

TO: HEARINGS OFFICER

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

SUBJECT: **CONDITIONAL USE CASE NO. CU19-07**
4055 TURNER ROAD SE
AMANDA NO. 19-120574-ZO

REQUEST

Summary: A proposal to add a cannabis concentrate processing operation to an existing marijuana production facility.

Description: A conditional use application to add a cannabis concentrate processing operation, classified as a heavy manufacturing use, to an existing marijuana production facility. The subject property is zoned IG (General Industrial), and located at 4055 Turner Road SE (Marion County Assessor map and tax lot number: 082W07B / 02100).

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

OWNER: Jon Beilstein and Sally Beilstein

APPLICANT: Randy Hudnall

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 application to add a cannabis concentrate processing operation, classified as a heavy manufacturing use, to an existing marijuana production facility for property located at 4055 Turner Road SE, subject to the following conditions of approval:

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

Condition 2: Provide an updated waste management and disposal plan, in accordance with SRC 74.210.

Condition 3: The cannabis processing facility shall utilize an air filtration system to ensure that odor impacts upon neighboring properties are minimized.

APPLICATION PROCESSING

On September 26, 2019, the applicant submitted an application for a Conditional Use Permit to add a cannabis concentrate processing operation, classified as a heavy

manufacturing use, to an existing marijuana production facility. The application was deemed complete for processing on November 12, 2019.

The public hearing before the City of Salem Hearings Officer is scheduled for December 4, 2019, at 5:30 p.m. Notice of public hearing was sent pursuant to Salem Revised Code (SRC) requirements on November 14, 2019. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant is requesting to add a cannabis concentrate processing operation to an existing marijuana production facility at 4055 Turner Road SE. A vicinity map is included as **Attachment A**. Because the processing will involve the extraction of cannabis concentrates, 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 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 but outside the Urban Service Area. Public Works determined that an Urban Growth Preliminary Declaration is not required to determine public facilities required to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

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 and requires Conditional Use approval in the IG Zone.

The zoning of surrounding properties is as follows:

Northeast: Across Turner Road SE, IG (General Industrial)

Northwest: Across Interstate 5, IP (Industrial Park) and PS (Public Service)

Southeast: IG (General Industrial)

Southwest: Across railroad, IG (General Industrial) and IS (Industrial Commercial)

3. Site Analysis

The subject property is approximately 2.94 acres in size and is developed with two existing buildings and a vehicle use area. The existing buildings contain a marijuana production facility. The proposed cannabis concentrate processing facility, classified as a heavy manufacturing use, would take place alongside the existing production facility. The property is bounded by Turner Road SE to the northeast, Interstate 5 to the northwest, railroad right-of-way to the southwest, and IG-zoned property to the southeast.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Notice of the application was sent pursuant to Salem Revised Code (SRC) requirements on November 14, 2019, including to SEMCA. The applicant submitted a September 27, 2019 email from Cory Poole, chair of SEMCA, indicating the neighborhood association board voted in favor of approving the conditional use permit. As of the date of this staff report, no comments have been received during the comment period from the neighborhood association, or from surrounding property owners or tenants.

5. City Department and Public Agency Comments

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

The Fire Department reviewed the proposal and commented that the process shall comply with the Oregon Fire Code. Per the Building and Safety Division, there are no requirements of the Oregon Structural Specialty Code to submit plans for a change of use/change of occupancy at this time. To ensure compliance with the Oregon Fire Code, the applicant is advised to contact Sean Mansfield with the Fire Department, at 503-589-2137 or smansfield@cityofsalem.net.

The Public Works Department reviewed the proposal and provided comments from Environmental Services, which is included as **Attachment D**.

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.

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

Finding: Extraction of concentrates from industrial cannabis 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 a cannabis concentrate extraction and processing facility within existing buildings with a gross floor area of approximately 3,263 square feet.

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 characteristics of the proposed use. The proposed heavy manufacturing use would involve extracting concentrates from the cannabis plant. The concentrates would be produced through two methods. The first would involve agitating the cannabis flower in cold water and filtering the water to separate the plant material from the kief, or trichomes of the cannabis plant. The second method would involve mechanically separating the trichomes from the cannabis plant by tumbling the plant material in a small machine,

filtering the trichomes using a fine screen. Once the trichomes are extracted from the plant, the applicant would use a small heated press to compress the trichomes into the finished product, a hash or rosin. The process would take place within the existing buildings at the subject property. The applicant states that the reasonably likely adverse impacts of the proposed use on the immediate neighborhood could be minimized through the imposition of conditions, such as ensuring that all waste byproducts are disposed of properly.

