

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: Nov 6, 2017
SUBJECT: Public Hearing – Proposed Amendments to BMC Title 16 & 17 in regard to Recreational Marijuana	ITEM #: 4.1

BACKGROUND

On May 4, 2015, the Mayor and City Council were provided staff reports and testimonies regarding Ordinance #1616, which proposed to amend the Bandon Municipal Code, Titles 16 and 17, to provide for Medical Marijuana Facilities (MMF). After some discussion, the Council decided to reconvene the following afternoon to continue their conversations. The following day, May 5, 2017 at 4:00 PM, the Council reconvened, completed their discussions and voted unanimously to approve Ordinance #1616.

During these discussions, the topic of *recreational* marijuana was raised. After Councilor Hundhausen questioned whether an MMF could sell both medical and recreational marijuana, City Attorney Carleton explained that under the current enacting language that would not be allowed, as they are considered two distinct operations. He then suggested that the Council could add an item to the requirements stating that a medical marijuana facility may not be combined with any other non-medical marijuana operation, which was done [reference Ordinance 1616(J)].

During the August 7, 2017 meeting of the Bandon City Council, the Council directed City staff to work with the City Attorney and the Planning Commission and initiate the process of amending the Bandon Municipal Code to specifically address the subject of Recreational Marijuana.

PRESENTATION

City Planner, Dana Nichols and Vice-Chair of the Planning Commission, Sheryl Bremmer will be presenting a staff report and summary of the Planning Commission's recommendations to the Council. Council discussion and questions are encouraged during and after the presentation.

PUBLIC HEARING

Mayor Schamehorn will open a Hearing for Public Comment once the presentation and Council discussion has concluded. Council action on this topic is scheduled to take place under Ordinances, item 5.3.2 of this agenda.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

This item is for presentation, discussion and public comment only. Council action on this topic is scheduled to take place under Ordinances, item 5.3.2 of this agenda.

SUBMITTED BY



Robert J Mawson, City Manager



RECREATIONAL MARIJUANA FACILITY ORDINANCE STAFF REPORT

Planning Action: PA 17-098

Ordinance Title: An Ordinance amending Bandon Municipal Code Title 16 and 17 to provide for Recreational Marijuana Facilities.

Proposal: The City of Bandon is proposing to adopt an ordinance regarding the siting of Recreational Marijuana Facilities within the Light Industrial and General Commercial Zones. This action was initiated by the Bandon City Council on August 7th, 2017.

Lead City Staff: Dana Nichols, City Planner, (541) 347-2437, ext. 231

Hearing Date: November 6th, 2017

Zones Affected: Light Industrial, General Commercial

Purpose of Staff Report:

Staff reports provide the City Council and community members with information regarding current land use requests and staff analysis of the application or information regarding changes to city code. The staff report provides only preliminary information and recommendations.



I. Background

In August of 2013, the State of Oregon Legislature passed House Bill 3460. The Bill allowed medical dispensaries to be open through a licensing process by the State of Oregon. Bandon City Council adopted a moratorium on medical marijuana sales in May, 2014 to provide adequate time for discussion and citizen input. Ordinance 1616 regarding the siting of medical marijuana facilities passed in May, 2015.

The ordinance states that facilities are conditional uses permitted only in General Commercial (C-2) or Light Industrial (LI) zones, and cannot be located within 1,500 linear feet of a school or Head Start facility. Further, no marijuana production is permitted to occur onsite at a dispensary, and each facility must use an air filtration and ventilation system to confine objectionable odors. Anyone convicted of the manufacture or delivery of a controlled substance once or more in the previous five years, or twice in a lifetime, cannot be an operator or employee, nor can they have a financial interest in a dispensary. The City Council also limited operating hours for medical marijuana facilities to any eight hours between 8:00 a.m. and 8:00 p.m. The facilities may not feature a sign promoting or showing any product and minimum parking requirements are one space per 600 square feet of floor area, plus one space for every two employees.

