

# NOTICE OF DECISION

PLANNING DIVISION  
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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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