Staff finds that 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 cannabis concentrate processing shall be performed as described in the applicant's written statement included as **Attachment C.**

Condition 2: Provide an updated waste management and disposal plan, in accordance with SRC 74.210.

Condition 3: The cannabis processing facility shall utilize an air filtration system to ensure that odor impacts upon neighboring properties are minimized.

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 cannabis concentrate processing facilities would be confined to existing buildings within an industrial zone. The subject property is surrounded by industrial-zoned properties and uses. The property has adequate loading space for delivery of raw materials and adequate storage space within the building. The applicant submitted a site plan which was used for a previous land use application at the subject property. The plan labels a new concrete walkway and a new fence, though those were already approved and installed under the previous land use application (application no. 16-106831-RP). No alterations to the exterior of the building are proposed with this conditional use application.

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.

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 application to add a cannabis concentrate processing operation, classified as a heavy manufacturing use, to an existing marijuana production facility for property located at 4055 Turner Road SE subject to the following conditions of approval:

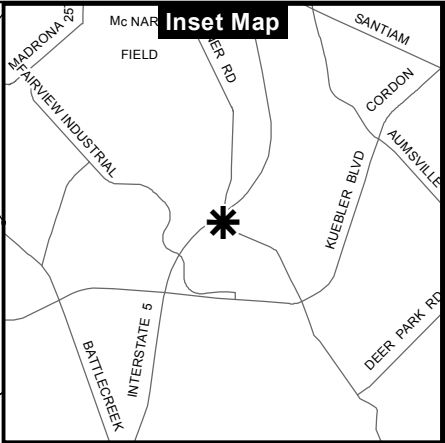
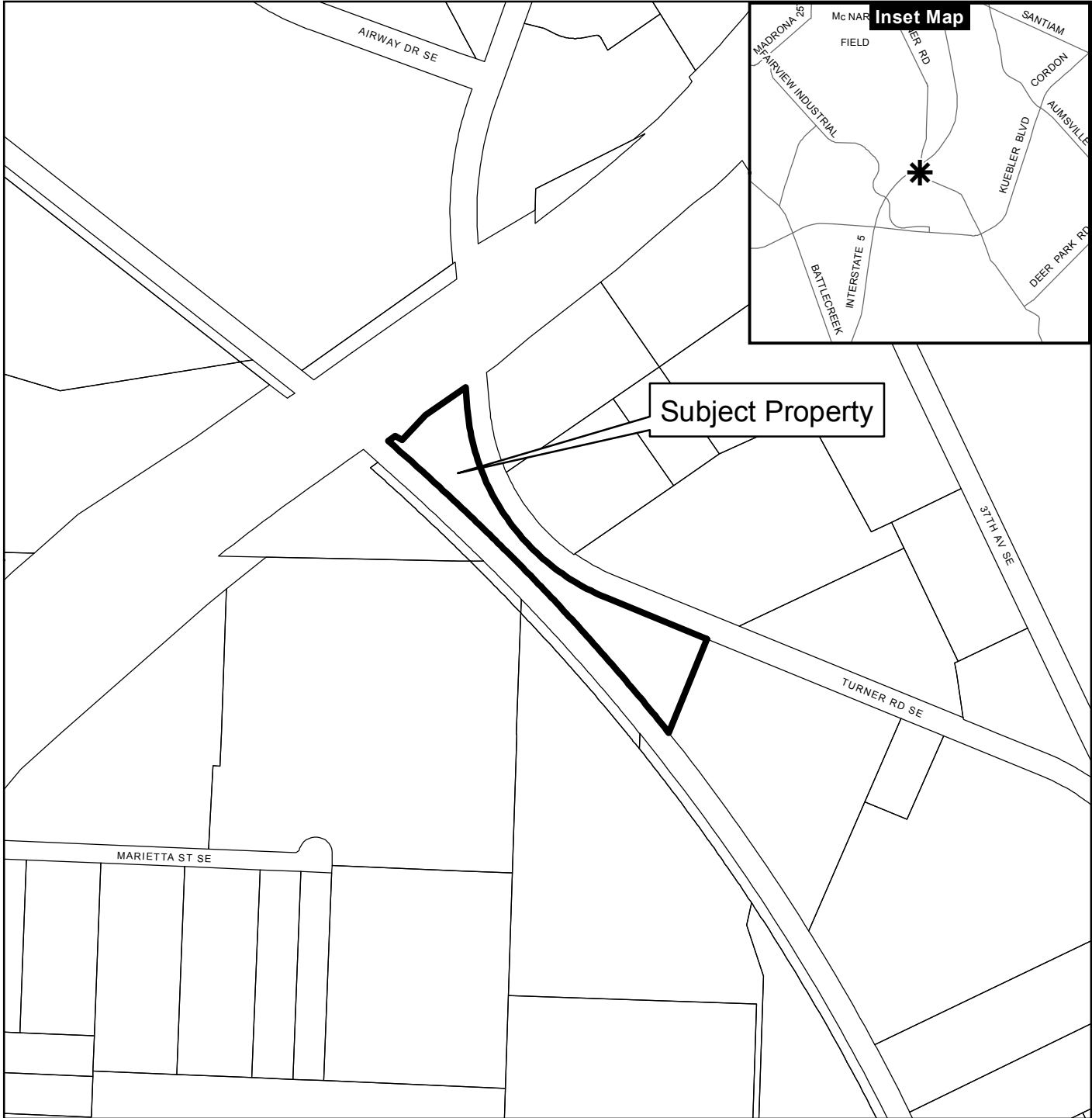
- Condition 1:** The cannabis concentrate processing shall be performed as described in the applicant's written statement included as **Attachment C**.
- Condition 2:** Provide an updated waste management and disposal plan, in accordance with SRC 74.210.
- Condition 3:** The cannabis processing facility shall utilize an air filtration system to ensure that odor impacts upon neighboring properties are minimized.

