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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**MODIFICATION OF CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE  
NO.: CU-SPR17-13MOD1**

**APPLICATION NO.: 20-103306-ZO**

**NOTICE OF DECISION DATE: APRIL 8, 2020**

**SUMMARY:** Modification of Conditional Use permit CU-SPR17-13 to include solventless concentrates using ice and water. Also adding nitrogen to be used as part of an equipment cleaning process.

**REQUEST:** The applicant requests a Modified Conditional Use review under SRC 240.010 to change the process through which marijuana is processed at an industrial facility located at 2715 19th St SE (Marion County Map and Taxlot 073W35CD 00800). Condition #1 of the original Conditional Use decision (CU-SPR17-13) established that the extraction process shall be performed as submitted by the applicant for that review application. Because the applicant is changing the process to use solventless concentrates and nitrogen for cleaning, a modified Conditional Use is required.

**APPLICANT:** Luke Hamilton

**LOCATION:** 2715 19<sup>th</sup> St SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.010(d) – Modification of Conditional Use

**FINDINGS:** The findings are in the attached Decision dated April 8, 2020.

**DECISION:** The **Planning Administrator APPROVED** Modification of Conditional Use / Class 3 Site Plan Review Case No. CU-SPR17-13MOD1 based upon the application materials deemed complete on March 4, 2020 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by April 24, 2022 or this approval shall be null and void.

Application Deemed Complete:	<u>March 4, 2020</u>
Notice of Decision Mailing Date:	<u>April 8, 2020</u>
Decision Effective Date:	<u>April 24, 2020</u>
State Mandate Date:	<u>July 2, 2020</u>

Case Manager: Steven McAtee, [smcatee@cityofsalem.net](mailto:smcatee@cityofsalem.net), 503-540-2363

# NOTICE OF DECISION

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



This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Thursday, April 23, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at [planning@cityofsalem.net](mailto:planning@cityofsalem.net) or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. 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 Chapter(s) 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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 320, City Hall, 555 Liberty Street SE, during regular business hours.

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

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

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

**MODIFICATION OF CONDITIONAL USE PERMIT CASE AND SITE PLAN REVIEW CASE  
NO. CU-SPR17-13MOD1  
DECISION**

<b>IN THE MATTER OF THE MODIFICATION</b>	<b>)</b>	<b>FINDINGS AND ORDER</b>
<b>OF CONDITIONAL USE AND SITE PLAN</b>	<b>)</b>	
<b>REVIEW CASE NO. CU-SPR17-13MOD1;</b>	<b>)</b>	
<b>2715 19TH STREET SE</b>	<b>)</b>	<b>APRIL 8, 2020</b>

In the matter of the application for a Modified Conditional Use Permit submitted by Luke Hamilton of Hash Hamilton LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

Summary: Modification of Conditional Use permit CU-SPR17-13 to include solventless concentrates using ice and water. Also adding nitrogen to be used as part of an equipment cleaning process.

Description: The applicant requests a Modified Conditional Use review under SRC 240.010 to change the process through which marijuana is processed at an industrial facility located at 2715 19th St SE (Marion County Map and Taxlot 073W35CD 00800). Condition #1 of the original Conditional Use decision (CU-SPR17-13) established that the extraction process shall be performed as submitted by the applicant for that review application. Because the applicant is changing the process to use solventless concentrates and nitrogen for cleaning, a modified Conditional Use is required.

The subject property totals approximately 1.45 acres in size, contains two structures totaling approximately 17,250 square feet, is zoned IG (General Industrial) and is located 2715 19<sup>th</sup> Street SE, 97302 (Marion County Assessor Map and Tax Lot Number 073W35CD00800). The subject tenant space is a 2,804 square foot Heavy Manufacturing Use and used for Marijuana Extraction. The conditional use application was approved for marijuana extraction at this location.

A vicinity map showing the area of the subject property is included as **Attachment A**.

**DECISION**

The requested modification of the Conditional Use Permit is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the

findings and conditions adopted in the original approval for Conditional Use Case No. CU-SPR17-13.

### **PROCEDURAL FINDINGS**

1. An application to modify the approval of Conditional Use Case No. CU-SPR17-13 was submitted by Luke Hamilton on February 4, 2020.

Conditional Use Case No. CU-SPR17-13 approved a heavy manufacturing use proposed by the applicant for marijuana extraction.

2. After additional requested information was provided by the applicant, the application was deemed complete for processing on March 4<sup>th</sup>, 2020, and notice was mailed, pursuant to SRC requirements, on that day. The state-mandated 120-day local decision deadline for the application is July 2<sup>nd</sup>, 2020.

### **SUBSTANTIVE FINDINGS**

#### **1. Salem Area Comprehensive Plan (SACP)**

The subject property is designated as Industrial Use on the Salem Area Comprehensive Plan map.

#### **2. Zoning**

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

North: IC (Industrial Commercial);  
South: IG (General Industrial);  
East: IG (General Industrial);  
West: IG (General Industrial).

#### **3. Background/Proposal**

The application under review by the Planning Administrator is a modification of the conditional use permit approval for the specific marijuana extraction process submitted for review under the original conditional use permit, Case No: CU-SPR17-13.

On October 12<sup>th</sup>, 2017 the Salem Hearings Officer approved the original conditional use permit request for a Heavy Manufacturing use for the extraction of marijuana. The original conditional Use decision is included as **Attachment B**.

As indicated by the applicant's written statement, the conditional use permit modification application submitted by Luke Hamilton seeks approval for an additional marijuana extraction process, not included in the original conditional use approval. The change of process includes manufacturing solvent-less concentrates using ice and water and using nitrogen as part of the cleaning process.

