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503-588-6173*

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO.: CU-SPR18-04

APPLICATION NO. : 18-108484-ZO & 18-108486-RP

NOTICE OF DECISION DATE: JULY 20, 2018

SUMMARY: An application to change the use of a building to a recreational marijuana grow site.

DESCRIPTION: Conditional Use and Class 3 Site Plan Review for conversion of an existing building and an addition of a 200 square foot building for storage, for recreational marijuana growing, on property approximately 0.21 acres in size, zoned IC (Industrial Commercial) and located at 1351 Wilbur St SE - 97302 (Marion County Assessors Map and Tax Lot number: 073W35BB / 10500).

APPLICANT: Jeremy Keisling for DJ Green Box

LOCATION: 1351 Wilbur Street SE / 97302

CRITERIA: Conditional Use: SRC Chapter 240.005(d)
Class 3 Site Plan Review: SRC Chapter 220.005(f)(3)

FINDINGS: The findings are in the attached Order dated July 20, 2018.

DECISION: The Hearings Officer **APPROVED** Conditional Use / Class 3 Site Plan Review Case No.CU-SPR18-04 subject to 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.

Condition 3: Prior to issuance of building permit, the applicant shall relocate the parking area to not conflict with the existing anchor, down guy, and power pole or provide evidence of relocation of the anchor and down guy approval from PGE.

Condition 4: The setback area between the proposed vehicle use area and the east and west property lines shall be landscaped meeting the Type A standard set forth in SRC Chapter 807.

Condition 5: There shall be a minimum of 24-feet of paved maneuvering area behind any parking spaces accessing from the alley.

Condition 6: Construct a minimum 12-foot-wide driveway improvement within the alley right-of-way from the eastern boundary of the vehicle use area on the subject property to 13th Street SE where the existing alley is not paved.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

The rights granted by the attached decision for Conditional Use Case No. CU-SPR-18-04 must be exercised, or an extension granted, by **August 7, 2020** or this approval shall be null and void.

The rights granted by the attached decision for Class 3 Site Plan Review Case No. CU-SPR-18-04 must be exercised, or an extension granted, by **August 7, 2022** or this approval shall be null and void.

Application Deemed Complete: June 14, 2018
Public Hearing Date: July 11, 2018
Notice of Decision Mailing Date: July 20, 2018
Decision Effective Date: August 7, 2018
State Mandate Date: October 12, 2018

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net; 503.540.2343

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., Monday, August 6, 2018.**

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, 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>