Prepared by Brandon Pike, Planner I

Application Deemed Complete Date: November 12, 2019
State Mandated Decision Date: March 11, 2020

Attachments: A. Vicinity Map
B. Site Plan
C. Applicant's Statement
D. Comments from City of Salem Environmental Services

Vicinity Map 4055 Turner Road SE



Subject Property

Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks















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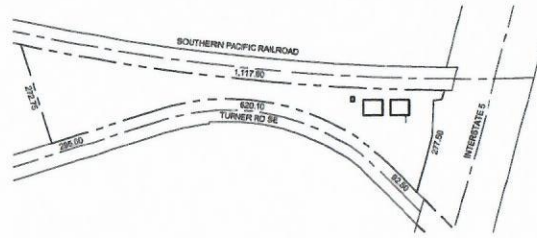


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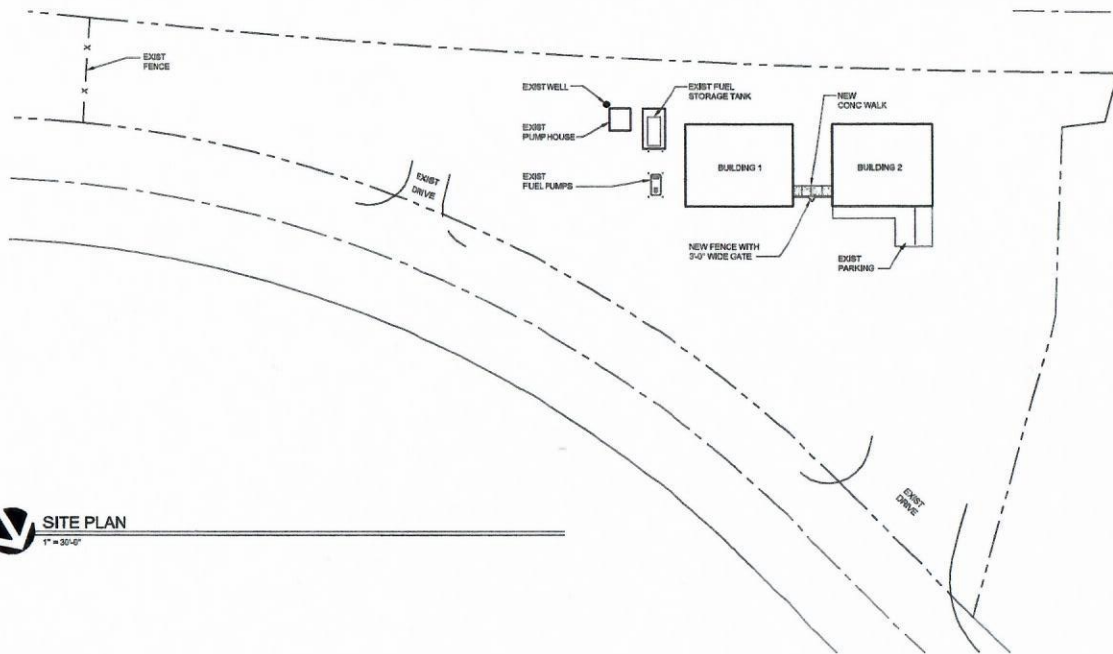
PTR INVESTMENTS TENANT IMPROVEMENT

