

# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*


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

<b>CASE NUMBER:</b>	Appeal of Conditional Use Case No.CU16-01
<b>AMANDA APPLICATION NO:</b>	15-121963-ZO
<b>HEARING INFORMATION:</b>	Planning Commission, Tuesday, April 19, 2016, 5:30 p.m., Council Chambers, Room 240, Civic Center, 555 Liberty St SE, Salem OR 97301
<b>PROPERTY LOCATION:</b>	1700-1800 Block of 23 <sup>rd</sup> Street SE, Salem, OR 97301
<b>OWNER(S)/APPLICANT(S):</b>	Bo Rushing, Rushing Group
<b>APPELLANT(S):</b>	Bo Rushing, Rushing Group
<b>DESCRIPTION OF REQUEST:</b>	Appeal of the Hearings Officer's decision for Conditional Use Case No. CU16-01 <b>denying</b> a Conditional Use Permit to allow development of a 96-unit apartment complex, for property approximately 2.88 acres in size, zoned IC (Industrial Commercial), and located in the 1700-1800 Block of 23rd Street SE - 97302 (Marion County Assessors Map and Tax Lot number: 073W35AD/00800).
<b>BASIS OF APPEAL:</b>	See Attached Notice of Appeal
<b>CRITERIA TO BE CONSIDERED:</b>	<p>Pursuant to SRC 240.005(d), an application for a CONDITIONAL USE PERMIT shall be granted if the following criteria are met:</p> <ol style="list-style-type: none"><li>1. The proposed use is allowed as a conditional use in the zone;</li><li>2. The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and</li><li>3. The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.</li></ol>
<b>HOW TO PROVIDE TESTIMONY:</b>	<p>Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.</p>
<b>HEARING PROCEDURE:</b>	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of 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. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.</p>

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity 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.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

**CASE MANAGER:**

**Aaron Panko, Case Manager**, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2356; E-mail: APanko@cityofsalem.net. 

**NEIGHBORHOOD ORGANIZATION:**

Southeast Salem Neighborhood Association (SESNA), Jeff Leach, Co-Land Use Chair; Phone: (503) 508-5499; Email: [jeff503@fastmail.us](mailto:jeff503@fastmail.us); Darrin Brightman, Co-Land Use Chair; Phone: (503) 586-3964; Email: [darrinsesna@gmail.com](mailto:darrinsesna@gmail.com)

**DOCUMENTATION AND STAFF REPORT:**

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

[www.cityofsalem.net/Departments/CommunityDevelopment/Planning/HearingsOrder/Pages/default.aspx](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/HearingsOrder/Pages/default.aspx)


**ACCESS:**

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

**NOTICE MAILING DATE:**

March 30, 2016

**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>**

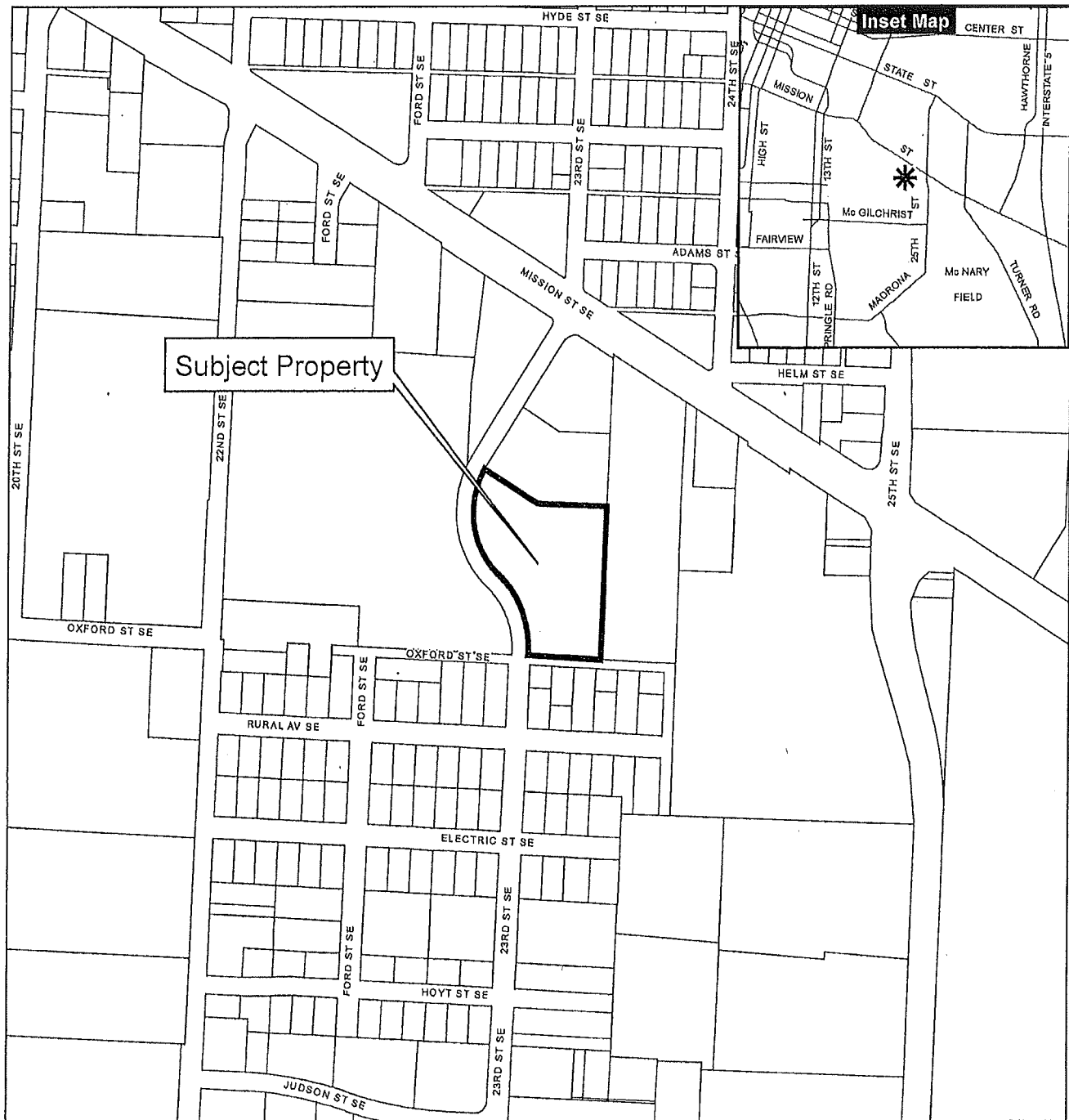
 [@Salem\\_Planning](https://twitter.com/Salem_Planning)

