



CITY COUNCIL AGENDA
October 16, 2017, 5:30PM

SPECIAL MEETING: LAND USE APPEAL HEARING

CITY COUNCIL CHAMBERS, CITY HALL
 29592 ELLENSBURG AVE
 GOLD BEACH OR 97444

NOTE: This is a special meeting of the City Council to hear an appeal of a planning commission decision (GBC-1702), and the referral of another planning commission matter (GBC-1701). Regular Council items will not be part of this special hearing and this agenda is modified from the regular agenda format.

Call to order: Time: _____

- 1. The pledge of allegiance**
- 2. Roll Call:**

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		

3. Public Hearing

HEARING #1 - GBA-1701 – An Appeal of the Planning Commission Approval of GBC-1702

GBC-1702 was a request for a conditional use permit to operate a Recreational Marijuana retail sales within an existing commercial building located in the Commercial (4-C) zone. The Planning Commission approved the request on August 16, 2017. An appeal to that approval was filed on September 5, 2017.

HEARING #2 - GBC-1701 – A Referral from the Planning Commission

GBC-1701: A request for a conditional use permit to operate a Recreational Marijuana retail sales and grow site within an existing commercial building located in the Commercial (4-C) zone. The Planning Commission referred this matter to the Council on September 18, 2017.

The next regularly scheduled City Council meeting is **Monday, November 13, 2017, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

Adjourn Time: _____

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community



**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

GOLD BEACH CITY COUNCIL AGENDA REPORT

GBA-1701 - Appeal of Planning Commission approval of GBC-1702, a conditional use permit authorizing a recreational marijuana retail business in the Commercial (4-C) zone;

AND GBC-1701 – a referral from the Planning Commission of a conditional use permit request to authorize a recreational marijuana retail sales and grow operation in the Commercial (4-C) zone

CONDUCT OF THE HEARING

Staff will provide a detailed “script” on the statutory and local code requirements for land use hearings prior to the meeting. Land use actions are “quasi-judicial” which is exactly like it sounds – kind of like a judicial hearing. The Council members are like judges in a courtroom. You will be presented the report from staff, you will receive testimony (not sworn though) from persons in favor and in opposition to the proposal, you will have the opportunity to question folks, you may ask for additional information, and you may continue the hearing. If the hearing is not continued, you will deliberate to an oral decision. Staff will prepare a Final Order based on that decision. Your decision is not final until it is reduced to writing. State law permits that the written decision may be appealed to the Land Use Board of Appeals.

SUMMARY AND BACKGROUND:

Appeals of planning commission decisions are de novo hearings—meaning: starting from the beginning, so the process starts again with the Council. Typically in appeals the appellate body is provided the record of the proceedings from the prior decision maker. The information from the Planning Commission hearings is provided as attachments to this report and a legend to the attachments is below:

DOCUMENTS ATTACHED TO THIS COUNCIL REPORT	
Intent to Appeal form, GBC-1702 Final Order, and Appeal & Referral mailed notice	Begins on page 10
July 24, 2017 Planning Commission Packet	Begins on page 22
July 24, 2017 Letters received for hearing	Begins on page 87
August 16, 2017 Planning Commission Packet	Begins on page 90
September 18, 2017 Planning Commission Packet	Begins on page 144
Sections of Parking Code	Begins on page 157

The applications are somewhat confusing because the application numbers are similar, the



**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

locations are almost adjacent to one another, and the conditional use permit requests are almost identical. I have listed the applicants, request, and locations below:

GBA-1701/GBC-1702

Property Owner: John Krenzelo

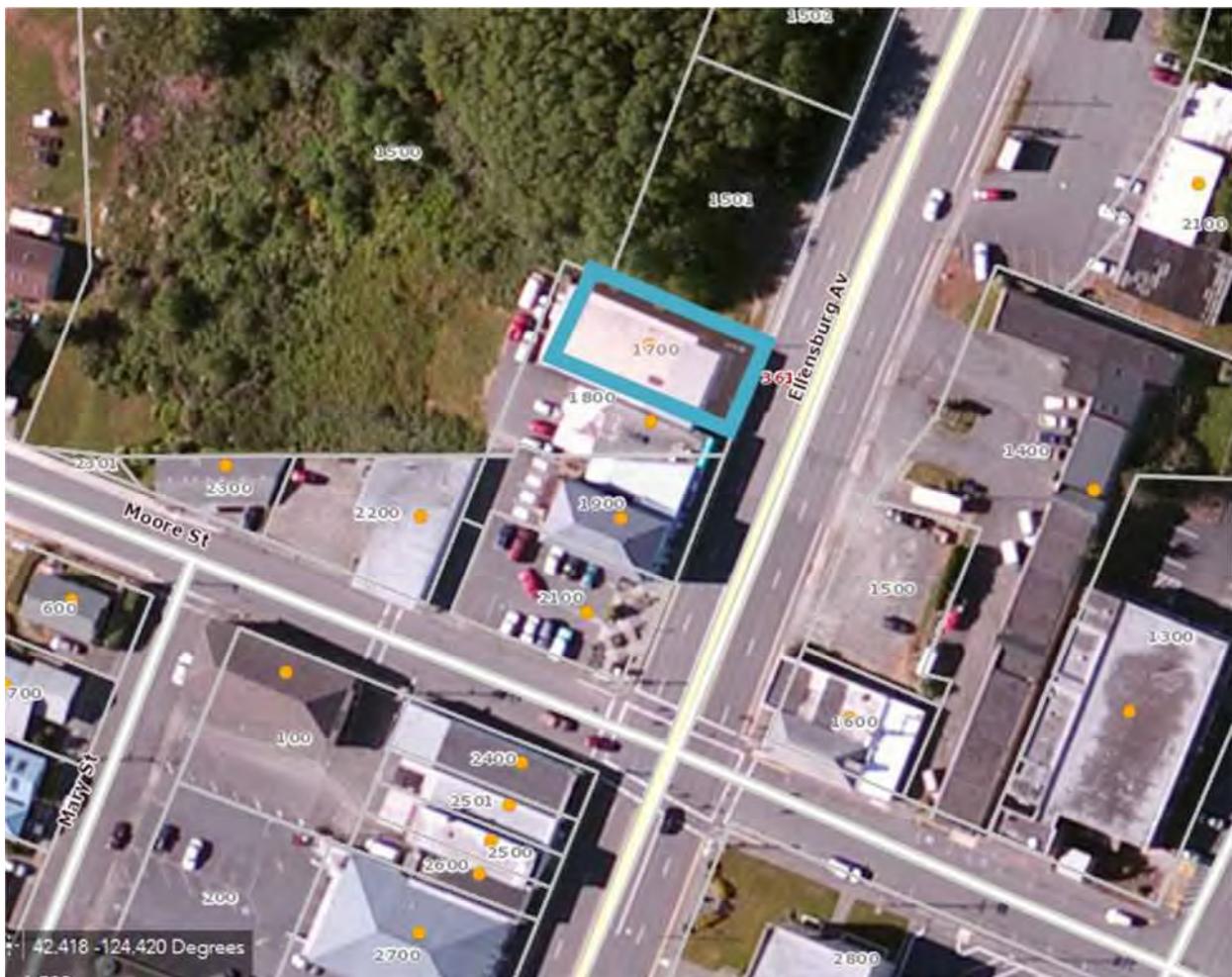
Agent/Applicant: Zachary Fairley & Troy Duzon

Location: The subject property is located at 29852 Ellensburg Avenue

Assessor Map Number: 3615-36DA tax lot 1702

Location: The subject property is located at 29852 Ellensburg Avenue approximately 90' north of the Pocket Park.

The subject property is approximately 0.12 acres in size.





**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

GBC-1701

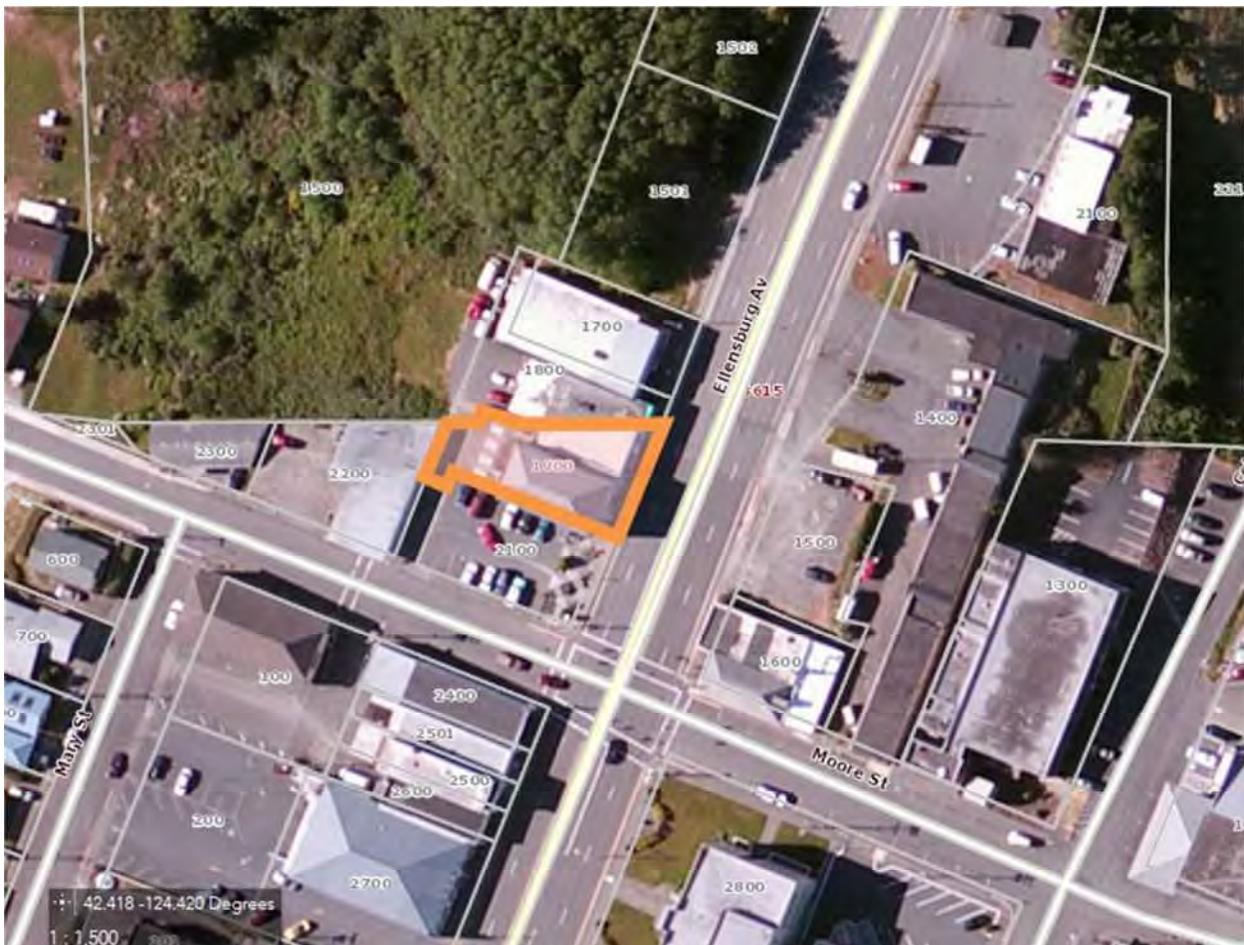
Property Owner/Applicant: Aaron Mitchell, La Mota LLC

Location: The subject property is located at 29846 Ellensburg Avenue

Assessor Map Number: 3615-36DA tax lot 1900

Location: The subject property is located at 29846 Ellensburg Avenue adjacent to the Pocket Park.

The subject property is approximately 0.13 acres in size.



The subject property is currently occupied with a large commercial building with retail/office on the first floor and apartments above.



**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

State land use law requires that the criteria applicable to the requests be read into the record (which staff will do during the staff portion of the hearing). The criteria are also required to be included in the official mailed notice of the hearing. The criteria are listed below:

Applicable Criteria - Citation of criteria applicable to this application:

Gold Beach Zoning Ordinance

Section 9.040 Appeal

Commercial (4-C) Zone

Section 2.330 Conditional Uses Permitted

9. Recreational Marijuana Wholesaler or Retailer (subject to specific conditional use standards of Section 6.042(10))

(subject to specific conditional use standards of Section 6.042(10))

10. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted (subject to specific conditional use standards of Section 6.042(10))

ARTICLE VI. Conditional Uses

Section 6.042 Specific Conditional Use Standards

10. Medical or Recreational Marijuana Uses

For brevity staff is not going to duplicate the original staff reports for this agenda report. I will refer you to the July planning commission packet for staff's review of the proposals and staff's recommendation to the planning commission. I will, however, reiterate the following:

Locally, City voters in the November 2016 election approved Measure 8-87, which permitted the taxing of recreational marijuana facilities. By approving the proposed tax, this effectively permitted the use of recreational marijuana facilities within the City limits.

After the adoption of the measure, the City Council determined that, while marijuana sales were not prohibited within the City limits, the City would regulate the businesses through the land use planning process. The Council adopted Ordinance 661 in December 2016 which provided provisions within the zoning ordinance for recreational and medical marijuana facilities **CONDITIONALLY** within the Commercial (4-C) and Industrial (5-I) zones.

So, to clarify, marijuana businesses are not prohibited within the City but they are regulated.



**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

The land use decision before the Council tonight is whether the applicants have met the burden of proof to approve the conditional use permit requests as initially submitted, or as amended subsequent to the original requests in July.

There will (I think) be a lot of desire to discuss the merits of marijuana, the legality of marijuana sales and use, or the “message” that marijuana shops within Gold Beach sends to the public. While those are valid topics (*that in my opinion we have discussed ad nauseam in the past 3 years*) that are not relevant to the land use appeal before the Council tonight. If the Council wishes to discuss those topics, then staff recommends that the Council refer those particular topics to a later regular Council meeting date. The discussion before the Council tonight must stay focused on the land use appeal and referral.

The three main issues from the planning commission hearings were:

1) Adequate Parking

Both of the proposed businesses are located in the same area at the corner of Hwy 101 and Moore street, kitty-corner to the courthouse. This area is seriously deficient on adequate parking for existing commercial and other uses.

2) Impact to existing businesses

A tavern/restaurant is sandwiched between the two proposed MJ shops. The owners of the tavern have grave concerns about the MJ shops and how the required OLCC security measures will adversely affect their tavern business. They are also concerned about parking trespass and impacts of impaired MJ users who then come into their business.

3) Safety Concerns

There was a lot of concerned voiced over personal safety, adverse impacts of drug use adjacent to an existing church, and increased illegal behavior at the Pocket Park.

The Planning Commission took a lot of time to hear each person’s concerns and attempted in the conditions of approval to mitigate the possible adverse effects. They did take the concerns addressed to them seriously.

REPRINT OF STAFF CONCLUSIONS FROM ORIGINAL JULY PLANNING COMMISSION REPORT:

Overall Staff Conclusions
Recreational marijuana uses were approved by Oregon voters in the November 2014 election. City voters in the November 2016 election approved recreational and medical marijuana facilities conditionally within the Commercial (4-C) and Industrial (5-I) zones. The City received



LAND USE APPEAL AND REFERRAL STAFF REPORT

its first two requests for recreational MJ businesses in May and June of 2017—both those requests are currently scheduled before the Planning Commission for land use review.

Recreational MJ businesses are regulated by the state through the Oregon Liquor Control Commission (OLCC). Prior to review of prospective businesses, the applicants are required to consult with the local jurisdiction about land use compatibility (planning and zoning). The applicants have submitted Land Use Compatibility Statements (LUCS) to the City to be authorized as retailers, producers, and wholesalers at this location. If the City grants them conditional use approval for their proposed business, then they will continue on with the OLCC process to be licensed.

Staff Discussion Points:

- MJ businesses, while legal in Oregon, are still not legal federally and that means the business can't bank. MJ is a cash only business. That does raise some concerns for staff which is why we suggest that, if the PC approves the proposed use, that Planning, Police, and Fire staff must inspect and approve the facility prior to commencement of business. Each of the departments regulate specific aspects of this type of business.
- There is a known issue with parking in this location—staff acknowledges that this situation is not of the applicants making, but it does need to be discussed and addressed. Based on staff's assessment of all the uses in this block, a total of 71 spaces would be required to satisfy all the business off-street parking needs. Obviously there are not even close to 71 parking spaces here.
- There are concerns from surrounding property owners about potential adverse affects to their properties and current businesses. Again, these concerns should be discussed and the concerns mitigated, if possible.
- Marijuana businesses were not prohibited by the Council nor by the voters. That decision to *not prohibit* these types of businesses should be taken into consideration by the Commission.
- While the choice to use marijuana is a personal one, the land use is similar to liquor or alcohol businesses—and probably should be treated similarly. Indeed the businesses are regulated by the same state agency. The City does receive tax revenue from the state on liquor and tobacco sales—we would receive MJ tax as well. We also passed a local City tax on MJ businesses.
- A concern that has been voiced to staff is the possible increase of illegal activities that may be associated with the businesses. If the Commission approves the proposed use, a condition of approval could be placed that if complaints regarding the business(es) are found to be valid, then staff will refer the matter back to the Commission for further review and action. This would be a mechanism to monitor potential adverse effects to



**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

the surrounding neighbors.

- Staff also has a mechanism to monitor the businesses through OLCC—just like with taverns and stores that sell alcohol. If we suspect that a business may not be operating within the OLCC regulations, we have the ability to notify OLCC and request that they investigate.

If the council makes the decision to approve the requests, the following proposed recommended conditions of approval are from the Planning Commission hearings (*these are a combination of initial staff recommendations and additional recommendations from the PC members*):

CONDITION #1: To minimize conflicts with the adjacent church facility, retail store operations open to the public are prohibited prior to 1:00pm on Sundays.

CONDITION #2: Pursuant to Section 6.042 (10)(b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.

CONDITION #3: Pursuant to Section 6.042 (10)(c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.

CONDITION #4: Pursuant to Section 6.042 (10)(d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.

CONDITION #5: Pursuant to Section 6.042(10)(e) No remnants or by-products shall be placed in the facility's exterior refuse containers. Disposal of marijuana remnants and by-products will comply with OLCC best practice standards.

CONDITION #6: Pursuant to Section 6.042 (10)(f) Production of oil based products or distilling of oil is not permitted within the Commercial (4-C) zone.

CONDITION #7: Review, inspection, and approval of the facility and proposed uses by the Planning Director, Police Chief, and Fire Chief shall be required prior to the commencement of business.

CONDITION #8: If complaints regarding the business are received by City staff, and are found to be valid, the Planning Director will refer the matter back to the Commission for further review and action.



**LAND USE APPEAL AND REFERRAL
STAFF REPORT**

CONDITION #9: Cellular backup of the landline autocall for security alarm call-outs shall be provided.

DOCUMENTS ATTACHED TO STAFF REPORT:

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APPEAL OF GBC-1702 & NOTICE FOR APPEAL AND REFERRAL HEARING



CITY OF GOLD BEACH-Planning Department
 29592 Ellensburg Avenue
 Gold Beach, OR 97444
 541-247-7029

RECEIVED

Date Received:

SEP 05 2017

CITY OF GOLD BEACH

For Office Use Only: FILE #

FEE: \$600

Notice of Intent to Appeal Land Use Decision

The land use decision I am appealing (please write down the application number—staff can assist you if you are uncertain)

GBC-1702

When was the decision to be final on the application you are appealing? The appeal deadline is on the mailed notice you received.

5 PM, SEPTEMBER 5, 2017

Appellant Information: print name): MARCIA BERNARD, Lydia Hamilton, Paula Newell

Mailing address: [REDACTED] GOLD BEACH, OR 97444

Phone: [REDACTED] Email:

Once the Planning Director has received your notice of appeal and the appropriate fee (the appeal fee is equal to the original application fee by Resolution R1718-05) an appeal hearing will be scheduled before the City Council. The appeal hearing is a special meeting of the Council and not conducted during the normal monthly council meeting. You will be notified by the Planning Director of the hearing date and time.

If you have any questions in the meantime please contact:

Jodi Fritts, City Administrator/Planning Director
 541-247-7029
jfritts@goldbeachoregon.gov

**CITY OF GOLD BEACH PLANNING COMMISSION
NOTICE OF DECISION
GBC-1702**



Decision Notice Date: August 21, 2017

Appeal Period Expiration: 5PM September 5, 2017

OWNER: John Krenzelok AGENT: Zachary Fairley

NATURE OF DECISION & CONDITIONS OF APPROVAL

GBC-1702 Map: 3615-36DA tax lot 1700

ORDER IN THE APPROVAL of application GBC-1702, a request for conditional use approval to authorize a MARIJUANA RETAIL SALES business within the Commercial (4-C) zone. The subject property is identified as Assessor Map No. 3615-36DA tax lot 1700. The application was filed by Zachary Fairley, agent for the property owner, John Krenzelok.

CONDITIONS OF APPROVAL – GBC-1702

CONDITION #1: To minimize conflicts with the adjacent church facility, retail store operations open to the public are prohibited prior to 1:00pm on Sundays.

CONDITION #2: Pursuant to Section 6.042 (10)(b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.

CONDITION #3: Pursuant to Section 6.042 (10)(c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.

CONDITION #4: Pursuant to Section 6.042 (10)(d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.

CONDITION #5: Pursuant to Section 6.042(10)(e) No remnants or by-products shall be placed in the facility's exterior refuse containers. Disposal of marijuana remnants and by-products will comply with OLCC best practice standards.

CONDITION #6: Pursuant to Section 6.042 (10)(f) Production of oil based products or distilling of oil in not permitted within the Commercial (4-C) zone.

CONDITION #7: Review, inspection, and approval of the facility and proposed uses by the Planning Director, Police Chief, and Fire Chief shall be required prior to the commencement of business.

CONDITION #8: If complaints regarding the business are received by City staff, and are found to be valid, the Planning Director will refer the matter back to the Commission for further review and action.

CONDITION #9: Cellular backup of the landline autocal for security alarm call-outs shall be provided.

CONDITION #10: The three (3) parking stalls as indicated on the site plan submitted for the August 16th shall be reserved for employee and ADA parking.

REQUIRED STATUTORY NOTICE

Any person who is adversely affected or aggrieved by this decision, or who is entitled to written notice of this land use action, may appeal this decision to the Gold Beach City Council. Such appeal must be initiated by filing a "Notice of Intent" to appeal the decision, along with the appropriate fee (appeal fee \$600), prior to the appeal expiration date listed above. *Please note: appeals will not be accepted by fax or email.* If an appeal is not filed within the 15 day filing period, the decision is final. A person who is mailed written notice of this decision cannot appeal the decision directly to the Land Use Board of Appeals (LUBA) under ORS 197.830. A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at the planning office in City Hall-29595 Ellensburg Avenue, Gold Beach. Copies may be obtained at a cost of \$0.25 per page. Emailed copies are provided at no cost if a request is received in writing or via email.

If you have any questions about this notice, or would like a copy of the staff report and final order emailed to you please contact:

Jodi Fritts

jfritts@goldbeachoregon.gov

541-247-7029

**THE PLANNING COMMISSION OF THE CITY OF GOLD BEACH
COUNTY OF CURRY, STATE OF OREGON**

IN THE MATTER OF THE REQUEST)	FINAL ORDER &
FOR CONDITIONAL USE APPROVAL)	FINDINGS OF FACT
TO OPERATE A MARIJUANA)	
RETAIL SALES BUSINESS WITHIN)	
THE COMMERCIAL (4-C) ZONE)	

ORDER IN THE APPROVAL of application GBC-1702, a request for conditional use approval to authorize a MARIJUANA RETAIL SALES business within the Commercial (4-C) zone. The subject property is identified as Assessor Map No. 3615-36DA tax lot 1700. The application was filed by Zachary Fairley, agent for the property owner, John Krenzelo.

WHEREAS:

This matter came before the Gold Beach Planning Commission as an application for a conditional use permit for a MARIJUANA RETAIL SALES business within the Commercial (4-C) zone.

A hearing was held before the Planning Commission after giving public notice as required by City ordinance and ORS 197.763. The initial public hearing was held on Monday, July 24, 2017. After receiving the staff report and public testimony the hearing was continued until August 16, 2017, for the following purposes:

GBC-1702

The meeting was continued until Wednesday, August 16, 2017 at 6pm to allow sufficient time for:

- the applicant to submit the following:
 - a parking plan; and
 - an internal site plan of the commercial building delineating the leased portion of that building that will be utilized for the proposed marijuana retail store; and
- for staff to gather the following requested information:
 - information from law enforcement regarding calls for service related to marijuana facilities; and
 - staff to consult with OLCC about whether there are any limitations on marijuana facility locations in relation to their proximity to public parks.

At the public hearings evidence and testimony were presented by administrative staff in the form of a staff report and exhibits. The hearings were conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in the Gold Beach Zoning

Ordinance. The Planning Commission received oral and written testimony concerning the application.

At the August 16th continued hearing, the Planning Commission, upon a motion duly made and seconded, voted to APPROVE the request as set forth above based on decision criteria, findings of fact, and conclusions of law as set forth in this order.

DECISION CRITERIA:

Commercial (4-C) Zone

Section 2.330 Conditional Uses Permitted

9. Recreational Marijuana Wholesaler or Retailer

10. Medical or Recreational Marijuana Producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted.

Section 6.042 Specific Conditional Use Standards

10. Medical or Recreational Marijuana Uses (a-f)

FINDINGS OF FACT:

The Planning Commission based their approval on the staff report for July 24th, staff memo for August 16th, written findings from the applicant, and oral testimony received at both hearings. The Commission made the specific finding that the marijuana retail sales business would probably not have a net increase in the existing off-street parking in the vicinity and found its use similar to the liquor store on the corner of Moore and Hwy 101.

CONCLUSIONS OF LAW:

The burden of proof is upon the applicant in providing the proposal fully complies with applicable criteria. The Planning Commission finds that, based on the staff report and evidence and testimony presented at the hearing, that the applicant has sufficiently met the burden of proof needed to approve the conditional use permit request.

NOW THEREFORE LET IT BE ORDERED that application GBC-1702, a request for conditional use approval to authorize a MARIJUANA RETAIL SALES business within the Commercial (4-C) zone on the subject property identified as Assessor Map No. 3615-36DA tax lot 1700 is APPROVED subject to the conditions on the following page:

CONDITIONS OF APPROVAL – GBC-1702

CONDITION #1: To minimize conflicts with the adjacent church facility, retail store operations open to the public are prohibited prior to 1:00pm on Sundays.

CONDITION #2: Pursuant to Section 6.042 (10)(b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.

CONDITION #3: Pursuant to Section 6.042 (10)(c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.

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CONDITION #6: Pursuant to Section 6.042 (10)(f) Production of oil based products or distilling of oil is not permitted within the Commercial (4-C) zone.

CONDITION #7: Review, inspection, and approval of the facility and proposed uses by the Planning Director, Police Chief, and Fire Chief shall be required prior to the commencement of business.

CONDITION #8: If complaints regarding the business are received by City staff, and are found to be valid, the Planning Director will refer the matter back to the Commission for further review and action.

CONDITION #9: Cellular backup of the landline autocall for security alarm call-outs shall be provided.

CONDITION #10: The three (3) parking stalls as indicated on the site plan submitted for the August 16th shall be reserved for employee and ADA parking.

This order in the approval of Application GBC-1702 reviewed and approved by the Gold Beach Planning Commission Vice-Chair on this 21ST day of August, 2017.

