

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE/CLASS 3 SITE PLAN REVIEW CASE NO. CU-
SPR19-03**
3850 MAINLINE DRIVE NE
AMANDA NO. 19-109246-ZO & 19-110133-RP

REQUEST

Summary: A request for a Conditional Use Permit and Site Plan Review to allow a hemp and essential oil extraction use, classified as heavy manufacturing, within an existing building.

Description: Conditional Use and Class 3 Site Plan Review for a proposed change of use of an existing building to an industrial hemp and essential oil extraction facility, a heavy manufacturing use, located on a 0.63-acre property at 3850 Mainline Drive NE 97301 (Marion County Assessor Map and Tax Lot 073W12B / 4200) that is zoned IG (General Industrial). The conditional use application is required for the heavy manufacturing use.

A vicinity map illustrating the location of the property is attached, and made a part of this staff report (**Attachment A**).

OWNER: Scott and Regina Martin

APPLICANT: Lojco, LLC

FILER: Patrick Bickler

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use and site plan review application to change the use of a building to a hemp and essential oil extraction facility for property located at 3850 Mainline Drive NE subject to the following conditions of approval:

CONDITIONAL USE:

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

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

SITE PLAN REVIEW:

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

Condition 4: If additional fire flow is needed for the proposed development, then the applicant shall connect to the nearest available adequate water main located in Hyacinth Street NE, pursuant to the Water System Master Plan.

APPLICATION PROCESSING

On April 12, 2019, the applicant submitted an application for a Conditional Use Permit to establish a heavy manufacturing use (industrial hemp extraction and processing facility) within an existing building. A Class 3 site plan review application was submitted on April 26, 2019 to change the use of the subject property from agriculture to heavy manufacturing. The application was deemed complete for processing on June 7, 2019.

The public hearing before the City of Salem Hearings Officer is scheduled for July 10, 2019, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on June 20, 2019. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant is requesting to change the use of an existing building at 3850 Mainline Drive NE from agriculture to an industrial hemp and essential oil extraction facility. A vicinity map is included as **Attachment A**. Because the processing will involve extraction, classified as a Heavy Manufacturing use, the proposal requires a Conditional Use permit within the IG zone. A site plan is included as **Attachment B**.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

The applicant's statement addressing the applicable approval criteria for this consolidated request is included as **Attachment C**.

FACTS AND FINDINGS

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 and Surrounding Land Uses

The subject property is zoned IG (General Industrial). The proposed extraction use is classified as a Heavy Manufacturing use in the IG zone and requires a Conditional Use approval in the IG Zone.

The zoning of surrounding properties is as follows:

North: IG (General Industrial)

South: IG (General Industrial)

East: Across Candlewood Drive NE and adjacent railroad right-of-way, IC (Industrial Commercial)

West: Across Mainline Drive NE and Salem Parkway, Keizer city limits

3. Site Analysis

The subject property is approximately 0.63 acres in size and is developed with an existing 5,005 square foot building. The property is bounded on the east by Mainline Drive NE, by Candlewood Drive NE and adjacent railroad right-of-way to the west, and IG (General Industrial) zoned properties to the north and south.

4. Neighborhood and Citizen Comments

The subject property is located within the Northgate Neighborhood Association (Northgate). Notice was provided to Northgate and surrounding property owners and tenants within 250 feet of the subject property. As of the date of this staff report, no comments have been received from Northgate, or surrounding property owners.

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 commented,
The proposed site provides fire department access. The previous use of the structure was approved as office and indoor gardening. The proposed

use is for hemp and essential oil extraction. Evaluation of the required fire flow based on the proposed use and process will be performed at the time of the building permit plan review. Any increase to the required fire flow will need to be provided based on that review.

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

PGE reviewed the proposal and commented "Development costs per current tariff and service requirements."

The Oregon Department of Transportation (ODOT) reviewed the proposal and commented "The property abuts Mainline Drive Frontage Road No 072AB, which is subject to state laws administered by ODOT. The site plan proposes to use an existing approach at MP 1.74. The proposal does not include any physical modifications to the existing highway approach, the new use of the site will not be a significant change to the traffic character of the frontage road." ODOT has indicated no objections to the proposal.

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.

Finding: Extraction of oil and concentrates from industrial hemp and raw materials obtained from agricultural or forestry production is classified as a heavy manufacturing use pursuant to SRC Chapter 400. SRC Chapter 554, Table 554-1 provides that Heavy Manufacturing uses are allowed in the IG (General Industrial) zone with a conditional use permit.

