



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.

CASE NUMBER:	Council Review of the <i>Hearings Officer's</i> decision on Conditional Use and Class 3 Site Plan Review Case No.: CU-SPR19-04
AMANDA SEQUENCE NO.:	19-112993-ZO / 19-113179-RP
HEARING INFORMATION:	<u>CITY COUNCIL, Monday, October 14, 2019 at 6:00 p.m., in the Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301</u>
PROPERTY LOCATION:	3625 Portland Rd NE / 97301
PROPERTY OWNER:	Flynn Case
APPLICANT:	ESDE Building and Construction, LLC (Erik Scholtes), for KSB Holdings, LLC (Kelly Bence)
DESCRIPTION of REQUEST:	<p>Summary: Council Review of the <i>Hearing Officer's</i> decision on the conversion of an existing medical marijuana grow site to a facility for production of recreational marijuana, a conditional use in the IC (Industrial Commercial) zone.</p> <p>Request: Council Review of the <i>Hearing Officer's</i> decision on a Conditional Use Permit and Class 3 Site Plan Review for a change of use within an existing building from a medical marijuana production facility to a proposed recreational marijuana production facility, for property approximately 1.61 acres in size, zoned IC (Industrial Commercial), within the Portland Fairgrounds Overlay zone, and located at 3625 Portland Road NE - 97301 (Marion County Assessors Map and Tax Lot Number: 073W12CC / 00200).</p>
CRITERIA TO BE CONSIDERED:	<p><u>CONDITIONAL USE</u> Pursuant to SRC 240.005(d), an application for a CONDITIONAL USE PERMIT shall be granted if the following criteria are met:</p> <ol style="list-style-type: none">1. The proposed use is allowed as a conditional use in the zone;2. The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and3. The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. <p><u>CLASS 3 SITE PLAN REVIEW</u> Pursuant to SRC 220.005(f)(3), an application for a CLASS 3 SITE PLAN REVIEW shall be granted if:</p> <ol style="list-style-type: none">A. The application meets all applicable standards of the UDC;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;C. Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; andD. The proposed development will be adequately served with City water, sewer, storm water facilities, and other utilities appropriate to the nature of the development.

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the City Recorder, 555 Liberty Street SE, Room 205, Salem, OR 97301.

HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the proponent's case, neighborhood organization comments, other interested persons, rebuttal and surrebuttal. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria.

Failure to raise an issue prior to the close of the Public Hearing in person or in writing, or failure to provide statements or evidence with sufficient specificity to provide the applicant and Review Authority to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing, a decision will be issued and mailed to the applicant, property owner, affected neighborhood associations, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER

Hayley Feightner, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2315; E-mail: hfeightner@cityofsalem.net.

NEIGHBORHOOD ORGANIZATION

Northgate Neighborhood Association, Frank Pack, Land Use Chair; Phone: 503-364-7353; Email: frankpack@gmail.com

DOCUMENTATION AND STAFF REPORT

Copies of the application and all documents and evidence submitted as part of the proceeding are available for inspection at no cost at the Planning Division office during regular business hours. Copies can be obtained at a reasonable cost.

The Staff Report with recommendation to City Council will be available for inspection at no cost, and copies will be provided at reasonable cost, at least 7 days prior to the hearing at the Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301.

ACCESS

The Americans with Disabilities Act (ADA) accommodations will be provided on request upon 48 hours notice.

