

**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-  
SPR18-04**  
**1351 WILBUR STREET SE**  
**AMANDA NO. 18-108484-ZO & 18-108486-RP**

**REQUEST**

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).

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

**OWNER:** Platinum Electric Inc

**APPLICANT:** DJ Green Box (Jeremy Keisling)

**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 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.

### **APPLICATION PROCESSING**

On April 17, 2018, the applicant submitted an application for a Conditional Use Permit and a Class 3 Site Plan Review. The application was deemed complete for processing on June 14, 2018.

The public hearing before the City of Salem Hearings Officer is scheduled for July 11, 2018, 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 21, 2018. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

### **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.

### **BACKGROUND**

The subject property is developed with a single-story industrial building. The existing building footprint covers approximately 1,620 square feet of a lot approximately 12,150 square feet in size. Previously, the building had been used as a warehouse.

In 2015, City Council adopted an ordinance restricting the location of commercial growing of recreational marijuana to the IG (Industrial General), II (Intensive Industrial), and EFU (Exclusive Farm Use) zones. Subsequently, in 2016 City Council amended the zoning code to also allow the commercial growing of recreational marijuana as a conditional use in the IC (Industrial Commercial) and IP (Industrial Park) zones. These zoning code amendments did not affect the growing of medical marijuana, which is remains allowed in most zones throughout the City.

## **PROPOSAL**

The applicant is requesting to use the interior of the existing building, an area of approximately 1,620 square feet, for the production of marijuana for recreational use. In addition, the applicant is proposing to construct a 200 square foot accessory structure for storage. The production process includes indoor planting, growing, and harvesting of marijuana plants. The site plan is included as Attachment B. The applicant has provided a written statement summarizing operating protocols for the facility and addressing the approval criteria for a conditional use (Attachment C). The proposed commercial production of recreational marijuana would also require licensing the facility with the Oregon Liquor Control Commission (OLCC), and complying with regulations established by that agency for recreational marijuana production facilities.

## **APPLICANT'S STATEMENT**

The applicant's statement addressing the applicable approval criteria for the conditional use 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 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 13<sup>th</sup> Street SE, 13<sup>th</sup> 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 currently does not have a 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.

As of the date of this staff report, no comments have been received from surrounding property owners.

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

**Staff Response:** 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.

#### **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.

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.

**Finding:** SRC Chapter 551, Table 551-1 provides that Marijuana Production is allowed in the IC (Industrial Commercial) 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.

**Finding:** 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 writing of this staff report, no comments have been received from adjacent property owners or the Southeast Salem Neighborhood Association, and therefore no additional impacts have been raised as a concern by residents in the vicinity.

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 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.

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. Staff recommends conditions 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). They requested that two trees be planted on 12<sup>th</sup> or 13<sup>th</sup> 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, staff recommends the following 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 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.

Staff finds that the proposal meets this criterion as conditioned.

Criterion 3:

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

**Finding:** 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.

Staff 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.

**Finding:** 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.

**Finding:** 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 report.

*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.

**Finding:** 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 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.

**Finding:** The proposed recreational marijuana production facility would be within an existing building, and the building setbacks are not changing. The proposed parking spaces are propose 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.

**Finding:** 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.

**Finding:** 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 following conditions apply:

**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.

**Finding:** 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.

**Finding:** 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.

**Finding:** 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.

**Finding:** 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).

**Finding:** The off-street parking area is proposing to use the alley for maneuvering, which is required to be 24-feet from the back of the parking space to the opposite side of the alley and have a hard surface. Since, the access is conditioned to be paved 12-feet in width from 13<sup>th</sup> street, the area north of the parking spaces should have a minimum of 24 feet of maneuvering to meet the standards. The below condition 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.

