

# 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.: 23-113888-PLN

NOTICE OF DECISION DATE: July X, 2023

**REQUEST:** A Class 1 Site Plan Review to change the use to a *retail sales* of a suite within a shopping center for a property zoned MU-III (Mixed Use III) in an existing building located at 1434 Lancaster Drive NE – 97301 (Marion County Assessor's Map and Tax Lot number: 072W19CA06100).

**APPLICANT:** Blake Bural

**LOCATION:** 1434 Lancaster Drive NE

**FINDINGS:** The findings are in the attached Decision dated July 3, 2023.

**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 July X, 2025, or this approval shall be null and void.

Case Manager: Lydia Keller, Planner I, [lkeller@cityofsalem.net](mailto:lkeller@cityofsalem.net), 503-540-2326

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 **July X, 2023**. 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: 23 113888.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>) FINDINGS &amp; ORDER</b>
<b>CLASS 1 SITE PLAN REVIEW</b>	<b>)</b>
<b>23-113888-PLN</b>	<b>)</b>
<b>1434 Lancaster Drive NE</b>	<b>) July 3, 2023</b>

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 for a change the use to a *retail sales* within a shopping center for a property zoned MU-III (Mixed Use III) in an existing building located at 1434 Lancaster Drive NE – 97301 (Marion County Assessor's Map and Tax Lot number: 072W19CA06100).

**PROCEDURAL FINDINGS**

1. On July 06, 2023, an application for a Class 1 Site Plan Review was submitted for property located at 1434 Lancaster Drive NE.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The proposed Class 1 Site Plan Review affects properties located at the 1434 Lancaster Drive NE(**Attachment A**). The Class 1 Site Plan Review proposes interior alteration of an existing building, including a change of use to a *retail sales* within an existing shopping center.

**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 an interior only tenant improvement and 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:** 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 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 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 535 and all other applicable development standards of the UDC as follows:

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

*SRC 535.005(a) – Uses:*

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

**Finding:** The subject property is zoned Mixed Use – III (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 proposed changed of use to *retail sales* which is permitted within the MU-III zone according to SRC 535.005.

#### **Off-Street Parking and Driveways**

*SRC 806.015 – Amount of Off-Street Parking.*

- (a) *Maximum Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts does not exceed than those set forth in Table 806-1.
- (b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* New developments with 60 or more off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

**Finding:** The proposed change of use to *Retail Sales* is located within an existing 26,895 square foot shopping center. The maximum number of parking for a shopping center is one space per 200 square feet ( $26,895/200 = 134$ ) or 134 parking spaces. The existing parking area contains 116 spaces, the standards have been meeting.

## **Bicycle Parking**

### *SRC 806.045 – General Applicability.*

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 806.050 – 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 *shopping center* use requires the greater of four bicycle parking spaces or 1 space per 5,000 square feet; therefore, the minimum required bicycle parking is four spaces ( $26,895/5,000=5$ ). The applicant has provided evidence that six bike parking spaces are located on the property, meeting the standard.

### *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.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
  - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building 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.
  - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

**Finding:** The six existing bicycle parking spaces are located within 50 feet of a primary entrance; therefore, this standard is met.

(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 to access the bicycle parking area.

**Finding:** The existing bicycle parking area has direct access to a primary building entrance through the sidewalk, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

(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:** The six existing bicycle parking spaces are located on a paved sidewalk on the northeast and south corner of the building.

(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.

(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:** The site plan indicates staple inverted style bike racks will be provided. The proposed bike racks conform to material requirements 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:** The applicant is proposing to change the use of an individual suite to retail sale within an existing 26,895-square-foot shopping center. For a shopping center with a gross floor area of 5,000 to 60,000 square feet, one loading space is required. Therefore, an additional off-street loading space is needed. However, the applicant's plans indicate that the shopping center will not be receiving deliveries over 8,000 pounds, and no loading will occur within 25 feet of the front doors. The applicant will utilize head-in space in front of the businesses for loading, which meets the requirement for off-street loading.

### 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.

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.

