

Meyer Farm Phased Subdivision Extension

Prepared for:

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Project Summary

Request:	Subdivision Extension Approval	
Location and Map Number:	4540 Pringle Road SE, Salem, Oregon Marion County Assessor's Map No. 083W11BC: Tax Lots 3000 & 3200	
Applicant:	Kehoe Northwest Properties 11627 S. Summerville Ave. Portland, OR 97219	
Engineer/Planner:	Emerio Design, LLC 1500 Valley River Drive Suite 100 Eugene, OR 97401 503-746-8812 Engineer: Roy Hankins, PE roy@emeriodesign.com	Planner: Jennifer Arnold jarnold@emeriodesign.com

I. Project Description/Request

Kehoe Northwest Properties, the applicant, is requesting an extension to the approved City Planning File No. SUB-21-09 (Myer Farm Phased Subdivision) on the approximately 29-acre parcel identified as Marion County Assessor's Map No. 083W11BC: Tax Lots 3000 & 3200 (Exhibit A); it can also be located by its address, 4540 Pringle Road SE. The base zones applied to the property are Residential Agriculture (RA) & Single-Family Residential (RS).

The proposed development conformed to all applicable sections of the Salem Unified Development Code (UDC) at the time of approval by Staff and affirmed by City Council. This application for extension provides findings of fact that demonstrate conformance with all applicable standards of the previously mentioned governing regulations. Applicable criteria of the UDC will appear in *italics* followed by the applicant's responses in **bold font**.

II. Response to Applicable Code Standards and Approval Criteria

Sec. 300.840. - Issuance; effective date.

- (a) *Each decision shall be specific as to the approval granted and shall be subject to the standards and conditions set forth in UDC, including any variances or conditions authorized pursuant to the UDC.*
- (b) *Decisions on land use actions become effective on:*
 - (1) *The day the decision is issued, if no appeal is allowed;*
 - (2) *The later occurring of either:*
 - (A) *The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed; or*
 - (B) *The day after the decision appears on the City Council agenda, if the decision is eligible for Council Review pursuant to SRC 300.1050, but Council Review is not initiated;*
 - (3) *The day the decision is issued by the final appeal body, if an appeal is allowed and notice of appeal is timely filed;*
 - (4) *The day the decision is issued by the Council, if the decision is eligible for Council Review and Council Review is initiated pursuant to SRC 300.1050; or*
 - (5) *The effective date of the ordinance, if the written decision is issued by ordinance.*

Applicant Response: The decision for SUB21-09 was issued on May 11, 2022. The decision was subsequently appealed to LUBA which affirmed the City Council Decision. All appeal options have been exhausted and the approval stands.

Sec. 300.850. - Expiration and extensions.

- (a) *Approval expiration and termination.*

- (1) *Unless a different period of time is established in the UDC or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300-3 unless one of the following has occurred:*
 - (A) *Development has commenced in compliance with the land use approval;*
 - (B) *An extension has been granted pursuant to SRC 300.850(b); or*
 - (C) *The land use approval has been revoked as provided under SRC 300.860 or is otherwise invalidated by an administrative board or court of competent jurisdiction.*
- (2) *Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300-3, and all required building permits issued for the land use action have expired.*

Applicant Response: Per Table 300-3 the applicant has two years from the approval date to file an extension. This application is submitted prior to the expiration of the land use decision. Development work has not started, and the approval has not been revoked under SRC. 300.860 or otherwise invalidated. No previous approval extensions have been submitted for this approval.

(b) Extensions.

- (1) *Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.*
- (2) *Classes.*
 - (A) *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.*
 - (B) *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.*

Applicant Response: The applicant is requesting a Class 1 extension as the project has not changed and no changes have been made to the standards or criteria used to approve the original application. The applicant confirmed with staff that the Class 1 extension is appropriate.

- (3) *Procedure type.*

- (A) *A Class 1 extension is processed as a Type I procedure under SRC chapter 300.*
- (B) *A Class 2 extension is processed as a Type II procedure under SRC chapter 300.*

Applicant Response: The applicant understands that this application is processed under a Type I procedure per SRC. Chapter 300.

- (4) *Criteria.*
 - (A) *A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.*
 - (B) *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.*

Applicant Response: The applicant respectfully requests approval of the Class 1 extension since the standards and criteria used to approve the original application remain unchanged.

- (5) *Appeal and review.*
 - (A) *The decision on a Class 1 extension may not be appealed, and is not subject to Council review.*
 - (B) *The decision on a Class 2 extension may be appealed, and is subject to Council review pursuant to SRC 300.1050. The Review Authority for an appeal of a Class 2 extension shall be the Hearings Officer.*
- (6) *While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.*
- (7) *The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.*

Applicant Response: The applicant does not propose to begin work on the subject property while the extension application is pending. The current approval has not lapsed, and the applicant understands there can be no appeal of a Class 1 extension.

III. Conclusion

This application narrative demonstrates that all applicable provisions of the Salem Unified Development Code are satisfied for a Class 1 extension application. The applicant respectfully requests approval of this application.