

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 EXTENSION

CASE NO.: PAR14-04EXT1
AMANDA NO.: 16-111886-LD
DATE OF DECISION : July 15, 2016
PROPERTY LOCATION: 3000 Kathleen Avenue NE
OWNER: CK Homes, LLC (Kevin Winder)

REQUEST

A Class 2 Extension to extend the approval for a tentative partition (Partition Case No. PAR14-04) by two years to June 27, 2018. PAR14-04 granted approval to divide approximately 0.23 acre into 2 parcels, with proposed Parcel 1 consisting of 4,997 square feet and proposed parcel 2 consisting of 4,991 square feet.

The subject property is approximately 0.23 acre in size, zoned RS (Single Family Residential) and located at 3000 Kathleen Avenue NE, 97301 (Marion County Assessor's Map and Tax Lot Numbers: 073W13DB050600).

BACKGROUND

On June 11, 2014, the Planning Administrator approved the partition, a proposal to divide approximately 0.23 acre into 2 parcels, with proposed Parcel 1 consisting of 4,997 square feet and proposed parcel 2 consisting of 4,991 square feet. The tentative subdivision approval was set to expire on June 27, 2016.

On June 23, 2016, the applicant submitted a request to extend the approval of the tentative partition (Case No. PAR14-04EXT1) for a period of two years (Attachment A). On June 24, 2016, the application for the Class 2 Extension was deemed complete and public notice was provided pursuant to Salem Revised Code (SRC) requirements.

FINDINGS

1. Tentative partition plat No. 14-04 was approved on June 11, 2014 (Attachment C). However, due to unforeseen circumstances, the applicant has not been able was not able to commence with development of the project within the initial 2-year effective period of the subdivision approval. As a result, the applicant has requested a 2-year extension, which would extend the expiration period for the tentative subdivision plan approval to June 27, 2018.

2. Analysis of Extension Criteria:

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 extension request is classified as a Class 2 Extension.

3. Neighborhood Association and Citizen Comments

- A. The subject property is located within the Lansing Neighborhood Association. No written comments were received from Lansing Neighborhood Association 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. Prior to the comment deadline, one nearby property owners submitted comments.
 - Betty Warren submitted comments describing that the lot isn't large enough for two dwellings.

Staff Response: The tentative partition plan approval found that the proposed parcels will meet the minimum lot standards of the RS (Single Family Residential) zone. Each proposed parcel will contain more than 4,000 square feet in size, greater than 40-feet of frontage on a street and greater than 70-feet in lot depth. Approval criteria in SRC 300.0850(b)(2) specify that a Class 2 Extension "shall be granted if there have been no changes to standards and criteria used to approve the original application that would require modification of the original approval." As described in Finding #7 below, the adoption of the Unified Development Code did not result in substantive changes to approval criteria or standards that would require modification of the original approval. Therefore, the Class 2 Extension requested by the applicant must be approved.

4. City Department and Public Agency Comments

- The Public Works Department and Building and Safety Division reviewed the proposal and indicated that they have no comments.
- The Salem Fire Department reviewed the proposal, indicating no concerns with the extension.

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. Public and private agencies submitted the following comments:

- Portland General Electric (PGE) reviewed the proposal, and submitted comments noting that development cost per current tariff and service requirements and that a 10-foot 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: Partition 14-04 was approved in 2014 under the requirements of former SRC Chapter 63 (Subdivisions). Since the approval of the tentative subdivision plan, 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 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.

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 partition (Partition Case No. PAR14-04), on property approximately 0.23 acre in size, zoned RS (Single Family Residential) and located at 3000 Kathleen Avenue NE, 97301 (Marion County Assessor's Map and Tax Lot Numbers: 073W13DB050600) is hereby **APPROVED**. The extension shall be valid through **June 27, 2018**.



