



CITY OF COOS BAY PLANNING COMMISSION MEETING

**Tuesday, August 10, 2021 - 6:00 PM
City Council Chambers - 500 Central Ave.
Coos Bay, Oregon**

- 1. LIVE VIDEO LINK**
 - a. YouTube Live Stream Link
- 2. CALL TO ORDER**
- 3. ADOPTION OF MINUTES**
 - a. Planning Commission Minutes of June 8, 2021
- 4. PUBLIC HEARING**

**ITEM A: CBMC Title 17 Development Code Amendments Regarding
Marijuana regulations**
- 5. CCI/PUBLIC COMMENTS**
- 6. WORKSHOP**
 - a. Planning Commission workshop Regarding “Single-Room
Occupancy” regulations
- 7. COMMISSION COMMENTS**
- 8. STAFF COMMENTS**
- 9. ADMINISTRATIVE AND FUTURE MATTERS FOR DISCUSSION**
- 10. ADJOURNMENT**

CITY OF COOS BAY PLANNING COMMISSION

Agenda Staff Report

MEETING DATE August 10, 2021	AGENDA ITEM 1.a.	PROJECT NUMBER: ADDRESS:
----------------------------------------	----------------------------	-----------------------------------------------

**APPLICANT/APPLICANT
REPRESENTATIVE:**

FROM:

APPROVED BY:

SUBJECT:

YouTube Live Stream Link

RECOMMENDATION/MOTION:

BACKGROUND AND SUMMARY:

ISSUES:

ATTACHMENTS:

No Attachments Available

CITY OF COOS BAY PLANNING COMMISSION

Agenda Staff Report

MEETING DATE August 10, 2021	AGENDA ITEM 3.a.	PROJECT NUMBER: ADDRESS:
----------------------------------------	----------------------------	-----------------------------------------------

**APPLICANT/APPLICANT
REPRESENTATIVE:**

FROM:

APPROVED BY:

SUBJECT:

Planning Commission Minutes of June 8, 2021

RECOMMENDATION/MOTION:

BACKGROUND AND SUMMARY:

ISSUES:

ATTACHMENTS:

June 8, 2021 Minutes

**City of Coos Bay Planning Commission meeting minutes
For Tuesday, June 8, 2021
City Council Chambers, 500 Central Ave. Coos Bay, Oregon**

Call to Order: 6:00 PM.

Attendance: Chairman; Amy Aguirre, Commissioners; Patrick Terry, Bill Davis, Rex Miller, Jeff Marineau, Josh Stevens and Jim Berg. Staff member; Debbie Erler, Planner II, Carolyn Johnson, Community Development Administrator.
Guests included: Chris Tong, Elaine Howard, Dennis Stumpf, Marcia Hart and Rebecca Kerr.

Adoption of May 11, 2021 Planning Commission minutes: Commissioner Miller moved to approve the May 11, 2021 Planning Commission Minutes. **Commissioner Stevens** seconded the motion which carried. **Ayes:** Aguirre, Marineau, Miller, Stevens. **Abstain:** Terry, Berg, Davis.

Determination Item A. Planning Commission review of Empire Urban Renewal Plan Amendment: Elaine Howard explained the proposed amendment to the Planning Commission (Commission) as outlined in the Commission staff report. Commissioners discussed the military site being federally owned, questioned how lead disposal would be carried out and how the work would be paid for. Ms. Johnson, Community Development Administrator, specified that the Commission's role this evening was only to identify whether the proposed Empire Urban Renewal Plan Substantial Amendment conformed to the Coos Bay Comprehensive Plan. **Chair Aguirre** asked if there were any public comments. No comments were provided. After a brief discussion, **Commissioner Miller moved** the Commission find, based upon the information provided in the staff report and provided attachments, that the Empire Urban Renewal Plan Substantial Amendment conforms with the Coos Bay Comprehensive Plan. **Commissioner Stevens seconded the motion.** **Ayes:** Marineau, Aguirre, Stevens, Miller. **Abstain:** Terry, Berg. **Absent:** Davis. **Motion carried.**

