

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 16 28 CUP 09

A REQUEST FOR A CONDITIONAL USE PERMIT TO APPROVE A RECREATIONAL MARIJUANA RETAIL FACILITY WITHIN THE COMMERCIAL DISTRICT AT 1541 HIGHWAY 101

WHEREAS, application was made by Shawn Fleming, representing Beryl Industries LLC, for a Conditional Use Permit with Design Review Permit as required by FCC 10-1-6-3, FCC 10-4-4, and FCC 10-6-4; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on January 24, 2017 as outlined in Florence City Code 10-1-6-3, to consider the application, evidence in the record, and testimony received, and

WHEREAS, the Planning Commission/Design Review Board determined per FCC 10-4-10 and FCC 10-6-10, after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the application meets the applicable criteria.

NOW THEREFORE BE IT RESOLVED that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a Conditional Use Permit and Design Review for a recreational marijuana retail facility at 1541 Highway 101 meets the criteria of the Florence City Code and Florence Comprehensive Plan, with the following conditions of approval:

Conditions of Approval:

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:

"A" *Findings of Fact*

"B" Land Use Application & Authorization for Representative

"C" Elevations

"D1" Site Plan

"D2" Revised Site Plan
"E" Lighting Information
"F" SVFR Referral Comments

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.
4. **Parking Requirements**
 - 4.1. The parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.
 - 4.2. The applicant shall be required to trim the western hedge to a height no more and no less than six feet in height.
 - 4.3. The applicant shall provide four parking spaces meeting the listed requirements of FCC 10-3-9.
 - 4.4. The applicant shall provide a sign at the entrance to the driveway cautioning drivers to the narrow driveway conditions.
 - 4.5. The applicant shall provide at least two bicycle parking spaces which meet the listed requirements of FCC 10-3-10.
5. **Timelines & Conditional Use Permit Requirements**

- 5.1. Authorization of a conditional use permit shall be void one (1) year after the date of approval, January 24, 2018, unless the use commences by this date and no building permits are necessary. Required changes shall have until six months from the date of issuance (July 24, 2017), concurrent with operation of the facility, to be completed. Conditions, unless otherwise stated, shall be met by July 24, 2017 in order to continue operation of the facility.
- 5.2. The discontinuance of the existing conditional use shall be considered the cessation of operations of the recreational marijuana retail facility. The discontinuance of the marijuana retail conditional use shall be considered the cessation of operations of the marijuana retail facility. This conditional use permit shall not be transferrable and discontinuance shall be considered immediate following cessation of approved activities at 1541 Highway 101 as prescribed in FCC 10-4-9.
- 5.3. The applicant shall utilize the pre-existing trash enclosure. Trash and recycling containers shall be kept inside the trash enclosure or inside the facility at all times.
- 5.4. The applicant shall provide a cigarette receptacle for the deposit of cigarette butts further than 10 feet from the main entrance to the building. The applicant shall take other measures and post signage as necessary per the Oregon ICAA.
- 5.5. The applicant shall retain the existing doorways to allow emergency egress from the facility. The applicant may retain the doors as ingress if preferred. Should the applicant retain the doors for egress only, the applicant shall post a sign directing walk-in traffic to the facility's main entrance. Door replacement is permitted, provided that the doors and framing are of a coordinating color.
- 5.6. The applicant shall provide manufacturer's information and proof of installation of an effective odor control system such as by carbon filtration prior to six months from the date of issuance of the conditional use permit (July 24, 2017).
- 5.7. The applicant has submitted an application with the Oregon Liquor Control Commission and is currently seeking approval for their recreational marijuana retail facility. Upon final approval, the applicant shall submit proof of current and active registration with the OLCC to the City prior to operation of the recreational marijuana retail facility. This information shall be kept current and submitted to the City following any changes in licensing or property ownership.
- 5.8. Current and active registration must be kept at all times during operation of the dispensary. The applicant, if lacking current registration with the

state, shall immediately cease operations until current and active registration is obtained.

6. Variance & Design Review

- 6.1.** The variance shall be granted for the duration that the building at 1541 Highway 101 is occupied by a recreational marijuana retail facility.
- 6.2.** If the applicant or property owner chooses to change the building color, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department.
- 6.3.** No major modifications of the structure have been granted. The approval for Design Review of the proposed facility shall expire on January 24, 2018.
- 7.** Outdoor storage of materials, manufacturing, compounding, processing, and treatment of products shall not be allowed. Unreasonable odor, dust, smoke, noise, vibration, or appearance shall not be allowed. Odors may not emanate from the facility.

8. Landscaping

- 8.1.** The applicant shall submit a revised landscaping plan, including the dimensions of landscaped areas, prior to the deadline for conditions of approval, July 24, 2017.
- 8.2.** The applicant shall install five trees selected from the Tree and Plant List for the City of Florence.
- 8.3.** New plantings shall be pocket-planted with a soil-compost blend around plants and trees to ensure healthy growth.
- 8.4.** Plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. In which case, the applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed. If the applicant has not permanently irrigated the plantings prior to July 24, 2017, and the plantings appear to still require regular irrigation, the applicant shall install a permanent, underground irrigation system with a backflow prevention device to all installed landscaping elements.
- 8.5.** The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.
- 9.** The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height.

10. Lighting

- 10.1.** Existing exterior lighting fixtures shall be modified or changed to comply with the requirements of FCC 10-37.
- 10.2.** Any additional lighting installed on the exterior of the building shall be evaluated by the Planning Department prior to issuance of Certificate of Occupancy.
- 10.3.** The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.
- 10.4.** Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security issues. Motion sensors are recommended.

Informational

- 1.** The applicant shall contact Fire Marshal Sean Barret prior to final inspection and operation of the facility in order to review the security plans for the building's emergency
- 2.** An ODOT Miscellaneous Permit must be obtained from the ODOT District 5 Maintenance Office for any work that is performed in ODOT right of way and a Miscellaneous Permit is also required for connection to state highway drainage facilities. If the proposed development will be making a new connection to or increasing stormwater flow to an ODOT drainage facility then the applicant must contact ODOT District 5 to determine whether a Miscellaneous Permit will be required.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD
the 24th day of January, 2017.

Curt Muilenburg, Chairperson
Florence Planning Commission

DATE