

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173.*

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO. CU-SPR16-08

APPLICATION NOS.: 16-112638-ZO & 16-112639-RP

NOTICE OF DECISION DATE: SEPTEMBER 1, 2016

SUMMARY: An application to change part of an existing building to a recreational marijuana extraction facility and add parking spaces in a new paved parking lot.

REQUEST: Conditional Use and Class 3 Site Plan Review for a change of use and new parking lot for a recreational marijuana extraction facility, a heavy manufacturing use, that will occupy approximately 2,070 square feet within Suite 120 of an existing building located on a 3.1-acre property located in the IG (General Industrial) zone at 560 21st Street SE 97301 (Marion County Assessor's Map and Tax Lot 073W26DC / 01800, 01899, 05900, 06000, 08500, 08600).

APPLICANTS: TYLER CLARK & JASON SCHNEPPLE

OWNERS: 21 STREET LLC (JOHN BATZER, ANNE BATZER, SAMANTHA HAMMELL, DAISY HERING)

LOCATION: 560 21ST ST SE, SUITE 120

CRITERIA: Salem Revised Code Chapters 220 and 240

FINDINGS: The findings are in the attached Order.

DECISION: The Hearings Officer **GRANTED** Conditional Use/Class 3 Site Plan Review Case No. CU-SPR16-08, subject to the following conditions of approval:

- Condition 1:** The proposed development shall be in substantial conformance with the approved site plan included as Attachment B, to the staff report.
- Condition 2:** The fence shall be repaired and maintained as necessary to ensure a secure boundary as indicated on the approved site plan.
- Condition 3:** Any exterior storage of solvents or other chemicals shall be located in a fenced area and protected by concrete vehicle barriers.
- Condition 4:** The extraction process shall be performed as described in the applicant's statements.
- Condition 5:** The applicant shall provide one additional light in the proposed parking lot near 21st Street SE that meets the standards of SRC 800.060.
- Condition 6:** The proposed landscaping along 21st Street SE shall be placed outside of the proposed fence.

- Condition 7:** The proposed landscaping along 21st Street SE and outside of the fence shall be at least 10 feet in width and shall be landscaped according to the Type A standard set forth in SRC Chapter 807.
- Condition 8:** Areas of new pavement shall be accurately described on the site plan submitted for building permit, and, if the new pavement exceeds 5,000 square feet, an area equal to a minimum of 5 percent of the new pavement area shall be provided as interior landscaping in accordance with the standards of SRC 806.035(d).
- Condition 9:** The paved parking lot drive aisle shall be a minimum of 24 feet in width behind all of the newly striped parking spaces in the parking area adjacent to 21st Street SE.
- Condition 10:** The parking lot shall meet the standards of SRC 806.035(f) through SRC 806.035(l) for grade, surfacing, drainage, bumper guards or wheel barriers, striping, marking and signage, and lighting.
- Condition 11:** The existing driveway approach onto 21st Street SE shall be removed and reconstructed to meet Public Works Design Standards including, but not limited to, surfacing and drainage.
- Condition 12:** The proposed interior driveway shall be posted with one "No Parking" sign on the north side and one "No Parking" sign on the south side.
- Condition 13:** At least 4 bicycle spaces meeting the standards of SRC 806.060 shall be provided for Suite 120.

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Conditional Use: September 17, 2018

Site Plan Review: September 17, 2020

Application Deemed Complete: August 2, 2016
Public Hearing Date: August 24, 2016
Notice of Decision Mailing Date: September 1, 2016
Decision Effective Date: September 17, 2016
State Mandate Date: November 30, 2016

Case Manager: Pamela Cole, pcole@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., SEPTEMBER 16, 2016.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section in SRC Chapters 220 and 240. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

AN APPLICATION TO CHANGE PART OF AN
EXISTING BUILDING TO A RECREATIONAL
MARIJUANA EXTRACTION FACILITY AND
ADD PARKING SPACES IN A NEW PAVED
PARKING LOT. REQUEST: A
CONSOLIDATED CONDITIONAL USE AND
CLASS 3 SITE PLAN REVIEW FOR A
CHANGE OF USE AND NEW PARKING LOT
FOR A RECREATIONAL MARIJUANA
EXTRACTION FACILITY, A HEAVY
MANUFACTURING USE, THAT WILL
OCCUPY APPROXIMATELY 2,070 SQUARE
FEET WITHIN SUITE 120 OF AN EXISTING
BUILDING LOCATED ON A 3.1-ACRE
PROPERTY LOCATED IN THE IG (GENERAL
INDUSTRIAL) ZONE AT 560 21ST STREET SE
97301 SALEM OREGON

CU-SPR16-08

FINDING OF FACT CONCLUSION AND
DECISION

DATE AND PLACE OF HEARING:

August 24, 2016 City of Salem Council Chambers Rm.240, 555 Liberty Street SE Salem,
Oregon.

