

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 25-108223-PLN

NOTICE OF DECISION DATE: April 18, 2025

REQUEST: A Class 1 Site Plan Review to establish occupancy and interior tenant improvements for a new *Commercial Entertainment- Indoor* use within an existing building in a *Shopping center*. The subject property is 1.79 acres in size, zoned MU-III (Mixed Use III) and located at 645 9th St NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W21AD / 07100).

APPLICANT: NW Precision Design

LOCATION: 645 9th St NW, Suite 155

FINDINGS: The findings are in the attached Decision dated April 18, 2025

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by April 18, 2029, or this approval shall be null and void.

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after **April 18, 2025**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 25 108223 PLN.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

| | |
|---|-------------------------------|
| IN THE MATTER OF APPROVAL OF |) FINDINGS & ORDER |
| CLASS 1 SITE PLAN REVIEW |) |
| 25-108223-PLN |) |
| 645 9th STREET NW SUITE 155 |) APRIL 18, 2025 |

In the matter of the application for a Class 1 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 1 Site Plan Review to establish occupancy and interior tenant improvements for a new *Commercial Entertainment- Indoor* use within an existing building in a *Shopping center*. The subject property is 1.79 acres in size, zoned MU-III (Mixed Use III) and located at 645 9th St NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W21AD / 07100). A vicinity map of the subject property is included as **Attachment A**.

PROCEDURAL FINDINGS

1. On April 15, 2025, an application for a Class 1 Site Plan Review was submitted for property located at 645 9th St NW, Suite 155.
2. On April 18, 2025, the application was deemed complete.

SUBSTANTIVE FINDINGS

1. Proposal

A Class 1 Site Plan Review to establish occupancy and interior tenant improvements for a new *Commercial Entertainment- Indoor* use within an existing building in a *Shopping center*. The subject property is 1.79 acres in size, zoned MU-III (Mixed Use III) and located at 645 9th St NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W21AD / 07100). The proposed development plans are included as **Attachment B**.

DECISION CRITERIA FINDINGS

2. Analysis of Class 1 Site Plan Review Approval Criteria

The purpose of Site Plan Review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use

decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

(a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

Finding: The applicant is requesting to establish occupancy and interior tenant improvements for a new *Commercial Entertainment- Indoor* use. There are no associated land use or limited land use decisions with this request.

(b) Only construction or improvements to the interior of the building or structure will be made;

Finding: The scope of work for the project only includes interior improvements to the existing building.

(c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards.

Finding: Modification to the exterior of the site is not in the scope of work for the proposed occupancy and new *Commercial Entertainment- Indoor* use.

(d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

Finding: Only clear and objective standards apply to the proposed development. Complete findings are included in section (e) below.

(e) The application meets all applicable standards of the SRC.

Finding: The subject property is zoned MU-III (Mixed-Use III). Development of the property is therefore subject to the use and development standards of the MU-III zone (SRC Chapter 535) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 524 and all other applicable development standards of the UDC as follows:

Development Standards – MU-III (Mixed-Use III) Zone:

SRC 535.010(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-III zone are set forth in Table 535-1.

Finding: The proposed development includes interior tenant improvements and establishing occupancy for a *Commercial Entertainment- Indoor* use within a 1,393 square foot suite in an existing building. According to SRC Sec. 535.010, a *Commercial Entertainment- Indoor* use, other than Night Clubs are a permitted use in the MU-III zone.

Off-Street Parking and Driveways

SRC 806.015 – Amount Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: The proposal includes existing 149 spaces for an off-street parking area. Per SRC 806.015(a), Table 806-2, a *Shopping Center* use is limited to one space per 200 square feet of floor area; therefore, the proposed development is limited to 138 spaces ($27,686/200=138.4$). As the proposed development is not adding any new spaces and the existing 149 total number of spaces exceed the maximum allowed. Since no parking is being added, the standard is met.

