

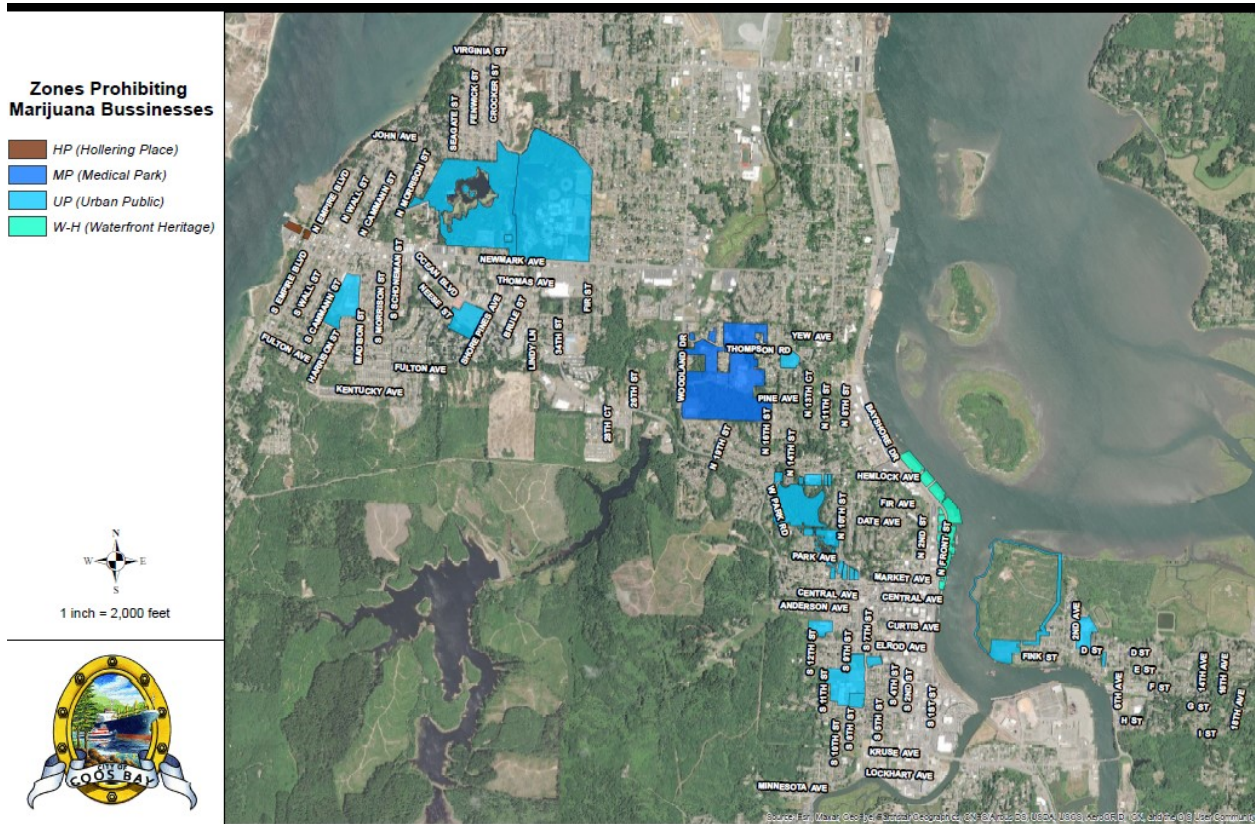
January 11, 2022

Questions?

Contact Carolyn Johnson, Community Development Administrator at 541-269-8924 or cjohnson@coosbay.org.

January 18, 2021 Coos Bay City Council Public hearing/consideration of Coos Bay Municipal Code amendments

Coos Bay Municipal Code (CBMC) amendments will be considered by the City Council related to the prohibition of Marijuana retail, wholesale, grow or processing facilities in the Waterfront Heritage (17.240); Hollering Place (17.250); Urban Public (17.255) and Medical Park Districts.



(17.260).

Marijuana retail sales are currently permitted uses in Commercial, Mixed Use and Commercial Industrial districts. Marijuana processing and indoor grows are permitted in the Commercial Industrial District. The CBMC is silent on marijuana businesses in the subject districts. For this reason, marijuana businesses are prohibited in each district, however marijuana businesses are not specifically identified as prohibited. The addition of prohibition in each of the land use tables for the districts will assure clarity for the public. Below are the proposed revisions (underlined & bold text):

Chapter 17.240 - WATERFRONT HERITAGE DISTRICT

17.240.050 Uses expressly prohibited.

The following uses are expressly prohibited in the WH district:

(2) Commercial Use Types.

(a) Automobile and Equipment.

- (i) Cleaning.
- (ii) Fleet storage.
- (iii) Repairs, light and heavy equipment.
- (iv) Sales/rental, light and heavy equipment, except boats.

