Chapter 20.884
MARIJUANA BUSINESSES

Sections:

20.884.010 Purpose and intent.
20.884.020 Recreational Marijuana Facility Locations.
20.884.030 Special Regulations.
20.884.035 Nuisance Declared
20.884.040 Enforcement of Violations.
20.884.050 No Non-Conforming Uses.
20.884.060 Medical Marijuana

Section 20.884.010 Purpose and intent.
The purpose of this chapter is to establish zoning regulations that provide for state licensed recreational and medical marijuana land uses consistent with state law under Title 69 RCW, and subject to requirements of Chapter 314-55 WAC, adding additional local standards to address potential public health, safety and welfare considerations.
(M-4169, Amended, 06/27/2016, Sec 3-Effective 07/03/2016; M-4071, Added, 03/03/2014, Sec 3 - Effective 3/9/2014)

Section 20.884.020 Recreational Marijuana Facility Locations.
A. A marijuana retail, processing, or production business shall not be located on parcels located within one thousand feet of parcels containing any of the following uses, as officially defined in |WAC 314-55-010. The distance shall be measured as the shortest straight line from property line to property line, as set forth in WAC 314-55-050(10).

1. Elementary or secondary school, public or private;

2. Playground, publicly managed;

3. