

SALEM HEARINGS OFFICER MINUTES
May 13, 2020

Hearings Officer
Jim Brewer

Staff Present
Olivia Dias, Planner III
Pamela Cole, Planner II
Kirsten Straus, Recorder
Shelby Guizar, Recorder

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

CONDITIONAL USE PERMIT CASE

- **CASE NO. 20-03; 1910 FRONT STREET NE; AMANDA NO. 20-104696-ZO**

Summary: A request for a proposed non-profit women's shelter serving 40 individuals.

Request: A Conditional Use Permit to allow a non-profit women's shelter serving 40 individuals, for property approximately 0.45 acres in size, zoned IC (Industrial Commercial), and located at 1910 Front Street SE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W15DA / 13600).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:32 p.m.

Case Manager Olivia Dias entered the staff report, all attachments, the presentation and two comments of opposition submitted by the public, 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 permit for a proposed non-profit women's shelter serving up to 40 individuals for property approximately 0.45 acres in size, zoned IC (Industrial Commercial), and located at 1910 Front Street SE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W15DA / 13600) subject to the following condition of approval:

Condition 1: Prior to final occupancy, the applicant shall provide a total of ten bicycle parking spaces. Of the ten spaces, five shall be covered or indoor.

Condition 2: Prior to occupancy, the applicant shall obtain Site Plan Review approval for both uses on the subject property.

Condition 3: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Blake Bural, 363 State St

At this time the Hearings Officer had questions for the applicant.

With no further questions the Hearings Officer closed the public hearing at 5:55 p.m.

At this time, the Hearings Officer left the written record open for the next seven days. Comments are due by May 20, 2020 at 5:00 P.M. The applicant has until May 27, 2020 at 5:00 P.M. to submit rebuttal.

Testifying Parties: Anyone interested in testifying was instructed to email or mail their comments to the case manager by May 20, 2020 by 5:00 P.M. No in person testimony was accepted at this digital hearing.

NONCONFORMING USE / SITE PLAN REVIEW CASE

- **CASE NO. 20-01; 650 2ND STREET NW; AMANDA NO. 19-122191- ZO, 19-122018-RP**

Request: Consolidated Nonconforming Use and Class 3 Site Plan Review applications to substitute self-service storage for the existing nonconforming use of warehousing and distribution in a building within a 3.87 acre development site in the ESMU (Edgewater/Second Street Mixed-Use Corridor) zone at 650 2nd Street NW, 809, 811, 901, 903, and 975 Edgewater Street NW, and 150 Patterson Street NW 97304 (Polk County Assessor Map and Tax Lots 073W21DD / 02500, 02600, 02700, 02800, 02900, and 03000 and 073W21DD01100).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:57 p.m.

Case Manager Pamela Cole entered the staff report, all attachments, the presentation, and one comment of opposition submitted by the public, into the record and proceeded with the presentation.

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 650 2nd Street NW, 809, 811, 901, 903, and 975 Edgewater Street NW, and 150 Patterson Street NW 97304 (Polk County Assessor Map and Tax Lots 073W21DD / 02500, 02600, 02700, 02800, 02900, and 03000 and 073W21DD01100):

APPROVE the nonconforming use substitution and site plan review application to allow the substitution of a self-service storage use for a warehousing and distribution use, subject to the following conditions of approval:

Condition 1: Outside storage shall not be permitted in association with the proposed self-service storage use.

Condition 2: No driveway access, off-street parking and vehicle use areas, or loading areas on the development site shall be made available to employees or customers of the proposed self-service storage use at this time, and any future proposals for driveways, off-street parking and vehicle use areas, and loading areas will be subject to site plan review and development standards applicable at the time of development.

Condition 3: Hours of operation for the proposed self-service storage use are limited to 7:00 am to 9:00 pm, seven days a week.

Condition 4: Prior to removal of encroachments into the 2nd Street NW right-of-way, an application for a building permit shall be submitted, and an application for site plan review shall be submitted, if required, and the application(s) shall demonstrate compliance with all applicable development standards of SRC Chapter 535 and all other applicable development standards.

Condition 5: Any future proposals for development on the exterior of the building shall be subject to the pedestrian access standards applicable at the time of development.

Condition 6: If the existing driveway onto Murlark Avenue NW is to be relocated to the north to comply with vision clearance standards, a Class 2 Driveway Approach Permit (if required by Public Works) and Site Plan Review application shall be submitted for approval, subject to all applicable driveway development standards of SRC 806.040, and all other applicable development standards.

Condition 7: Any future proposals for development on the development site will be subject to landscaping standards applicable at the time of development.

Condition 8: Remove the portions of the building encroaching into the right-of-way along the 2nd Street NW frontage or obtain a license to encroach pursuant to SRC 76.160.

Condition 9: Mitigate the non-conforming condition of the existing driveway approach along the Patterson Street NW frontage by either:

- a. Closing the driveway; or
- b. Reconfiguring the driveway to be ingress only with signage as specified in PWDS, and locating gates obstructing vehicular access to be no closer than 60 feet from the Patterson Street NW right-of-way in order to allow vehicles to queue outside of the right-of-way.

Condition 10: Relocate the existing driveway along the Murlark Avenue NW frontage, or modify the existing building to meet Vision Clearance requirements of SRC Chapter 805.

Condition 11: Prior to final occupancy for the self-service storage use, a pedestrian connection a minimum of five feet in width shall be provided from Murlark Avenue NW to the building entrance and shall conform to the following standards: (a) The walkway shall be paved with a hard-surface material meeting the Public Works Design Standards; (b) Where the walkway crosses the driveway, the walkway shall be visually differentiated from the driveway through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method, and striping does not meet this requirement; (c) Where the walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center. gs, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Gene Bolante, 285 Court St NE; Chris Blackburn, 360 Belmont St NE

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

With no further questions the Hearings Officer closed the public hearing at 6:21 p.m.

At this time, the Hearings Officer left the written record open for the next seven days. Comments are due by May 20, 2020 at 5:00 P.M. The applicant has until May 27, 2020 at 5:00 P.M. to submit rebuttal.

Testifying Parties: Anyone interested in testifying was instructed to email or mail their comments to the case manager by May 20, 2020 by 5:00 P.M. No in person testimony was accepted at this digital hearing.

The meeting ended at 6:22 P.M.

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Prepared by: Kirsten Straus, May 13, 2020

Approved: March 13, 2020

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