Vicinity Map 1351 Wilbur Street SE



Legend

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

Parks

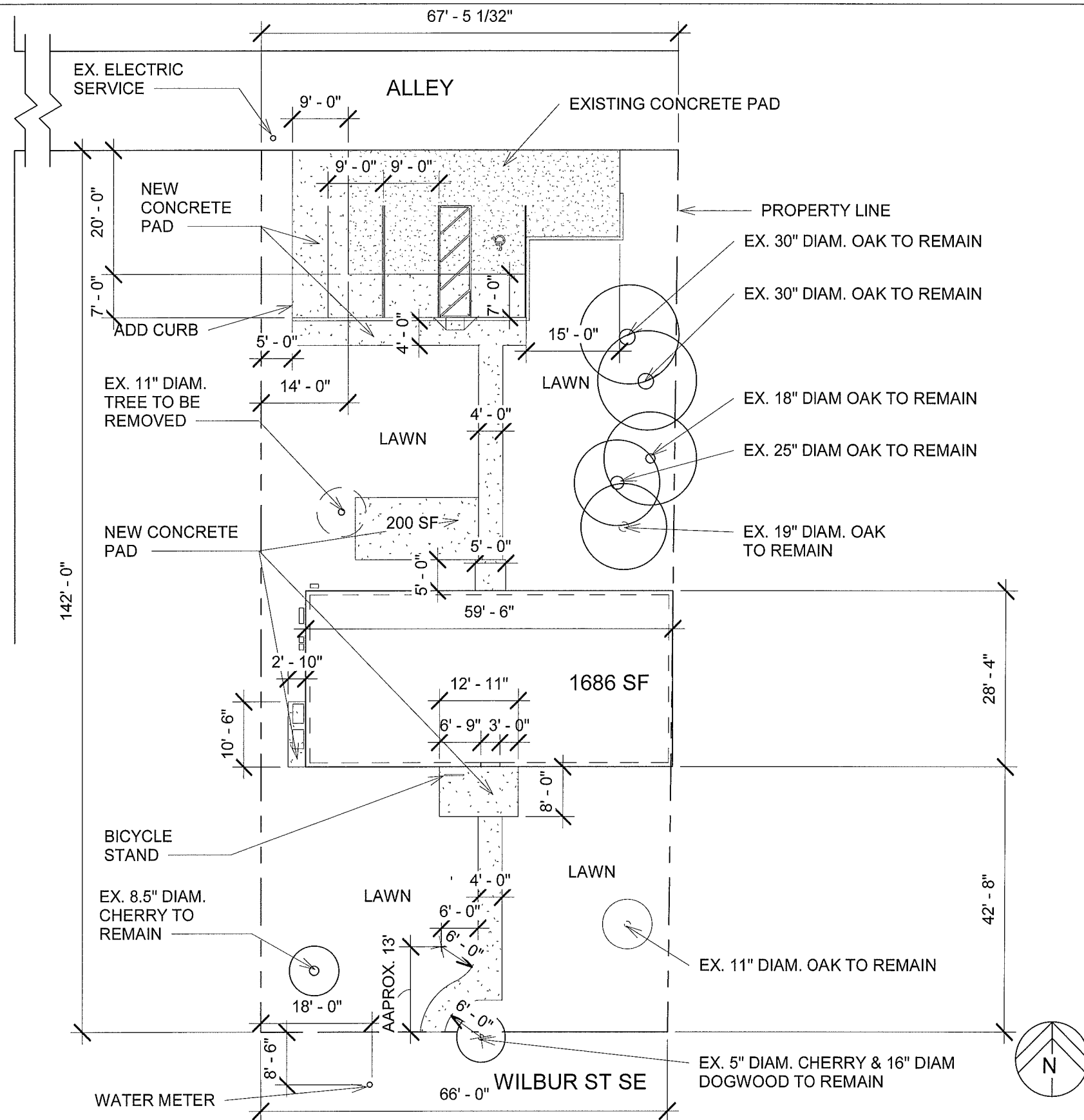
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



13TH ST SE



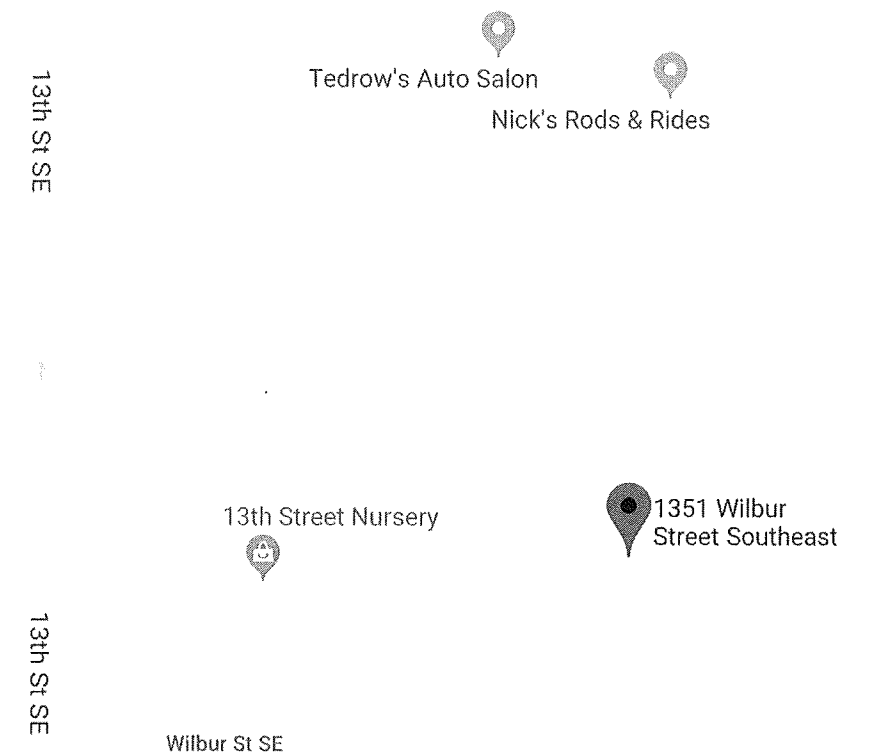
PROJECT ADDRESS:
1351 WILBUR ST SE, SALEM, OR 97302