APPEARANCES:

Staff: Pamela Cole, Planner II

Neighborhood Association: South East Salem Neighborhood Association (SESNA) no
appearance

Proponents: Jason Schnepple

Opponents: Judy Miller and Darwin Sandau

SUMMARY OF THE APPLICATION

Summary: An application to change part of an existing building to a recreational
marijuana extraction facility and add parking spaces in a new paved parking lot.

Request: A consolidated Conditional Use and Class 3 Site Plan Review for a change of use and
new parking lot for a recreational marijuana extraction facility, a heavy manufacturing use, that
will occupy approximately 2,070 square feet within Suite 120 of an existing building located on

a 3.1-acre property located in the IG (General Industrial) zone at 560 21st Street SE 97301 Salem, Oregon.

FINDINGS OF FACT AND CONCLUSION AND DECISION

1. The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Industrial."
2. The subject property is zoned IG (General Industrial). Recreational marijuana extraction uses are classified as Heavy Manufacturing and are Conditional Uses in the IG zone.
3. The zoning of surrounding properties includes:
North: Across Bellevue Street SE, RD (Duplex Residential) - single family dwellings; IG (General Industrial)-multiple family dwellings;
East: Across 22nd Street SE, RM-II (Multiple Family Residential) - multiple family dwellings and single family dwellings;
South: Across Simpson Street SE, IG (General Industrial) - metal casting and fabrication; RM-II (Multiple Family Residential) single family dwelling IG (General Industrial)-warehouse
West: Across 21st Street SE, RD (Duplex Residential) - single-family dwelling and two family dwelling; IG (General Industrial) - warehouse and single family dwelling, RM-II (Multiple Family Residential)- single family dwellings
4. One property owner raised several issues, which the Hearings Officer will address:
 - a. **The legality of this use:** This application is for a recreational marijuana extraction facility, which is allowed and regulated by the State of Oregon and allowed as a Conditional Use under the Salem Revised Code.
 - b. **Most employers have a zero tolerance policy for marijuana use:** This may be true but the Salem Revised Code does not regulate how employers handle legalized marijuana use.
 - c. **For better security at night additional lighting should be required:** The Hearings Officer will address this and add it as a condition at the end of this order.
 - d. **The Fence required by the Hearings Officer for Conditional Use-Site Plan Review 16-04 along the sidewalk at 22 Street SE should be finished:** The Hearings Officer concurs and finds that the fence must be completed prior to final occupancy of the recreational marijuana extraction facility in building D.
 - e. **The applicant needs to clean up and maintain the sidewalk and grass strip along 22nd Street SE.:** It is the finding of the Hearings Officer that issues with property maintenance may be reported to Compliance Services Department for the city of Salem.
5. SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1: The proposed use is allowed as a conditional use in the zone.

The Hearings Officer finds Heavy Manufacturing uses are allowed in the IG (General Industrial) zone with a conditional use permit. See: SRC Chapter 554, Table 554-1.

Criterion 2: The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

There are several potential impacts on the immediate neighborhood that could be generated by the proposal, including parking, noise from equipment, odor, chemical disposal, and criminal activity. All activity will be contained on the premises and the extraction process will occur within the building, reducing possible noise impacts. A ventilation systems and equipment features are designed to ensure employee safety and reduce odors, chemicals and other waste materials will be stored in appropriate waste receptacles, to reduce the likelihood of crime, the property owner will provide fences, security cameras, metal exterior doors, keycard entry systems, a security guard, and an interior vault for secure storage of the product.

A neighboring property owner requested additional lighting. To ensure compliance with this criterion; the Hearings Officer adopts the following conditions:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B.

Condition 2: The fence shall be repaired and maintained as necessary to ensure a secure boundary as indicated on the approved site plan.

