

NOTICE OF DECISION

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



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

ADMINISTRATIVE DECISION FOR CLASS 2 TIME EXTENSION

CASE NO.: PAR09-06EXT4
AMANDA NO.: 17-112855-LD
DATE OF DECISION : July 19, 2017
PROPERTY LOCATION: 408 Stoneway Drive NW / 97304
OWNER/APPLICANT: Leota Dauge

REQUEST

Summary: A request for a two year extension of the tentative partition approval granted in PAR 09-06.

Request: A Class 2 Extension to extend the tentative partition approval granted in PAR 09-06 to divide approximately 21,487 square feet into two parcels. The request would extend the approval by two years, to July 31, 2019. The subject property is approximately 0.49 acres in size, zoned RS (Single Family Residential), and located at 408 Stoneway Drive NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W29AB / 03200).

BACKGROUND

On June 27, 2017, the applicant submitted a request to extend the approval of Partition Case No. 09-06 for an additional period of two years (Attachment A).

On July 31, 2009, a tentative partition request was granted to divide approximately 21,487 square feet into two parcels, with Parcel 1 consisting of approximately 13,223 square feet and Parcel 2 consisting of approximately 8,506 square feet for property zoned RS (Single Family Residential) and located at 408 Stoneway Drive NW (Attachment B). Two-year extensions of the approval were granted in 2011, 2013 and 2015. The most recent extension is set to expire on July 31, 2015.

On June 29, 2017, the application was deemed complete and public notice was provided pursuant to Salem Revised Code (SRC) requirements.

FINDINGS

1. Tentative partition plat No. 09-06 was approved on July 31, 2009 (Attachment C). However, due to changing economic conditions, the applicant was not able to commence with development of the project within the initial 2-year effective period of the partition approval, or prior to the expiration of subsequent two-year extensions granted in 2011, 2013 and 2015. As a result, the applicant has requested a fourth 2-year extension, which would extend the expiration period for the tentative partition plan approval to July 31, 2019.

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 West Salem Neighborhood Association. No written comments were received from the Neighborhood Association prior to the August 28 deadline.
- B. All property owners within 250 feet of the subject property were mailed notification and request for comments on the proposed extension. Comments were received from one property owner, prior to the July 13, 2017 deadline, indicating no objections to the request.

4. **City Department and Public Agency Comments**

The Salem Fire Department and Public Works Department reviewed the proposal and indicated that they have no concerns or additional comments.

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: Partition 09-06 was approved in 2009 under the requirements of former SRC Chapter 63 (Subdivisions). Since the approval of the most recent extension of the partition approval in 2013, 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 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 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.

Per SRC Chapter 300, Table 300-3, a tentative partition is allowed up to 4 time extensions. This is the fourth time extension for PAR 09-06. **No additional time extensions are allowed.**

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 tentative partition approval granted in PAR 09-06 to divide approximately 21,487 square feet into two parcels for property zoned RS (Single Family Residential), and located at 408 Stoneway Drive NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W29AB / 03200) is hereby **APPROVED**. **The extension shall be valid through July 31, 2019.**



Amy J. Dixon, Planner II
Planning Administrator Designee

Attachments: A. Applicant's Extension Request
 B. Vicinity Map
 C. Partition Case No. PAR09-06 Tentative Plan Approval

Application Deemed Complete: June 29, 2017
Decision Mailing Date: July 19, 2017
Decision Effective Date: August 4, 2017
State Mandated Decision Date: October 27, 2017

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 August 3, 2017 by 5:00 p.m. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. 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.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.



Land Use Approval Extension Request

APPLICANT INFORMATION

(Check one box below for designated contact person regarding this application)

☒ Applicant Name: Leota Dague Daytime Phone: 503.362.4815
Mailing Address: 408 Stoneway Dr. NW Fax Number: _____
City/State: Salem, Oregon Zip: 97304 Email: ldague@copper.net
☐ Agent: _____ Daytime Phone: _____
Mailing Address: _____ Fax Number: _____
City/State: _____ Zip: _____ Email: _____

PROPERTY INFORMATION

408 Stoneway Dr. NW Salem Oregon 0.49 673W29AB 03200
(Street Address or Location of Subject Property) 97304 (Total Size of Subject Property)
(Assessor Tax Lot Numbers)
RS SF
(Zoning) (Comp Plan Designation)

LAND USE APPROVAL THAT EXTENSION IS REQUESTED FOR

(Application Type) (Case No.) (Expiration Date)

AUTHORIZATION BY PROPERTY OWNER(S) / APPLICANT

(Property owners and contract purchasers are required to authorize the filing of this application and must sign below)

- 1 All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.
- 3 I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property: _____