**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).

**Finding:** 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.

**Finding:** 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.

**Finding:** 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.

**Finding:** 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.

**Finding:** 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.

**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.

**Finding:** 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.

**Finding:** 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).

**RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE 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.

Prepared by Olivia Glantz, Planner II








Application Deemed Complete Date: June 14, 2018  
State Mandated Decision Date: October 12, 2018

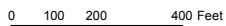
- Attachments: A. Vicinity Map  
B. Proposed Site Plan  
C. Applicant's Statement Addressing Approval Criteria  
D. Public Works Memo

# Vicinity Map 1351 Wilbur Street SE



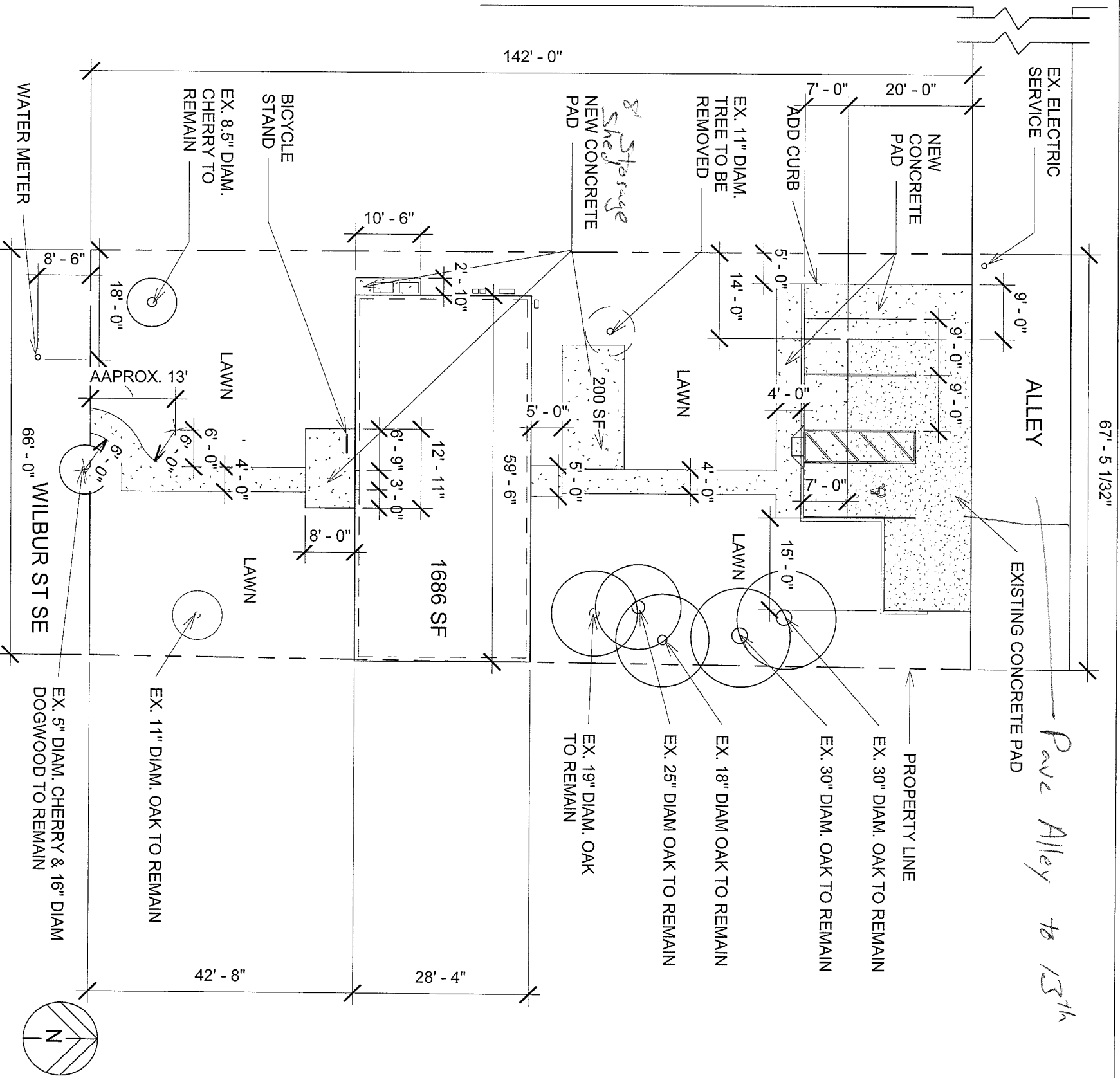
**Legend**

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



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# 13TH ST SE



*Pave Alley to 13th*

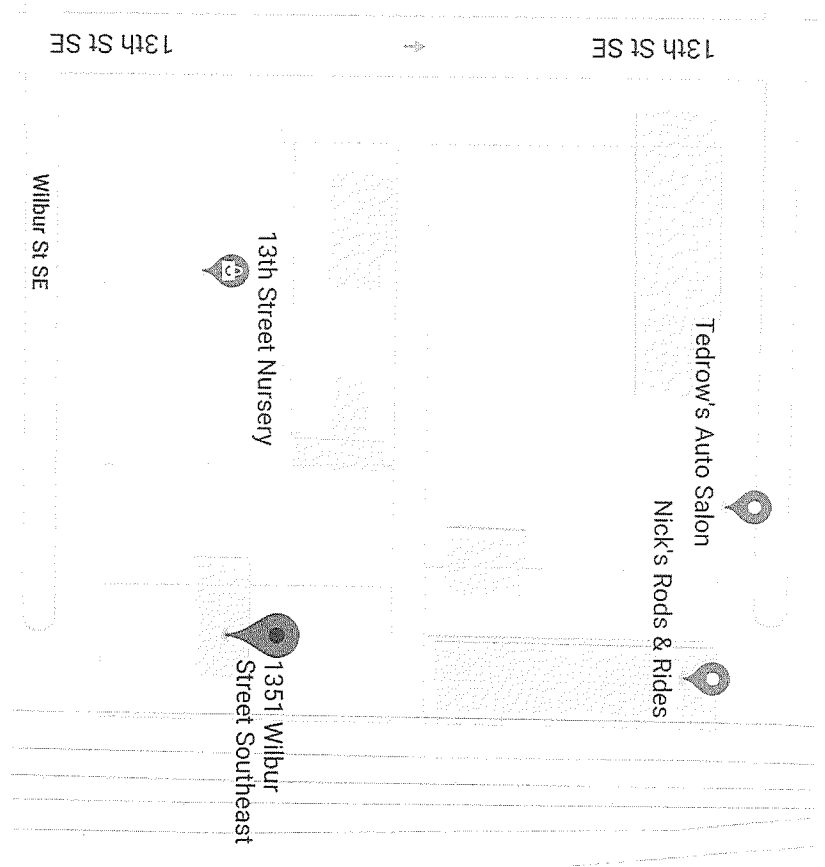
**PROJECT ADDRESS:**  
1351 WILBUR ST SE, SALEM, OR 97302

**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**  
INNOVATIONS OF BIM & 3D TECHNOLOGIES  
AN AFFILIATE OF CB&I CONSTRUCTION

cadd@cadd-connection.com  
Attachment B

**DJ GREEN BOX**  
**SALEM, OR**

No.	Description	Date

**PARKING LOT & LANDSCAPING**

Project number: 103756  
Date: 6/7/2018  
Drawn by: SHINTA M  
Checked by: Checker