Public hearing Item A: Type III Architectural Design Review Application #187-21- 000043-PLNG for 1210 N. Front St. **Ms. Erler** provided the staff report and recommended project approval based on the project staff report analysis, statement of facts, findings, conclusions and the applicant's submitted evidence. **Chair Aguirre** opened the public hearing. There were no speakers. **Chair Aguirre** closed the public hearing. After a brief discussion, **Commissioner Marineau** moved to approve the Architectural Design Review Application #187- 21-000043-PLNG subject to the Conditions of Approval as outlined in the staff report. **Commissioner Terry** seconded the motion which carried. **Ayes were unanimous:** Terry, Marineau, Berg, Aguirre, Davis, Stevens, Miller. **Motion carried.**

Public hearing Item B: Type III Development & Conditional Use Application #187-21- 000046-PLNG for 1155 Flanagan Avenue. **Ms. Erler** provided a staff report and recommended project approval based on the analysis, statement of facts, findings, conclusions and the applicant's submitted evidence. **Chair Aguirre** opened the public hearing. There were no speakers. **Chair Aguirre** closed the public hearing. After a brief discussion, **Commissioner Stevens** moved to approve the Development & Conditional Use Application #187-21-000046-PLNG, subject to the Conditions of Approval as outlined in the staff report. **Commissioner Berg** seconded the motion. **Ayes were unanimous:** Terry, Stevens, Berg, Davis, Marineau, Miller, Aguirre.

Public comments: None

Commissioner comments: None

Staff comments: None

Administrative and future matters for discussion: None

Adjournment: 6:52 p.m.

APPROVED AS SUBMITTED: August 10, 2021

ATTEST:

Amy Aguirre, Planning Commission Chair

Debbie Erler, Planner II

CITY OF COOS BAY PLANNING COMMISSION

Agenda Staff Report

MEETING DATE August 10, 2021	AGENDA ITEM 4.A:	PROJECT NUMBER: 187-21-000076-PLNG ADDRESS: Citywide
----------------------------------------	----------------------------	---------------------------------------------------------------------------

APPLICANT/APPLICANT REPRESENTATIVE: City of Coos Bay

FROM: Carolyn Johnson, Community Development Administrator

APPROVED BY: Carolyn Johnson, Community Development Administrator

SUBJECT:

Planning Commission review and public hearing on amendments to CBMC Title 17.335.080 Indoor marijuana-related businesses.

RECOMMENDATION/MOTION:

Accept staff report and public comment, review and provide a recommendation to Council.

BACKGROUND AND SUMMARY:

Currently there is a Council directed moratorium on new business licenses for marijuana related businesses. The Council seeks Planning Commission advisement on a number of key issues related to marijuana businesses locations and definitions.

Pending the outcome of the Planning Commission's review and recommendations, Council is scheduled to review a draft ordinance with any Commission recommended changes on August 17, 2021.

ISSUES:

Key marijuana regulation issues include:
Distance between marijuana businesses.
Distance between marijuana business locations and any residential use in any zoning district.
Addition of marijuana related additions to Title 17.

Discussion of these issues is attached.

