

**SALEM HEARINGS OFFICER MINUTES**  
**March 11, 2020**

**Hearings Officer**  
Jim Brewer

**Staff Present**  
Pamela Cole, Planner II  
Kirsten Straus, Recorder

Hearings Officer Jim Brewer called the meeting to order at 5:30 p.m. City of Salem staff members present were Pamela Cole, Planner II, and Kirsten Straus, Recorder.

**PUBLIC HEARING ON A CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE**

- **CASE NO. CU-SPR-ADJ-DAP-DR20-02; 2095 Fairgrounds Rd NE**

**Request:** A consolidated Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review for a proposed 2,206 square foot eating and drinking establishment with a drive-through on a property of 0.58 acres located at 2095 Fairgrounds Road NE (Marion County Assessor 073W14CD01300) in the CR (Retail Commercial) zone and Portland/Fairgrounds Overlay Zone. The Class 2 Adjustment is requested to reduce the required width of the landscaped setback abutting residential zones from 15 feet to 5 feet.

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:39 p.m.

Case Manager Pamela Cole entered the staff report, all attachments, and the presentation into the record and proceeded with the presentation.

**RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustment, driveway approach permit, and design review application for the proposed 2,206 square foot eating and drinking establishment with a drive-through on a property of 0.58 acres located at 2095 Fairgrounds Road NE, subject to the following conditions of approval:

**CONDITIONAL USE:**

**Condition 1:** Provide a raised surface or speed bumps to delineate the pedestrian pathways that cross the drive-through lane.

**Condition 2:** Install a small sign indicating “Do Not Block Crosswalk” at the northern pedestrian pathway that crosses the drive-through lane.

**Condition 3:** Install a small sign indicating “Yield to Pedestrians” at the southern pedestrian pathway that crosses the drive-through lane.

**SITE PLAN REVIEW:**

~~**Condition 4:** Construct all walls of the building at least five feet from the property line abutting Fairgrounds Road NE and retain four-foot building offsets required to meet the design standards.~~

**Condition 5:** Provide a minimum 6-foot-tall sight-obscuring fence along the property line abutting the residential zones.

**Condition 6:** Provide a solid waste service area meeting all applicable standards of SRC 800.055.

**Condition 7:** Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a).

**Condition 8:** Install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e).

**Condition 9:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

**ADJUSTMENT:**

**Condition 10:** The adjusted perimeter setback abutting residential zones, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

At this time the Hearings Officer had questions for Staff.

**PERSONS TESTIFYING:**

Applicant: John Hummelt, 29911 SW Boones Ferry Rd, Wilsonville

At this time, the applicant raised a question about the existing sign.

Neighborhood Association: None

Support: Scott Quayle, 908 Tamarack St NE

Oppose: None

Neutral: None

Evidence Received From:

Support: None

Oppose: None

Neutral: None

Rebuttal: None

At this time the applicant waived the additional 7-day period for written argument.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 5:56 p.m.

*Prepared by: Kirsten Straus, March 11, 2020*

*Approved: March 12, 2020*

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