- (a) *Compact parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

Finding: No spaces are proposed to be compact; therefore, this standard is not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: The proposed *Commercial Entertainment- Indoor* use is located in a 1,393-square foot suite within an existing building (Building A) in a *Shopping center*. A *Shopping center* requires the greater of four spaces or one space per 5,000 square feet. The bicycle parking requirements are outlined in the table below.

| Development site | <i>Shopping center</i> use | Spaces Provided |
|-------------------------------------|--------------------------------------|---------------------------|
| Building A 16,658 sq. ft. | $16,658 / 5,000 = 3.3 < 4$ required | 8 spaces (i.e., 4 racks) |
| Building B 4,964 sq. ft. | Less than 5,000 sq. ft. = 4 required | 10 spaces (i.e., 5 racks) |
| Building C 6,064 sq. ft. | $6,064 / 5,000 = 1.2 < 4$ required | 8 spaces (i.e., 4 racks) |
| Total | 12 required | 19 provided |

Twelve bicycle parking spaces are required for the three buildings on the development site serving the *Shopping center*. As indicated on the applicant's site plan, there are an existing 13 racks provided, however, the dimensions of some of the spaces are not to current standards, resulting in 19 bicycle parking spaces provided for the three buildings, meeting the required amount; therefore, no additional bicycle parking spaces are required.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

(a) Location.

(1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

Finding: No additional bicycle parking is required, and the applicant's site plan indicates the existing bicycle parking spaces are located within 50 feet of a primary entrance of each building on the development site, meeting the standard.

(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: No additional bicycle parking is required, and the existing bicycle parking spaces as shown on the site plan have direct access to a primary building entrance, free of obstruction or barriers, meeting the standard.

(c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

(1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-

side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.

- (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: No additional bicycle parking spaces are required, and 19 of the existing spaces are developed in conformance with the dimensional standards of SRC 806.060(c).

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Finding: No additional bicycle parking spaces are required, and the existing spaces are located on a hard surface material, meeting the standards of SRC 806.060(d).

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.

- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: No additional bicycle parking spaces are required, and the site plan indicates the existing racks meet the standards of SRC 806.060(e).

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: Previous land use decision, SPR-ADJ-DAP17-26 granted an Adjustment to eliminate the off-street loading requirement for the development site, and instead use space

on 9th Street NW for off-street loading. No additional off-street loading spaces are required for the proposed use.

3. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 1 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(1), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

Building permits are required for the proposed development.

Next steps:

Please submit building permits or other development permits for this project with the Building and Safety Division. Please submit a copy of this decision or this application file number with your building permit application for the work proposed.