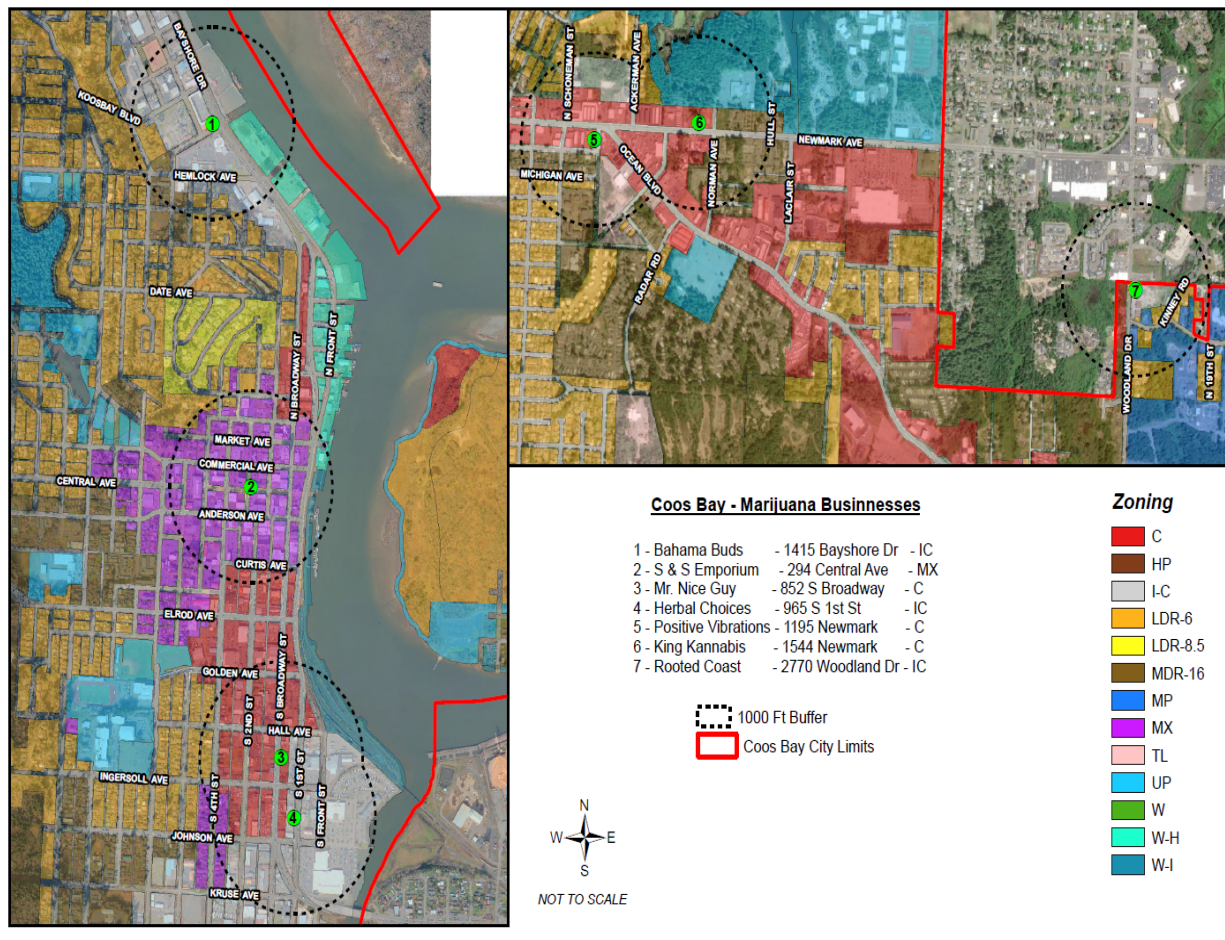
ATTACHMENTS:

**Planning Commission 08.10.2017 Supplemental Report
CBMC section 17.335.080 Indoor Marijuana Related businesses**

I. Distance limitation. Distance between marijuana businesses and distance between marijuana business locations and any residential use in any zoning district. The focus of the Council’s discussion, are noted below in **bold**. The entirety of 17.335.080 is found on page 4.

17.335.080 says: *Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements: (1) Location. The business must be located in a permanent building in the industrial-commercial zone and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home, greenhouse, or building designed and defined by the building code as a residence, nor within 1,000 feet of any residential use in any zone of the city nor within 1,000 feet of another marijuana-related business of the same type.* Marijuana businesses in the City at this time include retail sales facilities only in the downtown area. No manufacturing or processing facilities are located in the City.

See the following map and chart for current marijuana retail locations:



Location #4 is now closed.

