

**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-SPR23-01**  
**1290-1292 12<sup>th</sup> STREET SE – 97302**  
**AMANDA NO. 22-124807-PLN**

**REQUEST**

Summary: Conversion of an existing building to a marijuana production use.

Request: A Conditional Use Permit and Class 3 Site Plan Review request for a change of use within an existing building from a motor vehicle repair and retail sales use to a marijuana production facility, for property approximately 0.25 acres in size, zoned IC (Industrial Commercial), and located at 1290-1292 12th Street SE - 97302 (Marion County Assessor Map and Tax Lot number: 073W35BB / 09900).

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

**APPLICANT:** Danny Kim, Yak Inc.

**OWNER:** Michael Leisten, MJLeisten LLC

**AGENT:** Trevor Cartales, Navigate Law Group

**APPLICATION PROCESSING**

On December 22, 2022, Conditional Use Permit and Class 3 Site Plan Review applications were accepted for processing. After receiving additional information, the collective applications were deemed complete for processing on February 14, 2023. The 120-day state mandated decision deadline for this collective application is June 14, 2023.

The public hearing before the City of Salem Hearings Officer is scheduled for March 8, 2023, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on February 16, 2023. Public hearing notice was also posted on the property on February 26, 2023 pursuant to SRC requirements.

**PROPOSAL**

The applicant is requesting a change of use within an existing building approximately 4,540 square feet in size previously used for motor vehicle services and retail sales, to a proposed recreational marijuana production use. The production process includes indoor planting, growing, and harvesting of marijuana plants. The applicant has provided a written statement summarizing operating protocols for the facility and addressing the approval criteria for a conditional use. The commercial production of recreational marijuana would also require

licensing the facility with the Oregon Liquor Control Commission (OLCC), and compliance with regulations established by that agency for recreational marijuana production facilities.

### **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22-124807-PLN.

### **APPLICANT'S STATEMENT**

The applicant's proposed development plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications 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 and uses of the surrounding properties include:

North: IC (Industrial Commercial) zone; Habitat for Humanity Restore

South: Across Wilbur Street SE, CG (General Commercial) zone; Marijuana Dispensary

East: IC (Industrial Commercial) zone; Marijuana Production

West: Across 12<sup>th</sup> Street SE, CG (General Commercial) zone; motor vehicle and boat repair

#### **3. Site Analysis**

The subject property is approximately 0.25 acres and has approximately 135 feet of frontage on 12<sup>th</sup> Street SE and approximately 80 feet of frontage along Wilbur Street SE. 12<sup>th</sup> Street SE is designated as a Major Arterial street in the Transportation System Plan and Wilbur Street SE is designated as a Local street.

#### 4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Salem Neighborhood Association (SESNA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On December 20, 2022, the applicant contacted SESNA meeting the requirements of SRC 300.310(c). Notice was provided to the SESNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no public comments have been received.

#### 5. City Department and Public Agency Comments

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

The Salem Building and Safety Division reviewed the proposal and indicated that an Architects Code Summary is required at permit application for change of use.

The Salem Fire Department reviewed the proposal and indicated no concerns.

Portland General Electric has reviewed the proposal and provided the following comments:

- Existing build fed via overhead 240V open delta service. Based on new mechanical equipment information appearing on sheet A1, the existing electrical service will not have adequate capacity to power the new equipment. A new, higher capacity, electrical service to the building will likely be required.
- Provide space for a PGE pad-mounted transformers on project site. Coordinate location with PGE Design Project Manager.
- Transformer must be located within 10 feet of a vehicle access surface. Pedestrian sidewalks do not fulfill the requirement.
- Point of delivery (POD) must be on the outside of the building or in an electrical room. If POD is in an electrical room, room must be on an outside wall. The door must open to the outside of the building.
- Refer to PGE Electric Service Requirements (ESR) book for information regarding transformer and metering location and working clearance. Link: <https://portlandgeneral.com/builders-new-construction/electric-service-requirements>
- Submit a Request for New Commercial Service at <https://portlandgeneral.com/builders-new-construction/electric-service-commercial-builders/>  
Download form and submit online @ [Service.Coordinators@pgn.com](mailto:Service.Coordinators@pgn.com) or call Service Coordination @ 503-323-6700.

**Staff Response:** The applicant is required to coordinate with PGE to ensure the power supply to the building is adequate for the new proposed use.

#### 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 an odor filtration system can be conditioned to mitigate the impact of 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.

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.

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 used as an automotive repair and retail sales use for several decades and is surrounded by other industrial and commercial developments. The proposed recreational marijuana production facility would be located within the existing buildings. The proposal will not significantly change the appearance of the property or significantly increase traffic.

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 applicant is requesting a change of use of an existing building from automotive repair and retail sales to a marijuana production facility. The proposed site plan complies with all applicable development standards of the Unified Development Code (UDC).

### **Use and Development Standards – IC (Industrial Commercial) Zone:**

*SRC 551.005(a) – Uses:*

**Finding:** The proposed development includes establishing a marijuana production facility. A 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:*

There are no minimum lot area or dimension requirements in the IC zone. All uses are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property is approximately 0.25 acres in size and has approximately 135 feet of frontage on 12<sup>th</sup> Street SE and approximately 80 feet of frontage along Wilbur Street SE, exceeding minimum lot standards of the IC zone.

*SRC 551.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned IC (Industrial Commercial). There is a minimum five-foot building setback adjacent to an IC zoned property. Vehicle use areas require a minimum five-foot setback per SRC Chapter 806.

**South:** Adjacent to the south is right-of-way for Wilbur Street SE. Within the IC zone, there is a minimum five-foot building setback adjacent to a street. Vehicle use areas require a minimum 6-10 foot setback adjacent to a street per SRC Chapter 806.

**East:** Adjacent to the north is property zoned IC (Industrial Commercial). There is a minimum five-foot building setback adjacent to an IC zoned property. Vehicle use areas require a minimum five-foot setback per SRC Chapter 806.

**West:** Adjacent to the west is right-of-way for 12<sup>th</sup> Street SE. Within the IC zone, there is a minimum five-foot building setback adjacent to a street. Vehicle use areas require a minimum 6-10 foot setback adjacent to a street per SRC Chapter 806.

**Finding:** The proposed marijuana production facility would be within an existing building, no expansion or change to the existing building footprint or setbacks is proposed. The existing off-street parking and vehicle use area is not being expanded, however, the applicant is proposing to restripe the parking area to provide an ADA accessible parking space. No change is proposed affecting existing setbacks.

The proposal complies with all applicable setback requirements of the IC zone.

*SRC 551.010(c) – Lot Coverage, Height:*

There is no maximum lot coverage standard in the IC zone, the maximum height allowance for all buildings and structures 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 vehicle use areas, may count towards meeting this requirement.

**Finding:** The proposal does not include a change to the footprint of the existing building or an

expansion of the existing off-street parking and vehicle use area; therefore, no additional landscaping is required for the proposed development.

### **General Development Standards SRC 800**

#### *SRC 800.055(a) – Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** There are no solid waste service areas proposed on the site plan. The development standards of SRC 800.055 are not applicable.

#### *SRC 800.065 – Pedestrian Access.*

All development shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area.

**Finding:** Because the proposed change of use does not meet the definition of development as used in this section, the proposed change of use does not trigger compliance with the pedestrian access standards of SRC 800.065.

### **Off-Street Parking, Loading, and Driveways SRC 806**

#### *SRC 806.005 - Off-Street Parking; When Required.*

Off-street parking shall be provided 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.

**Finding:** Per Table 806-1, there are no off-street parking spaces required for agricultural uses when retail sales are not involved. No additional off-street parking spaces are required for the proposed change of use.

#### *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.

**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 only change proposed to the existing off-street parking and vehicle use area is the striping of one ADA accessible parking space. The new space is located six feet from the exterior wall of the existing building, in compliance with the applicable standards of this section.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. There is no interior landscaping requirement for parking areas less than 5,000 square feet in size.

