

## Legislation Details (With Text)

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**Title:** Options to Allow the Commercial Growing of Recreational Marijuana in the IC and IP Zones

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Sponsors:****Indexes:****Code sections:****Attachments:**

Date	Ver.	Action By	Action	Result
5/23/2016	1	City Council	received and filed	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Glenn W. Gross, Community Development Director

**SUBJECT:**

Options to Allow the Commercial Growing of Recreational Marijuana in the IC and IP Zones

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**ISSUE:**

To provide City Council with options to allow the commercial growing of recreational marijuana in the Industrial Commercial (IC) and the Industrial Park (IP) zones.

**RECOMMENDATION:**

Information only.

**SUMMARY AND BACKGROUND:**

On March 28, 2016, the City Council discussed allowing the commercial growing of recreational marijuana in the IC and IP zones and directed staff to bring back options to accomplish that.

Last year City Council adopted an ordinance restricting the location of commercial growing of recreational marijuana to the IG, II, and EFU zones. The Planning Commission had recommended inclusion of the IC zone. Since then, City staff and Councilors have learned that there are at least two existing medical marijuana grow sites in the IC and IP zones that have made investments to improve their properties expecting to be able to transition their medical grow operations into commercial grows for the recreational market. This report includes options on how the Salem Revised Code could be amended to allow commercial growing of recreational marijuana in the IC and IP zones.

## **FACTS AND FINDINGS:**

1. The commercial growing of recreational marijuana is currently allowed only within indoor grow sites in the General Industrial (IG) and Intensive Industrial (II) Zones, and indoors or outdoors in the Exclusive Farm Use (EFU) Zone. It is prohibited in the Industrial Commercial (IC) or Industrial Park (IP) zones.
2. The IC zone generally allows a wide variety of retail, office, heavy commercial, light manufacturing, and warehousing activities. The IP zone allows industrial uses, along with uses providing services and support to industry, in a park like setting.
3. The following options would allow for commercial recreational grow operations in the IC and IP Zones:

a) *Conditional Use*

Amending the Salem Revised Code to make the commercial growing of recreational marijuana a conditional use in the IC and IP zones would require each grow site to obtain hearings officer approval. The public hearing process would afford neighbors and the City Council an opportunity to review grows on a case-by-case basis and the hearings officer could apply conditions of approval to mitigate any negative impacts when necessary. The conditional use permit process typically takes two to three months.

b) *Special Use*

Making commercial recreational marijuana growing a special use in the IC and IP zone would mean that it is allowed so long as it complies with special use standards that would be written into the Salem Revised Code. Special use standards could include a requirement that grow sites are located a certain minimum distance from any residentially zoned lands, for example. This would be a one-size-fits-all approach. However, under this option the grower would not need to go through a public hearing process.

c) *Duplicate General Industrial (IG) and Intensive Industrial (II) Zones*

The use could be permitted as a Special Use that only deals with location (indoors) and odor restrictions as is currently allowed in the General Industrial (IG) and Intensive Industrial (II) Zones. The existing setback from a use in the Industrial Commercial (IC) and Industrial Park (IP) zones to a residential use is a minimum 30 feet with a 6-foot tall fence or wall and landscaping. The existing setbacks drop to 5 feet and 10 feet, respectively, when abutting a mixed use zone.

Bryan Colbourne, AICP  
Planner III

Attachments:  
None.

05/09/2016