Staff 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.

Applicant's Statement: The applicant's written statement addressing the conditional use approval criteria is included as **Attachment C**.

Staff Finding: The applicant is proposing an extraction facility within an existing building with a gross floor area of approximately 5,005 square feet. The previous use on the property was approved for a recreational marijuana grow site, classified as an Agriculture use.

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 applicant's statement describes the supercritical carbon dioxide extraction process involved in the manufacturing use for this facility, which will be located indoors. The business will involve drying of raw industrial hemp material and other botanical plants such as mint and oregano, which will then be processed to extract the plants' essential oils. The supercritical CO₂ extraction is a non-flammable, low-temperature process that involves moderate noise levels. The facility will be compartmentalized by sound attenuated partitions and all penetrations will be sealed to minimize noise. The process occurs within a closed loop environment to eliminate strong odors. The existing facility contains an air filtration system installed in 2016 for the previous marijuana production use as a required provision to ensure that odor impacts upon neighboring properties are minimized. No toxic, caustic, or dangerous solvents will be used in the manufacturing process.

The development, as proposed and with the recommended conditions of approval below, minimizes reasonable 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**.

Criterion 3:

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

Applicant's Statement: The applicant's written statement addressing the conditional use approval criteria is included as **Attachment C**.

Staff Finding: The proposed extraction and processing facilities would be located in an existing building within an industrial zone, and the surrounding businesses are similar in impacts. The property will have adequate loading space for delivery of raw materials and adequate storage space within the building. The use of the outdoor area is limited to periodic loading and unloading with minimum

vehicular traffic. Used botanical trim will be collected by a service hauler as organic waste. No alterations to the exterior of the building are proposed.

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 the following condition of approval:

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

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.

Finding: The project includes a proposed change of use of an existing building for an industrial hemp and essential oil extraction facility.

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.

Finding: The proposed use involves the extraction of products from industrial hemp and other botanical plants. The 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 this report.

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.

Finding: The subject property has greater than 150 feet of frontage on Mainline Drive NE, and greater than 130 feet of frontage on Candlewood Drive NE.

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.

East: Adjacent to the east is the right-of-way of Candlewood Drive S and the railroad. There is a 5-foot building setback and a 6- to 10-foot vehicle use area 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.

West: Adjacent to the west is the right-of-way of Mainline Drive NE. There is a 5-foot building setback and a 6- to 10-foot vehicle use area setback.

Finding: The proposed development includes a change of use and occupancy 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.

Finding: The proposed development does not modify the lot coverage or height of the existing building. 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.

Finding: The proposed development includes a change of use within an existing building. Landscaping is not required for the proposed development.

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.

Finding: According to the site plan, the proposed heavy manufacturing use will have 3 employees, requiring a minimum of 2 off-street parking spaces ($3 \times 0.75 = 2.25$). The existing off-street parking area has 5 spaces. No changes are proposed or required for the existing spaces. None of the parking spaces are depicted on the site plan as compact spaces. Carpool/vanpool spaces are not required for the proposed uses.

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.

Finding: The proposed development includes no changes to the existing parking and vehicle use areas.

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

Finding: The proposed heavy manufacturing use would occupy approximately 5,005 square feet within the existing building, and 4 bicycle parking spaces are required for the proposed use. The site plan identifies existing unmarked bicycle parking stalls. It is unclear whether the number of spaces and development standards of the spaces meet the requirements of SRC 806. Compliance with this standard will be checked at time of building inspection.

The following condition is required:

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.

Finding: The proposed bicycle parking spaces for the building must meet the requirements of SRC 806.060, as required in the condition above.

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.

One loading space is required for a heavy manufacturing use of 5,000 to 100,000 square feet.

Finding: The current use of the building is agriculture, and the proposed use is heavy manufacturing. The previous agriculture use required no off-street loading spaces, and the proposed use requires a minimum of one loading space for 5,000 to 100,000 square feet. The site plan shows adequate area to fulfill the minimum one space loading requirement meeting the requirements of SRC Chapter 806.

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.

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

Finding: No additional landscaping is required for the proposed change of use.

Natural Resources

SRC Chapter 601 (Floodplain): The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. No new structures are proposed as part of this application.

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.

No protected riparian trees or significant trees have been identified on the site plan for removal.

SRC 809 – Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property contains wetland channels and/or hydric soils. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Claggett Creek runs through the northeast corner of the subject property. No development is proposed for the change of use.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

The subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

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.