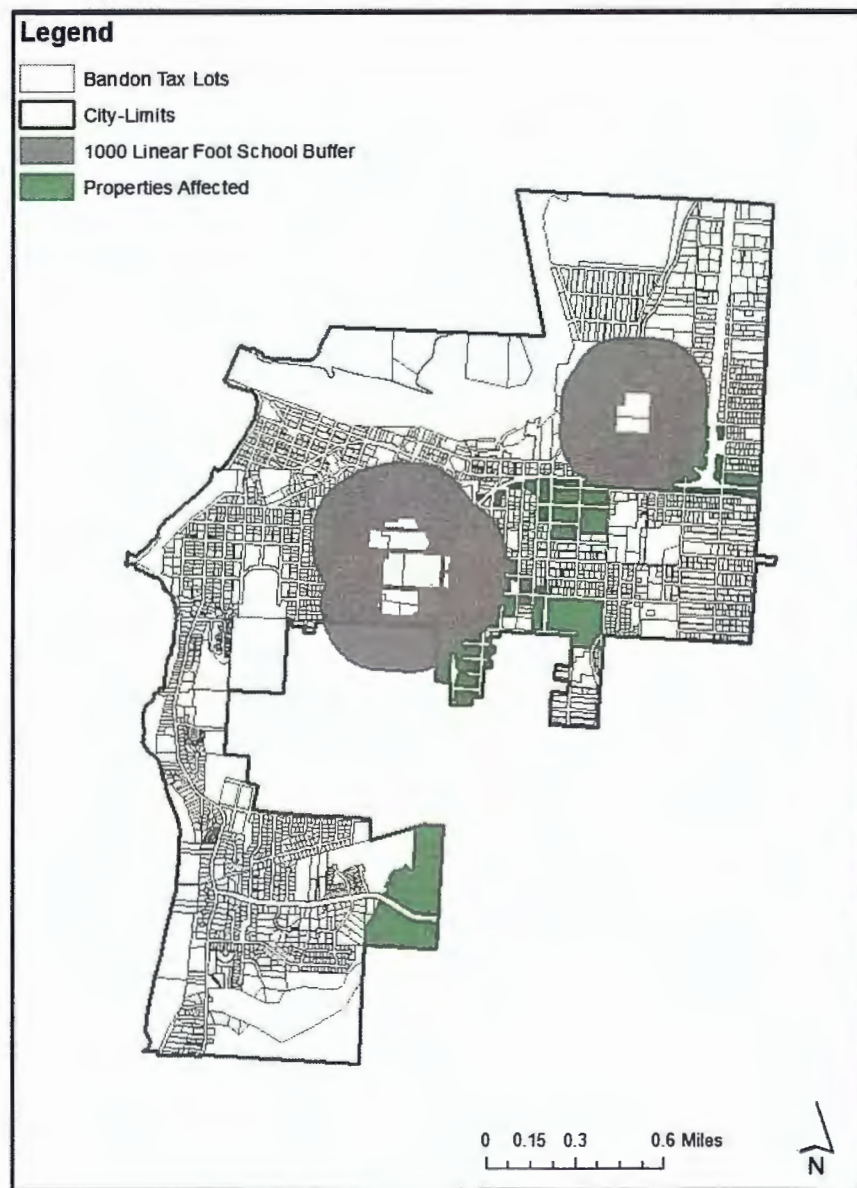
Measure 91, the recreational marijuana use legislation, was passed by Oregon voters at the November 4th, 2014 election. The City Council opted to place a moratorium on recreational facilities at the time of the adoption of Ordinance Number 1616, to provide them with more time to research the topic before making a decision. No further action was taken by the City regarding recreational marijuana.

At a City Council meeting in August of 2017, the issue of recreational marijuana facilities returned and the Council directed staff to develop a recommendation for an ordinance addressing the siting of recreational marijuana facilities. Planning Department staff prepared a *Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation* for the Department of Land Conservation and Development on August 24th, 2017. Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing.

A notice was sent to the affected property owners on September 7th, 2017 regarding the dates of the Planning Commission and City Council meetings pertaining to the siting of Recreational Marijuana Facilities. Oregon's Ballot Measure 56 requires cities and counties to provide affected property owners with notice of a change in zoning classification; adoption or amendment of a comprehensive plan; or adoption or change of an ordinance in a manner that limits or prohibits otherwise permissible land uses. Please see attached for a copy of the Measure 56 notice.



A public hearing was held before the Planning Commission on September 28th, 2017. At this meeting, Staff presented a report to the Commission with language similar to that in the medical marijuana ordinance adopted by the Council in 2014. Staff recommended adding additional language regarding commercial design standards, required distance between facilities selling marijuana products, and locating the business in a permanent location. While the Commission agreed to the added conditions, they also voted to recommend lowering the buffer radius around school buildings from 1500 linear feet to 1000 linear feet and to remove the Head Start facility from the buffered properties. The Commission's decision was made based on information from the previous public hearings during the time of adopting the medical marijuana ordinance.





II. **Project Impact**

The proposed Recreational Marijuana Ordinance will affect certain properties within the General Commercial ("C-2") and Light Industrial ("LI") Zones. Based on the direction of the Planning Commission, a 1000 linear foot radius was drawn around each of the schools in Bandon to determine which properties would be affected by the proposed ordinance. There are over 200 tax lots within the C-2 and LI zones outside of the 1000 foot buffer radius that are affected by the proposed ordinance.

