

**SALEM HEARINGS OFFICER MINUTES**  
**June 26, 2019**

**Hearings Officer**  
Amy Cook

**Staff Present**  
Brandon Pike, Planner I  
Hayley Feightner, Planner I  
Pamela Cole, Planner II  
Angela Williamson, Recorder

Hearings Officer Amy Cook called the meeting to order at 5:30 p.m. City of Salem staff members present were Brandon Pike, Planner I, Hayley Feightner, Planner I, Pamela Cole – Planner II, and Angela Williamson – Recorder.

**1. PUBLIC HEARING ON A CONDITIONAL USE / SITE PLAN REVIEW CASE**

- **CU-SPR19-02 for property located at 2490 EWALD AVENUE SE; 19-109548-ZO & 19-109547-RP**

**Request:** Conditional Use and Class 3 Site Plan Review application for a proposed hemp extraction facility, a heavy manufacturing use, in an existing building at 2490 Ewald Avenue SE 97302 (Marion County Assessor Map and Tax Lot 083W01CB01100A1) with parking and vehicle use areas on City-owned property surrounding the building and located at 2740-2994 25<sup>th</sup> Street SE (Marion County Assessor Map and Tax Lot 083W0100100) in the IG (General Industrial) zone and McNary Field Overlay zone.

Ms. Cook read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:33 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 and site plan review application to change the use of a building to a hemp extraction facility for property located at 2490 Ewald Avenue SE subject to the following conditions of approval:

**CONDITIONAL USE:**

**Condition 1:** The extraction process shall be performed as described in the applicant's written statement included as **Attachments C and D.**

**Condition 2:** The proposed development shall be in substantial conformance with the approved site plan included as **Attachment B**, as modified by the conditions of approval. Addition of an industrial dryer to the exterior of the building and exterior storage of ethanol on the premises, subject to the requirements of Oregon Fire Code and all other local, state, and federal requirements for fire and environmental protection, will be considered in substantial conformance with the approved site plan.

**SITE PLAN REVIEW:**

**Condition 3:** Provide 4 bicycle parking spaces meeting the standards of SRC 806.060.

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

**PERSONS TESTIFYING:**

Applicant: Hannah Warner, 250 Church St. SE 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 5:41 p.m.

## **2. PUBLIC HEARING ON A SIGN VARIANCE AND SIGN PERMIT CASE**

- **VAR-SI19-01 for property located at 5090 Commercial St SE; 18-124770-SA & 19-109437-SI & 19-110750-SI**

**Request:** A consolidated request including a Sign Variance and two Sign Permits to allow two additional vehicle viewing signs permitted under SRC 900.200(c)(2)(D) for use as pre-sell menu boards in the drive-through lanes of an existing eating and drinking establishment. The subject property is approximately .95 acres in size, zoned CR (Retail Commercial) and located within the South Gateway Overlay Zone and located at 5090 Commercial Street SE – 97306 (Marion County Assessors Map and Tax lot number: 083W14BB / 01703).

Ms. Cook 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 Hayley Feightner entered the staff report, all attachments, and her presentation into the record and proceeded with her presentation.

### **RECOMMENDATION**

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer DENY the request for a Sign Variance and Sign Permit to allow two additional vehicle viewing signs for use as pre-sell menu boards in the drive-through lanes of an existing eating and drinking establishment located at 5090 Commercial Street SE

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

### **PERSONS TESTIFYING:**

Applicant: Mark Shipman, 250 Church St. SE Ste. 200

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

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Evidence Received From:

Support: Mark Shipman, 250 Church St. SE Ste. 200

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 6:15 p.m.

### **3. PUBLIC HEARING ON A QUASI-JUDICIAL ZONE CHANGE CASE**

- **ZC19-02 for property located at 4485 Kale Street NE; 19-109380-ZO**

**Request:** An application for a Quasi-Judicial Zone Change from RM-I (Multiple Family Residential) to RM-II (Multiple Family Residential), for a 7.26-acre portion of a property approximately 33.88 acres in size that is currently vacant. The property is currently split-zoned RM-I (Multiple Family Residential), RM-II (Multiple Family Residential), and RS (Single Family Residential), and is located at 4485 Kale Street NE – 97305.

Ms. Cook read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 6:16 p.m.

Case Manager Brandon Pike 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 quasi-judicial zone change from RM-I (Multiple Family Residential) to RM-II (Multiple Family Residential) for property approximately 33.88 acres in size, and located at 4485 Kale Street NE – 97305 (Marion County Assessor Map and Tax Lot Number(s) 062W32C00800).

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

#### **PERSONS TESTIFYING:**

Applicant: Brandie Dalton, Multi Tech, 1155 13<sup>th</sup> St SE

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

Neighborhood Association: None

Support: None

Oppose: None

Neutral: Al Unruh, 4991 Countryside Drive NE / 97305

#### **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 6:31 p.m.

#### **4. PUBLIC HEARING ON A QUASI-JUDICIAL ZONE CHANGE / ADJUSTMENT CASE**

- **ZC-ADJ19-01 for property located at 2425 Lancaster Dr SE; 19-108003-ZO, 19-108005-ZO**

**Request:** A Zone Change from RA (Residential Agriculture) to IG (General Industrial) and Class 2 Adjustment requests to:

- 1) Reduce the 40-foot setback required by SRC 554.010(b) and Tables 554-3 and 554-4 to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600;
- 2) Provide a 6-foot-tall sight-obscuring fence for screening along the north line of tax lots 082W06 / 00500 and 00600 rather than the minimum 6-foot-tall wall required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1;
- 3) Defer installation of landscaping in the proposed 10-foot-wide setback abutting tax lot 082W0600400 until such time as tax lot 082W0600400 is developed;
- 4) Provide a 20-foot wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 rather than a 5-foot-wide landscaped setback required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1 inside the southern property line of tax lots 082W06 / 00500 and 00600.

For property approximately 62 acres in size, zoned RA (Residential Agriculture), and located at 2425 Lancaster Drive SE - 97317 (Marion County Assessor's Map and Tax Lot number: 082W06 / 00500 and 00600).

Ms. Cook read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:31 p.m.

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

#### **RECOMMENDATION**

Based on the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a zone change from RA (Residential Agriculture) to IG (General Industrial) and adjustments for a property 62 acres in size and located at 2425 Lancaster Drive SE - 97317 (Marion County Assessor's Map and Tax Lot number: 082W06 / 00500 and 00600) subject to the following conditions of approval:

**Condition 1:** Develop the proposed unpaved outdoor vehicle storage area for trucks and trailers in substantial conformance with the site plan (Attachment B of the staff report), as modified by conditions of approval.

**Condition 2:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.

**Condition 3:** Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

**Condition 4:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line west of future Carson Drive SE and abutting tax lot 082W0600400, provide a 6-foot-tall sight-obscuring fence along the property line, provide a 10-foot-wide setback area for future landscape planting installation, and retain a 30-foot-wide separation to the unpaved vehicle storage area.

**Condition 5:** Record restrictive covenants on 2425 Lancaster Drive SE (tax lot 082W0600500) stipulating that zone-to-zone setbacks and landscaping meeting the requirements of the UDC shall be provided inside the north property line west of future Carson Drive SE and abutting tax lot 082W0600400 at such time that tax lot 082W0600400 is developed.

**Condition 6:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (Attachment B of the staff report), planted with at least one plant unit per 20 square feet and meeting Public Works Design Standards.

**Condition 7:** Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 2685 Lancaster Drive SE (tax lot 082W0600700), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

**Condition 8:** The adjusted landscaping and setback requirements, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan (Attachment B of the staff report). 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.

**PERSONS TESTIFYING:**

Applicant: Jeff Tross, Tross Consulting, Inc., 1720 Liberty St SE

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

Neighborhood Association: None

Support: None

Oppose: Ken Graves, 2410 Lancaster St SE

Neutral: None

Evidence Received From:

Support: None

Oppose: None

Neutral: None

Rebuttal: Jeff Tross, Tross Consulting Inc., 1720 Liberty St SE

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

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

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 7:09 p.m.

The Hearings Officer adjourned the meeting at 7:09 p.m.

*Prepared by: Angela Williamson, June 26, 2019*

*Approved: July 3, 2019*

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