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ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: SUB21-03EXT2
AMANDA NO.: 25-110297-PLN
DATE OF DECISION: June 13, 2025
LOCATION: 430 Turtle Bay Court SE
APPLICANT: Robert and Maria Noyes

REQUEST

The second Class 1 Extension to extend the approval for a Subdivision Tentative Plan Case No. SUB21-03 by two years. The decision for SUB21-03 granted approval to divide approximately 4.96 acres into 16 lots ranging in size from 8,010 square feet to the 27,325 square feet, along with an Alternative Street Standard to reduce the street width from 60 feet to 50 feet. The subject property is approximately 4.96 acres in size, zoned RA (Residential Agriculture), and located at 430 Turtle Bay Court SE (Marion County Assessor's Map and Tax Lot Number: 083W16DD / 300). A vicinity map showing the subject property is included as **Attachment A**.

BACKGROUND

- On May 20, 2021, the Planning Administrator issued an affirmative decision for Case No. SUB21-03 (**Attachment B**). The effective date of the approval was June 5, 2021.
- On April 19, 2023, a Class 1 Extension (SUB21-03EXT1) was approved to extend the approval for the Subdivision Tentative Plan by two years to June 5, 2025 (**Attachment C**).
- On May 16, 2025, the applicant submitted a request to extend the approval for the Subdivision Tentative Plan by two years. The application was deemed complete on May 29, 2025.

FINDINGS

1. Proposal

Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, an extension has been granted, or a building permit has been issued. The applicant has not submitted for Final Plat and development has not commenced. The applicant is requesting their second two-year extension, which would extend the expiration date for the Tentative Subdivision Plan (SUB21-03) approval to **June 5, 2027**.

2. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 25 110297.

3. Class 1 Extension Approval Criteria

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. As there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Extension to be approved:

SRC 300.850(b)(4)(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.

Finding: The application SUB21-03 was submitted on December 16, 2020, and reviewed for compliance with the applicable approval criteria set forth in SRC Chapter 205. Since the original application was approved, the City's development code was amended in 2021 (Ordinance No. 13-21) along with the Our Salem Comprehensive Plan update (Ordinance No. 11-22), effective August 24, 2022. The development code revisions were not intended to invalidate existing land use decisions that were approved under prior code standards or preclude such previously approved land use decisions from being extended when there is time remaining under their original approval. To that end, the adopted ordinances include the following requirement for the review of extension requests of land use applications:

Engrossed Ordinance Bill No 11-22, Section 3.

Land use applications submitted and/or approved prior to the effective date of this ordinance [August 24, 2022] that would require a Class 2 extension approval as a result of changes to standards or criteria included in this ordinance or Engrossed Ordinance 13-21 may, notwithstanding the applicability and approval criteria for Class 2 extensions included under

SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B), receive Class 1 extension approval provided the decision has not expired and there are remaining extensions available.

Therefore, because SUB21-03 was submitted prior to the effective date August 24, 2022, the second extension request was received before the first extension was set to expire, and a maximum of four, two-year extensions are allowed pursuant to SRC 300.850(b), Table 300-3, the requested extension meets the requirements of Section 3 of Ordinance Bill No. 11-22 and may receive a Class 1 Extension approval, notwithstanding SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B). The applicant is requesting their second two-year extension which would extend the expiration date to **June 5, 2027**. This approval criterion is met.

IT IS HEREBY ORDERED

Based on the requirements of Section 3 of Ordinance Bill No. 11-22, the proposed Class 1 Extension complies with the requirements for an affirmative decision. The Class 1 Extension to extend the approval for the Subdivision Tentative Plan Case No. SUB21-03 is hereby **APPROVED**.

The extension shall be valid through June 5, 2027.