Condition 3: Any exterior storage of solvents or other chemicals shall be located in a fenced area and protected by concrete vehicle barriers.

Condition 4: The extraction process shall be performed as described in the applicant's statements.

Condition 5: The parking applicant shall provide one additional light in the proposed parking lot near 21st Street SE that meets the standards of SRC 800.060.

With the adoption of these conditions the proposed development conforms to this criterion.

Criterion 3: The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

The subject property has been developed with warehouse and manufacturing buildings since the 1950s. The proposed recreational marijuana processing facility would be located within the existing building, and the new striped parking spaces will be within an existing paved area. The proposal will not significantly change the appearance of the property or increase traffic. However, to ensure that the proposed development mitigates impacts on the nearest residential development the Hearings Officer adopts following condition:

Condition 6: The proposed landscaping along 21st Street SE shall be placed outside of the proposed fence.

6. Class 3 Site Plan Review Approval Criteria is contained in SRC 220.OO5(f(3))

Criterion 1: The application meets all applicable standards of the UDC.

It is the finding of the Hearings Officer that the proposed development complies with all applicable development standards of the Salem Revised Code.

- a. **SRC 554005(a) Uses:** The proposed development includes a change of use and parking space striping for a recreational marijuana extraction facility. A recreational marijuana extraction facility use is a Heavy Manufacturing use and is allowed in the IG zone per SRC 554.005, Table 554-1 as a Conditional use. Therefore, this criterion has been satisfied.
- b. **SRC 554.010(a) Lot Standards:** The Hearings Officer finds that the property complies with the applicable lot standards of the IG zone.
- c. **SRC 554.010(b) Setbacks:** It is the finding of the Hearings Officer that the proposed recreational marijuana extraction facility would be within an existing building, and the building setbacks are not changing. The proposed parking spaces would be located within an existing paved area that is adjacent to 21st Street SE but not adjacent to the other street frontages, neighboring properties in the IG zone, or neighboring properties in the RM-II zone. The applicant is proposing a landscaped area that varies from 6 to 10 feet in width along 21st Street SE. SRC Chapter 806.035(c)(2) requires a 10-foot-wide landscaped perimeter setback abutting the street and landscaped according to the Type A standard set forth in SRC Chapter 807 unless a proposal includes a berm, grade drop from the right-of-way line to the parking area, wall between the right-of-way line and parking area, or green stormwater infrastructure in the landscaped area. The applicant is not proposing any of the methods that would allow a landscaped area less than 10 feet in width. To ensure compliance with the standard, the Hearings Officer adopts the following condition:

Condition 7: The proposed landscaping along 21st Street SE and outside of the fence shall be at least 10 feet in width and shall be landscaped according to the Type A standard set forth in SRC Chapter 807.

- d. **SRC 554.010(c) Lot Coverage, Height:** Based upon the testimony the Hearings Officer finds that the proposed development complies with the maximum height standard.
- e. **SRC 554.010(d) Landscaping:** With the proposed condition of the approval, the proposed development would comply with the requirements for perimeter landscaping abutting the Street.
- f. **Off-Street Parking, Loading, and Driveways SRC 806:** It is the finding of the Hearings Officer that Heavy Manufacturing use is proposed for an area formerly occupied by a Manufacturing use and will have 5 employees, requiring a minimum of 4 off-street parking space. The maximum off-street parking allowance for the use is 10 spaces. Other existing and approved uses on the property require a minimum of 10 and maximum of 25 parking spaces. The total minimum and maximum parking space requirements are 14 spaces and 35 spaces. There are 10 existing or previously approved off street parking spaces provided on the subject property and 10

additional parking spaces proposed, for a total of 20 spaces. Therefore, the existing or previously approved spaces meet this criterion.

g. SRC 806.035 Off-Street Parking and Vehicle Use Area Development Standards:

Based upon the testimony the Hearings Officer determines that paved surface area would need to be added in order to create a drive aisle width of 24 feet to meet standards for compact and standard parking spaces, in addition existing paved surface is in poor condition reported. Therefore, the off-street parking and vehicle use area development standards of SRC 806.035, and including perimeter setbacks, landscaping, interior landscaping and dimensions, apply to this development.

h. Location, Perimeter Setbacks and Landscaping: To ensure compliance to the interior landscaping requirements, the Hearings Officer adopts the following condition:

Condition 8: Areas of new pavement shall be accurately described on the site plan submitted for building permit, and, if the new pavement exceeds 5,000 square feet, an area equal to a minimum of 5 percent of the new pavement area shall be provided as interior landscaping in accordance with the standards of SRC 806.035(d).

i. Dimensions: Because the drive aisle serves both standard and compact spaces, the minimum required width is 24 feet. To meet this standard, the Hearings Officer adopts the following condition:

Condition 9: The paved parking lot drive aisle, shall be a minimum of 24 feet in width behind all of the newly striped parking spaces in the parking area adjacent to 21st Street SE.

j. Additional Off-Street Parking Development Standards 806. 035(f)-(m): The proposed parking area is within the existing pavement. Based on the testimony the pavement appears to be in poor condition, and because it's in poor condition, it was unclear, whether the proposed parking lot would meet the standards of the Public Works Department Design Standards. Therefore, to ensure compliance with applicable standards the Hearings Officer adopts the following condition:

Condition 10: The parking lot shall meet the standards of SRC 806.035(f) through SRC 806.035(l) for grade, surfacing, drainage, bumper guards or wheel barriers, striping, marking and signage, and lighting.

k. SRC 806.040 Driveway Development Standards: The Public Works memorandum, which was contained in the staff report, noted that the existing driveway approach does not meet Public Works Design standards and will need to be removed and reconstructed to Public Works Design Standards. Therefore, to ensure that this accurse the Hearings Officer adopts the following condition:

Condition 11: The existing driveway approach onto 21st Street SE shall be removed and reconstructed to meet Public Works Design Standards including, but not limited to, surfacing and drainage.

The interior driveway from the street to the parking area does not line up directly with the proposed drive aisle and is not wide enough to accommodate parking and vehicle maneuvering. Therefore, to ensure adequate and safe vehicle maneuvering within the paved parking area, the Hearings Officer adopts the following condition:

Condition 12: The proposed interior driveway shall be posted with one “No Parking” sign on the north side and one “No Parking” sign on the south side.

- l. Bicycle Parking:** The Heavy Manufacturing use is proposed for an area formerly occupied by a Manufacturing use. The minimum bicycle parking requirement for the previous use and proposed use is 4 spaces. The site plan does not indicate bicycle parking. Therefore, the Hearings Officer adopts the following condition:

Condition 13: At least 4 bicycle spaces meeting the standards of SRC 806.060 shall be provided for Suite 120.

- m. Off- Street Loading Areas:** It is the finding of the Hearings Officer that the proposed development does not result in any additional off-street loading spaces that will be required for the site.
- n. Landscaping:** The proposed landscaped area adjacent to 21st Street SE and any required interior parking lot landscaping is subject to the requirements of SRC Chapter 807. And thus will comply with this criterion.
- o. Natural Resources:** The natural resources include preservation on trees, wetlands, and landslide hazards. It is the findings of the Heating Officer that the proposed development would not cause removal of protected trees or vegetation and would not occur in wetland, landslide hazard areas.

Criterion 2: The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

It is the finding of the Hearings Officer that the existing street systems is adequate to serve the proposed development. The development is not proposing a building addition pursuant to SRC 803.040(a); therefore, no right-of-way dedication or street improvements are required.

Criterion 3: Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

It is the finding of the Hearings Officer that the driveway access onto 21st Street SE provides for safe turning movements into and out of the property. The existing approach does not meet Public Works Design Standards and will need to be removed and reconstructed to Public Works Design Standards.

Criterion 4: The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Based upon the testimony, it is the finding of the Hearings Officer that the water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The applicant shall be required to design and construct a storm drainage system at the time of development. The application will provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface.

Based upon the foregoing the Hearings Officer makes the following decision to grant the request for a consolidated conditional use and site plan review for a change of use and parking lot modification for a recreational marijuana extraction facility for property located at 560 21st Street SE, subject to the following conditions of approval:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B to the staff report.

Condition 2: The fence shall be repaired and maintained as necessary to ensure a secure boundary as indicated on the approved site plan.

Condition 3: Any exterior storage of solvents or other chemicals shall be located in a fenced area and protected by concrete vehicle barriers.

Condition 4: The extraction process shall be performed as described in the applicant's statements.

Condition 5: The applicant shall provide one additional light in the proposed parking lot near 21st Street SE that meets the standards of SRC 800.060.

