



City of Salem

Hearings Officer

Community Development Department

September 28, 2022

5:30 PM – 7:30 PM, Online

Si necesita ayuda para comprender esta información, por favor llame 503-588-6178

AGENDA

1. Variance / Class 3 Site Plan Review / Class 2 Adjustment Case No. VAR-SPR-ADJ22-02

a. VAR-SPR-ADJ22-02 for 5575 Commercial St SE

Summary: Proposed development of a new mixed-use building containing 71-dwelling units and 11,998 square feet of retail commercial floor area.

Request: A Variance request to remove Condition 4 from CU20-08 which requires an offset of at least four feet along the exterior wall of the proposed building, and a Class 3 Site Plan Review for a proposed mixed-use development including 71 multi-family residential units and approximately 11,998 square feet of retail commercial floor area, with the following Adjustments to:

- 1) Increase the maximum building height from 50 feet, per Table 522-5, to 50 feet and 10 inches.
- 2) Eliminate the requirement to provide pedestrian pathways connecting between other existing buildings on the development site per SRC 800.065(a)(2).

For property approximately 2.95 acres in size, zoned CR (Retail Commercial), and located at 5775 Commercial Street SE - 97306 (Marion County Assessors Map and Tax Lot number: 083W14CD / 00700).

South Gateway Neighborhood Association

Case Manager: Aaron Panko, Planner III

DIGITAL MEETING ACCESS

To view this meeting LIVE on YouTube, please visit this link with your computer, tablet, or smartphone by clicking this link: <https://bit.ly/planningpublicmeetings>

TO PROVIDE WRITTEN TESTIMONY ON A PUBLIC HEARING ITEM: Email written testimony to the Case Manager or mail to City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. We recommend you email comments to ensure receipt before the public hearing.

TO SIGN UP TO PROVIDE IN-PERSON TESTIMONY ON A PUBLIC HEARING ITEM: You may provide testimony digitally at the public hearing. To sign up to provide live testimony during a public hearing, please email zcardoso@cityofsalem.net or call 503-540-2304 by August 10, 2022 at 3:00 p.m.

Staff Reports and presentations for this meeting will be available at this link, see "Agendas and Meeting Minutes": <https://www.cityofsalem.net/government/boards-commissions/hearings-officer>

Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request accommodations or services, please call 503-540-2371 (TTD/TTY 503-588-6439) at least two business days in advance.

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 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities.

HEARINGS OFFICER PUBLIC HEARING PROCEDURES

THE STATEMENT OF CRITERIA WILL BE READ BEFORE EACH HEARING

THE HEARING WILL BE CONDUCTED with the staff presentation first, followed by the applicant's case presentation (limited to a total of 15 minutes), neighborhood organization comments (limited to a total of 10 minutes), testimony of persons either in favor or opposition (limited to 5 minutes each, discretionary), and a rebuttal opportunity for the applicant (limited to 5 minutes), should opposition be raised. The Hearings Officer may ask questions between or after presentations/testimony. The public testimony portion will then be closed

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. Any participant may request that the hearing be continued or that the record be left open for submission of additional evidence or testimony.

HEARINGS OFFICER DECISIONS are based on the criteria contained in the Salem Revised Code. Applicable criteria for each case, referenced in the public hearing notice and staff report, can be found in the Salem Revised Code. Applications may be approved, conditionally approved, or denied on the basis of conformity with the applicable criteria. Conditions of approval may be placed on an approval to ensure the proposal complies with all applicable portions of the Salem Revised Code.

ALL ISSUES MUST BE RAISED AT THE HEARING. Failure to raise an issue, accompanied by statements or evidence sufficient to afford the parties an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue. A similar failure to raise constitutional issues relating to any proposed conditions of approval precludes an action for damages in Circuit Court.

Salem Revised Code (SRC) and other informative documents may be accessed online at: <https://www.cityofsalem.net/business/land-use-zoning>