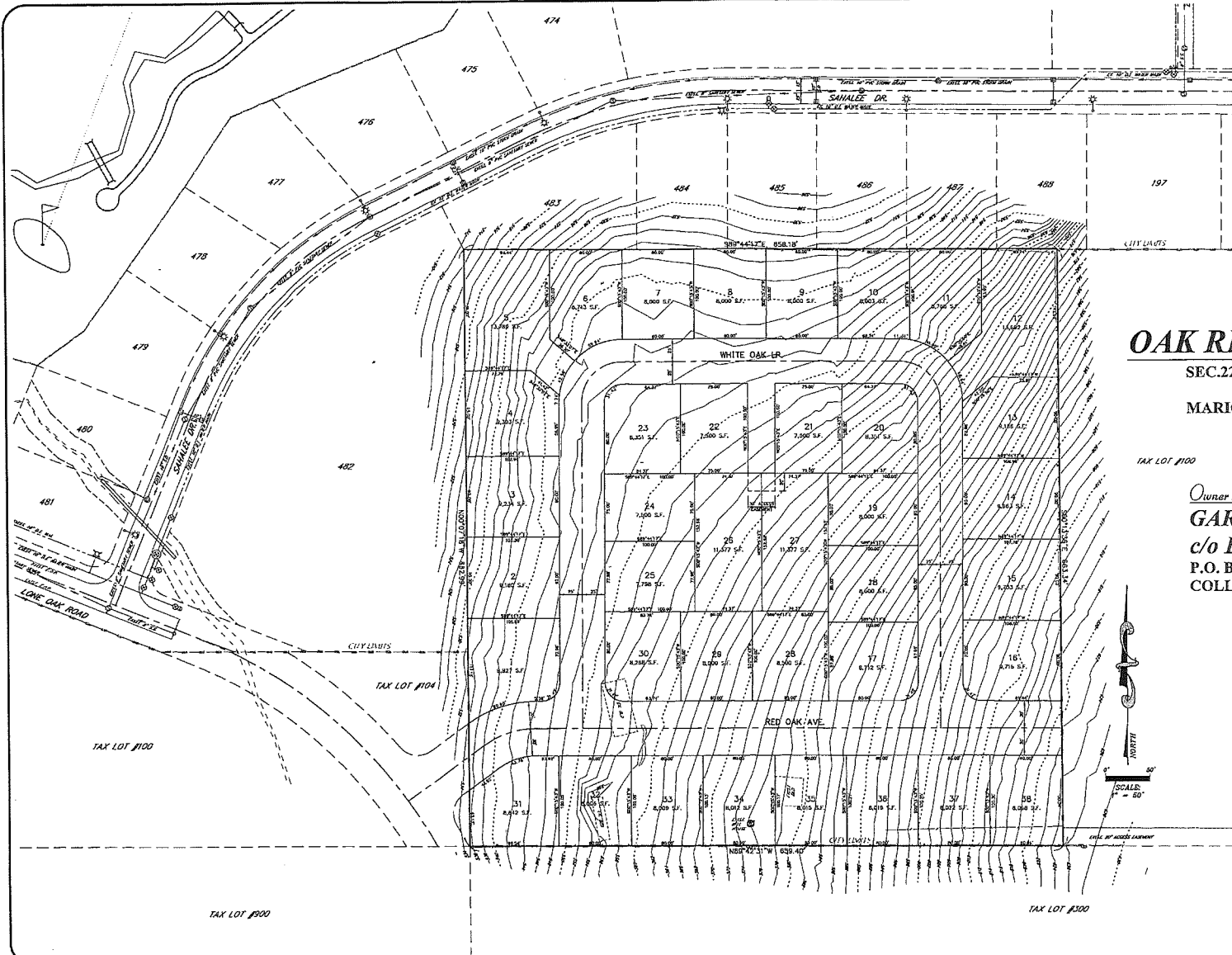
CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



ATTACHMENT C



OAK RIDGE ESTATES

SEC.22, T.8 S., R.3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON

TAX LOT #100

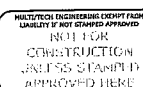
Owner/Developer:

GARRET & ALICE BERNDT
c/o **BRUCE THORN**
P.O. BOX 56
COLLEGE PLACE, WA 99324

PARCEL SIZE: _____
DEVELOPABLE AREA 10.03 AC.
NUMBER OF UNITS 38
DENSITY 3.79 UNITS/ACRE
LARGEST LOT 13,789 SQ. FT.
SMALLEST LOT 7,500 SQ. FT.
AVERAGE 8,861 SQ. FT.

EXISTING ZONE Residential Agriculture
COMPREHENSIVE DESG. Single Family Residential

UTILITIES:
CABLE COMCAST CABLE SERVICES
POWER P.G.E.
PHONE QWEST COMMUNICATIONS
GAS N.W. NATURAL
STORM DRAIN CITY OF SALEM
SANITARY SEWER, WATER.



NO CHANGES, MODIFICATIONS OR
REDUCTIONS TO BE MADE TO
THESE DRAWINGS WITHOUT WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

Design: M.B.G.
Drawn: B.B.G.
Checked: M.B.G.
Date: APRIL 2009
Scale: AS SHOWN
As-Built: _____

OAK RIDGE ESTATES

PRELIMINARY
PLAN

Project Number
4984
Sheet Number
1 of 1

ATTACHMENT C