IT IS HEREBY ORDERED

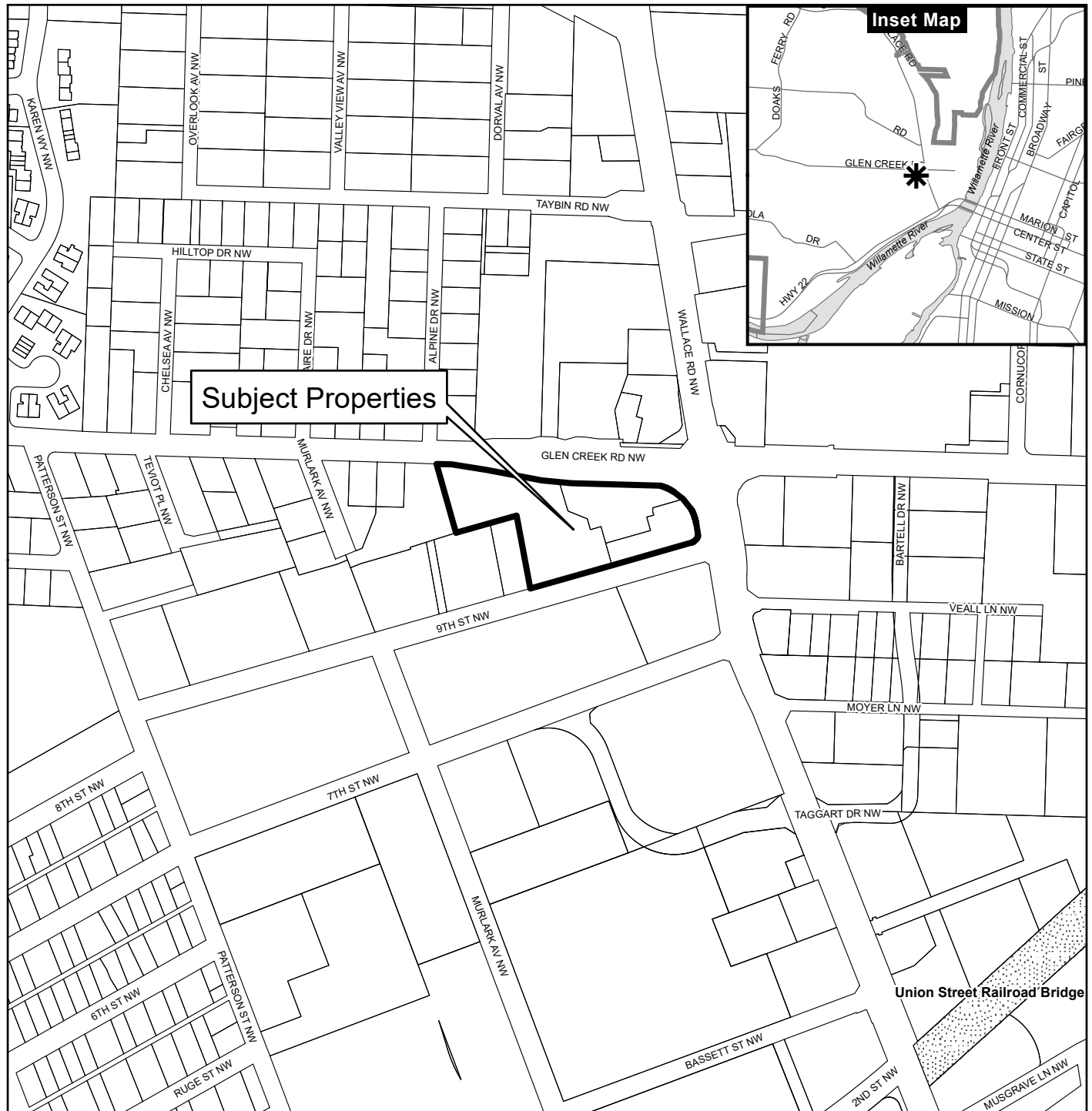
The proposed Class 1 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



Olivia Dias, Current Planning Manager on
behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Applicant's Site Plan

Vicinity Map 645 9th Street NW



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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0 100 200 400 Feet



PARKING LOT SPACES COUNT FOR ENTIRE COMPLEX:

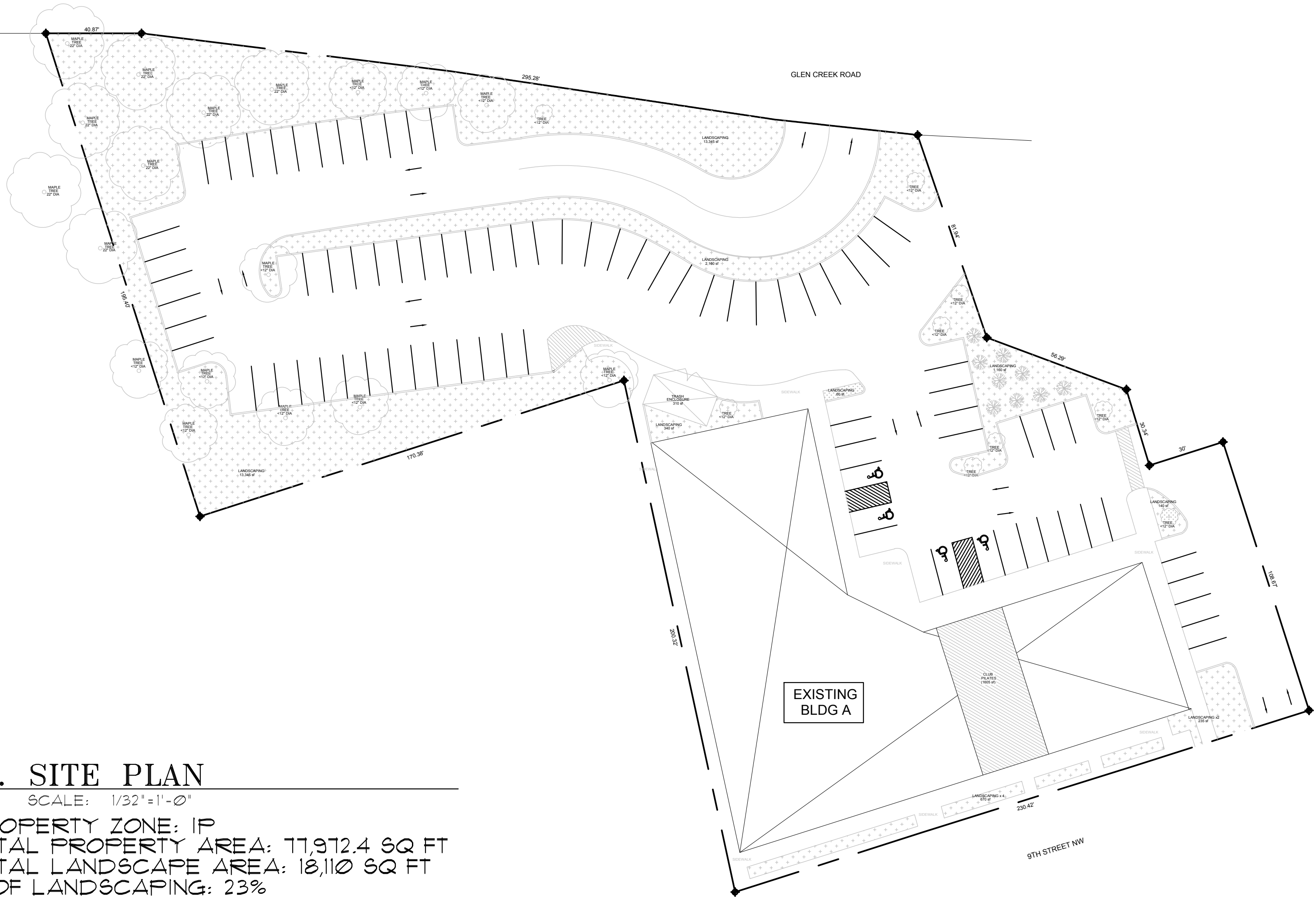


REGULAR SPACES: 141

ADA SPACES: 8

TOTAL PARKIN SPACES: 149

SITE PLAN FOR BUILDING A ONLY:



1. SITE PLAN

SCALE: 1/32"=1'-0"