**Finding:** Interior landscaping is not required to be added to the existing off-street parking and vehicle use area.

- 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) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
  - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

**Finding:** The proposed vehicle use area allows vehicles to enter and exit the site in a forward motion. The proposed off-street parking area does not include drive aisles that terminate in a dead-end.

- g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for maneuvering, grade, surfacing, and drainage. Bumper guards and wheel barriers are not required for the proposed vehicle use area. The parking area striping, marking, signage and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area lighting and screening standards per SRC 806.035(m-n) are not required for the proposed off-street parking area because the subject property does not abut residentially zoned property.

## **Bicycle Parking**

*SRC 806.045 - General Applicability.*

Bicycle parking shall be provided for any change of 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.*

Per SRC Chapter 806, Table 806-8, for agriculture uses, a minimum of two bicycle parking spaces are required when retail sales are involved.

**Finding:** The proposed marijuana production use does not involve retail sales; therefore, no bicycle parking spaces are required for the proposed change of use.

**Off-Street Loading Areas**

*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.*

No off-street loading spaces are required for uses in the agriculture classification.

**Finding:** No off-street loading spaces are required for the proposed development.

**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:** The proposal includes a change of use within an existing building, no exterior changes to the development site are proposed that would trigger the requirement for additional site landscaping; therefore, landscape and irrigation plans are not required for the proposed scope of work.

**Natural Resources**

*SRC 601 – Floodplain Overlay Zone:* 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.

**Finding:** No new structures are proposed in the floodplain. The existing building is located within the regulatory floodplain. If the proposed development meets the definition of a substantial improvement, as defined in SRC 601.005(ff), the building must be brought into compliance with the current floodplain overlay zone regulations in SRC Chapter 601. At time of building permit application, the applicant shall describe the methods of building construction in sufficient detail to determine if the project meets the definition of substantial improvement.

**Condition 3:** Obtain a Floodplain Development Permit for development within the regulatory floodplain and floodway pursuant to SRC Chapter 601.

*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 (an Oregon White Oak greater than 20 inches in diameter at breast height (dbh), or any other tree with a dbh of 30 inches or greater, excluding Tree of Heaven, Empress Tree, Black Cottonwood, and Black Locust) (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.

**Finding:** There are no protected trees located on the subject property and no trees are proposed 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.

**Finding:** According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

*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 development proposal includes a change of use within an existing building, no activity points are assigned to the proposed development. Therefore, the proposed development is a low landslide hazard risk and does not require a geological assessment or geotechnical report.

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:** Wilbur Street SE meets the minimum improvement width and right-of-way width required for its classification according to the Salem TSP.

12<sup>th</sup> Street SE does not meet the minimum improvement width or right-of-way-width required for its classification according to Appendix G of the Salem TSP. 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.

**Condition 4:** The proposed development is subject to a special setback equal to 34-feet from centerline on the development side of 12<sup>th</sup> Street SE.

Criterion 3:

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

**Finding:** The property has an existing access on 12<sup>th</sup> Street SE and Wilbur Street SE. The existing driveway accesses provide for safe turning movements into and out of the property.

There are existing parking spaces that extend into the public right-of-way of 12<sup>th</sup> Street SE, as shown on the applicant's site plan. There are no barriers or wheel stops that would restrict vehicles from traversing onto the sidewalk, causing a potentially dangerous situation for pedestrians. Staff recommends these parking spaces be removed, or wheel stops be installed on the private property that will prohibit vehicles from entering the pedestrian space.

**Condition 5:** Install wheel stops on the subject property to restrict vehicles from parking within the 12<sup>th</sup> Street right-of-way.

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 subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. 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 are adequate to serve the proposed development.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

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.

**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 collective applications for the proposed development of a marijuana production use within an existing building located at 1290-1292 12<sup>th</sup> Street SE, subject to the following conditions of approval:

**CONDITIONAL USE:**

**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.

**SITE PLAN REVIEW:**

**Condition 3:** Obtain a Floodplain Development Permit for development within the regulatory floodplain and floodway pursuant to SRC Chapter 601.

**Condition 4:** The proposed development is subject to a special setback equal to 34-feet from centerline on the development side of 12<sup>th</sup> Street SE.

**Condition 5:** Install wheel stops on the subject property to restrict vehicles from parking within the 12<sup>th</sup> Street right-of-way.

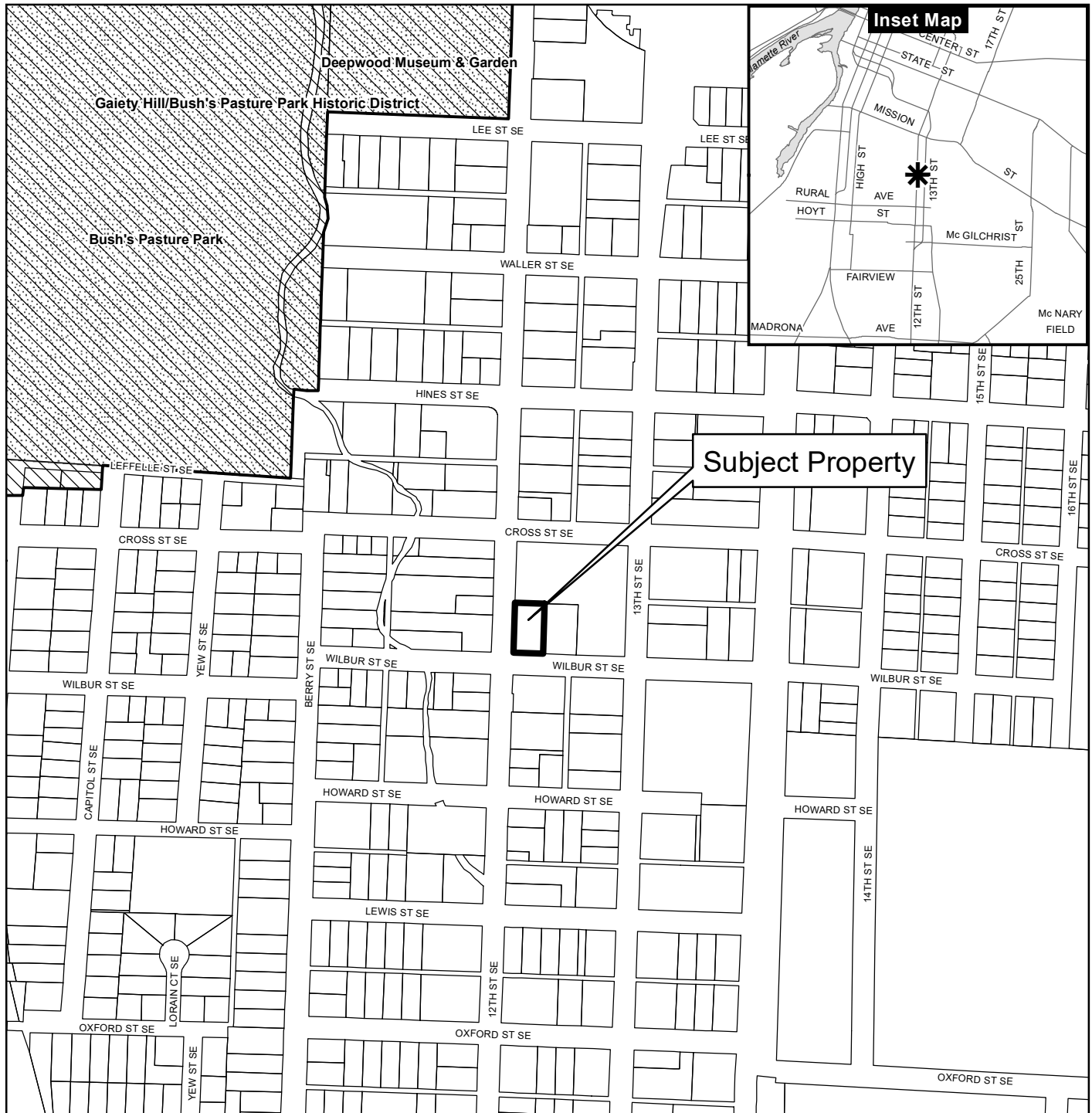
Prepared by Aaron Panko, Planner III

Application Deemed Complete Date: February 14, 2023  
State Mandated Decision Date: June 14, 2023

Attachments: A. Vicinity Map  
B. Proposed Development Plans  
C. Applicant's Statement Addressing Approval Criteria  
D. Public Works Memo Dated February 28, 2023

# Vicinity Map

## 1290 and 1292 12th Street SE



### Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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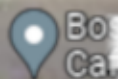
0 100 200 400 Feet





# Conditional Use Permit: 1290 12th. St. SE Existing Conditions

50 ft



**Subject Building**



1290 12th St SE,  
Salem, OR 97302

Habitat for  
Humanity of the Mid...