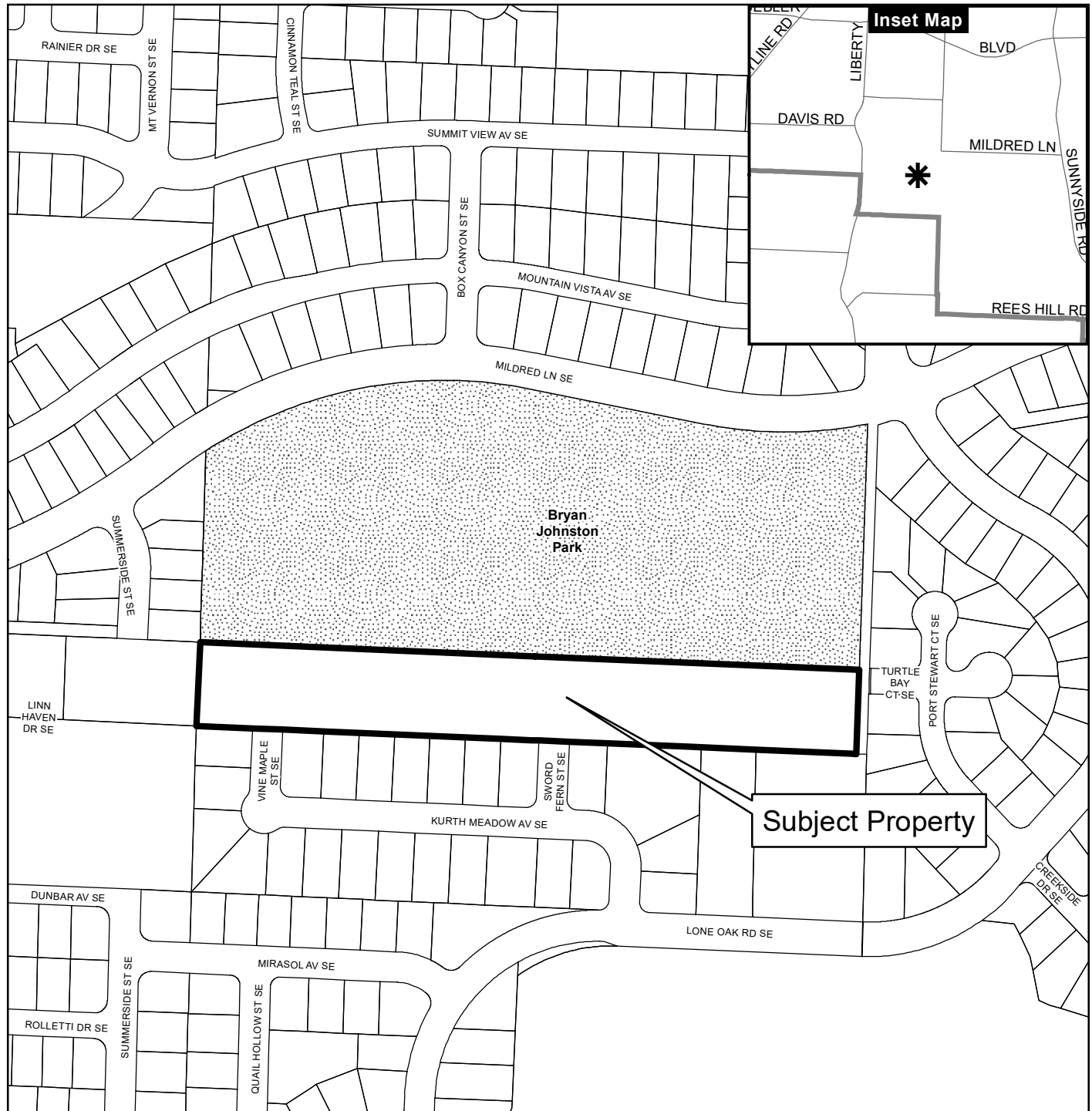


Quincy Miller, AICP, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Original Notice of Decision for Case No. SUB21-03
C. SUB21-03EXT1 Decision

Vicinity Map

430 Turtle Bay Court SE



Legend

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

Parks

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Community Planning and Development

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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*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION CASE NO.: SUB21-03

APPLICATION NO.: 20-119160-LD

NOTICE OF DECISION DATE: May 20, 2021

REQUEST: A subdivision tentative plan to divide approximately 4.96 acres into 16 lots with lots ranging in size from 8,010 square feet to 27,325 square feet. The applicant is requesting an alternative street standard to reduce the street width from 60-feet to 50-feet.

The subject property is approximately 4.96 acres in size, zoned RA (Residential Agriculture), and located at 430 Turtle Bay Court SE - 97306 (Marion County Assessor Map and Tax Lot number: 083W16DD / 00300).

APPLICANT: Gerald Horner, Willamette Engineering Inc., on behalf of Robert and Maria Noyes

LOCATION: 430 Turtle Bay Court SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapter 205.010(d) – Subdivision Tentative Plan

FINDINGS: The findings are in the attached Decision dated May 20, 2021.