SCOPE OF WORK:
LANDSCAPE AND PARKING

ZONING INFO:
CODE: IC (INDUSTRIAL COMMERCIAL)
JURISDICTION: CITY OF SALEM

LOT: 0.21 AC

NEW CONCRETE PAD: 1205 SF (13.5%)
EXISTING CONCRETE PAD: 790 SF (9 %)
EXISTING BUILDING: 1686 SF (18 %)
NUMBER OF STORIES: ONE



BIM Connection, LLC
INNOVATORS OF BIM & 3D TECHNOLOGIES
An Affiliate of CADD Connection, LLC

cadd@cadd-connection.com

DJ GREEN BOX
SALEM, OR

| No. | Description | Date |
|-----|-------------|------|
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| PARKING LOT & LANDSCAPING | | |
|---------------------------|----------|-------------------|
| Project number | 103756 | S01 |
| Date | 6/7/2018 | |
| Drawn by | SHINTA M | Scale 1" = 20'-0" |
| Checked by | Checker | |

6/7/2018 11:00:45 AM

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

| | | |
|--------------------------------------|---|------------------------------------|
| A REQUEST FOR A CONDITIONAL USE AND | } | |
| CLASS 3 SITE PLAN REVIEW FOR | } | CU-SPR18-04 |
| CONVERSION OF AN EXISTING BUILDING | } | |
| AND AN ADDITION OF A 200 SQUARE FOOT | } | |
| BUILDING FOR STORAGE, FOR | } | FINDINGS OF FACT, CONCLUSIONS, AND |
| RECREATIONAL MARIJUANA GROWING, ON | } | DECISION |
| PROPERTY APPROXIMATELY 0.21 ACRES | } | |
| IN SIZE, ZONED IC (INDUSTRIAL | } | |
| COMMERCIAL) AND LOCATED AT 1351 | } | |
| WILBUR ST SE - 97302 (MARION COUNTY | } | |
| ASSESSORS MAP AND TAX LOT NUMBER: | } | |
| 073W35BB / 10500) | } | |

DATE AND PLACE OF HEARING:

July 11, 2018, Salem City Council Chambers, Room 240, Civic Center, 555
Liberty Street SE, Salem, Oregon.

APPEARANCES:

| | |
|----------------------------------|----------------------------|
| <u>Staff:</u> | Olivia Glantz, Planner II |
| <u>Neighborhood Association:</u> | None |
| <u>Proponents:</u> | Jeremy Keisling, Applicant |
| <u>Opponents:</u> | Linda Nishioka |

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on July 11, 2018, regarding a request to change the use of a building to a recreational marijuana grow site. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Industrial Commercial." The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned IC (Industrial Commercial). The zoning of surrounding properties is as follows:

North: IC (Industrial Commercial)

East: (Across Railroad Right-of-way) IC (Industrial Commercial)

South: (Across Wilbur Street SE) IC (Industrial Commercial)

West: IC (Industrial Commercial)

3. Site Analysis

The subject property consists of a rectangular interior lot, 89 feet wide and 135 feet deep, on the north side of Wilbur Street SE. The block is bounded on the east and west sides by railroad right-of-way and 13th Street SE, 13th Street SE is designated as Major Arterials in the Transportation System Plan. The subject property has street frontage on Wilbur Street SE, which is developed with paved travel lanes. The proposal is to take access from the existing alley north of the subject property.