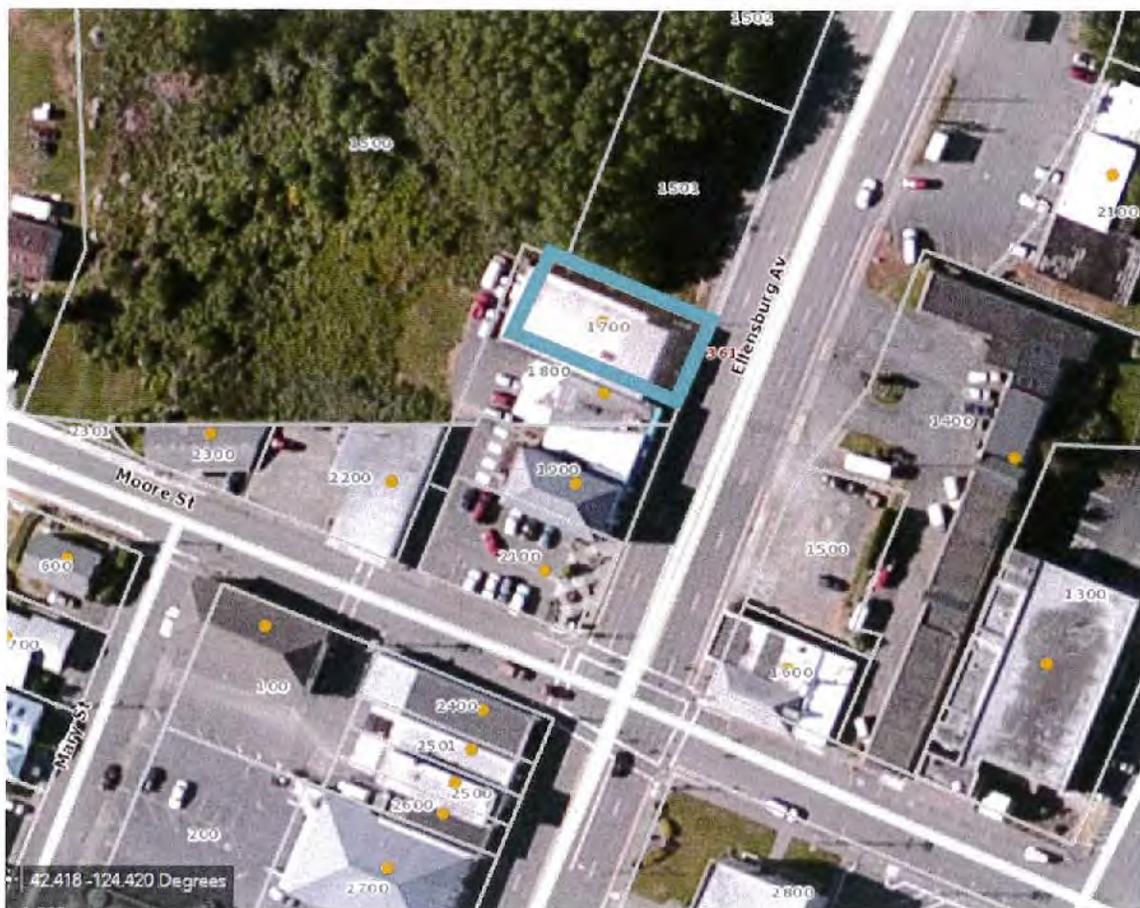
APPROVED BY:


Bob Chibante, Vice Chair

ATTEST:


Jodi Fritts, City Administrator/Planning Director

Attachments to this Final Order and incorporated by reference:
A – Applicants Site Plan
B – July 24, 2017 Staff Report
C – August 16, 2017 Staff Memo





Notice of TWO Land Use Hearings before the Gold Beach City Council

First: GBA-1701 – An Appeal of the Planning Commission Approval of GBC-1702

GBC-1702 was a request for a conditional use permit to operate a Recreational Marijuana retail sales within an existing commercial building located in the Commercial (4-C) zone. The Planning Commission approved the request on August 16, 2017. An appeal to that approval was filed on September 5, 2017.

Second: GBC-1701 – A Referral from the Planning Commission

GBC-1701: A request for a conditional use permit to operate a Recreational Marijuana retail sales and grow site within an existing commercial building located in the Commercial (4-C) zone. The Planning Commission referred this matter to the Council on September 18, 2017.

PUBLIC HEARING

Date: Monday, October 16, 2017

Time: 5:30 PM (*first hearing will begin*)

Place: City of Gold Beach Council Chambers
City Hall, 29592 Ellensburg Ave

Applicable Criteria - Citation of criteria applicable to this application:

Gold Beach Zoning Ordinance

Section 9.040 Appeal

Commercial (4-C) Zone

Section 2.330 Conditional Uses Permitted

9. Recreational Marijuana Wholesaler or Retailer (subject to specific conditional use standards of Section 6.042(10))

(subject to specific conditional use standards of Section 6.042(10))

10. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted (subject to specific conditional use standards of Section 6.042(10))

ARTICLE VI. Conditional Uses

Section 6.042 Specific Conditional Use Standards

10. Medical or Recreational Marijuana Uses

Applicants and Subject Properties:

GBA-1701/GBC-1702

Property Owner: John Krenzelok

Agent/Applicant: Zachary Fairley & Troy Duzon

Location: The subject property is located at 29852 Ellensburg Avenue

Assessor Map Number: 3615-36DA tax lot 1702

GBC-1701

Property Owner/Applicant: Aaron Mitchell, La Mota LLC

Location: The subject property is located at 29846 Ellensburg Avenue

Assessor Map Number: 3615-36DA tax lot 1900

SUBMISSION OF EVIDENCE AND TESTIMONY:

Persons may submit evidence to the record of the hearing on this matter until the record is declared closed by the decision making body. All verbal testimony shall be stated directly to the decision-making body prior to the point at which the public hearing is declared closed. If the decision making body declares that the record is to remain open for a time period following the public hearing then written evidence and documents shall be submitted in accordance with the instructions provided at the public hearing. All written evidence and documents submitted should be legible, page numbered and identified with the application number indicated on this notice.

REQUIRED STATUTORY NOTICE:

ORS 197.763 (3)(e) states that failure to raise an issue either in person or by letter of failure to provide statements or evidence sufficient to allow the decision maker an opportunity to respond to the issue precludes appeal to a higher judicial review based on that issue.

DOCUMENTS AND STAFF REPORT

A copy of the file containing the application, all documents and evidence relied upon by the applicant and applicable criteria are available for review at no charge at City Hall. A copy of the staff report to be used in the hearing will be available for review at no charge at City Hall seven days prior to the public hearing. Copies of the above documents can be obtained at City Hall for a copy charge of \$0.25 per page.

For further information regarding this notice please contact:

Jodi Fritts, City Administrator/Planning Director

email: jfritts@goldbeachoregon.gov

541-247-7029

29592 Ellensburg Ave

Gold Beach, OR 97444

City Hall hours are: 8AM to 5PM, Monday through Friday



JULY 2017 PLANNING COMMISSION PACKET



AGENDA

City Council Chambers
 City Hall, 29592 Ellensburg Avenue
 Gold Beach, OR 97444

Monday, July 24, 2017, 6:00PM

Call to order: **Time:** _____
 Pledge of Allegiance

	Present	Absent
Position #1 Summer Matteson-Kinney		
Position #2 VACANT		
Position #3 Thomas Schultz		
Position #4 VACANT		
Position #5 Robert Chibante		
City Administrator/Planning Director Jodi Fritts		

I. Additions to the Agenda

II. New Business

III. Public Hearings

GBC-1701 map 3615-36DA tax lot 1900

Filed by Aaron Mitchell DBA La Mota LLC

Conditional Use request to authorize a Recreational Marijuana retail, producer, and wholesaler business in the Commercial (4-C) zone

GBC-1702 map 3615-36DA tax lot 1700

Filed by Gold Beach Marijuana LLC/Releaf Gold Beach LLC for property owners John & Lisa Krenzelok

Conditional Use request to authorize a Recreational Marijuana retail business in the Commercial (4-C) zone

IV. Old Business

V. Adjourn

If you have any questions prior to the meeting please contact Jodi Fritts, City Administrator:

jfritts@goldbeachoregon.gov

541-247-7029



MARIJUANA BUSINESSES ZONING CODE AMENDMENTS

ORDINANCE NO. 661

**AN ORDINANCE AMENDING ORDINANCE 634, THE GOLD BEACH ZONING ORDINANCE,
PROVIDING PROVISIONS FOR RECREATIONAL AND MEDICAL MARIJUANA DISPENSARIES
WITHIN THE COMMERCIAL (4-C) AND INDUSTRIAL (5-I) ZONES**

WHEREAS, In 1998 the voters of the state of Oregon originally approved Measure 67 commonly known as the Oregon Medical Marijuana Act; and

WHEREAS, In 2014 the voters of the state of Oregon approved Measure 91 which provided for personal growing, possession, and use of limited amounts of non-medical recreational marijuana; and

WHEREAS, The state legislature made changes to both laws in 2015 and provided a framework for reasonable time, manner, and place restrictions by local jurisdictions on medical and recreational marijuana growers, processors, dispensaries and retailers; and

WHEREAS, The City Council, after several public hearings and workshops, has determined reasonable time, manner, and place restrictions shall be incorporated into the City Zoning Ordinance #634, specifically within the Commercial and Industrial zones.

Section 1. The following sections of the Gold Beach Zoning Ordinance are hereby amended:

Section 1.030 Definitions

Commercial Zone (4-C)

Section 2.330 Conditional Uses Permitted

Industrial Zone (5-I)

Section 2.430 Conditional Uses Permitted

ARTICLE III Supplementary Provisions

Section 3.050 Home Occupations

ARTICLE VI Conditional Uses

10. Medical or Recreational Marijuana Uses

AMENDMENTS TO GBZO TO ALLOW FOR Medical and Recreational Marijuana Uses within the Commercial and Industrial Zones

Regular type is existing language to remain unchanged

Bold Italic is new language to be added or amended

~~Strikethrough~~ is language to be removed

Ordinance 661

Amending Ordinance 634 Zoning Ordinance

Page 1 of 10

Add to Section 1.030 Definitions:

Marijuana. *the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.*

Marijuana Facility. *A Medical Marijuana Grow Site, a Medical Marijuana Processing Site, a Medical Marijuana Dispensary, a Recreational Marijuana Producer, a Recreational Marijuana Processor, a Recreational Marijuana Wholesaler or a Recreational Marijuana Retailer.*

Medical Marijuana Dispensary. *A medical marijuana dispensary registered with the Oregon Health Authority pursuant to ORS 475B.450.*

Medical Marijuana Grow Site. *A medical marijuana grow site registered with the Oregon Health Authority pursuant to ORS 475B.420.*

Medical Marijuana Processing Site. *A medical marijuana processing site registered with the Oregon Health Authority pursuant ORS 475B.435.*

Recreational Marijuana Processor. *A recreational marijuana processor licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.090.*

Recreational Marijuana Producer. *A recreational marijuana producer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.070.*

Recreational Marijuana Retailer. *A recreational marijuana retailer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.110.*

Recreational Marijuana Wholesaler. *A recreational marijuana wholesaler licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.100.*

Regular type is existing language to remain unchanged
Bold Italic is new language to be added or amended
~~Strikethrough~~ is language to be removed

Commercial Zone (4-C)

Section 2.310. Purpose of Classification.

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

Section 2.320. Uses Permitted Outright.

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.

14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

Section 2.330. Conditional Uses Permitted.

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling.
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)

5. Wind generator (1).
6. Mobile or portable office.
7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
8. ***Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (10))***
9. ***Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (10))***
10. ***Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10))***

Section 2.340. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

END OF (4-C) COMMERCIAL ZONE AMENDMENTS

Regular type is existing language to remain unchanged
Bold Italic is new language to be added or amended
~~Strikethrough~~ is language to be removed

Industrial Zone (5-I)

Section 2.410. Purpose of Classification.

The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
4. Building material storage yard.
5. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
6. Tire retreading or vulcanizing shop.
7. Wholesale trucking and storage establishment.
8. Machine shop or cabinet shop.
9. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.430.
10. Utility facility, including substation or pumping station.
11. Communications transmitter, receiver, antenna or tower.

Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.
3. Place of worship or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators (1).
7. Recreational vehicle park or campground
8. Mobile or portable office.
9. ***Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (10))***
10. ***Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (10))***
11. ***Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10))***
12. ***Medical or Recreational Marijuana processor (distilling & extracts) provided the entire processing operation and accessory uses are conducted within a legally constructed building. No outside storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10))***

Section 2.440. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 5-I zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required. must be conformed with.

Section 2.450. Height of Building.

Except as provided in Section 4.020 in a 5-I zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

END OF (5-I) INDUSTRIAL ZONE AMENDMENTS

Regular type is existing language to remain unchanged
Bold Italic is new language to be added or amended
~~Strikethrough~~ is language to be removed

Section 3.050. Home Occupations.

Definition: Home occupation means any business or professional activity engaged in for the production of income by a resident of a dwelling or dwelling unit as a subordinate use of the building and its premises, and in conformance with the standards listed below. Such term does not include the lease or rental of a dwelling unit or the rental of guest rooms on the same premises.

Marijuana Facility as defined in Section 1.030, and any accessory use to a marijuana facility, is expressly prohibited as a Home Occupation.

Section 6.042 Specific Conditional Use Standards

10. Medical or Recreational Marijuana Uses

- a) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration. This includes, but is not limited to: siting standards, proximity to schools or other marijuana or OLCC regulated facilities, hours of operation, security measures, etc.***
- b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.***
- c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.***
- d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.***
- e) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.***
- f) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-1) zone. Review and inspection of the facility and proposed uses by the Fire Chief shall be required prior to the commencement of business.***

END OF ALL PROPOSED AMENDMENTS

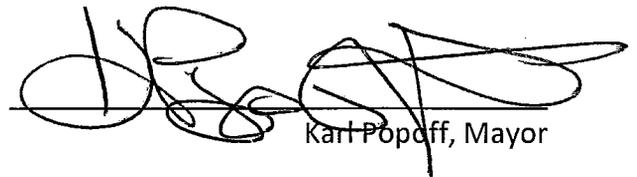
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Section 2. All other sections and provisions of Ordinances 634 are unaltered and remain in effect.

Section 3. General Savings Provision and Continuity of Existing Provisions.

This code shall not affect the rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code. The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective shall be construed as restatements and continuations of the prior provisions.

Passed and Adopted by the City Council of the City of Gold Beach, Oregon, State of Oregon, on this 12th day of December, 2016.



Karl Popoff, Mayor

ATTEST:



Jodi Fritts, City Administrator

1 st & 2 nd READING	December 12, 2016
AYES	NAYS
4	0



File #: GBC-1701

Planning Commission Hearing Date: July 17, 2017

Map/TL: 3615-36DA tax lot 1900

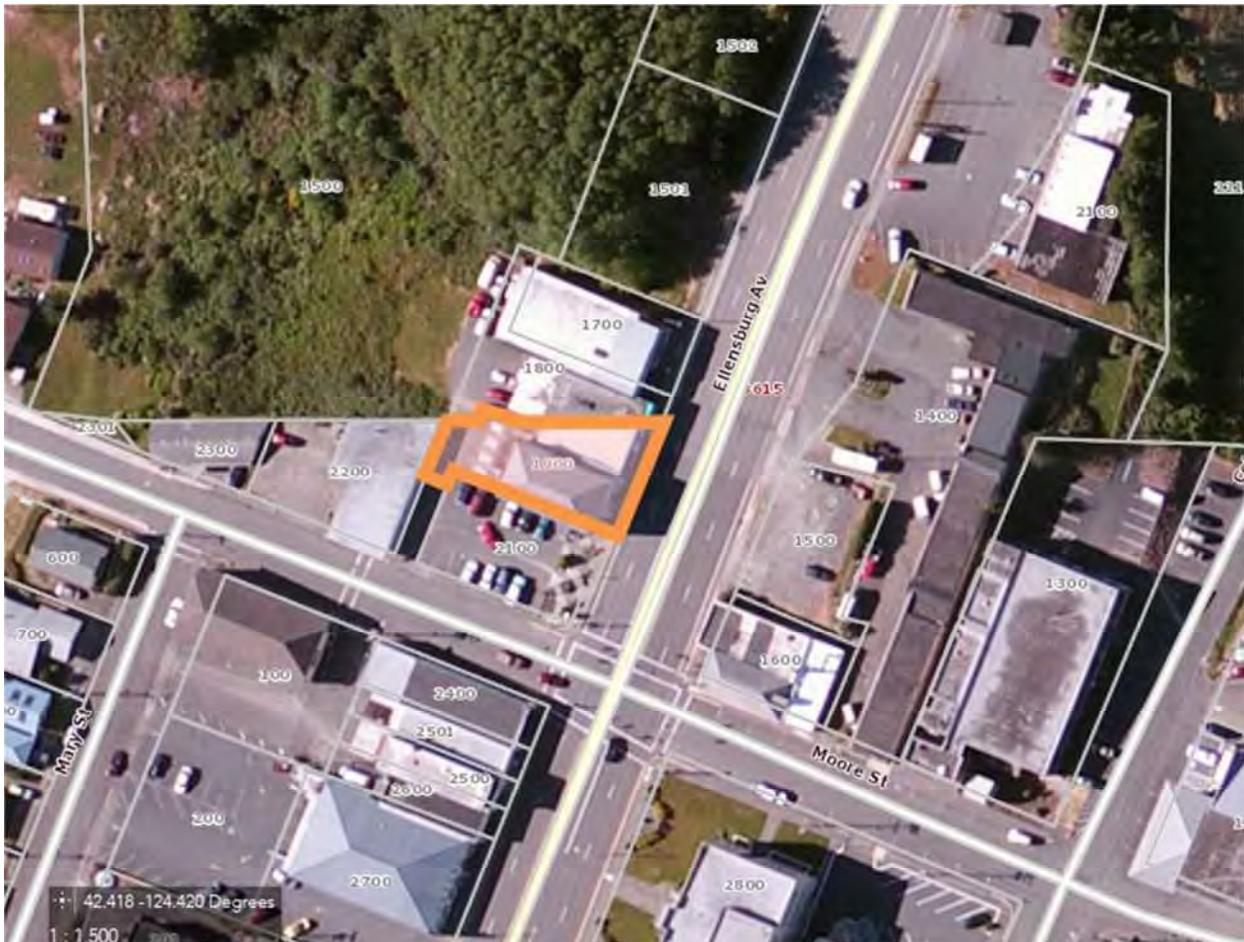
Applicants: La Mota LLC – Aaron Mitchell

Land Use Request: A request for conditional use authorization to operate a Recreational Marijuana retail sales and grow site in the Commercial (4-C) zone

Background Information:

Location: The subject property is located at 29846 Ellensburg Avenue adjacent to the Pocket Park.

The subject property is approximately 0.13 acres in size.





The subject property is currently occupied with a large commercial building with retail/office on the first floor and apartments above.

The applicants have provided findings to address the ordinance criteria. The findings are attached to this report as Exhibit A and hereby incorporated by reference.

Applicable Criteria: Gold Beach Zoning Ordinance

Commercial (4-C) Zone

Section 2.330 Conditional Uses Permitted

9. Recreational Marijuana Wholesaler or Retailer

10. Medical or Recreational Marijuana Producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted.

Section 6.042 Specific Conditional Use Standards

10. Medical or Recreational Marijuana Uses (a-f)

Because this is the first application of this type, staff has provided some background information on recreational marijuana businesses generally.

Information about Conditional Uses generally from the zoning ordinance:

ARTICLE VI. Conditional Uses

Section 6.010. Authorization to Grant or Deny Conditional Use.

Uses designated in this ordinance as conditional uses may be permitted, enlarged or altered in accordance with the requirements of Sections 6.020 through 6.060.

In permitting a conditional use the City may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the city as a whole. These conditions may include, but are not limited to, increasing the lot size or setbacks, controlling the location or number of vehicular access points, increasing the street width, limiting the height of buildings to protect the light and air of adjacent properties, increasing the amount of off-street parking or loading, or other provisions necessary to minimize any conflict between the proposed conditional use and the use of adjacent properties.



Section 6.020. Application for Conditional Use.

General Concept: A conditional use may be permitted but review is necessary to determine what, if any, conditions should be imposed. A conditional use is an activity which is basically similar to other uses permitted in the zone but because of the manner in which such a use is conducted, or the manner in which land and buildings might be developed to accommodate such a use, a public hearing and review of the specific proposed use and the imposition of certain conditions, if necessary, will appropriately adapt the use to its location and neighborhood. Approval of a conditional use is not a variance, waiver or relaxation of any of the provisions of this ordinance.

A request for a conditional use, modification of an existing conditional use or a reinstatement of a discontinued nonconforming use may be initiated by the property owner or his authorized agent by filing an application with the Planning Commission or its designated agent. The application shall include plans of the proposed use, or modification of an existing use, or reinstatement of a discontinued nonconforming use.

In land use decisions, the burden of proof is upon the applicant to prove the proposed use fully complies with all applicable criteria specific to the proposal.

RECREATIONAL MARIJUANA BRIEF HISTORY

From the OLCC Recreational MJ website:

<http://www.oregon.gov/olcc/marijuana/Pages/FAQs-Recreational-Marijuana-in-General.aspx>

FAQs: Recreational Marijuana in General



Q: What is the purpose of legalizing recreational marijuana?

A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and



- agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.

Q: What did Measure 91 do?

A: Measure 91 allows Oregonians to grow limited amounts of marijuana on their property and to possess personal limited amounts of recreational marijuana for personal use beginning July 1, 2015 under Oregon law. The measure also gives OLCC authority license and regulate recreational marijuana grown, sold, or processed for commercial purposes. The OLCC does not regulate the home grow/personal possession provisions of the law.

Q. When did Measure 91 go into effect?

A. The home grow/personal possession provisions of the measure started on July 1, 2015. OLCC began issuing commercial licenses in spring of 2016.

Q. Who will implement the initiative?

A. The initiative designates the Oregon Liquor Control Commission as the state agency that will regulate the commercial growing and selling of recreational marijuana. It also gives the OLCC authority to license and regulate commercial recreational marijuana operations. The OLCC has no authority to regulate or enforce the home grow/personal possession provisions of the law.

Q: Has Measure 91 been changed from what voters approved?

A: Yes. Both the 2015 and 2016 sessions of the Oregon Legislature made technical changes to Measure 91, that can be found in ORS 475B The Legislature also changed the way recreational marijuana is taxed. Instead of the OLCC imposing the tax at the grower level, it will now be imposed at the retail level and collected by the Department of Revenue.

Locally, City voters in the November 2016 election approved Measure 8-87, which permitted the taxing of recreational marijuana facilities. By approving the proposed tax, this effectively permitted the use of recreational marijuana facilities within the City limits.

After the adoption of the measure, the City Council determined that, while marijuana sales were not prohibited within the City limits, the City would regulate the businesses through the land use planning process. The Council adopted Ordinance 661 in December 2016 which provided provisions within the zoning ordinance for recreational and medical marijuana facilities **CONDITIONALLY** within the Commercial (4-C) and Industrial (5-I) zones.



So, to clarify, marijuana businesses are not prohibited within the City but they are regulated.

GBZO Section	Staff & Applicant Findings
Section 6.042 Specific Conditional Uses Standards	
<i>10. Medical or Recreational Marijuana Uses (a-f)</i>	
Medical or Recreational Marijuana Uses	
<p><i>a) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration. This includes, but is not limited to: siting standards, proximity to schools or other marijuana or OLCC regulated facilities, hours of operation, security measures, etc.</i></p>	
<p>6.042 10. a)</p>	<p>The applicants provided findings to address the ordinance criteria. The findings are attached to this report as <u>Exhibit A</u> and hereby incorporated by reference.</p> <p><u>STAFF FINDINGS:</u> The applicants have applied to OLCC to be a producer, wholesaler, and retailer. Each type of business requires a separate application and review to OLCC. Part of their state process is going through the local land use approval (this process). The state will not issue their license(s) until the local process is complete.</p> <p>The proposed business is not located within 1000' of a school. Staff contacted OLCC about proximity to other MJ businesses. OLCC does not prohibit recreational MJ within a certain distance of each other but medical MJ can't be within 1000' of each other. Not sure what the difference is, but those are the state rules.</p> <p>The applicants findings are, in staff's opinion, a little on the slim side with not a lot of specificity. At the end of this report staff will recommend some specific questions that can be asked of the applicants at the hearing.</p> <p>The applicants have not stated their proposed days/hours of operation. The proposed business is located adjacent to a church facility and a common public parking lot is utilized.</p>



GBZO Section	Staff & Applicant Findings
	<p>If the Commission approves the proposed use, staff proposes the following <u>recommended condition of approval</u>: To minimize conflicts with the adjacent church facility, retail store and “Show & Grow” operations open to the public are prohibited on Sundays.</p>
<p><i>b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.</i></p>	
<p>6.042 10. b)</p>	<p><u>STAFF FINDINGS</u>: The applicants are proposing that the business be located entirely within the existing commercial building structure.</p> <p>If the Commission approves the proposed use, staff proposes the following <u>recommended condition of approval</u>: Restatement of the criterion as a condition of approval.</p>
<p><i>c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.</i></p>	
<p>6.042 10. c)</p>	<p><u>STAFF FINDINGS</u>: No outside storage is proposed.</p> <p>If the Commission approves the proposed use, staff proposes the following <u>recommended condition of approval</u>: Restatement of the criterion as a condition of approval.</p>
<p><i>d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.</i></p>	
<p>6.042 10. d)</p>	<p><u>STAFF FINDINGS</u>: No drive-up or walk-up window portal is proposed.</p> <p>If the Commission approves the proposed use, staff proposes the following <u>recommended condition of approval</u>: Restatement of the criterion as a condition of approval.</p>
<p><i>e) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility’s exterior refuse containers.</i></p>	
<p>6.042 10. e)</p>	<p><u>STAFF FINDINGS</u>: The applicants have not addressed this criterion in their findings. The applicants will need to provide to the Commission their proposed method of secure disposal of the MJ remnants/by-products either in writing</p>



GBZO Section	Staff & Applicant Findings
	<p>prior to the hearing, or in person at the hearing.</p> <p>If the Commission approves the proposed use, staff proposes the following recommended condition of approval: If the Commission approves their proposed method of secure disposal of the remnants/by-products, that method shall be placed as a condition of approval.</p>
<p><i>f) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-1) zone. Review and inspection of the facility and proposed uses by the Fire Chief shall be required prior to the commencement of business.</i></p>	
<p>6.042 10. f)</p>	<p><u>STAFF FINDINGS:</u> The subject property is zoned Commercial (4-C). Production of oil based products or distillation of oil is prohibited in the 4-C zone. The applicants have not proposed oil based products or oil distillation, however, that should be made clear in the Final Order.</p> <p>If the Commission approves the proposed use, staff proposes the following recommended condition of approval: Restatement of the criterion as a condition of approval. Also, prior to the commencement of operations a site inspection and approval by planning, police, and fire staff shall be required.</p>
<p style="text-align: center;"><u>GBZO Section 3.030 Off-Street Parking</u></p> <p>Section 3.031 General Provisions <i>At any time any structure is hereafter built, an existing structure is enlarged or there is a change of use of an existing structure to a use that would require additional parking as defined by this ordinance, then the requirements of this ordinance shall be met...</i></p>	
<p style="text-align: center;"><i>The entire Off-Street Parking section of the zoning ordinance (pages 65-71) are attached to this report as Exhibit B. Please refer to this section for the entire text.</i></p>	
<p>GBZO Section 3.031 3., 5., 7., 9.</p>	<p><u>STAFF FINDINGS:</u> An off-street parking plan in compliance with this ordinance section must be submitted and subsequently approved by the Planning Commission.</p>



GBZO Section	Staff & Applicant Findings						
Section 3.032 Off-Street Parking Space Requirements (See Chart in Exhibit B)							
Space Requirements	<p>STAFF FINDINGS: The property is currently developed with an accountant’s office, a retail thrift shop for a local non-profit, and a residential apartment above. All of the current uses have existed for some time (or similar uses). Based on the current uses the following off-street parking spaces are required:</p> <table border="0"> <tr> <td><u>General Office/Professional Office:</u></td> <td>1 space per 300 sq. ft.</td> </tr> <tr> <td><u>General Retail:</u></td> <td>1 space per 300 sq. ft.</td> </tr> <tr> <td><u>Residential Use (apartment)</u></td> <td>2 spaces per dwelling unit</td> </tr> </table> <p>It appears that the total square footage of the footprint of the structure is approximately 3200 sq. ft. Based on that square footage, 11 spaces would be required for the retail space and the office space. An additional 2 spaces are required for the dwelling unit. A total of 13 spaces would be required for the all the uses.</p> <p>Based on the aerial photograph (see page 1 of this report) it appears there are a total of four (4) existing off-street parking spaces at the rear of the structure.</p> <p>Staff acknowledges that off-street parking is definitely lacking in this particular location. The commercial uses on this block, in addition to the church to the west, and the retail liquor store to the south further crowd available spaces. The Pocket Park and public parking lot are located adjacent to this structure. 14 public parking spaces to serve this general area are maintained by the City and leased from Curry County. These public parking spaces are not specific to any one business and are utilized by virtually all the businesses in this area. However, these spaces can’t be counted as off-street parking specific to any one business. The same goes for spaces available on-street on Moore Street—they are available, but can’t be committed to any one business.</p> <p>The ordinance has a provision for shared off-street parking spaces between contiguous land owners provided the parcels are within a 300’ radius and that the owners jointly enter into a deed, lease, or contract executed by both parties establishing the joint use.</p> <p>Additionally, a variance process is available where due to topography, type of use, time of use, traffic flow or other special circumstances on a case by case basis, it is impractical, impossible or inequitable to comply with the</p>	<u>General Office/Professional Office:</u>	1 space per 300 sq. ft.	<u>General Retail:</u>	1 space per 300 sq. ft.	<u>Residential Use (apartment)</u>	2 spaces per dwelling unit
<u>General Office/Professional Office:</u>	1 space per 300 sq. ft.						
<u>General Retail:</u>	1 space per 300 sq. ft.						
<u>Residential Use (apartment)</u>	2 spaces per dwelling unit						



GBZO Section	Staff & Applicant Findings
	<p>requirements of off-street parking.</p> <p>Because of the age of the buildings, and the surrounding uses, a case could probably be made by the applicants for a variance, but they would first need to provide the required plot plan and then make the formal request to the commission for a variance. Findings would need to be submitted to support the proposed variance.</p> <p>To minimize conflicts with the adjacent church use, staff recommends that operations be prohibited on Sundays regardless of the parking variance situation.</p>
Overall Staff Conclusions	
<p>Recreational marijuana uses were approved by Oregon voters in the November 2014 election. City voters in the November 2016 election approved recreational and medical marijuana facilities conditionally within the Commercial (4-C) and Industrial (5-I) zones. The City received its first two requests for recreational MJ businesses in May and June of 2017—both those requests are currently scheduled before the Planning Commission for land use review.</p> <p>Recreational MJ businesses are regulated by the state through the Oregon Liquor Control Commission (OLCC). Prior to review of prospective businesses, the applicants are required to consult with the local jurisdiction about land use compatibility (planning and zoning). The applicants have submitted Land Use Compatibility Statements (LUCS) to the City to be authorized as retailers, producers, and wholesalers at this location. If the City grants them conditional use approval for their proposed business, then they will continue on with the OLCC process to be licensed.</p> <p><u>Staff Discussion Points:</u></p> <ul style="list-style-type: none"> • MJ businesses, while legal in Oregon, are still not legal federally and that means the business can't bank. MJ is a cash only business. That does raise some concerns for staff which is why we suggest that, if the PC approves the proposed use, that Planning, Police, and Fire staff must inspect and approve the facility prior to commencement of business. Each of the departments regulate specific aspects of this type of business. • There is a known issue with parking in this location—staff acknowledges that this situation is not of the applicants making, but it does need to be discussed and addressed. Based on staff's assessment of all the uses in this block, a total of 71 spaces would be required to satisfy all the business off-street parking needs. Obviously there 	



GBZO Section	Staff & Applicant Findings
	<p>are not even close to 71 parking spaces here.</p> <ul style="list-style-type: none"> • There are concerns from surrounding property owners about potential adverse affects to their properties and current businesses. Again, these concerns should be discussed and the concerns mitigated, if possible. • Marijuana businesses were not prohibited by the Council nor by the voters. That decision to <i>not prohibit</i> these types of businesses should be taken into consideration by the Commission. • While the choice to use marijuana is a personal one, the land use is similar to liquor or alcohol businesses—and probably should be treated similarly. Indeed the businesses are regulated by the same state agency. The City does receive tax revenue from the state on liquor and tobacco sales—we would receive MJ tax as well. We also passed a local City tax on MJ businesses. • A concern that has been voiced to staff is the possible increase of illegal activities that may be associated with the businesses. If the Commission approves the proposed use, a condition of approval could be placed that if complaints regarding the business(es) are found to be valid, then staff will refer the matter back to the Commission for further review and action. This would be a mechanism to monitor potential adverse effects to the surrounding neighbors. • Staff also has a mechanism to monitor the businesses through OLCC—just like with taverns and stores that sell alcohol. If we suspect that a business may not be operating within the OLCC regulations, we have the ability to notify OLCC and request that they investigate.