The proposed modification is to add an additional marijuana extraction process and does not eliminate the marijuana extraction process approved in the original conditional use permit.

#### **4. Applicant's Plans and Statement.**

The preliminary site plan submitted by the applicant depicting the subject property, and in support of the proposal, is included as **Attachment C**.

The written statement provided by the applicant outlines the requested marijuana extraction process associated with the proposal and is included as **Attachment D**. The alternative process uses small manufacturing equipment such as a small plastic washing machine, micron bags, a freeze dryer, and a heat press.

#### **5. Neighborhood Association Comments**

The subject property is located within the boundaries of the Southeast Salem neighborhood association (SESNA) and adjacent to Morningside Neighborhood Association. No comments were received from either neighborhood association.

#### **6. Public Comments**

Notice of the proposal was mailed to property owners and tenants within 250 feet of the subject property. No public comments were received on the proposal.

#### **7. City Department Comments**

A. The Salem Fire Department, Building and Safety Division, and Public Works Department reviewed the proposed modification and indicated they have no objections to it.

#### **8. Public Agency & Private Service Provider Comments.**

Notice of the proposal was provided to public agencies and to public & private service providers.

- Portland General Electric provide the following comments: "Development cost per current tariff and service requirements. Any location of PGE facilities on private property or in ROW will be at the developer's expense." And, "Development cost per current tariff and service requirements. 10' PUE required on all front street lots."

#### **9. Conditional Use Permit Modification Approval Criteria.**

SRC 240.005(a)(2) provides that no use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted.

Pursuant to SRC 240.010(a), a conditional use permit approval may be modified after its effective date if the proposed modification meet the criteria set forth in SRC 240.010(d). Proposed modifications that do not meet the applicable criteria require submittal of an application for a new conditional use permit.

Pursuant to SRC 240.010(d), the modification of a conditional use permit shall be granted if the following criteria are met:

- (1) *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*
- (2) *When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

The following subsections are organized with the approval criteria shown in ***bold italic***, followed by findings evaluating the proposed modification for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the modification, or for the issuance of certain conditions to ensure the criteria are met.

**A. SRC 240.010(d)(1): *The proposed modification is not substantially inconsistent with the conditions of the original approval; and***

**Finding:** The written statement provided by the applicant (**Attachment D**) indicates that the proposed modification will be to add the ability to process marijuana using slightly modified techniques, while manufacturing the same product that was previously approved. The applicant indicates that no change will occur to the property, the building or to the product.

Staff concurs with the findings included in the applicant's written statement. The applicant indicates that marijuana extraction is a relatively new business, and extraction technologies are evolving. The applicant presents this marijuana extraction process as a cleaner and safer process than that approved in the original conditional use permit.

The original conditional use permit approval included the following three conditions:

**Condition 1:** The extraction process shall be performed as described in the applicant's written statement included as **Attachment D**.

**Condition 2:** The proposed development shall be in substantial conformance with the approved site plan included as **Attachment C**.

**Condition 3:** Provide 4 bicycle parking spaces meeting the standards of SRC 806.060.

The above identified conditions were placed on the approval of the original conditional use permit in order to ensure the proposed Heavy Manufacturing use conformed to the

conditional use permit approval criteria and that any reasonably likely impacts of the use on the immediate neighborhood are minimized.

Under the proposed modification, all three of the original conditions of approval will continue to apply and therefore no aspect of the proposed modification will be inconsistent with the original conditions of approval. Under the proposed modification, the process presented as evidence for Condition 1 will continue to apply; the site plan provided for this modified conditional use application is identical to that provided as required under Condition 2; and four bicycle parking spaces were provided as required under Condition 3.

Because all three conditions of approval applicable to the original conditional use permit will continue to apply to the proposed modification, the proposed modification is not substantially inconsistent with the conditions of the original approval. The proposed modification therefore conforms to this approval criterion.

***B. SRC 240.010(d)(2): When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.***

**Finding:** The written statement provided by the applicant (**Attachment D**) illustrates that approval of the proposed modification will not alter the proposed use of the site as permitted by CU-SPR17-13. The alternative marijuana extraction process will not enlarge or expand the tenant space, will not affect the subject property, and will not impact the surrounding properties.

Staff concurs with the findings included in the applicant's site plan and written statement. Under the modification, the proposed marijuana extraction facility will remain on the eastern portion of the site, there is no proposed increase to the facility's floor area, and all the conditions established as part of the original conditional use permit approval to mitigate the potential impacts of the use on the immediate neighborhood will continue to apply. The proposed modification conforms to this approval criterion.

### **IT IS HEREBY ORDERED**

The requested modification of Conditional Use Permit and Site Plan Review Case No. CU-SPR17-13 to modify the conditional use permit approval for the addition of an alternative marijuana extraction process; affecting property totaling approximately 1.45 acres in size, zoned IG (General Industrial) and located in the 2715 19<sup>th</sup> Street SE (Marion County Assessor Map and Tax Lot Number: 073W35CD00800), is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the original approval of Conditional Use Permit and Zone Change Case No. CU-SPR17-13.