The footprint of the existing building covers a small portion of the site. The remaining area, between the front of the building and the Wilbur Street right-of-way, is landscaping and between the building and the alley is landscaping with several mature trees. The site will be developed parking area.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Salem Neighborhood Association (SESNA). Notice was provided to SESNA and surrounding property owners within 250 feet of the subject property and adjoining lot under common ownership.

At the time of the staff report, no comments were received from surrounding property owners.

The Southeast Salem Neighborhood Association (SESNA) submitted a letter in support of the application which is label Attachment E in the staff report. They requested that two trees be planted on 12th or 13th Street between Cross Street and Howard Street to replace the one tree being removed on the subject property.

The Hearings Officer notes that the applicant is proposing to preserve eight of the nine trees on the subject property. The applicant's site plan indicates that approximately 5,000 square feet of landscaping will be provided, requiring a minimum of 250 plant units ($5,000 / 20 = 250$). At least 40 percent of the plant units, or 100 ($250 \times 0.4 = 100$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. The impacts of the development resulting from the business being on the subject property are addressed below. While, two additional street trees would improve the aesthetics of the neighborhood, the removal of one tree is not roughly proportional to a condition to plant two trees off-site. The Hearing Officer notes that the applicant may choose to plant additional trees abutting Wilbur Street as part of the required landscaping of the subject property.

At the hearing, Linda Nishioka spoke in opposition, raising particular concerns that traffic might be diverted across her property and that the use might attract crime and decrease the security of the surrounding neighborhood. This decision addresses those concerns below.

5. City Department and Public Agency Comments

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department reviewed the proposal and indicated that they will have requirements when plans are submitted for building permits depend on activities.

The Public Works Department reviewed the proposal and provided a memo which is included as Attachment D in the staff report.

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements. Comments noted that the parking area may be in conflict with the anchors and down guy for an existing power pole.

The Oregon Department of Transportation Rail and Public Transit Division reviewed the proposal and identified no issues.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

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 that SRC Chapter 551, Table 551-1 provides that Marijuana Production is allowed in the IC (Industrial Commercial) zone with a conditional use permit. The Hearings Officer finds that the proposal meets this criterion.

Criterion 2:

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

The Hearings Officer finds that several potential impacts on the immediate neighborhood could be generated by the proposal, including increased parking demand, odor, waste disposal, and criminal activity due to the high value of the end product and prevalent use of cash in marijuana business transactions. The marijuana production process described in the applicant's operating plan does not describe use of heavy machinery or other indications that noise impacts would result. At the time of the staff report, no comments were received from adjacent property owners.

At the hearing, Linda Nishioka, the owner of nearby property within the immediate neighborhood raised concerns about traffic impacts and security, with the specific concern that crime might increase in the area based on the use.

In regard to Ms. Nishioka's concern about security, the Hearings Officer notes that state law requires facilities for the commercial production of recreational marijuana to obtain a license from the Oregon Liquor Control Commission (OLCC) and meet specific standards for site security, record keeping, waste disposal, inventory control, access control, and other operational requirements which address potential site impacts at a greater level of detail

than the land use process for granting a conditional use. Therefore, staff recommendations and this decision focus on mitigating the impact of the potential use on surrounding properties and ensuring implementation of OLCC requirements where they may overlap with conditional use approval criteria. The Hearings Officer finds that the security measures required to satisfy state law for the use to operate are likely to mitigate any criminal behavior that is drawn to the property, and the fact that there will be no retail sales at the site means that there is little opportunity for criminal behavior due to the business itself.