Condition 6: The proposed landscaping along 21st Street SE shall be placed outside of the proposed fence.

Condition 7: The proposed landscaping along 21st Street SE and outside of the fence shall be at least 10 feet in width and shall be landscaped according to the Type A standard set forth in SRC Chapter 807.

Condition 8: Areas of new pavement shall be accurately described on the site plan submitted for building permit, and, if the new pavement exceeds 5,000 square feet, an area equal to a minimum of 5 percent of the new pavement area shall be provided as interior landscaping in accordance with the standards of SRC 806.035(d).

Condition 9: The paved parking lot drive aisle shall be a minimum of 24 feet in width behind all of the newly striped parking spaces in the parking area adjacent to 21st Street SE.

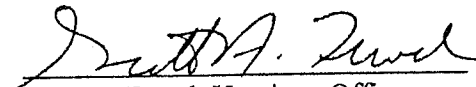
Condition 10: The parking lot shall meet the standards of SRC 806.035(f) through SRC 806.035(l) for grade, surfacing, drainage, bumper guards or wheel barriers, striping, marking and signage, and lighting.

Condition 11: The existing driveway approach onto 21st Street SE shall be removed and reconstructed to meet Public Works Design Standards including, but not limited to, surfacing and drainage.

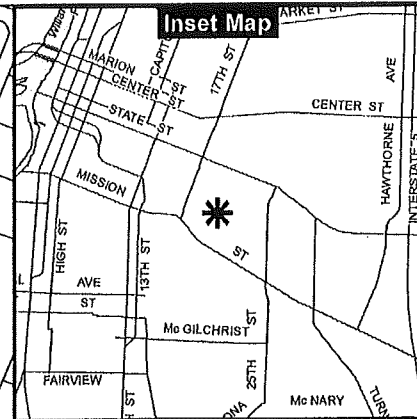
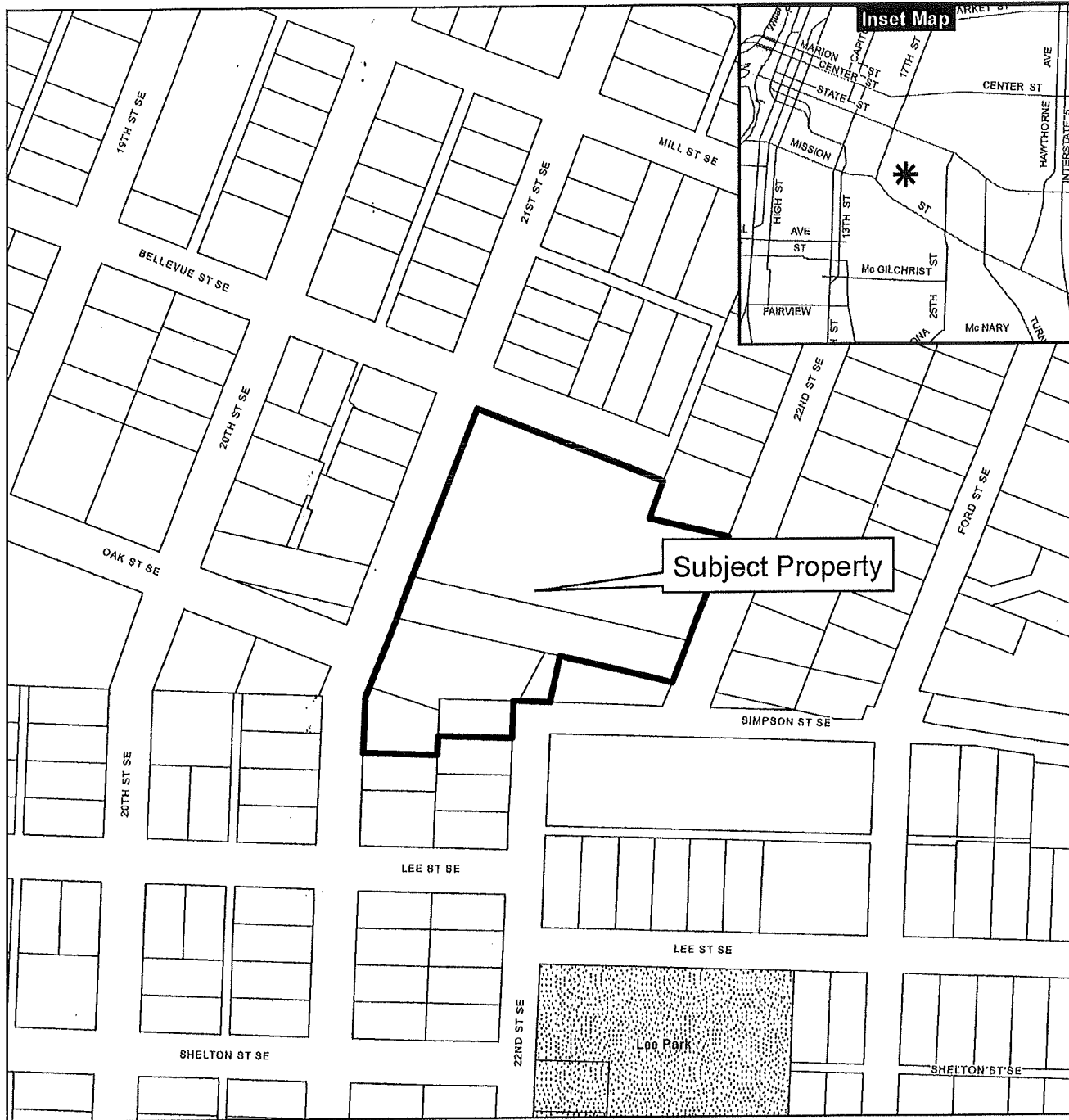
Condition 12: The proposed interior driveway shall be posted with one "No Parking" sign on the north side and one "No Parking" sign on the south side.

