



CITY OF COOS BAY PLANNING COMMISSION MEETING

**Tuesday, September 14, 2021 - 6:00 PM
City Council Chambers - 500 Central Ave.
Coos Bay, Oregon**

- 1. CALL TO ORDER**
- 2. LIVE VIDEO LINK**
 - a. YouTube Live Stream Link**
- 3. PUBLIC HEARING**

**ITEM A: Planning Commission review and public hearing on
amendments to CBMC 17.335.080 indoor marijuana-related
businesses**
- 4. CCI/PUBLIC COMMENTS**
- 5. COMMISSION COMMENTS**
- 6. STAFF COMMENTS**
- 7. ADMINISTRATIVE AND FUTURE MATTERS FOR DISCUSSION**
- 8. ADJOURNMENT**

CITY OF COOS BAY PLANNING COMMISSION

Agenda Staff Report

MEETING DATE	AGENDA ITEM	PROJECT NUMBER:
September 14, 2021	2.a.	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 September 14, 2021	AGENDA ITEM 3.A:	PROJECT NUMBER: 187-21-000076-PLNG ADDRESS: CITYWIDE
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**APPLICANT/APPLICANT
REPRESENTATIVE:**

City of Coos Bay/Carolyn Johnson, Community
Development Administrator

FROM: Carolyn Johnson, Community Development Administrator

APPROVED BY: Carolyn Johnson, Community Development Administrator

SUBJECT:

Planning Commission review and public hearing on amendments to CBMC 17.335.080 indoor marijuana-related businesses

RECOMMENDATION/MOTION:

Accept staff report and public comment, review and provide recommendation for City Council recommendation.

BACKGROUND AND SUMMARY:

As shared with the Planning Commission on August 10, there is a Council directed moratorium on new business licenses for marijuana related businesses.

The City Council reviewed the August 10 consensus of the Commissioners present at that Planning Commission meeting. Council has asked the Planning Commission to develop a recommendation on the key issues presented in the Supplemental report.

Council is scheduled to review the Planning Commission's recommendation at a public hearing on October 5, 2021.

ISSUES:

Distance between marijuana businesses.

Distance between marijuana business locations and any residential use in any zoning district.

Addition of marijuana related definitions.

ATTACHMENTS:

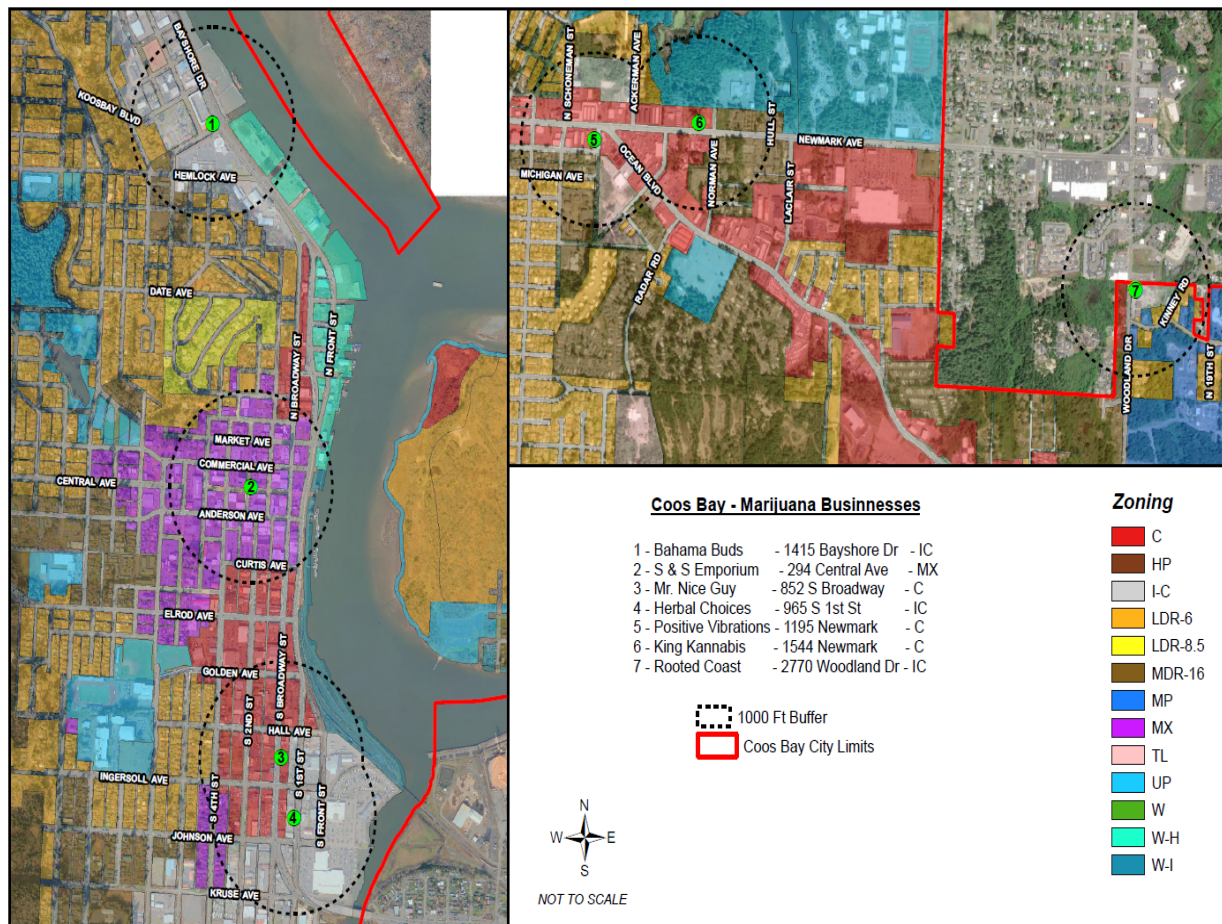
Supplemental Report

**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.