Leota Dague Leota Dague 6-27-17
(Signature) (Print Name) (Date)

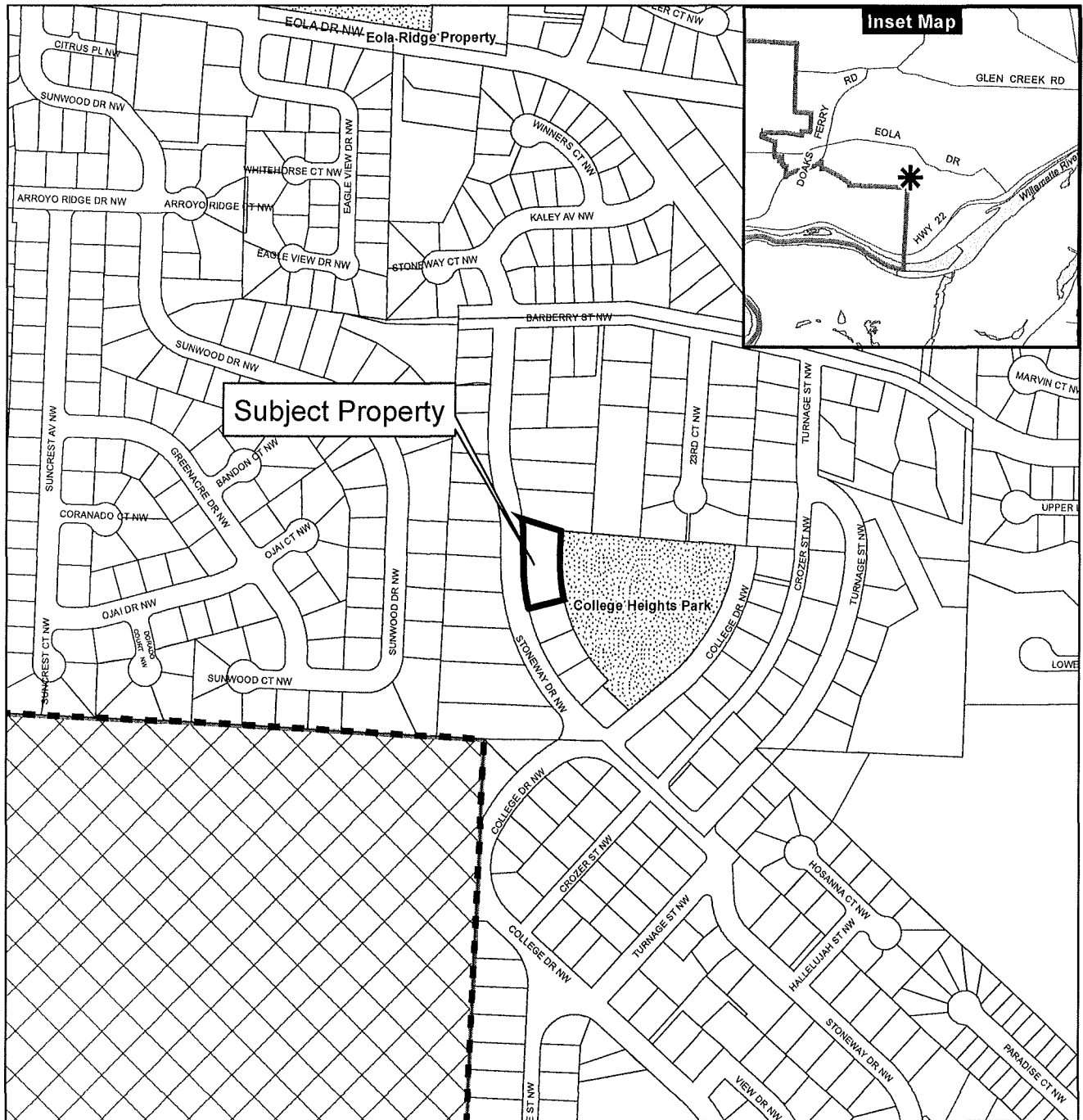
(Address - Include Zip)

(Signature) (Print Name) (Date)

(Address - Include Zip)

STAFF USE ONLY - DO NOT WRITE BELOW - STAFF USE ONLY		
Received By: <u>AK</u>	Date: <u>6/27/17</u>	Receipt No. <u>17-112855-40</u>

