

**SALEM HEARINGS OFFICER MINUTES**  
**April 24, 2019**

**Hearings Officer**  
Jim Brewer

**Staff Present**  
Olivia Glantz, Planner III  
Britney Randall, 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 Olivia Glantz – Planner III, Britney Randall – Planner II, and Kirsten Straus – Recorder.

**1. PUBLIC HEARING ON A VALIDATION OF UNIT OF LAND CASE**

**• VUL19-04 for property located at 4265 Claxter Court NE; 19-105764-LD**

**Request:** The request is to lawfully establish tax lots created by deed in 1988, when tax lot 1600 and 1603 were described separately than the original tax lot 1603. The sale effectively divided the parent parcel into two separate units of land, without a land use approval. The applicant is requesting to validate property zone CO (Commercial Office) known as Marion County Tax Assessor numbers 073W12A / 1600 and 1603.

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:34 p.m.

Case Manager Britany Randall, entered the staff report, all attachments, and her presentation into the record and proceeded with her presentation.

**RECOMMENDATION**

Based on the application and information presented in the staff report, staff recommends that the Hearings Officer adopt the Facts and Findings of the staff report and APPROVE the request to validate two units of land that were created through sale rather than through an approved subdivision or partition plat process, for property zoned CO (Commercial Office) with the Portland/Fairgrounds Road Overlay, and located at 4285 Claxter Ct NE (Marion County Assessor Map and Tax Lot Numbers: 073W12A / 1600 and 1603).

At this time the Hearings Officer had no questions for Staff.

**PERSONS TESTIFYING:**

Applicant: Alan Soren, 250 Church St SE Salem, Ste 200

Neighborhood Association: None

Support: None

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 5:39 p.m.

**2. PUBLIC HEARING ON CONTIONAL USE / PARTITION / URBAN GROWTH  
PRELIMINARY DELCARATION / SITE PLAN REVIEW / ADJUSTMENT /  
DRIVEWAY APPROACH PERMIT CASE**

- **CU-PAR-UGA-SPR-ADJ-DAP19-01 for property located at 4910 Turner Rd SE; 19-105764-LD**

**Request:** A consolidated application including a Conditional Use permit to allow a gravel storage yard within the IC zone; a Partition resulting two parcels approximately 1.05 acres in size and 1.65 acres in size; an Urban Growth Preliminary Declaration; a Class 3 Site Plan Review for a proposed 12,000 square foot building, a 3,800 square foot steel building over, new vehicle use area and gravel storage yard to be located on the newly created 1.65 acre parcel; and two Class 2 Adjustments for:

- 1) A proposed reduction to the setback abutting a street for 63 feet, near the southerly property line, abutting Turner Road SE and
- 2) A proposed reduction for the minimum 15 percent development site landscape standard to 12 percent.

The subject property is 2.7 acres in size, zoned IC (Industrial Commercial), and located in the 4900 block of Turner Rd SE (4910 Turner Road SE) - 97317 (Marion County Assessor Map and Tax Lot 082W07 / 501).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:44 p.m.

Case Manager Olivia Glantz, entered the staff report, all attachments, and her presentation into the record and proceeded with her 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, partition, urban growth area preliminary declaration, site plan review, adjustment and driveway approach permit applications to create two parcels, construct two new buildings, vehicle use area, gravel storage area for a contractors office for property located at 4910 Turner Road SE subject to the following conditions of approval:

**CONDITIONAL USE:**

**Condition 1:** Provide a 10-foot setback, a 6-foot sight-obscuring fence and Type D perimeter landscaping along the western boundary of proposed Parcel 2, except for the southerly approximately 63-feet, between paved vehicle use area and approximately 268-feet south, as shown in the site plan.

**PARTITION:**

**Condition 2:** Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE.

**Condition 3:** Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance. For the frontage of the undeveloped northerly parcel, this improvement is eligible for deferral pursuant to SRC 803.070, until the time of Site Plan Review.

**Condition 4:** Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

**Condition 5:** Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

**Condition 6:** Provide a minimum 22-foot-wide access easement within the southerly parcel to provide vehicular access to the northerly parcel from the proposed driveway.

**SITE PLAN REVIEW:**

**Condition 7:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).

**Condition 8:** Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE for the entire 2.7 acre parcel.

- Condition 9:** Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance.
- Condition 10:** The applicant shall install street trees along the frontage of Turner Road SE.
- Condition 11:** Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.
- Condition 12:** Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.
- Condition 13:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**ADJUSTMENT:**

- Condition 14:** Phase 2 (Parcel 1) shall meet the 15% landscaping standard of the IC zone at the time of development of Phase 2 or Parcel 1.
- Condition 15:** The adjusted setback requirements, 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 setback requirements, unless adjusted through a future land use action.

**DRIVEWAY APPROACH PERMIT:**

- Condition 16:** The applicant shall install striping along Turner Road SE to provide a center turn lane for the northerly driveway as shown in the application materials pursuant to PWDS.
- Condition 17:** Traffic movements for the southerly driveway shall be limited to out-only.
- Condition 18:** For the southerly driveway, the applicant's engineer shall demonstrate compliance with AASHTO Intersection Sight Distance along Turner Road SE, at the time of building permit.

At this time the Hearings Officer had questions for Staff.

**PERSONS TESTIFYING:**

Applicant: Blake Bural, 363 State Street, Architect representing applicant

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Evidence Received From:

Support: None

Oppose: None

Neutral: None

Rebuttal: None

At this time, the Hearings Officer kept the record open for seven days.

The Hearings Officer asked the applicant to let staff know if they would like to submit a final argument after the completion the seven days for additional testimony.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 5:59 p.m.

The Hearings Officer adjourned the meeting at 5:59 p.m.

*Prepared by: Kirsten Straus, April 24, 2019*

*Approved: April 25, 2019*

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