Marijuana production facilities in general industrial and exclusive farm use zones are subject to special use standards which reflect concern for visual and odor impacts. These standards, which mandate that marijuana production in these zones take place indoors, with an air filtration system to mitigate odors, also provide the basis for conditions to minimize these potential impacts in the IC (Industrial Commercial) zone. The applicant's written statement indicates that all marijuana production activities would be conducted indoors, and that five-foot-tall carbon filter air scrubbers are in place to prevent odors from spreading beyond the premises. The Hearings Officer will impose the conditions recommended by staff in order to ensure that these visual and odor control protocols are implemented by the present applicant and any subsequent operator of the proposed conditional use.

The Southeast Salem Neighborhood Association (SESNA) submitted a letter in support of the application Attachment E of the staff report. They requested that two trees be planted on 12th or 13th Street between Cross Street and Howard Street to replace the one tree being removed on the subject property.

The applicant is proposing to preserve eight of the nine trees on the subject property. The applicant's site plan indicates that approximately 5,000 square feet of landscaping will be provided, requiring a minimum of 250 plant units ($5,000 / 20 = 250$). At least 40 percent of the plant units, or 100 ($250 \times 0.4 = 100$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. The impacts of the development resulting from the business being on the subject property are addressed below. While, two additional street trees would improve the aesthetics of the neighborhood, the removal of one tree does not appear to warrant trees being planted off-site. The applicant may choose to plant additional trees abutting Wilbur Street as part of the required landscaping of the subject property.

In order to ensure that visual and odor impacts from facility operations are minimized, the Hearings Officer shall impose the following staff recommended conditions:

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.

Portland General Electric (PGE) reviewed the proposal and indicated that the parking area may be conflict with the anchors and down guy for an existing power pole.

Condition 3: Prior to issuance of building permit, the applicant shall relocate the parking area to not conflict with the existing anchor, down guy, and power pole or provide evidence of relocation of the anchor and down guy approval from PGE.

The Hearings Officer finds that with this condition, the proposal meets 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 Hearings Officer finds that the subject property has been developed as an industrial building for several decades. While subject to different classifications in state licensing programs and city zoning classifications, little or no change in operations, and no changes in appearance or traffic impacts is expected as a result in the proposed change of production from medical to recreational marijuana. The Hearing Officer notes the traffic concerns raised by Linda Nishioka and finds that with the changes to the site's parking area and the alley improvements, both required as conditions to address the Class 3 Site Plan Review, below, the traffic impact on Ms. Nishioka's property should be minimal.

The Hearings Officer finds that the proposal meets this criterion.

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following approval criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

The Hearings Officer finds that the proposed development includes a change of use and parking space striping for a recreational marijuana

production facility. The proposed development complies with all applicable development standards of the Salem Revised Code.

Development Standards – IC Zone:

SRC 551.005(a) - Uses:

The permitted, special, conditional and prohibited uses in the IC zone are set forth in Table 551-1.

The Hearings Officer notes that the proposed development includes a change of use for a recreational marijuana production facility. A recreational marijuana production facility use is classified as an Agriculture use and is allowed in the IC zone per SRC 551.005, Table 551-1 as a Conditional Use. Findings for the Conditional Use are included in Section 6 of this decision.

SRC 551.010(a) – Lot Standards:

In the IC zone, no minimum lot area, width, or depth is required and a minimum street frontage of 16 feet is required for an Agriculture use.

The Hearings Officer finds that the subject property has approximately 65 feet of frontage on Wilbur Street SE and complies with the applicable lot standards of the IC zone.

SRC 551.010(b) – Setbacks:

South (abutting street): Adjacent to the south is Wilbur Street SE. A minimum 5-foot setback is required for buildings and a minimum 6- to 10-foot setback is required for vehicle use areas.