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Steven McAtee, Planner II  
Planning Administrator Designee

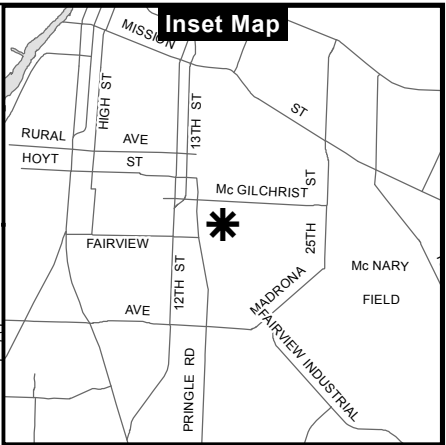
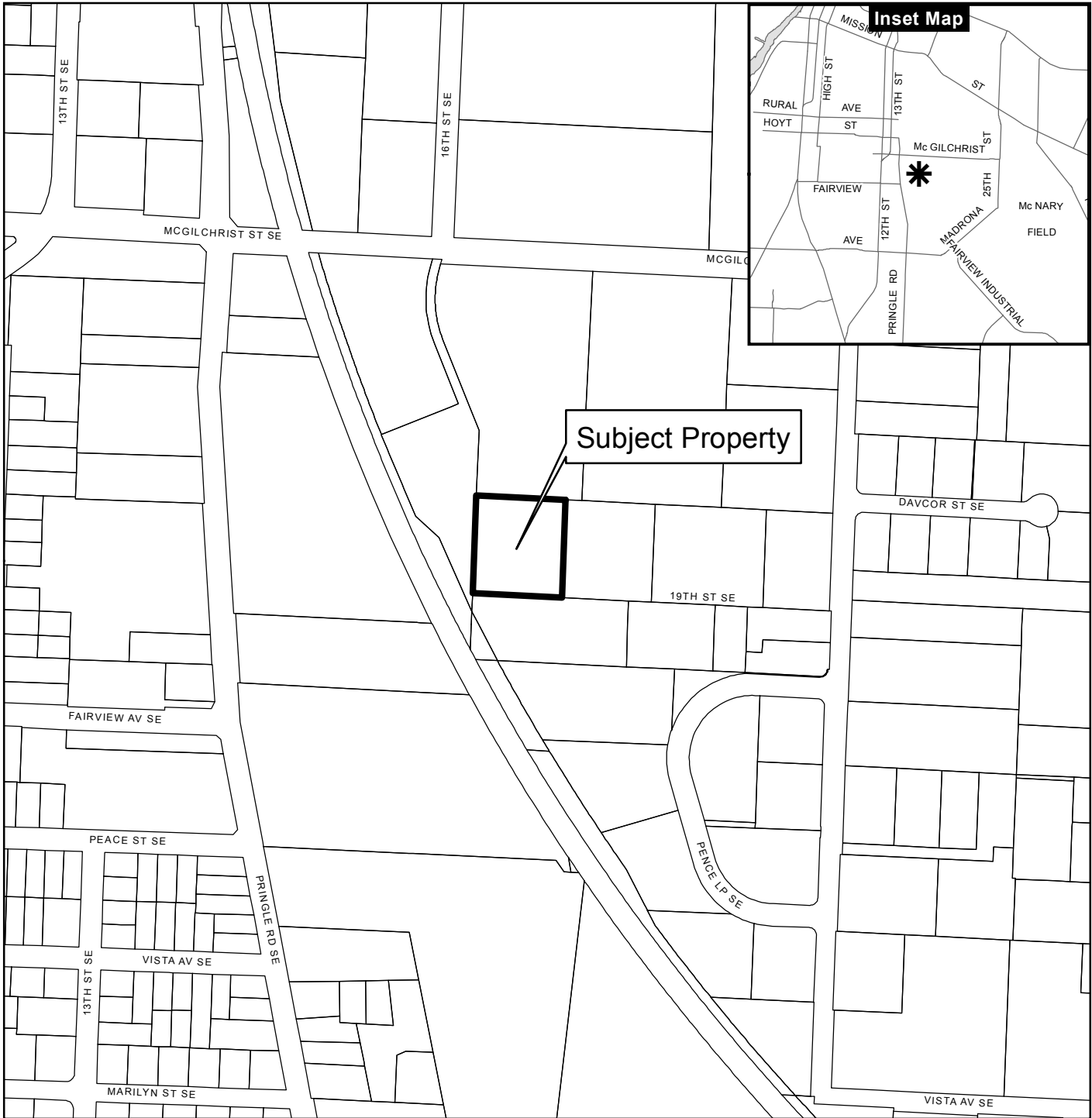
- Attachments:
- A. Vicinity Map
  - B. Final Decision Approving Conditional Use Permit and Zone Change Case  
No. CU-SPR17-13
  - C. Site Plan
  - D. Applicant's Written Statement

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# Vicinity Map

## 2715 19th Street SE

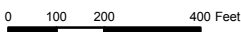


### Legend

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



Parks



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## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO: CU-SPR17-13**

**APPLICATION NO. : 17-114831-ZO & 17-114832-RP**

**NOTICE OF DECISION DATE: OCTOBER 12, 2017**

**SUMMARY:** An application to change 2,804 square feet of an existing building to a marijuana extraction facility.

**REQUEST:** Conditional Use and Class 3 Site Plan Review for a proposed change of use of a 2,804-square foot tenant space within an existing 9,000-square foot building to a marijuana extraction facility, a heavy manufacturing use, all located on a 1.45-acre property at 2715 19th Street SE 97302 (Marion County Assessor Map and Tax Lot 073W35CD00800) that is zoned IG (General Industrial). The conditional use application is required for the heavy manufacturing use.

**APPLICANT:** Brandon DeCamp

**LOCATION:** 2715 19<sup>th</sup> 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 October 12, 2017

**DECISION:** The Hearings officer **APPROVED** Conditional Use / Class 3 Site Plan Review Case No. CU-SPR17-13 subject to the following conditions of approval:

**Condition 1:** The extraction process shall be performed as described in the applicant's written statement included as **Attachment C** in the staff report.

**Condition 2:** The proposed development shall be in substantial conformance with the approved site plan included as **Attachment B** in the staff report.

