

**BEFORE THE CITY COUNCIL OF THE CITY OF SALEM**

<b>IN THE MATTER OF APPROVAL OF</b>	)	<b>ORDER NO. 2019-13-CU-</b>
<b>CONDITIONAL USE AND CLASS 3 SITE</b>	)	<b>SPR-19-04 CONDITIONAL USE</b>
<b>PLAN REVIEW CASE NO. 19-04</b>	)	<b>AND CLASS 3 SITE PLAN</b>
<b>3625 PORTLAND ROAD NE</b>	)	<b>REVIEW CASE NO. 19-04</b>

This matter coming regularly for hearing and deliberations before the City Council, at its October 14, 2019, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of Hearings Officer in Conditional Use and Class 3 Site Plan Review Case No. CU-SPR19-04, and approving the application.

**PROCEDURAL FINDINGS:**

- (a) On June 5, 2019, Erik Scholtes of ESDE Building & Construction LLC, on behalf of applicant Kelly Bence of KSB Holdings, filed an application for a Conditional Use and Class 3 Site Plan Review to establish occupancy for a recreational marijuana production facility within 10,500 square feet of an existing building for a property approximately 1.61 acres in size, zoned IC (Industrial Commercial) and located within the Portland Fairgrounds Overlay zone. The property is located at 3625 Portland Road NE (Marion County Assessor map and tax lot number: 073W12CC / 00200).
- (b) On August 30, 2019, the Hearings Officer issued a decision approving the consolidated Conditional Use and Class 3 Site Plan Review applications, subject to conditions of approval.
- (c) On September 9, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Hearings Officer's decision. A public hearing before the City Council was scheduled for October 14, 2019.
- (d) On October 14, 2019, City Council held a public hearing and received public testimony.
- (e) On October 14, 2019, the City Council conducted deliberations and voted to affirm the Hearings Officer's decision to approve the applications subject to conditions of approval. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.
- (f) The 120-day State mandated deadline for final decision is November 12, 2019.

**SUBSTANTIVE FINDINGS:**

The City Council adopts the following as findings for this decision:

- a) The Conditional Use and Class 3 Site Plan Review applications to establish occupancy for a recreational marijuana production facility within an existing building, meets the approval criteria set forth in SRC 240.005(d) and SRC 220.005(f).
- b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.
- c) The City Council therefore APPROVES the consolidated application subject to conditions of approval from the August 30, 2019 decision of the Hearings Officer.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Hearings Officer's decision for Conditional Use and Class 3 Site Plan Review Case No. 19-04 decision, including the facts and findings thereof, is hereby adopted as set forth in Exhibit A, along with the following conditions of approval:

**Condition 1:** Marijuana production shall be conducted indoors.

**Condition 2:** The marijuana production facility shall utilize an air filtration system to ensure that odor impacts upon neighboring properties are minimized.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit A: Findings for CU-SPR19-04

ADOPTED by the City Council this 28th day of October, 2019.

ATTEST:

City Recorder

Checked by: Hayley Feightner