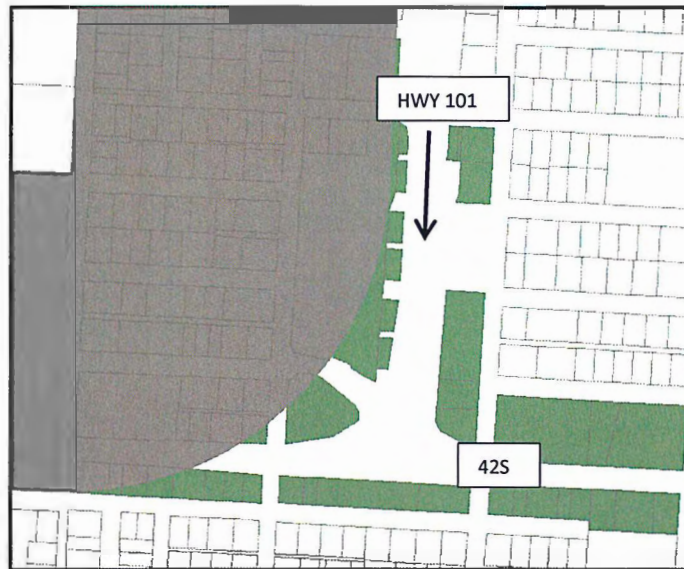


Figure 1: Intersection of 42s and Hwy 101

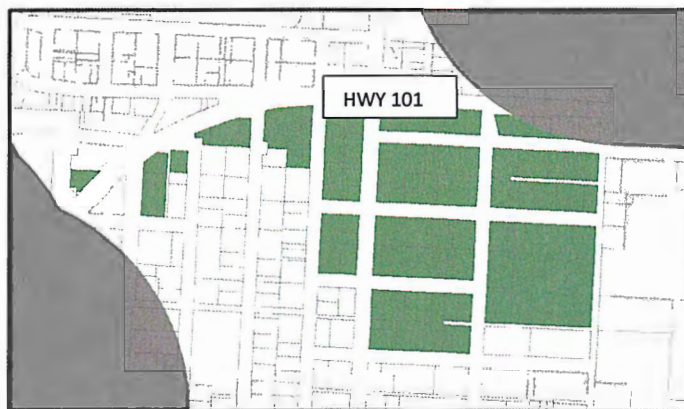


Figure 2: Commercial and Light Industrial along 101 near Old Town

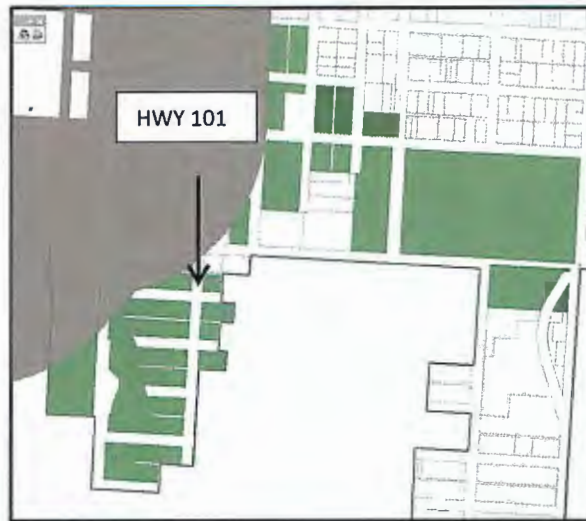


Figure 3: East of Hwy 101 and south of City limits above the donut hole.



Figure 4: Seabird drive and Hwy 101



III. Conclusions

The proposed ordinance follows the City's previous efforts regarding the siting of medical marijuana facilities. By addressing the concern of locating recreational and medical marijuana sales in the same building and with the addition of design standards and a prohibition on window/door bars and grates, we believe the ordinance adequately addresses the siting of recreational marijuana facilities within city limits. During the September 2017 Planning Commission meeting, Staff presented an ordinance that was based upon the previously adopted Ordinance 1616 regarding Medical Marijuana Facilities with updated conditions pertinent to recreational marijuana and commercial design standards.

During the Planning Commission's deliberation at the September 2017 meeting, the initial public hearings for medical marijuana and State regulations for siting marijuana facilities were brought into the discussion with regards to the 1500 foot radius currently adopted as part of Ordinance 1616. The Commission felt that the State mandated radius of 1000' feet from a school property was sufficient and that this was also what the public wanted.

While this proposed change from 1500 feet to 1000 feet does increase the number of properties affected by this ordinance, the Council may also choose to consider a residential buffer that may help mitigate any negative effects or unintended consequences of this change. A buffer of 200 feet around all residential zones (R-1 & R-2) will alleviate the impact a commercial use such as a marijuana facility might have on a residential neighborhood. With a buffer, no home (located within a residential zone) will be subject to a commercial business of this nature directly next to them. This buffer may be useful for the 1000 foot radius; however it does not greatly affect properties outside of the 1500 foot radius.

The Planning Commission also recommended that the ordinance should exclude the Head Start facility from the buffered properties as it is not a school property and does not have the same kind of school-aged foot traffic surrounding the use. As a pre-school facility, the students will not be walking near any shop alone and would not be affected by the use in the same way a high schooler might.

Additionally, now that both medical and recreational facilities exist (and commonly fall under two licenses within the same business), language is needed in the ordinance to address the siting of these facilities near each other, and within the same building. The Commission is recommending using the following language:

"Marijuana retail sales outlet shall be located more than 1,000 feet from another marijuana retail sales outlet. Medical and recreational marijuana retail sales do not need to be separated by 1,000 feet if located together in one building if the configuration meets all applicable Oregon Revised Statutes and Oregon Administrative Rules. No more than two registrations or licenses issued by the State of Oregon (e.g. a medical dispensary registrations and a recreational sales license) may be located in one building."



The Council may choose to discuss further the 1000 foot requirement, either to increase or decrease the distance between the two, and may also choose to discuss the methodology for measuring separation requirements. Some cities measure from the property line while others measure from the building façade.

The Commission also recommends that the Commercial Design Standards in Chapter 17.94 of the Bandon Municipal Code be followed for all RMF or MMF. These design standards should also prohibit exterior finishes common to marijuana facilities such as security bars or grates on windows and doors. Other states have had success with design standards that encourage a marijuana facility to blend in with surrounding properties rather than install exterior finishes that are inconsistent with neighborhood character. Language should be included that prohibits drive-up uses as well.



Figure 3 Example of Good Design



Figure 2 Example of Undesirable Design

It will also be important to add that a business must be located in a permanent building, and that outdoor sale, production or storage of any kind is not allowed. Other cities have not precluded the use of food trucks or trailers to sell recreational marijuana, a use that the City of Bandon should expressly address. Staff suggests using the following language:

"The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited."