Habitat For  
Humanity ReStore

Habitat for Humanity

13th St SE

13th St SE

13th St SE

13th St SE

13th St S

12th St SE

12th St SE

12th St SE

12th St S

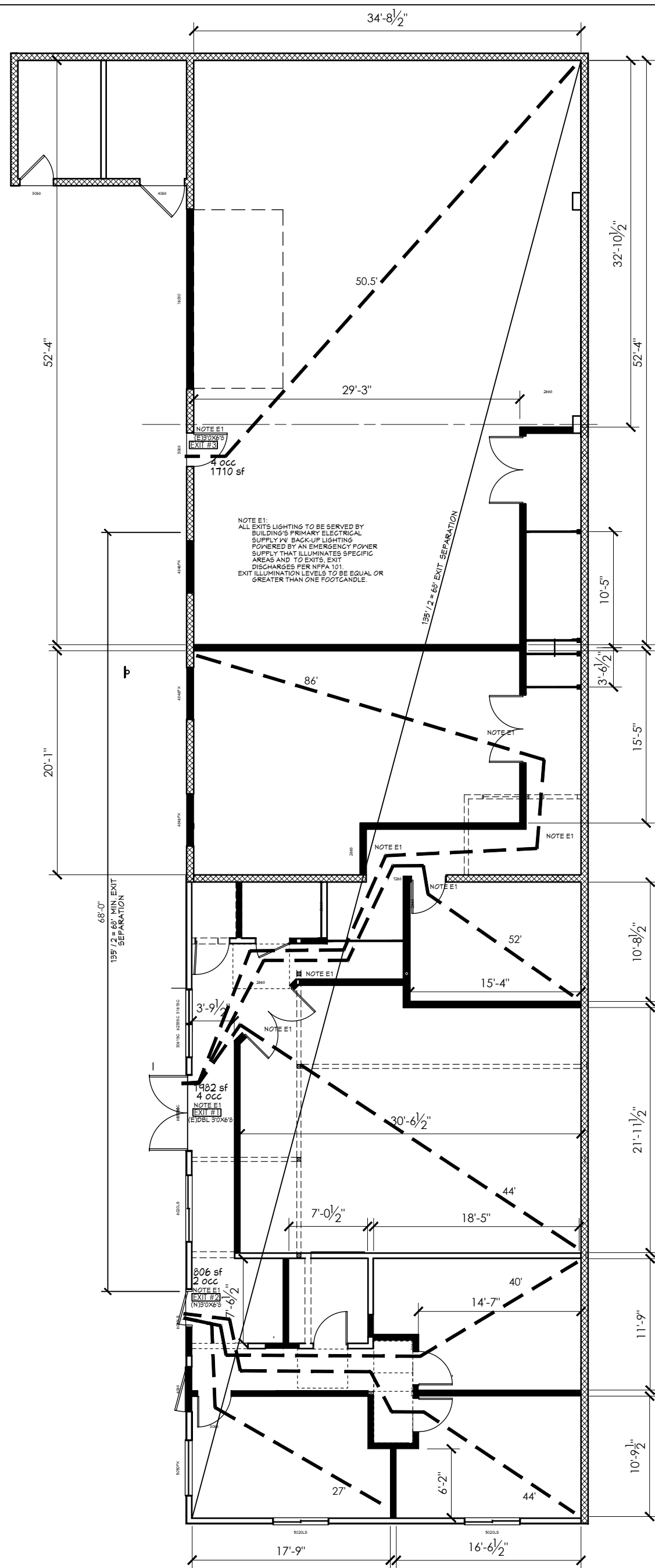
Wilbur St SE

Wilbur St SE

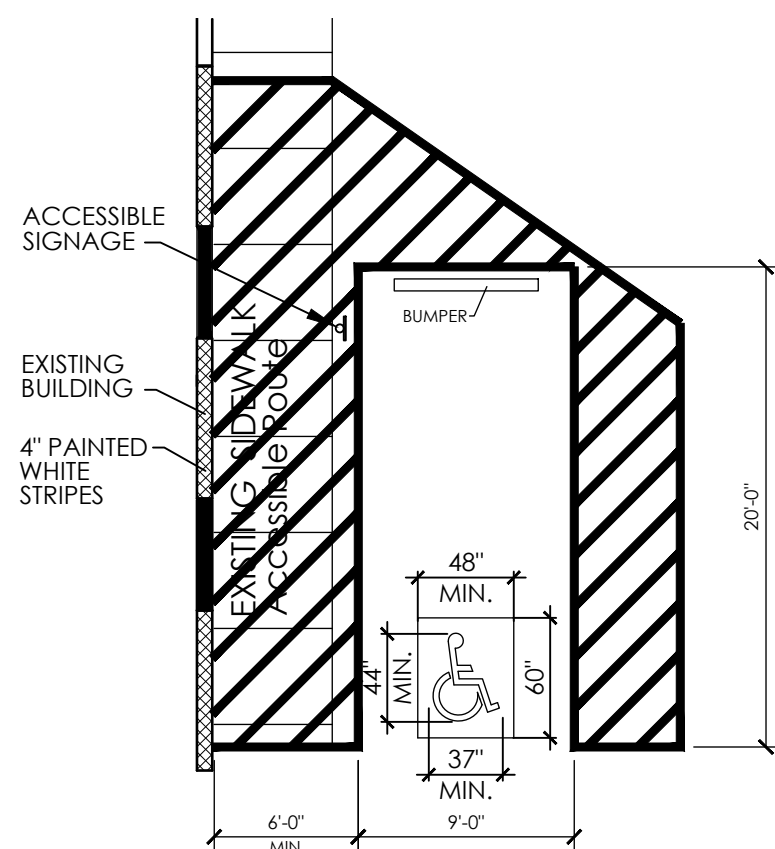
Wilbur St SE

Wilbur St SE

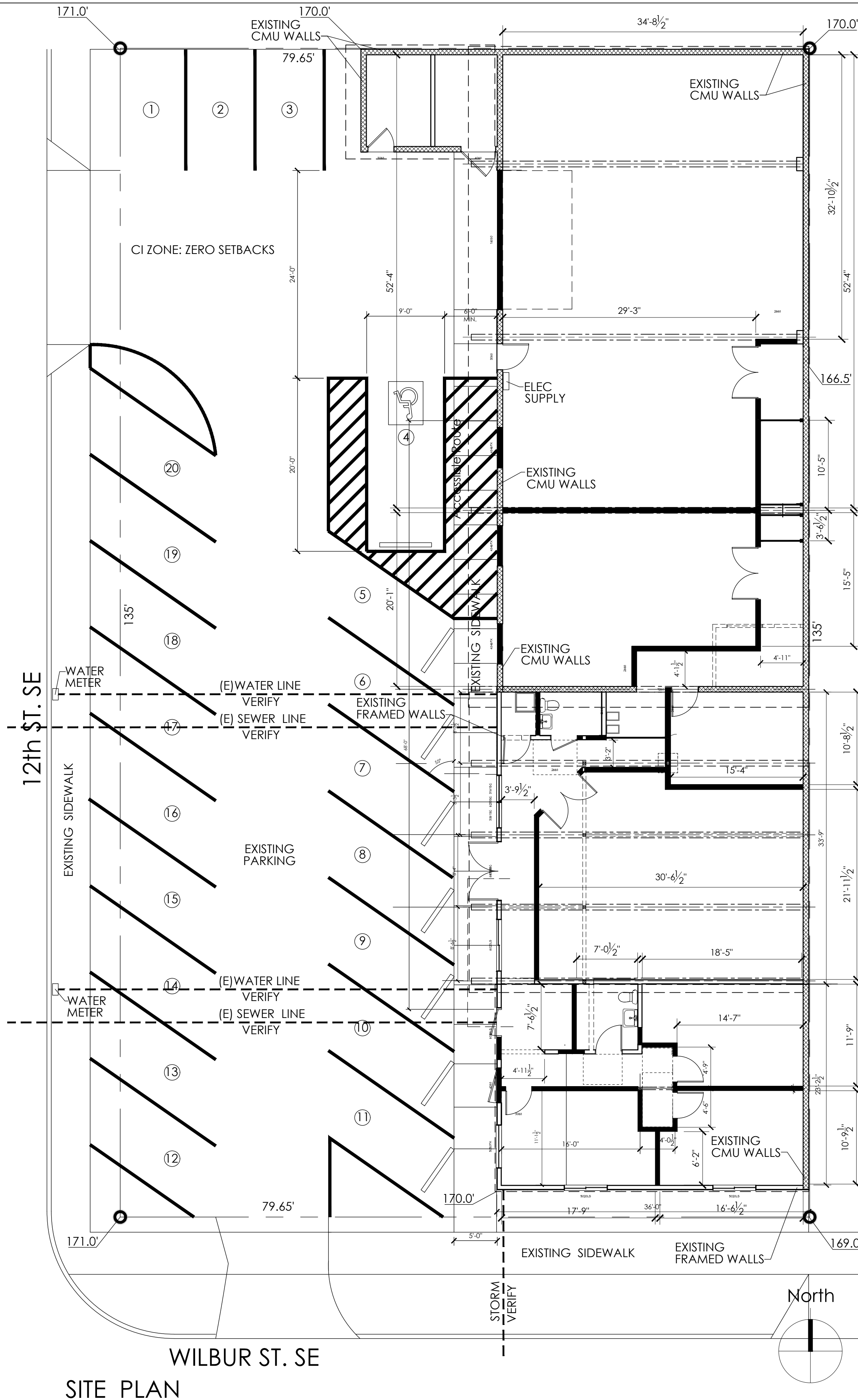




EXITING PLAN  
SCALE: 1" = 10' 0"



1  
A0 ACCESSIBLE PARKING SPACE  
SCALE: 1/8" = 1' 0"



SITE PLAN  
SCALE: 1/8" = 1' 0"

EXITING PLAN  
SCALE: 1" = 10' 0"

## GENERAL BUILDING INFORMATION

BUILDING 10 YEAR LEASE:

PROPERTY OWNER: MJLEISTEN LLC  
MIKE LEISTEN, 5914 BALLEymeade ST SE, SALEM, OR 97306  
503-585-4759

PERMIT APPLICANT: CSK CONSTRUCTION  
17799 SW SHASTA TRAIL,  
TUALATIN, OR 97062

ATTN: Seung (KC) Choi  
503-888-8498

ARCHITECT: Clinton Pearson Mobile: 971-570-1606  
11076 SW Eschman Way, Tigard, OR 97223

STRUCTURAL: by Architect

PROJECT ADDRESS: 1290 12TH St. SE Salem, OR 97302

LEGAL DESCRIPTION: Taxlot # 073W35BB09900, Tax Account: 596807, Acres: 0.25 AC  
ZONING: IC COMMERCIAL, CMLSE LAT: 44.92510 LONG: -123.03030

## APPLICABLE CODES

2022 OREGON STRUCTURAL SPECIALTY CODE (OSSC)  
(BASED ON 2021 IBC)

2021 OREGON ENERGY EFFICIENCY SPECIALTY CODE  
(OEEESC)(BASED ON ASHRAE Standard 90.1-2019)

2022 OREGON FIRE CODE (OFC)

2022 OREGON MECHANICAL SPECIALTY CODE (OMSC)

2021 OREGON PLUMBING SPECIALTY CODE (OPSC)

2021 OREGON ELECTRICAL SPECIALTY CODE (OESC)

2017 ICC A117.1-2017 ACCESSIBLE & USABLE BUILDINGS...

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

## PROPERTY & BUILDING NARRATIVE & INFO + FLS CODE SUMMARY

CONVERT EXISTING AUTOMOTIVE REPAIR CENTER TO A CANNABIS GROWING OPERATION (NOT DISPENSARY OR PROCESSING). SITE AREA = 10,752.75 SF;  
BUILDING FOOTPRINT 4,925 SF, INTERIOR 4540 SF.,  
OCCUPANCY & USE (chapter 3): Marijuana Grow Facilities (Greenhouse) F-1 Occupancy  
per 306.2.

BUILDING HEIGHT & AREAS (chapter 5): Type Vb 15'<40' allow per Table 504.3;  
F-1 NS 8,500 Type Vb 4,925 sf < 8,500 sf OK per Table 506.2; No Sprinklers req'd.  
One Story.

