



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: October 20, 2021@ 9:00am

Department: Public Works

Agenda Planning Date: October 14, 2021

Time required: None

☐ Audio/Visual aids

Contact: Lindsey King

Phone: 503-566-4162

Department Head Signature:

Brin Stille

TITLE

Receive notice of hearings officer's decision recommending approval for Zone Change/ Comprehensive Plan Amendment (ZC/CP) Case 21-004/Anthony Arnautov and schedule a public hearing.

Issue, Description & Background

The hearings officer issued a recommendation on September 8, 2021, for approving ZC/CP 21-004. As part of the land use process, the Board of Commissioners must receive the recommendation and hold a public hearing on the matter. Based on conversations with the applicant the recommended hearing date is November 10, 2021. The hearing is being rescheduled to correct an error in the notice.

Financial Impacts:

None

Impacts to Department & External Agencies

None

Options for Consideration:

1. Receive recommendation and schedule a public hearing for November 10, 2021.
2. Receive recommendation and schedule a public hearing for an alternate date.

Recommendation:

Staff recommends option 1, that the Board receive the recommendation and schedule the public hearing for November 10, 2021.

List of attachments:

Hearings officer's recommendation.

Presenter:

Lindsey King

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

Lindsey King - lking@co.marion.or.us
Alyssa Schrems - Aschrems@co.marion.or.us
Pattie Phillips - pphillips@co.marion.or.us

BEFORE THE MARION COUNTY HEARINGS OFFICER

In the Matter of the Application of:)	Case No. CP/ZC 21-004
)	
Anthony Arnautov)	COMPREHENSIVE
)	PLAN AMENDMENT /
)	ZONE CHANGE

I. NATURE OF THE APPLICATION

This matter came before the Marion County hearings officer on the application of Anthony Arnautov to change the comprehensive plan designation from Developing Residential to Multi-Family Residential and the zone from Urban Development (UD) to Multi-Family Residential (RM) on two parcels of 2.25 acres located at 4310 and 4330 Monroe Avenue NE, Salem (T7S, R2W, Section 30DB, Tax Lots 500 and 600).

II. RELEVANT CRITERIA

The standards and criteria relevant to this application are found in the Marion County Code (MCC), title 16, especially MCC 16.39, and the Salem Area Comprehensive Plan (SACP), especially General Development Policies and Commercial Development Policies.

III. PUBLIC HEARING

A public hearing was held on the application on July 1, 2021. At the hearing, the Planning Division file was made part of the record. The following persons appeared in person and provided testimony:

- | | | |
|----|----------------|------------------------------|
| 1. | Alyssa Schrems | Planning Division |
| 2. | John L. Brosy | For Applicant |
| 3. | Paul Bycroft | In Opposition to Application |

The hearings officer made the declaration required by ORS 197.763 and disclaimed any *ex parte* contacts, bias, or conflicts of interest. The hearings officer stated that the only relevant criteria were those identified in the staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums. No objections were raised to notice, jurisdiction, bias, *ex parte* contacts, conflict of interest, or to evidence or testimony presented at the hearing. At the conclusion of the public hearing, the record was closed.

IV. EXECUTIVE SUMMARY

The Applicant requests to change the Comprehensive Plan Designation from Developing Residential to Multi-Family Residential and a Zone Change from Urban Development (UD) to Multi-Family Residential (RM) and on two parcels of 2.25 acres located at 4310 and 4330 Monroe Avenue NE, Salem, Oregon. The hearings officer finds that the Applicant has satisfied the relevant approval criteria to change the comprehensive plan designation from Developing Residential to Multi-Family Residential and for a zone change from Urban Development to Multi-Family Residential and, and the hearings officer **RECOMMENDS** approval of the application.

V. FINDINGS OF FACTS

The Applicant requests to change the Comprehensive Plan Designation from Developing Residential to Multi-Family Residential and a Zone Change from Urban Development (UD) to Multi-Family Residential (RM), on two parcels of 2.25 acres located at 4310 and 4330 Monroe Avenue NE, Salem, Oregon. The hearings officer, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

