

# NOTICE OF DECISION

PLANNING DIVISION  
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## PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

**CASE TYPE:** Class 1 Site Plan Review  
**AMANDA NO.:** 22-120821-PLN  
**DATE OF DECISION :** November 15, 2022  
**PROPERTY LOCATION:** 5325 Commercial St SE  
**APPLICANT:** Better Beef Company  
**ZONE:** MU-III (Mixed Use III)  
**COMPREHENSIVE PLAN:** Mixed Use  
**OVERLAY:** None

### REQUEST

A Class 1 Site Plan Review for a change of use to retail sales located at 5325 Commercial St SE, within an existing building on property located in the MU-III (Mixed-Use III) zone and located at 5325 Commercial St SE – 97306 (Marion County Assessor's Map and Tax Lot 083W14BC / 0500).

### FINDINGS

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, or involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or a change of use when a building permit is not otherwise required.

### **1. Approval Criteria**

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 a change of 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:** There are no building permits associated with this request.

- c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

**Finding:** Modification to the exterior of the site is not in the scope of work for the proposed change of 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 following is a summary of the applicable development standards of the SRC.

### **Land Use**

The subject property is zoned MU-III. Development in the MU-III zone is subject to the standards in SRC Chapter 535 and all other applicable provisions of the Salem Revised Code. The previous use at this address was an office; the proposed use is retail sales, which is a permitted use in the MU-III zone according to SRC Sec. 535.005.

### **Off-Street Parking and Loading**

- i. **Parking Spaces:**  
SRC 806.005(a)(2) states that off-street parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.

**Finding:** The previous use designation for this location was Office, which requires a parking ratio of 1 parking space per 350 square feet. The proposed new use Retail Sales requires 1 parking space per 250 square feet. The building is 2,856 square feet and would require 11 parking spaces ( $2,856 / 250 = 11$ ); there are 33 parking spaces on the subject property, therefore, no additional parking is required.

- ii. **Bike Parking Spaces:**  
SRC Chapter 806 states that bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.

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.

**Finding:** The proposed use is located within an existing office use building, which requires the greater of 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft. The total square footage of the building is 2,856 square feet, therefore, 1 bicycle parking space if required. The change of use to retail sales requires the greater of 4 spaces or 1 per 10,000 square feet for the first 50,000 square feet. There is one “wave” style rack on the property, providing parking spaces for four bicycles; therefore, the criterion is met.

- iii. Loading Spaces:  
SRC Chapter 806 states that off-street loading shall be provided and maintained for 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.

**Finding:** No additional off-street loading spaces are required for the proposed new use.

### **Historic Property Status**

The subject property is not listed as a historic resource.

### **Previous Land Use Actions**

There are no previous land use actions for this property.

### **City Department Comments**

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Marshal reviewed the proposal and stated the following indicated no concerns.

## **2. Conclusion**

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 5325 Commercial St SE complies with approval criteria provided in SRC 220.005(f)(1).

### **DECISION**

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance occurs with any applicable items noted above. This decision is final a final land use decision.

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.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

If you have any questions regarding items in this site plan review, please contact Peter Domine at 503-540-2311 or by email at [pdomine@cityofsalem.net](mailto:pdomine@cityofsalem.net).



Peter Domine, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Application Deemed Complete:	<u>November 10, 2022</u>
Decision Mailing Date:	<u>November 15, 2022</u>
State Mandated Decision Date:	<u>March 15, 2023</u>