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*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

## 1700-1800 Block of 23rd Street SE



### Legend

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

Parks

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

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0 100 200 400 Feet



# SITE SUMMARY:

1a	DATE/NUMBER
1b	ACR# (PENDING)
2	ISSUE/PLANT
3	ISSUE/PLANT
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**2. Materials**  
 1000 g 100% cotton - 100% cotton  
 1000 g 100% cotton - 100% cotton  
 1000 g 100% cotton - 100% cotton



## A1.2

**MAY'S LANDING**  
1500 BLOCK OF 23RD ST SE      SALEM, OREGON

PROJECT # 2011-06  
DATE 15 NOV 2015  
REVISIONS

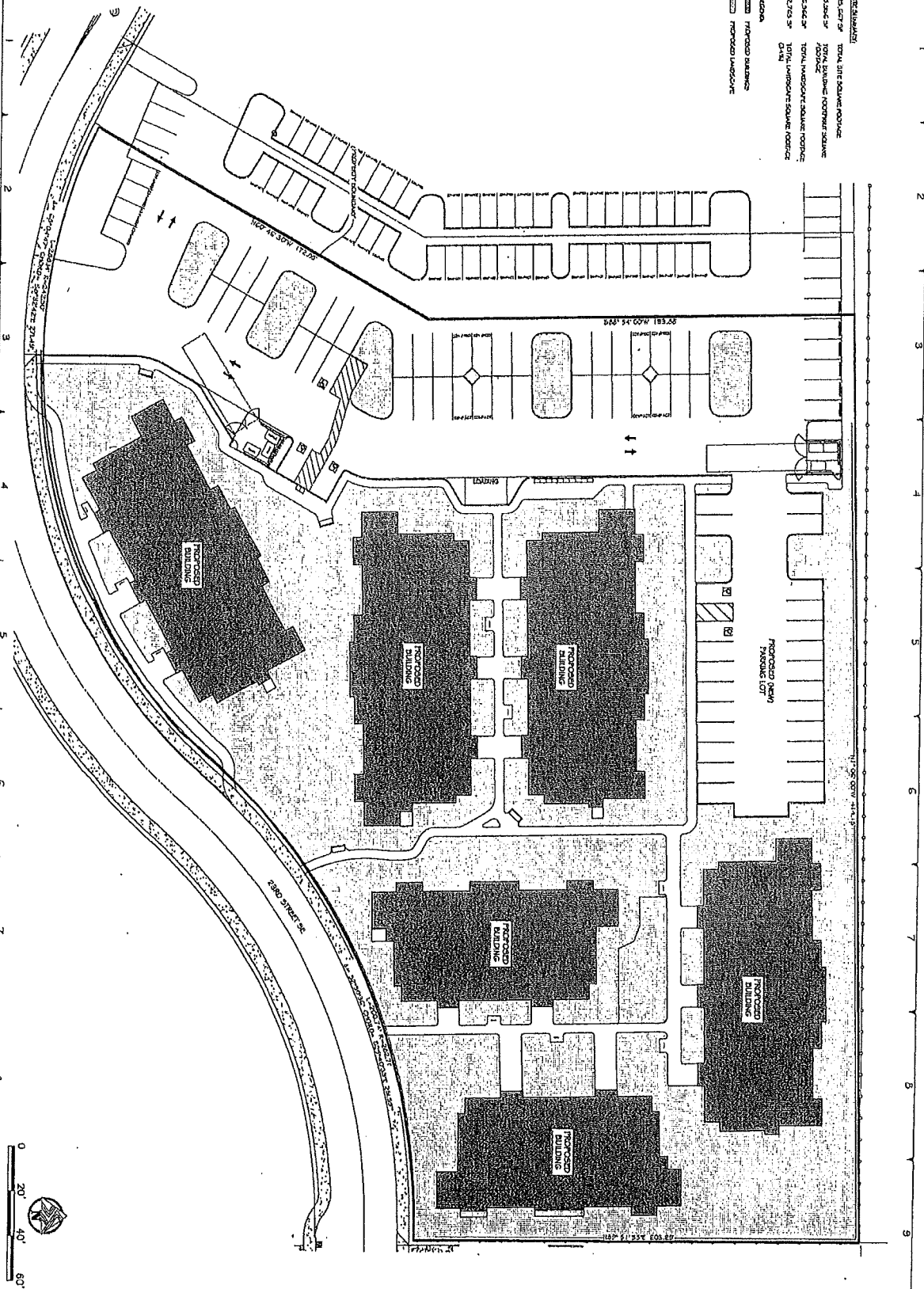
STUDIO  
**3**  
ARCHITECTURES  
INCORPORATED  
222 COMMERCIAL ST., NEWTON, MA 02459  
CALL OR FAX (617) 552-3700  
F: 508-370-4300  
T: 508-370-4300  
www.studio3architects.com