Figure Maps

1 – Internal Floor Plans

EXHIBITS

A: Applicants Findings

B: GBZO Section 3.030 Off-Street Parking



GBC-1701 PROPOSED CONDITIONS OF APPROVAL

If the Planning Commission determines that the applicants have met the burden of proof to approve the proposed use, staff recommends the following conditions of approval:

CONDITION #1: To minimize conflicts with the adjacent church facility, retail store and “Show & Grow” operations open to the public are prohibited on Sundays.

CONDITION #2: Pursuant to Section 6.042 (10)(b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.

CONDITION #3: Pursuant to Section 6.042 (10)(c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.

CONDITION #4: Pursuant to Section 6.042 (10)(d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.

CONDITION #5: Pursuant to Section 6.042 (10)(f) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-I) zone.

CONDITION #6: Review, inspection, and approval of the facility and proposed uses by the Planning Director, Police Chief, and Fire Chief shall be required prior to the commencement of business.

CONDITION #7: If complaints regarding the business are received by City staff, and are found to be valid, the Planning Director will refer the matter back to the Commission for further review and action.

OTHER PROPOSED CONDITIONS TO BE DISCUSSED AT THE HEARING:

- Pursuant to Section 6.042 (10)(e) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility’s exterior refuse containers. The applicants need to address this criterion and the Commission should make a specific condition related to this.
- The Commission should discuss and decide the off-street parking requirements for the business.

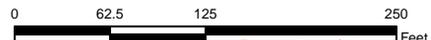


FIGURE MAPS

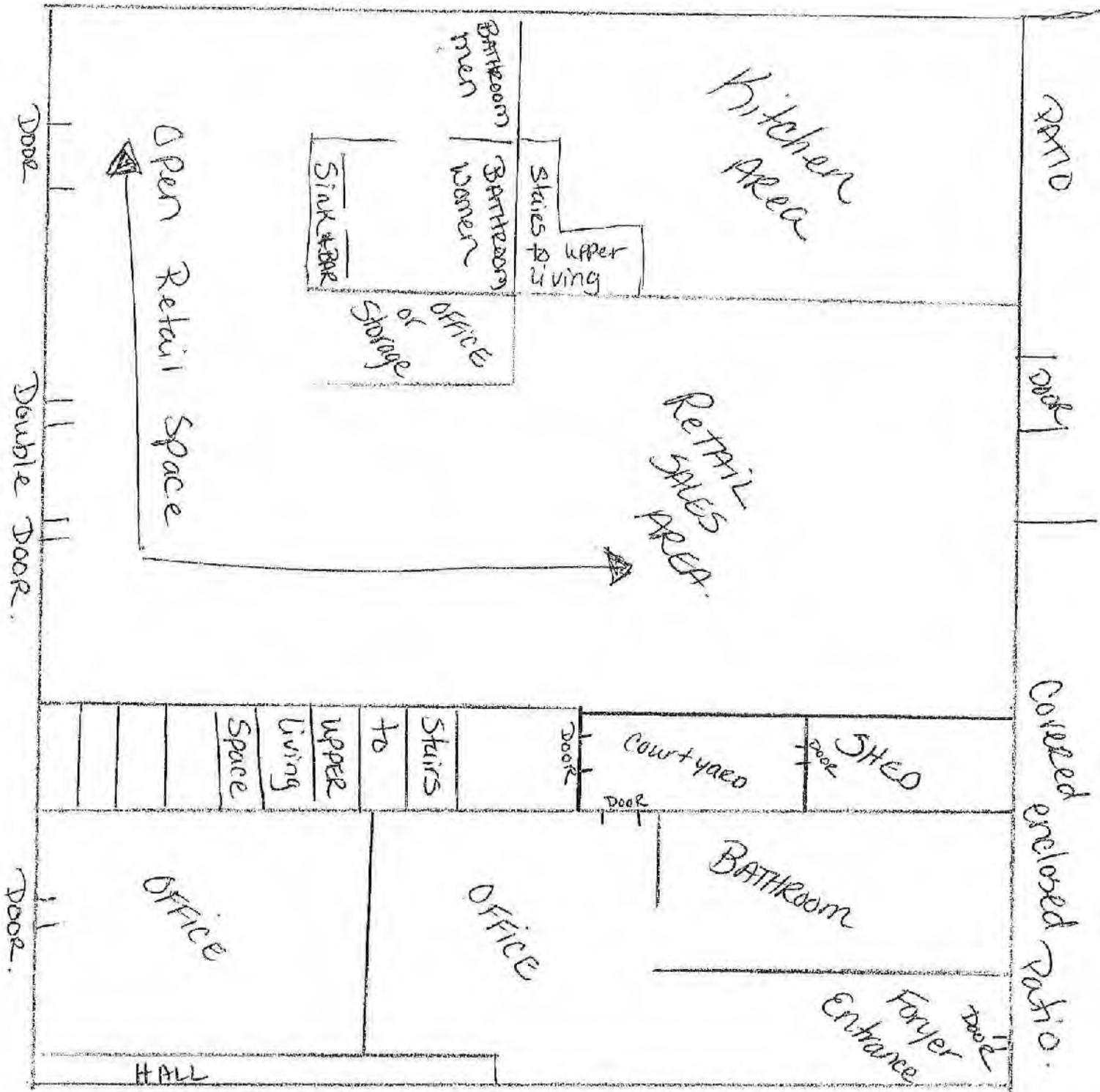


Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



GBC-1701 LA MOTA LLC



Second level living space

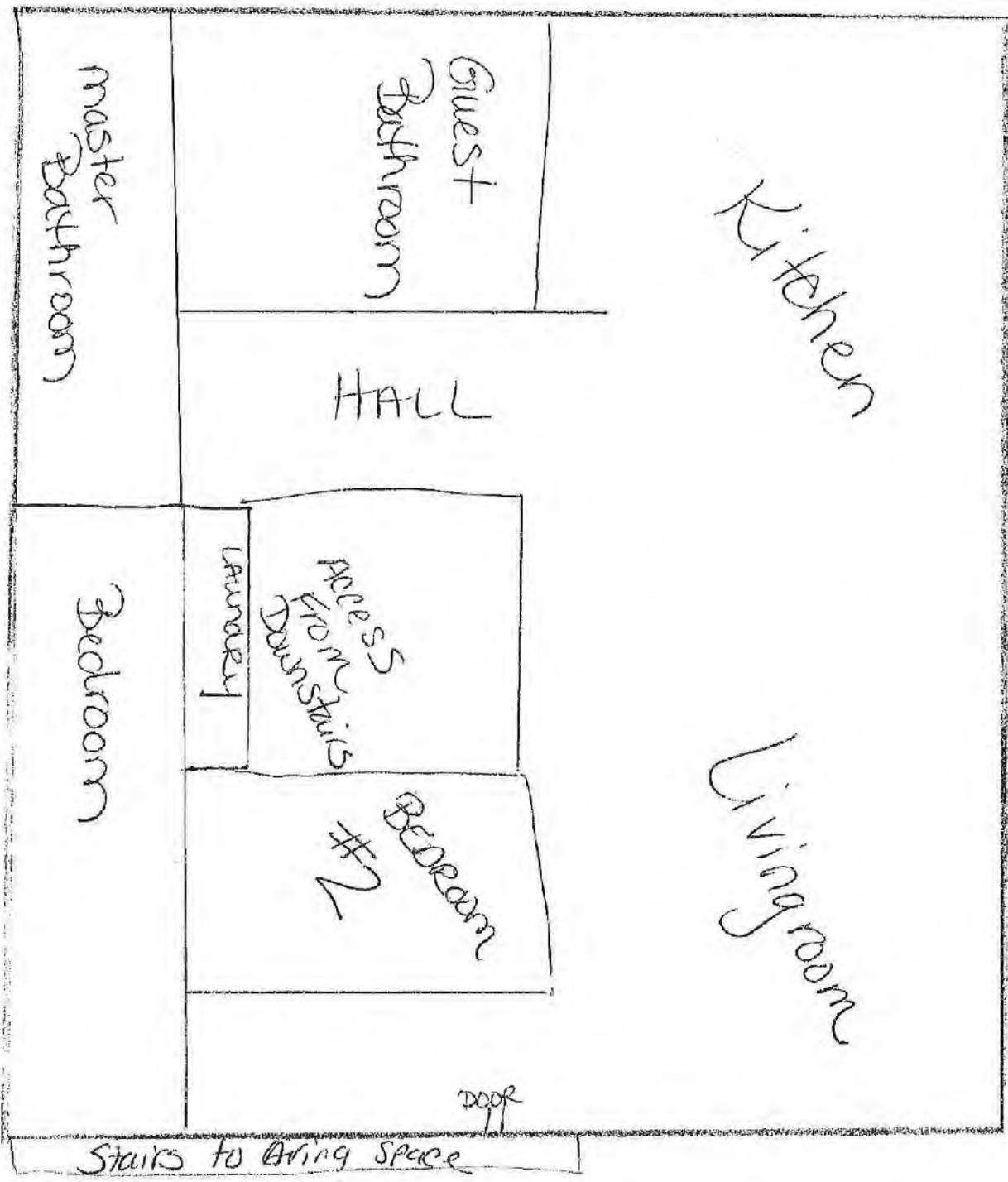




EXHIBIT A

Applicants Findings

Written Proposal for Gold Beach

La Mota LLC (trade name) will be opening a Retail, Show & Grow and a Wholesaler at the address 29846 Ellensburg Ave, Gold Beach, Curry 97444 under the LLC La Mota Gold Beach.

- The Retail will be the selling of recreational marijuana.
- The Show and Grow will be a tourist attraction. Almost like a brewery, customers will be able to come into the store and look through glass panes how the plants are grown and get a 'real life' experience on the process.
- The Wholesaler will supply product to all the coastal stores.

The company intends to bring the opportunity of jobs and an increase in tourists as we believe that people will travel to our store for the experience that we will be providing.



EXHIBIT B

GBZO Section 3.030 Off-Street Parking

Section 3.030. Off-Street Parking.

This section shall apply to all uses in all zones of this ordinance as set forth in Sections 3.031 to 3.037.

Section 3.031. General Provisions.

At any time any structure is hereafter built, an existing structure is enlarged or there is a change of use of an existing structure to a use that would require additional parking as defined by this ordinance, then the requirements of this ordinance shall be met unless greater requirements are otherwise established by another authority. This section is subject to the procedures for variance and the ordinance requirements as discussed in Section 3.036 of this ordinance.

1. The provision of required off-street parking, loading facilities and access is a continuing obligation of the owner of the real property upon which the subject premises is situated. Sets of plans and a plat map drawn to suitable scale showing the location of permanent parking, loading facilities, location of buildings, city streets, highways, parking spaces and access points will be provided to the City.
2. The off-street parking plot plan shall meet the requirements discussed herein.
3. The off-street parking plot plan shall be submitted to the Planning Director. The Planning Director shall review the plan and determine whether to approve or deny it or refer it to the Planning Commission for determination. The review shall determine compliance of the plot plan with Section 3.030 through Section 3.035 of this code. If the Planning Director makes a decision on the matter, he shall notify the applicant of the decision. The applicant may appeal this decision by requesting review by the Planning Commission within fifteen (15) days of the date of the notice of the decision of the Planning Director.

The Planning Director may request that the Planning Commission determine whether the off-street parking plan fulfills the requirements of the Code. In that case, the Planning Director shall set the matter for hearing at the next regularly scheduled Planning Commission meeting after submission. The Planning Commission shall then determine whether the plot plan fulfills the requirements of the Code and shall grant or deny approval of the parking plan accordingly and notify the applicant of its decision.

4. An applicant who is proposing a change of use in an existing structure to a use that would require additional parking as defined by this ordinance shall not be issued a City business license, utility hookup or permit or any other approval from the City Recorder's office if the City Recorder determines, after review of this ordinance and the proposed change in use, that additional off street parking may be required. The City Recorder shall refer the matter to the Planning Director and the Planning Director shall set the matter for the next regularly scheduled Planning Commission meeting.
5. A plot plan shall be submitted by the applicant which contains the design of the proposed parking lot and loading berths, if any, including width of lanes, direction of travel, location of public streets and access points, the boundaries of the properties, the outlines of any buildings on the property, the building's proposed use or uses, the square footages for each and the building's occupancy capacity as set by any other governmental unit. The plan must be drafted in ink, be of reasonable scale, contain a north arrow point, be dated and have the

name, address and telephone number of the applicant or his agent. It must identify all public streets and alleys or thoroughfares contiguous or within 300 feet laterally from any boundary of the proposed parking lot. Design of the proposed off-street parking plot plan shall be the responsibility of the applicant in conformance with the contents of this ordinance.

6. The Planning Director and/or Planning Commission may require any additional information from the applicant which is deemed desirable and necessary in making a determination of whether an applicant meets the requirements of this ordinance as to that particular premises and use.
7. Any requirements for a building or a use not specifically listed in this ordinance shall be determined by the Planning Commission based upon requirements or similar uses listed within this ordinance.
8. Owners of two or more structures or parcels of contiguous land may agree to jointly utilize the same parking and loading spaces in a cooperative effort where the times of operation of their respective uses do not overlap. The Planning Commission shall review any such proposals and may require a plot plan or any other necessary information to determine whether such a proposal will be in compliance with this ordinance. If such a proposal is approved, the applicant shall provide a deed, lease or contract executed by both parties, which is in a form satisfactory to the City Attorney, establishing the joint use for parking on the parcel so used for a period of time that each separate ownership use parcel will rely on the parking parcel to meet the requirements of this ordinance. The policy of the City will be that should the joint use cease, that each parcel will have to provide alternate parking for their independent uses or face termination of the use of their properties as described hereunder. Said document, after review by the City Attorney and execution by the parties shall be recorded at the cost of the applicant with the County Clerk's office.
9. All off-street parking spaces for dwelling units shall be located on the same parcel of property as the dwelling unit. Non-dwelling required parking spaces shall be located within a radius of 300 feet from the building or use they are to serve.
10. When the enlargement or increasing floor space of a building requires two new parking spaces or less, no additional facilities shall be required. However, the effects of the changes, additions or enlargement shall be cumulative so that when the net effect of several changes generates a need for more than two spaces, they shall be provided. Where an existing use is being enlarged as described above, or new uses are added to the same parcel of property as described in this ordinance, then any existing use at the time of said expansion or additional use shall be required to meet the standards of this ordinance from and after the expansion or addition of other uses on that parcel of property.
11. In the event several uses occupy a single structure or parcel of land, total requirements shall be the sum of the several uses computed separately.
12. Any parking space established under the authority of this ordinance shall not be used at any time for the storage of any material goods, merchandise or other substances, nor shall it be used for the storage of refuse dumpsters, recycling containers, or other similar receptacles, and any vehicle that is used in conducting of business on the premises or to be used for the sale, repair or service of any motor vehicle. Single family dwellings may use said parking spaces for the storage of motor vehicles but no other items.

13. Building structures which receive and distribute material and merchandise by truck or other large vehicle shall provide and maintain loading berths in sufficient number and size to adequately handle the needs of the particular use. The areas used for such loading berths and the access points to those loading berths shall not be used for parking spaces or storage of any type.
14. Any applicant who, in the design of his off street parking plot plan, shows a need for creating a new access point on to any state highway or city street must present with his application written approval from the appropriate authorized body granting approval for such access.

Section 3.032. Off-Street Parking Space Requirements.

The following off-street parking space requirements are minimum requirements under this ordinance. A plot plan shall be submitted by an applicant which contains all necessary information required by this ordinance. The Planning Commission may request the City Engineer to review any such plot plan and map and an applicant shall meet any requirements of the Planning Commission or City Engineer regarding not only improvements on the applicant's property but also requirements of the City regarding sidewalks, curbs or street improvements or usages. An applicant shall further provide any information requested by the Planning Director, Planning Commission or City Engineer.

The outside dimensions of the building shall determine floor area for the above uses. Said dimensions or other information which is the basis for number of parking spaces shall be supplied on the plot plan. Requirements for off-street parking as outlined above shall be in the appropriate areas directly tied to the building capacities as set by the appropriate government officials and those parking requirements shall be the minimum required for such buildings as outlined above.

All applicants with industrial development uses shall submit a proposed plot plan of off-street parking to the Planning Director for submission to the Planning Commission. Said applicants shall meet the requirements of this ordinance with regard to specifications but the number of parking spaces shall be determined by the Planning Commission based upon information, expertise and suggestions supplied by the applicant with the Planning Commission making the final determination as to off-street parking. Design of said parking is the responsibility of the applicant.

OFF STREET PARKING SPACE REQUIREMENTS CHART:

USE	TYPE	NUMBER OF SPACES
RESIDENTIAL USES & DEVELOPMENT	Single family dwelling, Multi-family dwelling, Mobile Home Park, Residential Condominiums	2 SPACES PER DWELLING UNIT
	Planned Unit Development-PUD In addition to the residential requirements described above, any commercial activity within the PUD shall meet commercial requirements outlined below. An enclosed garage or open carport shall be counted as a parking space dependent upon the amount of square footage in either type of structure as related to the definition of a parking space contained herein.	
COMMERCIAL DEVELOPMENT-SEE ALSO SECTION 3.034	Medical, Dental Office, Restaurant, Alcohol Service Establishment, Skating Rink, Bowling Alley	1 SPACE /100 SQUARE FEET
	General Retail Store, General Office, Professional Office, Bank, Barber Shop, Beauty Shop, Auto Body and Fender Repair Shop, Vehicle Repair, Rental or Service Shop	1 SPACE/300 SQUARE FEET
	Furniture Store, Appliance Store, Automotive, Motor Home, RV or Boat Sales Store	1 SPACE/500 SQUARE FEET
	Hotel, Motel, or RV Park	1 SPACE PER GUEST ACCOMODATION PLUS 2 SPACES FOR EMPLOYEES
	Theater, Gym, Stadium, Places of worship, Convention Center, Auditorium	1 SPACE/3 SEATS
	Home Occupation-see also Section 3.050	2 SPACES PER DWELLING UNIT
INSTITUTIONAL, PUBLIC OR QUASI-PUBLIC DEVELOPMENT	Schools, including child care	1SPACE PER STAFF PLUS 1 PER 10 STUDENTS OF DRIVABLE AGE PLUS ADDITIONAL REQUIREMENTS FOR GYMS OR AUDITIORIUMS AS OUTLINED ABOVE
	Libraries	1 SPACE PER 300 SQUARE FEET
	Hospital, Convalescent & Nursing Home	1 SPACE PER EACH STAFF MEMBER EMPLOYED PER SHIFT WITH MOST EMPLOYEES PLUS 1 SPACE PER BED
	Other Public & Government Buildings	PARKING SPACES TO BE DETERMINED BY SIMILAR USES IN COMMERCIAL OR PUBLIC BUILDINGS DESCRIBED ABOVE
INDUSTRIAL DEVELOPMENT		SEE ABOVE **

Section 3.033. Standards for Off-Street Parking Facilities.

1. Service entries and drives shall be constructed to facilitate a safe and efficient flow of traffic.
2. No plantings, fences or other visual obstructions more than 30 inches tall or tree limbs maintained lower than 8 feet from the ground shall be permitted within the triangular area formed by the intersection of the driveway line and street right of way, a straight line adjoining said line through points 20 feet from their intersection.
3. Proposed non-dwelling parking spaces which are not located on the premises shall be within a 300 foot radius from the building or the use they serve. All other conditions of Section 3.031 must be met.
4. Off-street parking spaces, parking lots, entrances and exits to said spaces and lots shall be improved with all weather asphaltic or concrete surfaces. Asphaltic surfaces shall be a minimum of 2 inches in depth and concrete surfaces shall be a minimum of 4 inches in depth. The City Engineer must review any other surface requested by an applicant and the Planning Commission shall review his recommendations in making a determination to the request. All parking spaces on said lots must be delineated with durable paint of a contrasting color or suitable markings. These requirements do not apply to single family dwellings.
5. Artificial lighting provided for parking spaces shall not create or reflect glare in any other adjacent dwelling, premises or onto a public street. Where there are four or more parking spaces on one lot, there must be artificial lighting provided on said spaces which is approved by the Planning Commission.
6. Any off-street parking premises which requires four or more parking spaces shall include in its plot plan the proposed location of all entrances and exits from and to public streets and such must provide sufficient space so that no backing movements or maneuvering are required within a public street. The Planning Commission shall review and approve said entrances and exits where they find that traffic safety and sufficient traffic flow is maintained.
7. The off-street parking areas required by this ordinance shall be completed and available for use at the time a certificate of occupancy is issued by the Building Official. The Building Official shall not issue a certificate of occupancy of any type unless requirements of this ordinance are met.
8. The off-street parking facilities shall conform to basic traffic safety standards as imposed by any city ordinance or by the City Engineer in regard to the application pending before the Planning Commission.

Section 3.034. Standards for Off-Street Loading Facilities.

Where a structure or use of a structure may require or is designed to incorporate loading and unloading facilities, the applicant shall provide off-street parking and loading facilities conforming to the following standards:

1. No parking shall be allowed in a loading facility area for any motor vehicles other than those which are in the process of actually loading or unloading material.

2. Design of off-street parking spaces, lots and/or adjacent loading facilities shall provide sufficient and separate maneuvering areas from parking areas in such a manner that large vehicles, including trucks can move through the entire area even when all parking spaces are in use.

Section 3.035. Continued Use of Building and Structures Not Conforming to Off-Street Parking Space Requirements.

1. A building or structure existing at the time of adoption of this ordinance that does not conform with the parking space requirements specified herein may continue to operate with existing parking as long as its present utilization and size are not changed. However, if the building is enlarged or if the utilization is changed to one that requires additional parking as defined by Section 3.032, then parking shall be provided that conforms to this ordinance.
2. A structure or premises that suffers damage or destruction by casualty loss may not be required to meet the specifications of providing off-street parking under this ordinance other than the amount of off-street parking existing prior to the casualty if it meets all of the following requirements:
 - a) The nonconforming structure was destroyed or damaged by casualty or natural disaster.
 - b) Replacement of the nonconforming structure commences within one year from the date of the casualty.
 - c) The reconstruction of the nonconforming structure is completed within one year from the start of reconstruction.
 - d) The nonconforming structure is replaced at the same square footage size and same use as prior to the casualty.
 - e) That the nonconforming structure is under the same ownership as at the time of the casualty.
3. A structure or premises that does not meet all of the requirements outlined above shall provide appropriate off-street parking and loading areas as required by this ordinance.

Section 3.036. Variances to Off-Street Parking Requirements.

The Planning Commission may grant variances from the parking provisions of this ordinance where due to topography, type of use, time of use, traffic flow or other special circumstances on a case by case basis, it is impractical, impossible or inequitable to comply with the requirements of off-street parking. An application for variance of the procedure for granting a variance shall follow the provisions of Article VII of this ordinance.

Section 3.037. Penalty and Abatement for Off-Street Parking Violations.

No person shall violate any term, condition or specifications of this ordinance and any premises found in violation of this ordinance upon notification thereof shall immediately undertake to comply with the provisions of this ordinance. The City, upon finding that a person or premises fails to comply with any provision of this ordinance, may exercise any of the following remedies:

1. To seek civil infraction for an immediate restraining order, temporary injunction or other civil remedy to prevent the continuation of the violation of this ordinance, including requesting any legal order for termination of use of the premises hereunder.
2. The City may terminate utility service to the premises pursuant to the Water and Sewer Codes of the City of Gold Beach. Said services shall not be reinstated until the Planning Commission approves either a proposal for abatement of the nonconforming premises or the premises is brought into conformance with this ordinance.
3. The City may, through its Building Official, terminate and cancel any occupancy permit issued under the Uniform Building Code and order the premises to be vacated until the provisions of this ordinance are met and until the Planning Commission approves a proposal for abatement of the nonconforming premises.
4. Any person not complying with this ordinance may be subject to prosecution within the Municipal Court and upon conviction, a fine not to exceed \$300 shall be imposed. Each day the premises is in nonconformance with this ordinance shall be deemed a separate violation.



The subject property is currently occupied with a large commercial building that was formerly a car electric repair business. The building has been unoccupied for many years and recently been renovated.

The applicants have provided findings to address the ordinance criteria. The findings are attached to this report as Exhibit A and hereby incorporated by reference.

Applicable Criteria: Gold Beach Zoning Ordinance

Commercial (4-C) Zone

Section 2.330 Conditional Uses Permitted

9. Recreational Marijuana Wholesaler or Retailer

10. Medical or Recreational Marijuana Producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted.

Section 6.042 Specific Conditional Use Standards

10. Medical or Recreational Marijuana Uses (a-f)

Because this is the first application of this type, staff has provided some background information on recreational marijuana businesses generally.

Information about Conditional Uses generally from the zoning ordinance:

ARTICLE VI. Conditional Uses

Section 6.010. Authorization to Grant or Deny Conditional Use.

Uses designated in this ordinance as conditional uses may be permitted, enlarged or altered in accordance with the requirements of Sections 6.020 through 6.060.

In permitting a conditional use the City may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the city as a whole. These conditions may include, but are not limited to, increasing the lot size or setbacks, controlling the location or number of vehicular access points, increasing the street width, limiting the height of buildings to protect the light and air of adjacent properties, increasing the amount of off-street parking or loading, or other provisions necessary to minimize any conflict between the proposed conditional use and the use of adjacent properties.



Section 6.020. Application for Conditional Use.

General Concept: A conditional use may be permitted but review is necessary to determine what, if any, conditions should be imposed. A conditional use is an activity which is basically similar to other uses permitted in the zone but because of the manner in which such a use is conducted, or the manner in which land and buildings might be developed to accommodate such a use, a public hearing and review of the specific proposed use and the imposition of certain conditions, if necessary, will appropriately adapt the use to its location and neighborhood. Approval of a conditional use is not a variance, waiver or relaxation of any of the provisions of this ordinance.

A request for a conditional use, modification of an existing conditional use or a reinstatement of a discontinued nonconforming use may be initiated by the property owner or his authorized agent by filing an application with the Planning Commission or its designated agent. The application shall include plans of the proposed use, or modification of an existing use, or reinstatement of a discontinued nonconforming use.