Finding: The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required. No special setback is required along boundary streets because the existing rights-of-way meet or exceed the standard pursuant to the Salem TSP.

Criterion 3:

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

Finding: The driveway access onto Mainline Drive NE provides for safe turning movements into and out of the property and is under the jurisdiction of ODOT. ODOT reviewed the proposal and provided comments included in Section 5 of this report.

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.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The sewer and storm infrastructure is available within surrounding streets/areas and is adequate to serve the proposed development. The applicant does not show any new connections to public infrastructure.

The water infrastructure is limited within the surrounding area and may not provide adequate fire flow capacity for the proposed use. Fire flow requirements will be determined at the time of building permit. If additional fire flow is needed for the proposed development, the nearest available adequate water main is located in Hyacinth Street NE, pursuant to the Water System Master Plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to PWDS. To ensure adequate water facilities are provided for the proposed use, staff recommends the following condition:

Condition 4: If additional fire flow is needed for the proposed development, then the applicant shall connect to the nearest available adequate water main located in Hyacinth Street NE, pursuant to the Water System Master Plan.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use and site plan review application to change the use of a building to a hemp and essential oil extraction facility for property located at 3850 Mainline Drive NE subject to the following conditions of approval:

CONDITIONAL USE:

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

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

SITE PLAN REVIEW:

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

Condition 4: If additional fire flow is needed for the proposed development, then the

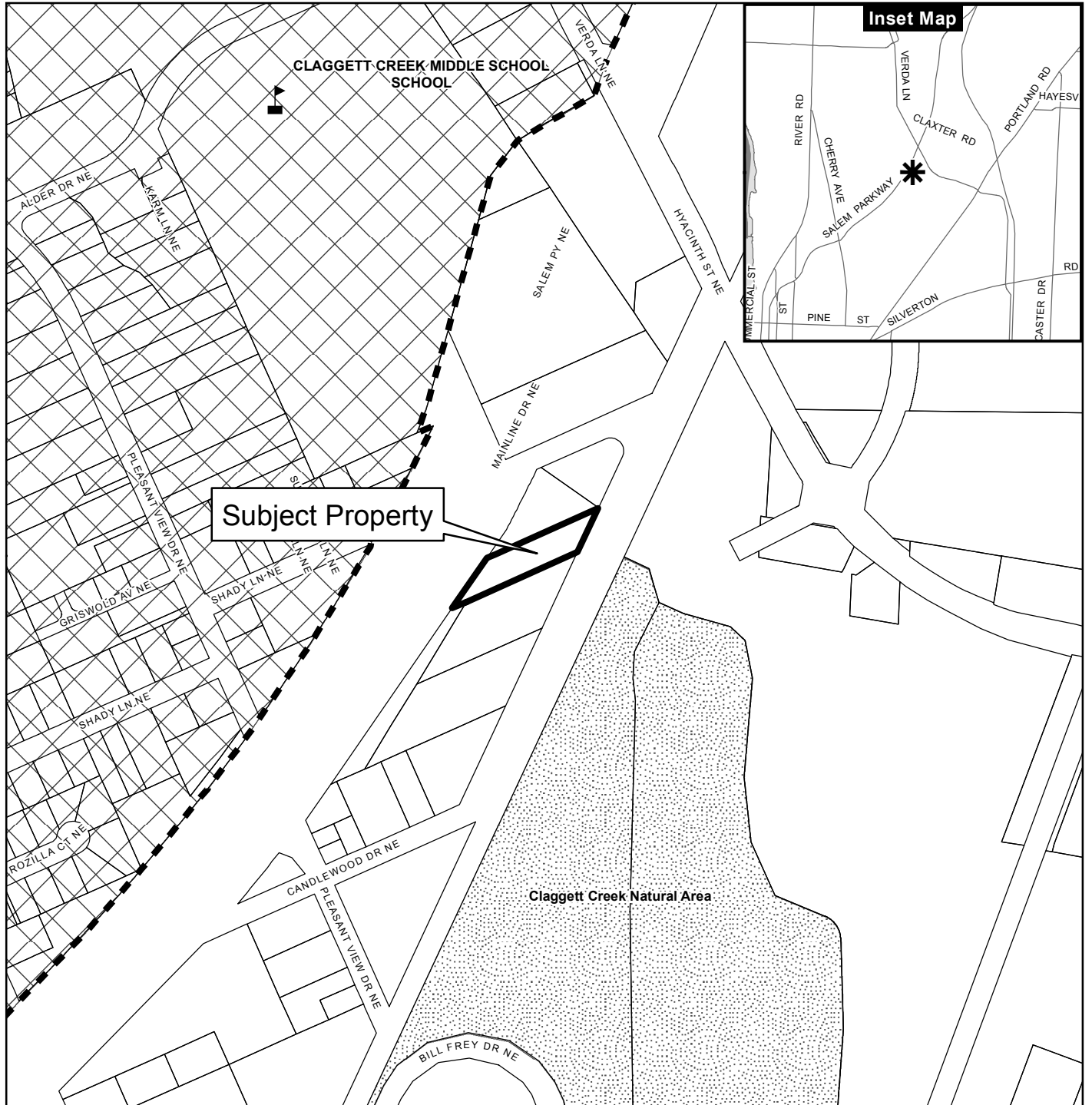
applicant shall connect to the nearest available adequate water main located in Hyacinth Street NE, pursuant to the Water System Master Plan.