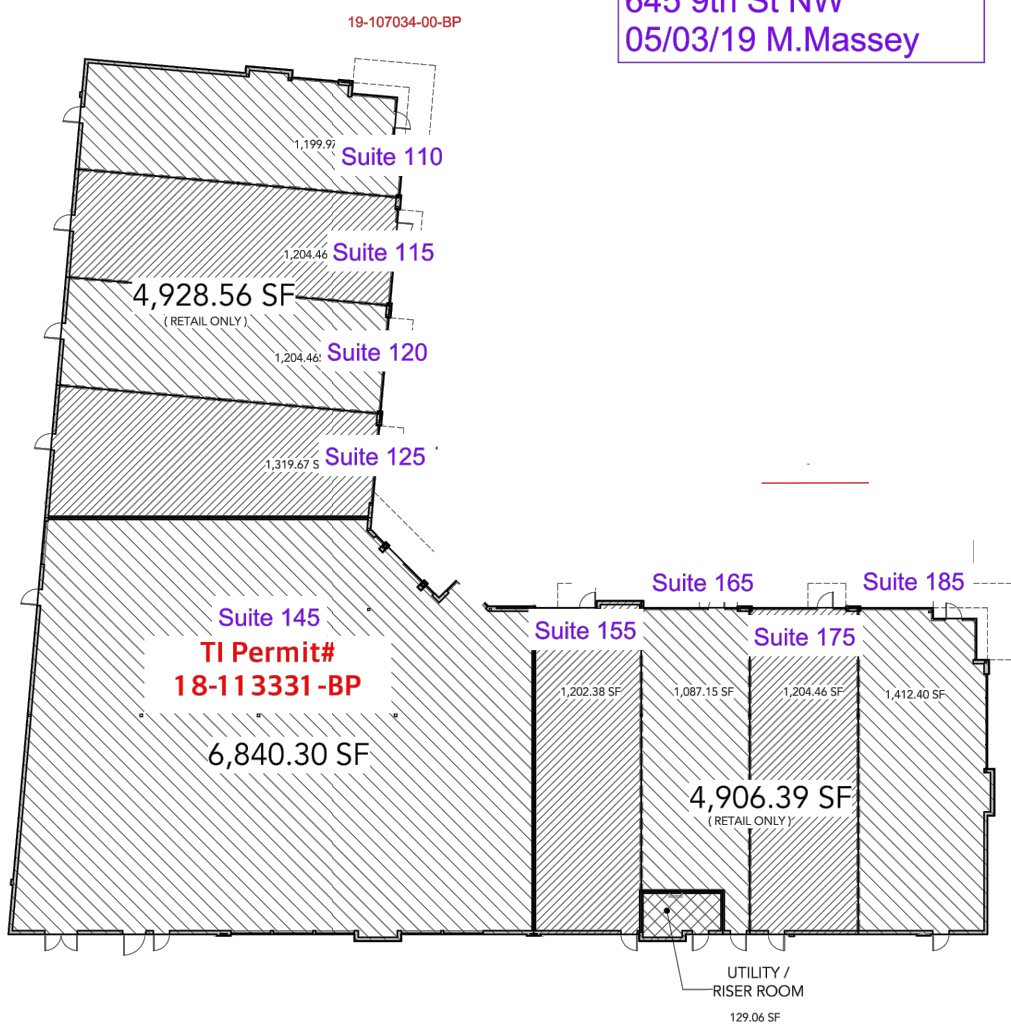
PROPERTY ZONE: IP
TOTAL PROPERTY AREA: 11,912.4 SQ FT
TOTAL LANDSCAPE AREA: 18,110 SQ FT
% OF LANDSCAPING: 23%
TOTAL NUMBER OF PARKING SPACES: 90 (4 = ADA)
TOTAL BUILDING HEIGHT: 20'-0"
IMPERVIOUS AREA: 43,058 SQ FT

TAX LOT MAP: 13.21AD - 1100 PARCEL 01 (FOLK COUNTY)