In land use decisions, the burden of proof is upon the applicant to prove the proposed use fully complies with all applicable criteria specific to the proposal.

RECREATIONAL MARIJUANA BRIEF HISTORY

From the OLCC Recreational MJ website:

<http://www.oregon.gov/olcc/marijuana/Pages/FAQs-Recreational-Marijuana-in-General.aspx>

FAQs: Recreational Marijuana in General



Q: What is the purpose of legalizing recreational marijuana?

A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and



- agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.

Q: What did Measure 91 do?

A: Measure 91 allows Oregonians to grow limited amounts of marijuana on their property and to possess personal limited amounts of recreational marijuana for personal use beginning July 1, 2015 under Oregon law. The measure also gives OLCC authority license and regulate recreational marijuana grown, sold, or processed for commercial purposes. The OLCC does not regulate the home grow/personal possession provisions of the law.

Q. When did Measure 91 go into effect?

A. The home grow/personal possession provisions of the measure started on July 1, 2015. OLCC began issuing commercial licenses in spring of 2016.

Q. Who will implement the initiative?

A. The initiative designates the Oregon Liquor Control Commission as the state agency that will regulate the commercial growing and selling of recreational marijuana. It also gives the OLCC authority to license and regulate commercial recreational marijuana operations. The OLCC has no authority to regulate or enforce the home grow/personal possession provisions of the law.

Q: Has Measure 91 been changed from what voters approved?

A: Yes. Both the 2015 and 2016 sessions of the Oregon Legislature made technical changes to Measure 91, that can be found in ORS 475B The Legislature also changed the way recreational marijuana is taxed. Instead of the OLCC imposing the tax at the grower level, it will now be imposed at the retail level and collected by the Department of Revenue.

Locally, in the November 2016 election City voters approved Measure 8-87, which permitted the taxing of recreational marijuana facilities. By approving the proposed tax, this effectively permitted the use of recreational marijuana facilities within the City limits.

After the adoption of the measure, the City Council determined that, while marijuana sales were not prohibited within the City limits, the City would regulate the businesses through the land use planning process. The Council adopted Ordinance 661 in December 2016 which provided provisions within the zoning ordinance for recreational and medical marijuana facilities **CONDITIONALLY** within the Commercial (4-C) and Industrial (5-I) zones.



So, to clarify, marijuana businesses are not prohibited within the City but they are regulated.

GBZO Section	Staff & Applicant Findings
Section 6.042 Specific Conditional Uses Standards	
<i>10. Medical or Recreational Marijuana Uses (a-f)</i>	
Medical or Recreational Marijuana Uses	
<p><i>a) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration. This includes, but is not limited to: siting standards, proximity to schools or other marijuana or OLCC regulated facilities, hours of operation, security measures, etc.</i></p>	
<p>6.042 10. a)</p>	<p>The applicants provided findings to address the ordinance criteria. The findings are attached to this report as <u>Exhibit A</u> and hereby incorporated by reference.</p> <p><u>STAFF FINDINGS:</u> It appears the applicants have applied to OLCC to be a recreational MJ retailer. The applicants are going through the OLCC licensing process. Part of their state process is going through the local land use approval (this process). The state will not issue their license until the local process is complete.</p> <p>The proposed business is not located within 1000' of a school. Staff contacted OLCC about proximity to other MJ businesses. OLCC does not prohibit recreational MJ within a certain distance of each other but medical MJ can't be within 1000' of each other. Not sure what the difference is, but those are the state rules.</p> <p>The applicants have stated in their findings that they plan to be open 7 days per week. The proposed business is located adjacent to a church facility and a common public parking lot is utilized.</p> <p><u>If the Commission approves the proposed use, staff proposes the following recommended condition of approval:</u> To minimize conflicts with the adjacent church facility, the retail store operations open to the public are prohibited on Sundays.</p>

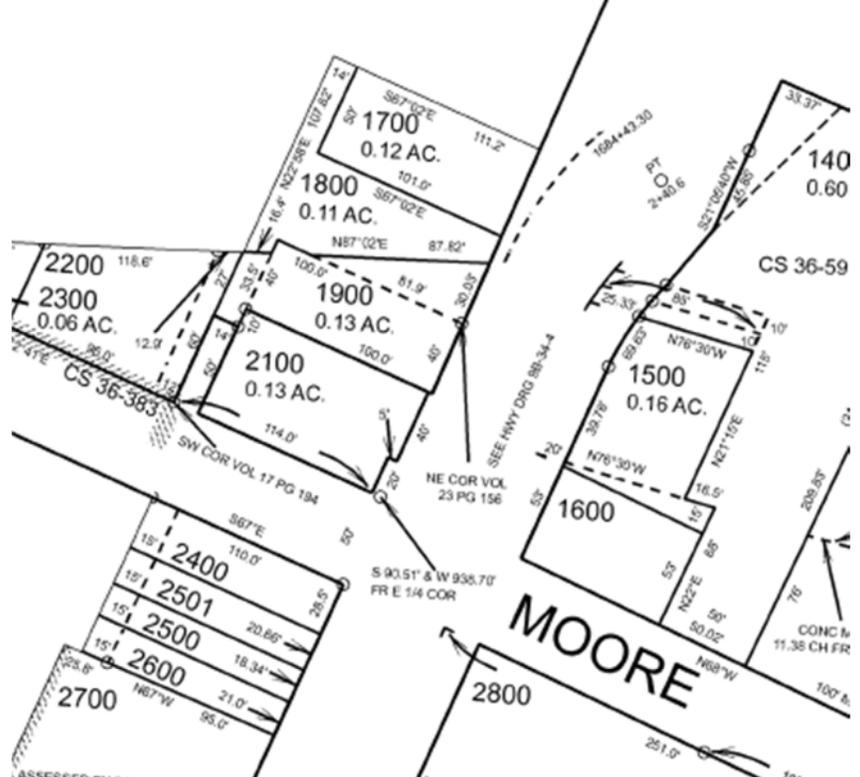


GBZO Section	Staff & Applicant Findings
<p><i>b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.</i></p>	
<p>6.042 10. b)</p>	<p><u>STAFF FINDINGS:</u> The applicants are proposing that the business be located entirely within the existing commercial building structure.</p> <p>If the Commission approves the proposed use, staff proposes the following recommended condition of approval: Restatement of the criterion as a condition of approval.</p>
<p><i>c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.</i></p>	
<p>6.042 10. c)</p>	<p><u>STAFF FINDINGS:</u> No outside storage is proposed.</p> <p>If the Commission approves the proposed use, staff proposes the following recommended condition of approval: Restatement of the criterion as a condition of approval.</p>
<p><i>d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.</i></p>	
<p>6.042 10. d)</p>	<p><u>STAFF FINDINGS:</u> No drive-up or walk-up window portal is proposed.</p> <p>If the Commission approves the proposed use, staff proposes the following recommended condition of approval: Restatement of the criterion as a condition of approval.</p>
<p><i>e) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.</i></p>	
<p>6.042 10. e)</p>	<p><u>STAFF FINDINGS:</u> The applicants have stated in their findings that they will not place any cannabis products in the exterior refuse disposal bins and intend to comply with OLCC best practice guidelines for destruction of any products.</p> <p>If the Commission approves the proposed use, staff proposes the following recommended condition of approval: Disposal of marijuana remnants and by-products will comply with OLCC best practice standards. No remnants or by-products shall be placed in the facility's exterior refuse containers.</p>



GBZO Section	Staff & Applicant Findings
<p><i>f) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-1) zone. Review and inspection of the facility and proposed uses by the Fire Chief shall be required prior to the commencement of business.</i></p>	
<p>6.042 10. f)</p>	<p><u>STAFF FINDINGS:</u> The subject property is zoned Commercial (4-C). Production of oil based products or distillation of oil is prohibited in the 4-C zone. The applicants have not proposed oil based products or oil distillation, however, that should be made clear in the Final Order.</p> <p><u>If the Commission approves the proposed use, staff proposes the following recommended condition of approval:</u> Restatement of the criterion as a condition of approval. Also, prior to the commencement of operations a site inspection and approval by planning, police, and fire staff shall be required.</p>
<p style="text-align: center;"><u>GBZO Section 3.030 Off-Street Parking</u></p> <p>Section 3.031 General Provisions <i>At any time any structure is hereafter built, an existing structure is enlarged or there is a change of use of an existing structure to a use that would require additional parking as defined by this ordinance, then the requirements of this ordinance shall be met...</i></p>	
<p style="text-align: center;"><i>The entire Off-Street Parking section of the zoning ordinance (pages 65-71) are attached to this report as Exhibit B. Please refer to this section for the entire text.</i></p>	
<p>GBZO Section 3.031 3., 5., 7., 9.</p>	<p><u>STAFF FINDINGS:</u> An off-street parking plan was submitted by the property owner. The plan does not comply with the ordinance standards. An off-street parking plan in compliance with this ordinance section must be submitted and subsequently approved by the Planning Commission.</p>
<p style="text-align: center;">Section 3.032 Off-Street Parking Space Requirements (See Chart in Exhibit B)</p>	
<p>Space Requirements</p>	<p><u>STAFF FINDINGS:</u> The property is currently developed with a vacant commercial building that was formerly a car electric repair business. The building has recently been renovated. The property owner had recently advertised the building as an “Event Center” that could accommodate up to 250 persons. City staff contacted the property owner and directed them to remove the listing as that use of the property was not approved and parking for a 250 person Event Center was not available at this location. The owner responded that they had removed the ad and only advertised it as such “...for</p>



GBZO Section	Staff & Applicant Findings
	<p>feedback to see if any interest in addition to the current renter.” It is unclear how much of the approximately 4000 square foot building is being rented for the retail marijuana business. The owner and/or applicants should clarify the size of the facility at the Commission meeting.</p> <p>Based on the aerial photograph it appears the structure footprint is approximately 4000 square feet. Based on the proposed use(s) of the vacant building the following off-street parking spaces are required: <u>General Office/Professional Office:</u> 1 space per 300 sq. ft. <u>General Retail:</u> 1 space per 300 sq. ft.</p> <p>At approximately 4000 square feet, 13 total spaces would be required. In</p>  <p>Based on the Assessor Map records it appears the area west of the structure belongs to the adjacent tax lot 1800 (Crows Nest). In the aerial photo it appears there may be parking area behind tax lot 1700 but it that doesn't belong to the applicant they can't utilize off-street parking there. They have also identified 6 parking spaces on the north side of the structure, again this</p>



GBZO Section	Staff & Applicant Findings
	<p>area does not appear to belong to tax lot 1700, and if it does, it is not currently developed as parking and has no street access.</p> <p>Staff acknowledges that off-street parking is definitely lacking in this particular location. The commercial uses on this block, in addition to the church to the west, and the retail liquor store to the south further crowd available spaces. The Pocket Park and public parking lot are located adjacent to this structure. 14 public parking spaces to serve this general area are maintained by the City and leased from Curry County. These public parking spaces are not specific to any one business and are utilized by virtually all the businesses in this area. However, these spaces can't be counted as off-street parking specific to any one business. The same goes for spaces available on-street on Moore Street—they are available, but can't be committed to any one business.</p> <p>The ordinance has a provision for shared off-street parking spaces between contiguous land owners provided the parcels are within a 300' radius and that the owners jointly enter into a deed, lease, or contract executed by both parties establishing the joint use.</p> <p>Additionally, a variance process is available where due to topography, type of use, time of use, traffic flow or other special circumstances on a case by case basis, it is impractical, impossible or inequitable to comply with the requirements of off-street parking.</p> <p>Because of the age of the buildings, and the surrounding uses, a case could probably be made by the applicants for a variance, but they would first need to provide the required plot plan and then make the formal request to the commission for a variance. Findings would need to be submitted to support the proposed variance.</p> <p>To minimize conflicts with the adjacent church use, staff recommends that operations be prohibited on Sundays regardless of the parking variance situation.</p>



GBZO Section	Staff & Applicant Findings
Overall Staff Conclusions	
<p>Recreational marijuana uses were approved by Oregon voters in the November 2014 election. City voters in the November 2016 election approved recreational and medical marijuana facilities conditionally within the Commercial (4-C) and Industrial (5-I) zones. The City received its first two requests for recreational MJ businesses in May and June of 2017—both those requests are currently scheduled before the Planning Commission for land use review.</p> <p>Recreational MJ businesses are regulated by the state through the Oregon Liquor Control Commission (OLCC). Prior to review of prospective businesses, the applicants are required to consult with the local jurisdiction about land use compatibility (planning and zoning). The applicants have submitted Land Use Compatibility Statements (LUCS) to the City to be authorized as a recreational MJ retailers at this location. If the City grants them conditional use approval for their proposed business, then they will continue on with the OLCC process to be licensed.</p> <p><u>Staff Discussion Points:</u></p> <ul style="list-style-type: none"> • MJ businesses, while legal in Oregon, are still not legal federally and that means the business can't bank. MJ is a cash only business. That does raise some concerns for staff which is why we suggest that, if the PC approves the proposed use, that Planning, Police, and Fire staff must inspect and approve the facility prior to commencement of business. Each of the departments regulate specific aspects of this type of business. • There is a known issue with parking in this location—staff acknowledges that this situation is not of the applicants making, but it does need to be discussed and addressed. Based on staff's assessment of all the uses in this block, a total of 71 spaces would be required to satisfy all the business off-street parking needs. Obviously there are not even close to 71 parking spaces here. • There are concerns from surrounding property owners about potential adverse affects to their properties and current businesses. Again, these concerns should be discussed and the concerns mitigated, if possible. • Marijuana businesses were not prohibited by the Council nor by the City voters. That decision to <i>not prohibit</i> these types of businesses should be taken into consideration by the Commission. • While the choice to use marijuana is a personal one, the land use is similar to liquor or alcohol businesses—and probably should be treated similarly. Indeed the businesses are regulated by the same state agency. The City does receive tax revenue from the state on liquor and tobacco sales—we would receive MJ tax as well. We also passed a 	



GBZO Section	Staff & Applicant Findings
	<p>local City tax on MJ businesses.</p> <ul style="list-style-type: none"> • A concern that has been voiced to staff is the possible increase of illegal activities that may be associated with the businesses. If the Commission approves the proposed use, a condition of approval could be placed that if complaints regarding the business(es) are found to be valid, then staff will refer the matter back to the Commission for further review and action. This would be a mechanism to monitor potential adverse effects to the surrounding neighbors. • Staff also has a mechanism to monitor the businesses through OLCC—just like with taverns and stores that sell alcohol. If we suspect that a business may not be operating within the OLCC regulations, we have the ability to notify OLCC and request that they investigate.

Figure Maps

1 – Parking Plan

EXHIBITS

A: Applicants Findings

B: GBZO Section 3.030 Off-Street Parking



GBC-1702 PROPOSED CONDITIONS OF APPROVAL

If the Planning Commission determines that the applicants have met the burden of proof to approve the proposed use, staff recommends the following conditions of approval:

CONDITION #1: To minimize conflicts with the adjacent church facility, retail store operations open to the public are prohibited on Sundays.

CONDITION #2: Pursuant to Section 6.042 (10)(b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.

CONDITION #3: Pursuant to Section 6.042 (10)(c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.

CONDITION #4: Pursuant to Section 6.042 (10)(d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.

CONDITION #5: Pursuant to Section 6.042(10)(e) No remnants or by-products shall be placed in the facility's exterior refuse containers. Disposal of marijuana remnants and by-products will comply with OLCC best practice standards.

CONDITION #6: Pursuant to Section 6.042 (10)(f) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-I) zone.

CONDITION #7: Review, inspection, and approval of the facility and proposed uses by the Planning Director, Police Chief, and Fire Chief shall be required prior to the commencement of business.

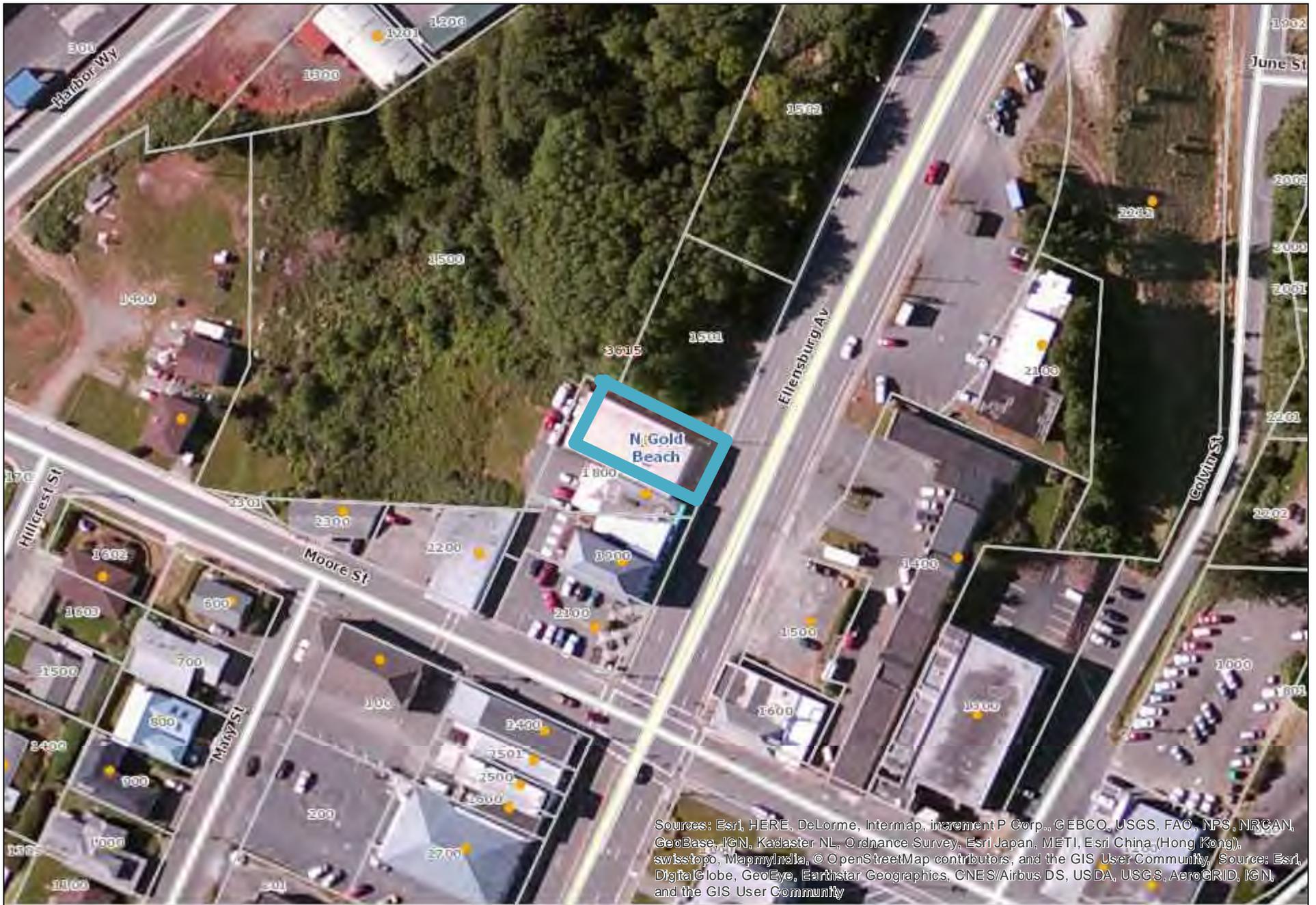
CONDITION #8: If complaints regarding the business are received by City staff, and are found to be valid, the Planning Director will refer the matter back to the Commission for further review and action.

OTHER PROPOSED CONDITIONS TO BE DISCUSSED AT THE HEARING:

- The Commission should discuss and decide the off-street parking requirements for the business.

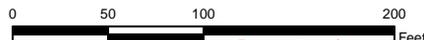


FIGURE MAPS

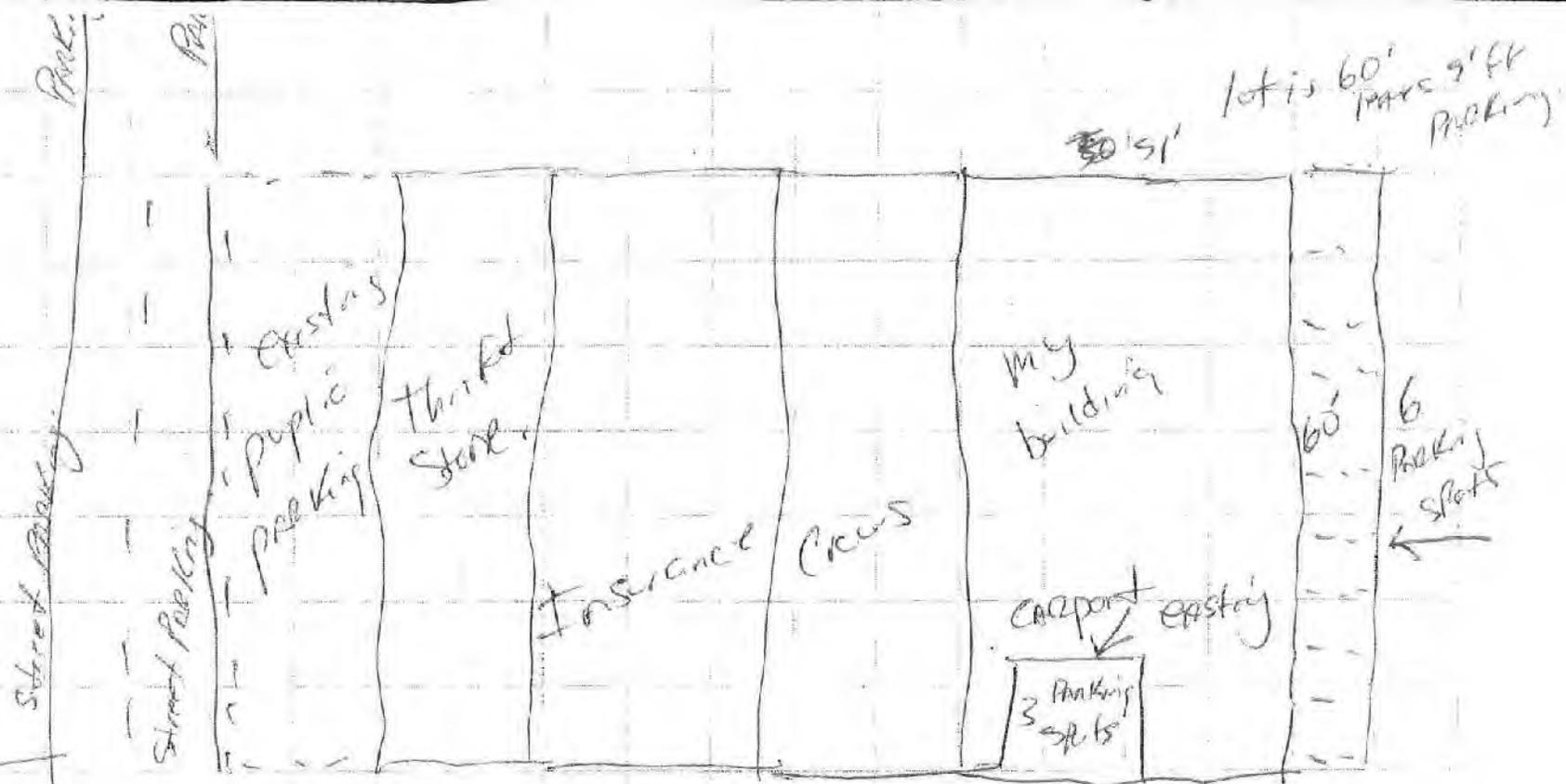


Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



GBC1702 KRENZLOK



101

This has been a business for many years. there is off/on the street parking all around as well as the public lot next to the third store.

Insurance Agency, third store, liquor store have no designated parking. this has been in effect for many years, and many business in Gold beach are the same.



EXHIBIT A

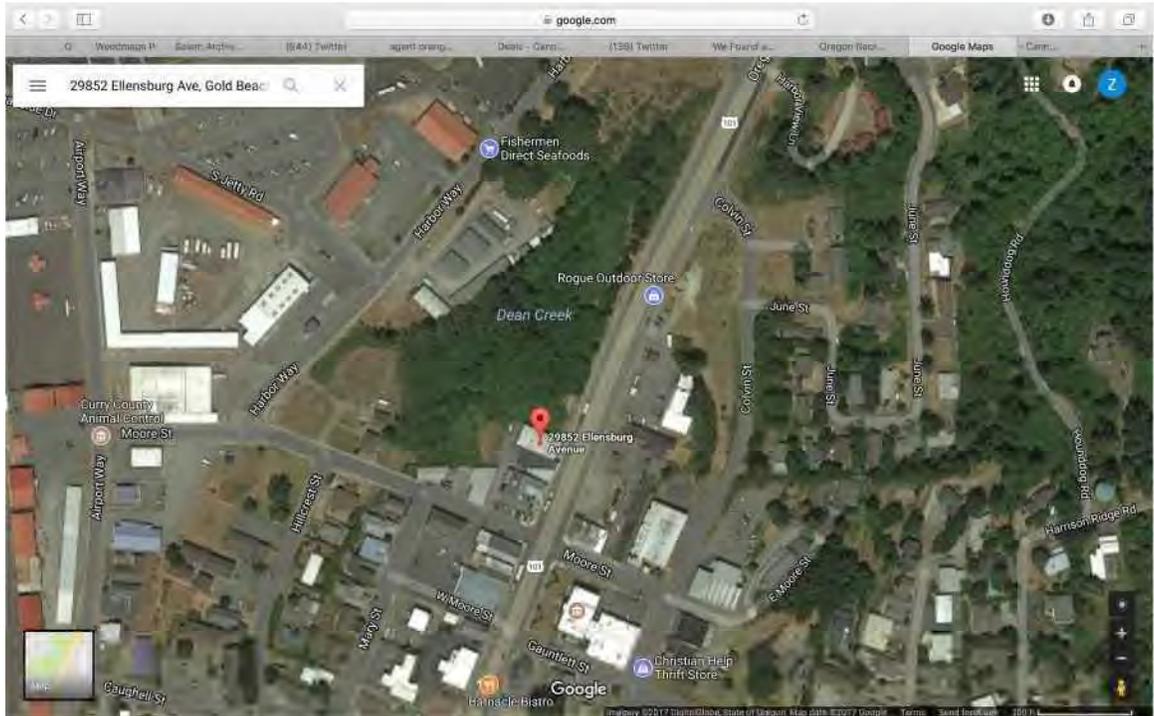
Applicants Findings

Attached are the responses for **Section 6.042 (10)- Specific Conditional Use Standards, items A-F** for Re-Leaf Gold Beach 29852 Ellensburg Ave Gold Beach.

a) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration. This includes, but is not limited to: siting standards, proximity to schools or other marijuana or OLCC regulated facilities, hours of operation, security measures, etc.

We have a pending application to the OLCC for registration as a recreational marijuana retailer for the proposed address, 29852 Ellensburg Ave Gold Beach Oregon. The business for this license is registered through the state of Oregon- Re-Leaf Gold Beach LLC 1277725-98. The state application requires us to show proof of several items, one of which is local government approval for the licensed premises. We are requesting the listed address to be approved for a recreational cannabis retailer to complete the land use requirement for the pending application.

The licensed ownership group has over 4 years of cannabis retail experience in Oregon and Washington and has opened 3 operational recreational and medical dispensaries. The building we plan to operate within is compliant with state regulations, including, but not limited to siting standards, proximity to schools and other OLCC licensed facilities regulations. There are no schools within 1000 feet of the proposed licensed premises.



The security requirements for the building, will be compliant with OLCC regulations, and shall have security surveillance cameras with a remote server and the ability to review recordings of all activity on the licensed premises for over 30 days. Cameras will be placed on every entrance and exit of the premises and will be able to be viewed at night as well. Sensors and security bars on the windows will monitor all windows and points of entry/exit. Employees will also be trained on procedures to manage security incidents and equipped with a remote panic alarm on their persons and throughout the facility to notify local law enforcement of any emergencies. The facility will also have a landline phone within the store for communication with outside agencies in case of a false alarm. The panic alarm will also have the ability to work through a dispatching call center, to call the store before contacting local law enforcement. The hours of operation for the facility will be Monday- Sunday 9AM-10PM.

b) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.

The facility and its operations will be located entirely within 29852 Ellensburg Ave Gold Beach Oregon, a stand-alone building, which is not affixed in a trailer, cargo container, motor or recreational vehicle.

c) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.

There will be no outside/outdoor storage of merchandise, raw materials, or other materials associated with this facility operation. All cannabis items are tracked within the OLCC METRC Traceability System and any will be stored in a display case or jars, in a controlled area during the daily operation of the store. At the end of each shift, all cannabis products will be placed within a safe in a secured room monitored by surveillance camera with remote access by the storeowner.

d) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.

All customer transactions will be conducted inside the OLCC licensed building and no outside, window ports, or drive thru sales will be prohibited. All transactions will be under surveillance at all times and available to local and state authorities if requested.

e) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.