1. The Applicant is Anthony Arnautov. The deed to the subject property is owned by Mr. Arnautov. The Arnautov family has lived on one of the parcels for twenty-four years, and Mr. Arnautov's parents still live on the parcel.
2. The Subject Property is located within the City of Salem Urban Growth Boundary (UGB) and is currently zoned Urban Development (UD). The Applicant seeks to change the zoning to Multi-Family Residential (RM). The Subject Property is designated Developing Residential in the Salem Area Comprehensive Plan (SACP).
3. The Subject Property consists of two parcels and is 2.25 acres in size. The Subject Property is located at 4310 and 4330 Monroe Avenue NE, Salem, to the south side of Monroe Avenue NE, at the intersection of Monroe Avenue and Deana Street. Combined, the two parcels have approximately 190 feet of frontage along Monroe Avenue. The Subject Property is approximately 0.25 miles from Lancaster Drive, a major arterial street. Both parcels are generally flat and are both developed with a homesite each.
4. Applicant proposes to keep the house associated with 4330 Monroe Avenue NE and tear down the house associated with 4310 Monroe Avenue NE in order to redevelop the parcel with multi-family units. Applicant wants to rezone the entire parcel so as to maintain a residence for his parents and to develop a majority of the property to serve as multi-family apartments.
5. Adjacent properties in all directions are zoned Single Family Residential (RS). Properties to the west, north, and east are generally zoned RS, with several pockets of Urban Development (UD) zoned properties.
6. City of Salem Planning Division Staff recommends approval of the proposal and comments that "Should the hearings officer grant the applicant's request

for the change in zone from UD to RM, the Planning Division recommends the following conditions be applied:

- A. The applicant shall obtain all permits required by the Marion County Building Inspection Division.
 - B. The applicant shall meet the development requirements of the RM zone, see 16.04.100 through 16.04.250.
 - C. If annexation occurs before the property is developed, the development shall comply with SRC 702-Multiple Family Design Review Standards as requested by the City of Salem.”
9. The City of Salem commented that they support and encourage development consistent with SRC 702 – Multiple Family Design Review Standards.
10. Marion County Septic commented that all septic tanks must be decommissioned per state of Oregon Department of Environmental Quality (DEQ) requirements as utilities will be within the city.
11. Marion County Land Development and Engineering Permits (LDEP) commented:

“Engineering Advisories

- A. PW Engineering has no action items for the proposed Zone Change itself.
- B. MCPW has no formal ‘Site Plan Review’ land use planning step.
- C. Civil site plan design concurrence is strongly recommended prior to application for building permits.
- D. The following are general requirements for future site development:
 - Right-of-Way dedication
 - Urban frontage improvements, including pavement widening
 - Construction bonding, permitted R/W improvements
 - Onsite stormwater attenuation and water quality treatment
 - Civil engineering plans

- Access approval / Permit
- Deanna Street 3-foot Reserve Strip vacation (*potential critical path item)
- County NPDES 1200-CN Large Development Erosion Permit
- Utility Permits, service extensions within R/W.”

12. Other contacted agencies either had no comment or stated no objection to the proposal.
13. Paul Bycroft submitted written comments to the record and testified at the hearing in opposition to Applicant’s proposal. Mr. Bycroft testified that if there are fifty-four units on approximately 85,000 square feet, there will be approximately 1,500 square feet per unit, which Mr. Bycroft stated did not take into account the twenty feet buffer to the South side. Mr. Bycroft expressed concern that the proposal was “overloading” the area. Mr. Bycroft testified that the surrounding properties are primarily single-family residences, despite the variances. Mr. Bycroft expressed concern that there would be issues with density and increased population upon introduction of multi-family units in an area of primarily single-family housing. Mr. Bycroft also expressed concern that there had not been adequate analysis of the impact to traffic and noted that school buses perform drop-offs and pick-ups at the intersection of Indiana Avenue and Monroe Avenue.
14. In rebuttal to Mr. Bycroft’s testimony, Mr. Brosy described the traffic analysis was done and described the type of project that Applicant wishes to build. Ms. Schrems of the Planning Division noted that compliance with such standards is a matter of acquiring development permits that are to be discussed at a later point in the application process.

VI. ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicant has the burden of proving all applicable standards and criteria are met.

COMPREHENSIVE PLAN AMENDMENT

2. The Subject Property is located within the City of Salem Urban Growth Boundary (UGB).
3. The Department of Land Conservation and Development (DLCD) must be notified of any proposed comprehensive plan amendment. DLCD was notified as required but provided no comment on the proposal.
4. Under MCC 16.43.000(A), a non-legislative plan amendment involves a change to the land use designation of five or fewer different ownerships. This application involves one ownership and is a non-legislative plan amendment.
5. MCC 16.43.020 contains the following criteria for non-legislative plan amendments:
 - A. Conformance with the Comprehensive Plan goals, policies and intent, and any plan map amendment criteria in the plan, or intergovernmental planning coordination agreement, pertaining to unincorporated lands.
 - B. The addition of the subject property to the inventory of lands in the proposed map designation and the corresponding inventory reduction in the current designation are consistent with projected needs for such lands in the Comprehensive Plan.
 - C. Uses allowed in the proposed designation will not significantly adversely affect planned uses on adjacent lands.

