

# ARTICLE 4

## Standards for Specific Land Uses

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## CHAPTER 18.42 - STANDARDS FOR SPECIFIC LAND USES

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### Sections:

- 18.42.010 - Purpose and Applicability
- 18.42.020 - Accessory Retail and Service Uses
- 18.42.030 - Agricultural Accessory Structures
- 18.42.040 - Animal Keeping
- 18.42.050 - Bed and Breakfast Inns (B&Bs)
- 18.42.055 - Cannabis Manufacturing
- 18.42.057 - Cannabis Retail
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- 18.42.060 - Child Day Care Facilities
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- 18.42.160 - Residential Accessory Uses and Structures
- 18.42.165 - Restaurants
- 18.42.170 - Second Units - Accessory Dwelling Unit (ADU)
- 18.42.180 - Service Stations
- 18.42.190 - Vacation Rental Units

### 18.42.055 - Cannabis Manufacturing<sup>1</sup>

This Section establishes standards for cannabis manufacturing, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). These standards apply in addition to other provisions of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing).

**A. — Limitation on location.** The design, location, size and operating characteristics of the cannabis manufacturing use shall be compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, nonprofit organization or residential use within 200 feet of the cannabis manufacturing use. Further, the cannabis manufacturing use shall not be located within 600 feet of any school, day care center, or youth center.

**B. — Operating standards.** Cannabis manufacturing uses shall comply with all of the following operating standards:

1. — **Limitations on use.** A cannabis manufacturing use shall comply with the following limitations:
  - a. — Cannabis manufacturing uses shall not conduct or engage in the retail sale of any product, goods or service. Only wholesale activities are permitted.
  - b. — Accessory retail and/or distribution uses other than wholesale sales shall not be permitted in conjunction with the cannabis manufacturing use.
  - c. — No cannabis shall be grown or cultivated on the property of the cannabis manufacturing use.

- d. ~~No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the property.~~
2. ~~**Notice to entrants.** A cannabis manufacturing use building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are in the presence of their parent or legal guardian. The building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the property is prohibited.~~
  3. ~~**Security.** A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, for the safety of employees and visitors and to minimize the potential for criminal activity, including theft and unauthorized entry.~~
  4. ~~**Employee register.** A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use, and shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use. The register and contact information shall be current and up to date at all times.~~
  5. ~~**Off-site effects.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.~~
  6. ~~**State law.** A cannabis manufacturing use shall meet all State law requirements for cannabis manufacturing, including all State law operating criteria.~~
  7. ~~**Compliance with the cannabis manufacturing ordinance.** As a condition of approval, the applicant shall comply with all the requirements of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing). Such compliance will be confirmed in writing by the Police Chief prior to issuance of a business license for the facility.~~
- C. ~~**Required findings.** In order to approve a Use Permit for a cannabis manufacturing use, the Planning Commission must make the following findings:~~
1. ~~The cannabis manufacturing use is compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, nonprofit organization or residential use within 200 feet of the cannabis manufacturing use; and~~
  2. ~~The cannabis manufacturing use will not be located within 600 feet of any school, day care center, or youth center.~~

(Ord. 928, § 2, passed 02-27-2017)

## 18.42.057 – Cannabis Retail

In addition to the Operating Requirements set forth in Chapter 9.30, this section provides location and operating requirements for Cannabis Retail. Chapter 9.30 contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to operate Cannabis Retail in accordance with Table 2-6 of Article 2.
- B. **Quantity.** The maximum quantity of permits issued for Cannabis Retail uses shall be determined by City Council resolution.
- C. **Delivery services.** The primary use of a Cannabis Retail use shall be to sell products directly to on-site customers. Sales may also be conducted by delivery. Cannabis Retail uses engaging in delivery in addition to on-site sales shall be subject to the following requirements:

1. Commercial delivery to locations outside a permitted Cannabis Retail facility shall only be permitted in conjunction with a permitted Cannabis Retail facility that has a physical location and a retail storefront open to the public. A Cannabis Retail use shall not conduct sales exclusively by delivery. Delivery of cannabis without a storefront component shall be considered Cannabis Retail – Delivery Only, and subject to the requirements of 18.42.059, in addition to Chapter 9.30.
  2. Minor Use Permit applications for Cannabis Retail shall include a statement as to whether the use will include delivery of cannabis and/or cannabis products to customers located outside the Cannabis Retail facility. If a permitted Cannabis Retail use without a delivery component chooses to provide delivery services at a later date, an amendment to the Minor Use Permit shall be required.
  3. If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set for in Chapter 9.30, 18.42.057, and state law.
- D. Drive through services.** Drive-through or walk-up window services in conjunction with Cannabis Retail are prohibited.
- E. Location requirements.** In addition to the requirements established in Article 2, Cannabis Retail uses shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, pursuant to Chapter 9.30.
1. **Measurement of distance.** The distance between Cannabis Retail and a school shall be made in a straight line from the boundary line of the property on which the Cannabis Retail use is located to the closest boundary line of the property on which a school is located.
- F. Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, Cannabis Retail shall comply with the following operational requirements:
1. **Employees.** The Cannabis Operator shall maintain a current register of the names of all employees employed by the Cannabis Retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
  2. **Recordkeeping.** The Cannabis Operator shall maintain patient and sales records in accordance with state law.
  3. **Photo identification.** No person shall be permitted to enter a Cannabis Retail facility without government issued photo identification. Cannabis Businesses shall not provide cannabis or cannabis products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government issued photo identification card.
  4. **Hours of operation.** Cannabis Retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit. Cannabis Retail uses shall only be permitted to engage in delivery services during hours that the storefront is open to the public, unless the review authority permits delivery outside these hours.
- G. Accessory uses.** As defined in Article 10, accessory uses are customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. Uses accessory to Cannabis Retail facilities may be allowable pursuant to the permitting requirements in Article 2. Accessory uses may include activities that require multiple state cannabis licenses, including, but not limited to manufacturing,

distribution, processing, and/or cultivation. In no instance shall cannabis manufacturing using volatile solvents be allowable as uses accessory to Cannabis Retail uses.

### **18.42.059 – Cannabis Retail – Delivery Only**

In addition to the Operating Requirements set forth in Chapter 9.30, this section provides location and operating requirements for Cannabis Retail – Delivery Only. Chapter 9.30 contains definitions of terms used herein.

- A. Conditional use.** A Minor Use Permit shall be required to operate Cannabis Retail – Delivery Only in accordance with Table 2-6 of Article 2.
- B. Quantity.** The maximum quantity of permits issued for Cannabis Retail – Delivery Only uses shall be determined by City Council resolution.
- C. Location requirements.** In addition to the requirements established in Article 2, Cannabis Retail –Delivery Only uses shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, pursuant to Chapter 9.30
  - 1. Measurement of distance.** The distance between Cannabis Retail – Delivery Only and a school shall be made in a straight line from the boundary line of the property on which the Cannabis Retail – Delivery Only use is located to the closest boundary line of the property on which a school is located.
- B. Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, Cannabis Retail – Delivery Only uses shall comply with the following operational requirements:
  - 1.** Cannabis Retail – Delivery Only uses shall comply with the same operational requirements applicable to Cannabis Retail uses, as described in 18.41.057.
  - 2.** The application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set for in Chapter 9.30, 18.42.059, and state law.