CONSTRUCTION (chapter 6): Type Vb= 0 Hours all elements. Section 602 fire separation  
based on distance. x<5' = 2 hrs. See 706.1.1 Party walls.

FIRE & SMOKE PROTECTION FEATURES & LIFE SAFETY FEATURES (chapter 7):

Existing to remain, except where door & windows are removed.

Safety glazing at new door Exit # 2.

INTERIOR FINISHES (chapter 8)

NonSprinklered Wall & Ceiling finishes: Exit passage ways Class B finishes  
Enclosed Rooms & Spaces, Class C finishes.

MEANS OF EGRESS (chapter 10)

OCCUPANT LOAD (chapter 10) SUM TABLE 1004.1.2

WAREHOUSES 500 SF GROSS / OCC 4540 sf / 500 sf per occ = 10 OCCUPANTS;  
Per Section 1008 Provide exit illumination. Illumination powered by building electrical  
system at Exit passageways, Vestibules, and Exit landings. Per 1008.3.3 Electrical  
equipment rooms, Generator rooms, Public Restrooms to automatically illuminated for  
not less than 90 minutes with emergency power.

ACCESSIBILITY (chapter 11)

Per 1102.1.2.5 Door opening force 8.5 lbs exit doors, 5 lbs interior doors.

Per 1104 Accessible route provided except per 1104.4 exception 7.

Per 1106 Provide 1 accessible stall w/ Surface identification and signage as req'd.

Per 1109 Provide at least 1 accessible drinking fountain.

INTERIOR ENVIRONMENT (chapter 12)

Per 1202 provide natural or mechanical ventilation equivalent to 4% of floor area  
including restrooms.

Per 1204 provide artificial lighting of 10 footcandles min. at 30" above except where  
cannabis and tissue culture requirements require otherwise.

Per 1209 provide restroom compartment door requirements & fixture clearances.

ENERGY EFFICIENCY & EXTERIOR WALLS (chapterS 13 & 14)

Provide insulation r-21 min. & wall assembly materials & flashing at new infill window

& door wall infill locations. HVAC system as required separate permit.

New door U-0.20, New windows U-0.30 (0.65 max).

Per 1405.1.3 Provide fireblocking at 10' max. distance in tall walls.

STRUCTURAL DESIGN (chapter 16-23):

See attached structural calculations.

GLASS & GLAZING (chapter 24)

Per 2406 provide safety glazing at new doors and at windows if adjacent.

