

Chapter 18.430
MARIJUANA FACILITIES

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18.430.010 Purpose

The purpose of this chapter is to apply specific development standards to marijuana facilities in order 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, 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. 17-22 §2)

18.430.020 Applicability

- A. Relationship to other standards. The regulations within this chapter are in addition to the applicable development standards chapter in 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards. Sites within overlay zones, plan districts, inventoried hazards, or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations as provided elsewhere in this title.
- B. When provisions apply. The provisions of this chapter apply to all marijuana facilities requiring a state license or registration and public places of assembly where marijuana is consumed. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.430.030 Approval Process and Documentation

- A. Approval process. Applications for marijuana facilities are processed through a Type I procedure, as provided in Section 18.710.050, using the standards in Section 18.430.040 as approval criteria.
- B. Documentation. The following provisions 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 must 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. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.430.040 Development Standards

- A. The proposed development must comply with all applicable state requirements and requirements of this title.
- B. The proposed development must meet all of the following site location restrictions. All distances are measured at the closest property lines between the proposed site and nearest lot containing the specified use or characteristic.
 1. Marijuana facilities are prohibited within the MU-CBD and TMU zones.
 2. Marijuana facilities are prohibited 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 are subject to the following restrictions:
 - a. The use must be located on a lot with frontage along Pacific Highway (Oregon Route 99W), and with primary entrances clearly visible from the Pacific Highway right-of-way;
 - b. Marijuana facilities are prohibited within 1,000 feet of another state-licensed retail or wholesale marijuana facility within or outside of city limits; and
 - c. Marijuana facilities are prohibited within 500 feet of a public library or the Parks and Recreation zone.
 4. Non-retail uses and Wholesale Sales uses not open to the public are prohibited within 500 feet of one or more of the following zones or facilities:
 - a. Residential zone;
 - b. Parks and Recreation zone; or
 - c. Public library.
- C. Hours of commercial operation are limited to the hours between 7:00 am and 10:00 pm. General Industrial uses with no on-site retail activity are exempt from this restriction.
- D. The proposed development must be located inside a 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 prohibited.
- E. Parking lots, primary entrances, and exterior walkways must be illuminated with downward facing security lighting to provide after-dark visibility to employees and patrons. Fixtures must be located so

that light patterns overlap at a height of 7 feet with a minimum illumination level of 1.0 footcandles at the darkest spot on the ground surface.

- F. Drive-through marijuana facilities are prohibited.
- G. The proposed development must confine all marijuana odors and other objectionable odors to levels undetectable at the property line.
- H. Marijuana or marijuana products must not be visible from the exterior of the building or structure. (Ord. 18-23 §2; Ord. 17-22 §2) ■