**Condition 3:** Provide 4 bicycle parking spaces meeting the standards of SRC 806.060.

The rights granted by the attached decision for Conditional Use Case No. CU-SPR17-13 must be exercised, or an extension granted, by **October 28, 2019**, or this approval shall be null and void.

The rights granted by the attached decision for Class 3 Site Plan Review Case No. CU-SPR17-13 must be exercised, or an extension granted, by **October 28, 2021**, or this approval shall be null and void.

**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

Application Deemed Complete: September 6, 2017  
Public Hearing Date: September 27, 2017  
Notice of Decision Mailing Date: October 12, 2017  
Decision Effective Date: October 28, 2017  
State Mandate Date: January 4, 2018

Case Manager: Pamela Cole, [pcole@cityofsalem.net](mailto:pcole@cityofsalem.net); 503.540.2309

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., Friday, October 27, 2017.** 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 Chapter(s) 240 and 220. 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**

CONDITIONAL USE AND CLASS 3 SITE  
PLAN REVIEW FOR A PROPOSED CHANGE  
OF USE OF A 2,804-SQUARE FOOT TENANT  
SPACE WITHIN AN EXISTING 9,000-  
SQUARE FOOT BUILDING TO A MARIJUANA  
EXTRACTION FACILITY, A HEAVY  
MANUFACTURING USE, ALL LOCATED ON A  
1.45-ACRE PROPERTY AT 2715 19TH  
STREET SE 97302 (MARION COUNTY  
ASSESSOR MAP AND TAX LOT  
073W35CD00800) THAT IS ZONED IG  
(GENERAL INDUSTRIAL). THE  
CONDITIONAL USE APPLICATION IS  
REQUIRED FOR THE HEAVY  
MANUFACTURING USE.

CU-SPR17-13

FINDINGS OF FACT, CONCLUSIONS, AND  
DECISION

**DATE AND PLACE OF HEARING:**

September 27, 2017, Salem City Council Chambers, Room 240, Civic Center,  
555 Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

Staff:

Pamela Cole

Neighborhood Association:

N/A

Proponents:

Brandon Decamp, Applicant; Luke Hamilton, for  
the Applicant; Michael Junge, Carlson Veit  
Architects, for the Applicant

Opponents:

N/A

## **SUMMARY OF THE APPLICATION AND HEARING**

### **BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on September 27, 2017. The Applicant filed and the City accepted an application requesting an application to change 2,804 square feet of an existing building to a marijuana extraction facility located on a 1.45-acre property at 2715 19th Street SE 97302, Salem.

### **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." The subject property is within the Urban Growth Boundary and the Urban Service Area.

#### **2. Zoning**

The subject property is zoned IG (General Industrial). The proposed marijuana extraction use is classified as a heavy manufacturing use.

The zoning of surrounding properties includes:

North: IC (Industrial Commercial)

South: IG (General Industrial)

East: IG (General Industrial)

West: IG (General Industrial)

#### **3. Site Analysis**

The subject property is approximately 1.45 acres in size and is developed with two existing buildings, approximately 9,000 and 8,250 square feet. The proposed heavy manufacturing use will occupy a space approximately 2,804 square feet within the 9,000-square foot building.

The subject property is located on a flag lot access way west of 19th Street SE. Surrounding properties are zoned IG (General Industrial) and IC (Industrial Commercial).

#### **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. As of the time of the staff report, no written comments were received from the neighborhood association or surrounding property owners.

## **5. City Department and Public Agency Comments**

The Building and Safety Division reviewed the proposal and indicated there are no concerns with the site.

The Fire Department has no concerns with this request, but depending on the amount of hazardous materials involved in the process, the Occupancy Classification could place this into an "H" per the OSSC and OFC.

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

PGE reviewed the proposal and commented, "Development cost per current tariff and service requirements. 10-foot PUE required on all front street lots."

## **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 notes that extraction of oil from marijuana is classified as a heavy manufacturing use. SRC Chapter 554, Table 554-1 provides that Heavy Manufacturing uses are allowed in the IG (General Industrial) zone with a conditional use permit. The Hearings Officer finds that the application satisfies 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 notes that the applicant is proposing an extraction facility within a space that is approximately 2,804 square feet in size within an existing building.

The Hearings Officer notes that heavy manufacturing uses require a conditional use permit in order to evaluate the impact of a use on surrounding uses in the immediate area. Potential impacts from heavy manufacturing uses include noise, vibration, dust, smoke, fumes or noxious odors.

The Hearings Officer notes that the applicant's statement describes the closed loop butane extraction processes involved in extraction for this facility. As described, the manufacturing process does not involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes or noxious odors, and is not dangerous or polluting. The solvent used in the extraction process is flammable butane, which is stored in an explosion-proof cabinet. The machine noise from a vacuum pump is minimal because it is indoors, and the odor is also limited because the process is within a closed loop environment and mitigated by charcoal filtration and fans.

The Hearings Officer finds that the development, as proposed and with the recommended conditions of approval below, minimizes reasonably likely adverse impacts of the use on the adjacent tenants and neighboring uses.

**Condition 1: The extraction process shall be performed as described in the applicant's written statement included as Attachment C in the staff report.**

The Hearings Officer finds that with this condition, the application satisfies 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 proposed extraction and processing facilities would be located in an existing building. The existing building has adequate loading spaces to accommodate delivery of raw materials, and by-products will be stored inside the building until collected by a solid waste service hauler.