ELECTRICAL, MECHANICAL, PLUMBING (chapters 27, 28, & 29) under separate permit.

### PAGES

A0 SITE PLAN & PROJECT INFORMATION & CODE SUMMARY  
A1 FLOOR PLAN  
A2 ELEVATIONS  
A3 SECTIONS  
STRUCTURAL CALCULATIONS

CLINTON  
PEARSON  
ARCHITECT

STREET ADDRESS:  
11076 SW ESCHMAN WAY  
TIGARD, OREGON 97223

PHONE: 971 - 570 - 1606

Cannabis Growing Facility  
1290 12th St. SE, Salem, OR 97302

PERMIT SET: 30 NOV 2022

DRAWN BY: CAL

SCALE:

FILE NAME:

REGISTERED ARCHITECT  
3216  
CLINTON A.L. PEARSON  
TIGARD, OREGON  
STATE OF OREGON

22412  
SHEET NO.

A0

OF

12th ST. SE

EXISTING SIDEWALK

CI ZONE: ZERO SETBACKS

WILBUR ST. SE

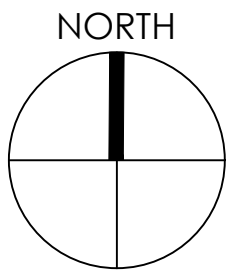
FLOOR PLAN SCALE: 3/16" = 1' - 0"

NOTE: ARCHITECT IS NOT RESPONSIBLE FOR ANY AGREEMENT BETWEEN LEASEE AND OWNER, OR RESULTS OF THIS REMODEL PER THAT AGREEMENT, OR FOR ANY WORK HEREIN, OR FOR EXISTING OR NEW CONDITIONS, OR ASSUMPTIONS REGARDING EXISTING CONDITIONS.

**MECHANICAL NOTES**  
M1 3 UNITS X 10 TONS EA. @ FLOWER RM.  
M2 1 UNIT X 6 TONS @ TISSUE CULTURE RM.  
M3 1 UNIT X 3 TONS @ CLONE RM.  
M4 1 UNIT X 10 TONS @ MOTHER RM.  
M5 1 UNIT X 3 TONS @ SAFE RM.  
NOTE: SEE DETAIL X/X FOR STRUCTURAL SUPPORT TYP. PROVIDE MANUFACTURER CLEARANCES.

**NOTES: (X)**  
E1. EXISTING CMU WALL TO REMAIN.  
E2. EXISTING FRAMED WALL TO REMAIN.  
E3. EXISTING WALL TO BE REMOVED.  
N4a. NEW WALL W/ DEFLECTION ATTACHMENT ABOVE TYP.  
12" = 12" MIN. DIM. ON PUSH SIDE /18" ON PULL SIDE AT DOORS.  
N4b. PROVIDE ACCESSIBLE FLOOR CLEARANCES SHOWN.  
E5. EXISTING STRUCTURAL BEAM TO REMAIN.  
E(COL) = EXISTING STRUCTURAL COLUMN TO REMAIN.  
EXIT = EXIT W/ ILLUMINATION & HARDWARE AS REQ'D.  
R6. REMOVE EXISTING FIXTURES.  
(N)3'0"x6'9" = NEW DOOR PER SIZE SHOWN.  
N7. NEW ROOFTOP EQUIPMENT LOCATION, SEE NOTE N9 & STRUCTURAL CALCULATIONS.  
N8. CONVERT WINDOW IN TO DOORWAY.  
N9. NEW 4X8 BEAM UNDER EXISTING JOISTS TO SUPPORT ROOF-TOP MECH UNITS W/ 4X4 COLUMNS EACH END, W/ 12" X 12" X 8" CONCRETE FOOTING PIN TO SLAB, SAWCUT CONTROL JOINT IN SLAB, PRE-MANF. POST BASES CAPS. SEE DETAIL 2/A3.

N10. VERIFY IF EXISTING BEAM IS CONTINUOUS, REPORT TO ARCHITECT. IF CONTINUOUS MAY REPLACE HALL COLUMN TO LOCATION AT NOTE N11, WITH NEW COLUMN & FOOTING.  
N11. NEW COLUMN & FOOTING 6X6 COL. W/ 27X27X10" FOOTING W/ 3- #4 BAR EA. WAY, W/ PRE-MANUF. POST CAP & BASE. SEE DETAIL 1/A3.



EXISTING SIDEWALK

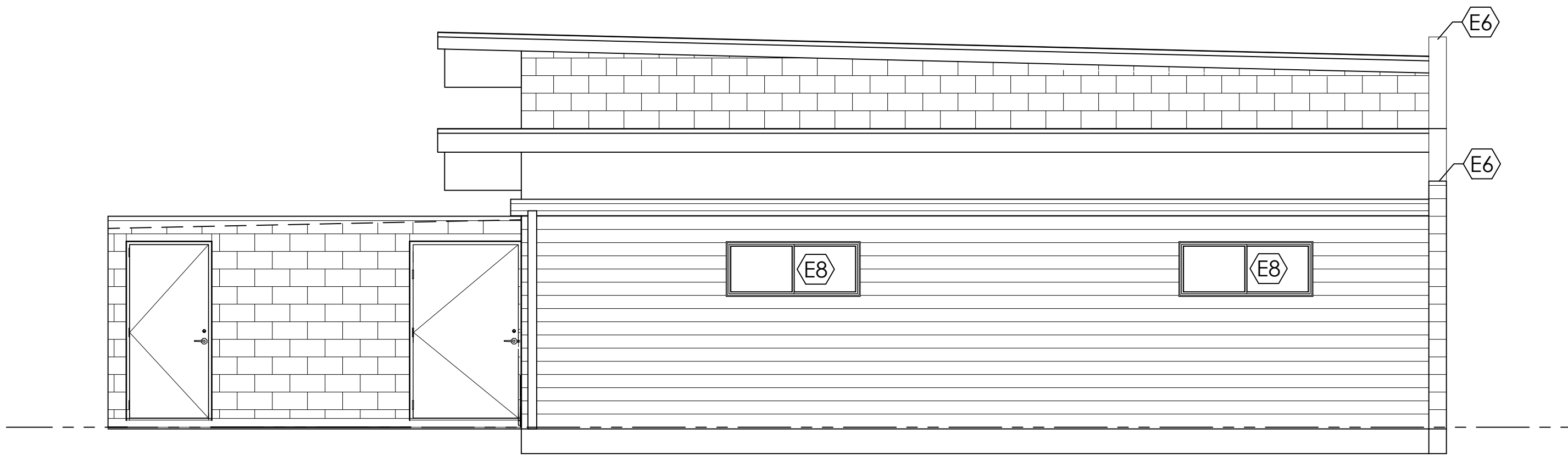
REGISTERED ARCHITECT  
CLINTON PEARSON  
3216  
STATE OF OREGON  
DESIGNED BY  
30 NOV 2022  
DRAWN BY  
CAL  
SCALE  
DATE