SYMBOLS / LEGEND

	EXISTING WALL		ROOM FINISH SYMBOL
	NEW WOOD STUD WALL		ROOM NAME SYMBOL
	TO BE REMOVED		DETAIL NUMBER
	NEW DOOR & DOOR MARK		DETAIL CUT SUBBLE
	EXISTING DOOR TO REMAIN		SHEET NO. WHERE DRAWN
	EXISTING DOOR TO BE REMOVED		REVISION TAG & REVISION CLOUD



KEY PLAN
NTS



SITE PLAN
1" = 30'-0"

CODE SUMMARY

GOVERNING BUILDING CODE: OBC 2014 (IBC 2012)

THIS PROJECT COMPRISES A TENANT IMPROVEMENT FOR A MEDICAL MARIJUANA PRODUCTION FACILITY IN TWO EXISTING BUILDINGS.

PLANNING ZONE	IS
PARKING (GENERAL MANUFACTURING)	
TOTAL REQUIRED (0.75 SPACE / EMPLOYEE x 2 EMPLOYEES):	2
TOTAL PROVIDED:	2

BUILDING CODE (BUILDING 1)	F-1
OCCUPANCY GROUP	V-B (NO SPRINKLERS)
CONSTRUCTION TYPE	

ALLOWABLE BUILDING AREA	= 8,500 SF
BASIC ALLOWABLE FOR TYPE F-1, V-B	= 2,250 SF
FRONTAGE INCREASE (F = 0.27)	= 10,750 SF
ALLOWABLE BUILDING AREA	= 1,850 SF
ACTUAL AREA	

OCCUPANT LOAD	
AGRICULTURAL: 1.751 SF / 300 SF OCC	= 6 OCCUPANTS

MEANS OF EGRESS	
EXITS REQUIRED	= 1
EXITS PROVIDED	= 1
EXIT WIDTH REQUIRED: 0.2 x TOTAL OCC	= 1.2 IN
EXIT WIDTH PROVIDED	= 36 IN

EGRESS TRAVEL DISTANCE	= 75'-0"
PATH OF EGRESS ALLOWED	= 69'-10"
MAX PATH OF EGRESS PROVIDED	

BUILDING CODE (BUILDING 2)	F-1
OCCUPANCY GROUP	V-B (NO SPRINKLERS)
CONSTRUCTION TYPE	

ALLOWABLE BUILDING AREA	= 8,500 SF
BASIC ALLOWABLE FOR TYPE F-1, V-B	= 1,875 SF
FRONTAGE INCREASE (F = 0.22)	= 10,375 SF
ALLOWABLE BUILDING AREA	= 2,325 SF
ACTUAL AREA	

OCCUPANT LOAD	
AGRICULTURAL: 2.148 SF / 300 SF OCC	= 7 OCCUPANTS

MEANS OF EGRESS	
EXITS REQUIRED	= 2
EXITS PROVIDED	= 2
EXIT WIDTH REQUIRED: 0.2 x TOTAL OCC	= 1.4 IN
EXIT WIDTH PROVIDED	= 72 IN

