

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: CU-SPR-DAP-DR22-07EXT1
AMANDA NO.: 25-103703-PLN
DATE OF DECISION: March 6, 2025
LOCATION: 2410 Fairgrounds Road NE
APPLICANT: Tyrone Jones

REQUEST

The first Class 1 Extension to extend the approval for a Conditional Use Permit which is a part of a consolidated application (Case No. CU-SPR-DAP-DR22-07) by two years to February 14, 2027. CU-SPR-DAP-DR22-07 granted approval of 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). A vicinity map is included as **Attachment A**.

BACKGROUND

On January 24, 2023, the Planning Administrator approved the Conditional Use Permit, Class 3 Site Plan Review, Class 2 Driveway Approach Permits, and Class 1 Design Review request (Case No. CU-SPR-DAP-DR22-07). The Conditional Use Permit Case No. CU-SPR-DAP-DR22-07 is set to expire on February 14, 2025.

On February 10, 2025, the applicant submitted the first request to extend the approval of the Conditional Use No. CU-SPR-DAP-DR22-07 for a period of two years.

FINDINGS

1. Proposal

Approval for the original application was granted on January 24, 2023, with an effective date of February 14, 2023 (**Attachment B**). Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted. Conditional Use Permit approval will expire if no application permits finalized within the time

limits set forth in SRC 300.850. The applicant has not submitted for a building permit. Table 300-3 provides that the maximum time extension period for a Conditional Use Permit approval shall be two years, up to a total of two extensions.

The applicant is requesting a two-year time extension which would extend the expiration date for the Conditional Use Permit (Case No. CU-SPR-DAP-DR22-07) approval to **February 14, 2027**.

2. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 25 103703.

3. Class 1 Time Extension Approval Criteria

A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application, because there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Time Extension to be approved:

SRC 300.850(b)(4)(A): A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding: The application for a Conditional Use Permit as a part of a consolidated application submitted on August 23, 2023, and reviewed for compliance with the approval criteria set forth in SRC Chapters 300. Because the standards and criteria used to approve the application have not changed, the request can be approved. The applicant is requesting a second two-year extension which would extend the expiration date to **February 14, 2027**. This approval criterion is met.

IT IS HEREBY ORDERED

Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision. The first Class 1 Extension to extend the approval for a Conditional Use Permit Case No. CU-SPR-DAP-DR22-07EXT1 is hereby **APPROVED**.