### **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.



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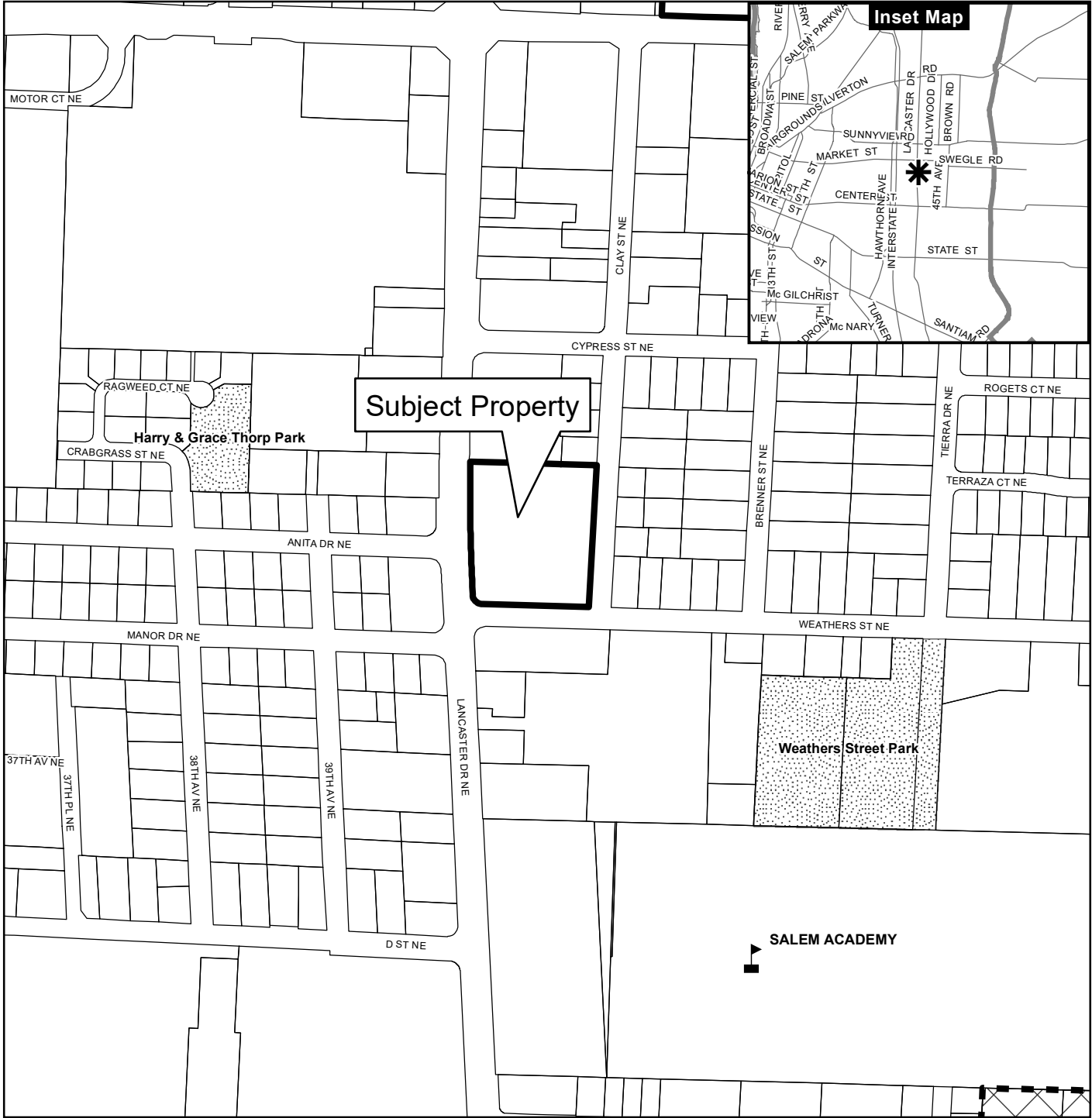
Lydia Keller, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP

Planning Administrator

Attachments:      A. Vicinity Map  
                         B. Site Plan

# Vicinity Map

## 1434 Lancaster Drive NE



### 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





PROJECT DESCRIPTION: PROJECT INCLUDES TWO COMPONENTS:

1. CODE REVIEW TO CLARIFY THE CURRENT CODE ANALYSIS TO REMOVE THE TYPE V-A DESIGNATION THAT APPLIES ONLY TO THE MIDDLE OF THE BUILDING, THE INTENT BEING TO CLASSIFY THE ENTIRE BUILDING AS TYPE V-B.
2. SITE PLAN REVIEW FOR NEW TENANT IDENTIFIED ON SHEET A1.1, SITE PLAN

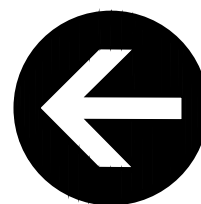
1. PARKING SPACE- EXISTING TO REMAIN AND COMPLIANT, NO WORK PROPOSED
2. ACCESSIBLE ENTRANCE- EXISTING TO REMAIN AND COMPLIANT, NO WORK PROPOSED
3. ACCESSIBLE ROUTE TO ALTERED AREA:
  - ACCESSIBLE DOORS TO RESTROOM: 1 @ \$1500= \$1,500
  - ACCESSIBLE DOORS AT NEW ROOMS: 8 @ \$1500 = \$12,000
4. ONE NEW UNISEX RESTROOMS WITHIN SUITE WILL BE FULLY ACCESSIBLE: \$12,500
5. ACCESSIBLE TELEPHONE: N/A
6. ACCESSIBLE DRINKING FOUNTAIN- NO WORK PROPOSED



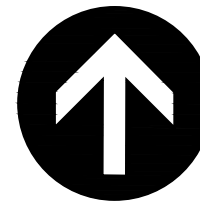
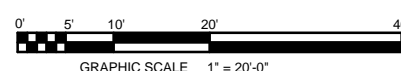
EXISTING FIRE BARRIER WALL TO BE REMOVED

EXISTING FIRE BARRIER WALL TO REMAIN

SCALE: 1" = 20'-0"

[illegible]

SCALE: 1" = 20'-0"



In the event conflicts are discovered between the original signed and sealed documents prepared by the Architects and/or their Consultants, and any copy of the documents transmitted by mail, fax, electronically or otherwise, the original signed and sealed documents shall govern.

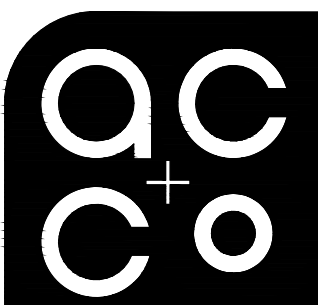
JOB NO. 2023.0036

DATE      APRIL 17, 2023

DRAWN LMM

## REVISIONS

## PLAN REVIEW COMMENT



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## CODE REVIEW

SHEET