Cannabis Growing Facility  
1290 12th St. SE, Salem, OR 97302

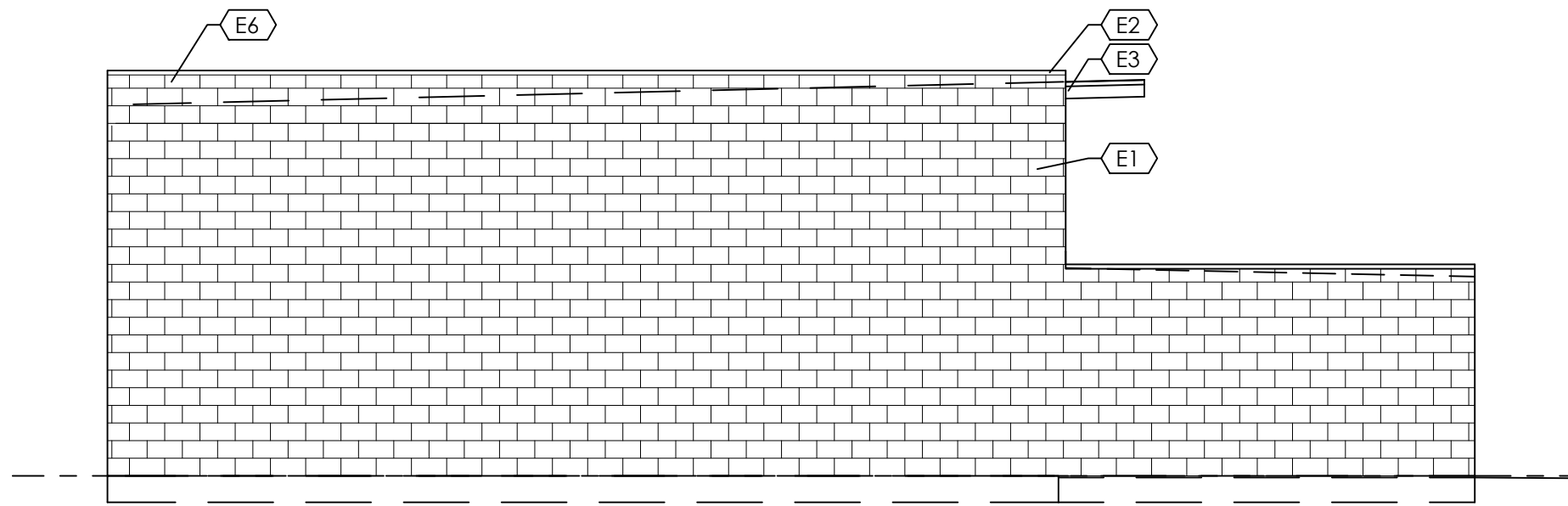
CLINTON PEARSON ARCHITECT  
STREET ADDRESS :  
11076 SW ECHMAN WAY  
TIGARD, OREGON 97223  
PHONE: 971-570-1606

OF  
SHEET NO. 22412  
A1



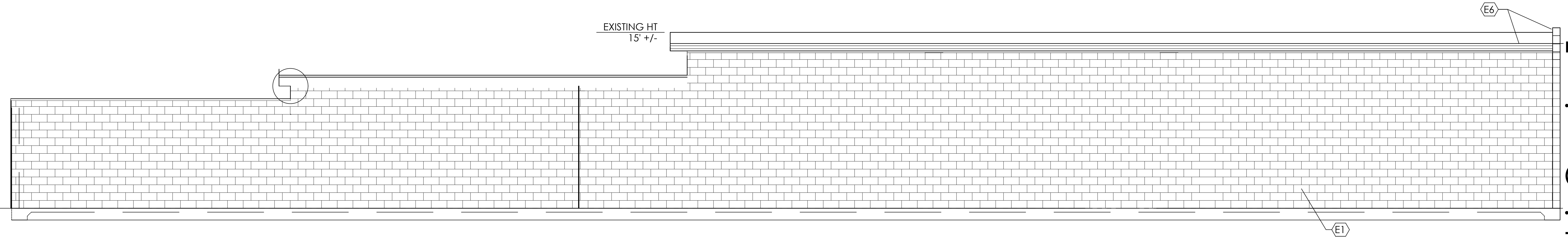


SOUTH ELEVATION  
SCALE 1/4" = 1'-0"

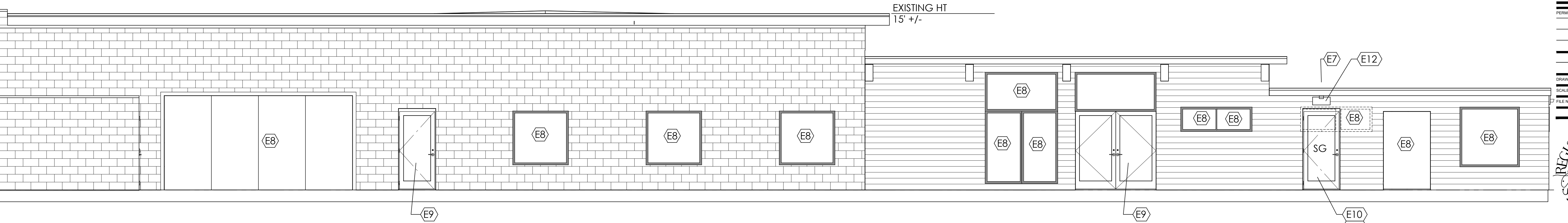


NORTH ELEVATION  
SCALE 1/4" = 1'-0"

LEGEND  
E1. EXISTING CMU WALLS.  
E2. EXISTING FLASHING.  
E3. EXISTING WOOD FASCIA PAINTED.  
E4. FIBER CEMENT SOFFIT TYP. w/ CONT. VENT.  
E5. EXISTING SIDING.  
E6. EXISTING PARAPET  
E7. NEW LIGHTING AS REQ'D.  
E8. NEW INFILL WALLS W/ FIBERCEMENT FINISH.  
E9. EXISTING FIREMANUF. DOOR & WINDOW SYSTEMS TO REMAIN.  
E10. NEW FIREMANUF. DOOR & WINDOW SYSTEMS PER ENERGY  
CODE W/ SAFETY GLAZING  
E11. SG = SAFETY GLAZING  
E12. ADDRESS NUMBERS AS REQ'D.



EAST ELEVATION  
SCALE 1/4" = 1'-0"



WEST ELEVATION  
SCALE 1/4" = 1'-0"

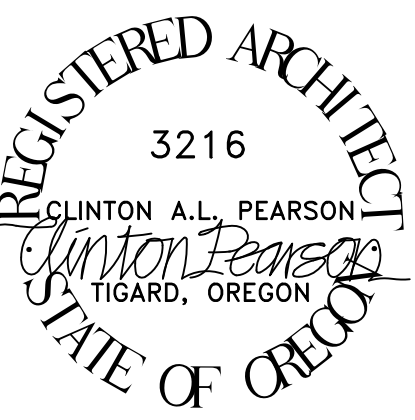
Cannabis Growing Facility  
1290 12th St. SE, Salem, OR 97302

PERMIT SET: 30 NOV 2022

DRAWN BY: CAL

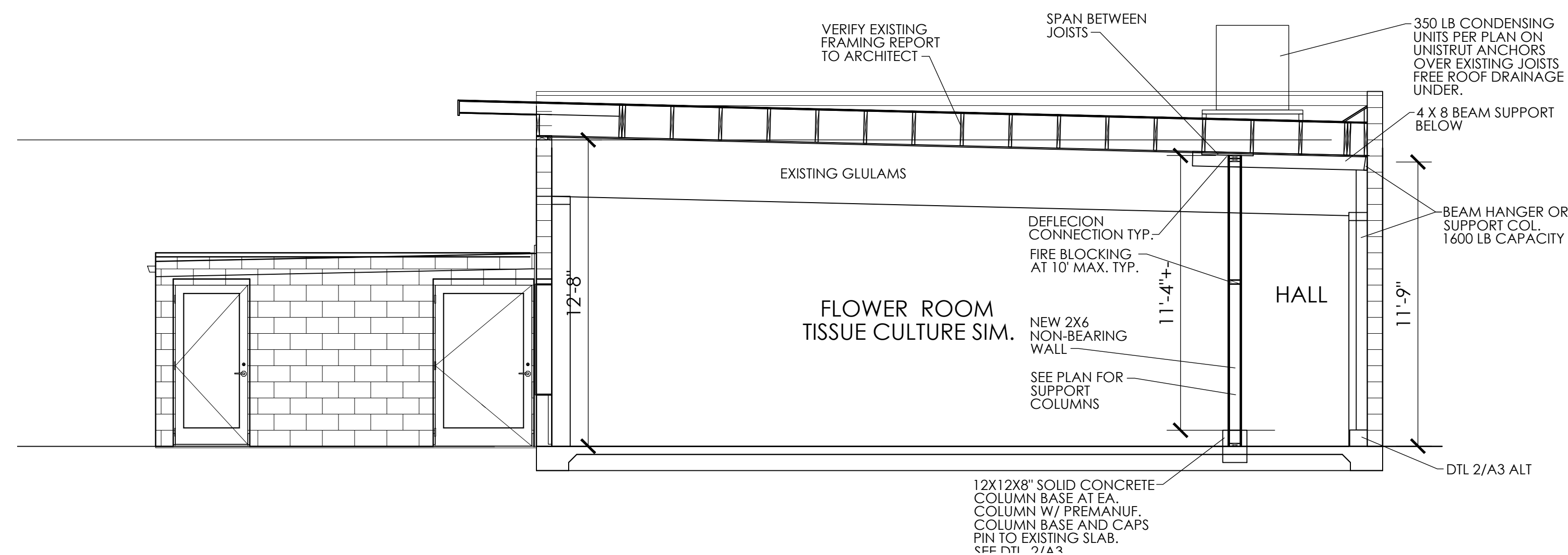
SCALE:

FILE NAME:

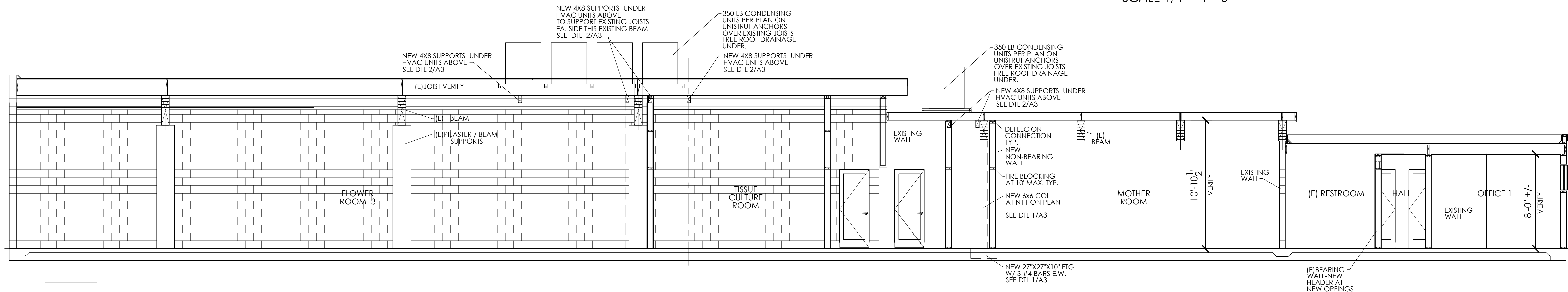


22412  
SHEET NO.

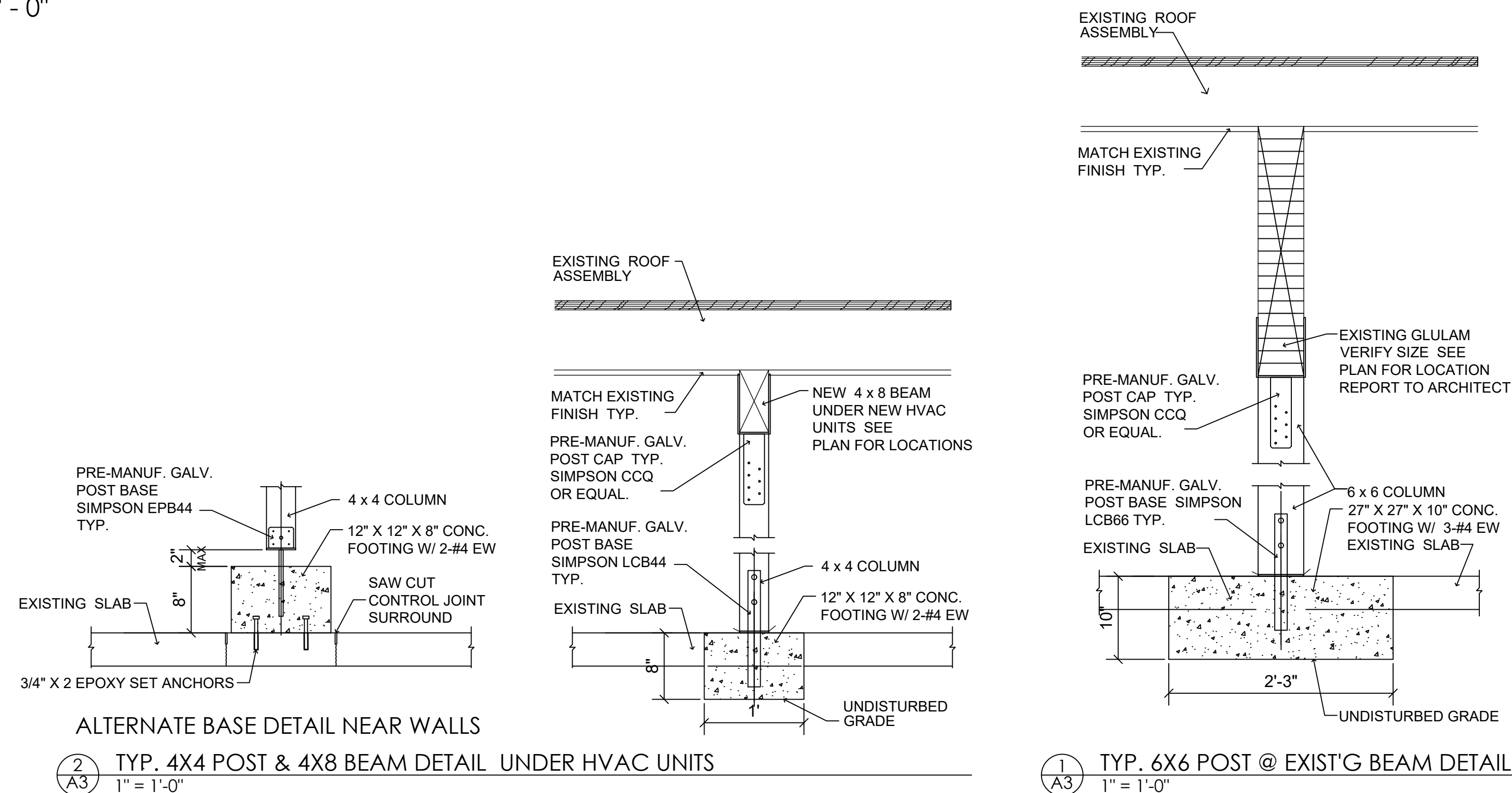
OF A2



SECTION BB  
SCALE 1/4" = 1' - 0"



SECTION AA  
SCALE 1/4" = 1' - 0"



being  
w.