West (interior): The abutting property to the west is zoned IC (Industrial Commercial). Abutting the IC zone, no minimum setback of is required for buildings and a minimum setback of 5 feet is required for vehicle use areas.

East: The subject property abuts railroad right-of-way. Railroad right-of-way does not meet the definition of a street, and the property line is considered an interior rear property line. No zone-to-zone setback is applicable abutting railroad right-of-way. Where there is no zone-to-zone setback, the minimum setback for vehicle use areas is 5 feet with Type A landscaping.

North: The property is adjacent to a public alley to the north. Zone-to-zone setbacks are not required abutting an alley.

The Hearings Officer finds that the proposed recreational marijuana production facility would be within an existing building, and the building setbacks are not changing.

The proposed parking spaces are proposed adjacent to the alley. The proposed vehicle use area is fully paved and setback from the west property line approximately 14-feet. No additional setbacks are required.

The proposal complies with all applicable setback requirements of the IC zone.

SRC 551.010(c) - Lot Coverage, Height:

No maximum lot coverage standard is applicable. The maximum building height for is 70 feet.

The Hearings Officer finds that no changes are proposed to the height or footprint of the existing building. The proposed development complies with the maximum height standard.

SRC 551.010(d) - Landscaping:

- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) Development Site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

The Hearings Officer finds that the proposed development does comply with the minimum 15 percent landscape standard for the development site within the IC zone. The land area outside of the special setback is 9,148 square feet requiring 1,372 square feet of landscaping ($9,148 \times .15 = 1,372.2$). The site plan indicates approximately 5,000 square feet of landscaping which exceeds the minimum. The site plan does not indicate landscaping between the proposed vehicle use area and the east and west property lines. To ensure the setbacks are landscaped the Hearings Officer imposes the following condition:

Condition 4: The setback area between the proposed vehicle use area and the east and west property lines shall be landscaped meeting the Type A standard set forth in SRC Chapter 807.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking 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 parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

The Hearings Officer finds that the proposed recreational production of marijuana is classified as an Agriculture use. Agriculture uses require the 5 parking spaces when retail sales are involved. No retail sales will occur at this site. Therefore, no parking spaces are required, and this standard is met

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

- a) **General Applicability.** The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) **Location.** Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) **Perimeter Setbacks and Landscaping.** Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

South (abutting street): Adjacent to the south is Wilbur Street SE. A minimum 5-foot setback is required for buildings and a minimum 6- to 10-foot setback is required for vehicle use areas.

West (interior): The abutting property to the west is zoned IC (Industrial Commercial). Abutting the IC zone, no minimum setback of is required for buildings and a minimum setback of 5 feet is required for vehicle use areas.

East: The subject property abuts railroad right-of-way. Railroad right-of-way does not meet the definition of a street, and the property line is considered an interior rear property line. No zone-to-zone setback is applicable abutting railroad right-of-way. Where there is no zone-to-zone setback, the minimum setback for vehicle use areas is 5 feet with Type A landscaping.

North: The property is adjacent to a public alley to the north. Zone-to-zone setbacks are not required abutting an alley.

Adjacent to Buildings and Structures: The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5 foot wide paved pedestrian walkway.

The Hearings Officer finds that the proposed vehicle use areas complies with the minimum perimeter setback standards of SRC Chapter 806. The proposal meets the setback requirements adjacent to a building or structure.

- d) Interior Landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking 50,000 square feet in size or greater, a minimum of 8 percent of the interior parking area shall be landscaped.

The Hearings Officer notes that the proposed site plan shows the parking area to be greater than 50,000 square feet in size.

- e) Off-Street Parking Area Dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

The Hearings Officer finds that the proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- f) Additional Off-Street Parking Development Standards 806.035(f)-(m).

