



# 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*

<b>CASE NUMBER:</b>	Conditional Use / Class 2 Adjustment Case No. "CU-ADJ22-04"
<b>PROPERTY LOCATION:</b>	795 Church St SE, Salem OR 97301
<b>SUMMARY:</b>	Conditional Use Permit and Class 2 Adjustment to allow an existing single-family dwelling to be used as a short-term rental.
<b>HEARING INFORMATION:</b>	<p><u>Hearings Officer on December 14, 2022 at 5:30 PM held virtually via Zoom</u></p> <p>To view the meeting LIVE on YouTube please visit this link with any computer, tablet, or smart phone: <a href="http://bit.ly/planningpublicmeetings">http://bit.ly/planningpublicmeetings</a></p>
<b>HOW TO PROVIDE TESTIMONY:</b>	<p>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.</p> <p><b>To provide written testimony:</b> Direct written comment to the case manager listed below. Staff recommends emailing your comments to ensure receipt before the public hearing.</p> <p><i>Note: Comments submitted are <u>public record</u>. This includes any personal information provided in your comment such as name, email, physical address and phone number.</i></p> <p><b>To provide testimony digitally at the public hearing:</b> Sign up by contacting Zachery Cardoso at <a href="mailto:zcardoso@cityofsalem.net">zcardoso@cityofsalem.net</a> or 503-540-2304 by <u>the date of the hearing at 3:00 p.m.</u> to receive instructions.</p>
<b>CASE MANAGER:</b>	<b>Bryce Bishop, Planner III</b> , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2399; E-mail: <a href="mailto:bbishop@cityofsalem.net">bbishop@cityofsalem.net</a> .
<b>NEIGHBORHOOD ASSOCIATION:</b>	<p><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></p> <p>South Central Association of Neighbors (SCAN), Roz Shirack, Land Use Chair; Email: <a href="mailto:rozshirack7@gmail.com">rozshirack7@gmail.com</a>.</p>
<b>STAFF REPORT:</b>	<p>The Staff Report will be available seven (7) days prior to the hearing and will thereafter be posted on the Hearing Body's website under Agendas and Minutes:</p> <p><a href="https://www.cityofsalem.net/government/boards-commissions/hearings-officer">https://www.cityofsalem.net/government/boards-commissions/hearings-officer</a></p>
<b>ACCESS:</b>	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
<b>CRITERIA:</b>	<p>Salem Revised Code (SRC) Chapter(s) 240.005(d) – Conditional Use; 250.005(d)(2) – Class 2 Adjustment</p> <p>Salem Revised Code (SRC) is available to view at this link: <a href="http://www.cityofsalem.net/src">www.cityofsalem.net/src</a>. Type in the chapter number(s) listed above to view the applicable criteria.</p>

<b>OWNER(S):</b>	Brandon Fahlman and Quinn Burke
<b>APPLICANT / AGENT(S):</b>	Brandon Fahlman and Quinn Burke
<b>PROPOSAL / REQUEST:</b>	<p>A consolidated application for a Conditional Use Permit and Class 2 Adjustment to allow an existing four-bedroom single-family dwelling to be used as a short-term rental. The application includes the following:</p> <ol style="list-style-type: none"> <li>1) A Conditional Use Permit to allow the use of the existing single-family dwelling as a short-term rental; and</li> <li>2) A Class 2 Adjustment to allow the two proposed off-street parking spaces located in the existing driveway to encroach approximately seven feet into the required 12-foot special setback abutting Mission Street SE (SRC 800.040).</li> </ol> <p>The subject property is approximately 6,098 square feet in size, zoned RS (Single Family Residential) within the Gaiety Hill/Bush's Pasture Park Historic District, and located at 795 Church Street SE (Marion County Assessor Map and Tax Lot Number: 073W27DB00600).</p>
<b>HEARING PROCEDURE:</b>	<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>
<b>MORE INFORMATION:</b>	All documents and evidence submitted by the applicant are available on the City's online Permit Application Center at <a href="https://permits.cityofsalem.net">https://permits.cityofsalem.net</a> . You can use the search function without registering and enter the permit number listed here: 22 117577. Paper copies can be obtained for a reasonable cost.
<b>NOTICE MAILING DATE:</b>	November 23, 2022

***PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.***

***For more information about Planning in Salem:***

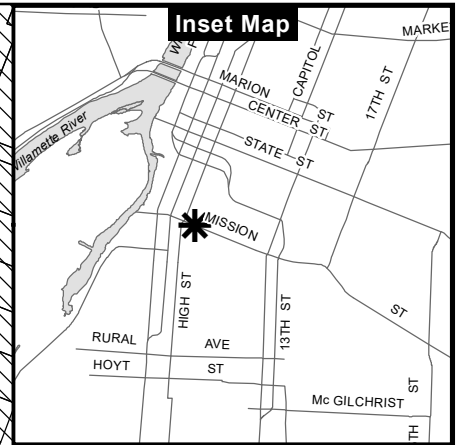
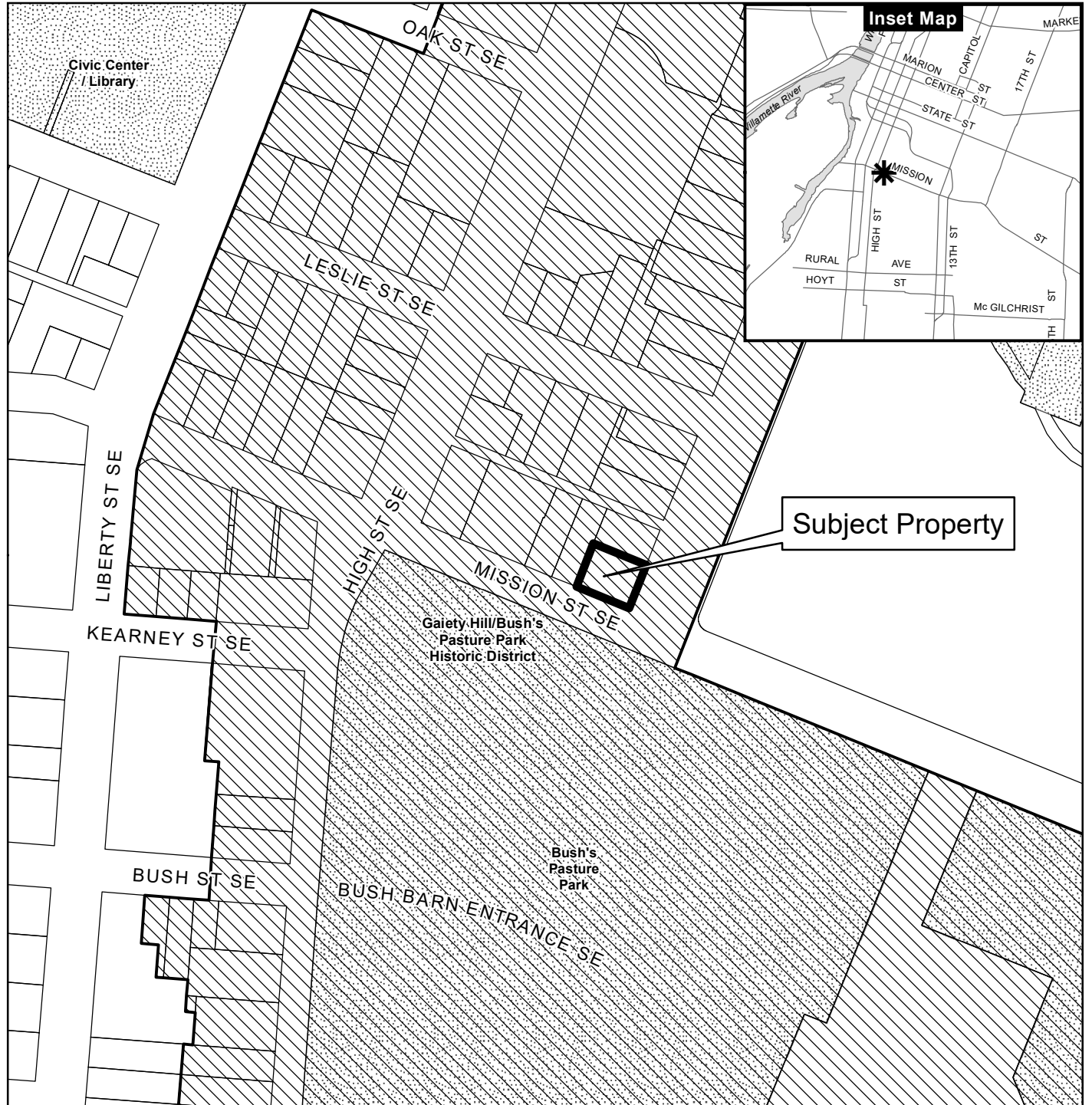
**<http://www.cityofsalem.net/planning>**

*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 795 Church Street SE



Subject Property

## Legend

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

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.



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Conditional Use Permit - Date: 8/17/2022, Revised on 10/28/2022

Applicants: Brandon Fahlman & Quinn Burke

Location: 795 Church St SE, Salem, OR 97301

Site Area: 6264 square feet - no protected trees or vegetation - Landscaped area: approximately 2931 square feet

Total of five existing standard on-site parking spaces

Scale: 3/32"=1'

