

# City of Bandon

<b>CITY COUNCIL AGENDA DOCUMENTATION</b>	<b>DATE:</b> Nov 6, 2017
<b>SUBJECT:</b> Ordinance #1623 – Proposed Amendments to BMC Title 16 & 17 in regard to Recreational Marijuana	<b>ITEM #:</b> 5.3.2

## BACKGROUND

Background information for this proposed Ordinance is included in section 4.1 of this agenda packet.

Additional discussion and clarification may be warranted prior to taking action on this proposed Ordinance.

## FISCAL IMPACT

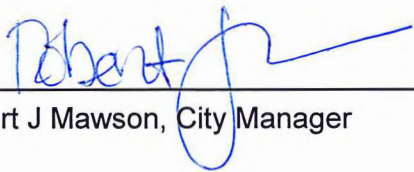
Not applicable.

## RECOMMENDATION

Options for consideration:

- Motion to approve Ordinance #1623, as written.
- Motion to approve Ordinance #1623, with modifications. All proposed modifications should be included in the motion.
- Refer the item back to Staff and/or the Planning Commission for revision or additional action, as directed.

## SUBMITTED BY



Robert J Mawson, City Manager

## **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 6<sup>th</sup> day of November, 2017.

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

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Mary Schamehorn, Mayor

Attest:

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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 Schanehorn, Mayor

Attest:

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Christopher Good, City Recorder