- (v) Storage, nonoperating vehicles.
- (b) Agricultural sales/services.
- (c) Building/property maintenance service.
- (d) Fuel sales, other than marine.
- (e) Transportation services, except rail and marine.
- (f) **Marijuana retail, wholesale, grow or processing facilities**

17.240.055 Land uses and permit requirements. Land uses and permit requirements are listed in Table 17.240.055. The table identifies those uses in the waterfront heritage district that are: P = Permitted use; C = Conditional use or X = Prohibited use. The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.240.055 – Land Uses/ and Permit Requirements

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
Commercial Uses						
Business support service		P	P	P	P	P
Child care facility (fewer than 13), accessory to permitted use		P	P	P	P	P
Clinic		P		P		P
Convenience sales and personal services	P	P	P	P	P	P
Dining establishments – Fast order food and sit-down	P	P	P	P	P	P
Drive-in or drive-through facility compliant with the requirements of CBDC 17.335.070	P	X	P	X	P	X
Farmer's market/fish market	P	P	P	P	P	P
Financial, insurance and real estate services	P	P	P	P	P	P
Food and beverage retail sales	P	P	P	P	P	P
Fuel sales – Marine	P		P		P	
Galleries	P	P	P	P	P	P
Manufacturing, limited, which provides public viewing of on-site production and retail sales of finished products	P	P	P	P	P	P
Market place retail sales	P	P	P	P	P	P
Parking services – Prohibited east of Front St. except in WH-3	P	P	P	P	P	P
Participant sports and recreation – indoor and outdoor	P	P	P	P	P	P
Personal services – General	P	P	P	P	P	P
Postal service	P		P		P	
Professional and administrative services	P	P	P	P	P	P
Retail sales – General (less than 10,000 sq. ft. building)	P	P	P	P	P	P
Spectator sports and entertainment – Indoor and outdoor	P	P	P	P	P	P

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
Tourist habitation – Waterfront heritage bed and breakfast	P	P	P	P	P	P
Transportation service – Rail and marine only	P	P	P	P	P	P
Watercraft sales/rentals	P		P		P	
<u>Marijuana retail, wholesale, grow or processing facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses	P	P	P	P	P	P

Chapter 17.250 - HOLLERING PLACE DISTRICT (HP)

Sections:

- 17.250.010 Intent.
- 17.250.020 HP zoning subdistricts.
- 17.250.030 HP-1, upper bluff area.
- 17.250.040 HP-2, lower bench area.
- 17.250.050 Conditional uses in HP-2.
- 17.250.055 Prohibited uses**
- 17.250.060 Estuarine uses and activities.
- 17.250.070 Property development requirements.
- 17.250.080 Site design, guidelines and standards.
- 17.250.090 General design guidelines and standards – Architectural form and composition.

17.250.055 Prohibited uses

(1) Marijuana retail, wholesale, grow or processing facilities.

Chapter 17.255 - URBAN PUBLIC DISTRICT

17.255.020 Land uses and permit requirements.

The permitted uses in the UP district include public facilities, public parks, playgrounds, open spaces, cemeteries, and natural resource preservation or enhancement, subject to the applicable provisions of this and other applicable provisions of this title. Land uses and permit requirements are listed in Table 17.255.020. The table identifies those uses in the urban public district that are: P = Permitted use; C = Conditional use; S = Permitted uses that are subject to special standards; or X = Prohibited. The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.255.020 – Land Uses and Permit Requirements

Uses Expressly Prohibited	
All nonrelated uses	X
<u>Marijuana retail, wholesale, grow or processing facilities</u>	<u>X</u>

Chapter 17.260 - MEDICAL PARK DISTRICT. 17.260.020 Land uses and permit requirements. Land uses and permit requirements are listed in Table 17.260.020. Where a specific use is not listed in the table, the director shall determine the most appropriate similar use in the table. The table identifies those uses in the MP district that are: P = Permitted use; C = Conditional use; S = Permitted uses that are subject to special standards; or X = Prohibited. The applicable procedural requirements are found in Chapter 17.130 CBDC.

Table 17.260.020 – Land Uses and Permit Requirements Use

Non-residential	
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P
Ambulance services	C
Sanitaria, convalescent and rest homes	C
Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses.	C
<u>Marijuana retail, wholesale, grow or processing facilities</u>	<u>X</u>

Council action to approve these amendments will be subject to their review of the following criteria and formulation of findings pursuant to CBMC section 17.360.060 Approval criteria findings. The required criteria (**in bold**) and findings, should the Council approve these changes, are noted below:

(a) The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map; Finding:

Oregon's 2014 ballot measure 91 and subsequent Oregon state and Coos Bay measures legalized marijuana recreational use, commerce and production subject to state and local government regulations. The Coos Bay City Council finds that to assure continuance of with City economic development goals, clarity is required on the prohibition of specific locations for marijuana retail, wholesale, grow or processing facilities in the Waterfront Heritage (CBMC 17.240); Hollering Place (CBMC 17.250); Urban Public (CBMC 17.255) and the Medical Park (CBMC 17.260) zoning districts. The prohibition is required to support specialized land uses tourism (Waterfront Heritage District and Hollering Place); medical services (Medical Park) and public facilities (Urban Public).

(b) The proposed amendment is in the public interest; Finding: The City Council finds the amendment is in the public's interest for tourism, (Waterfront Heritage District and Hollering Place); medical services (Medical Park) and public facilities (Urban Public) to be with marijuana retail, wholesale, grow or processing facilities relegated to the Commercial / Mixed Use and Industrial Commercial districts in order to maximize the City's economic development efforts to facilitate tourism, offer medical services and make available public facilities and services.

(c) Approval of the amendment will not result in a decrease in the level of service for capital facilities and services; Finding: The City Council finds the level of service for capital facilities and services will not be impacted by the amendment's prohibition of marijuana retail, wholesale, grow or processing facilities in the Waterfront Heritage (CBMC 17.240); Hollering Place (CBMC 17.250); Urban Public (CBMC 17.255) and the Medical Park (CBMC 17.260) zoning districts.

(d) The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan; (e) The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and (f) The proposed amendment shall be consistent with the OAR [660-012-0060](#) requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law.

Finding: The City Council finds the amendment consistent with the Coos Bay transportation system as described within the transportation system plan; the amendment would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and the amendment is consistent OAR [660-012-0060](#) requirements.

END