The hours of operation currently listed in the medical marijuana ordinance were also discussed, as the Commission felt that these were too restrictive and not appropriate for this use. Instead of language that says, "Hours of operation any eight hours between the hours of 8 A.M. and 8 P.M.", the Commission has recommended, "Hours of operation be limited to between 8 A.M. and 8 P.M.".



IV. Recommendations

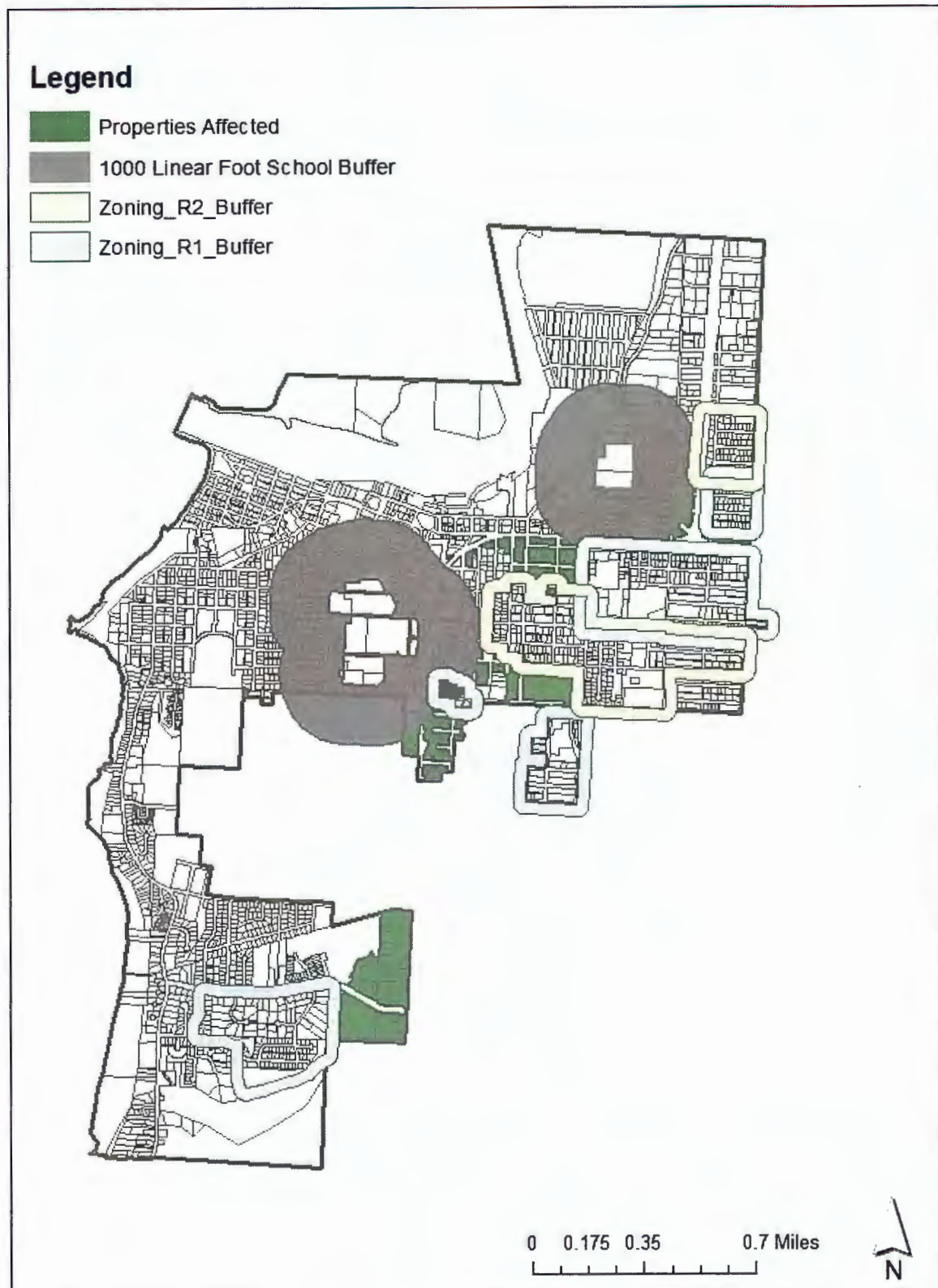
Based on information gleaned during initial public hearings and based on the decision of the City Council to adopt Ordinance 1616 regarding the siting of Medical Marijuana Facilities ("MMF"), the Planning Commission recommends adopting many of the same conditions from the MMF ordinance, with the addition of conditions that include reducing the buffer zone to a 1000 foot radius, removing the Head Start facility from the ordinance, adding the necessity of following commercial design standards, limiting the hours of operation between 8:00 am and 8:00 pm, setting required distances between facilities, requiring the business within a permanent structure, and prohibiting the outdoor use of the building for anything marijuana related. The full proposed ordinance text can be found at the end of this document, which provides greater detail on these recommendations.

The Commission has recommended that these same changes be made to the existing Medical Marijuana Ordinance (Ordinance 1616) for consistency between similar uses.

The Council may also choose to modify the ordinance in a manner that they see fit to further address any community concerns. Staff recommends that should the Council choose to adopt the Planning Commission's language, they also consider adding a residential buffer between residential neighborhoods (R-1 and R-2 Zones) and commercial or light industrial that might be affected by the change in use. An example of what this would look like with a 200 foot residential buffer can be found below.