**S01**  
Scale 1" = 20'-0"



April 19, 2018

**Attachment C**

DJ Green Box  
1351 Wilber St SE  
Salem, OR 97302

To whom it may concern,

We are proposing a recreational cannabis grow for 1351 Wilber St SE. Our understanding is this falls into the allowed uses for an industrial commercial zone with a conditional use permit. Our water and sewer needs should be met easily by the services already provided by the city of Salem. Because of the nature of the product we will be producing we plan on having an extensive security system along with steel doors and frames. The last obvious concern will be the scent our product can produce. To address this concern, we will be using carbon filters on any exhaust vents.

Jeremy Keisling  
DJ Green Box  
503-881-8115

DJ Green Box  
1351 Wilber St SE  
Salem, OR 97302

To whom it may concern,

We are proposing a recreational cannabis grow for 1351 Wilber St SE. The proposed use is one of the allowed uses for an industrial commercial zone with a conditional use permit. Our water and sewer needs should be met easily by the services already provided by the city of Salem. Because of the nature of the product we will be producing we plan on having an extensive security system along with steel doors and frames. The last obvious concern will be the scent our product can produce. To address this concern, we will be using carbon filters on any exhaust vents. Due to these precautions the proposed use will have a minimal impact on the livability or appropriate development of the surrounding properties.

We have lowered our number of projected employees to two. Our current proposal has 2 full size parking spaces along with a handicap parking stall. These spaces should easily cover our needs.