Prepared by Hayley Feightner, Planner I








Application Deemed Complete Date: June 7, 2019
State Mandated Decision Date: October 5, 2019

Attachments: A. Vicinity Map
B. Site Plan
C. Applicant's Statement
D. Public Works Memorandum

Vicinity Map 3850 Mainline Drive NE



Legend

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



0 100 200 400 Feet



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ATTACHMENT B

PRELIMINARY
DRAWINGS
DO NOT USE
FOR CONSTRUCTION

NCARB CERTIFIED
MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

PROJECT:

LOJCO LLC
EXTRACTION &
PROCESSING FACILITY

3850 MAINLINE DR. NE.
SALE, OREGON

ARCHITECT:
PATRICK BICKLER, LLC
1313 Mill St. SE, Ste. 201
Salem, Oregon 97301
503.588.7046
architectpatrickbickler.com

PROJECT NO.:
1911

DRAWN:

CHECKED:

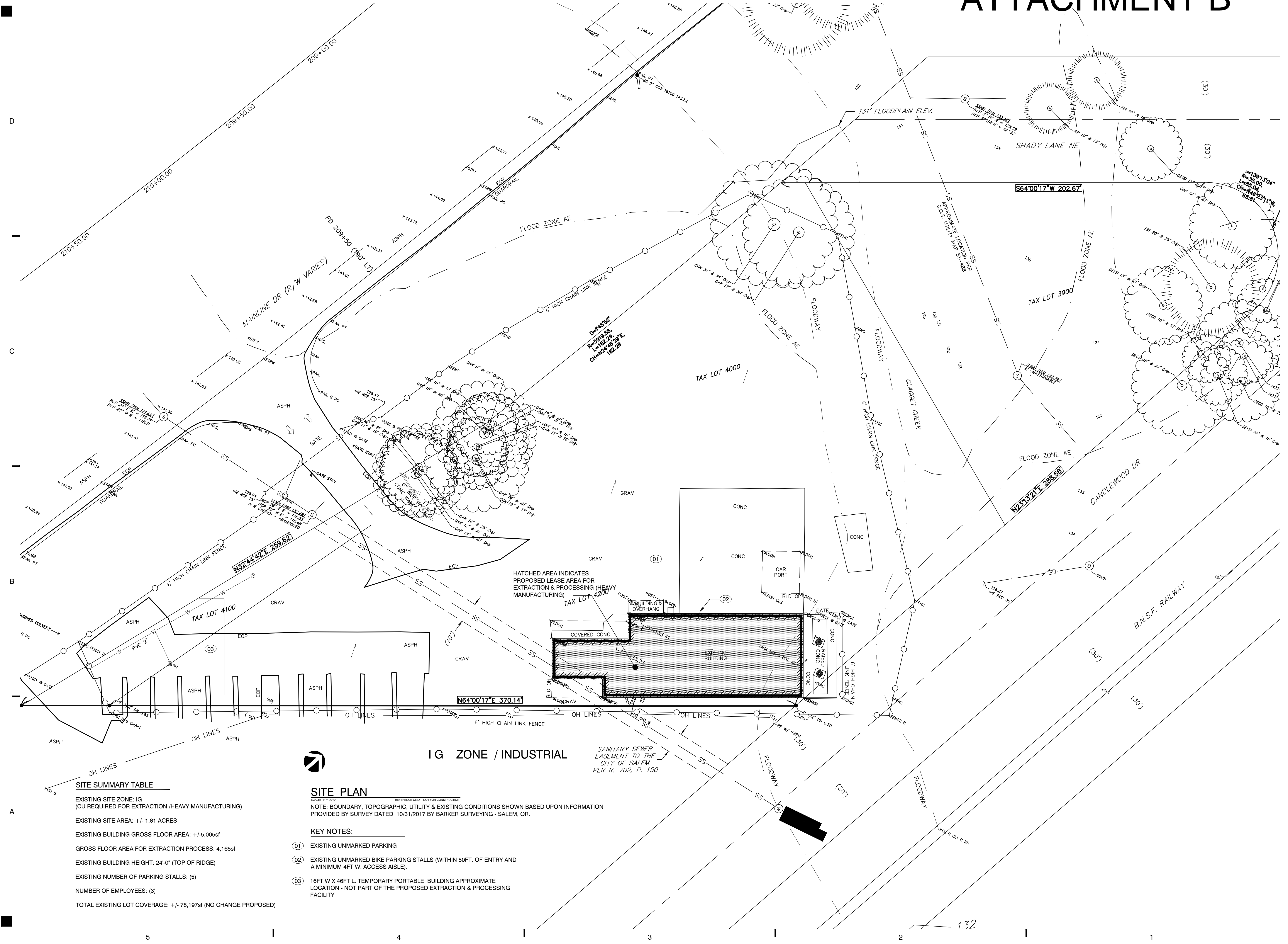
SHEET TITLE:
SITE PLAN

DATE: 04/29/2019
REVISIONS:

NOTICE:

All drawings and written material appearing herein constitute the original and unpublished work of the Architect and may not be duplicated, used or disclosed without the prior written consent of the Architect.

SHEET: 02
OF: 02



SITE SUMMARY TABLE

EXISTING SITE ZONE: IG (CU REQUIRED FOR EXTRACTION /HEAVY MANUFACTURING)
EXISTING SITE AREA: +/- 1.81 ACRES
EXISTING BUILDING GROSS FLOOR AREA: +/- 5,005sf
GROSS FLOOR AREA FOR EXTRACTION PROCESS: 4,165sf
EXISTING BUILDING HEIGHT: 24'-0" (TOP OF RIDGE)
EXISTING NUMBER OF PARKING STALLS: (5)
NUMBER OF EMPLOYEES: (3)