The Hearings Officer finds that as proposed, the use will be reasonably compatible with the surrounding uses and will have minimal impact on the livability or development of surrounding property. To ensure the proposal is in substantial conformance with the use and development presented in the

application materials, staff recommends and the Hearings Officer imposes the following condition of approval:

**Condition 2: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the staff report.**

The Hearings Officer finds that with this condition, the application satisfies this criterion.

## **7. Analysis of Class 3 Site Plan Review Approval Criteria**

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

### Criterion 1:

The application meets all applicable standards of the UDC.

The Hearings Officer notes that the project includes a proposed change of use of 2,804 square feet of an existing building for a marijuana extraction facility, classified as a heavy manufacturing use.

The Hearings Officer finds that the development, as proposed and conditioned, meets all standards of the UDC.

### Development Standards – IG (General Industrial) Zone:

#### SRC 554.005(a) - Uses:

Except as otherwise provided in Chapter 554, the permitted, special, conditional and prohibited uses in the IG zone are set forth in Table 554-1.

The Hearings Officer notes that the proposed use involves the extraction of oils from marijuana. The oil extraction process is classified as a heavy manufacturing use in SRC Chapter 400.

Within the IG zone, heavy manufacturing is listed as a Conditional Use. Findings addressing the Conditional Use Permit criteria are included in Section 6 of these findings.

#### SRC 554.010(a) – IG Zone Lot Standards:

There are no minimum lot area or dimension requirements in the IG zone. All uses are required to have a minimum of 16 feet of street frontage.



The Hearings Officer notes that the subject property is located on a property with an existing flag lot access way, which is legally nonconforming with respect to the street frontage standard. The Hearings Officer finds that this legally nonconforming frontage and access complies with this standard.

SRC 554.010(b) – IG Zone Setbacks:

North: Adjacent to the north is an IG (General Industrial) zone. There is no building setback required adjacent to an IG zone; vehicle use areas require a minimum 5-foot setback.

South: Adjacent to the south is an IG (General Industrial) zone. There is no building setback required adjacent to an IG zone; vehicle use areas require a minimum 5-foot setback.

East: Adjacent to the east is an IG (General Industrial) zone. There is no building setback required adjacent to an IG zone; vehicle use areas require a minimum 5-foot setback.

West: Adjacent to the west is an IG (General Industrial) zone. There is no building setback required adjacent to an IG zone; vehicle use areas require a minimum 5-foot setback.

The Hearings Officer notes that the proposed development includes an interior tenant improvement and change of use within an existing building. There is no change to the building footprint or pavement area in the existing parking lot.

SRC 554.010(c) - Lot Coverage, Height:

There is no maximum lot coverage standard. The maximum height in the IG zone is 70 feet.

The Hearings Officer notes that the proposed development does not modify the lot coverage or height of the existing building. The Hearings Officer finds that the proposed development complies with the lot coverage and maximum height standards of the IG zone.

SRC 554.010(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.

The Hearings Officer notes that the proposed development involves only an interior tenant improvement and change of use within an existing building. The Hearings Officer finds that landscaping is not required for the proposed development.

#### 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 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.

##### SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves.

##### SRC 806.015 - Amount of Off-Street Parking.

- a) Minimum Required Off-Street Parking. The minimum number of off-street parking spaces required for a heavy manufacturing use is the greater of 0.75 spaces per employee or 1 space per 5,000 square feet of floor area.
- b) Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

The Hearings Officer notes that according to the site plan, the proposed heavy manufacturing use will have 6 employees, requiring a minimum of 5 off-street parking spaces ( $6 \times 0.75 = 4.5$ ). The existing warehouse uses in the adjacent tenant suites require a minimum of 9 spaces. No spaces are required for the marijuana production (grow) facility in the adjacent building. A total of 14 spaces is required. A maximum of 35 parking spaces are allowed ( $14 \times 2.5 = 35$ ). The existing off-street parking area has 25 spaces on the same development site as the uses they serve. None of the parking spaces are

compact spaces. Carpool/vanpool spaces are not required for the proposed heavy manufacturing and general manufacturing use. The Hearings Officer finds that this standard is satisfied.

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

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

a) **General Applicability.** The off-street parking and vehicle use area development standards set forth in this section apply to:

1. The development of new off-street parking and vehicle use areas.
2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
4. The paving of an un-paved area.

The Hearings Officer notes that the proposed development includes no changes to parking. The Hearings Officer finds that these standards are not applicable.

#### **Bicycle Parking**

##### **SRC 806.045 - General Applicability.**

Bicycle parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous 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.**

Uses in the heavy manufacturing use category require the greater of 4 bicycle parking spaces or one space per 10,000 square feet of floor area.

The Hearings Officer notes that the proposed use would occupy 2,804 square feet within the existing building, and 4 bicycle parking spaces are

required for the proposed use. The site plan does not indicate any bicycle parking spaces. To satisfy this standard, staff recommends and the Hearings Officer imposes the following condition:

**Condition 3: Provide 4 bicycle parking spaces meeting the standards of SRC 806.060.**

**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. 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.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) Dimensions. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

The Hearings Officer finds that the proposed bicycle parking spaces for the building must meet the requirements of SRC 806.060.

**Off-Street Loading Area**

**SRC 806.065 - General Applicability.**

Off-street loading areas 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.

**SRC 806.075 - Amount of Off-Street Loading.**

No loading space is required for a heavy manufacturing use under 5,000 square feet.

The Hearings Officer finds that the proposed change of use does not increase the floor area of the existing building, and does not result in a greater number of off-street loading spaces required for the existing building.

## 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.

The Hearings Officer notes that no protected trees have been identified on the site plan for removal.