- D. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.
6. The Subject Property is in the Salem UGB and subject to the SACP. Under SACP III(B)(4), Marion County has exclusive jurisdiction over land use actions within the Salem UGB. Under SACP II(A)(1), the SACP is intended to project the most desirable pattern of land use in the Salem area. Many plan policies are aspirational in nature. The following SACP policies are examined.

General development policy 7 - Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Applicant proposes to keep the house associated with 4330 Monroe Avenue NE and tear down the house associated with 4310 Monroe Avenue NE in order to redevelop the parcel with multi-family units. Both parcels are generally flat and are already both developed with a homesite each. General development policy 7 is met.

Growth management policy 7 - Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted

growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County. Water and sewer services are already established on the Subject Property and public sewer and water services are already available.

Conclusion: the proposal conforms to SACP goals, policies and intent. MCC 16.43.020(A) is satisfied.

7. The application proposes to change the Comprehensive Plan designation to Multi-Family Residential. One of the parcels of the Subject Property has a single-family residence that Applicant proposes demolishing to replace with multi-family housing. Applicant notes the shortage of multi-family housing despite demand in the area. Subject Property would add to the inventory of residences, more than its current designation permits. The designation in the application is consistent with projected needs for such lands in the Comprehensive Plan.
8. Adjacent properties in all directions are zoned Single Family Residential (RS). Properties to the west, north, and east are generally zoned RS, with several pockets of Urban Development (UD) zoned properties. According to Marion County Code 16.04.000, the proposed RM zone “is primarily intended to provide for multiple-family dwellings on a lot, or attached dwellings on separate lots, at residential densities greater than permitted in the RL zone. . . . They are suited to locations near commercial office and retail zones and along collector and arterial streets.” The Subject Property is approximately 0.25 miles from Lancaster Drive, a major arterial street. Compliance with standards related to traffic flow is a matter of acquiring development permits that are to be discussed at a later point in the application process. Uses allowed in the proposed designation will not

significantly adversely affect planned uses on adjacent lands. MCC 16.43.020(C) will be satisfied.

9. The Subject Property is already developed with residential homesites. Water and sewer services are already established on the subject property and public sewer and water services are already available. Telephone, electric and public transportation services are available at the site. Adequate public facilities and services are or will be available to support RM use of the property. MCC 16.43.020(D) is met.
10. Comprehensive plan amendment approval is recommended.

ZONE CHANGE

11. MCC 16.39.050 contains the following zone change criteria
 - A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
 - B. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.
 - C. The request shall be consistent with the purpose statement for the proposed zone.
 - D. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.
- A. MCC 16.39.050(A) - MCC 16.39.050(A) requires that “the proposed zone is appropriate for the Comprehensive Plan land use designation” for the property.

As the property is in the City of Salem UGB, the applicable comprehensive plan is the Salem Area Comprehensive Plan (SACP). The SACP designation for the property is Urban Development, and the proposed RM zone implements the commercial plan designation. MCC 16.39.050(A) also requires that the proposed zone change is “consistent with the description and policies” for the applicable plan designation. The Applicant and the staff report identify a number of applicable policies.

SACP Residential Development Policy 3 provides:

“City codes and ordinances shall encourage the development of passed over lands or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhood.”

This policy is designed to ensure efficient use of land to encourage residential stability. Applicant proposes developing one of the parcels of the subject property to build multi-family housing on a lot 0.25 miles from a major arterial of Lancaster Drive. The proposed zone is consistent with Residential Development Policy 3.

SACP Residential Development Policy 6 provides:

“Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- A. To encourage efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;*
- B. Development regulations shall promote a range of densities that encourage a variety of housing types;*
- C. Multiple family developments shall be located in areas that provide walking, auto, or transit connections to:*
 - 1. Employment centers;*
 - 2. Shopping areas;*
 - 3. Transit services;*
 - 4. Parks;*
 - 5. Public Buildings.*

This policy is designed to ensure that the development of multi-family housing occurs in an area that can provide adequate support to such size of residential dwelling. The Applicant has demonstrated ways in which the development will be compliant with this policy. Applicant emphasizes that there is a shortage of multi-family housing and a surplus of single-family housing. Applicant submitted several exhibits demonstrating the public facilities and services that would support a multi-family development on the Subject Property. Transit connections are provided to Lancaster Drive, which provides employment centers, shopping areas, transit services, parks, and public buildings. The proposed zone is consistent with Residential Development Policy 6.