Mixed use & medium density residential allowed in I-C, MX/C zones.		
Business/ Location	Zoning/Location	Adjacent zoning? Within 1,000'? / Within 500'?
1 - Bahama Buds 1415 Bayshore	I-C: North of downtown core.	Low density residential; Yes/No
2 - S&S Emporium 294 Central Ave	MU: Downtown core.	Low density residential; Yes/No
3 - Mr. Nice Guy 852 Broadway	C: South end of downtown core.	Low density residential and Urban Public; Yes/No
4 - NOT IN OPERATION	IC: Just outside downtown core.	Commercial/ Mixed Use; No/No
5 - Positive Vibrations 1195 Newmark	C: Newmark Commercial area.	Low density residential and Urban Public; Yes/No
6 - King Kannabis 1544 Newmark	C: Newmark Commercial area.	
7 - Rooted Coast 2770 Woodland	IC: Near North Bend/city boundary	Medical Park and North Bend residents Yes/No

Currently all marijuana retailers are within 1,000 feet of one another. The third column in the chart above notes current retail marijuana locations. The map on the prior page indicates the distance between these locations and residential areas is within the current 1,000' regulation. The businesses are not however within 500' of any residentially zoned areas. Changing the "within 1,000 feet" limitation to "within 500 feet" could ease the possibility of marijuana retailers somewhat, another factor comes into play regardless of the distance requirement from residential uses.

Residential uses are permitted in commercial zones as a secondary use, such as an upstairs apartment or studio and stand-alone medium density residential uses are permitted. The City allows residential uses in these areas to encourage more compact housing to accommodate an ongoing city need for housing. As currently written, the language of 17.335.080 somewhat conflicts with the City's housing efforts.

Additionally, 17.335.080(1) includes a reference to the industrial-commercial zone. Marijuana businesses are permitted in Commercial and Mixed-Use zones as well, thus the industrial-commercial zone reference must be stricken for internal consistency within CBMC Title 17.

By way of reference, state of Oregon marijuana regulations do not require a buffer between marijuana businesses and residential uses and residential areas. The current city marijuana regulations are more restrictive than State regulations.

The Planning Commission's review and recommendations are requested by the Council on if/how to revise 17.335.080(1). Four options for consideration are noted below; Commissioners may have other options to share.

A. Remove reference to residential uses in any zone, and limit to residential zones.

Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements: (1) Location. The business must be located in a permanent building ~~in the industrial-commercial zone~~ and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home, greenhouse, or building designed and defined by the building code as a residence, ~~nor within 1,000 feet of any residential use in any zone of the city nor within 1,000 feet of another marijuana-related business of the same type.~~

B. Remove the reference to residential uses in any zone and limit only to residential zones and remove distance limitations between marijuana businesses.

Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements: (1) Location. The business must be located in a permanent building ~~in the industrial-commercial zone~~ and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home, greenhouse, or building designed and defined by the building code as a residence, ~~nor within 1,000 feet of any residential use in any zone of the city nor within 1,000 feet of another marijuana-related business of the same type.~~

C. Remove any reference to distance restrictions.

the reference to Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements: (1) Location. The business must be located in a permanent building ~~in the industrial-commercial zone~~ and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home, greenhouse, or building designed and defined by the building code as a residence. ~~nor within 1,000 feet of any residential use in any zone of the city nor within 1,000 feet of another marijuana-related business of the same type.~~

D. Retain the language as is with a correction to the industrial commercial reference.

Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements: (1) Location. The business must be located in a permanent building ~~in the industrial-commercial zone~~ and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home, greenhouse, or building designed and defined by the building code as a residence, ~~nor within 1,000 feet of any residential use in any zone of the city nor within 1,000 feet of another marijuana-related business of the same type.~~

II. Addition of definitions. Definition of various marijuana businesses are currently not included in Title 17. The following definitions are suggested for consideration.

Marijuana related businesses

Marijuana retail – Sale of marijuana goods, merchandise, articles or things in small quantities directly to the consumer by a business holding a City of Coos Bay business license.