Jeremy Keisling  
DJ Green Box  
503-881-8115

June 8, 2018

DJ Green Box  
1351 Wilber St SE  
Salem, OR 97302

To whom it may concern,

My name is Jeremy Keisling aka Jeremiah Keisling. My team and I are proposing a recreational cannabis grow for 1351 Wilber St SE. The proposed use falls into the allowed uses for an industrial commercial zone with a conditional use permit. Our water and sewer needs should be met easily by the services already provided by the city of Salem. Because of the nature of the product we will be producing we plan on having an extensive security system along with steel doors and frames. The last obvious concern will be the scent our product can produce. To address this concern, we will be using carbon filters on any exhaust vents. With these factors in mind our business will be able to keep the adverse impacts of the use on the immediate neighborhood to a minimum. It is our belief that the proposed use is compatible with the surrounding properties in a way that should have little to no impact on livability or appropriate development.

Finally for this stage of our business we will only need two employees. Our two normal and one handicap parking spot will fill our needs perfectly.

Jeremy Keisling  
DJ Green Box  
503-881-8115



# MEMO

**TO:** Olivia Glantz, Planner II  
Community Development Department

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

**DATE:** June 20, 2018

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SITE PLAN REVIEW (18-108486)  
1351 WILBUR STREET SE  
CHANGE OF USE**

## PROPOSAL

Conditional Use and Class 3 Site Plan Review for conversion of an existing building from medical marijuana growing to recreational marijuana growing, a conditional use, on property approximately 0.21 acres in size, zoned IC (Industrial Commercial) and located at 1351 Wilbur Street SE (Marion County Assessors Map and Tax Lot Number: 073W35BB / 10500).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Construct a minimum 12-foot-wide driveway improvement within the alley right-of-way from the eastern limits of the proposed parking area of the subject property to 13<sup>th</sup> Street SE where the existing alley is not paved.

## FACTS

### Streets

1. Wilbur Street SE
  - a. Existing Condition—This street has an approximate 60-foot-wide right-of-way abutting the subject property.
  - b. Standard—This street is designated as a Local street in the *Salem Transportation System Plan*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

2. Alley

- a. Existing Condition—The alley has a varied improvement width within a 16-foot public right-of-way.

**Storm Drainage**

1. Existing Condition—A 36-inch storm main is located in Cross Street SE, approximately 590 feet north 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 in Wilbur Street SE. Mains of this size generally convey flows of 30 to 100 gallons per minute.

**Sanitary Sewer**

1. Existing Condition

- a. A 6-inch sewer line is located in Wilbur Street SE. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

**CRITERIA AND FINDINGS**

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

**Criteria: 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 generates 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 eastern limits of the proposed parking area of the subject property to 13th Street SE where the existing alley is not paved.



# SESNA

South East Salem Neighborhood Association  
555 Liberty St SE Salem, Oregon 97301 (503) 588-6261

June 21, 2018

Olivia Glantz, Case Manager  
City of Salem Planning Division  
555 Liberty Street SE, Room 305  
Salem, OR 97301

RE: CU-SPR18-04, 1351 Wilbur Street SE

Dear Ms. Glantz:

The South East Salem Neighborhood Association has no objection to the above-referenced conditional use permit, but does have a recommended condition.

The addition of the outbuilding necessitates removal of a mature tree. SESNA recommends that the applicant plant and establish two trees either on the property or as street trees along 12th or 13th Street SE between Howard and Cross Streets. 12th Street has limited right-of-way in this area; SESNA would accept trees planted on private properties along 12th if the trees are sited to contribute to the streetscape and shade the public sidewalk.

Street or street-adjacent trees should be selected from the City of Salem's approved street tree list and sited with the consent of the adjoining property owner(s). Establishment responsibility will include ensuring trees receive adequate water in their first three years to become fully established.

Thank you for the opportunity to comment on this case.

Sincerely,

Shannon Priem, Chair

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

**Finding:** The driveway access onto the alley way provides for safe turning movements into and out of the property.

**Criteria—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 utility plan for this site. The water, sewer, and storm infrastructures 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 *Public Works Design Standards* 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).

Prepared by: Sarah Wirfs, Program Coordinator  
cc: File