12th ST. SE

EXISTING SIDEWALK

Approx  
4' from  
property  
line

34'  
From  
Centerline

CI ZONE: ZERO SETBACKS

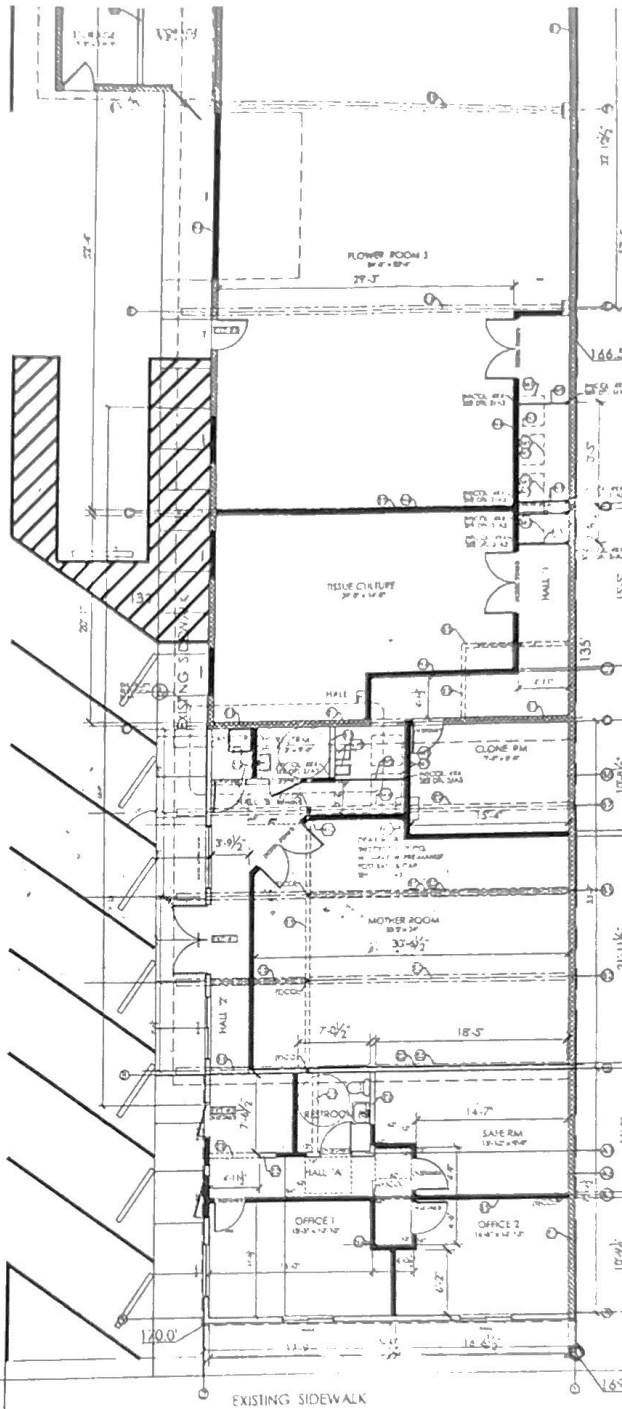
"Not Required Parking"

68 Required

WILBUR ST. SE

FLOOR PLAN

60 existing



Cannabis Growing Facility

1290 12th St. SE, Salem, OR 97302

224

### **Written Statement - CU**

The purpose of this conditional use permit application to convert the site located at 1290 12th St. SE to a licensed recreational marijuana production operation. The site is an existing warehouse structure (formerly with addresses of 1290 and 1292 12th St. SE), the exterior of which, including landscaping, parking, etc., will remain unchanged. The site is zoned IC, in which recreational marijuana production is a conditional use. (See Table 551-1). No overlay zones apply. The adjacent structure, 1215 Wilber St. SE, is also a licensed recreational marijuana production facility, having gone through a similar conditional use process.

The proposed use, being substantially similar to the existing use, will have no different impact on parking or traffic. Because this is not a retail location, but simply a producer, both foot and vehicle traffic will remain minimal. Additionally, there should be no adverse impact on the surrounding businesses. Despite the foregoing, if any adverse impact does exist, it can be mitigated via imposed conditions, if necessary, such as an odor filtration system. Security procedures will already be in place pursuant to OLCC requirements.

Finally, because of the foregoing, the proposed use should have minimal impact on livability or development of surrounding property. The nearest properties are also zoned either IC or CG, so their uses should be substantially similar to the proposed use of this site. Again, the neighboring facility is also a licensed recreational marijuana production facility. The nearest residential area is at least a block away. But because this is simply an indoor agricultural operation, it should have little (if any) impact on surrounding property.

### **- Class 3 SPR**

In addition to the foregoing, this site complies with the UDC. The IC zone generally allows “retail, office, heavy commercial, light manufacturing, and warehousing activities.” (See 551.001). Marijuana production is among the conditional uses listed for this zone. Lot standards, setbacks, lot coverage restrictions, landscaping, and other regulations on structures in this zone are not at issue because the existing structure will remain unchanged.

Transportation will be minimal. While this is a warehouse, the proposed use is essentially agricultural, but without heavy equipment. Commercial transportation will be limited to moving product for testing and sales purposes and will occur only during harvest seasons. Transportation will be subject to regulation by the OLCC, requiring among other things, a written manifest, security, and strict schedule. Negative impacts to the transportation system should be limited – even more so than other uses allowed in this zone.

Parking will remain unchanged, but is already designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. On-site parking is already available (see existing site plan conditions). The proposed development will be served by the City of Salem for water sewer, storm drainage, and street lighting. Water usage should be equivalent to about 11,000 gallons per month, which is well within range of the current water consumption at this site and within a reasonable range of other allowed uses in the IC zone.



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

**FROM:** Laurel Christian, Development Services Planner II  
Public Works Department

**DATE:** February 28, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CU-SPR23-01 (22-124807)  
1290 12<sup>TH</sup> STREET SE  
MARIJUANA PRODUCTION**

## **PROPOSAL**

A Conditional Use Permit and Class 3 Site Plan Review request for a change of use within an existing building from a motor vehicle repair and retail sales use to a marijuana production facility, for property approximately 0.25 acres in size, zoned IC (Industrial Commercial), and located at 1290 12th Street SE - 97302 (Marion County Assessor Map and Tax Lot number: 073W35BB / 09900).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Obtain a Floodplain Development Permit for development within the regulatory floodplain and floodway pursuant to SRC Chapter 601.
2. The proposed development is subject to a special setback equal to 34 feet from centerline on the development side of 12<sup>th</sup> Street SE.
3. Install wheel stops on the subject property to restrict vehicles from parking within the 12<sup>th</sup> Street right-of-way.

## **FACTS**

### **Streets**

1. 12<sup>th</sup> Street SE
  - a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 68-foot-wide right-of-way according to Appendix G.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

- b. Existing Conditions—This street has an approximate 44-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

2. Wilbur Street SE

- 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 Conditions—This street has an approximate 35-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

**Storm Drainage**

1. Existing Conditions

- a. A 12-inch storm main is located in Wilbur Street SE.

**Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 24-inch water main is located in 12<sup>th</sup> Street SE. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.

**Sanitary Sewer**

1. Existing Conditions

- a. An 8-inch sewer main is located in 12<sup>th</sup> Street SE.

**CRITERIA AND FINDINGS—SITE PLAN REVIEW**

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*)**

**Findings**—With completion of the conditions above, 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.

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. No new structures are proposed in the floodplain. The existing building is located within the regulatory floodplain. If the proposed development meets the definition of a substantial improvement, as defined in SRC 601.005(ff), the building must be brought into compliance with the current floodplain overlay zone regulations in SRC Chapter 601. At time of building permit application, the applicant shall describe the methods of building construction in sufficient detail to determine if the project meets the definition of substantial improvement.

**Condition:** Obtain a Floodplain Development Permit for development within the regulatory floodplain and floodway pursuant to SRC Chapter 601.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

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**

**Findings—**Wilbur Street SE meets the minimum improvement width and right-of-way width required for its classification according to the Salem TSP.

12<sup>th</sup> Street SE does not meet the minimum improvement width or right-of-way-width required for its classification according to Appendix G of the Salem TSP.

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.

**Condition:** The proposed development is subject to a special setback equal to 34 feet from centerline on the development side of 12<sup>th</sup> Street SE.

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

**Findings—**The property has an existing access on 12<sup>th</sup> Street SE and Wilbur Street SE. The existing driveway accesses provide for safe turning movements into and out of the property.

There are existing parking spaces that extend into the public right-of-way of 12<sup>th</sup> Street SE, as shown on the applicants site plan. There are no barriers or wheel stops that would restrict vehicles from traversing onto the sidewalk, causing a potentially dangerous situation for pedestrians. Staff recommends these parking spaces be removed, or wheel stops be installed on the private property that will prohibit vehicles from entering the pedestrian space.

**Condition:** Install wheel stops on the subject property to restrict vehicles from parking within the 12<sup>th</sup> Street right-of-way.

**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**

**Findings—**The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. 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 are adequate to serve the proposed development.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

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.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File