



# HEARING NOTICE

## ANNEXATION REQUEST AFFECTING THIS AREA

*There is an annexation proposal for the property listed in this notice and shown on the attached map. The City is seeking input from persons who are entitled to notice under SRC 260.060(b). If you have questions or comments about the proposal, please contact the case manager.*

*Existe una propuesta de anexión para la propiedad enumerada en este aviso y que se muestra en el mapa adjunto. La Ciudad está buscando información de personas que tienen derecho a recibir notificación bajo SRC 260.060 (b). Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213*

<b>CASE NUMBER:</b>	Annexation Case No. ANXC-751
<b>HEARING INFORMATION:</b>	<u>CITY COUNCIL, Monday, November 28, 2022 at 6:00 p.m.</u>  The City Council meeting and the hearing will be conducted virtually. No in-person attendance is possible; however, public comment is still allowed (see "How to Provide Testimony"). Interested persons may view the meeting online at City of Salem Facebook, CCTV Salem, You Tube Channel, or watch on Comcast Cable CCTV Channel 21.
<b>PROPERTY LOCATION:</b>	3880 Mahrt Ave SE and Land Adjacent
<b>DESCRIPTION of REQUEST:</b>	An Annexation of territory approximately 0.83 acres in size, including 0.40 acres within the right-of-way of Mahrt Avenue SE and 0.43 acres of private property located at 3880 Mahrt Avenue SE (Marion County Assessor Map and Tax Lot 072W31BB03700) with a concurrent Comprehensive Plan Change to "Commercial," Zone Change to CR (Retail Commercial), and withdrawal from the Marion County Fire District #1, Suburban East Salem Water District, and East Salem Sewer and Drainage District.
<b>CASE MANAGER:</b>	<b>Liz Olmstead, Planner III</b> , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2363; E-mail: <a href="mailto:Eolmstead@cityofsalem.net">Eolmstead@cityofsalem.net</a> .
<b>STAFF REPORT:</b>	A copy of the staff report will be available no later than 5:00 p.m., November 21, 2022; copies can be requested from the Planning Division at 503-588-6173. The staff report will also be available online no later than 5:00 p.m., November 23, 2022 at: <a href="https://salem.legistar.com/Calendar.aspx">https://salem.legistar.com/Calendar.aspx</a>
<b>ACCESS:</b>	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
<b>NEIGHBORHOOD ASSOCIATION:</b>	<i>Neighborhood associations (N.A.) 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>  South East Salem Neighborhood Association, Jeff Leach, Land Use Co-Chair; Phone: 503-508-5499; Email: <a href="mailto:jeff503@fastmail.com">jeff503@fastmail.com</a> ; Bill Smaldone, Land Use Co-Chair; Phone: 503-361-8807; Email: <a href="mailto:wsmaldon@willamette.edu">wsmaldon@willamette.edu</a> .
<b>CRITERIA:</b>	Salem Revised Code (SRC) Chapter 260.060(c) – Annexation  Salem Revised Code (SRC) is available to view at this link: <a href="http://bit.ly/salemorcode">http://bit.ly/salemorcode</a> . Type in the chapter number(s) listed above to view the applicable criteria.

