

City of Salem

Hearings Officer

Community Development Department

March 22, 2023

5:30 PM – 7:30 PM

City Hall, Council Chambers

555 Liberty St SE, Room 240

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

AGENDA

1. Conditional Use / Class 3 Site Plan Review Case No. CU-SPR23-02

- a. CU-SPR23-02 for 3997 Carson Dr SE and 4005 Hagers Grove Rd SE

Summary: New oil-change facility and residential units in the CR (Retail Commercial) zone.

Request: A Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and zoned CR (Retail Commercial).

Staff Report: ([Click here to view](#))

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

2. Conditional Use / Class 3 Site Plan Review Case No. CU-SPR23-03

- a. CU-SPR23-03 for 1717 Freeway Ct NE

Summary: Development of car dealership tenant in the MU-III (Mixed Use-III) zone.

Request: A Conditional Use Permit and Class 3 Site Plan Review to allow a used car dealership tenant space in an existing building with associated site changes for vehicle display and improvements to pedestrian connections, for properties totaling approximately 1.4 acres in size, zoned MU-III (Mixed Use-III) and located at 1717 Freeway Court NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 073W24AD / 0500 & 0202).

Staff Report: ([Click here to view](#))

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

3. Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. CU-SPR-ADJ-DR23-04

- a. CU-SPR-ADJ-DR23-04 for the 4900 Block of State St

Summary: Development of the second phase of the East Park Apartments, including an additional four buildings containing 42 dwelling units.

Request: A Conditional Use Permit request to allow a new multi-family residential use, and Class 3 Site Plan Review and Class 1 Design Review for development of the second phase of the East Park Apartments, including an additional four buildings containing a total of 42 dwelling units, with a Class 2 Adjustment request to:

- 1) To allow buildings to be placed at an approximate 20-foot setback along State Street and Greencrest Street NE, instead of five feet as required by 702.020(e)(4); and
- 2) To eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units adjacent to State Street and Greencrest Street NE as required by 702.020(e)(5).

For a portion of property approximately 1.74 acres in size, zoned CR (Retail Commercial), and located at the 4900 Block of State Street - 97301 (Marion County Assessor Map and Tax Lot numbers: 072W29C / 00100 and 00101).

Staff Report: ([Click here to view](#))

Case Manager: Aaron Panko, Planner III, apanko@cityofsalem.net

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 submit written comments for items not on the agenda please contact Zachery Cardoso, Administrative Analyst, at zcardoso@cityofsalem.net or 503-540-2304.

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>