

Chapter 18.735
MARIJUANA FACILITIES

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18.735.010 Purpose

The purpose of this chapter is to:

- A. Protect the general health, safety, property, and welfare of the public;
- B. Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;
- C. Prevent or reduce criminal activity that may result in harm to persons or property;
- D. Prevent or reduce diversion of state-licensed marijuana and marijuana derivatives to minors; and
- E. Minimize impacts to the city's public safety services by reducing calls for service. (Ord. 15-07 §3)

18.735.020 Applicability

- A. Relationship to other standards. The regulations within this chapter are in addition to base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in this title.
- B. When provisions apply. The provisions of this chapter shall apply to all marijuana facilities requiring a state license or registration. (Ord. 15-07 §3)

18.735.030 Compliance and Enforcement

- A. Procedure. All marijuana facilities requiring a state license or registration, and public places of assembly where marijuana is consumed, shall demonstrate minimal compliance with these standards through a Type I procedure as set forth in Section 18.390.030 of this title, using approval criteria set forth in subsection B of this section.
- B. Approval criteria. Development subject to the provisions of this chapter shall demonstrate compliance with all standards set forth in Section 18.735.040 of this chapter.
- C. Documentation. The following provisions shall apply at the time of minimum compliance review or a request for enforcement:
 - 1. When processing a minimum compliance review, the city may accept an evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed

development will meet the off-site odor impact standard. The evaluation and explanation shall provide a description of the use or activity, equipment, processes and the mechanisms, or equipment used to avoid or mitigate off-site impacts.

2. If the city does not have the equipment or expertise to measure and evaluate a specific complaint regarding off-site impacts, it may request assistance from another agency or may contract with an independent expert to perform the necessary measurements. The city may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. (Ord. 15-07 §3)

18.735.040 Development Standards

Development subject to the provisions of this chapter shall demonstrate compliance with all of the following standards:

- A. The proposed development complies with all applicable state requirements.
- B. The proposed use is allowed in the underlying zone and complies with all applicable requirements of this title.
- C. The proposed development meets all of the following site location restrictions. All distances shall be measured at the closest property lines between the proposed site and nearest lot or parcel containing the specified use or characteristic.
 1. Marijuana facilities are prohibited within the MU-CBD zone.
 2. The proposed development is not within 1,000 feet of a public or private elementary school, secondary school, or career school attended primarily by minors.
 3. Sale-oriented retail and wholesale sales uses open to the public shall be subject to the following restrictions:
 - a. Must be located on a lots or parcel with frontage along Pacific Highway (Oregon Route 99W);
 - b. Shall not be located within 2,000 feet of another state-licensed retail or wholesale marijuana facility within or outside of city limits; and
 - c. Shall not be located within 500 feet of a public library or Tigard parks and recreation zone.
 4. Non-retail uses and wholesale sales uses not open to the public shall not be located within 500 feet of one or more of the following zones or facilities:
 - a. Residential zone;
 - b. Parks and recreation zone;
 - c. Public library.
- D. Hours of commercial operation shall be limited to the hours between 10:00 am and 8:00 pm. General industrial uses with no on-site retail activity are exempt from this restriction.

- E. Primary entrances shall be clearly visible from Pacific Highway (Oregon Route 99W).
- F. The proposed development shall be located inside a permanent building and may not be located within a trailer, shipping container, cargo container, tent, or motor vehicle. Outdoor storage of merchandise, plants, or other materials is not allowed.
- G. Parking lots, primary entrances, and exterior walkways shall be illuminated with downward facing security lighting to provide after-dark visibility to employees and patrons. Fixtures shall be located so that light patterns overlap at a height of seven feet with a minimum illumination level of 1.0 footcandles at the darkest spot on the ground surface.
- H. Drive-through marijuana facilities are prohibited.
- I. The proposed development shall confine all marijuana odors and other objectionable odors to levels undetectable at the property line.
- J. Marijuana or marijuana product shall not be visible from the exterior of the building or structure. (Ord. 15-07 §3) ■