

City of Salem

Hearings Officer

Community Development Department

December 14, 2022

5:30 PM – 7:30 PM, Online

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

AGENDA

1. Sign Conditional Use / Sign Permit Case No. CU-SI22-06

a. CU-SI22-06 for 5500 Reed Lane SE

Summary: A proposal to replace an existing reader board sign in a residential zone with a new electronic display wall sign.

Request: A request for Sign Conditional Use and Sign Permit Applications to install a 24.5-square foot electronic display wall sign to replace an existing backlit reader board sign for Pringle Elementary School, for property approximately 10.3 acres in size, zoned RA (Residential Agriculture), and located at 5500 Reed Lane SE (Marion County Assessor map and tax lot number(s): 083W14 / 201).
South Gateway Neighborhood Association

Case Manager: Jamie Donaldson, Planner II, jdonaldson@cityofsalem.net

2. Conditional Use / Class 2 Adjustment Case No. CU-ADJ22-04

a. CU-ADJ22-04 for 795 Church St SE

Summary: Conditional Use Permit and Class 2 Adjustment to allow an existing single-family dwelling to be used as a short-term rental.

Request: 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:

- 1) A Conditional Use Permit to allow the use of the existing single-family dwelling as a short-term rental; and
- 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).

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).

Case Manager: Bryce Bishop, Planner III, bbishop@cityofsalem.net

3. Conditional Use / Subdivision Tentative Plan / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. CU-SUB-ADJ-DAP22-05

a. CU-SUB-ADJ-DAP22-05 for 1300 Block of Mildred Ln SE

Summary: Proposed four-lot subdivision with associated site improvements.

Request: A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 1.71-acre property into four lots ranging in size from approximately 5,311 square feet to 47,701 square feet;
- 2) A Conditional Use Permit to allow two of the lots in the subdivision (Lots 2 and 3) which are partially zoned IC (Industrial Commercial) to be developed with single family dwellings;
- 3) A Class 2 Adjustment to:
 - a) Increase the number of flag lots allowed within the subdivision from a maximum of one to two (SRC 800.025(e));
 - b) Designate the south property line of Lot 1 abutting the flag lot accessway as the front lot line rather than the property line abutting Mildred Lane SE (SRC 800.020(a)(1));
 - c) Allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
 - d) Reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, & 3 (SRC 804.035(d)); and
- 4) A Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

The subject property is zoned RA (Residential Agriculture) and IC (Industrial Commercial), approximately 1.71 acres in size, and located in the 1300 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number: 083W14CB02401).

Case Manager: Bryce Bishop, Planner III, bbishop@cityofsalem.net

DIGITAL MEETING ACCESS

To view this meeting LIVE on YouTube, please visit this link with your LIVE 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 December 14, 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>