



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213

CASE NUMBER:	Appeal of the <i>Planning Administrator's</i> decision on Partition Case No. PAR20-13
PROPERTY LOCATION:	4204 Kurth Street S, Salem OR 97302
SUMMARY:	Appeal of the <i>Planning Administrator's</i> decision approving a tentative partition plan to divide approximately 0.35 acres into two parcels, with Parcel 1 consisting of 9,130 square feet and Parcel 2 consisting of 5,299 square feet.
BASIS OF APPEAL:	See attached Notice of Appeal.
HEARING INFORMATION:	DUE TO SOCIAL DISTANCING MEASURES IN PLACE TO HELP STOP THE SPREAD OF THE COVID-19 VIRUS THIS HEARING WILL BE HELD DIGITALLY. <u>Salem Planning Commission, January 12, 2021 at 5:30 P.M.</u> To view the meeting LIVE on YouTube please visit this link with any computer, tablet, or smart phone: http://bit.ly/planningpublicmeetings
TO PROVIDE WRITTEN TESTIMONY:	Both written and oral testimony will be accepted on this case. Only those participating by submitting written testimony, or by testifying virtually at the hearing, have the right to appeal the decision. To provide written testimony: Direct written comment to the case manager listed below. Staff recommends emailing your comments to ensure receipt before the public hearing. To provide testimony digitally at the public hearing: Sign up by contacting Shelby Guizar at sguizar@cityofsalem.net or 503-540-2315 by <u>January 21, 2021 at 3:00 p.m.</u> to receive instructions.
CASE MANAGER:	Olivia Dias, Current Planning Manager , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2343; E-mail: odias@cityofsalem.net .
NEIGHBORHOOD ASSOCIATION:	<i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:</i> Sunnyslope Neighborhood Association, Evan White, Land Use Chair; Phone: 503-585-4814; Email: epwhitehouse@comcast.net .
STAFF REPORT:	The Staff Report will be available seven (7) days prior to the hearing and will thereafter be posted on the Community Development website: https://www.cityofsalem.net/notice .
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA:	Salem Revised Code (SRC) Chapters 205.005(d) – Partition Salem Revised Code (SRC) is available to view at this link: http://bit.ly/salemorcode . Type in the chapter number(s) listed above to view the applicable criteria.

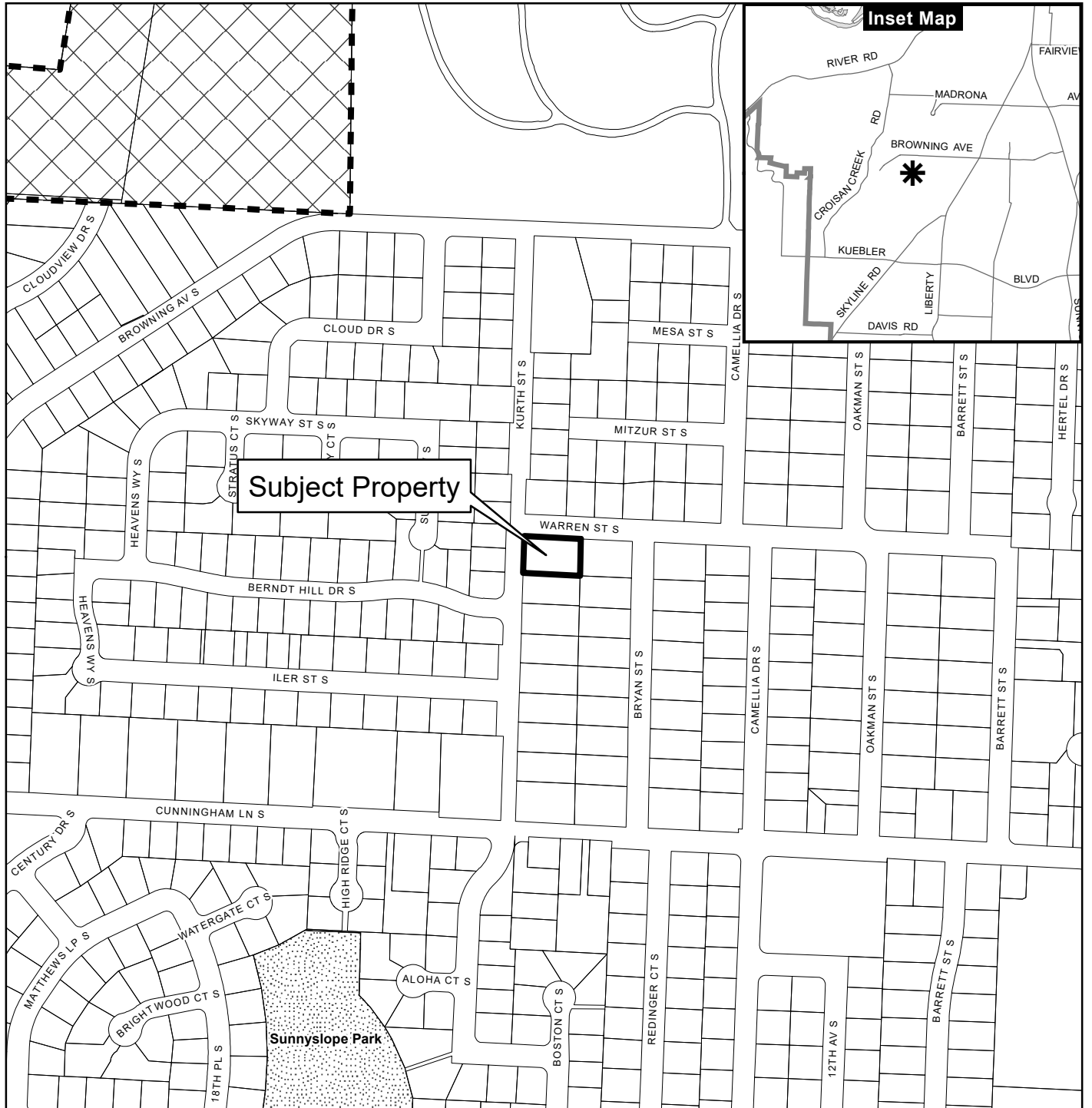
OWNER(S):	Todd and Audrey Dollinger
APPLICANT / AGENT(S):	Brandie Dalton, Multi-Tech Engineering, on behalf of Todd Dollinger
APPELLANT:	Brandie Dalton, Multi-Tech Engineering, on behalf of Todd Dollinger
DESCRIPTION of REQUEST:	<p>Appeal of the <i>Planning Administrator's</i> decision approving a tentative partition plan to divide approximately 0.35 acres into two parcels, with Parcel 1 consisting of 9,130 square feet and Parcel 2 consisting of 5,299 square feet.</p> <p>The subject property is approximately 0.35 acres in size, zoned RS (Single Family Residential), and located at 4204 Kurth Street S (Marion County Assessors Map and Tax Lot number 083W09BB / 10900).</p>
HEARING PROCEDURE:	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. A hearing is not a venue to ask questions of staff, the applicant, or the decision maker(s) on this case but rather an opportunity to provide testimony to the decision maker(s) on the merits of the land use case; questions about the application, the recommended conditions of approval, or the Planning Administrator's recommendation, should be directed to the Case Manager prior to the hearing.</p> <p>Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony. Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either virtually or in writing, and anyone who requested to receive notice of the decision.</p>
MORE INFORMATION:	Documents and evidence submitted by the applicant are available for review and paper copies can be obtained at a reasonable cost. You can also find out more information about the status of the proposed application on the City's online Permit Application Center at https://permits.cityofsalem.net . Just enter the permit number listed here: 20 108056
NOTICE MAILING DATE:	December 23, 2020

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.
For more information about Planning in Salem:
<http://www.cityofsalem.net/planning>

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 4204 Kurth Street S

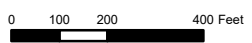


Subject Property

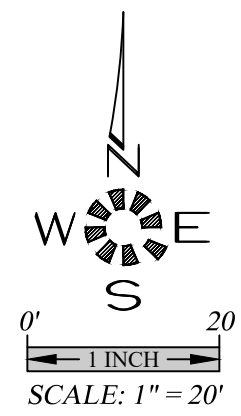
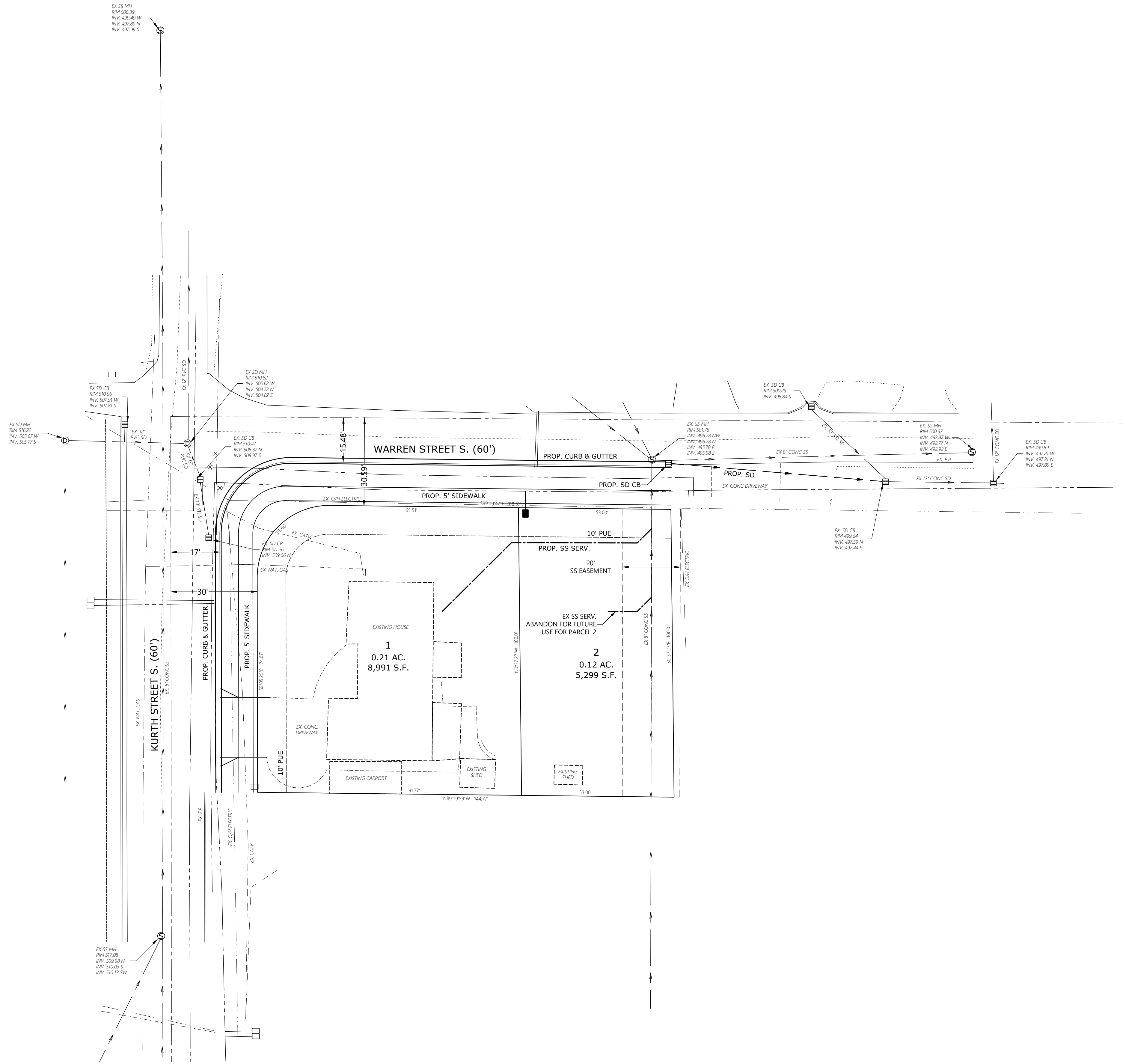
Inset Map

Legend

- Taxlots
- City Limits
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Parks
- Schools



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**PROPOSED
 SITE PLAN**

KURTH STREET PARTITION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

00076 - C1.3 SITE
 Design: M.D.G.
 Drawn: T.N.S.
 Checked: J.J.G.
 Date: OCT 2020
 Scale: AS SHOWN



EXPIRES: 06-30-2021
 JOB # 7007

Kurth Street PAR 20-13 Appeal

BACKGROUND:

On November 19, 2020, the decision for Partition Case No. 20-13 was approved by the Planning Administrator with eleven (11) Conditions of Approval.

The applicant partition was Todd Dollinger and the applicant's representing agent was Brandie Dalton, Land-Use Planner. Therefore, the applicant and the applicant's representative have standing to appeal the PAR 201-3 decision.

APPEAL ISSUES:

The applicant is appeal Conditions 6 and 7:

Condition 6: Obtain an improvement agreement or construct a minimum of 17-foot-wide half street improvement along the frontage of Kurth Street S to Collector street standards.

Condition 7: Obtain an improvement agreement or construct a minimum of 15-foot-wide half-street improvement along the frontage of Warren Street S to Local street standards.

Applicant Response:

The proposed partition is to divide 0.35 acres into two parcels. Conditions 6 and 7 are no proportional to the impacts of the proposed two parcel partition. Both those conditions are expensive and timely for such a small partition. Conditions 6 and 7 are extreme conditions and do not flow with Housing Needs within the State of Oregon.

Therefore, the applicant is appealing the PAR 20-13 decision and requesting Conditions 6 and 7 be eliminated.