Vicinity Map 408 Stoneway Drive NW



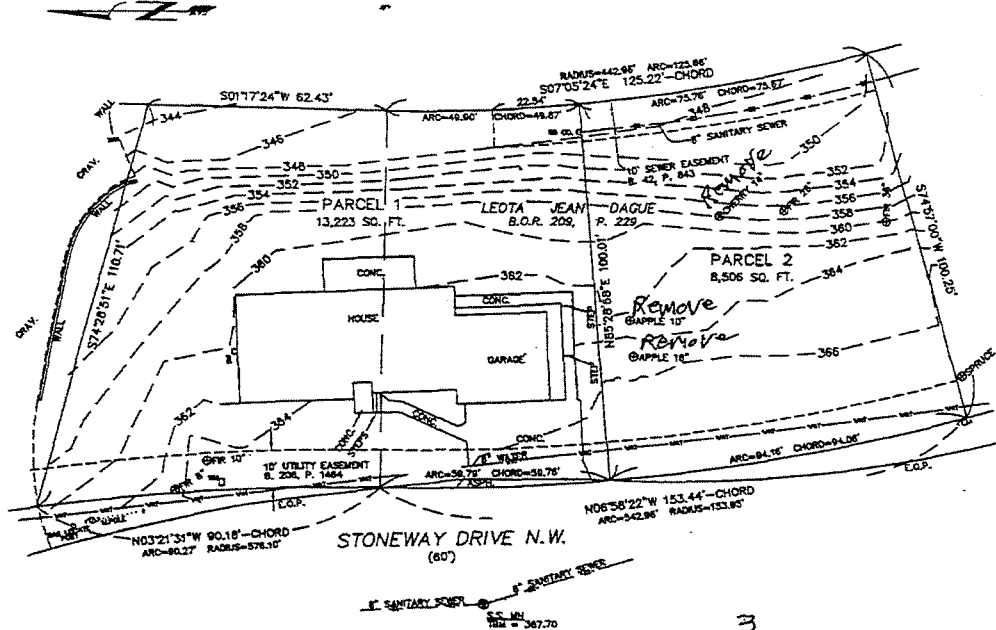
Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

PROPOSED PARTITION / TREE CONSERVATION PLAN



NOTE: ~~NO~~ ³ TREES WILL BE REMOVED

OWNER: Leota Jean Dague
408 Stoneway Dr. N.W.
Salem, Oregon 97304
503-362-4815

APPLICANT: Owner

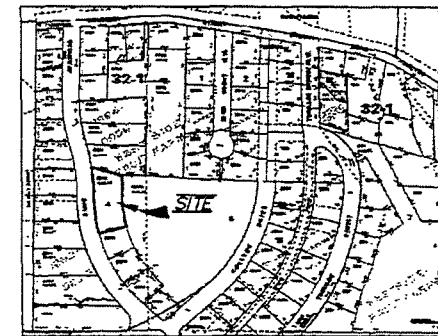
SURVEYOR: Edward L. Query
Barker Surveying Co.
2035 25th St. S.E.
Salem, Oregon 97302
503-588-8800

SITE ADDRESS: 408 Stoneway Dr. N.E.
Salem, Oregon 97304

ASSESSOR MAP: 7-3W-29AB Tax Lot 3200

TOTAL AREA: 21,729 sq. ft. (0.4988 acres)

ZONE: RS (Single Family Residential)



VICINITY MAP
NTS

ABBREVIATIONS / SYMBOLS

A.C. or ASPH. ASPHALTIC CONCRETE	SS CO. SANITARY SEWER CLEAN-OUT
B. BOOK	
B.O.R. BOOK OF RECORDS	
C.O. CLEAN-OUT	
CONC. CONCRETE	
E.O.P. or E.P. EDGE OF PAVEMENT	
GRV. GRAVEL	
G.M. GAS METER	
P. PAGE	
SANSEWER or S.S. SANITARY SEWER	
WAT. WATER	
W.M. WATER METER	
	W. GAS VALVE
	W. WATER VALVE
	W. WATER METER
	W. MANHOLE SAN. SEWER
	W. U.P.OLE/UTILITY/POWER POLES
	W. TREES

REVISION DATE: 12/31/2010

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JAN 14 1978 EDWARD L. QUERY 1653	SURVEY FOR		LEOTA DAGUE	
	LOCATION:		FRACTION LOT 4, WESTSIDE FRUIT FARMS	
	N.E. 1/4 SEC. 29 T 7 S R 3 W.M.M.		CITY OF SALEM POLK COUNTY, OREGON	
	SCALE: 1"=20'		BARKER SURVEYING CO. 2035 25TH STREET S.E. SALEM, OREGON 97302 PHONE (503) 588-8800 FAX (503) 588-8804 EMAIL: SURVEYING@BARKER.COM	
DATE: 10/27/2008		SHEET 1 OF 1		408 NUMBER: 26131
DRAWN BY: C.W.				

JUN 19 2009