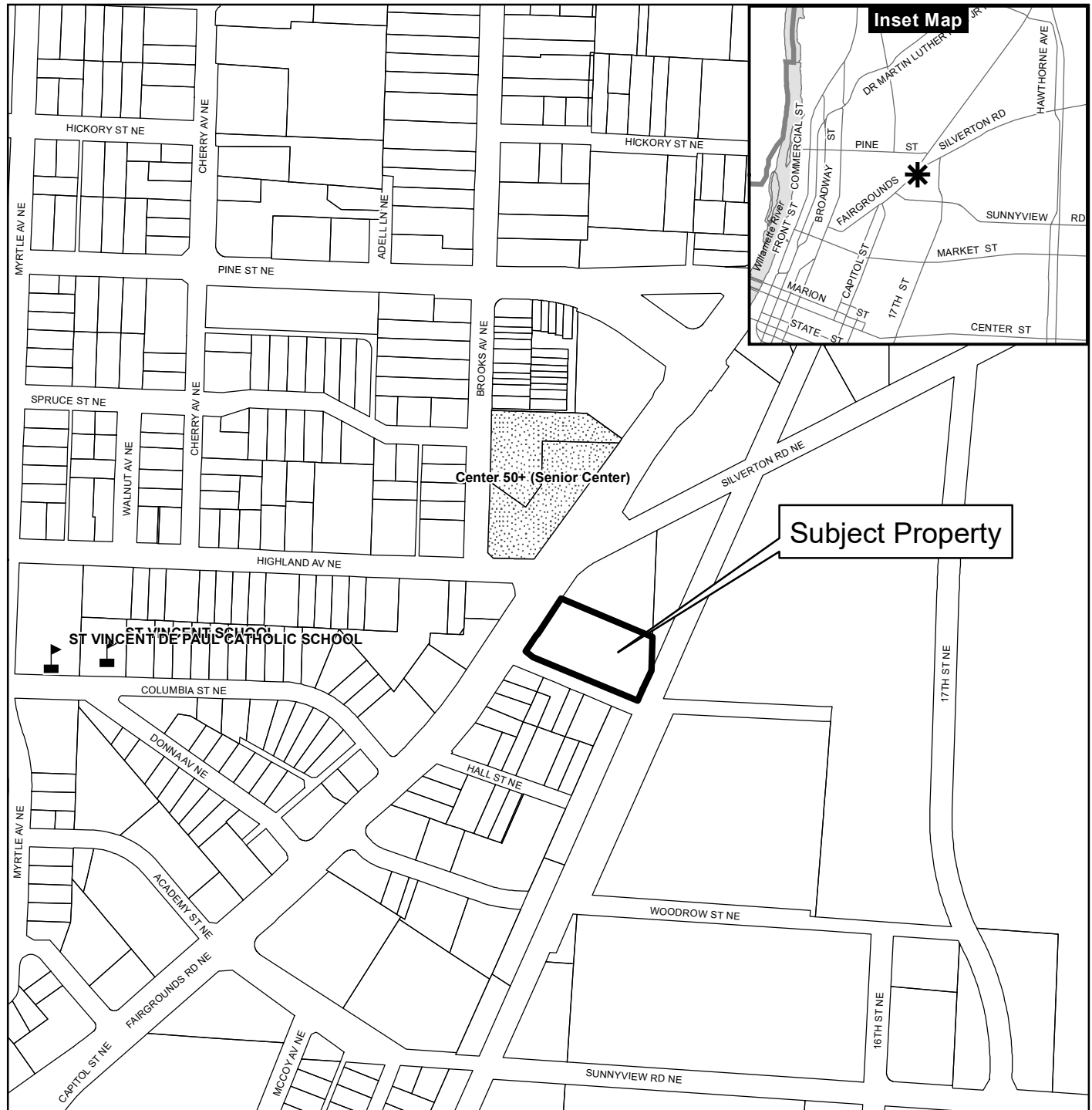
Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Original Land Use Decision for Case No. CU-SPR-DAP-DR22-07

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Vicinity Map

2410 Fairgrounds Road NE



Legend

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

0 100 200 400 Feet



CITY OF Salem
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Community Development Dept.

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DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO.: CU-SPR-DAP-DR22-07

APPLICATION NO.: 22-117397-PLN

NOTICE OF DECISION DATE: January 24, 2023

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).

APPLICANT: Ron Ped on behalf of Angie and Tyrone Jones

LOCATION: 2410 Fairgrounds Rd NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review

FINDINGS: The findings are in the attached Decision dated January 20, 2023.

DECISION: The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. CU-SPR-DAP-DR22-07 subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM. When the use is not open for business, vehicle display area lighting shall be turned off, and only pedestrian and security lighting may be used.

SITE PLAN REVIEW:

- Condition 2:** Prior to building permit approval for the first phase of development, the applicant shall demonstrate that a minimum of 15 percent of the development site will be landscaped. The applicant may request relief from this standard by submitting a future Class 2 Adjustment.
- Condition 3:** Cast iron or wrought iron fencing shall be installed along the Fairgrounds Road NE frontage.
- Condition 4:** The applicant shall demonstrate that all applicable off-street parking requirements of Chapter 806 are met at the time future use(s) are established for the Phase 2 building.
- Condition 5:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Smith Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 6:** Construct a half-street improvement along the frontage of Smith Street NE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Install street trees to the maximum extent feasible along Fairgrounds Road NE and Smith Street NE.
- Condition 8:** Dedicate a minimum 20-foot wide sewer easement along the existing 8-inch sewer main within the subject property.
- Condition 9:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

DESIGN REVIEW:

- Condition 10:** Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections for the proposed building in Phase 2.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Conditional Use:	<u>February 14, 2025</u>
All other case types:	<u>February 14, 2027</u>
Application Deemed Complete:	<u>December 6, 2022</u>
Public Hearing Date:	<u>December 28, 2022</u>
Notice of Decision Mailing Date:	<u>January 24, 2023</u>
Decision Effective Date:	<u>February 14, 2023</u>
State Mandate Date:	<u>April 5, 2023</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Wednesday, February 8, 2023. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240, 220, 804, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>