



STAFF REPORT  
CAMAS MUNICIPAL CODE – SMOKE SHOPS

FILE #MC15-07  
SEPTEMBER 12, 2015

To: Bryan Beel, Chair  
Planning Commission  
Public Hearing: September 15, 2015

From: Phil Bourquin, Community Development Director

Compliance with state agencies: Notice of the public hearing before Planning Commission was published in the Camas Post Record on September 8, 2015 (Legal publication #543624).

## SUMMARY

With the legalization of marijuana within Washington State, many cities including the City of Camas have witnessed an increased interest in the sale paraphernalia that can be used in conjunction with tobacco or marijuana use. While the City of Camas has or is addressing marijuana retail sales, marijuana production and marijuana processing under its zoning regulations, there is currently no zoning regulation defining or regulating the sales of paraphernalia related to tobacco or marijuana use. Lacking a clear definition of a smoke shop, the City has interpreted and applied its code to date to be permissive of the use in all commercial zones under a broad umbrella and general category of retail commercial uses.

City Council in response from concerns from the public regarding the establishment and location of a smoke shop in proximity to Crown Park, Liberty Middle School, Hayes Freedom High School, and Helen Baller Elementary School, directed Staff to bring forward for public discussion smoke shops as a category of use to be potentially regulated under local zoning controls.

Pursuant to Camas municipal Code 2.32.010, the role of the Planning Commission is to act a research and fact finding agency for the City and serves in an advisory capacity to the city council and mayor. The purpose of the public hearing is for the Planning Commission to accept public testimony on the subject, deliberate and either request further study on the subject done, or forward on a recommendation to City Council.

## DISCUSSION

1. In determining what zoning districts are appropriate for a given use, the Camas Municipal provides a summary of the zones and the differing characteristics of each:

### **18.05.050 - Commercial and industrial zones.**

The purpose of the commercial, industrial, and high technology zones are to provide services and employment primarily to residents. These areas are zoned according to the services they provide. As a result, each zone has different characteristics as summarized below:

- A. NC Neighborhood Commercial. This zone provides for the day-to-day needs of the immediate neighborhood. This zone is intended to be small, but fairly numerous throughout the city.

Convenience goods (e.g., food, drugs and sundries), along with personal services (e.g., dry cleaning, barbershop or beauty shop), are common goods and services offered.

- B. CC Community Commercial. This zone provides for the goods and services of longer-term consumption, and tend to be higher-priced items than the neighborhood commercial zone district. Typical goods include clothing, hardware and appliance sales. Some professional services are offered, e.g., real estate office or bank. Eating and drinking establishments may also be provided. This zone tends to vary in size, but is larger than the neighborhood commercial zone.
  - C. RC Regional Commercial. This zone provides apparel, home furnishings, and general merchandise in depth and variety, as well as providing services for food clusters and some recreational activities. Regional commercial is the largest of the commercial zones and is designed to serve the region or a significant portion of the region's population.
  - D. DC Downtown Commercial. This zone is designated as a large community commercial area, providing a large range of goods and services. This area is designed to promote commercial diversification to serve the immediate residential and office uses in the surrounding areas. Compact development is encouraged that is supportive of transit and pedestrian travel, through higher building heights and floor area ratios than those found in other commercial districts.
  - E. LI Light Industrial. This zone provides for uses that are more compatible with commercial, residential, or multifamily uses. Typical uses in this zone include assembly and manufacturing of electronic and precision instruments. More intensive industry, e.g., metal fabrication, is excluded.
  - F. LI/BP Light Industrial/Business Park. This zone provides for uses such as, offices related to industrial usage, research and development, limited commercial, and associated warehousing uses, including the provision of employee recreation opportunities. Development in campus-like setting with generous landscaping, well-designed buildings and near major traffic corridors is anticipated.
  - G. HI Heavy Industrial. This zone provides for a wide range of industrial and manufacturing uses. Types of activities in this zone include assembly, manufacturing, fabrication, processing, bulk handling and storage, research facilities, associated warehousing, and heavy trucking.
  - H. MX Mixed Use. This zone provides for a wide range of commercial and residential uses. Compact development is encouraged that is supportive of transit and pedestrian travel.
2. The Community Commercial (CC) and Regional Commercial (RC) zones are generally located in proximity to collector or arterial roadways and permit the broadest list of retail uses of the commercial zoning districts. In contrast, the Neighborhood Commercial (NC) Zone is intended to be located to serve immediate neighborhoods and be fairly numerous throughout the City.

3. The Downtown Commercial zone includes the historic downtown area of Camas that is considered Camas' living room. The downtown is a destination for family and community events, includes a public library, restaurants a theater.
4. Industrial/Mixed Use/Business Park zones. These zones are intended for industry, professional business, or commercial uses that directly service these uses or the residential uses therein.
5. Under state law (RCW 69.50.331) retail marijuana stores must be a minimum 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or game arcade that allows minors to enter. The siting standards address public concerns with the increased potential for visibility and sales to minors and increased acceptance and interest by minors. Applying a similar standard to "smoke shops" would seemingly place reasonable restrictions on the location of smoke shops while still providing for a reasonable number and location for potential shops to locate.

## RECOMMENDATION

Staff recommends the Planning Commission conduct a public hearing, consider the following proposed amendments to the Camas Municipal and forward on a recommendation to City council regarding the definition of a "smoke shop" and zoning and siting standards related thereto. Underlined text represents proposed additions to the existing code while ~~striketrough text~~ represents proposed deletions of the code.

### 1. Proposed amendments to CMC 18.03.030-Definitions for Land Uses:

\* \* \*

"E-cigarette" shall mean any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice", and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice fall under the classification of tobacco products and tobacco paraphernalia.

\* \* \*

"Smoke Shop/Head Shop" shall mean any premises where the primary use (fifty percent or more of the net floor area of a business) is dedicated to the display, sale, distributions, delivery, offering, furnishing, or marketing of tobacco, tobacco products or tobacco paraphernalia.

\* \* \*

"Tobacco paraphernalia" shall mean any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, marijuana, marijuana products, or other controlled substances as defined by the State of Washington.

Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bong, water bong, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

“Tobacco product” shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

**2. Proposed amendments to CMC 18.07.030 Table 1:**

**18.07.030 Table 1—Commercial and industrial land uses.**

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<b>Commercial Uses</b>									
<u>Smoke Shop (9)</u>	X	X	P	P	X	X	X	X	X

Notes:

9. ~~This section shall be in effect through October 31, 2015.~~

9. Must be sited a minimum 1000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or game arcade to which is not restricted to persons twenty-one years or older. Further, a Smoke Shop shall post clear signage in a conspicuous location near each public entrance stating the minors may not enter the premises unless accompanied by a parent or legal guardian.