The Hearings Officer notes that the off-street parking area is proposed in a manner that will use the alley for maneuvering, which the standards require to be 24-feet from the back of the parking space to the opposite side of the alley and to have a hard surface. Since the access will also be required to be paved 12-feet in width from 13th street, the area north of the parking spaces should have a minimum of 24 feet of maneuvering area to meet the standards. The condition below will ensure compliance with maneuvering for the parking area. The remaining developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are not required for the parking area. The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806. Accordingly, the Hearings Officer imposes the following condition:

Condition 5: There shall be a minimum of 24-feet of paved maneuvering area behind any parking spaces accessing from the alley.

SRC 806.040 - Driveway Development Standards.

- a) Access. Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available or a loop to the single point of access.
- b) Location. Driveways shall not be located within required setbacks.
- c) Additional Development Standards 806.040(c)-(g).

The Hearings Officer finds that the interior driveways proposed for the off-street parking area conform to the driveway location and dimensional requirements of SRC 806.040.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking 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 parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

The Hearings Officer finds that the proposed recreational production of marijuana is classified as an Agriculture use. Agriculture uses require the 2 bike parking spaces when retail sales are involved. No retail sales will occur at this site. Therefore, no bicycle parking spaces are required and this standard is met.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading 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 parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

The Hearings Officer finds that the proposed recreational production of marijuana is classified as an Agriculture use. Agriculture uses do not require loading spaces.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required

number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

The Hearings Officer notes that the applicant's site plan indicates that approximately 5,000 square feet of landscaping will be provided, requiring a minimum of 250 plant units ($5,000 / 20 = 250$). At least 40 percent of the plant units, or 100 ($250 \times 0.4 = 100$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045. There are three Oregon White Oak tree, greater than 24" DBH in size, which are protected trees, identified on the site plan, which are not proposed for removal. These trees are located on the eastern property line behind the existing building.

SRC 809 - Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) does not show any wetland or hydric soil areas mapped on the property.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal does not disturb any portion of a mapped landslide hazard area; therefore, a geological assessment is not required.

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.

The Hearings Officer finds that the existing street system is adequate to serve the proposed development, which will generate less than 20 new

average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required to Wilbur Street SE. (SRC 803.040(d)).

The applicant is proposing to provide driveway access to the subject property through the existing alley along the north property line. Pursuant to SRC 804.050, the applicant shall construct a minimum 12-foot-wide driveway improvement within the alley right-of-way from the east line of the subject property to 13th Street SE where the existing alley is not paved. To ensure this requirement is met, the Hearings Officer imposes the following condition:

Condition 6: Construct a minimum 12-foot-wide driveway improvement within the alley right-of-way from the eastern boundary of the vehicle use area on the subject property to 13th Street SE where the existing alley is not paved.

Criterion 3:

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

The Hearings Officer finds that the driveway access onto the alley way provides for safe turning movements into and out of the property.

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.

The Hearings Officer finds that the the Public Works Department has reviewed the applicant's preliminary plan for this site. 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 design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. Area for green stormwater infrastructure is not required because the proposed development does not meet the definition of a large project pursuant to SRC 71.005(a)(11).

DECISION

The Hearings Officer APPROVES the request for a consolidated conditional use and site plan review for a change of use for a recreational marijuana production facility for property located at 1351 Wilbur Street SE, subject to 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.

Condition 3: Prior to issuance of building permit, the applicant shall relocate the parking area to not conflict with the existing anchor, down guy, and power pole or provide evidence of relocation of the anchor and down guy approval from PGE.

Condition 4: The setback area between the proposed vehicle use area and the east and west property lines shall be landscaped meeting the Type A standard set forth in SRC Chapter 807.

Condition 5: There shall be a minimum of 24-feet of paved maneuvering area behind any parking spaces accessing from the alley.

Condition 6: Construct a minimum 12-foot-wide driveway improvement within the alley right-of-way from the eastern boundary of the vehicle use area on the subject property to 13th Street SE where the existing alley is not paved.

DATED: July 20, 2018

A handwritten signature in black ink, appearing to read "James K. Brewer", written over a horizontal line.

James K. Brewer, Hearings Officer