SRC 809 - Wetlands: According to the Salem-Keizer Local Wetland Inventory (LWI), there are no mapped wetlands on the subject property. There are hydric soil inclusions. No improvements to the exterior of the building are proposed, and no wetland permit is required.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. There are areas of 2 mapped landslide points on the property. The applicant's proposal does not alter the existing building foundation, and does not include a building addition, therefore no activity points are assigned to the proposed development. No geological assessment is required for the proposed development.

With the condition regarding bicycle parking spaces, the Hearings Officer finds that the application will satisfy this criterion.

### 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 and the development generates less than 20 new average daily vehicle trips; 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.

The Hearings Officer finds that the driveway access onto 19th Street SE 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 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 does not show any new connections to public infrastructure. The Hearings Officer finds that the application satisfies this criterion.

### DECISION

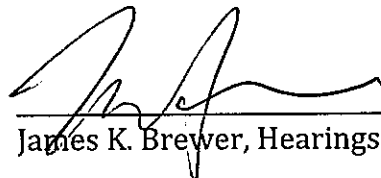
The Hearings Officer APPROVES the request for a consolidated conditional use and site plan review to allow extraction of oils from marijuana, classified as heavy manufacturing, within an existing building for property located at 2715 19th Street SE, Salem, subject to the following three conditions of approval:

**Condition 1: The extraction process shall be performed as described in the applicant's written statement included as Attachment C in the staff report.**