Condition 13: At least 4 bicycle spaces meeting the standards of SRC 806.060 shall be provided for Suite 120.

DATED: September 1, 2016


Scott A. Fewel, Hearings Officer

Vicinity Map 560 21st Street SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

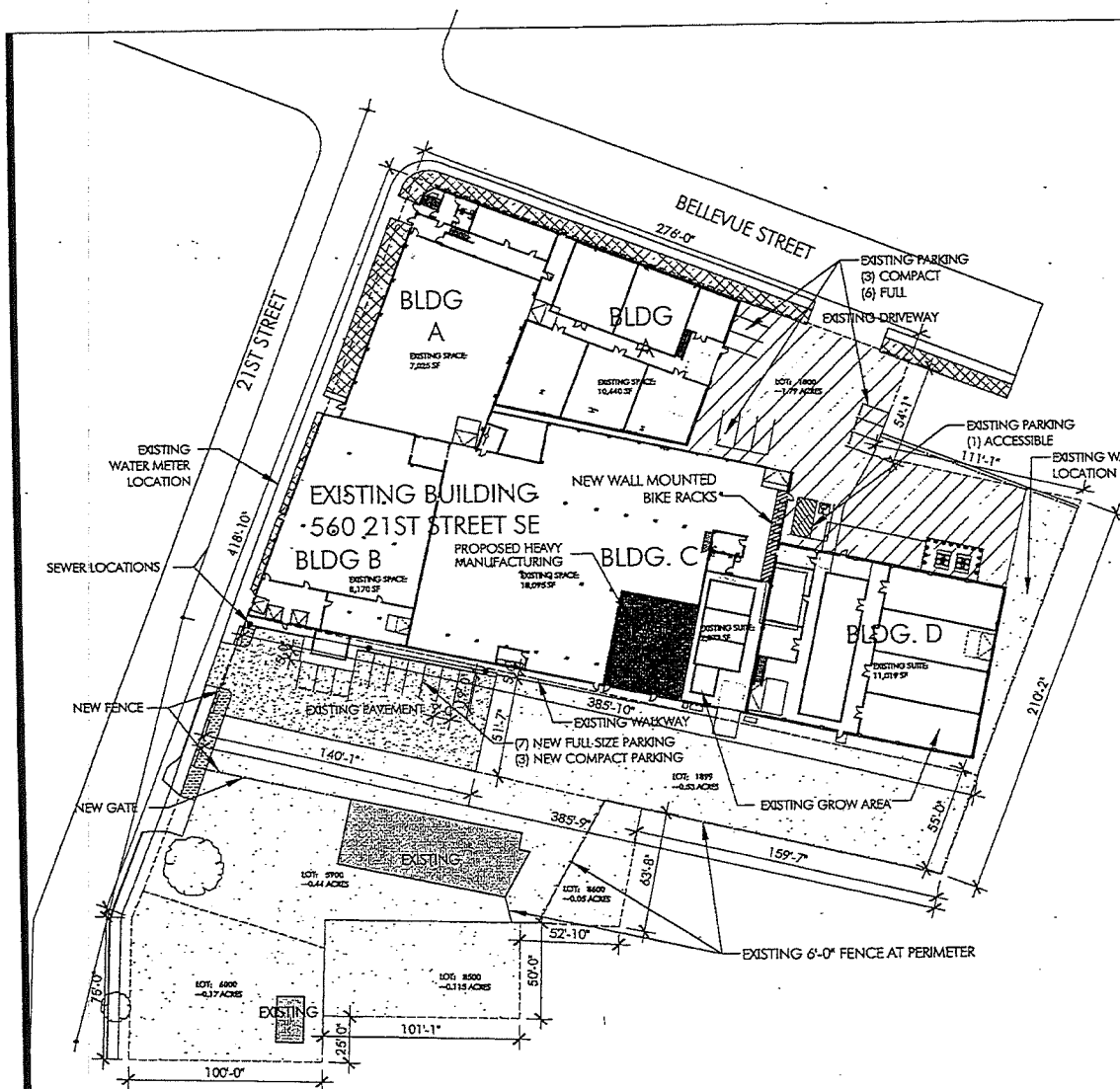
Parks

CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



SITE PLAN GENERAL NOTES:

SITE PLAN WAS GENERATED USING TAX MAPS AND AERIAL PHOTOS, IT IS NOT ACCURATE BUT A REPRESENTATION OF AS BUILT CONDITIONS. GENERAL CONTRACTOR TO CONFIRM DIMENSIONS AND NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.

SITE PLAN NOTES:

- PARCEL 07W26DC01800
- IG ZONE
- SITE AREA = 3.1 ACRE OR 135,036 SF
- ALL UTILITIES ARE EXISTING
- BUILDING IS PROVIDED WITH FIRE SPRINKLERS
- BUILDING HEIGHT IS 25'

SITE PLAN LEGEND:

	EXISTING PAVEMENT		NEW 8" LANDSCAPING (200 SF)
	EXISTING LANDSCAPING (3235 SF)		EXISTING GRAVEL
	NEW PAVEMENT		

PARKING REQUIREMENTS:

BUILDING A - AGRICULTURE	19,460 SF	=	0