1000' School Buffer and 200' Residential Buffer





NOTICE OF LAND USE HEARING

City of Bandon Planning Department
Bandon, Oregon 97411
Phone: 541-347-2437

www.cityofbandon.org/general/page/planning-department

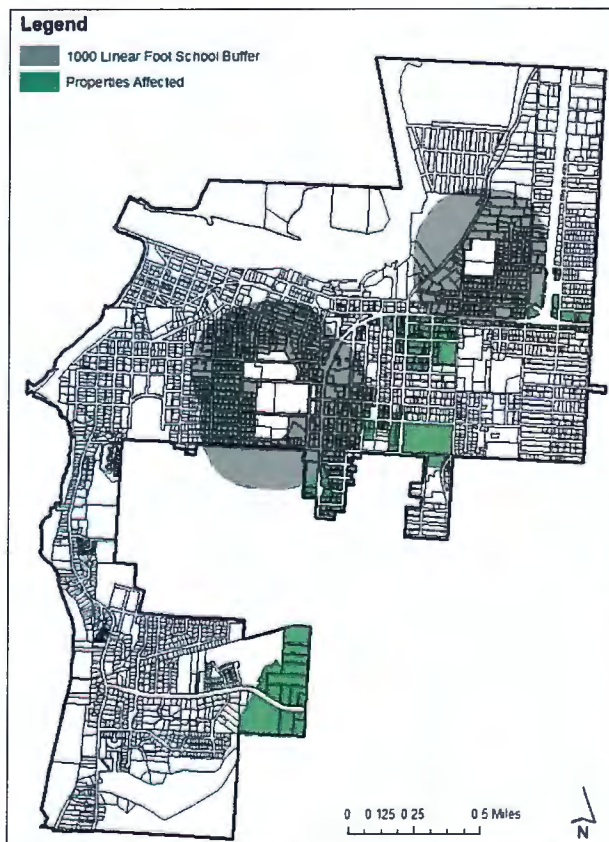
MEASURE 56 NOTICE OF CITY OF BANDON PUBLIC LAND USE HEARING

THIS IS TO NOTIFY YOU THAT THE CITY OF BANDON HAS PROPOSED A LAND USE THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.

The City of Bandon has determined that adoption of this ordinance may affect the permissible uses of your property and other properties in the affected zone, and may change the value of your property. **The City of Bandon Planning Commission conducted a Public Hearing on this proposal on September 28th, 2017. The City of Bandon City Council will conduct a Public Hearing on this proposal on November 6th, 2017.**

Location: The meeting will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411.

Proposal: The City of Bandon is proposing to adopt an ordinance regarding the siting of Recreational Marijuana Facilities within the Light Industrial (LI) and General Commercial (C-2) Zones.



The proposed ordinance is available for inspection at the City of Bandon Planning Department at no cost, or hard copies can be made available for purchase at the actual cost of copying. A copy of the Staff Report will be available for inspection at the City of Bandon Planning Department at no cost at least one week prior to the public hearing.

Please contact City of Bandon Planning Department staff for more information at: (541) 347-2437. Office hours are Monday-Thursday, 8:30 AM – 3:00 PM.



NOTICE OF LAND USE HEARING

City of Bandon Planning Department
Bandon, Oregon 97411
Phone: 541-347-2437

www.cityofbandon.org/general/page/planning-department

Background Information: The State of Oregon Legislature passed House Bill 3460 and was signed by Governor Kitzhaber on August 14th, 2013. The Bill allowed medical dispensaries to be open through a licensing process by the State of Oregon. After an initial moratorium on medical marijuana sales was adopted in May, 2014, the City Council addressed the issue of the siting of medical marijuana dispensaries and passed Ordinance Number 1616 in May, 2015.

The ordinance states that facilities are conditional uses permitted only in General Commercial (C-2) or Light Industrial (LI) zones, and cannot be located within 1,500 linear feet of a school or Head Start facility. No marijuana production may occur onsite at a dispensary, and each facility must use an air filtration and ventilation system to confine objectionable odors. Anyone convicted of the manufacture or delivery of a controlled substance once or more in the previous five years, or twice in a lifetime, cannot be an operator or employee, or have a financial interest in a dispensary. The City Council also limited operating hours for medical marijuana facilities to any eight hours between 8:00 a.m. and 8:00 p.m. The facilities may not feature a sign promoting or showing any product and minimum parking requirements will be one space per 600 square feet of floor area, plus one space for every two employees.

Measure 91, the recreational marijuana use legislation, was passed by Oregon voters at the November 4th, 2014 election. The City Council opted to place a moratorium on recreational facilities at the time of the adoption of Ordinance Number 1616, to provide them with more time to research the topic before making a decision.

The Planning Commission considered the proposed Ordinance at their September 28th, 2017 regular meeting and recommended changes to the Ordinance that will affect a greater number of properties than was initially proposed. The City Council will make a decision to pass this legislation at the November 6th, 2017 regular meeting.

Hearing Procedure: The hearing notice and conduct is pursuant to the Hearings Procedure as described in Bandon Municipal Code 17.120.110. The application, all documents and evidence relied upon by the applicant (City of Bandon), and the applicable criteria are available for inspection at no cost at the Planning Department. A copy of the staff report will be available for inspection at no cost at least one week prior to the public hearing before the City Council. Copies of these materials will be provided at the actual cost of printing upon request.