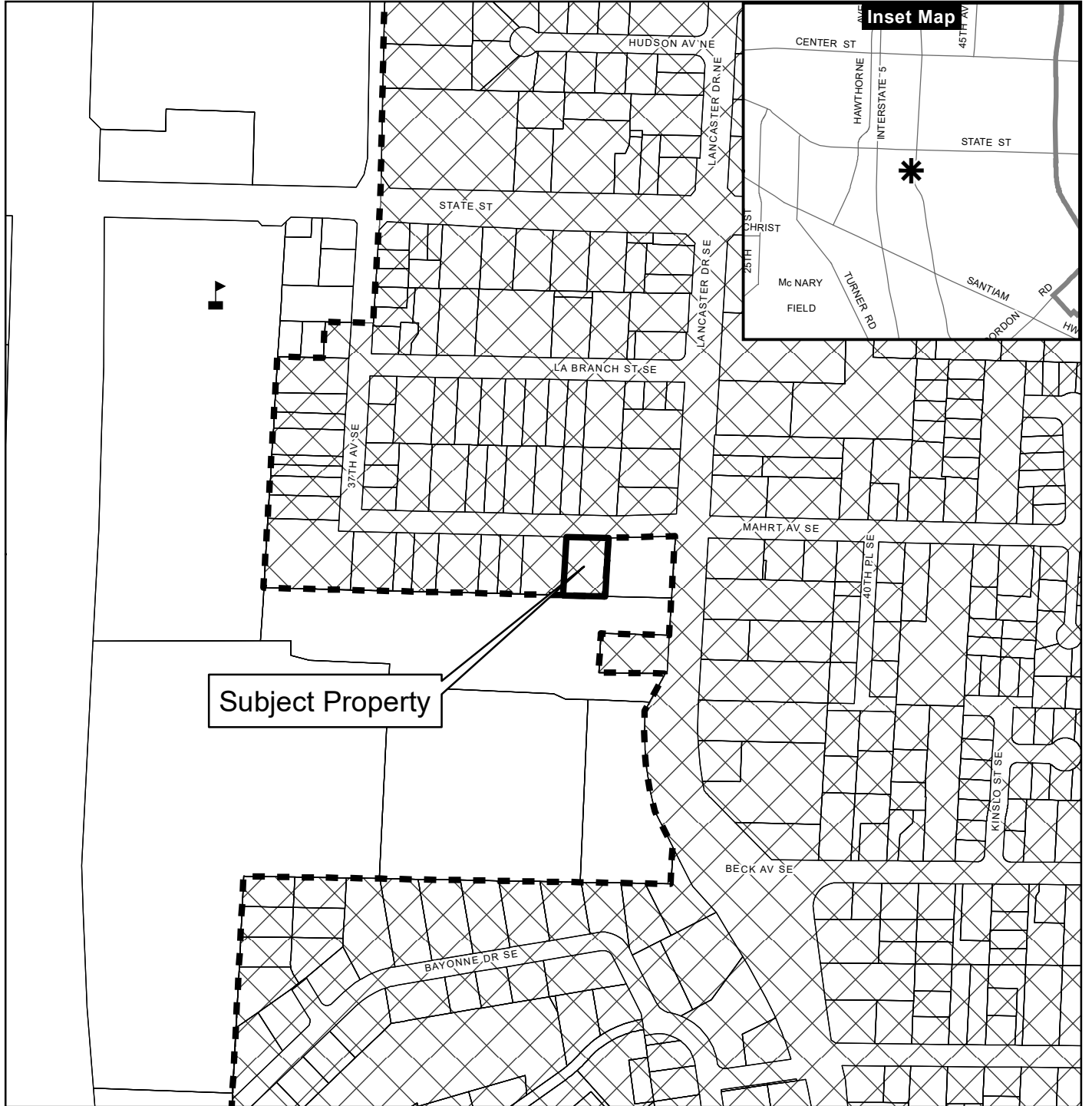
<b>PETITIONER / OWNER:</b>	Patrick Russell and Janet Russell
<b>HOW TO PROVIDE TESTIMONY:</b>	<p><b>To provide testimony digitally at the public hearing:</b> Visit this link (dates will be updated closer to the hearing): <a href="https://www.cityofsalem.net/government/city-council-mayor/how-to-give-public-comment-at-salem-city-council-and-budget-committee-meetings">https://www.cityofsalem.net/government/city-council-mayor/how-to-give-public-comment-at-salem-city-council-and-budget-committee-meetings</a></p> <p><b>To provide written testimony:</b> Persons wishing to submit written testimony must do so no later than 5:00 p.m. on the day of the hearing by emailing <a href="mailto:cityrecorder@cityofsalem.net">cityrecorder@cityofsalem.net</a> or by depositing written comments in the drop box located at the City Recorder's Office, 555 Liberty Street SE, Room 225, Salem, Oregon 97301.</p>
<b>HEARING PROCEDURE:</b>	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood association comments, 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.</p> <p>Failure to raise an issue prior to the close of the Public Hearing in person or in writing, or failure to provide statements or evidence with sufficient specificity to provide the applicant and Review Authority 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 associations, anyone who participated in the hearing, either in person 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: <u>22 101390</u> . Paper copies can be obtained for a reasonable cost.
<b>NOTICE MAILING DATE:</b>	November 17, 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 3880 Mahrt Avenue SE