Marijuana growing and processing – Growing and processing of marijuana indoors.

17.335.080. Marijuana-related businesses may be operated indoors only and shall meet all of the following requirements:

(1) *Location.* The business must be located in a permanent building in the industrial-commercial zone and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home, greenhouse, or building designed and defined by the building code as a residence, nor within 1,000 feet of any residential use in any zone of the city nor within 1,000 feet of another marijuana-related business of the same type.

(2) *Outdoor Storage.* Outdoor storage for merchandise or any material associated with a marijuana business is prohibited.

(3) *Site Plan Review Consistency.* Modifications to the subject site or exterior of a building housing the business must be consistent with Chapter 17.130 CBDC, Procedures.

(4) *Design criteria for processing and production facilities* are subject to the following site and building design criteria:

(a) Security bars or grates on windows and doors are prohibited.

(b) Building frontage on Highway 101/Bayshore Drive shall include exemplary design and is subject to review by the design assistance team.

(5) *Disposal.* The business must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the business's exterior refuse containers.

(6) *Light and Glare.* For production of marijuana, shield lighting systems and window coverings are required to confine light and glare from the interior of the structure.

(7) *Building Code.* Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with a business shall satisfy the building code requirements and obtain all required building permits prior to installation.

(8) *Property Owner Claim Waiver Requirement.* The property owner of a structure in which an indoor marijuana business is to be located shall record a declaration which waives any claim or right to hold the city liable for damages they or a tenant may suffer from state or federal enforcement actions for activities the city permits as a result of its approval of the proposed use or development once such approval is granted. Furthermore, the owner and tenant agree not to unreasonably disobey the city's order to halt or suspend business if state or federal authorities order or otherwise subject the city to enforcement to comply with laws in contradiction to the continued operations of the business as permitted in Table 17.235.020 – I-C Uses.

(9) A marijuana-related business must obtain an approved license or registration from the state of Oregon and meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.

(10) *Marijuana Production.* Marijuana production shall be limited to 5,000 square feet of gross leasable floor area per lot.

(11) *Drive-Up Use.* A marijuana retail sales outlet shall not include a drive-up facility or use.

CITY OF COOS BAY PLANNING COMMISSION

Agenda Staff Report

MEETING DATE August 10, 2021	AGENDA ITEM 6.a.	PROJECT NUMBER: 187-21-000076-PLNG ADDRESS: City-wide regulations
----------------------------------------	----------------------------	----------------------------------------------------------------------------------------

APPLICANT/APPLICANT REPRESENTATIVE: City of Coos Bay

FROM: Carolyn Johnson, Community Development Administrator

APPROVED BY: Carolyn Johnson, Community Development Administrator

SUBJECT:

Planning Commission workshop to discuss Coos Bay Municipal Code Title 17 amendments to add development standards for Single Room Occupancy (SRO) land use. An SRO is a furnished room in a dwelling unit available for rent to individuals for shelter. Currently SRO's are permitted uses in commercial and medium density residential areas. However standards have not yet been adopted to regulate the operation of SROs, thus the reason for Planning Commission review and public comment. At a future date an ordinance on this matter will be drafted for Commission review, a public hearing and development of recommendations to the Council on the attached draft regulations.

RECOMMENDATION/MOTION:

Accept staff report, open for discussion and take comments from the public.

BACKGROUND AND SUMMARY:

Similar to boarding houses of years gone by, SRO residents each have their own private bedroom. Bathrooms can be private or shared, depending on the setup. Generally there is a common gathering space, shared laundry facilities, common kitchen, and perhaps common yard space. Historically Single Room Occupancy units serve a population too impoverished to settle into a rental or purchase of a home.

With challenging housing prices, single working people and/or individuals on a pension or disability often live in SROs as the least expensive form of non-subsidized rental housing. On the property owners side of the equation, owners typically charge less per room than could be secured in an entire house if it was rented by one family, but by renting individual rooms, can still secure a healthy financial return.