Project: 1252 23RD STREET SE, RUSHING MISSION STREET, LLC  
 Date: 11/11/2011  
 Scale: 1" = 20'

**PROPOSED BUILDINGS**

Building	Area (sq ft)	Volume (cu ft)
1	12,500	1,250,000
2	12,500	1,250,000
3	12,500	1,250,000
4	12,500	1,250,000
5	12,500	1,250,000
6	12,500	1,250,000
7	12,500	1,250,000
8	12,500	1,250,000
9	12,500	1,250,000
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93	12,500	1,250,000
94	12,500	1,250,000
95	12,500	1,250,000
96	12,500	1,250,000
97	12,500	1,250,000
98	12,500	1,250,000
99	12,500	1,250,000
100	12,500	1,250,000



**PROPOSED LANDSCAPING AREAS**

L-1.01

# 1252 23RD STREET SE

RUSHING MISSION STREET, LLC

SAN ANTONIO, TEXAS

**PROJECT DELIVERY GROUP**

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	11/11/2011	J. L. LEE	J. L. LEE
2	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
3	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
4	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
5	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
6	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
7	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
8	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
9	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE
10	REVISED PER CITY COMMENTS	11/11/2011	J. L. LEE	J. L. LEE



## LAND USE APPEAL APPLICATION

1. **GENERAL DATA REQUIRED** [to be completed by the appellant]

CU16-01

March 8, 2016

Case # Being Appealed

Decision Date

1700-1800 Block of 23rd Street SE

Address of Subject Property

4336 Commercial Street SE, Suite 140, Salem, OR 97302

Appellants Mailing Address with zip code

bo@rushinggroup.com

503-588-8500

Appellant's E-mail Address

Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Project Delivery Group, LLC; Brian Vinson

3150 22nd Street SE Salem, OR 97302

Name

Mailing Address with ZIP Code

brianv@pdgnw.com

503-364-4004

E-Mail Address

Day-time Phone / Cell Phone

2. **SIGNATURES OF ALL APPELLANTS**

Signature:

Date:

3/21/16

Printed Name:

Bo Rushing

Signature:

Date:

Printed Name:

3. **REASON FOR APPEAL** Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

**FOR STAFF USE ONLY**

Received By:

3/15/16

Date:

3/23/2016

Receipt No:

15-121963-20  
16-10327331

Appeal Deadline:

5:00 pm 3/23/2016

Case Manager:

Aimee Porter

March 22, 2016

City of Salem  
Attention: City Council  
555 Liberty Street SE  
Salem, OR 97302

RE: CU16-01 Denial Appeal

City Council,

Pursuant to SRC 300.1010, the applicant, Bo Rushing of Rushing Real Estate, Inc., has engaged Project Delivery Group to assist with the preparation and presentation of the appeal for case number CU16-01 (application no. 15-121963-ZO). This Conditional Use Permit application was denied by the Hearings Officer on March 8, 2016.

The conditional use approval criteria set forth in SRC 240.005(d) is as follows:

- 1) The proposed use is allowed as a conditional use in the zone;
- 2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and
- 3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

The applicant has demonstrated compliance with the approval criteria listed above and based on this, the denial is being appealed.

Additional information will be provided in the presentation before the City of Salem Council.

Sincerely,  
Project Delivery Group, LLC



Brittany Randall  
Land Use Planner