BUILDING B - GENERAL MANUFACTURING	8,100 SF/5,000	=	2
BUILDING C - AGRICULTURE	2,373 SF	=	0
- GENERAL MANUFACTURING	18,095 SF/5,000	=	4
- HEAVY MANUFACTURING (5 EMPLOYEES)	.75 X 5	=	4
BUILDING D - AGRICULTURE	10,426 SF	=	0
- HEAVY MANUFACTURING (5 EMPLOYEES)	0.75 x 5	=	4
TOTAL NEEDED		=	14
9 EXISTING + 1 ACCESSIBLE			
10 NEW			
TOTAL PROVIDED		=	20

SITE SUMMARY TABLE

SITE AREA	134,818 SF	
MAIN BUILDING AREA	60,660 SF	44.99%
ACCESSORY STRUCTURES	3,486 SF	2.59%
PAVEMENT	19,578 SF	14.52%
LANDSCAPE	3,801 SF	2.82%
GRAVEL	47,293 SF	35.08%

CONTIGUOUS SITE AND AREAS:

LOT 1800	1.79 ACRES
LOT 1899	0.53 ACRES
LOT 5900	0.44 ACRES
LOT 6000	0.17 ACRES
LOT 8500	0.115 ACRES
LOT 8600	0.05 ACRES
TOTAL	= 3.095 ACRES



STUDIO

3

ARCHITECTURE
INCORPORATED
222 COMMERCIAL ST. SE
SALEM, OR 97301-2410
503.396.6589
www.studio3architecture.com

PROJECT # 2016-36
DATE 5 JULY 2016
REVISIONS

INTERIOR TENANT IMPROVEMENT FOR:
ADVANCED EXTRACTS
560 21ST ST SE, SALEM OREGON

SHEET

A1

1 SITE PLAN

0' 20' 40' 60' 120' 180'
1" = 60'-0" @ 11 X 17