NOTICE MAILING DATE

September 24, 2019

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

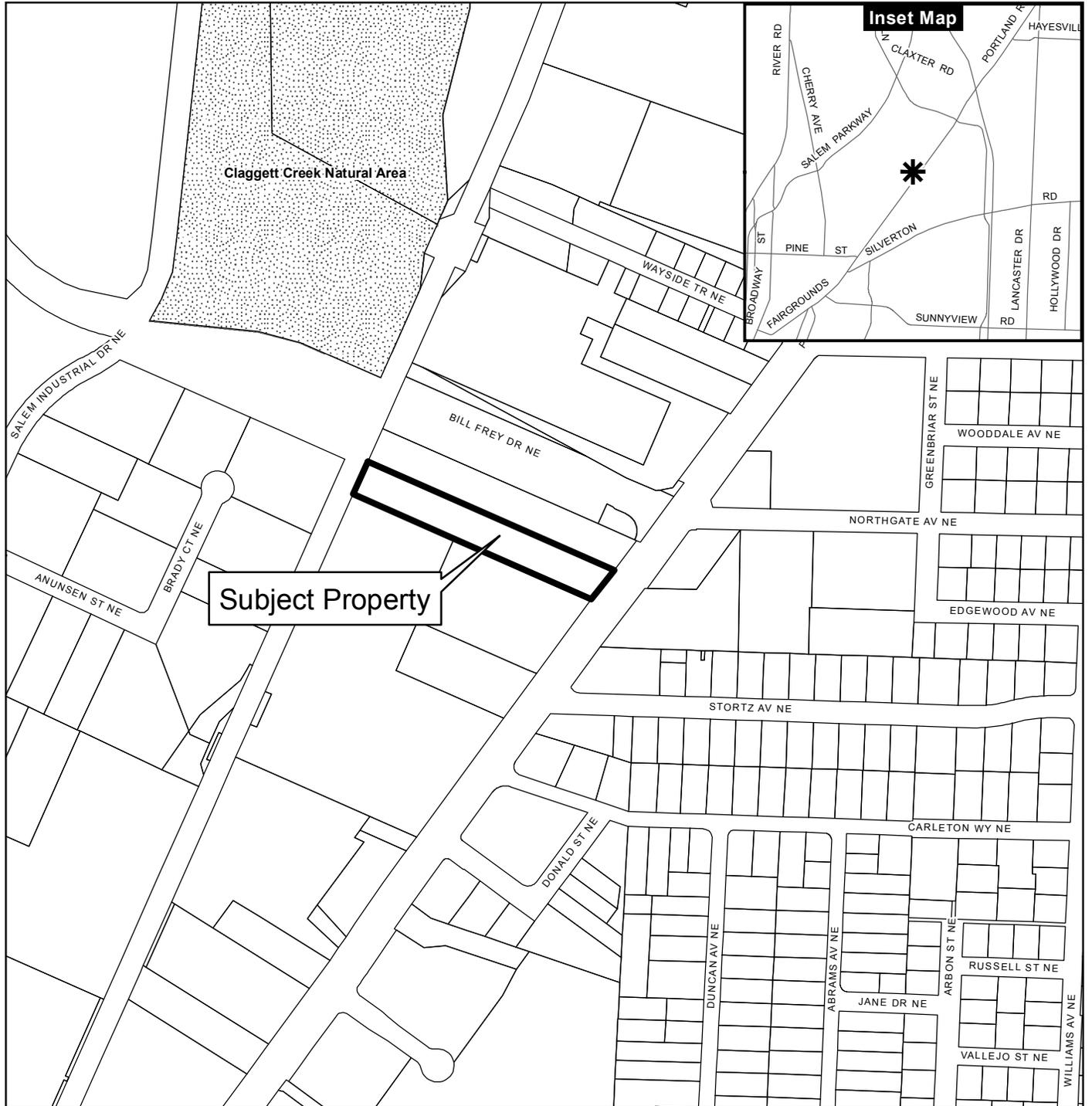
For more information about Planning in Salem:

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

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities. Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request such an accommodation or services, please call 503-588-6173 at least two business days in advance.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 3625 Portland Road NE



