

SALEM HEARINGS OFFICER MINUTES
December 14, 2022

Hearings Officer
James Brewer

Staff Present
Jamie Donaldson, Planner II
Bryce Bishop, Planner III
Laurel Christian, Program Coordinator
Zachery Cardoso, Recorder

Hearings Officer James Brewer called the meeting to order at 5:30 p.m. and explained the procedures of the night's hearings. City of Salem staff members present were Jamie Donaldson, Planner II; Bryce Bishop, Planner III; Laurel Christian, Program Coordinator; and Zachery Cardoso, Recorder.

1. SIGN CONDITIONAL USE / SIGN PERMIT

- **CU-SI22-06 for 5500 Reed Lane SE**

Request: A request for 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).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:36 p.m.

Case Manager Jamie Donaldson entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION-

Based upon the Facts and Findings contained in the staff report, staff recommends that the Hearings Officer **APPROVE** the request for a consolidated Conditional Use and Sign Permit Application to allow an electronic display wall sign to replace an existing backlit reader board sign for Pringle Elementary School in the RA (Residential Agriculture) zone for property located at 5500 Reed Lane SE, subject to the following conditions of approval:

Condition 1: The applicant shall remove the existing freestanding reader board sign prior to installation of the electronic reader board wall sign.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Margaret Gander Vo, 250 Church St SE Suite 200

At this time the Hearings Officer had no questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

At this time the Hearings Officer asked if anyone would like to record to remain open. The applicant waived their right for final written arguments.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 5:45 p.m.

2. CONDITIONAL USE / CLASS 2 ADJUSTMENT

- **CU-ADJ22-04 for 795 Church St SE**

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).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:46 p.m.

Case Manager Bryce Bishop entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION-

Based on the facts and findings contained in the staff report, staff recommends that the Hearings Officer APPROVE the requested Conditional Use Permit and Class 2 Adjustment to allow a short-term rental within an existing four-bedroom single family dwelling located at 795 Church Street SE and 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, subject to the following conditions of approval:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed eight persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants.
- Condition 2:** The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.
- Condition 3:** Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.
- Condition 4:** The bicycle parking spaces provided for the short-term rental use shall be developed in conformance with the applicable bicycle parking development standards included under SRC 806.060.
- Condition 5:** The existing paved area located to the east of the existing driveway between the dwelling and Mission Street SE shall be modified as follows:
- a) Remove the southern portion of the paved area located within the required 12-foot special setback of Mission Street SE and restore the area with landscaping, which may be grass lawn; and
 - b) The proposed parking space located on the northern portion of the paved area shall be screened with a 6-foot sight-obscuring fence that conforms to the applicable historic design review standards of SRC Chapter 230.
- Condition 6:** The Conditional Use Permit shall be valid only for the current applicant/owner. The Conditional Use Permit shall not run with the land and is not transferable to any other applicant or owner.
- Condition 7:** At the time of any future widening of Mission Street SE, if additional right-of-way is required to be dedicated along the Mission Street frontage of the property such that a minimum driveway depth of 20 feet cannot be maintained on the subject property:
- a) The number of guest rooms within the short-term rental shall be reduced from four to two and the maximum number of guests allowed shall be correspondingly reduced to four, with children under 12 years of age not counting towards the maximum number of occupants; or
 - b) The short-term rental shall be converted back to use as a single-family dwelling.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Brandon Fahlman, 295 Patterson St NW

At this time the Hearings Officer had questions for the applicant.

Neighborhood Association: Evan West, 466 Rural Ave S

Support: None

Oppose: Carlene Benson, 545 Leslie St SE
Mary Anne Spradlin, 1547 Chemeketa St NE
William Vagt, 690 Liberty St SE
Jacque Heavy, 747 Church St
Patricia Deminna, 635 Church St SE
Wally Benson, 545 Leslie St SE
Mary Fitzpatrick, 685 Church St SE

Neutral: None

Rebuttal from Applicant: Brandon Fahlman, 295 Patterson St NW

The Hearings officer has left the hearing open for additional testimony. Additional testimony will be allowed until 5:00 pm on December 21, 2022. Rebuttal to that additional testimony will be accepted until 5:00 pm on December 28, 2022. Final written rebuttal from the applicant will be accepted until 5 pm on January 4, 2023.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 7:13 p.m.

3. CONDITIONAL USE / SUBDIVISION TENTATIVE PLAN / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT

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

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).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 7:14 p.m.

Case Manager Bryce Bishop entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION-

Based on the facts and findings contained in the staff report, staff recommends that the Hearings Officer APPROVE the requested Conditional Use Permit, Subdivision Tentative Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit for the proposed four-lot subdivision of property located in the 1300 Block of Mildred Lane SE, subject to the following conditions of approval, which must be completed prior to final plat approval, unless otherwise indicated:

Conditions 4, 8, and 11 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

- Condition 1:** Prior to final plat approval, provide evidence demonstrating the proposed lots will be served with adequate fire department access and water supply in compliance with the Oregon Fire Code.
- Condition 2:** The front lot line designation for Lot 2 shall be the south property line and the front lot line designation for Lot 3 shall be the west property line abutting the terminus of the proposed flag lot accessway.
- Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 5:** Along Waln Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 6:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

- Condition 7:** Dedicate a minimum 20-foot-wide public access easement for a Parks Master Plan Trail in an alignment approved by the Director.
- Condition 8:** The flag lot accessway serving Lots 1-3 shall be developed as shown on the tentative subdivision plan to include a 25-foot-wide paved width together with a 5-foot-wide sidewalk. "NO PARKING–FIRE LANE" signs shall be posted on both sides of that portion of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 9:** The front lot line designation for Lot 1 shall be the south property line abutting the proposed flag lot accessway.
- Condition 10:** Dedicate a vision clearance easement area as shown on the Site Access Analysis submitted with the application and dated October 20, 2022. No structures, fences, or vegetation over 30-inches tall shall be allowed within the vision clearance area.
- Condition 11:** The flag lot accessway serving Lots 1-3 shall include a turnaround as shown on the tentative subdivision plan to ensure forward-in/forward-out movement onto Mildred Lane SE.

At this time the Hearings Officer had no questions for Staff.

PERSONS TESTIFYING:

Applicant: Brandie Dalton, 1155 13th St SE, Salem OR 97302

At this time the Hearings Officer had no questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

At this time the Hearings Officer asked if anyone would like to record to remain open. The Applicant has waived their right to final written arguments.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 7:31 p.m.

The meeting ended at 7:32 P.M.

Prepared by: Zachery Cardoso, December 14, 2022

Approved: December 15, 2022