

SALEM HEARINGS OFFICER MINUTES
June 24, 2020

Hearings Officer
Jim Brewer

Staff Present
Olivia Dias, Planner III
Kirsten Straus, Recorder
Shelby Guizar, Recorder
Zachery Cardoso, Recorder

Hearings Officer Jim Brewer called the meeting to order at 5:33 p.m. City of Salem staff members present were Olivia Dias, Planner III; Kirsten Straus, Recorder; Shelby Guizar, Recorder; and Zachery Cardoso, Recorder.

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / DRIVEWAY APPROACH PERMIT CASE

- **CASE NO. CU-SPR-ADJ-DAP20-04; 1163 D STREET NE; AMANDA NO. 20-107338-ZO, 20-107339-RP, 20-107347-ZO, & 20-107349-ZO**

Summary: A proposal to construct four tennis courts and associated parking.

Request: A consolidated Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustment, and Class 2 Driveway Approach Permit, for the development of tennis courts and associated parking on a property approximately 1.75 acres (including alley and 12th street right-of-way), zoned RM-II (Multi-Family Residential-II) and PE (Public and Private Education Services) zones and designated Multiple Family Residential in the Salem Comprehensive Plan.

The request includes five Class 2 Adjustments for the following:

- To increase the height of the fence within the RM-II zone to six feet along E Street and eight feet for the remainder of the proposal.
- Reduce the driveway spacing on a minor arterial to 270 feet
- Eliminate the setback for a vehicle use area abutting 12th Street NE and D Street NE.
- ~~Eliminate the 5-foot setback abutting a property line for a vehicle use area for property lines on the southern portion of the development site.~~

The subject property is located at 1163 D Street NE (Marion County Assessor Numbers 073W23CA / 7200, 073W23CA / 7100, 073W23CA / 8100, 073W23CA / 8200, 073W23CA / 8300 and City right of way.

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:36 p.m.

Case Manager Olivia Dias entered the staff report, all attachments, the presentation, comments submitted by the public, and two emails from Mark Shipman 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, and driveway approach permit application for the proposed development of tennis courts and associated parking on a property approximately 1.75 acres (including alley and 12th street right-of-way) located at 1163 D Street NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: There shall be no lighting on-site taller than four feet above grade.

Condition 2: The applicant shall provide signage on-site indicating the facility closes at dusk.

SITE PLAN REVIEW:

Condition 3: Prior to issuance of building permits, the applicant shall eliminate property lines within the development site.

Condition 4: The applicant shall provide landscaping within the 6.75 feet land area abutting E Street and the development with shrubs that will grow six feet in height along the length of the development site.

Condition 5: Obtain approval in compliance with SRC 76.160 for proposed uses in the public right-of-way.

Condition 6: Install street trees to the maximum extent feasible along the frontage of D Street NE pursuant to SRC 86.015(e).

Condition 7: Install street trees to the maximum extent feasible along the frontage of E Street NE pursuant to SRC 86.015(e).

Condition 8: 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 9: The applicant shall landscape the special setback of 11 feet between the vehicle use area and street improvements meeting Type A standards of SRC 807.

Condition 10: The adjusted development standard, 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 standards of the UDC, unless adjusted through a future land use action.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Mark Shipman, Saalfeld Griggs lawyers, PO Box 470, Salem OR 97308

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

With no further questions the Hearings Officer closed the public hearing at 6:07 p.m.

At this time, the Hearings Officer left the written record open for the next seven days. Comments are due by July 1, 2020 at 5:00 P.M. The applicant has until July 8, 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 July 1, 2020 by 5:00 P.M. No in person testimony was accepted at this digital hearing.

The meeting ended at 6:12 P.M.

Prepared by: Shelby Guizar, June 24, 2020

Approved: June 25, 2020

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