Legend

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

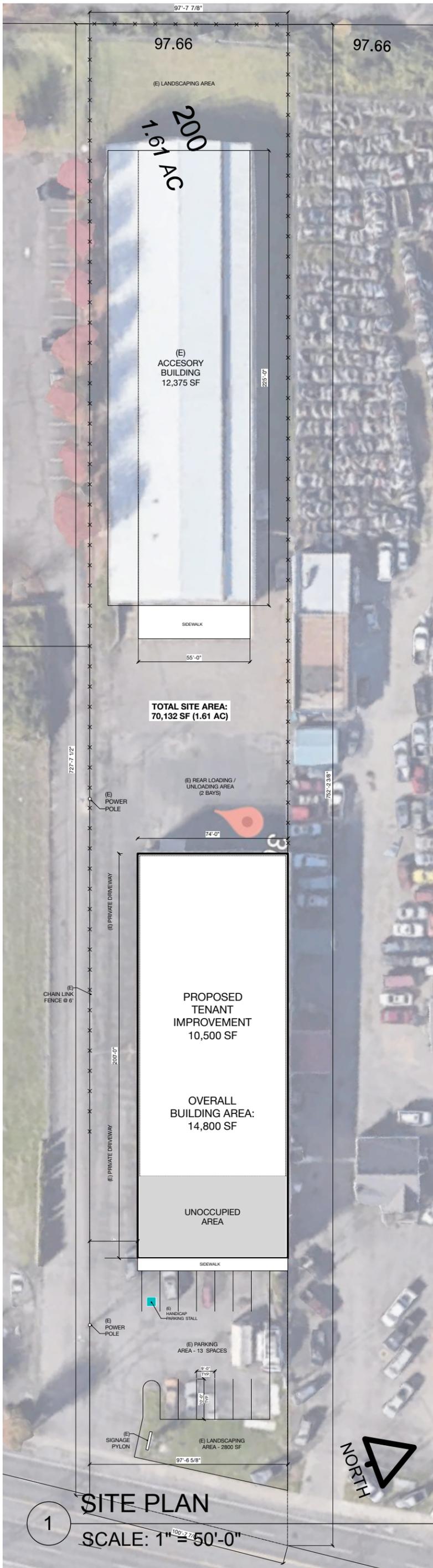


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SITE / EXISTING CONDITIONS PLAN



WRITTEN STATEMENT:

Overview:

KSB Holdings is represented by Kelly Bence and David Wilbourn, a local area couple who have lived for a combined total of 15 years in the Salem area.

Kelly has run multiple business in Salem, and has expertise in the local and larger Oregon cannabis markets. David is an electrician who found a joy for gardening in his discovery of a natural green thumb many years ago. Together, they are excited at the possibility of building a local business and creating local jobs as a Salem-owned and operated family-run business together.

Build-out:

The tenant improvement will have a net neutral impact on the building and site, as the proposed development is interior focused. Electrical service upgrades will occur to the building, but be positioned at its rear (dock) facade, out of sightlines to the main traffic corridor. Exterior building lighting will be updated and maintained as an aspect of occupancy. Kelly and David both intend to make clean-up and general overall improvements to the building exterior / landscaping over the duration of their lease.

Compliance / Good Neighbor Diligence:

Commercial grade carbon filtration systems will be used to eliminate odor to the outside -- this has worked to great success in the Tier 2 project that this facility is templated after. (a block away from OLCC headquarters in Milwaukie OR, without any filed complaints in the 2 years the facility has been in operation).

Transportation System:

Employment at this facility will be standard working hours (9am-5pm), with only minimal arrival and departure trips generated by regular staff during weekdays. A single employee will work during evenings and weekends to ensure proper operation/maintenance. The overall comparative traffic load will be much less than when compared to more traditional IC allowances, such as retail, which would typically generate greater unique traffic trips to and from the site over the course of a week.

Parking:

There shall be no adverse impact on parking, as the estimated number of daily employees is estimated will at no more than 9-10, with additional parking area available in the rear of the building adjacent the 2 loading dock doors.

Utilities:

Power consumption is being worked through in partnership with PGE, and the current water service to the building will be sufficient based on flow rates and average estimated consumption.

All required backflow and/or anti-siphon devices will be installed per current code requirements. Wastewater will consist of the already existing restrooms on site. Greywater will consist of condensation from AC units and dehumidifiers, as well as grow table water run-off, and will only contain safe plant nutrients. All plant nutrients used pass all required testing and/or meet the requirements required by the OLCC for cannabis cultivation.

We are not changing the paving, or the roofop percentages on site, and will thus not have a negative impact on stormwater collection.