EGRESS TRAVEL DISTANCE	= 78'-0"
PATH OF EGRESS ALLOWED	= 61'-0"
MAX PATH OF EGRESS PROVIDED	

PLUMBING FIXTURES	
PLUMBING FIXTURE REQUIREMENTS	
TOTAL OCCUPANTS (BLDG 1 + BLDG 2) = 13	= 1 FIXTURE
WC: (1) FIXTURE / 100 OCC	= 1 FIXTURE
LAV: (1) FIXTURE / 100 OCC	= 1 FIXTURE
SEPARATE FACILITIES NOT REQUIRED PER CBC 2103.2 (2)	

PLUMBING FIXTURES PROVIDED	
WC FIXTURES	= 2 FIXTURES
LAV FIXTURES	= 2 FIXTURES

INDEX OF DRAWINGS

G-001	TITLE SHEET
A-101	FLOOR PLANS
A-102	REFLECTED CEILING PLANS

CARLSON VEIT ARCHITECTS P.C.
ARCHITECTURE • INTERIOR DESIGN
500 JOHNSHOPKIN PARKWAY, SUITE 200
1000 RIVERFRONT NORTH, SALEM, OREGON 97303
MEMBER AMERICAN INSTITUTE OF ARCHITECTS

REGISTERED ARCHITECTS
STATE OF OREGON
12276
SALEM, OREGON

PROJECT: PTR INVESTMENTS - OMMP
4005 TURNER RD SE
SALEM, OREGON

revision:

date: 03-28-2016
project: 02216
dwg file: G-001-02216
drawn by: PK
checked by: MJ
copyright © 2016
Carlson Veit Architects P.C.

TITLE SHEET
AND SITE PLAN

sheet: **G-001**
of: 1

Statement of proposal and approval conditions

This conditional use permit is being requested to allow for the use of an OLCC processing license with only a "concentrates" endorsement. The concentrates endorsement allows us to remove the kief(crystals) from the vegetive material so it can be sold seperately. We will use two ways to capture the kief from the plant. One method is by making ice water hash which is derived from the canabis product by agitating the canabis flower in ice cold water and filtering that water to remove the vegetive material from the kief(crystals). The second method uses a drum similiar to a small clothes dryer and tumbles the flower in a fine screen to remove the kief from the canabis. Neither methods use any chemicals other than water, only a screen and filters to capture the desired kief. Once the kief is collected we would use a small heated press to squeeze the kief into hash or rosin. Either of these two products can be sold as is or used with other processes or put on other canabis products for enhancement of their effects.

The processes described above do not require any chemicals or extreme heat, the highest temperature we would use is 100 degrees celcius, boiling point of water, to fuse the product into hash or rosin. The equipment we would use if portable and sits on a counter similiar to a large kitchen appliance.

The reasonable likely adverse impacts of this use on the immediate neighborhood can be minimized through the use of conditions such as only operating during normal working hours and insuring that all by-products such as dirty water are disposed of properly. Our process would filter the water to remove any vegetive material down to 80 microns before it is discarded.

The proposed use will be reasonably compatible with and have less impact on the liveability or appropriate development of the surrounding property due to the fact that the only by-product is water that, all though it is safe to drink as is we would still insure that it is filtered before being sent down the sewage drain system to insure no clogs or contamination occurs.

**Environmental Services
Plans Review**

Date: 02 OCT 2019

BP Permit No.: 19 120574 ZO

Bin No.: _____

CO Permit No.: _____

Bin No.: _____

CPU address _____

Site Address: 4055 TURNER RD SE, Salem

Trigger Reference:

Business Name: _____

Uses/Activities: _____

Description: Marijuana Extraction

Additional plan information required

Plans notification and approval option

Project Requirements (Physical Requirements):

Compliance Requirements (Management/Control Plans):

- Facility inspection upon completion of construction per SRC 74.480, 71.010, and 73.080.
- Updated Waste Management and Disposal Plan for site, per SRC 74.210.

Additional Environmental Items or Concerns

- Applicant needs to contact ES to discuss the new process, so that we can understand if there are new waste streams associated with this equipment. m butcher@cityofsalem.net or 503-932-3897

Salem Environmental Services
1410 20th St SE
Salem Oregon 97302
Office phone - 503-588-6063