All cannabis remnants and by-product will be secured on the premises and we will follow OLCC best practice guidelines for destruction of any products. Under no circumstance will cannabis products be placed within the facilities exterior refuse containers. All cannabis waste and by product will be treated as a controlled inventory item and will be recorded in the cannabis tracking system and scheduled for destruction after a licensed OLCC inspector gives us authority to destroy the product. At which time, we will notify city officials if any further action is required for destruction which might impact any environmental standards.

f) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-1) zone. Review and inspection of the facility and proposed uses by the Fire Chief shall be required prior to the commencement of business.

We will not produce any cannabis infused oils or distillation of any products on site. All cannabis inventories will be purchased by an approved OLCC licensed cannabis vendor and will be distilled, lab tested and packed before arrival.



EXHIBIT B

GBZO Section 3.030 Off-Street Parking

Section 3.030. Off-Street Parking.

This section shall apply to all uses in all zones of this ordinance as set forth in Sections 3.031 to 3.037.

Section 3.031. General Provisions.

At any time any structure is hereafter built, an existing structure is enlarged or there is a change of use of an existing structure to a use that would require additional parking as defined by this ordinance, then the requirements of this ordinance shall be met unless greater requirements are otherwise established by another authority. This section is subject to the procedures for variance and the ordinance requirements as discussed in Section 3.036 of this ordinance.

1. The provision of required off-street parking, loading facilities and access is a continuing obligation of the owner of the real property upon which the subject premises is situated. Sets of plans and a plat map drawn to suitable scale showing the location of permanent parking, loading facilities, location of buildings, city streets, highways, parking spaces and access points will be provided to the City.
2. The off-street parking plot plan shall meet the requirements discussed herein.
3. The off-street parking plot plan shall be submitted to the Planning Director. The Planning Director shall review the plan and determine whether to approve or deny it or refer it to the Planning Commission for determination. The review shall determine compliance of the plot plan with Section 3.030 through Section 3.035 of this code. If the Planning Director makes a decision on the matter, he shall notify the applicant of the decision. The applicant may appeal this decision by requesting review by the Planning Commission within fifteen (15) days of the date of the notice of the decision of the Planning Director.

The Planning Director may request that the Planning Commission determine whether the off-street parking plan fulfills the requirements of the Code. In that case, the Planning Director shall set the matter for hearing at the next regularly scheduled Planning Commission meeting after submission. The Planning Commission shall then determine whether the plot plan fulfills the requirements of the Code and shall grant or deny approval of the parking plan accordingly and notify the applicant of its decision.

4. An applicant who is proposing a change of use in an existing structure to a use that would require additional parking as defined by this ordinance shall not be issued a City business license, utility hookup or permit or any other approval from the City Recorder's office if the City Recorder determines, after review of this ordinance and the proposed change in use, that additional off street parking may be required. The City Recorder shall refer the matter to the Planning Director and the Planning Director shall set the matter for the next regularly scheduled Planning Commission meeting.
5. A plot plan shall be submitted by the applicant which contains the design of the proposed parking lot and loading berths, if any, including width of lanes, direction of travel, location of public streets and access points, the boundaries of the properties, the outlines of any buildings on the property, the building's proposed use or uses, the square footages for each and the building's occupancy capacity as set by any other governmental unit. The plan must be drafted in ink, be of reasonable scale, contain a north arrow point, be dated and have the

name, address and telephone number of the applicant or his agent. It must identify all public streets and alleys or thoroughfares contiguous or within 300 feet laterally from any boundary of the proposed parking lot. Design of the proposed off-street parking plot plan shall be the responsibility of the applicant in conformance with the contents of this ordinance.

6. The Planning Director and/or Planning Commission may require any additional information from the applicant which is deemed desirable and necessary in making a determination of whether an applicant meets the requirements of this ordinance as to that particular premises and use.
7. Any requirements for a building or a use not specifically listed in this ordinance shall be determined by the Planning Commission based upon requirements or similar uses listed within this ordinance.
8. Owners of two or more structures or parcels of contiguous land may agree to jointly utilize the same parking and loading spaces in a cooperative effort where the times of operation of their respective uses do not overlap. The Planning Commission shall review any such proposals and may require a plot plan or any other necessary information to determine whether such a proposal will be in compliance with this ordinance. If such a proposal is approved, the applicant shall provide a deed, lease or contract executed by both parties, which is in a form satisfactory to the City Attorney, establishing the joint use for parking on the parcel so used for a period of time that each separate ownership use parcel will rely on the parking parcel to meet the requirements of this ordinance. The policy of the City will be that should the joint use cease, that each parcel will have to provide alternate parking for their independent uses or face termination of the use of their properties as described hereunder. Said document, after review by the City Attorney and execution by the parties shall be recorded at the cost of the applicant with the County Clerk's office.
9. All off-street parking spaces for dwelling units shall be located on the same parcel of property as the dwelling unit. Non-dwelling required parking spaces shall be located within a radius of 300 feet from the building or use they are to serve.
10. When the enlargement or increasing floor space of a building requires two new parking spaces or less, no additional facilities shall be required. However, the effects of the changes, additions or enlargement shall be cumulative so that when the net effect of several changes generates a need for more than two spaces, they shall be provided. Where an existing use is being enlarged as described above, or new uses are added to the same parcel of property as described in this ordinance, then any existing use at the time of said expansion or additional use shall be required to meet the standards of this ordinance from and after the expansion or addition of other uses on that parcel of property.
11. In the event several uses occupy a single structure or parcel of land, total requirements shall be the sum of the several uses computed separately.
12. Any parking space established under the authority of this ordinance shall not be used at any time for the storage of any material goods, merchandise or other substances, nor shall it be used for the storage of refuse dumpsters, recycling containers, or other similar receptacles, and any vehicle that is used in conducting of business on the premises or to be used for the sale, repair or service of any motor vehicle. Single family dwellings may use said parking spaces for the storage of motor vehicles but no other items.

13. Building structures which receive and distribute material and merchandise by truck or other large vehicle shall provide and maintain loading berths in sufficient number and size to adequately handle the needs of the particular use. The areas used for such loading berths and the access points to those loading berths shall not be used for parking spaces or storage of any type.
14. Any applicant who, in the design of his off street parking plot plan, shows a need for creating a new access point on to any state highway or city street must present with his application written approval from the appropriate authorized body granting approval for such access.

Section 3.032. Off-Street Parking Space Requirements.

The following off-street parking space requirements are minimum requirements under this ordinance. A plot plan shall be submitted by an applicant which contains all necessary information required by this ordinance. The Planning Commission may request the City Engineer to review any such plot plan and map and an applicant shall meet any requirements of the Planning Commission or City Engineer regarding not only improvements on the applicant's property but also requirements of the City regarding sidewalks, curbs or street improvements or usages. An applicant shall further provide any information requested by the Planning Director, Planning Commission or City Engineer.

The outside dimensions of the building shall determine floor area for the above uses. Said dimensions or other information which is the basis for number of parking spaces shall be supplied on the plot plan. Requirements for off-street parking as outlined above shall be in the appropriate areas directly tied to the building capacities as set by the appropriate government officials and those parking requirements shall be the minimum required for such buildings as outlined above.

All applicants with industrial development uses shall submit a proposed plot plan of off-street parking to the Planning Director for submission to the Planning Commission. Said applicants shall meet the requirements of this ordinance with regard to specifications but the number of parking spaces shall be determined by the Planning Commission based upon information, expertise and suggestions supplied by the applicant with the Planning Commission making the final determination as to off-street parking. Design of said parking is the responsibility of the applicant.

OFF STREET PARKING SPACE REQUIREMENTS CHART:

USE	TYPE	NUMBER OF SPACES
RESIDENTIAL USES & DEVELOPMENT	Single family dwelling, Multi-family dwelling, Mobile Home Park, Residential Condominiums	2 SPACES PER DWELLING UNIT
	Planned Unit Development-PUD In addition to the residential requirements described above, any commercial activity within the PUD shall meet commercial requirements outlined below. An enclosed garage or open carport shall be counted as a parking space dependent upon the amount of square footage in either type of structure as related to the definition of a parking space contained herein.	
COMMERCIAL DEVELOPMENT-SEE ALSO SECTION 3.034	Medical, Dental Office, Restaurant, Alcohol Service Establishment, Skating Rink, Bowling Alley	1 SPACE /100 SQUARE FEET
	General Retail Store, General Office, Professional Office, Bank, Barber Shop, Beauty Shop, Auto Body and Fender Repair Shop, Vehicle Repair, Rental or Service Shop	1 SPACE/300 SQUARE FEET
	Furniture Store, Appliance Store, Automotive, Motor Home, RV or Boat Sales Store	1 SPACE/500 SQUARE FEET
	Hotel, Motel, or RV Park	1 SPACE PER GUEST ACCOMODATION PLUS 2 SPACES FOR EMPLOYEES
	Theater, Gym, Stadium, Places of worship, Convention Center, Auditorium	1 SPACE/3 SEATS
	Home Occupation-see also Section 3.050	2 SPACES PER DWELLING UNIT
INSTITUTIONAL, PUBLIC OR QUASI-PUBLIC DEVELOPMENT	Schools, including child care	1SPACE PER STAFF PLUS 1 PER 10 STUDENTS OF DRIVABLE AGE PLUS ADDITIONAL REQUIREMENTS FOR GYMS OR AUDITIORIUMS AS OUTLINED ABOVE
	Libraries	1 SPACE PER 300 SQUARE FEET
	Hospital, Convalescent & Nursing Home	1 SPACE PER EACH STAFF MEMBER EMPLOYED PER SHIFT WITH MOST EMPLOYEES PLUS 1 SPACE PER BED
	Other Public & Government Buildings	PARKING SPACES TO BE DETERMINED BY SIMILAR USES IN COMMERCIAL OR PUBLIC BUILDINGS DESCRIBED ABOVE
INDUSTRIAL DEVELOPMENT		SEE ABOVE **

Section 3.033. Standards for Off-Street Parking Facilities.

1. Service entries and drives shall be constructed to facilitate a safe and efficient flow of traffic.
2. No plantings, fences or other visual obstructions more than 30 inches tall or tree limbs maintained lower than 8 feet from the ground shall be permitted within the triangular area formed by the intersection of the driveway line and street right of way, a straight line adjoining said line through points 20 feet from their intersection.
3. Proposed non-dwelling parking spaces which are not located on the premises shall be within a 300 foot radius from the building or the use they serve. All other conditions of Section 3.031 must be met.
4. Off-street parking spaces, parking lots, entrances and exits to said spaces and lots shall be improved with all weather asphaltic or concrete surfaces. Asphaltic surfaces shall be a minimum of 2 inches in depth and concrete surfaces shall be a minimum of 4 inches in depth. The City Engineer must review any other surface requested by an applicant and the Planning Commission shall review his recommendations in making a determination to the request. All parking spaces on said lots must be delineated with durable paint of a contrasting color or suitable markings. These requirements do not apply to single family dwellings.
5. Artificial lighting provided for parking spaces shall not create or reflect glare in any other adjacent dwelling, premises or onto a public street. Where there are four or more parking spaces on one lot, there must be artificial lighting provided on said spaces which is approved by the Planning Commission.
6. Any off-street parking premises which requires four or more parking spaces shall include in its plot plan the proposed location of all entrances and exits from and to public streets and such must provide sufficient space so that no backing movements or maneuvering are required within a public street. The Planning Commission shall review and approve said entrances and exits where they find that traffic safety and sufficient traffic flow is maintained.
7. The off-street parking areas required by this ordinance shall be completed and available for use at the time a certificate of occupancy is issued by the Building Official. The Building Official shall not issue a certificate of occupancy of any type unless requirements of this ordinance are met.
8. The off-street parking facilities shall conform to basic traffic safety standards as imposed by any city ordinance or by the City Engineer in regard to the application pending before the Planning Commission.

Section 3.034. Standards for Off-Street Loading Facilities.

Where a structure or use of a structure may require or is designed to incorporate loading and unloading facilities, the applicant shall provide off-street parking and loading facilities conforming to the following standards:

1. No parking shall be allowed in a loading facility area for any motor vehicles other than those which are in the process of actually loading or unloading material.

2. Design of off-street parking spaces, lots and/or adjacent loading facilities shall provide sufficient and separate maneuvering areas from parking areas in such a manner that large vehicles, including trucks can move through the entire area even when all parking spaces are in use.

Section 3.035. Continued Use of Building and Structures Not Conforming to Off-Street Parking Space Requirements.

1. A building or structure existing at the time of adoption of this ordinance that does not conform with the parking space requirements specified herein may continue to operate with existing parking as long as its present utilization and size are not changed. However, if the building is enlarged or if the utilization is changed to one that requires additional parking as defined by Section 3.032, then parking shall be provided that conforms to this ordinance.
2. A structure or premises that suffers damage or destruction by casualty loss may not be required to meet the specifications of providing off-street parking under this ordinance other than the amount of off-street parking existing prior to the casualty if it meets all of the following requirements:
 - a) The nonconforming structure was destroyed or damaged by casualty or natural disaster.
 - b) Replacement of the nonconforming structure commences within one year from the date of the casualty.
 - c) The reconstruction of the nonconforming structure is completed within one year from the start of reconstruction.
 - d) The nonconforming structure is replaced at the same square footage size and same use as prior to the casualty.
 - e) That the nonconforming structure is under the same ownership as at the time of the casualty.
3. A structure or premises that does not meet all of the requirements outlined above shall provide appropriate off-street parking and loading areas as required by this ordinance.

Section 3.036. Variances to Off-Street Parking Requirements.

The Planning Commission may grant variances from the parking provisions of this ordinance where due to topography, type of use, time of use, traffic flow or other special circumstances on a case by case basis, it is impractical, impossible or inequitable to comply with the requirements of off-street parking. An application for variance of the procedure for granting a variance shall follow the provisions of Article VII of this ordinance.

Section 3.037. Penalty and Abatement for Off-Street Parking Violations.

No person shall violate any term, condition or specifications of this ordinance and any premises found in violation of this ordinance upon notification thereof shall immediately undertake to comply with the provisions of this ordinance. The City, upon finding that a person or premises fails to comply with any provision of this ordinance, may exercise any of the following remedies:

1. To seek civil infraction for an immediate restraining order, temporary injunction or other civil remedy to prevent the continuation of the violation of this ordinance, including requesting any legal order for termination of use of the premises hereunder.
2. The City may terminate utility service to the premises pursuant to the Water and Sewer Codes of the City of Gold Beach. Said services shall not be reinstated until the Planning Commission approves either a proposal for abatement of the nonconforming premises or the premises is brought into conformance with this ordinance.
3. The City may, through its Building Official, terminate and cancel any occupancy permit issued under the Uniform Building Code and order the premises to be vacated until the provisions of this ordinance are met and until the Planning Commission approves a proposal for abatement of the nonconforming premises.
4. Any person not complying with this ordinance may be subject to prosecution within the Municipal Court and upon conviction, a fine not to exceed \$300 shall be imposed. Each day the premises is in nonconformance with this ordinance shall be deemed a separate violation.



JULY LETTERS RECEIVED FOR HEARING

DATE 7/14/17

Near Planning Commission / City of Gold Beach

I am writing in response to Applications CBC 1701 + CBC 1702. My home is very close to these two properties so these 2 marijuana businesses will affect me and my property directly. I am a female senior citizen living alone at this address for almost 30 years. I believe that these 2 businesses will make my area much less safe because of the cash situation with them and because the pocket park on that corner already attracts transients, vagrants, drug users, alcoholics and drug dealers so adding marijuana businesses 2 + 4 doors away will increase the instability exponentially. Police records will show that they have many calls to this particular area.

Another issue important to me is, if these licenses are granted, properties, in close proximity at least, will decrease in value and will affect their saleability which includes my property.

Also there is a parking problem in the area for these 2 businesses as well.

I ask the commission to please deny these licenses: CBC-1701 + CBC-1702.

Sincerely

Marcia Bernard

(P.O. Box 1439)

94185 Moore Street

RECEIVED

JUL 14 2017

CITY OF GOLD BEACH



**Gold Beach
Foursquare
Church**

P.O. Box 475
Gold Beach, OR 97444
(541) 247-2111

Rory & Loretta LeGuee
Pastoring

June 15, 2017

To: The City of Gold Beach Planning Commission

Re: Application GBC-1701

Gold Beach Foursquare Church Council would like submitted for the record their concerns regarding this application. Part of our ministry is to help people with addictions become free and productive members of our city. So we often have people in various stages of recovery attending church at various times. They consider it their second home so attend as often as possible to keep themselves busy and out of trouble. One of the key things for recovery is to have as little access as possible to temptations such as other people still embracing addictions or easy access to the substances. So we would not want to see the dispensary anywhere near our location.

In the 2 years the church has been at the Moore Street location (in the same block as the proposed dispensary) we have graciously fed and allowed many homeless and hurting people who live near us to enjoy the love and generosity of our congregation. They often congregate at the pocket park by the city parking lot. It's often scary to use that lot because of the behavior of some that hang out at the park. While some have come and gone fed and warm, others have littered, vandalized, yelled, acted out, fought, urinated, defecated, vomited and had sex on the church property and in the pocket park. We have had to make changes to clean up the neighborhood so it feels safe for neighbors and customers of the other businesses. Our concern is that those activities may be increased with this current proposal.

There is also concern due to lack of street parking by the proposed location. The current businesses, church and theater share the city parking lot which already gets plenty of use.

For months now it has looked like marijuana could already be growing in the Gold Beach Auto/Electric-Gysbers building. We have observed an area in the back of the building on the second floor open to the outside and tall, staked plants growing there. Not being experts, we aren't sure what plants they are.

Thank you for listening to our concerns. We are excited to see this part of Gold Beach revitalized and welcoming to tourists and our citizens.

Pastor Rory and Loretta LeGuee

RECEIVED

JUN 16 2017

CITY OF GOLD BEACH



AUGUST 2017 PLANNING COMMISSION PACKET

STAFF MEMO TO PLANNING COMMISSION

August 16, 2017

Pursuant to the request from the planning commission for additional information from the applicants and staff, the July 24th hearing was continued until August 16th. A copy of the notice is attached to this memo.

The applicants were to provide parking plans for the respective businesses. Staff was tasked with gathering information regarding law enforcement actions related to MJ businesses, consult with the Public Works Department, and determine if there were any siting standards related to proximity to parks.

As of 4PM this afternoon I have not received any documents from the applicants for **GBC-1701 La Mota**

As of 4PM this afternoon I have received the attached site plans from the applicants for **GBC-1702 (Krenzelok/Gold Beach Marijuana LLC)**

Staff Reporting:

I have included an article regarding the Maps Credit Union that was mentioned at the prior meeting.

Information from law enforcement regarding calls for service related to marijuana facilities:

I consulted with the police department regarding other county MJ facilities and so far there have not been any real issues. The officers felt that due to the security requirements for retail facilities they felt this deterred would be offenders at the retail sites. It appears that there is more of an issue with the grow sites and theft. I have attached some recent news articles related to MJ crime issues.

Consult with OLCC about whether there are any limitations on marijuana facility locations in relation to their proximity to public parks.

I was directed to the Business Readiness Guidebook, specifically the Land Use Planning & Zoning Compliance Section. There is no prohibition for proximity to parks.
http://www.oregon.gov/olcc/marijuana/Documents/BusinessReadinessGuide_RecreationalMarijuana.pdf

The City of Gold Beach is dedicated to enhancing quality of life, while promoting the health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community.

Information from Public Works Superintendent regarding possible regulation of wastewater discharge related to marijuana grow and production facilities.

I spoke with the PW Superintendent and the main concern is Ph levels. Any discharge to the wastewater system requires compliance with City Code Section 3.445 Use of Public Sewers (below)

I also included info on the waste disposal—MJ businesses are supposed to “...store, manage, and dispose of hazardous liquid and solid waste, including pesticide waste generated in accordance with all state and local laws.”

Sewer Code

3.445 Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as building sewers combined or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, or approval of the superintendent, to a storm sewer, building sewer combined or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw,

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shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor-producing substance in such concentrations exceeding limits which may be established by the superintendent, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

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- (h) Any waters or wastes having a pH in excess of (9.5).
 - (i) Materials that exert or cause:
 - (i) Unusual concentration of inert suspended solids such as, but not limited to, fullers earth, lime slurries, and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - (ii) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (iii) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (k) Effluent containing more than 100 mg/liter of polar FOG
 - (j) Effluent containing more than 250 mg/liter of non-polar sediments including sand, lint, and grit.

(5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section (4) above, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges;

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- (c) Require installation of grease interceptors, traps, or biological processes that comply with standards adopted by the City prior to discharging into the public sewer.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

If the superintendent requires installation of grease interceptors, traps or biological processes the grease inceptor, trap or biological process must be accessible for sampling, cleaning and inspection, must be properly maintained by the FOG generator, and must remain in continuous operation. The FOG generator must also provide a suitable location to allow city staff to sample representative effluent discharged by the FOG generator.

(6) Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(7) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a sampling port, together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(8) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(9) No statement contained in this Code shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial

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waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

(10) Industrial users shall comply with Section 204 of PL 92-500 and the rules and regulations regarding Industrial Cost Recovery as published in the August 21, 1973, Federal Register, Volume 38, Number 161.

3.450 Protection From Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

3.455 Powers and Authority of Inspectors.

(1) With the consent of the property owner or other person with possession or control of the property, he superintendent and other duly authorized employees of the City bearing proper credentials and identification may enter onto private property for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) In the event that the superintendent cannot gain permission to enter onto private property from the property owner or other person with possession or control of the property, the superintendent may seek entry through any legal means including, without limitation, making application to any court of competent jurisdiction for issuance of a warrant. The warrant application will identify the premises upon which entry is sought, and the purpose for which entry is desired.

(3) The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Recreational Marijuana



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FAQs: Waste Material

Q: How do I dispose of waste material?

A: A licensee must store, manage, and dispose of hazardous liquid and solid waste, including pesticide waste generated in accordance with all state and local laws. The [Oregon Department of Environmental Quality](#) has more information on waste management, including types of waste and disposal methods.

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PDF FILE ACCESSIBILITY

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Continuance Notice



At the July 17, 2017 Planning Commission hearing, after hearing the staff report and testimony both written and orally, the Commission continued the hearing until Wednesday, August 16th at 6pm.

GBC-1701

The meeting was continued until Wednesday, August 16, 2017 at 6pm to allow sufficient time for:

- the applicant to submit a parking plan for the proposed facility; and
- for staff to gather the following requested information:
 - information from law enforcement regarding calls for service related to marijuana facilities; and
 - information from the Public Works Superintendent regarding possible regulation of wastewater discharge related to marijuana grow and production facilities; and
 - staff to consult with OLCC about whether there are any limitations on marijuana facility locations in relation to their proximity to public parks.

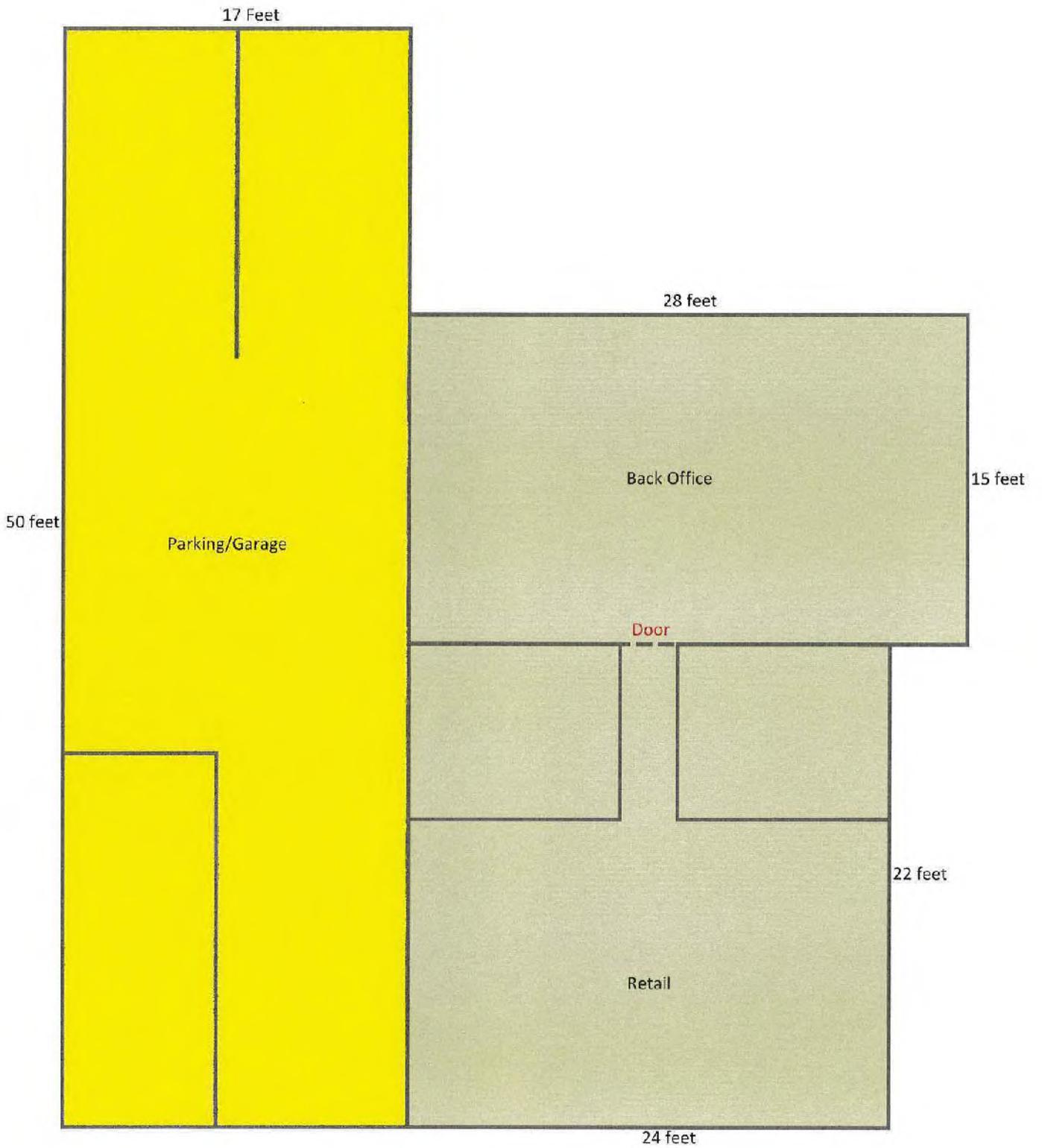
GBC-1702

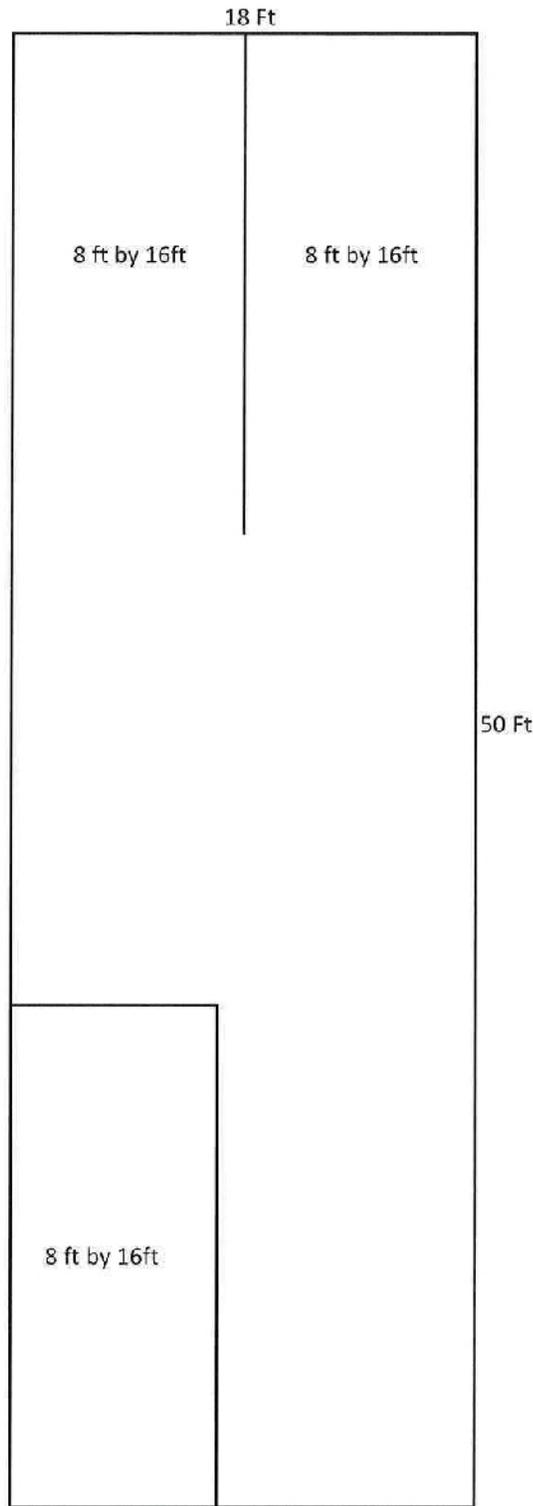
The meeting was continued until Wednesday, August 16, 2017 at 6pm to allow sufficient time for:

- the applicant to submit the following:
 - a parking plan; and
 - an internal site plan of the commercial building delineating the leased portion of that building that will be utilized for the proposed marijuana retail store; and
- for staff to gather the following requested information:
 - information from law enforcement regarding calls for service related to marijuana facilities; and
 - staff to consult with OLCC about whether there are any limitations on marijuana facility locations in relation to their proximity to public parks.