TOTAL EXISTING LOT COVERAGE: +/- 78,197sf (NO CHANGE PROPOSED)

SITE PLAN
SCALE: 1" = 50'-0"
NOTE: BOUNDARY, TOPOGRAPHIC, UTILITY & EXISTING CONDITIONS SHOWN BASED UPON INFORMATION PROVIDED BY SURVEY DATED 10/31/2017 BY BARKER SURVEYING - SALEM, OR.

KEY NOTES:

- 01 EXISTING UNMARKED PARKING
- 02 EXISTING UNMARKED BIKE PARKING STALLS (WITHIN 50FT. OF ENTRY AND A MINIMUM 4FT W. ACCESS AISLE).
- 03 16FT W X 46FT L TEMPORARY PORTABLE BUILDING APPROXIMATE LOCATION - NOT PART OF THE PROPOSED EXTRACTION & PROCESSING FACILITY



ARCHITECT: PATRICK BICKLER, LLC

1313 MILL STREET SE • SUITE 201 • SALEM OR 97301 • TEL 503 588 7046 • WWW.ARCHITECTPATRICKBICKLER.COM

City of Salem
Planning Division
555 Liberty St. SE. Rm. 320
Salem, Oregon 97301-3503

April 16, 2019

RE: Site Plan Review Application / Narrative
Industrial Hemp Processing & Extraction Facility for LOJCO, LLC
3850 Mainline Drive NE
Salem, Oregon 97301

Project Description:

The applicant proposes a manufacturing use within an existing 5,005sf building located at 3850 Mainline Drive NE.. The project site is within an IG zone. The business will involve drying of raw industrial hemp material in addition to other botanical plants such as mint and oregano. The process will then involve the supercritical CO₂ extraction of those plants' essential oils. Salem Revised Code (SRC) section 400 classifies this type of processing as heavy manufacturing subsequently the site's IG zone requires a conditional use permit.