Subject Property

### Legend

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

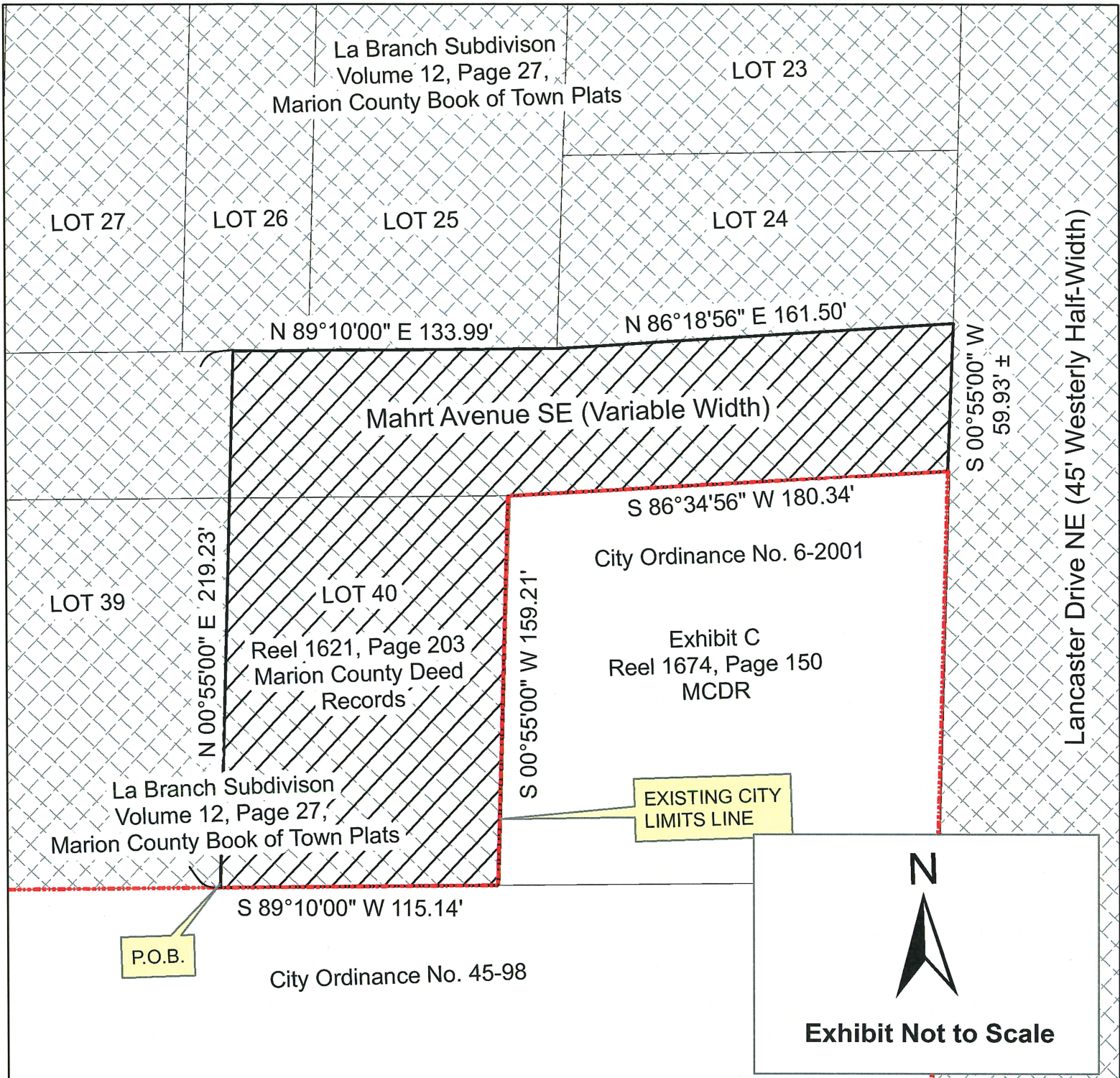
Parks

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

0 100 200 400 Feet





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**BASIS OF BEARINGS -**  
North 00°55'00" East along the west line of Lot 40, La Branch Subdivision, as recorded in Volume 12, Page 27, Marion County Book of Town Plats.

TOWNSHIP 7 SOUTH, RANGE 2 WEST, SECTION 31,  
WILLAMETTE MERIDIAN

ROW = Right-of-Way  
P.O.B = Point of Beginning  
MCDR = Marion County Deed Records

 Property in Marion County  
 PROPERTY PROPOSED TO BE ANNEXED INTO CITY  
**EXHIBIT MAP**

**CITY OF SALEM, OREGON  
PUBLIC WORKS DEPARTMENT**

3880 Mahrt Avenue SE, and land adjacent

CITY OF SALEM ORDINANCE NO. \_\_\_\_\_

ANNEXED: \_\_\_\_\_ ADJACENT TO WARD 2  
CONTAINING 0.43 acres outside ROW & 0.40 acres inside ROW

CASE NO. C-751

TRACT NO. \_\_\_\_\_