GBC-1702 Maps





Side Walk



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The best kept banking secret in the marijuana industry

Gordon Friedman, Statesman Journal | Published 8:59 p.m. PT Dec. 23, 2015 | Updated 5:31 p.m. PT Dec. 30, 2015

The legal cannabis industry is worth billions. But many banks won't serve cannabis businesses for fear of federal backlash.



(Photo: ASHLEY SMITH / STATESMAN JOURNAL)

During a routine audit of a business account in 2014, Maps Credit Union discovered it was providing financial services for a marijuana dispensary.

Shane Saunders, vice president of operations for Maps, said the credit union had a decision to make: Close the account, or create policies to serve it within state and federal guidelines. They chose to keep the account open.

The accounts Maps offers to marijuana businesses are one of the best-kept secrets in the industry.

The credit union doesn't advertise the accounts. Businesses that have an account can't talk about it — Maps has them sign a non-disclosure agreement when the account is opened, Saunders said.

For Oregon's cannabis business owners unaware of Maps' unique service, securing something as simple as a checking account can be nearly impossible.

That's because banks are wary of assurances from federal agencies that if they serve cannabis businesses they won't face money-laundering charges.

According to marijuana business owners, some banks have told them that serving their businesses could lead to the banks' losing their FDIC insurance. However, a 2014 [directive from the Financial Crimes Enforcement Network](https://www.fincen.gov/statutes_regs/guidance/pdf/FIN-2014-G001.pdf) (https://www.fincen.gov/statutes_regs/guidance/pdf/FIN-2014-G001.pdf) (FinCEN, a division of the U.S. Treasury) provides some clarity on the issue: Banks can serve those businesses, as long as they follow strict anti-money-laundering procedures.

Nevertheless, pot business owners across Oregon have opened accounts only to have them quietly closed when the bank discovered the nature of their enterprise. Most are stuck conducting transactions in cash, including vendor payments and payroll. Large safes can often be found at marijuana dispensaries, a necessity when handling so much cash.

A cash conundrum

"By compelling Oregon business owners to operate on a cash-only basis, current federal laws are making marijuana businesses sitting ducks for violent crimes and perpetuating negative stereotypes. It is ridiculous to make any business owner carry duffel bags of cash just to pay their taxes," Sen. Ron Wyden said in July after he, Sen. Jeff Merkley and two senators from Colorado introduced reform legislation to Congress.

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Business owners say cash would be best kept in a bank vault. They're also facing other stumbling blocks: Cannabis businesses aren't eligible for tax deductions and often have trouble renting space because landlords fear banks could pull their mortgage for paying loans with money connected to pot. Add to that the headache of doing business accounting and paying taxes in cash.

That's where Maps Credit Union has broken step with the banking industry: It's the only financial institution in Oregon openly serving marijuana businesses, albeit with strict caveats. Saunders said the decision was in large part about community safety.

"The thought of some guy walking out of his business at night and going to an environment where there might be lots of people, with \$25,000 in cash in his backpack to buy money orders just doesn't sit right," he said. "We took the comments by Senator Wyden to heart when he said he does not want Oregonian businesses dragging around duffel bags of cash. And neither do we. Not in our community."

Accounts closed

Don Morse, director of the [Oregon Cannabis Business Council \(https://oregoncbc.com/\)](https://oregoncbc.com/) and owner of the [Human Collective \(https://numancollective.org/\)](https://numancollective.org/) marijuana dispensary, said he's had five credit cards discontinued because of his business. He can't remember the number of times his checking accounts have been shut down.

Norris Monson, co-founder of [Cultivated Industries \(http://www.cultivatedindustries.com\)](http://www.cultivatedindustries.com) and several other Oregon-based Cannabis businesses, said he's had accounts closed for cashing checks from vendors with names including cannabis-related terms.

Morse said banks haven't disclosed why they closed his accounts.

"It's always like, 'You know why we're shutting you down,' " he said.

Bank of America and Wells Fargo are some of the banks he said have closed accounts of QCBC members.

Bank of America did not return phone calls, but submitted a statement: "At Bank of America, as a federally regulated financial institution, we abide by federal law and do not bank marijuana-related businesses."

Wells Fargo also submitted a statement: "The sale of marijuana is still illegal at the federal level and as a result, we do not bank marijuana businesses." When asked if pot-related accounts would be closed, Wells Fargo spokeswoman Lara Underhill said if bank policy isn't being followed, they "act accordingly."

Some banks find a way

The frustration of business owners like Morse and Monson may stem from simply not being aware of the accounts Maps offers. But why is the credit union so secretive?

"We don't want them out spreading the good news I guess," Saunders said. "It's such a weird place to be. Normally you'd love word of mouth. This is one area where we're not necessarily interested in banking every dispensary in Oregon."

There are 334 dispensaries registered in Oregon. Maps handles accounts for fewer than 50 of them.

After the credit union decided not to close its first dispensary account, staff put together a litany of requirements a marijuana-related business must go through to maintain an account that keeps regulators happy.

There is an annual site inspection by the credit union, license verification with the Oregon Health Authority, background checks on the business owners, verifying financial records against tax filings, and verifying those against cash flows. Maps monitors every transaction individually.

Another important thing: "No smelly money," Saunders said. Cash smelling like marijuana can raise eyebrows when currency transaction reports are sent to regulators, so Maps requires cannabis accounts to store money away from the product.

Saunders said Maps has a zero-tolerance policy for offenders; a dispensary that was late setting up its annual inspection had its account closed. Monitoring and serving those accounts is expensive and labor intensive. "What we've found is these businesses are in such need of these services they are willing to comply with whatever hoops we put in front of them," he said.

These accounts don't go to the branches either, instead they come to Maps' general counsel and his team of three assistants for service. There's a \$250 application fee for the account, \$250 fee for the annual inspection and deposit fees on every transaction.

Several credit unions in Washington have also found ways to cope with these high-risk accounts. Kelli Hawkins, a spokeswoman for the Spokane Valley-based [Numerica Credit Union \(https://www.numericacu.com/\)](https://www.numericacu.com/) said that by working closely with state and federal regulators, Numerica has found a way to serve marijuana businesses licensed in Washington. Those customers have reported being thankful for the ability to pay their employees, vendors and taxes with checks rather than cash, Hawkins said.

Seattle-based [Salal Credit Union \(https://www.salalco.org/\)](https://www.salalco.org/) also serves marijuana businesses. Making those accounts available came down to having an open-minded board of directors, weighing the financial risks and working intimately with regulators, said Carmella Murphy Houston, vice president of Salal's business services division.

Maps stands alone in Oregon, Saunders said, because other institutions tried to enter the market too quickly and didn't set up their processes to assuage regulator's doubts about high-risk accounts like those of cannabis businesses. "It's an intimidating business," he said.

Regulatory compliance takes a toll

Paula Givens, a cannabis banking consultant and former attorney for the National Labor Relations Board, said she can't overstate the difficulty of complying with regulations.

"In my mind the lack of banking boils down to financial institutions who are unwilling to go to the expense of establishing and maintaining the type of thorough due diligence program that will keep the regulators happy," Givens said.

For many, the risks are too high until laws change, said Linda Navarro, president of the Oregon Banker's Association. Depending on who occupies the White House next, regulations could quickly change and cannabis businesses operating legally under state law or banks serving them could, hypothetically, be prosecuted as money-laundering operations.

Directives to banks on serving marijuana businesses from FinCEN and the Department of Justice's "Cole Memo" don't mitigate risk because "It's just guidance not assurance," said Lynn Heider, a spokeswoman for the Northwest Credit Union Association. [The Cole Memo \(http://www.justice.gov/sites/default/files/usao-wdwa/legacy/2014/02/14/DAG%20Memo%20-%20Guidance%20Regarding%20Marijuana%20Related%20Financial%20Crimes%202%2014%2014%20\(2\).pdf\)](http://www.justice.gov/sites/default/files/usao-wdwa/legacy/2014/02/14/DAG%20Memo%20-%20Guidance%20Regarding%20Marijuana%20Related%20Financial%20Crimes%202%2014%2014%20(2).pdf) is a message signed in 2014 by then-U.S. Deputy Attorney General James Cole to U.S. attorneys directing prosecutors to focus on the most significant criminal marijuana cases, like gang or cartel activity, rather than shutting down businesses operating within state law.

Business still booming

With marijuana's recent legalization in Oregon, business owners as well as members of the state's congressional delegation are beginning a stronger push for federal reform. They say it's time for change — the marijuana industry is a market growing quickly.

According to ArcView Market Research, a firm focusing on marijuana markets, the industry grew by 74 percent in 2014 to \$2.7 billion in sales across the medical and recreational industries nationwide. That data doesn't include numbers from states that recently legalized cannabis for recreational use like Oregon and Alaska.

Banks would like to profit from serving those businesses, but, "At the crux is the fact that it's illegal at the federal level," Navarro said. (A Department of Justice spokesman didn't return calls asking if charges have ever been filed against a bank for serving cannabis clients.)

A spokeswoman from the FDIC would not comment about whether a bank could lose or has ever lost FDIC insurance for serving marijuana businesses. She said banks should follow federal rules like the FinCEN guidelines, the assurance from the Treasury that banking pot businesses is legal.

Laws may change

There is a chance the laws will change: reform is gaining the attention of Congress. The 2016 omnibus bill recently signed by President Obama has an inconspicuous single sentence within the 887-page bill that says the Department of Justice can't use money appropriated to it to prevent states from implementing medical marijuana laws. That sentence effectively legalized medical marijuana at the federal level. U.S. Rep. Earl Blumenauer (D-Ore) released a statement which said he was "disappointed" that banking reform wasn't included in the bill.

A delegation of Oregon cannabis leaders also [traveled to D.C. in October \(/story/news/politics/2015/10/20/oregon-cannabis-leaders-lobby-dc-lawmakers/74295254/\)](https://story/news/politics/2015/10/20/oregon-cannabis-leaders-lobby-dc-lawmakers/74295254/) and lobbied in support of reforms, including allowing marijuana business to take tax deductions. Blumenauer recently [addressed the House of Representatives \(/story/news/politics/2015/10/21/blumenauer-addresses-congress-oregon-pot/74351702/\)](https://story/news/politics/2015/10/21/blumenauer-addresses-congress-oregon-pot/74351702/) in support of those objectives.

"Stop interfering. Let legal marijuana businesses have bank accounts. Don't force them to be all cash," he said.

Wyden and Merkely have also co-sponsored marijuana finance reform bills, which are awaiting a committee hearing. Morse said he's hopeful Congress will acknowledge the need for reform.

"They're seeing that this has to change," he said. "It's not right."

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News Articles

MARIJUANA NEWS

Masked intruders hit legal marijuana grow -- first violent crime at licensed pot farm

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Updated on February 6, 2017 at 9:45 AM
Posted on December 29, 2016 at 2:25 PM



Masked assailants woke up James Bowman in the early hours of Dec. 16, broke his nose and left him with black eyes, county sheriff's officials said. They filled a rented U-Haul truck with hundreds of pounds of harvested marijuana and then took off. (*Beth Nakamura/The Oregonian*)

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By **Noelle Crombie**, ncrombie@oregonian.com

The Oregonian/OregonLive

Four masked intruders severely beat and robbed a marijuana grower in Jackson County this month in the first reported instance of violent crime at a state-licensed cannabis production operation.

The assailants woke James Bowman in the early hours of Dec. 16, broke his nose and left him with black eyes, county sheriff's officials said. They filled a rented U-Haul truck with hundreds of pounds of harvested marijuana and took off.

Hours later, two of Bowman's workers discovered the 56-year-old, still tied up and cold, sheriff's officials said. The robbers had left the door to his house open.

Bowman, a longtime marijuana grower in southern Oregon, was hospitalized for several days.

The break-in and theft unfolded in the rural community of Wimer, where Bowman started growing medical marijuana two years ago. He had moved there after federal agents and local police raided his large farm in Ruch in 2012 before Oregonians legalized marijuana for recreational use.

Bowman, who was on track that year to be the state's largest producer of medical marijuana, wasn't charged with a crime after the raid, which wiped out his crop.

This year, Bowman applied for and received a producer license for his business, BlueSky Gardens, from the Oregon Liquor Control Commission, the agency that oversees recreational cannabis. He is one of more than 350 licensed marijuana growers producing for the recreational market.

Bowman holds a tier two license, the larger of the two license types issued for outdoor production. Under state rules, he can produce cannabis on up to 40,000 square feet of land.

The liquor commission inspected Bowman's farm in August; inspectors concluded the grow site met the state's requirements.

Mark Pettinger, a commission spokesman, said the agency will conduct an administrative investigation into the security breach once the criminal investigation concludes. Bowman reported the theft to the commission as required.

A message left for Bowman with attorney Robert Graham of Grants Pass wasn't returned Thursday. Graham represents the property owner who leased the land to Bowman.

Experienced marijuana growers in southern Oregon, the epicenter of outdoor production, say break-ins, thefts and robberies aren't a new threat. What sets Bowman's case apart is the rapid response of law enforcement, they said.

"Growers have been calling law enforcement for years and gotten no response," said grower Brent Kenyon. "It's absolutely awesome that we are seeing a response" to the robbery at Bowman's property.

Jackson County Detective Jason Penn said the agency is taking the case seriously and vigorously investigating it. He said the marijuana was stolen from a large cargo container, which had been secured with a padlock.

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"The locks are easily clipped off," Penn said.

The assailants damaged the state-required security system. Authorities are still trying to assess what surveillance footage remains on the system, he said.

The thieves struck as the crop was at its most valuable: Bowman's marijuana had been harvested and cured and was ready for market.

"It's all buttoned up nicely in big totes and it's ready to go," Penn said. "It's like coming to someone's house on Christmas Eve and taking all their goodies."

The price of marijuana fluctuates depending on the time of year and whether it was grown indoors or outdoors. Premium outdoor marijuana is worth \$1,600 to \$2,100 per pound on the wholesale market, said Aviv Hadar, whose Bend company Oregrown produces, processes and sells recreational cannabis. It's worth double on the retail market, he said.

The stolen cannabis is headed for the black market, but it's hard to say how and where the thieves will unload it, Hadar said. He speculated that it may be processed into popular cannabis oils. It could end up in California or across the country, where Oregon cannabis fetches top dollar.

Hadar said he has round-the-clock security staff to deter thieves from entering his property.

Security, he said, is a preoccupation for many growers.

"It keeps us up at night," he said.

-- Noelle Crombie

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The Cannabis Security Industry Helps Marijuana Businesses Fight Crime

BY ALEX HALPERIN

MONDAY, APRIL 3, 2017 AT 8:04 A.M.



A wide variety of weed

Brian Feinzimer

106

43

AA

More than three years ago, Noah Stokes was running a security company in Oregon when a nervous medical marijuana grower approached him. "Hey, you guys do security, right," the grower asked Stokes. The man's grow had been robbed. Someone had cut a hole in the ceiling, opened a door and loaded a truck with the harvest of several thousand square feet of grow space.

started **CannaGuard Security** to focus specifically on the cannabis industry. His security firm has grown to have operations in numerous states including California, where state lawmakers have turned to the issue in their effort to start issuing licenses by the beginning of next year.

Until now, California cities have had to determine their own security requirements for legal pot businesses, but neither the state nor L.A. – the nation's largest market – has regulated it yet. That's about to change now that voters have tasked both the state and L.A. – through the recent passage of Measure M – with regulating the industry.

Security concerns are common in an industry like marijuana that's transitioning from the black market to the legal market. The threats to marijuana businesses are very real. L.A. dispensaries have **seen their share** of crime. While exact statistics for crime against dispensaries are rare, these businesses traffic in cash and weed, two valuable and highly fungible commodities.



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Tony Gallo, CEO of Sapphire Risk Advisory Group – a Dallas-based company that works with cannabis companies along with regular retailers and financial firms – said they're “high-risk”

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which can sell both liquor and scratch lotto tickets.)

The refusal of major banks to work with legal pot companies has received a good deal of media attention but Stokes said that large security companies such as ADT Security Services won't work with pot companies either, for fear of losing contracts with the federal government. ADT did not

immediately respond to *L.A. Weekly's* request for comment.

Widespread requirements for sophisticated security programs and a lack of large providers has created a business opportunity. Security services aren't cheap. Gallo said that startup security costs for a dispensary might be tens of thousands of dollars. But it can cost far more. In Pennsylvania, which legalized medical marijuana use last year, Stokes said the state currently requires dispensaries to maintain 24/7 video surveillance and store all of it for four years. For such a system, just the storage space and server could cost \$200,000, he said. A camera system that turns on when it detects motion would require far less in storage costs but is potentially more vulnerable, he said.

L.A. and California cannabis business owners who blanch at security costs can take some comfort in knowing that not every facet of keeping their property safe demands huge outlays on equipment. "Creating a culture of honesty" at a dispensary can go a long way to protecting a business, Gallo said. Like most retailers, Gallo said between 60 and 70 percent of theft at dispensaries is committed by employees.

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OLCC Land Use Info

SECTION 2

Land Use Planning & Zoning Compliance

Depending on license type, different zoning restrictions may apply, however no OLCC marijuana licensed facility...

- May be on federal property.
- May be at the same physical location or address as a liquor licensee licensed under ORS Chapter 471 or as a retail liquor agent appointed by the Commission.
- May be at the same physical location or address as a medical marijuana processing site registered with the OHA.
- May be at the same physical location or address as a medical marijuana dispensary registered with the OHA.
- With the exception of the producer license, may be in an area that is zoned exclusively for residential use.



If you are a producer:

- You may not be located at the same physical location or address as a medical marijuana grow site registered with the OHA, unless the grow site is also licensed under ORS 475B.080.
- May not be located on public land.

If you are a retailer:

- Except as provided in Oregon Laws 2016, chapter 83, section 29b, the proposed licensed premises of a retail applicant may not be located within 1,000 feet of:
 - A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

All licensed premises are to be located in Oregon. Importing or exporting marijuana items into or from the state is a local and federal offense.

Visit the Oregon Legislature website to review complete statutes (ORS) at <https://www.oregonlegislature.gov/>.

Cities and counties have the ability to adopt ordinances imposing reasonable regulations on the operation of businesses located within their jurisdiction. Be sure to contact your local government to ensure you are in compliance with their local laws.



Bernard Testimony

DATE 8/14/17

Dear Planning Commission / City of Gold Beach
Re: Licensing for CBC 1701 + CBC 1702
Applications

This is my second letter regarding these 2 licenses. Enclosed are 4 Articles (25 pages total) relating to the criminal activities connected to marijuana businesses which makes it obvious that they do present a hazard to the areas near them. And I live in close proximity so I am very uncomfortable with them being approved.

Besides safety concerns, the added risk of criminality connected to these businesses will without a doubt affect the value and salability of my property which I also expressed in my previous letter.

Another issue is the problem of odor. This may also present a problem to me and my property. I would like to know if the Planning Commission will draw up ordinances to regulate this aspect of these businesses.

Thank you for considering my very real concerns.

Enclosures: 25 pages

Sincerely,

Marcia Bernick

94185 Moore St

Gold Beach, OR 97444

http://missoulian.com/news/local/violence-swirls-around-legal-medical-marijuana/article_28db2a70-60a2-11df-8944-001cc4c03286.html

Violence swirls around 'legal' medical marijuana

By TRISTAN SCOTT of the Missoulian May 16, 2010



+2

Billings medical marijuana shop owner says firebomb 'an attack on the community'

Billings puts moratorium on new medical marijuana businesses

Boy Scout leader, disabled vet accused of beating Bitterroot man over stolen medical marijuana

Kalispell murder:

A beating death, an assault and two firebombings linked to Montana's burgeoning and largely unregulated medical marijuana trade have prompted more calls by law enforcement and advocates for the state to change how it regulates the drug.

In the past month, a medical marijuana grower in Kalispell was beaten to death in a drug robbery that authorities say was planned for days, and in Ravalli County, several qualified medical marijuana "caregivers" allegedly assaulted a man with a bat because they suspected him of stealing medical marijuana from a dispensary owned by one of the suspects.

Then, this past week in Billings, two medical marijuana businesses were firebombed just before the City Council there considered – and ultimately approved – a moratorium on all

Suspects say they bludgeoned man for his marijuana and money

new such shops for the next six months. Some blamed the fires on opponents of medical marijuana; others suggested competing providers could have had a hand in the blazes. Police have made no arrests.

5th person charged in connection with Kalispell murder

Law enforcement officials say the crimes underscore a lack of oversight in state policy that has become evident since Montana legalized medical marijuana in 2004. The vagueness of the law became glaring after the Obama administration softened the federal stance on medical marijuana last September, announcing patients and suppliers who obey state laws would not be prosecuted.

Medical marijuana beatdown: Accused men due in court

Four Ravalli County men plead not guilty in medical marijuana beatdown

“This is exactly what we were concerned about when the initiative passed and we saw the proposed language,” said Ravalli County Sheriff Chris Hoffman. “This kind of violence is one of the first things that law enforcement as a body was concerned about. In my opinion, the state did not go far enough in terms of regulating this. There are just so many things they did not think about in terms of community safety, and where it (marijuana) is propagated and produced.”

Hoffman said the violence isn't surprising given that businesses growing and supplying medical marijuana have sprung up across the

state, advertising their services on storefront signboards. So long as marijuana remains a valuable commodity, Hoffman said, individuals openly growing and distributing the drug will be at risk.

"Anyone growing medical marijuana is going to be a target because it is a desirable commodity for illicit purposes," Hoffman said. "That's it in a nutshell."

Montana voters enacted the medical marijuana law in 2004 by passing Initiative 148, with 62 percent of voters in favor. It allows people with a debilitating medical condition, as certified by a physician, to obtain a state registry card allowing them to possess up to 1 ounce of marijuana for medical use. Patients with a card can designate a caregiver who can legally supply marijuana to one or more patients.

Since June 2009, the number of registered patients in Montana has jumped from nearly 3,000 to more than 12,000, and since September hundreds of designated caregivers across the state have hung shingles advertising their medical marijuana businesses and grow operations.

The boom has led some towns to enact ordinances that better define medical marijuana dispensaries and place limitations

on where and when they can operate.

In towns such as Stevensville and Hamilton, ordinances have been proposed or adopted that limit dispensaries to certain commercial zoning districts, and impose special hours under which they can operate. In most cases, the dispensaries must be a certain distance from in-home day care centers, churches and schools in an effort to limit potential hazards associated with the businesses.

Such an ordinance has not been proposed in Missoula, said City Council member Bob Jaffe, who also chairs the Plat, Annexation and Zoning Committee. Jaffe said there have been no referrals for any kind of medical marijuana ordinances, and he doesn't see lumping medical marijuana businesses in zoning districts along with pawnshops or strip bars as necessary.

Zoning districts already exist for pharmacies and medical clinics, which are consolidated in commercial areas, and Jaffe said medical marijuana businesses are more akin to those businesses anyway.

As for security and public safety issues such as burglaries and robberies, those crimes have already been occurring at pharmacies and medical clinics at an alarming rate, largely

opportunists.”

“The vagueness of Montana’s current law is being deliberately and consciously exploited, and that is not what we envisioned,” said Daubert, who helped promote the medical marijuana initiative.

Doctor recommendations are essentially for sale at large “so-called traveling clinics,” Daubert said, referring to the moveable feasts of physicians that some businesses have organized, where people can become certified as patients after a brief visit.

“There’s really no oversight in the current law,” said Daubert, who is also a medical marijuana caregiver who can grow or provide marijuana for one or more patients.

There was proposed oversight in a bill that Daubert helped write last legislative session, which passed the state Senate but not the House. Among other things, the bill would have empowered the state Health Department to audit caregivers.

Currently, the Children, Families, Health and Human Services Interim Committee is researching the many sides of the medical marijuana issue so it can recommend proposed changes to the 2011 Legislature.

“All these kinds of proposals can reduce the concerns. They will make the program work more smoothly and as intended, rather than with as much opportunism as we are seeing right now,” Daubert said.

Still, Daubert said burglaries and robberies are not unusual at pharmacies, and the recent high-profile crimes may be less an inherent problem with medical marijuana laws and more a reflection of cultural mores.

“I can’t pretend to say that these changes would prevent illegal acts. It’s probable that no amount of regulation can overcome some of the issues that are inherent to prohibition itself. As long as marijuana is generally illegal and yet very popular with a significant size of the population, and the value of it is artificially inflated by prohibition and the restrictions of our legal medical marijuana law that keep the cost and the value high, there will always be some problems,” Daubert said.

“But I think more regulatory laws would go a long way toward reducing these undignified, illegal behaviors,” he said.

Reporter Tristan Scott can be reached at 523-5264 or at tscott@missoulian.com.

Most pot dispensaries are forced to be cash-only. Now they're prime targets for violent robberies



Members of the Los Angeles County Sheriff's Department collect evidence at a marijuana dispensary in Walnut Park in June. The store's owner shot and wounded two men trying to rob the store, authorities said. (Mark Bostel / Los Angeles Times)

By Rick Anderson

JULY 11, 2016, 3:00 AM

The recent killing of a marijuana store security guard in Colorado and the wounding of another guard in San Bernardino are the latest examples of the crime lure posed by cash-only pot dispensaries, industry observers say.

But while those armed robbery attempts and a pot store shootout in Walnut Park in Los Angeles County were unfolding last month, Democratic-sponsored legislation that could have led to more dispensaries offering plastic and electronic payments in lieu of cash was blocked by House Republicans.

"Moments such as this," said security expert Michael Jerome of Blue Line Protection Group, referring to the recent killing of 24-year-old Colorado pot store guard Travis Mason, "remind us that the cash-based

nature of the legal cannabis industry here in Colorado makes these dispensaries and cultivation facilities prime targets.”

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A former Marine with a wife and three children, Mason was shot in the head on June 19 by two armed robbers at the Green Heart pot dispensary in Aurora, a Denver suburb. It was his second week on the job.

The would-be robbers, who fled without any money, are still being sought. Rewards totaling \$12,000 have been offered for their capture.

“This incredibly sad situation underscores the public safety risk faced by our industry due to the fact that we don't have access to banking,” Michael Elliott, executive director of the Marijuana Industry Group, told the Aurora Sentinel.

That risk was underscored on June 8 when a Walnut Park medical marijuana dispensary owner survived a shootout with two would-be robbers. On his security camera, the owner spotted the two men arriving with masks and armored vests, according to a Los Angeles County sheriff's spokesman. One was carrying an assault rifle. The owner drew his own gun and wounded the two as they entered. The owner escaped unharmed.

Santa Ana police recently announced a \$100,000 reward for information leading to the arrest of a suspect in the shooting of another marijuana dispensary owner, Derek Worden, 48, who survived two bullet wounds outside his store in November.

Police said anonymous donors provided the reward money after the investigation stalled. Worden's dispensary had been open for just four months. The shooter ran off without any money, officials said.

Crime statistics concerning legal dispensaries are hard to come by as the industry expands, and, understandably, operators are reluctant to talk about how much cash they can have on hand. But in a late-night Seattle dispensary break-in last year, for example, thieves got away with \$100,000 in cash, police said.

Recreational use of marijuana is dominated by Western states – it's legal in Colorado, Washington, Oregon, Alaska and Washington, D.C. Altogether, 25 states and the District of Columbia allow some form of recreational or medical marijuana use.

California, Nevada and six other states could make marijuana legal in a majority of U.S. states in November when they vote on legalization measures. Marijuana Business Daily reports that potential

ballot measures loom in another six states, and predicts that legal pot could become an \$8-billion industry in the U.S. by 2018.

But marijuana use remains illegal under federal law, causing most banks to steer clear of the industry. As a result, most dispensaries must deal in cash.

The Senate recently approved legislation to protect banks against repercussions if they do business with marijuana dispensaries, but a Republican-controlled committee blocked a similar amendment in the House.

One of the co-sponsors, Rep. Dennis Heck (D-Wash.), mentioned slain Colorado pot store guard Travis Mason after the GOP action. Heck told the National Journal that "every single member who opposed allowing this amendment ought to have that young man's name tattooed on their body to remind them."

More banks are opening their vaults to pot entrepreneurs, the Associated Press reports. In March, 300 financial institutions were working with marijuana companies, based on federal data. That compares to 51 in March 2014.

But cash-only remains a business hazard. Four days after Mason's killing in Colorado, a 35-year-old San Bernardino medical marijuana dispensary guard was shot in the head. He survived but remains in critical condition. Three armed robbers got away with a haul of cash.