About this notice: In 1998, Oregon's voters passed a law known as Ballot Measure 56. It requires that notices like the one above be mailed to landowners when a change in land-use laws might limit use of their property. The law requires the City of Bandon to use the above wording in such notices, even though that wording doesn't describe the likely effects from the change in land-use laws very well. The Measure also requires the notice to say that the City of Bandon has determined that proposed land use changes "may change the value of your property" however; the City of Bandon does not know how these amendments might affect the value of your property, if at all.

On Thu, Oct 26, 2017 at 1:48 PM, Gail Ringo <gmr@mycomspan.com> wrote:

I have received a letter from your office in regard to the Nov. 6th meeting to discuss measure 56 City of Bandon Public Land Use. I am very interested in the outcome, but will probably not be able to attend due to the fact that I am the sole care provider for my son who suffers from a total anoxic brain injury. I mention this because I am opposed to the possibility of the chosen siting of the Recreational Marijuana Facility to be anywhere in my neighborhood. I have recently purchased a little retirement home for my son and I at 980 Elmira Ave. SE which seems to be in the midst of "affected properties".

I have spoken to several neighbors who did not receive a letter from you, knew nothing of the upcoming meeting and were disturbed by this. In a recent conversation with you I was informed that the City was not hearing much from the community, but I did not see anything in your monthly newsletter, and am puzzled.

Please enter my response in your file regarding this issue.

Thank you,
Gail Ringo
[541-347-4795](tel:541-347-4795)

Sent from my iPad

Gail Swan
1410 Baltimore Ave SE
Bandon, OR 97411
(541)347-9628

I received a Notice of Land Use Hearing on Measure 56 that the City of Bandon has proposed, a land use that may affect the permissible uses of my property and other properties. My residence located at 1410 Baltimore Ave SE and neighborhood is located in the C-2 zone and LI zone which is the subject of the Planning Commission's hearing on Measure 56. My property and other properties in my neighborhood will be impacted by the decisions made by the planning commission on this matter. This neighborhood is historically residential and continues to be residential and is currently developing in that same trend. I want to **object** to the Planning Commission's latest proposal that was a result of the September 28, 2017 Planning Commission Hearing. The Planning Commission should apply the same regulations and restrictions as was set forth in Medical Marijuana Ordinance 1616 to Recreational Marijuana dispensaries and of particular importance is to retain the 1,500 foot radius from school property including Head Start and to not allow expansion of the hours of operation.

The placement of a recreational marijuana dispensary or a medical marijuana dispensary in my neighborhood would have a negative impact for the following reasons:

1. It would affect the value of my property in a negative way.
2. It would be undesirable to have a recreational marijuana or medical marijuana dispensary in a neighborhood where children live, play and walk to and from school. I believe in areas that are primarily residential and have been primarily residential, this sends the wrong message to our community, families and children.
3. I believe that there would be an increase in traffic on a street that is a small two lane road with no curbs or sidewalks.
4. There is a strong probability that there will be an increase in the area of people driving impaired (under the influence of marijuana). And even the possibility of people smoking marijuana on the street who are walking to and from a dispensary. Keeping in mind that this neighborhood is residential homes.
5. There is a high probability that crime will increase in the area of the dispensary due to the nature of the dispensary business and what the business has on site which is marijuana and cash.

I recommend that City Planning Commission proposes that the location of dispensaries should be outside the radius of 1500 linear feet from schools, including Head Start, and that the conditions set forth in Ordinance 1616 for medical marijuana dispensaries apply to recreational marijuana dispensaries too in the City of Bandon.

As to Isabel Marquez's Testimony at the September 28, 2017 meeting, she has overstated the population of the City of Bandon which is approximately 3,100 and the greater Bandon area is approximately 5,600 not the 7,000 she is stating and we must keep in mind that not all residents of Bandon smoke marijuana and purchase recreational marijuana. Our town is made up of a lot of residents who do not use marijuana. Also, people are allowed to grow up to 4 plants for their personal use.

I think the priority here for the City of Bandon is to put forth the type of image that Bandon has nurtured so far which is a safe, liveable city with a lot of pride. We can take a trip 30 miles north to Coos Bay and see the abundance of marijuana dispensary and from my perspective it is not the most desirable image for a city. Obviously the City of Bandon has given a lot of consideration to the dispensary issue when it put into place Ordinance 1616. Even with the 1,500 foot restriction there are still areas where dispensaries can be placed and with our population there should be no need for more than one recreational medical marijuana dispensary. We are better to be more restrictive than not restrictive enough than to have problems in the future that will be harder to solve because dispensary businesses are already established.

Thank you for your consideration of this letter.

Gail Swan

**TESTIMONY EXCERPTS TAKING FROM
REGULAR PLANNING COMMISSION MEETING
BANDON CITY HALL
SEPTEMBER 28, 2017**

4.2 Measure 56 – Recreational Marijuana Ordinance

Kimes opened the Public Hearing at 9:10 pm for the ordinance amendment of recreational marijuana. The rules and procedures that govern the hearing are available as part of the meeting file.

Disclosures:

No Commissioner's declared ex parte.