SACP Residential Development Policy 7 provides:

“Residential neighborhoods shall be served by transportation system that provide access for pedestrian, bicycles, and vehicles while recognizing the neighborhood’s physical constraints and transportation service needs:

- A. The transportation systems shall promote all modes of transportation and dispersal rather than concentration of through traffic.*
- B. Through traffic shall be addressed by sitting street improvements and road networks that serve new development so that short trips can be made without driving.*
- C. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

This policy is designed to ensure that development in a residential neighborhood does not create hazardous traffic patterns. The Subject Property is generally flat and well-drained. Intersections in the surrounding area are broad and lack vegetation that would inhibit site lines. Applicant notes that there are “no real ‘views’” as the area is largely urban and does not have significant vegetation. Applicant has submitted several exhibits demonstrating

that traffic uses would not be interrupted, and that local traffic travels north and south on as Monroe Avenue becomes a dead-end to the east of the property. Mr. Brosy, on behalf of the Applicant, testified that traffic impact study has occurred at multiple times to find an average, including during the busier holiday season and during the lull in traffic associated with the COVID-19 pandemic. Applicant also emphasizes that local traffic is increasingly relying on more roads beyond Lancaster Avenue, such as Elma Street. Applicant also notes that while Monroe Avenue currently becomes a dead-end, the area is likely to be extended all the way to Cordon Road as the road increasingly develops. The proposed zone is consistent with Residential Development Policy 7.

SACP Residential Development Policy 9 provides:

“Alternative residential development patterns, subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns and reduced development costs. Development regulations shall promote residential development patterns that encourage:

- A. The use of all modes of transportation;*
- B. Reduction in vehicle miles travelled and length of auto trips;*
- and*
- C. Efficiency in providing public services.”*

Applicant submitted a Traffic Impact Study dated April 12, 2021 (Attachment 3). The Traffic Impact Study concluded that the proposed zone change and subsequent development project will not impact or alter the functional classification of any existing or planned facility, the proposal does not include a change to any functional classification standards, and the zone change will not degrade the performance of any existing or planned transportation facility

below acceptably City or County standards. The Traffic Impact Study states that the Transportation Planning Rule is satisfied.

Lancaster Drive, a major arterial road, is 0.25 miles away. The Subject Property abuts Monroe Avenue, a collector street. The proposed zone is consistent with Residential Development Policy 9.

SACP Residential Development Policy 10 provides:

“Requests for rezonings to higher density residential uses to meeting identified housing needs will be deemed appropriate provided:

- A. The site is so designated on the comprehensive plan;*
- B. Adequate public services are planned to serve the site;*
- C. The site’s physical characteristics support higher density development; and*
- D. Residential Development Policy 7 is met.”*

The subject parcel is designated Developing Residential in the SACP. The Subject Property is in an area that currently is highly developed, only a quarter-of-a-mile away from Lancaster Drive, a major arterial road. The Subject Property is already populated with adequate public services and infrastructure, including water, sewer, electric, and telecommunication services. There is no evidence of any geologic hazards that would indicate that higher density development could not be supported. As discussed above, Residential Development Policy 7 is met. The proposed zone is consistent with Residential Development Policy 10. The application is consistent with the SACP. Therefore, MCC 16.39.050(A) is satisfied.

B. MCC 16.39.050(B) - MCC 16.39.050(B) requires that "Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property." As previously discussed, the Subject Property is proximate to Lancaster Drive, a major arterial road that is already developed with adequate public facilities, services, and transportation networks, including Cherriots transit service. The Subject Property is already populated with adequate public services and infrastructure, including water, sewer, electric, and telecommunication services. MCC 16.39.050(B) is met.

C. MCC 16.39.050(C) -MCC 16.39.050(C) requires that "The request shall be consistent with the purpose statement for the proposed zone." Section 16.04.000 of the Marion County Zoning Code states that "The RM (multiple-family residential) zone is primarily intended to provide for multiple-family dwellings on a lot, or attached dwellings on separate lots, at residential densities greater than permitted in the RL zone. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated as multiple-family residential or an equivalent designation in the applicable urban area comprehensive plan and are provided with urban services. They are suited to locations near commercial office and retail zones and along collector and arterial streets."