That was similar to a robbery last year at a San Bernardino dispensary, except in that case, the guard, Anthony Victor Pineda, 25, died from his wounds, police said. The robbers fled with the cash.

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Legal marijuana stores lead to increases in property crime: study

April 27, 2017 by Jeff Gromaier



Credit: The Ohio State University

Legal marijuana shops are linked to higher levels of property crime in nearby areas, according to a nearly three-year study in Denver.

Researchers found that crime isn't higher in the area immediately surrounding marijuana outlets. But adjacent areas saw about 84 more property crimes per year than neighborhoods without a nearby marijuana store.

In Denver, no significant increase in violent crime was seen as a result of marijuana sales.

The results show that legal marijuana sales come with a cost, said Bridget Freisthler, lead author of the study and professor of social work at The Ohio State University.

"If you're looking strictly from a public health standpoint, there is reason to be somewhat concerned about having a marijuana outlet near your home," Freisthler said.

Putting this risk in context, marijuana outlets led to similar levels of property crime as bars, liquor stores and restaurants that serve alcohol, data from the study suggests. And businesses that sold alcohol led to much more violent crime than marijuana outlets.

The study was published online today in the *Journal of Primary Prevention*.

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crime.

The change in the law allowing recreational sales did not result in an increase in crime, results showed.

"It is the number and density of outlets that is important, not whether they are medical or recreational," Freisthler said.

But there is a caveat to that finding. After the law was first changed to allow recreational sales, only those dispensaries that already were selling for medical purposes were allowed to apply for a license to sell recreational marijuana in Colorado.

As a result, the number of outlets didn't change much.

This is the second study Freisthler and colleagues have published on crime and marijuana outlets. The earlier study, published last year, was done in Long Beach, Calif. In both studies, property crimes didn't increase right next to the outlet, but in the adjacent neighborhood.

That's probably because the dispensaries often have security guards and cameras keeping an eye out on the immediate area, Freisthler said.

"The areas we examined in our study were relatively small (about a third of a square mile), so a guard could conceivably be keeping criminals away from the neighborhood directly surrounding the outlets," she said.

One way to understand the effect of marijuana stores on crime is to compare them to places that sell alcohol.

Data from the study showed that marijuana outlets contributed to 1,579 property crimes in Denver over 34 months, compared to the combined alcohol outlet contribution of 1,521.

"The levels of property crimes were similar, although marijuana outlets were responsible for slightly more," Freisthler said.

Alcohol outlets, however, were responsible for about four times more violent crimes during the 34 months of the study than those that sold marijuana (372 vs. 93).

But Freisthler cautioned that a direct comparison is difficult because the effects related to marijuana outlets take into account crimes in local and adjacent areas while the data for alcohol outlets only look at adjacent areas.

Still, she said it is concerning that there is this level of crime associated with marijuana sales, despite the fact that the density of marijuana outlets is much lower compared to that of alcohol outlets. "Over time, as marijuana grows in popularity, densities of marijuana outlets may increase, resulting in higher crime," Freisthler said.

While this study did not find a significant increase in violent crime related to marijuana shops, the study in Long Beach did. That suggests it is too early to say that legal marijuana sales don't result in significantly more violent crime, she said.

This new study did find, not surprisingly, that legal sales were linked to an increase in burglaries and other crimes at marijuana outlets themselves.

From the data in the study, the researchers can't tell who is committing the crimes and who the victims are in the nearby neighborhoods. Customers of

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the marijuana outlets could be the victims or the perpetrators, according to Freisthler.

"That's important to know, because residents may want to mobilize if they are the victims of increased crime. But if it is not the residents being victimized, they may not care as much," she said.

Freisthler said the findings of this, as well as her previous study, suggest there are reasons for citizens to be cautious about legal marijuana sales.

"There are definitely negative public health consequences, including increased crime," she said. "There may be economic benefits in terms of more tax revenue and money spent in neighborhoods. Citizens have to decide how they want to measure the benefits and costs."

Explore further: Medical marijuana outlets not linked to crime

More information: Bridget Freisthler et al. From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation, *The Journal of Primary Prevention* (2017), DOI: 10.1007/s10935-017-0472-9

Provided by: The Ohio State University

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High Crimes: Robber Gangs Terrorize Colorado Pot Shops



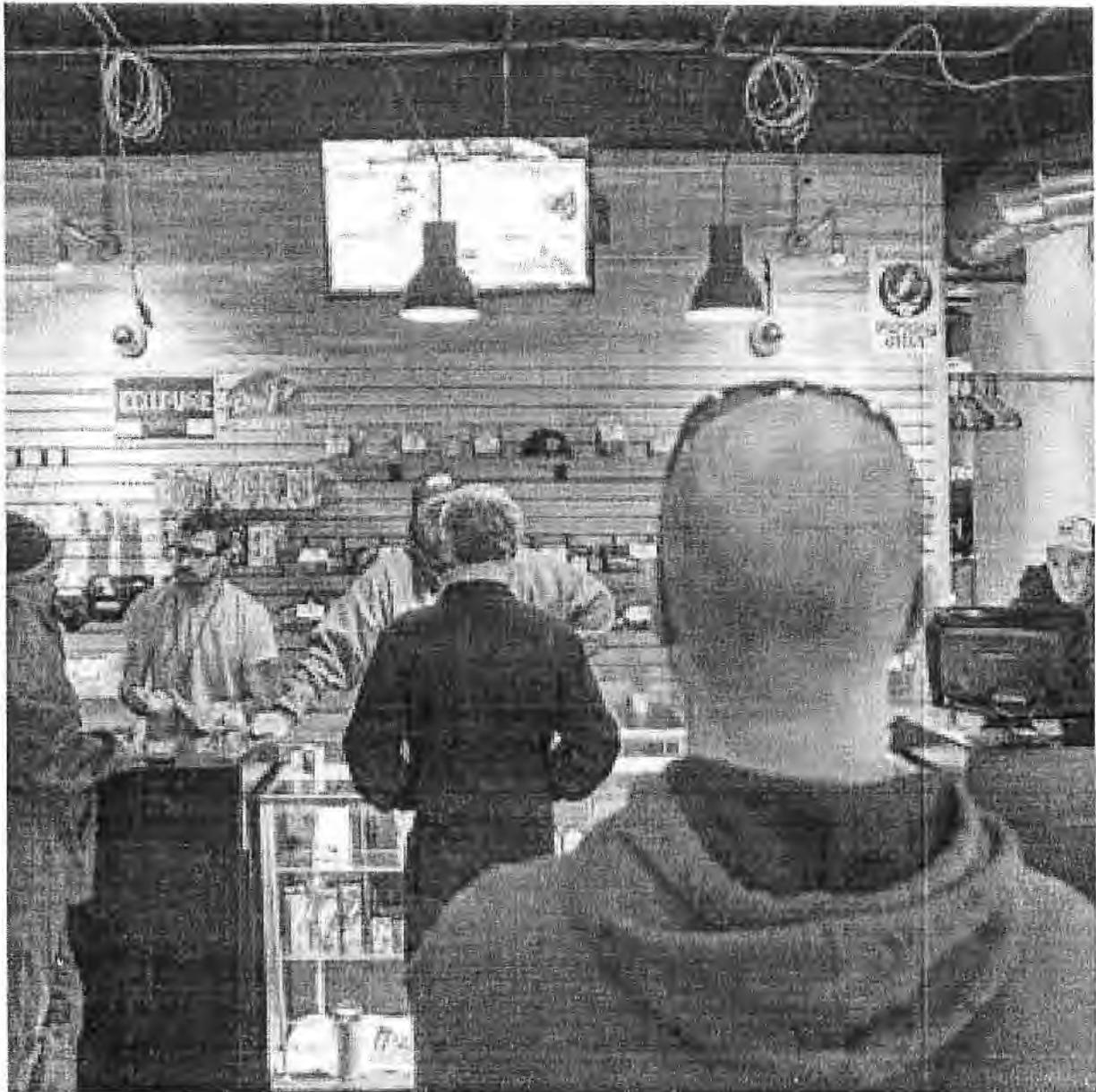
Former special operations soldiers who fought in Afghanistan and Iraq now work for Blue Line Protection Group, like the guard shown here, and specialize in the protection of the marijuana industry in Colorado.  Ed Kashi / VII for NBC News

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One thief, posing as a delivery man, pulled a can of bear mace on employees and ransacked their marijuana shop, fleeing in a defensive cloud of “ultra-pepper” spray. Another opened the wall of a dispensary with an ax and attacked the store’s safe with a circular saw. Still another stuck to the basics. He kicked in the front door and pointed his gun at the counterman. An accomplice kicked in the back door and filled a duffel bag with more than \$10,000 worth of high-quality cannabis.

For weeks now, the Mile High state has allowed the sale of recreational pot to adults, and so far the Rockies still stand. But crimes like the ones above, all of which occurred in Colorado in the last six months, have produced an acid-drip of anxiety in the industry, highlighting the dangers faced by those hoping to drag America's most popular illegal drug into the light. Because marijuana remains banned by Congress, banks and security firms deny services to most dispensaries. That leaves them cash-based and vulnerable, a magnet for criminals who like the idea of unguarded counting rooms and shelves lined with lucrative horticulture.





Customers wait in line at the Dank Colorado Dispensary to purchase recreational marijuana in Denver. 📷 Ed Kashi / VII for NBC News

“Everyone in the industry is having nightmares,” says Michael Elliott, executive director of the Marijuana Industry Group, a powerful young lobby in Colorado. “You hit a 7-Eleven, you’ll get 20 bucks. You hit a dispensary, you’ll get \$300,000 on a good day,” adds Mitch Morrissey, District Attorney for Denver. “It’s only a matter of time before someone gets shot.”

Since 2010, the new pot barons have been required to install alarms and surveillance cameras, and most secure all cash and retail pot in a floor-bolted safe overnight. That helps limit losses, but the thieves keep coming. They throw bricks through windows, and tunnel under floors. One team tore away the locks on a grow house with a set of chains and a Subaru Outback. Another crashed an Audi through a warehouse door.

At first, most of the heists were softened by a kind of likable idiocy. Owners joked about the hapless fellow who zip-lined through an opening in a greenhouse roof, then lacked the oomph to climb his way out. Or the thief who kicked into an apartment above a pot shop, only to be chased off by the apartment’s surprised owner, a member of the Denver Nuggets. Or the team that crowbarred into a dispensary in 2012, leaving with a broken scale and \$8 from a “karma jar” on the counter.

More recently, however, the crimes have sent a forked bolt of fear through the industry. Last summer, for example, a trio of gunmen "demanded Weed" from the workers at a dispensary called 420 Wellness, according to documents provided by the district attorney's office. As two of the gunmen filled "several trash bags" with award-winning marijuana, the third leapt over the counter and took a female employee by the elbow, leading her around the shop as a human insurance policy. Police caught up with that squad soon after they fled the scene, charging the ringleader with aggravated robbery and kidnapping.

But over the next six weeks, a different team of burglars hit at least eight dispensaries, and a third team is still on the loose after a stick-up at New Age Wellness in nearby Boulder County. Moments after closing time, two men dressed in baby-blue ski-masks burst in, pointed guns, and cleaned out the little mountain depot. "It's an epidemic," says one of the employees, who declined to give his name for safety reasons. "Everything is a lot tighter now. It isn't so homey anymore."

"It's like they think: 'If we can precipitate some sort of public safety issue, maybe we can stop it.'"

To judge by the data, it's not so homey anywhere in the region's marijuana market, where attempted theft has gone from a concern to a near-certainty. In 2009, the Denver Police Department estimated that about 17 percent of marijuana retail shops had been robbed or burglarized in the last year. That was good news: a bit less than liquor stores (20 percent) and banks (34 percent), and on par with pharmacies.

Today, however, a darker picture has emerged. There are about 325 marijuana companies in Denver, based on an analysis of licensing data done for NBC News by Marijuana Business Daily, a leading trade publication. (Most companies hold numerous licenses.) At the same time, there have been about 317 burglaries and seven robberies reported by these companies in the last two years, according to police data. That's an annual robbery and burglary rate of about 50 percent, more than double what it was in 2009.



Workers tend the grow houses at the Medicine Man marijuana dispensary and grow house. It is one of the largest in Denver.  Ed Kashi / VII for NBC News

While a Denver Police spokesperson disputed these figures, the department doesn't have its own. What is available suggests a troubling parallel development: as the industry has grown, its access to banking and security has declined, and crime has soared. What spurred the sudden loss of services remains a mystery, although many dispensary owners blame it on pressure from the Drug Enforcement Administration, which has called Colorado's experiment "reckless and irresponsible."

"It's like they're trying to precipitate some sort of disaster," says Norton Arbelaez, the founder of River Rock, one of the Denver's larger dispensaries. "It's like they think: 'If we can precipitate some sort of public safety issue, maybe we can stop it.'"

The Obama administration says that it's working on new regulations that will allow banks to hold accounts for legal marijuana businesses. But Jack Finlaw, the chief legal counsel to Colorado's governor doesn't think that will be enough. As long as marijuana remains illegal under the Controlled Substances Act, he says, banks, security firms and indeed most traditional businesses will be wary of aiding what amounts to a state-sanctioned federal crime. "Congress really needs to act," he says. "I don't see a quick fix."

Meanwhile, the collateral damage continues to mount. Some dispensaries may be hit five times and others none at all, but on average every marijuana-related business in Denver can now expect a taste of the crowbar or the gun at least once every two years.

"I think everyone has been robbed at least once," says Jonathan Salfeld, the owner of Local Product of Colorado, which has been broken into twice, despite being located a block from Denver Police headquarters. "It leaves you feeling less than safe," adds Elan Nelson, the director of business development at Medicine Man, one of the largest dispensaries in Denver. She says her last dispensary was broken into four or five times, and employees began to watch the door, wondering when the thieves would decide to try work hours.





Broken windows and doors are evidence of a recent burglary at the Timberline Herbal Clinic, owned by Yvette Williams.  Ed Kashi / VII for NBC News

Yvette Williams of Timberline Herbal Clinic is facing that same feeling, after suffering three break-ins in four years. The most recent heist was last month, amid a rash of seven burglaries in Denver in the first 11 days of legalization. The thieves came at night, taking \$1,000 in edible pot and leaving \$6,000 in damages. "We just don't know what to do," she says. "We're at a loss."

"To understand the importance of fixing banking, please read this story: 'Marijuana clinic owner penis cut off.'"

For the moment, Coloradans can still cling to a pebble of solace: no one has ever been killed in a state-licensed marijuana dispensary. Expect that to change, says Denver District Attorney Mitch Morrissey. Last summer he told the city council that there have been a dozen homicides "directly" related to mom-and-pop residential marijuana grows, which have been legal in the state since 2000.

The editorial page director of the Denver Post accused him of "blowing smoke," but Morrissey is now going further, predicting a spike in "strong-arm, bank-style, mask-and-gun robberies," as the old violence of the residential

market spills into the new world of legalized marijuana from seed to sale. "You know, they say this is going to bring in tax revenue for our schools. Well, I don't deal with that. I deal with dead bodies."

The worst violence has been in California, where in 2010 a gunman forced workers down on the ground, robbed their medical marijuana dispensary, and returned moments later to shoot both in the back of the head. But the fate that's really spreading terror in Colorado fell just shy of murder.

It began when three men broke into the home of a dispensary owner in Newport Beach, Calif., according to police reports that surfaced last fall. They zip-tied the man, dragged him into a van, burned him with a blow-torch, doused him in bleach, severed his penis, and then drove away with it—all in a bid to learn where he was hiding his cash. Now Elliott, the industry lobbyist, appends press releases with an unusual note: "To understand the importance of fixing banking, please read this story: 'Marijuana clinic owner penis cut off.'"

The industry is certainly taking the crime threat seriously. Dispensaries are sinking cash into bulletproof glass, Mission Impossible-style fingerprint scanners, and guards—lots of guards. A marijuana militia of sorts is building across the state, a force big enough to safeguard six-figure cash transports, seven-figure inventories and assets, and thousands of justifiably paranoid employees.

As with the criminals, some of the guards are less than intimidating. The owner's elderly (and doze-prone) uncle is the designated watchman inside one Denver dispensary. At another dispensary a guard considers his biceps "the only guns I need." But at least two major security firms—one purely marijuana-focused, the other an all-purpose global heavyweight—have ridden in to rescue Denver in the last year.

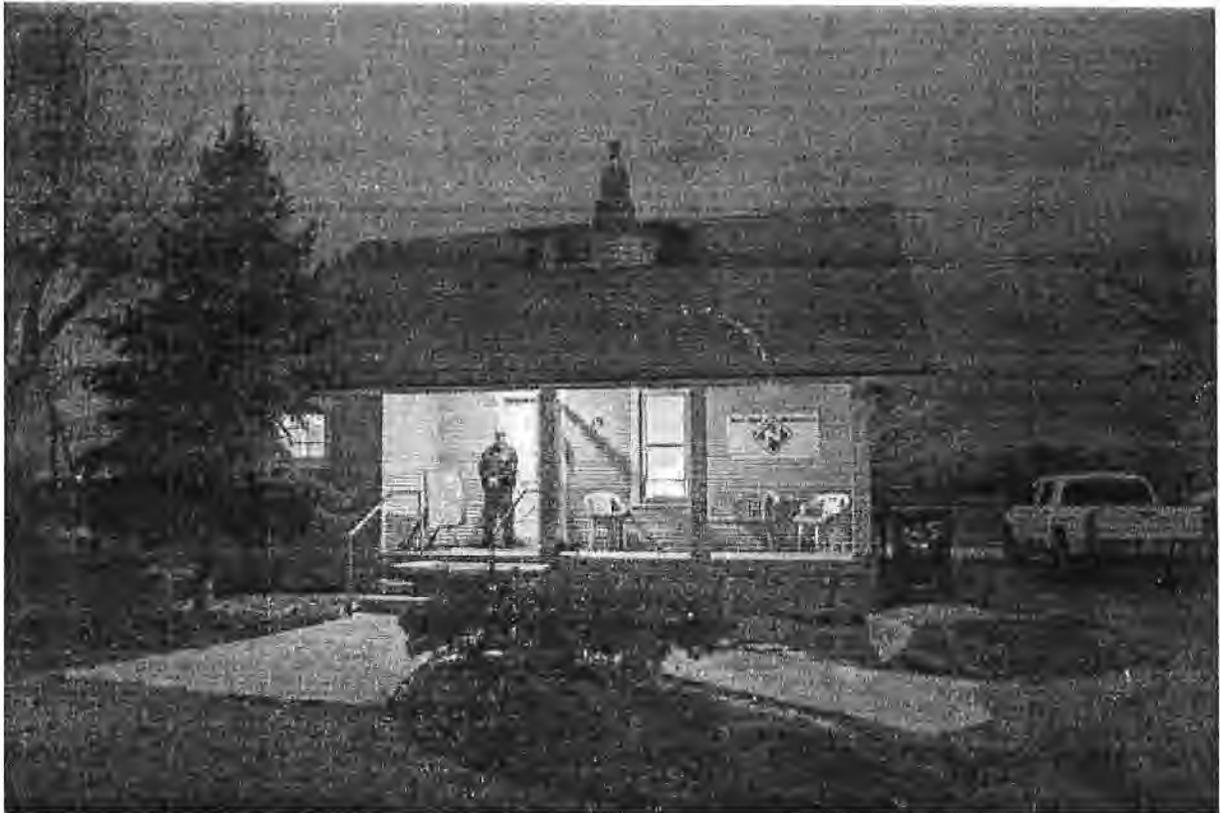
The first was Blue Line Protection Group, launched in August by Ted Daniels, a retired police officer and U.S. Army veteran who served in Afghanistan. He cuts a rather secure figure himself, with muscle that jumps from shoulder to ear, and shades wrapped around a bald pate. He has hired more than 40 guards, most with special ops experience.

"If you're going to fight the best," as he likes to say, "you better have the best."

Steps from the counter where the peace buds are sold, a warning sign is emblazoned with the words, "DEADLY FORCE."

His firm has landed about 30 contracts so far and is adding about one a day, according to Daniels, who charges between \$5,000 and \$15,000 a month. Most of the contracts come right after a break-in or a robbery, he says, and none have been hit again with his team on the scene. "I think criminals are afraid," he says. "I don't think they want to deal with my guys."





The New Age Wellness marijuana dispensary was attacked by masked gunmen recently, where Alan Pedersen, 23, was assaulted and \$6,000 worth of merchandise was stolen. Now a Blue Line Protection Group officer stands guard in Longmont, Colo. 📷 Ed Kashi / VII for NBC News

At Medicine Man, where Daniels has provided security since January 1st, there are now six cash registers and an armed guard for each one, plus another at the door. At the end of the day, after spraying the cash with Febreze to mask the scent, employees stuff it into tamper-resistant clear plastic bags, which Blue Line escorts downtown and into the company's vault.

If they face a robbery, they may call 911, but they're authorized to return fire. Every day now at New Age Wellness, in Boulder County, steps from the counter where the peace buds are sold, a warning sign is emblazoned with the words, "DEADLY FORCE." In front of the sign is a Blue Line guard, Glock on his hip.

"One of my guys, I think, can probably easily hold off five to 10 guys by himself," says Daniels, who appreciates the irony of blending what is essentially police work with the protection of a product that he used to bust people for using. For most of his guys, however, the product doesn't matter.

Daniels allows them to partake of the plant they're guarding, as long as they quit it at least 10 hours before reporting to duty, but they're in it for the conflict.

"We thrive on going out," says Keith Wood, a former Army Ranger who deployed to both Iraq and Afghanistan, before coming home to become Blue Line's operations manager. "I'm not going to run away," he said in an interview. "I could die today on the job. We don't know. But that's another reason to bring veterans in. That's how we're trained to think."

The competition comes from former Denver city councilman Ed Thomas, a 23-year veteran of the Denver Police Department. He recently partnered with CSC-USA, a California-based company that touts security gigs during two World Cups, four presidential inaugurations, and 30 Super Bowls. He's got two contracts so far and expects that number to grow.

"There are some really bad guys out there," he says. "It's just a matter of time until ... well, I don't even want to go there." 🐼

TOPIC U.S. NEWS

FIRST PUBLISHED FEB 3 2014, 12:44 PM ET

NEXT STORY Vermont Governor Plans to Veto Bill That Would Legalize Marijuana

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Untitled

The study was published online today in the Journal of Primary Prevention.

The researchers examined crime statistics for 481 Census block groups in Denver over 34 months (January 2013 to October 2015). When the study began, marijuana could only be sold for medical purposes. But beginning in January 2014, marijuana outlets were able to sell to the general public, giving the researchers the opportunity to see if recreational sales were tied to increases in crime.

They examined three types of crime, based on data from the Denver Police Department: Violent crime, property crime and marijuana outlet specific crime.

Read more at: <https://phys.org/news/2017-04-legal-marijuana-property-crime.html#jCp>



SEPTEMBER 2017 PLANNING COMMISSION PACKET



AGENDA

City Council Chambers
 City Hall, 29592 Ellensburg Avenue
 Gold Beach, OR 97444

Monday, September 18, 6:30PM

Call to order: **Time:** _____
 Pledge of Allegiance

	Present	Absent
Position #1 Summer Matteson-Kinney		
Position #2 VACANT		
Position #3 Katie Hensley		
Position #4 VACANT		
Position #5 Robert Chibante - Chair		
City Administrator/Planning Director Jodi Fritts		

I. Additions to the Agenda

II. New Business

III. Public Hearings

CONTINUED FROM JULY 24TH

CONTINUED FROM AUGUST 16TH

GBC-1701 map 3615-36DA tax lot 1900

Filed by Aaron Mitchell DBA La Mota LLC

Conditional Use request to authorize a Recreational Marijuana retail, producer, and wholesaler business in the Commercial (4-C) zone

IV. Old Business

V. Adjourn

If you have any questions prior to the meeting please contact Jodi Fritts, City Administrator:

jfritts@goldbeachoregon.gov

541-247-7029

Jodi Fritts

From: Damon Sours <drainlamota@gmail.com>
Sent: Sunday, August 20, 2017 12:13 PM
To: Jodi Fritts
Subject: RE: Proposed LaMota Dispensary

Thank you very much for the information.

Damon Sours
Regional Manager
LaMota LLC.,
[REDACTED]
Drainlamota@gmail.com

sent from my Moto Z.

On Aug 20, 2017 11:55 AM, "Jodi Fritts" <jfritts@goldbeachoregon.gov> wrote:

Hi Damon:

Here is the continuance notice for September, and the staff memo packet from Wednesday, and the original staff report from the July meeting.

If you adjust the retail footage down to 900 square feet you will need 3 total spaces for parking—1 space per 300 square feet.

Just as an FYI: the commission does not need additional testimony about the nature of MJ businesses or similar testimony—unless you are planning on changing the original application proposal. The continuation was solely for you guys to submit a parking plan.

If you have any questions about any of the attachments just holler.

Thanks,

Jodi Fritts-Matthey

City Administrator

City of Gold Beach

From: Damon Sours [mailto:drainlamota@gmail.com]
Sent: Friday, August 18, 2017 12:48 PM

At the August 16, 2017 continued hearing, agents for the applicants of GBC-1701 requested another continuation of the public hearing to allow additional time for submission of the items requested at the initial July 17, 2017 Planning Commission hearing. Application GBC-1701 was continued until the regular September meeting on September 18, 2017 at 6:30pm

FROM THE PRIOR CONTINUANCE NOTICE:

At the July 17, 2017 Planning Commission hearing, after hearing the staff report and testimony both written and orally, the Commission continued the hearing until Wednesday, August 16th at 6pm.

GBC-1701

The meeting was continued until Wednesday, August 16, 2017 at 6pm to allow sufficient time for:

- the applicant to submit a parking plan for the proposed facility; and

(STAFF NOTE: the following requested items were presented by staff at the August 16th meeting and were made part of the staff memo to the Commission. Copies of the memo and attachments are available upon request)

- for staff to gather the following requested information:
 - information from law enforcement regarding calls for service related to marijuana facilities; and
 - information from the Public Works Superintendent regarding possible regulation of wastewater discharge related to marijuana grow and production facilities; and
 - staff to consult with OLCC about whether there are any limitations on marijuana facility locations in relation to their proximity to public parks.

Jodi Fritts

From: Damon Sours <drainlamota@gmail.com>
Sent: Monday, September 11, 2017 7:03 PM
To: Jodi Fritts; Katie Hensley; La Mota Reports; Sylvia Ivers
Subject: Gold Beach Proposal
Attachments: Show&Grow FloorPlan.pdf; interior gold beach.pdf; Gold Beach Parking Modification.pdf; Gold Beach Parking.pdf

Below you will find 4 attachments related to the upcoming planning commission meeting.