The City has authorized similar housing products in the past, but none included standards, nor was it known how many property owners engaged in this type of rental option. With Coos Bay's lack of housing, it's timely for the consideration of the SRO housing product as a means whereby individuals

and families of low to moderate income can secure safe shelter.

ISSUES:

To be determined.

ATTACHMENTS:

draft regulations.SRO

17.370 Single Room Occupancy units and residential hotels.

17.370.010 Purpose

The purpose of the Single Room Occupancy regulations is to enable development of reduced-size dwelling units, called an (SRO, residential dwelling units or residential hotels as affordable housing options.

17.370.015 General Requirements.

The following are general requirements specific to 17.370.020 and 17.370.030:

(1) Oregon and CBMC Title 15 compliance. SRO units and SRO residential hotels shall comply with all requirements of state and CBMC Title 15 requirements, including all accessibility and adaptability requirements.

(2) Facility management. Twenty-four-hour on-site management must be provided at an SRO units and SRO residential hotels of seven or more rooms and shall include a dwelling unit designated for the manager. All SRO projects must have a management plan. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

(3) Parking. On-site parking must be provided with one (1) space per three (3) units. With the exception of projects that allow only senior residents, projects shall also provide one (1) bicycle parking space per unit.

(4) Tenancy. Tenancy of SRO units shall not be for less than thirty (30) days.

17.370.020 SRO living unit criteria

(1) Minimum size. Excluding the closet and the bathroom area, an SRO living unit must be a minimum of one hundred fifty (150) square feet in floor area.

(2) Design. Each SRO living unit room shall be designed to accommodate a maximum of two (2) persons.

(3) Bath and kitchen facilities. An SRO living unit may contain partial or complete kitchen and bath facilities.

(a) Bath facilities. If bath facilities for each room are not provided, common bath facilities must be provided consistent with Oregon State law adopted by CBMC Title 15.

(b) Kitchen facilities. If kitchen facilities for each room are not provided, common kitchen facilities must be provided that adequately serve the residents of the SRO living unit.

(4) Laundry facilities. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof.

(5) Common space. An SRO living unit facility must provide at least two hundred (200) square feet in area of interior common space, which may include a kitchen but excludes janitorial storage, laundry facilities and common hallways.

17.370.020 SRO residential hotel or motel criteria

(1) Minimum room size. Excluding the closet and bathroom space, an SRO residential hotel room must be at least seventy (100) square feet in floor area.

(2) Design. An SRO residential hotel room of one hundred to two hundred (100-200) square feet in floor area shall be designed to accommodate a maximum of one (1) person, and an SRO residential hotel room between two hundred (200) and three hundred (300) square feet or greater shall be designed to accommodate a maximum of two (2) persons. Rooms over three hundred square feet may accommodate one person for every one hundred square feet.

(3) Partial kitchen and bath facilities. An SRO residential hotel unit may contain partial kitchen and bath facilities. If individual bath facilities are not provided, common bath facilities must be provided in accordance consistent with Oregon law adopted by CBMC Title 15.

(4) A closet and designated storage space is required in every SRO residential hotel room.

(5) A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided on each floor of the residential hotel.

(6) The SRO residential hotel shall provide a minimum fifty feet of interior common area per each hotel room, excluding hallways, kitchen facilities, laundry and storage areas.

(7) Bath and kitchen facilities. An SRO living unit may contain partial or complete kitchen and bath facilities.

(a) Bath facilities. If bath facilities comprised of a water closet and sink for hygiene purposes in each room is not provided, common bath facilities must be provided consistent with Oregon law adopted by CBMC Title 15.

(b) Kitchen facilities. A full kitchen for every twelve rooms or a partial kitchen for each room shall be provided:

i) Full kitchen. A kitchen for every twelve rooms containing a sink, refrigerator, stove top and oven is required with a design consistent with Oregon law adopted by CBMC Title 15.

ii) Partial kitchen. A partial kitchen comprised of a sink, stove top or over and a mini-refrigerator for each SRO room.