Staff Report:

Nichols summarized the Staff Report and provided a timeline of the history of Marijuana Ordinances in the City of Bandon, providing background information on marijuana legalization status across the United States and within the State of Oregon. Staff recommended a Recreational Marijuana Ordinance similar to the existing Medical Marijuana Ordinance, limiting the location of retail sales to specific zones within a set radius of school property and Head start, noting an error in the Staff Report on page seven, letter 'j' which was intended to be two separate points. Kimes stated that requiring 1,000 feet between marijuana retail spaces is a large radius, which may prevent business growth in Bandon. Nichols clarified that retailers commonly hold both licenses for medical and recreational marijuana sales, which allows businesses to market both products from one space. McLaughlin stated that the intent of the radius is to protect the community image, which was a concerning factor throughout the Medical Marijuana Ordinance process, but reminded the Commission that they have the power to change Staff's recommendations, as ultimately the Planning Commission's recommendation is what will be proposed to the City Council.

Testimony:

Isabel Marquez, 16209 W. Hoffeldt Ln., Brookings OR

Martinez shared her experience and knowledge of marijuana as a business owner, facing restrictive zoning and city ordinances in addition to stringent state and federal requirements. She explained the common practice of marketing both medical and recreational cannabis from one storefront, due to financial feasibility. Marquez stated that with only 51 lots available for cannabis sales, Bandon would essentially only be able to support three retailers, which would significantly impact the large stream of revenue the City could profit from. Slothower asked how many stores Bandon could support. Marquez replied that her research indicates that there are around 7,000 people in Bandon proper, which is more than enough to support more than one store. Bremmer asked what hours of operation would be considered normal for marijuana sales. Marquez stated that in her experience, hours of operation are 7 am-10 pm, but this is largely affected by the community in which the store is located. Specific to Bandon, Marquez stated that 8 pm seems like a reasonable closing time with earlier opening hours to accommodate the senior population. Slothower asked the reason for limiting hours of operation. McLaughlin explained the rationale of limiting hours may be to protect community values and image.

The hearing was closed by Kimes at 9:40 pm.

Deliberation:

Tiffany stated that without clear direction from the Council, the recommend ordinance seems fine.

Bremmer addressed the expeditious manner that the recreational marijuana item was sent to the Planning Commission by Council direction, and the history of Council decisions to overturn the Commission's decisions and previous recommendation regarding medical marijuana.

Graham stated his desire to recuse himself from the issue, but without having a true reason to be able to recuse, he wishes to abstain. Graham continued to participate in the hearing, stating that without clear direction from the Council and adequate research, the issue should not have been presented.

Schubothé shared his belief that the Council's Medical Marijuana Ordinance does not reflect the true feelings or desires of the community and stated that perhaps Marijuana as a whole should be more carefully researched prior to rushing through decisions.

McLaughlin reminded the Commissioners of their role and duty to make decisions for the good of the community as appointed members of the Commission.

Slothower wished to remove the 1,000 foot radius requirement and expand business hours. Kimes clarified that the 1,000 foot radius is the State minimum, but the City Council has imposed a 1,500 foot radius from school facilities and Head Start specific to Medical Marijuana. McLaughlin reiterated that the Council has asked the Commission to review the City's Medical Marijuana Ordinance and propose an updated ordinance considering recreational marijuana.

Tiffany clarified that the Commission wishes to make changes to letter G of the proposed ordinance provided in the Staff Report, removing the limit of eight hours of operation; changing letter K to letter L with the additional point in letter J being recognized; letter L changing to Letter M, and reducing the 1,000 foot radius from another retail sales outlet to 500 feet; the 1,500 foot radius from school property be reduced to the State minimum of 1,000 feet; and letter M be changed to letter N, and that all changes be reflected in the existing Medical Marijuana Ordinance. Bremmer discussed the controversial history of the Medical Marijuana Ordinance and the equally controversial inclusion of the Head Start facility as a school.

Bremmer moved to accept the proposed ordinance with the exception of: Letter "G", which shall be changed to "limiting hours of operation to between 8am-8pm"; "J" being broken into two points, changing letters K through M to L through N and designating the new letter "K" to read "Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited."; adjust the restrictive radius to 1,000 linear feet; remove completely the Head Start facility; and apply such changes to the existing Medical Marijuana Ordinance. Tiffany seconded the motion. A roll call vote was taken as reflected below:

Approved: 6:1

Reed	Yes	Schubothé	Yes
Tiffany	Yes	Slothower	Yes
Bremmer	Yes	Kimes	Yes
Graham	No		

Minutes submitted by Megan Worton, Planning Assistant

ORDINANCE NO. 1623

AN ORDINANCE AMENDING BANDON MUNICIPAL CODE TITLE 16 AND 17 TO PROVIDE FOR RECREATIONAL MARIJUANA FACILITIES (RMF)

WHEREAS the Planning Commission and the City Council having held public hearings after all due notice to consider the implementation of the legislation providing for recreational marijuana facilities,

NOW THEREFORE the City of Bandon ordains as follows:

There shall be added to the conditional use for the General Commercial (C-2) and Light Industrial (LI) Zones the use of recreational marijuana facilities by stating: Recreational Marijuana Facilities as such definition as exists under Oregon State Law, Oregon Administrative Rules, and as amending the Bandon Municipal Code, Chapter 16.42.010, said use being licensed and conditioned and governed or adhering to all governing rules and obligations of the state. In addition, thereto having the following local requirements of the City of Bandon, namely:

- A. Must acquire a conditional use permit and provide proof of State licensing. Permit must have a description of location, nature of the operation, accounting and inventory control system used, and names and addresses of individuals with financial interest in the dispensary.
- B. Must meet all City land-use, building, and fire laws.
- C. May not produce any extracts, oils, resins, or other derivatives on-site. Marijuana and marijuana-infused products cannot be used on-site.
- D. Must utilize air filtration and ventilation systems to confine objectionable odors.
- E. Anyone convicted of the manufacture or delivery of a controlled substance once or more in the previous 5 years or twice in a lifetime cannot be an operator or employee or have financial interest in the dispensary.
- F. Minimum parking space requirements will be one space per six hundred (600) square feet of floor area plus one space per two employees.
- G. Hours of operation limited to between 8 A.M. and 8 P.M.
- H. No display promoting or showing any product that can be seen by the public or adjacent public right of way.
- I. Adhering to all requirements of the Bandon Municipal Code.
- J. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle.
- K. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.