Applicant seeks the change in zoning designation so as to construct multi-family apartments. Applicant is proposing a density greater than RL in proposing a change to a RM zoning designation. It is notable that Section 16.04.000 stipulates that there needs to be provision or urban services and that such zone is suited to locations near retail zones along arterial streets. The Applicant proposes a zone

change in an area that is increasingly being developed, 0.25 miles from Lancaster Drive, a major arterial road. Adjacent properties in all directions are zoned Single Family Residential (RS), with pockets of Urban Development (UD) zoned properties. MCC 16.39.050(C) is met.

D. MCC 16.39.050(D) - MCC 16.39.050(D) requires that "If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses." Surrounding properties are largely zoned single-family residential, with a few pockets zoned UD. It is unlikely that the additional uses permitted in the RM zone would have an adverse effect on surrounding properties. While City of Salem commented, it did not recommend any restrictions or conditions be applied to the property.

Applicant has submitted several exhibits outlining the plan for development should the zone change be approved. Such details include plans for setback area to provide distance between nearby single-family homes and the proposed multi-family development. Any specific development would be required to provide required buffers and landscaping between existing adjacent uses. While this is not for approval of a development plan, the hearings officer is satisfied that Applicant should be able to ensure that a more intensive use on the Subject Property will not significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses. MCC 16.39.050(D) is met.

12. Transportation Planning Rule (TPR): Because the applicant seeks a zone change, it must comply with the Transportation Planning Rule (TPR). OAR 660-012-0060(1) provides:

“(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

“(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

“(b) Change standards implementing a functional classification system; or

“(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

“(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

“(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

“(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not

meet the performance standards identified in the TSP or comprehensive plan."

If a proposed zone change would "significantly affect an existing or planned transportation facility" then certain measures must be put in place to approve the zone change. The Applicant has provided evidence that the proposed zone change would not significantly affect an existing or planned transportation facility. The projected daily increase in the traffic intensity of the site that would result from the proposed zone change will be 232 daily trips. This daily trip generation is within the 400-trip impact threshold that is considered a "small increase" in traffic. Therefore, the zone change and subsequent development will not cause further degradation of the nearby transportation facilities.

The hearings officer agrees that the proposed zone change will not significantly affect any existing or planned transportation facilities and the TPR is satisfied.

Conclusion: All of the applicable approval criteria are satisfied and the proposed zone change is recommended.

VI. RECOMMENDATION

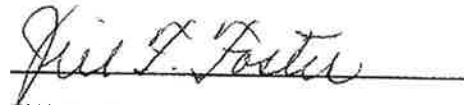
It is hereby found that applicant has met the burden of proving the applicable standards and criteria for approval of a comprehensive plan amendment from Developing Residential to Multi-Family Residential and the zone change from UD to RM. Therefore, the hearings officer **recommends** the Marion County Board of Commissioners **GRANT** the comprehensive plan amendment and zone change applications, subject to the conditions set forth below. The conditions are necessary for the public health, safety and welfare.

- A. Applicant shall obtain all permits required by the Marion County Building Inspection Division.
- B. The Applicant shall meet the development requirements of the RM zone, see 16.04.100 through 16.04.250.
- C. If annexation occurs before the property is developed, the development shall comply with SRC 702-Multiple Family Design Review Standards as requested by the City of Salem.

VII. REFERRAL

This document is a recommendation to the Marion County Board of Commissioners. The Board will make the final determination on this application after holding a public hearing. The Planning Division will notify all parties of the hearing date.

DATED at Salem, Oregon, this 8th day of September 2021.



Jill F. Foster

Marion County Hearings Officer

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order on the following persons:

Anthony Arnautov
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Portland, OR 97206

John L. Brosy
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Salem, OR 97301

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Eugene Arnautov
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Agencies Notified:

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City of Salem:

(via email: sjlong@cityofsalem.net)

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City of Keizer

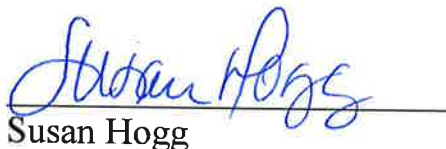
(via email: hornerd@keizer.org)

Marion County Fire District No. 1:

(via email: psmith@mcfdl.com)

East Salem Suburban
Neighborhood Association (ESSNA)
P.O. Box 13571
Salem, OR 97309

By mailing to them copies thereof. I further certify that said copies were placed in sealed envelopes addressed as noted above, that said copies were deposited in the United States Post Office at Salem, Oregon, on the 8th day of September, 2021 and that the postage thereon was prepaid.



Susan Hogg

Administrative Assistant to the
Hearings Officer