

CHAPTER 80 - MARIJUANA FACILITIES

TDC 80.010. - Purpose.

The purpose of this chapter is to:

- (1) Protect the general health, safety, property, and welfare of the public;
- (2) 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;
- (3) Prevent or reduce criminal activity that may result in harm to persons or property;
- (4) Prevent or reduce diversion of state-licensed marijuana and marijuana derivatives to minors; and
- (5) Minimize impacts to the City's public safety services by reducing calls for service.

(Ord No. 1379-15, 03-23-15)

TDC 80.020. - Definitions.

The words and phrases have the following meanings:

Edible marijuana means edible product that contains marijuana.

Homegrown marijuana means marijuana grown or made by a person 21 years of age or older for noncommercial purposes.

Marijuana means all parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.

Marijuana extract means a product obtained by separating resins from the marijuana plant by solvent extraction.

Marijuana facility means a commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

(Ord No. 1379-15, 03-23-15; Ord 1414-18, 12-10-18)

TDC 80.030. - Relationship to Other Standards.

(1) The provisions of this Chapter apply to all marijuana facilities requiring a state license or registration.

(2) The regulations in this Chapter are in addition to other development code standards, including all 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 the Tualatin Development Code.

(3) To the extent there is a conflict between other provisions in the Tualatin Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

(Ord No. 1379-15, 03-23-15)

TDC 80.050. - Planning Districts Where Marijuana Facilities Permitted.

(1) All types of marijuana facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) ~~(1)~~ Light Manufacturing (ML);
- (b) ~~(2)~~ General Manufacturing (MG); and
- (c) ~~(3)~~ Manufacturing Business Park (MBP)

(2) In addition to subsection (1), retail sales and medical dispensary marijuana facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) Office Commercial (CO);
- (b) Neighborhood Commercial (CN);
- (c) Recreation Commercial (CR);
- (d) General Commercial (CG);
- (e) Mid Rise/Office Commercial (CO/MR);
- (f) Medical Center (MC); and
- (g) Mixed Use Commercial (MUC).

(Ord No. 1379-15, 03-23-15)

TDC 80.060. - Standards for Marijuana Facilities.

(1) All Marijuana facilities must comply with all applicable State requirements.

(2) A marijuana facility cannot be located within ~~3,000~~ 1,000 feet, measured from the closest property line, from any:

(a) Residential Planning District ~~or residential uses~~;

(b) City Park listed below:

(i) Atfalati Park

(ii) Brown's Ferry Park

(iii) Ibach Park

(iv) Jurgens Park

(v) Lafky Park

(vi) Little Woodrose Nature Park

(vii) Saarinen Wayside Park

(viii) Stoneridge Park

(ix) Sweek Pond Natural Area Park

(x) Tualatin Commons

(xi) Tualatin Commons Park

(xii) Tualatin Community Park

(c) School; and

(d) Library.

(3) A marijuana facility cannot be located within ~~2,000~~ 1,000 feet, measured from the closest property line, of any other marijuana facility.

(4) A marijuana facility cannot exceed 3,000 square feet in size.

(5) A marijuana facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-permanent structure.

(6) A marijuana facility that is a retail sales or medical dispensary marijuana facility is prohibited from co-locating with any other marijuana facility.

(7) Drive-through marijuana facilities are prohibited.

(Ord No. 1379-15, 03-23-15)

TDC 80.070. - Marijuana Facility Operating Restrictions.

(1) Retail sales and medical dispensary marijuana facilities are restricted to the following operating hours:

(a) The hours of operation that a retail sales marijuana facility may be open to the public is between 10:00 a.m. and 8:00 p.m. of the same day.

(b) The hours of operation that a medical dispensary marijuana facility may be open to registry identification cardholders is between 10:00 a.m. and 8:00 p.m. of the same day.

(2) All marijuana facilities must comply with the following operating restrictions:

(a) Comply with the restrictions on edible marijuana as provided in TDC 80.100;

(b) All marijuana odors and other objectionable odors must be confined to levels undetectable at the property line;

(c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and

(d) Outdoor storage of merchandise, plants, or other materials is prohibited.

(Ord No. 1379-15, 03-23-15)

TDC 80.100. - Edible Marijuana.

Marijuana facilities that produce, process, wholesale, distribute, transfer, or sell edible marijuana must comply with the following provisions:

(1) All edible marijuana must be individually wrapped at the original point of preparation.

(2) Labeling must be distinctly and clearly legible on the front of the package and must include:

(a) A warning that the contents contain marijuana;

(b) A statement that the contents are not a food product; and

(c) A statement emphasizing that the product is to be kept away from children.

(3) Packaging of edibles must be in child-resistant packaging.

(4) Packaging that makes the product attractive to children or imitates candy is prohibited.

(5) Retail sale of edible marijuana products must be behind a commercial counter or in an enclosed display case.

(Ord No. 1379-15, 03-23-15)

TDC 80.200. - Butane Extraction.

The production of marijuana extracts through the use of butane is prohibited.

(Ord No. 1379-15, 03-23-15)

TDC 80.300. - Homegrown Marijuana.

(1) Persons growing homegrown marijuana must comply with all applicable state law requirements.

(2) Homegrown marijuana cannot be grown in the front yard of any property in a residential planning district and must comply with the following:

(a) Be fully screened from view on all sides; and

(b) Be located at least ten feet away from all property lines and 25 feet away from all adjacent residences on neighboring properties.

(3) No person may produce, process, keep, or store homemade marijuana extracts.

(Ord No. 1379-15, 03-23-15)

TDC 80.400. - Violations.

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000.00. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.

(Ord No. 1379-15, 03-23-15)