- L. Exterior of the building must be consistent with Commercial Design Standards found in Chapter 17.94 of the Bandon Municipal Code. Security bars or grates on windows and doors are prohibited.
- M. Marijuana retail sales outlet shall be located more than 1,000 feet from another marijuana retail sales outlet. Medical and recreational marijuana retail sales do not need to be separated by 1,000 feet if located together in one building if the configuration meets all applicable Oregon Revised Statutes and Oregon Administrative Rules. No more than two registrations or licenses issued by the State of Oregon (e.g. a medical dispensary registrations and a recreational sales license) may be located in one building.
- N. The marijuana retail sales outlet must not include a drive-up use.

Including Recreational Marijuana Facility (RMF) as a conditional use in the General Commercial (C-2) Zone and the Light Industrial (LI) Zone and creating off street parking requirements for such a facility.

No recreational marijuana facility may be located within 1,000 linear feet of any boundary line of the following described properties owned by the school district:

28-14-30AB, Tax Lot(s):	2300
28-14-30AC, Tax Lot(s):	11800
28-15-25DA, Tax Lot(s):	5800, 6000
28-15-25DB, Tax Lot(s):	9300
28-15-25DC, Tax Lot(s):	9100
28-15-25DD, Tax Lot(s):	300, 600, 1500, 3200, 3300, 4001, 4100, 4600, 4801, 6300

PASSED to Second Reading this 6th day of November, 2017.

ADOPTED by the Common Council and APPROVED by the Mayor of the City of Bandon this 6th day of November, 2017.

Mary Schamehorn, Mayor

Attest:

Denise Russell, City Recorder

ORDINANCE NO. 1616

AN ORDINANCE OF THE CITY OF BANDON, COOS COUNTY, OREGON, AMENDING BANDON MUNICIPAL CODE TITLE 16 AND 17 TO PROVIDE FOR MEDICAL MARIJUANA FACILITIES (MMF) WITHIN THE CITY LIMITS, AND DECLARING AN EMERGENCY

WHEREAS the Planning Commission and the City Council having held workshops and public hearings after all due notice to consider the implementation of the legislation providing for medical marijuana facilities,

NOW THEREFORE the City of Bandon ordains as follows:

There shall be added to the conditional use or allowable uses for the General Commercial (C-2) and Light Industrial (L-I) Zones the use of medical marijuana facilities by stating: Medical Marijuana Facilities as such definition as exists under Oregon State law, Oregon Administrative Rules, and as amending the Bandon Municipal Code, Chapter 16.42.10, said use being licensed and conditioned and governed or adhering to all governing rules and obligations of the state. In addition, thereto having the following local requirements of the City of Bandon, namely:

- A.) Must acquire a conditional use permit and provide proof of State licensing. Permit must have a description of location, nature of the operation, accounting and inventory control system used, and names and addresses of individuals with financial interest in the dispensary.
- B.) Must meet all City land-use, building, and fire laws.
- C.) May not produce any extracts, oils, resins, or other derivatives on-site. Marijuana and marijuana-infused products cannot be used on-site.
- D.) Must utilize air filtration and ventilation systems to confine objectionable odors.
- E.) Anyone convicted of the manufacture or delivery of a controlled substance once or more in the previous 5 years or twice in a lifetime cannot be an operator or employee or have a financial interest in the dispensary.
- F.) Minimum parking space requirements will be one space per six hundred (600) square feet of floor area plus one space per two employees.
- G.) Hours of Operation any twelve hours between the hours of 8 A.M. and 10 P.M.
- H.) No display promoting or showing any product that can be seen by the public or adjacent public right of way
- I.) Adhering to all requirements of Bandon Code

Including Medical Marijuana Facility (MMF) as a conditional use in the General Commercial (C-2) Zone and the Light Industrial (LI) Zone and creating off street parking requirements for such a facility.

As with any state law governing the location of medical marijuana facilities in regard to school property no medical marijuana facility may be located within 1000 linear feet of any boundary line of the following described property:

28-14-30AB, Tax Lot(s): 2300
28-14-30AC, Tax Lot(s): 11800
28-15-25DA, Tax Lot(s): 5800 and 6000
28-15-25DB, Tax Lot(s): 93000
28-15-25DC, Tax Lot(s): 9100
28-15-25DD, Tax Lot(s): 300, 600, 1500, 3200, 3300, 4001, 4100, 4600, 4801, and 6300.

PASSED to Second Reading this _____ day of _____, 2015.

ADOPTED by the Common Council and APPROVED by the Mayor of the City of Bandon this _____ day of _____, 2015.

Mary Schamehorn, Mayor

Attest:

Christopher Good, City Recorder