General Considerations:

The business is well-located in an industrial park setting with no residential dwellings within 250ft. of the existing building. The site is bounded on the south by a large towing and salvage lot, on the east by a public right of way (Candlewood Drive) and B.N.S.F. railway , on the north by a public right of way (Shady Lane NE) and to the west by a public right of way (Mainline Drive NE) and then Salem Parkway NE. No significant impacts on adjacent properties due to dust, fumes, smoke, noxious odors, noise or vibration will result from the proposed use. The processing and extraction of industrial hemp is not inherently dangerous and does not emit pollutants.

Supercritical extraction CO₂ extraction has many benefits that include; a non-flammable, low temperature process and does not damage heat sensitive plant molecules. Moreover the process involves moderate noise levels and occurs within a closed loop environment to eliminate strong odors. The process does not involve toxic, caustic or dangerous solvents. Supercritical CO₂ extraction is environmentally friendly and generally recognized as being safe by the FDA. There is almost nothing in CO₂ processing that resembles typical "heavy industrial" use.



ARCHITECT: PATRICK BICKLER, LLC

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The extraction and processing portion of the building has an insulated exterior envelope finished with metal roofing and siding which will provide a durable building for this use. Spent botanical trim will be collected by a service hauler as organic waste akin to yard debris.

Use of the outdoor areas is limited to periodic loading and unloading with minimal vehicular traffic. The facility will operate 24/7 with 2 to 3 employees. The interior space will be compartmentalized by sound attenuated partitions and all penetrations will be sealed. Additional site compatibility is achieved by the existing building setbacks which include public right of ways on 3 of the 4 sides of the property. More than adequate parking and truck circulation space exist on the industrial site.

Respectfully,

Patrick C. Bickler

Patrick C. Bickler, AIA, NCARB

Principal Architect



MEMO

TO: Hayley Feightner, Planner I
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: July 2, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CU-SPR19-03 (19-109246-ZO and 19-110133-RP)
3850 MAINLINE DRIVE NE
CHANGE OF USE**

PROPOSAL

A Conditional Use and Class 3 Site Plan Review for a proposed change of use of an existing building to an industrial hemp and essential oil extraction facility, a heavy manufacturing use, located on a 0.63-acre property at 3850 Mainline Drive NE (Marion County Assessor Map and Tax Lot Number: 073W12B / 4200) that is zoned IG (General Industrial). The conditional use application is required for the heavy manufacturing use.

RECOMMENDED CONDITIONS OF APPROVAL

If additional fire flow is needed for the proposed development, then the applicant shall connect to the nearest available adequate water main located in Hyacinth Street NE, pursuant to the *Water System Master Plan*.

FACTS

Streets

1. Mainline Drive NE
 - a. Standard—This street is under the jurisdiction of the Oregon Department of Transportation (ODOT).
 - b. Existing Condition—This street has an approximate 25-foot improvement within a varying-width right-of-way abutting the subject property.

2. Shady Lane NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street is currently unimproved within a 60-foot-wide right-of-way abutting the northern boundary of the property.

3. Candlewood Drive NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street is currently unimproved within a 125-foot-wide right-of-way, adjacent to the railroad.

Storm Drainage

1. Existing Condition

- a. Claggett Creek flows east to west through the property. A ditch is located in the right-of-way east of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 2-inch water main is located on private property adjacent to Mainline Drive NE. Mains of this size generally convey flows of 30 to 100 gallons per minute.

Sanitary Sewer

1. Existing Condition

- a. A 20-inch sewer main is located in an easement running east to west on the southern portion of the property. The sewer main is approximately 14 feet deep.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—The application meets all applicable standards of the following chapters of the UDC: 601–Floodplain; 802–Public Improvements; 803–Streets and Right-of-Way Improvements; 804–Driveway Approaches; 805–Vision Clearance; 809–Wetlands; and 810–Landslides.

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. No new structures are proposed as part of this application.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: SRC 220.005(f)(3)(B) 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

Finding—The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to SRC 803.040(a); therefore, no right-of-way dedication or street improvements are required.

No special setback is required along boundary streets because the existing rights-of-way meet or exceed the standard pursuant to the Salem TSP.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The driveway access onto Mainline Drive NE provides for safe turning movements into and out of the property and is under the jurisdiction of ODOT.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The sewer and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant does not show any new connections to public infrastructure.

The water infrastructure is limited within the surrounding area and may not provide adequate fire flow capacity for the proposed use. Fire flow requirements will be determined at the time of building permit. If additional fire flow is needed for the proposed development, the nearest available adequate water main is located in Hyacinth Street NE, pursuant to the *Water System Master Plan*. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to PWDS.

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cc: File