DECISION: The **Planning Administrator APPROVED** Subdivision SUB21-03 subject to the following conditions of approval:

- Condition 1:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 2:** Change the physical street address for the existing residence on lot 8.
- Condition 3:** Construct stormwater flow control and treatment facilities pursuant to Salem Revised Code Chapter 71 and PWDS.
- Condition 4:** Provide easements on the final plat pursuant to the widths and alignments specified in PWDS.
- Condition 5:** Construct internal streets to Local street standards, with the following exception: Turtle Bay Court SE is authorized to remain within a 50-foot-wide right-of-way abutting the City park property pursuant to SRC 803.065(a). The north/south portion of Vine Maple Street SE meets the local street standard right-of-way width of 60 feet, and the east/west portion of Vine Maple Street SE meets the cul-de-sac standard right-of-way width of 50 feet.

Condition 6: Construct trail connections from the northerly terminus of the sidewalk abutting proposed lot 1 (Vine Maple) and from the northerly terminus of the sidewalk abutting lot 8 (Sword Fern) to the nearest existing trail systems in Bryan Johnston Park. These connections shall be constructed according to Architectural Barriers Act guidelines published by the US Access Board. The proposed trail connection shown extending into the park from the cul-de-sac of Vine Maple is not required.

The rights granted by the attached decision must be exercised, or an extension granted, by June 5, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>March 29, 2021</u>
Notice of Decision Mailing Date:	<u>May 20, 2021</u>
Decision Effective Date:	<u>June 5, 2021</u>
State Mandate Date:	<u>July 27, 2021</u>

Case Manager: Aaron Panko, Planner III, APanko@cityofsalem.net, 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Friday, June 4, 2021. 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 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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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ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: SUB21-03
AMANDA NO.: 23-106798-PLN
DATE OF DECISION: April 19, 2023
LOCATION: 430 Turtle Bay Court SE
APPLICANT: Gerald Horner

REQUEST

A Class 1 Extension to extend the approval for a tentative subdivision plan (SUB 21-03-EXT1) by two years to June 5, 2023. SUB21-03 approved subdivision divided approximately 4.96 acres into 16 lots with lots ranging in size from 8,010 square feet to 27,325 square feet. The applicant requests an alternative street standard to reduce the street width from 60 feet to 50 feet.

The subject property is approximately 4.96 acres in size, zoned RA (Residential Agriculture), and located at 430 Turtle Bay Court SE - 97306 (Marion County Assessor Map and Tax Lot number: 083W16DD / 00300).

BACKGROUND

On June 5, 2021, the Planning Administrator approved a tentative partition plan to subdivide approximately 4.96 acres into 16 parcels, with lots ranging from 8,010 square feet to 24,325 square feet. The tentative plan approval will expire on June 5, 2023.

On March 23, 2023, the applicant submitted a request to extend the approval of the tentative partition plan (Case No. SUB21-03) for two years (**Attachment B**).

FINDINGS

1. The revised Subdivision modification permit was approved on June 5, 2021. Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted.

Under 205.010(e), Tentative Partition Plan approval will expire unless an application for the final plat is submitted within the time limits outlined in SRC 300.850. The applicant has not submitted for final plat yet, sitting in their findings that "...unforeseen circumstances..." has caused a delay in the engineering work for the project. Table 300-3 provides that the maximum extension period for a tentative subdivision approval shall be two years. The applicant requests a two-

year extension to extend the expiration date for the Tentative Partition Plan approval to **June 5, 2025**.

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. Still, such changes to the standards and criteria would not require modification of the original approval.

Because the standards and criteria used to approve the original application have yet to be changed, this extension request is classified as a Class 1 Extension.

3. Class 1 Time Extension Approval Criteria

SRC 300.850(b)(4)(A) establishes the following approval criterion, which must be met for a Class 1 Time Extension to be approved: 248619

A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding:

The Tentative Subdivision Plan and Class 2 Adjustment application was submitted on October 4, 2018 and reviewed for compliance with the approval criteria outlined in SRC Chapters 205 and 250. Since the approval of the tentative subdivision plan, the City's development code was amended as part of the 2021 Unified Development Code (UDC) update project. Amendments were made to several Chapters of the Salem Revised Code, including Chapter 205, specifically by Ordinance No. 13-21; however, the amendments to the UDC did not change any of the approval criteria applicable to the decision rendered. Because the standards and criteria used to approve the application have not changed, the request can be approved. The applicant requests a second two-year extension extending the expiration date to **April 3, 2025**. This approval criterion is met.

DECISION

Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision.

The Class 1 Extension to extend the approval for Tentative Subdivision Plan Case No. SUB21-03 is hereby **APPROVED**.

The extension shall be valid through June 5, 2025.



Lydia Keller, Planner 1, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Land Use Decision for Partition Case No. Sub21-03

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