STREET ADDRESS MAP

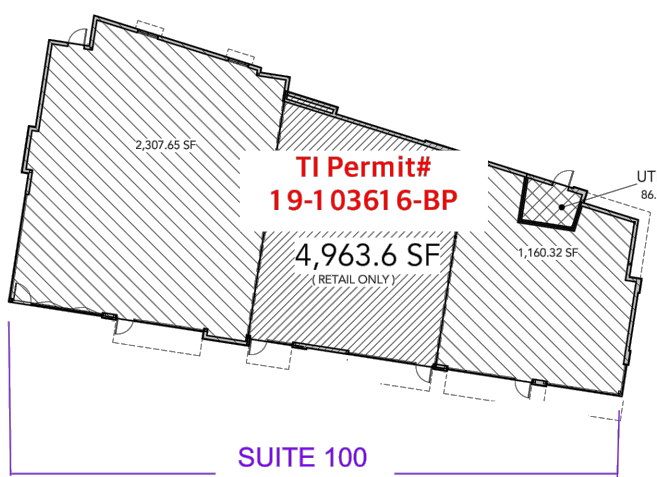
SALEM, OREGON 97304

ADDRESS MAP:
Suite Layout
645 9th St NW
05/03/19 M.Massey



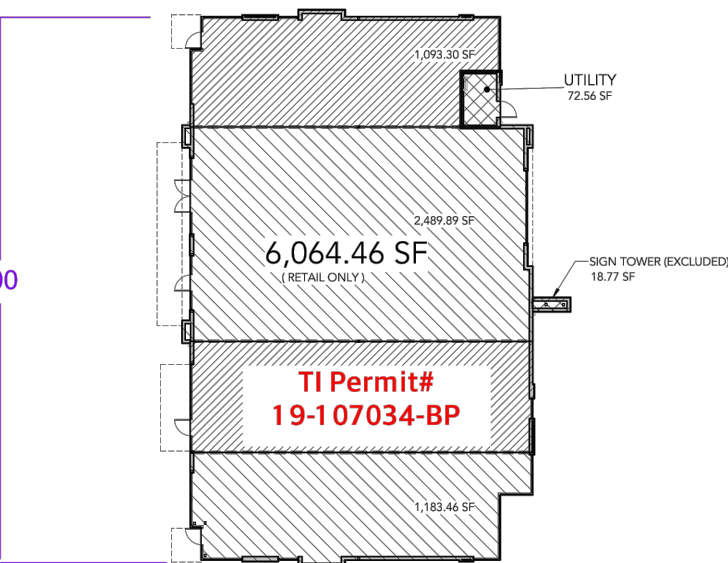
(4,929 + 4,906 = 9,835) + 6,840 + 129 = 16,804 SF TOT. (BLDG A)

Building A
645 9th STREET NW
Shell Permit #17-120949-BP



4,964 + 86 = 5050 SF TOT. (BLDG B)
Building B
555 9th STREET NW
Shell Permit # 17-120952-BP

*BOMA SF CALCS 2017-10-30
BASED ON BOMA RETAIL REG. 1
Location of measurements:
- Exterior walls to the outside surface of exterior wall
- Exterior storefronts to the outside face of mullions
- Interior demising walls, centerline of wall
- Interior common walls (utility room), centerline of wall



6,064 + 72 = 6,136 SF TOT. (BLDG C)

Building C
525 9th STREET NW
Shell Permit # 17-120955-BP

BUILDING A
SUITE 110/115/120: GENTLE DENTAL - (MEDICAL OFFICE, 'B' OCCUPANCY)
SUITE 125: MILAN LASER CORP. - (SALON, 'B' OCCUPANCY)
SUITE 145: DAVITA - (MEDICAL OFFICE, 'B' OCCUPANCY)
SUITE 155: CLUB PILATES - (EXERCISE, 'B' OCCUPANCY)
SUITE 165/175/185: ONPOINT CU - (BANK, 'B' OCCUPANCY)

BUILDING B
GILGAMESH BREWING - (FOOD/BEV. SERVICE, 'A2' OCCUPANCY)

BUILDING C
MUDBAY - (RETAIL, 'M' OCCUPANCY)

NW PRECISION DESIGN

17407 SW Holster Drive
Sherwood, OR 97140
Phone (503) 680-6444, Email: Darn@NW-Precision.com

Club Pilates

The Points at Glen Creek
645 9th Street NW, Salem OR 97304

Revisions:

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Project Number:

File Number:
COVER

Date: 4/15/2025

DRAWING SET NO.

A0.2