**Condition 2: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the staff report.**

**Condition 3: Provide 4 bicycle parking spaces meeting the standards of SRC 806.060.**

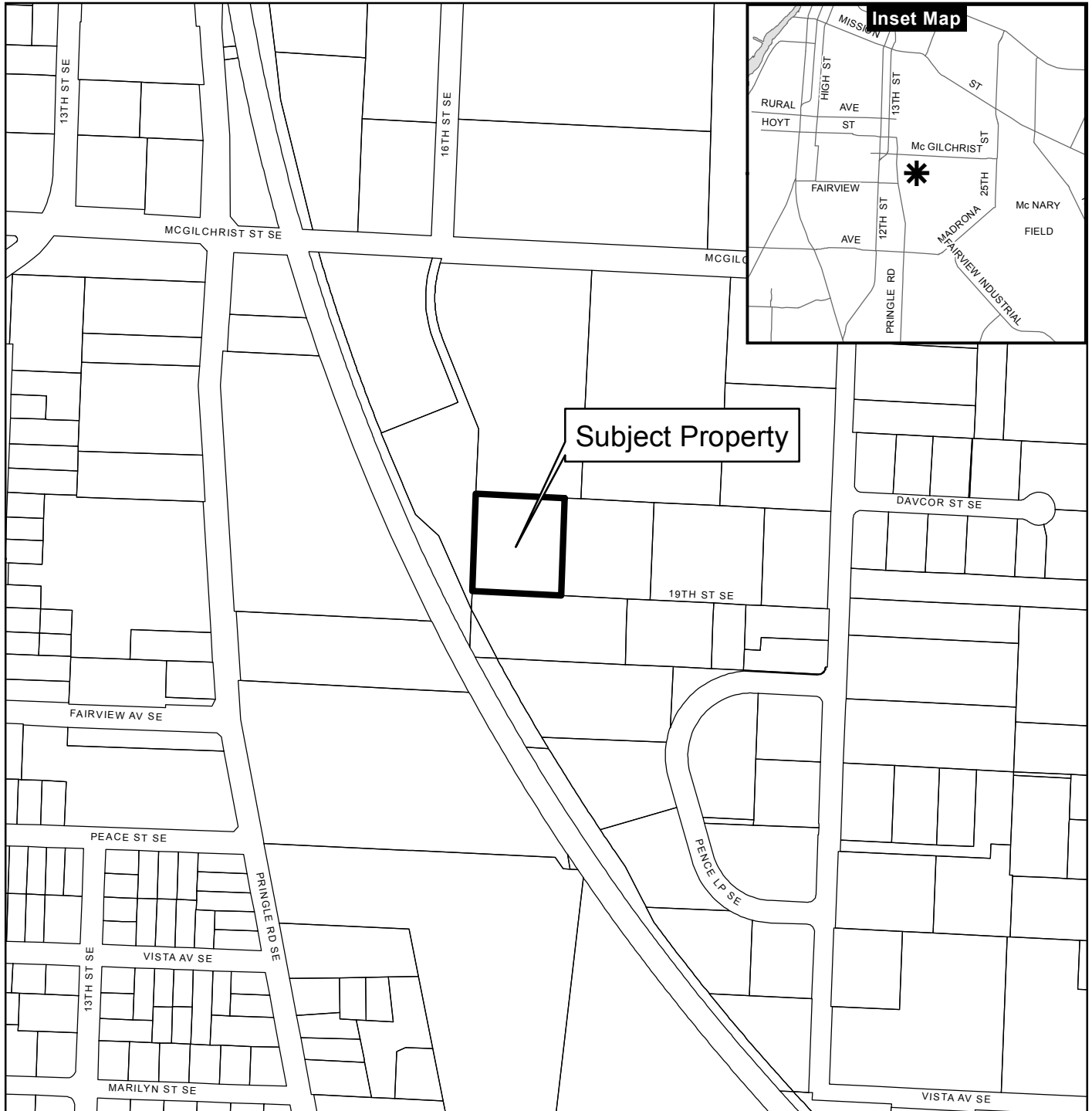
DATED: October 12, 2017



James K. Brewer, Hearings Officer

# Vicinity Map

## 2715 19th Street SE



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

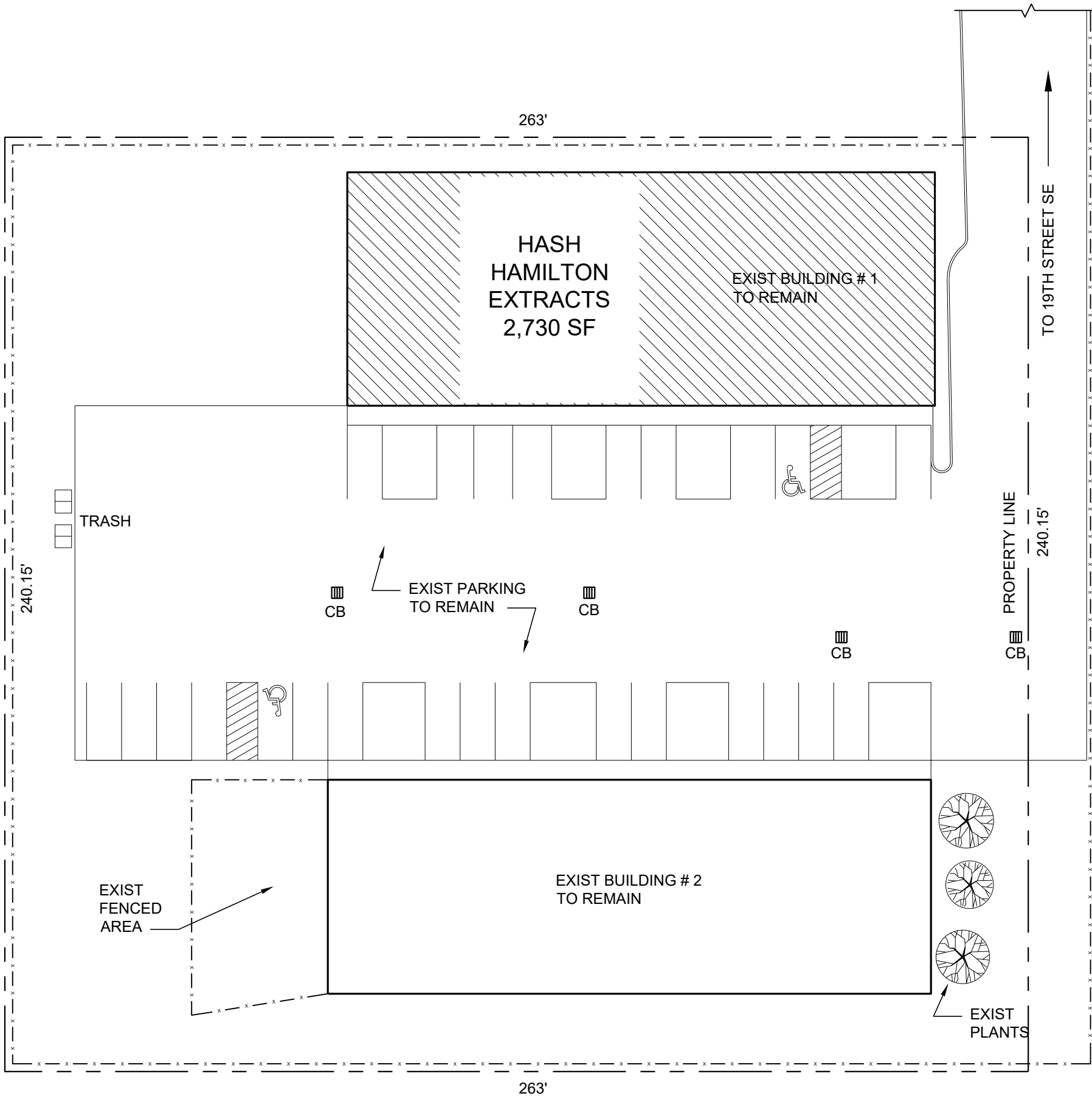
Parks

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Community Development Dept.

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0 100 200 400 Feet





 **SITE PLAN**  
1" = 30'-0"





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MEMBER AMERICAN INSTITUTE OF ARCHITECTS

**SUMMARY**

**PROJECT DESCRIPTION**  
INTERIOR ONLY IMPROVEMENTS TO AN EXISTING 2,804 SF TENANT SPACE  
TO BE USED AS A MARIJUANA EXTRACTION FACILITY.  
CLASSIFIED HEAVY MANUFACTURING.

**SITE ZONING DESIGNATION** IG - GENERAL INDUSTRIAL

**SITE INFORMATION**  
TAX LOT NUMBER: 073W35CD - 00800  
TOTAL LOT AREA: 63,159 SF  
BUILDING #1 AREA:

ROTO ROOTER SUITE # 140 = 1,674 SF  
HASH HAMILTON EXTRACTS # 130 = 2,804 SF  
WAREHOUSE 1 = 1,710 SF  
WAREHOUSE 2 = 2,812 SF  
= 9,000 SF

BUILDING #2 AREA: = 8,250 SF

PARKING REQUIREMENTS			
BUILDING #1:			
SUITE #140 - ROTO ROOTER (STORAGE)	1,635 SF; 6 EMPLOYEES X .75	= 5 SPACES	
SUITE #130 - HASH HAMILTON (HEAVY MANUFACTURING)	2,730 SF; 6 EMPLOYEES X .75	= 5 SPACES	
SUITE #120 - STORAGE	1,665 SF; 2 EMPLOYEES X .75	= 2 SPACES	
SUITE #110 - STORAGE	2,691 SF; 2 EMPLOYEES X .75	= 2 SPACES	
BUILDING #2: ORGANIBIS FARMS (HEAVY MANUFACTURING)		8,250 SF; 8 EMPLOYEES X .75	= 6 SPACES
			= 20 SPACES MIN.

