

# City of Salem

## Hearings Officer

Community Development Department

December 28, 2022

5:30 PM – 7:30 PM, Online

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

### AGENDA

1. Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1 Design Review  
Case No. CU-SPR-DAP-DR22-07

- a. CU-SPR-DAP-DR22-07 for 2410 Fairgrounds Rd NE

Summary: Phased development of a motor vehicle sales use and motor vehicle services use, with vehicle display and vehicle storage areas.

Request: A Conditional Use Permit, Class 3 Site Plan Review, Class 2 Driveway Approach Permits, and Class 1 Design Review request for development of a new motor vehicle sales and motor vehicle services use in two phases of development, with Phase 1 including a 900 square foot sales building and vehicle display area, and Phase 2 including a 7,500 square foot automotive services/warehouse building and vehicle storage area.

The subject property is approximately 1.24 acres in size, zoned CG (General Commercial), IC (Industrial Commercial), and located within the Pine Street Mixed-Use Overlay Zone at the time of application submittal, and located at 2410 Fairgrounds Road NE - 97301 (Marion County Assessor Map and Tax Lot number: 073W14DB / 01500).

Case Manager: Aaron Panko, Planner III, [apanko@cityofsalem.net](mailto: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 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](mailto:zcardoso@cityofsalem.net) or call 503-540-2304 by the date of the hearing 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>