Damon Sours
Regional Manger

LaMota LLC,


drainlamota@gmail.com

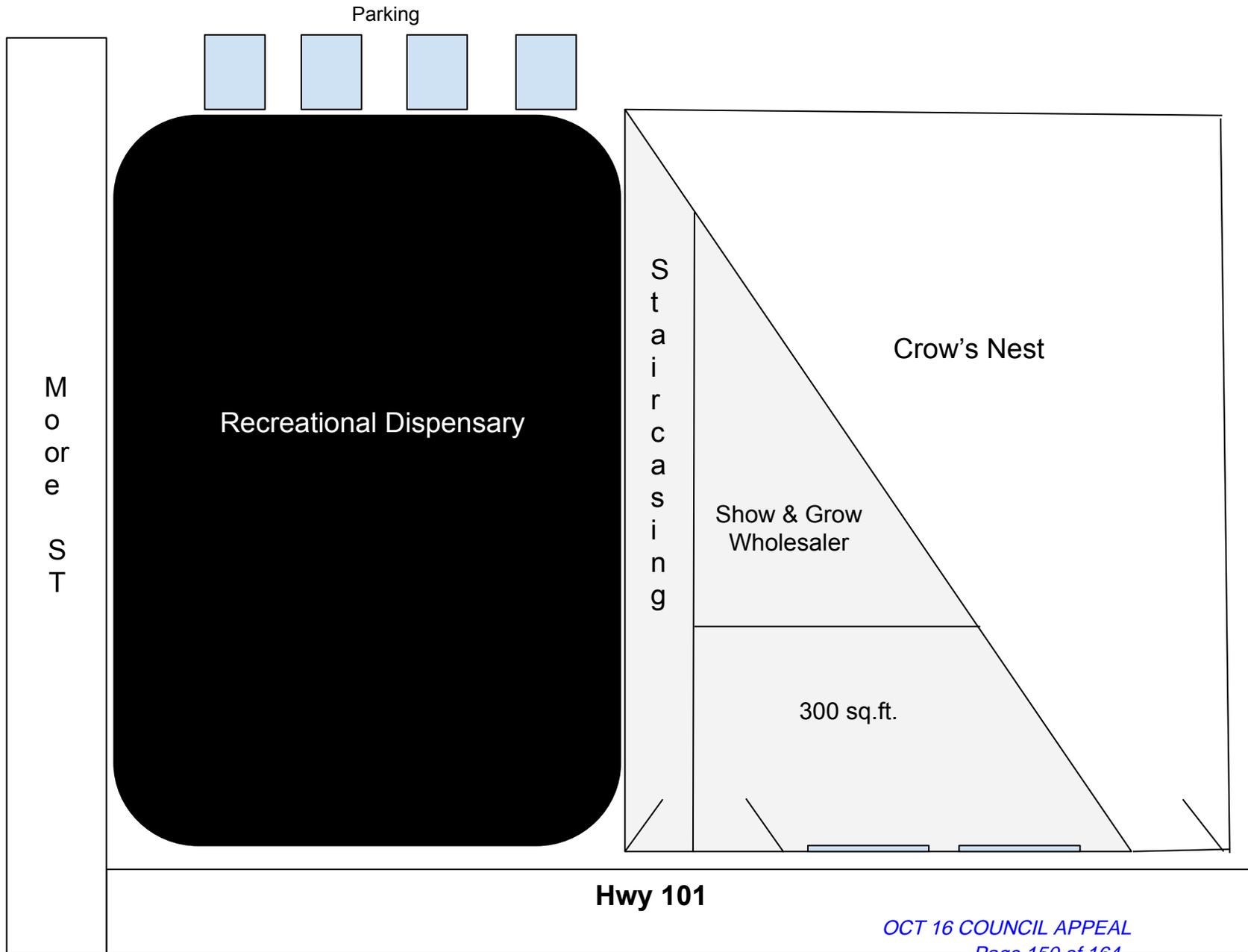
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09/10/2017

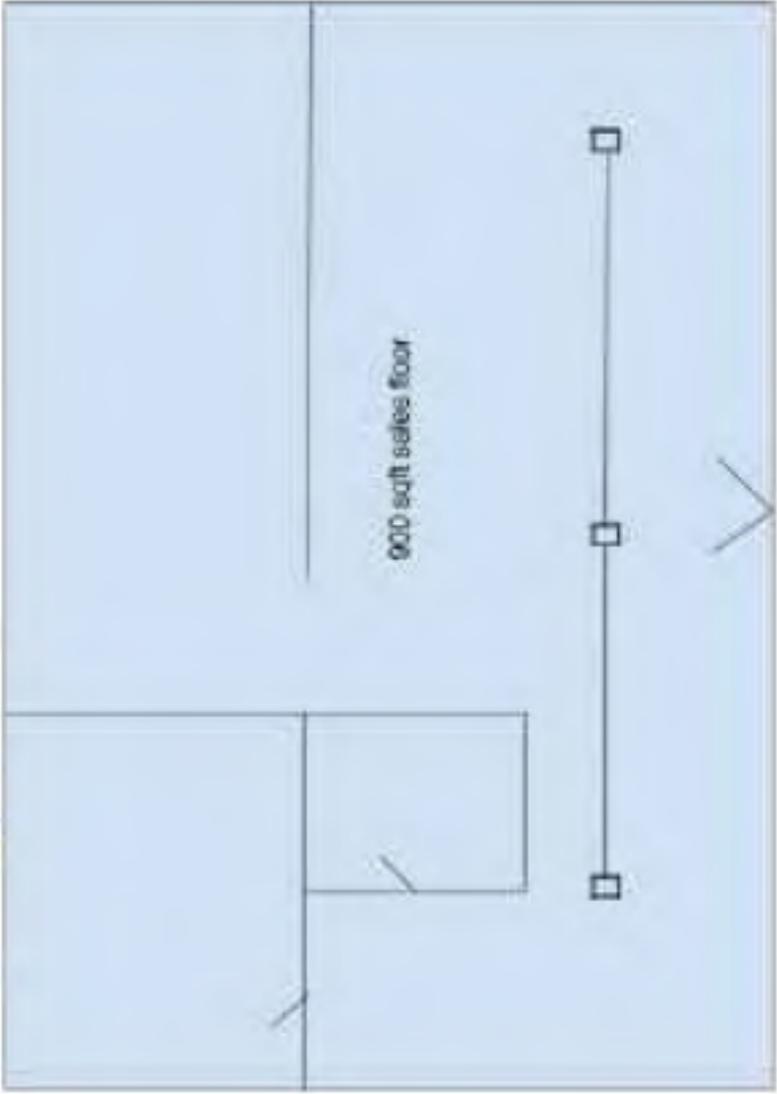
Ladies and Gentlemen of the Gold Beach Planning commission,

We, La Mota Gold Beach LLC, come before you tonight with our revised retail floor plan located at 29846 Ellensburg Ave, with your final approval, we have reduced our retail floor space from the previously propose 1,200sq ft, down to the a new 900sq ft. The back portion of the retail side will be off limits to customers and utilized as employee break area along with storage. A generalized parking and floor design is presented before you.

With a revised retail floor space of 900sq ft this will provide us us three retail parking spaces, see attachment #2, with the remaining parking place to be utilized for the Show & Grow facility.



- R
- R
- R
- R
- S&G



Attachment #2 09/11/17



29846 Ellensburg Ave. Gold Beach 97444
LaMota LLC., (503) 901-6284 Rosa Cazares
(503) 812-9622 Damon Sours



Jodi Fritts

From: Damon Sours <drainlamota@gmail.com>
Sent: Wednesday, September 13, 2017 6:09 PM
To: Katie Hensley; Jodi Fritts; Sylvia Ivers; La Mota Reports
Subject: LaMota Gold Beach LLC Proposal
Attachments: Gold Beach Parking.pdf; Gold Beach Floor Plan.pdf; Gold Beach Parking Modification Statement.pdf

Enclosed you will find Google Earth overview of the facility. Also included is a computer drawn layout of the proposed layout and an introduction letter

Damon Sours
Regional Manger

LaMota LLC.,


drainlamota@gmail.com

CONFIDENTIALITY NOTICE: This e-mail is intended for the named recipient(s) only. It may contain privileged and confidential information. Any use of this information by persons other than the intended recipient(s) is prohibited. If you are not the addressee please notify us immediately by returning the original message to the sender by e-mail and deleting the material from your computer.

09/10/2017

Ladies and Gentlemen of the Gold Beach Planning commission,

We, La Mota Gold Beach LLC, come before you tonight with our revised retail floor plan located at 29846 Ellensburg Ave, with your final approval, we have reduced our retail floor space from the previously propose 1,200sq ft, down to the a new 700sq ft. retail floor space that will allow customer to view our Show & Grow through 2 separate window locations.

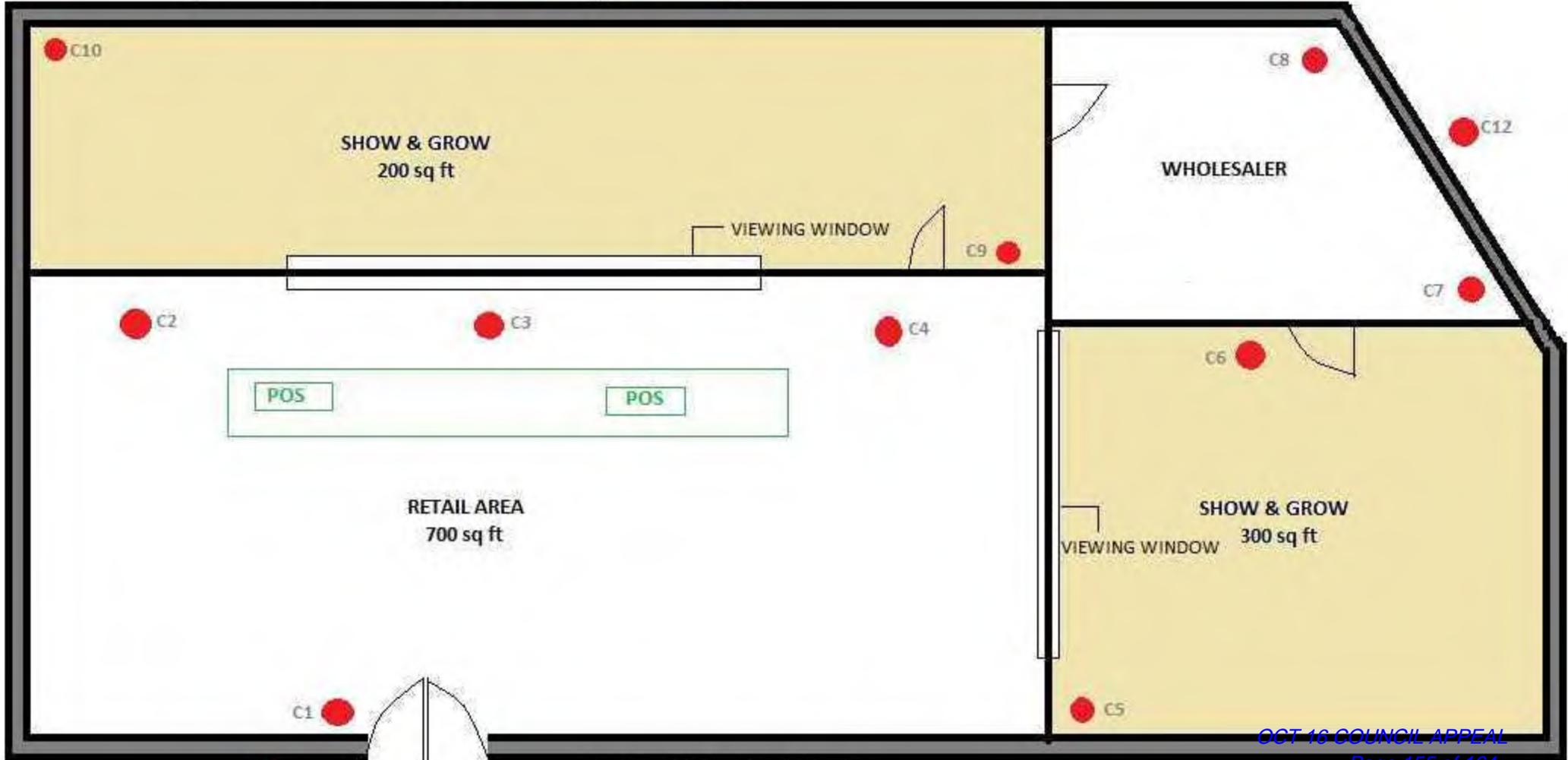
One location will occupy 200sq ft located directly behind the retail area sales counter. The second area that will be visible to customers will be a 300sq ft area on the North side of the recreational floor.

Attaching the two show & grow area will be a pass-through area utilized as a Wholesaler license location.

Also indicated on the La Mota Gold Beach LLC first floor diagram is the four parking spaces located behind the facility that support the 700sq ft retail floor space and the 500sq ft of Show & Grow floor space for a total of 4 parking locations.

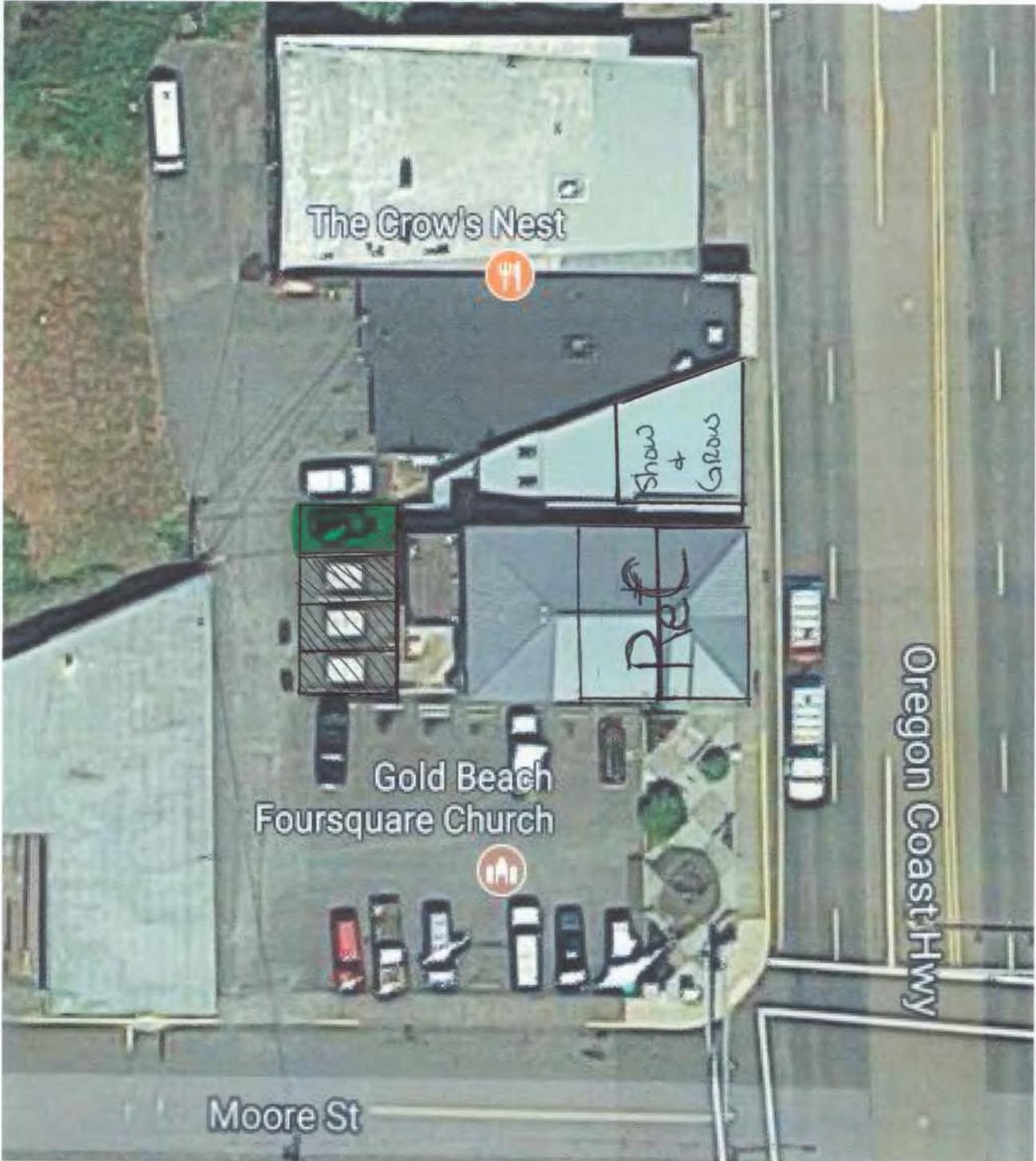
RETAIL	RETAIL	SHOW & GROW	SHOW & GROW
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C13



GOLD BEACH 1ST FLOOR PLAN

Attachment #2 09/11/17



29846 Ellensburg Ave. Gold Beach 97444
LaMota LLC., (503) 901-6284 Rosa Cazares
(503) 812-9622 Damon Sours





SECTIONS OF PARKING CODE

The highlighted areas are the relevant sections for preparation of the parking plan

Gold Beach Zoning Ordinance

Section 3.030. Off-Street Parking.

This section shall apply to all uses in all zones of this ordinance as set forth in Sections 3.031 to 3.037.

Section 3.031. General Provisions.

At any time any structure is hereafter built, an existing structure is enlarged or there is a change of use of an existing structure to a use that would require additional parking as defined by this ordinance, then the requirements of this ordinance shall be met unless greater requirements are otherwise established by another authority. This section is subject to the procedures for variance and the ordinance requirements as discussed in Section 3.036 of this ordinance.

1. The provision of required off-street parking, loading facilities and access is a continuing obligation of the owner of the real property upon which the subject premises is situated. Sets of plans and a plat map drawn to suitable scale showing the location of permanent parking, loading facilities, location of buildings, city streets, highways, parking spaces and access points will be provided to the City.
2. The off-street parking plot plan shall meet the requirements discussed herein.
3. The off-street parking plot plan shall be submitted to the Planning Director. The Planning Director shall review the plan and determine whether to approve or deny it or refer it to the Planning Commission for determination. The review shall determine compliance of the plot plan with Section 3.030 through Section 3.035 of this code. If the Planning Director makes a decision on the matter, he shall notify the applicant of the decision. The applicant may appeal this decision by requesting review by the Planning Commission within fifteen (15) days of the date of the notice of the decision of the Planning Director.

The Planning Director may request that the Planning Commission determine whether the off-street parking plan fulfills the requirements of the Code. In that case, the Planning Director shall set the matter for hearing at the next regularly scheduled Planning Commission meeting after submission. The Planning Commission shall then determine whether the plot plan fulfills the requirements of the Code and shall grant or deny approval of the parking plan accordingly and notify the applicant of its decision.

4. An applicant who is proposing a change of use in an existing structure to a use that would require additional parking as defined by this ordinance shall not be issued a City business license, utility hookup or permit or any other approval from the City Recorder's office if the City Recorder determines, after review of this ordinance and the proposed change in use, that additional off street parking may be required. The City Recorder shall refer the matter to the Planning Director and the Planning Director shall set the matter for the next regularly scheduled Planning Commission meeting.
5. A plot plan shall be submitted by the applicant which contains the design of the proposed parking lot and loading berths, if any, including width of lanes, direction of travel, location of

public streets and access points, the boundaries of the properties, the outlines of any buildings on the property, the building's proposed use or uses, the square footages for each and the building's occupancy capacity as set by any other governmental unit. The plan must be drafted in ink, be of reasonable scale, contain a north arrow point, be dated and have the name, address and telephone number of the applicant or his agent. It must identify all public streets and alleys or thoroughfares contiguous or within 300 feet laterally from any boundary of the proposed parking lot. Design of the proposed off-street parking plot plan shall be the responsibility of the applicant in conformance with the contents of this ordinance.

6. The Planning Director and/or Planning Commission may require any additional information from the applicant which is deemed desirable and necessary in making a determination of whether an applicant meets the requirements of this ordinance as to that particular premises and use.
7. Any requirements for a building or a use not specifically listed in this ordinance shall be determined by the Planning Commission based upon requirements or similar uses listed within this ordinance.
8. Owners of two or more structures or parcels of contiguous land may agree to jointly utilize the same parking and loading spaces in a cooperative effort where the times of operation of their respective uses do not overlap. The Planning Commission shall review any such proposals and may require a plot plan or any other necessary information to determine whether such a proposal will be in compliance with this ordinance. If such a proposal is approved, the applicant shall provide a deed, lease or contract executed by both parties, which is in a form satisfactory to the City Attorney, establishing the joint use for parking on the parcel so used for a period of time that each separate ownership use parcel will rely on the parking parcel to meet the requirements of this ordinance. The policy of the City will be that should the joint use cease, that each parcel will have to provide alternate parking for their independent uses or face termination of the use of their properties as described hereunder. Said document, after review by the City Attorney and execution by the parties shall be recorded at the cost of the applicant with the County Clerk's office.
9. All off-street parking spaces for dwelling units shall be located on the same parcel of property as the dwelling unit. Non-dwelling required parking spaces shall be located within a radius of 300 feet from the building or use they are to serve.
10. When the enlargement or increasing floor space of a building requires two new parking spaces or less, no additional facilities shall be required. However, the effects of the changes, additions or enlargement shall be cumulative so that when the net effect of several changes generates a need for more than two spaces, they shall be provided. Where an existing use is being enlarged as described above, or new uses are added to the same parcel of property as described in this ordinance, then any existing use at the time of said expansion or additional use shall be required to meet the standards of this ordinance from and after the expansion or addition of other uses on that parcel of property.

11. In the event several uses occupy a single structure or parcel of land, total requirements shall be the sum of the several uses computed separately.
12. Any parking space established under the authority of this ordinance shall not be used at any time for the storage of any material goods, merchandise or other substances, nor shall it be used for the storage of refuse dumpsters, recycling containers, or other similar receptacles, and any vehicle that is used in conducting of business on the premises or to be used for the sale, repair or service of any motor vehicle. Single family dwellings may use said parking spaces for the storage of motor vehicles but no other items.
13. Building structures which receive and distribute material and merchandise by truck or other large vehicle shall provide and maintain loading berths in sufficient number and size to adequately handle the needs of the particular use. The areas used for such loading berths and the access points to those loading berths shall not be used for parking spaces or storage of any type.
14. Any applicant who, in the design of his off street parking plot plan, shows a need for creating a new access point on to any state highway or city street must present with his application written approval from the appropriate authorized body granting approval for such access.

Section 3.032. Off-Street Parking Space Requirements.

The following off-street parking space requirements are minimum requirements under this ordinance. A plot plan shall be submitted by an applicant which contains all necessary information required by this ordinance. The Planning Commission may request the City Engineer to review any such plot plan and map and an applicant shall meet any requirements of the Planning Commission or City Engineer regarding not only improvements on the applicant's property but also requirements of the City regarding sidewalks, curbs or street improvements or usages. An applicant shall further provide any information requested by the Planning Director, Planning Commission or City Engineer.

The outside dimensions of the building shall determine floor area for the above uses. Said dimensions or other information which is the basis for number of parking spaces shall be supplied on the plot plan. Requirements for off-street parking as outlined above shall be in the appropriate areas directly tied to the building capacities as set by the appropriate government officials and those parking requirements shall be the minimum required for such buildings as outlined above.

All applicants with industrial development uses shall submit a proposed plot plan of off-street parking to the Planning Director for submission to the Planning Commission. Said applicants shall meet the requirements of this ordinance with regard to specifications but the number of parking spaces shall be determined by the Planning Commission based upon information, expertise and suggestions supplied by the applicant with the Planning Commission making the final determination as to off-street parking. Design of said parking is the responsibility of the applicant.

OFF STREET PARKING SPACE REQUIREMENTS CHART:

USE	TYPE	NUMBER OF SPACES
RESIDENTIAL USES & DEVELOPMENT	Single family dwelling, Multi-family dwelling, Mobile Home Park, Residential Condominiums	2 SPACES PER DWELLING UNIT
	Planned Unit Development-PUD In addition to the residential requirements described above, any commercial activity within the PUD shall meet commercial requirements outlined below. An enclosed garage or open carport shall be counted as a parking space dependent upon the amount of square footage in either type of structure as related to the definition of a parking space contained herein.	
COMMERCIAL DEVELOPMENT-SEE ALSO SECTION 3.034	Medical, Dental Office, Restaurant, Alcohol Service Establishment, Skating Rink, Bowling Alley	1 SPACE /100 SQUARE FEET
	General Retail Store, General Office, Professional Office, Bank, Barber Shop, Beauty Shop, Auto Body and Fender Repair Shop, Vehicle Repair, Rental or Service Shop	1 SPACE/300 SQUARE FEET
	Furniture Store, Appliance Store, Automotive, Motor Home, RV or Boat Sales Store	1 SPACE/500 SQUARE FEET
	Hotel, Motel, or RV Park	1 SPACE PER GUEST ACCOMODATION PLUS 2 SPACES FOR EMPLOYEES
	Theater, Gym, Stadium, Places of worship, Convention Center, Auditorium	1 SPACE/3 SEATS
	Home Occupation-see also Section 3.050	2 SPACES PER DWELLING UNIT
INSTITUTIONAL, PUBLIC OR QUASI-PUBLIC DEVELOPMENT	Schools, including child care	1SPACE PER STAFF PLUS 1 PER 10 STUDENTS OF DRIVABLE AGE PLUS ADDITIONAL REQUIREMENTS FOR GYMS OR AUDITORIUMS AS OUTLINED ABOVE
	Libraries	1 SPACE PER 300 SQUARE FEET
	Hospital, Convalescent & Nursing Home	1 SPACE PER EACH STAFF MEMBER EMPLOYED PER SHIFT WITH MOST EMPLOYEES PLUS 1 SPACE PER BED
	Other Public & Government Buildings	PARKING SPACES TO BE DETERMINED BY SIMILAR USES IN COMMERCIAL OR PUBLIC BUILDINGS DESCRIBED ABOVE
INDUSTRIAL DEVELOPMENT		SEE ABOVE **

Section 3.033.

Standards for Off-Street Parking Facilities.

1. Service entries and drives shall be constructed to facilitate a safe and efficient flow of traffic.
2. No plantings, fences or other visual obstructions more than 30 inches tall or tree limbs maintained lower than 8 feet from the ground shall be permitted within the triangular area formed by the intersection of the driveway line and street right of way, a straight line adjoining said line through points 20 feet from their intersection.
3. Proposed non-dwelling parking spaces which are not located on the premises shall be within a 300 foot radius from the building or the use they serve. All other conditions of Section 3.031 must be met.
4. Off-street parking spaces, parking lots, entrances and exits to said spaces and lots shall be improved with all weather asphaltic or concrete surfaces. Asphaltic surfaces shall be a minimum of 2 inches in depth and concrete surfaces shall be a minimum of 4 inches in depth. The City Engineer must review any other surface requested by an applicant and the Planning Commission shall review his recommendations in making a determination to the request. All parking spaces on said lots must be delineated with durable paint of a contrasting color or suitable markings. These requirements do not apply to single family dwellings.
5. Artificial lighting provided for parking spaces shall not create or reflect glare in any other adjacent dwelling, premises or onto a public street. Where there are four or more parking spaces on one lot, there must be artificial lighting provided on said spaces which is approved by the Planning Commission.
6. Any off-street parking premises which requires four or more parking spaces shall include in its plot plan the proposed location of all entrances and exits from and to public streets and such must provide sufficient space so that no backing movements or maneuvering are required within a public street. The Planning Commission shall review and approve said entrances and exits where they find that traffic safety and sufficient traffic flow is maintained.
7. The off-street parking areas required by this ordinance shall be completed and available for use at the time a certificate of occupancy is issued by the Building Official. The Building Official shall not issue a certificate of occupancy of any type unless requirements of this ordinance are met.
8. The off-street parking facilities shall conform to basic traffic safety standards as imposed by any city ordinance or by the City Engineer in regard to the application pending before the Planning Commission.

Section 3.034. Standards for Off-Street Loading Facilities.

Where a structure or use of a structure may require or is designed to incorporate loading and unloading facilities, the applicant shall provide off-street parking and loading facilities conforming to the following standards:

1. No parking shall be allowed in a loading facility area for any motor vehicles other than those which are in the process of actually loading or unloading material.
2. Design of off-street parking spaces, lots and/or adjacent loading facilities shall provide sufficient and separate maneuvering areas from parking areas in such a manner that large vehicles, including trucks can move through the entire area even when all parking spaces are in use.

Section 3.035. Continued Use of Building and Structures Not Conforming to Off-Street Parking Space Requirements.

1. A building or structure existing at the time of adoption of this ordinance that does not conform with the parking space requirements specified herein may continue to operate with existing parking as long as its present utilization and size are not changed. However, if the building is enlarged or if the utilization is changed to one that requires additional parking as defined by Section 3.032, then parking shall be provided that conforms to this ordinance.
2. A structure or premises that suffers damage or destruction by casualty loss may not be required to meet the specifications of providing off-street parking under this ordinance other than the amount of off-street parking existing prior to the casualty if it meets all of the following requirements:
 - a) The nonconforming structure was destroyed or damaged by casualty or natural disaster.
 - b) Replacement of the nonconforming structure commences within one year from the date of the casualty.
 - c) The reconstruction of the nonconforming structure is completed within one year from the start of reconstruction.
 - d) The nonconforming structure is replaced at the same square footage size and same use as prior to the casualty.
 - e) That the nonconforming structure is under the same ownership as at the time of the casualty.
3. A structure or premises that does not meet all of the requirements outlined above shall provide appropriate off-street parking and loading areas as required by this ordinance.

Section 3.036. Variances to Off-Street Parking Requirements.

The Planning Commission may grant variances from the parking provisions of this ordinance where due to topography, type of use, time of use, traffic flow or other special circumstances on a case by case basis, it is impractical, impossible or inequitable to comply with the requirements of off-street parking. An application for variance of the procedure for granting a variance shall follow the provisions of Article VII of this ordinance.

Section 3.037. Penalty and Abatement for Off-Street Parking Violations.

No person shall violate any term, condition or specifications of this ordinance and any premises found in violation of this ordinance upon notification thereof shall immediately undertake to comply with the provisions of this ordinance. The City, upon finding that a person or premises fails to comply with any provision of this ordinance, may exercise any of the following remedies:

1. To seek civil infraction for an immediate restraining order, temporary injunction or other civil remedy to prevent the continuation of the violation of this ordinance, including requesting any legal order for termination of use of the premises hereunder.
2. The City may terminate utility service to the premises pursuant to the Water and Sewer Codes of the City of Gold Beach. Said services shall not be reinstated until the Planning Commission approves either a proposal for abatement of the nonconforming premises or the premises is brought into conformance with this ordinance.
3. The City may, through its Building Official, terminate and cancel any occupancy permit issued under the Uniform Building Code and order the premises to be vacated until the provisions of this ordinance are met and until the Planning Commission approves a proposal for abatement of the nonconforming premises.
4. Any person not complying with this ordinance may be subject to prosecution within the Municipal Court and upon conviction, a fine not to exceed \$300 shall be imposed. Each day the premises is in nonconformance with this ordinance shall be deemed a separate violation.