PARKING SHOWN: 25 SPACES, EXISTING

project

**HASH HAMILTON EXTRACTS  
CONDITIONAL USE APPLICATION**

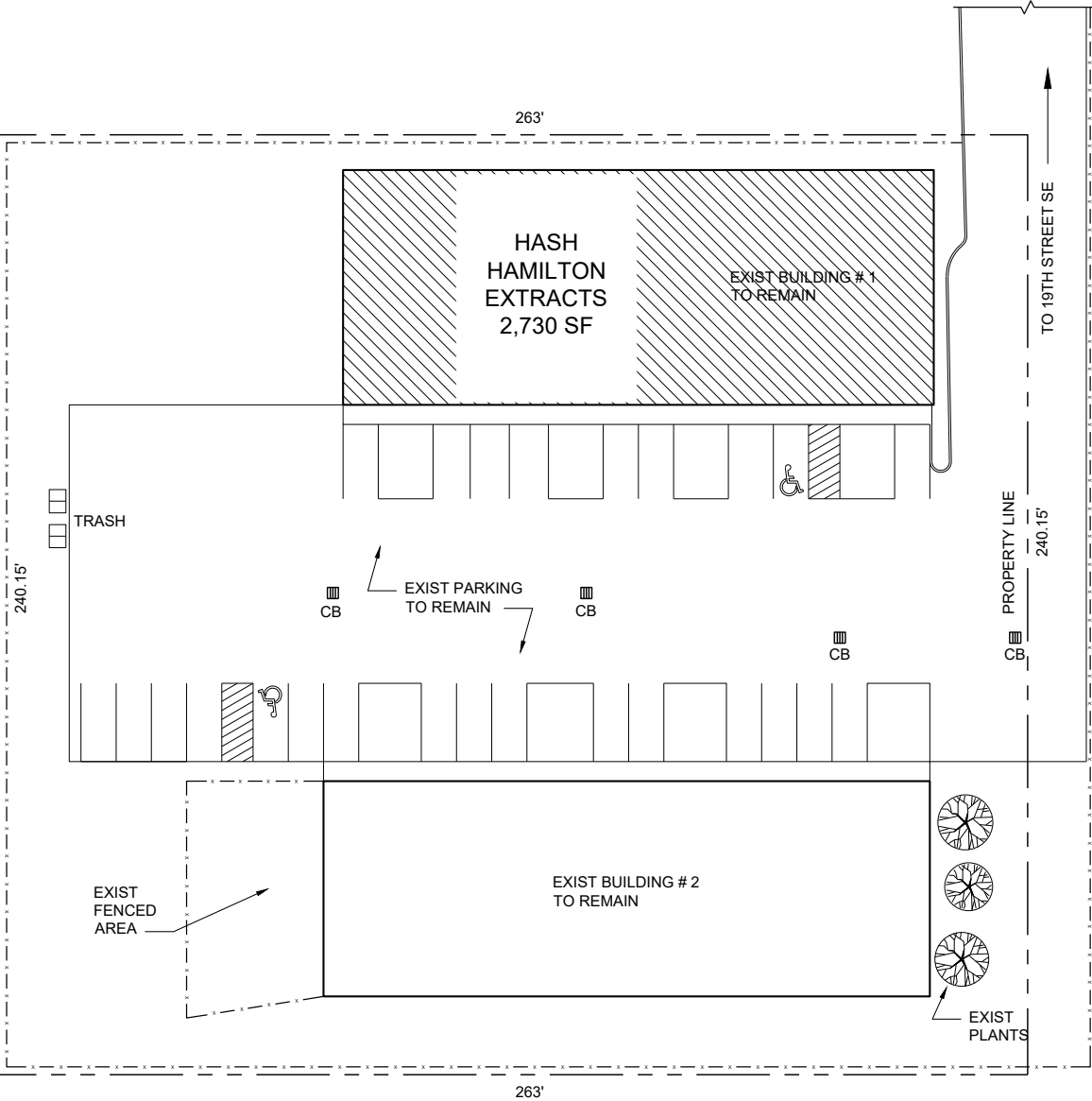
2715 19TH STREET SE SUTIE # 130  
SALEM, OR 97302

8-15-2017  
CITY COMMENTS

date: 08-17-2017  
project: 03517  
drawn by: SJE  
checked by: MJ  
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sheet:  
of:





 **SITE PLAN**  
1" = 30'-0"



## SUMMARY

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**PARKING SHOWN:** 25 SPACES, EXISTING

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**HASH HAMILTON EXTRACTS**  
**CONDITIONAL USE APPLICATION**  
2715 19TH STREET SE SUITE # 130  
SALEM, OR 97302  
8-15-2017  
CITY COMMENTS

project: **HASH HAMILTON EXTRACTS**  
date: **08-17-2017**  
project: **03517**  
drawn by: **SJE**  
checked by: **MJ**  
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of:

# Hash Hamilton.com, LLC

## Water Extraction Guide

Equipment used:

Plastic Washing Machine, Micron Bags, Freeze Dryer, Heat Press

1. Start by inserting cannabis material into micron “work” bag (220u)
2. Let material soak in ice water for 10 minutes
3. Start washing machine cycle 5 minutes
4. Drain water through micron bags to collect the resin
5. Scoop resin into freeze dryer trays for removal of water
6. Repeat steps 3-5 as needed
7. Let freeze dryer run its cycle (24-48 hours)
8. Remove finished product from freeze dryer
9. Place finished product into micron bags for rosin
10. Press finished rosin with heat press (170-190 degrees)
11. Collect for packaging

Washer



Washer & Bag



Inside Washer



Freeze Dryer



## Bubble Bags