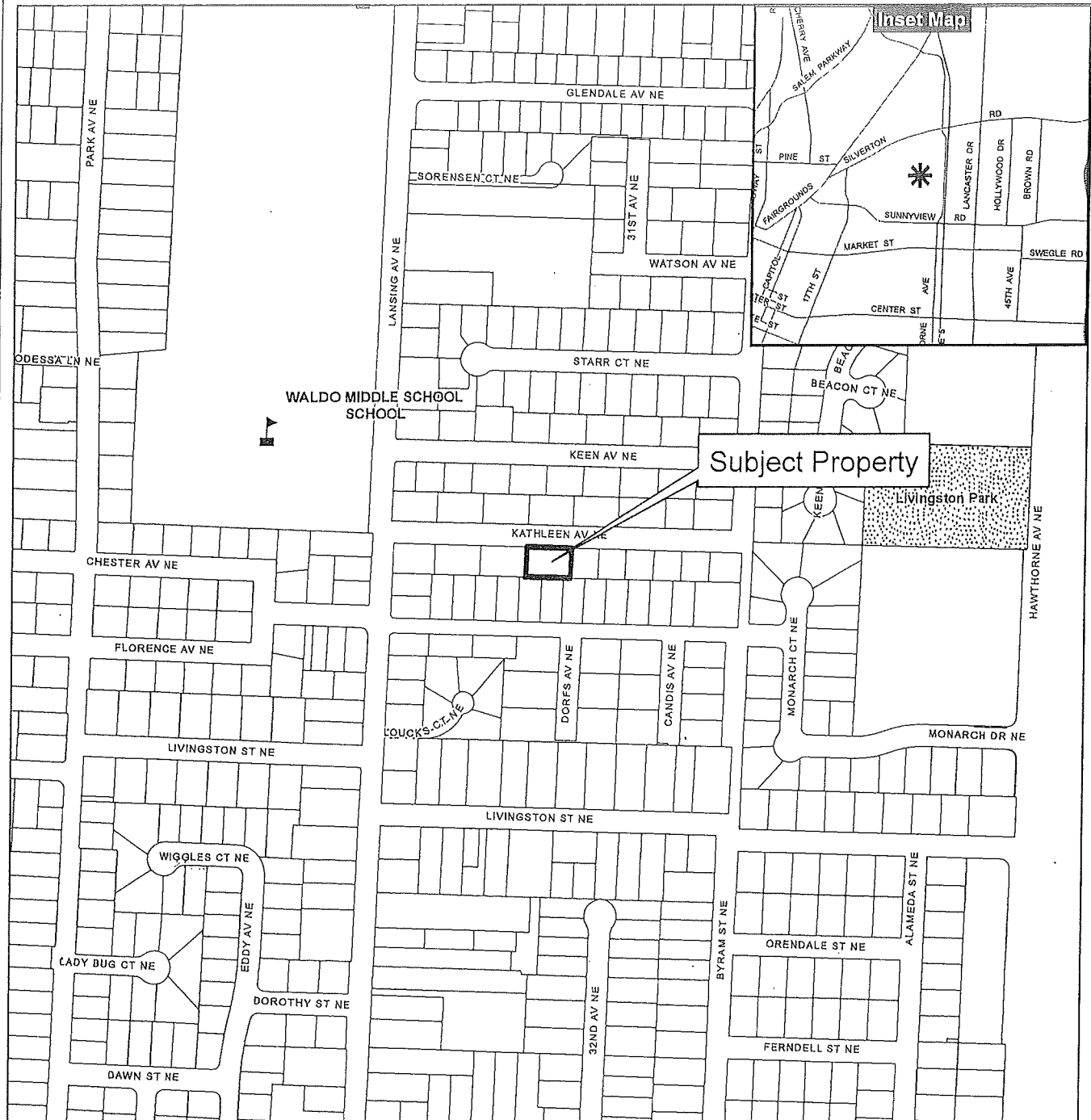
Olivia Glantz, Planner II
Planning Administrator Designee

Attachments: A. Vicinity Map
B. Applicant's Extension Request
C. Decision of the Planning Administrator approving Case No. PAR14-04

Application Deemed Complete:	<u>June 24, 2016</u>
Decision Mailing Date:	<u>July 15, 2016</u>
Decision Effective Date:	<u>July 30, 2016</u>
State Mandated Decision Date:	<u>October 25, 2016</u>

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 **Friday, July 29, 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 3000 Kathleen Avenue NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





Land Use Approval Extension Request

APPLICANT INFORMATION

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

☐ Applicant Name: CK Homes, LLC / Kevin Winder Daytime Phone: 503-851-5282
 Mailing Address: 1800 STATE STREET Fax Number: _____
 City/State: Salem, OR Zip: 97301 Email: Kevin@paperboyproperties.com
☐ Agent: _____ Daytime Phone: 503-851-5282
 Mailing Address: _____ Fax Number: _____
 City/State: _____ Zip: _____ Email: _____

PROPERTY INFORMATION

3000 Kathleen Ave NE 0.23 ac 073L13DB05600
 (Street Address or Location of Subject Property) (Total Size of Subject Property) (Assessor Tax Lot Numbers)
RS SF
 (Zoning) (Comp Plan Designation)

LAND USE APPROVAL THAT EXTENSION IS REQUESTED FOR

Partition PAR14-04 6-27-16
 (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: n/a

KWinder Kevin Winder 6-23-16
 (Signature) (Print Name) (Date)
1800 STATE ST Salem OR 97301
 (Address - Include Zip)

 (Signature) (Print Name) (Date)

 (Address - Include Zip)

STAFF USE ONLY - DO NOT WRITE BELOW - STAFF USE ONLY		
Received By: <u>POC</u>	Date: <u>6/23/16</u>	Receipt No. <u>16-111886-LD</u>

NOTICE OF DECISION

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DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO. PAR14-04

APPLICATION NO. : 14-106411-LD

NOTICE OF DECISION DATE: JUNE 11, 2014

REQUEST: An application to divide property located at 3000 Kathleen Avenue NE into two parcels.

To divide approximately 0.23 acres into 2 parcels, with proposed Parcel 1 consisting of 4,997 square feet and proposed Parcel 2 consisting of 4,991 square feet. The property is zoned RS (Single Family Residential) and is located at 3000 Kathleen Avenue NE (Marion County Assessor's Map and Tax Lot Number: 073W13DB05600).

APPLICANT: CK Homes LLC [Paperboy Properties LLC (Kevin M. Winder) & Chris Briola]

LOCATION: 3000 KATHLEEN AV NE**CRITERIA:** Salem Revised Code Chapter 63

DECISION: The Planning Administrator **GRANTED** Partition Case No. PAR14-04 subject to the following conditions of approval:

- Condition 1.** Design and construct water, sewer, and storm services for proposed Parcels 1 and 2 in compliance with Public Works Design Standards and to the satisfaction of the Public Works Director.
- Condition 2:** Design driveway approaches, including culvert design as necessary, for proposed Parcels 1 and 2 in compliance with Public Works Design Standards.
- Condition 3:** Pay water connection fees for proposed Parcel 1 and 2 prior to plat approval per SRC Chapter 21.

The rights granted by the attached decision must be exercised by, or an extension granted by, June 27, 2016, or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete: May 13, 2014
 Notice of Decision Mailing Date: June 11, 2014
 Decision Effective Date: June 27, 2014
 State Mandate Date: September 10, 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.**,

Thursday, June 26, 2014. 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 63. 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, 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.

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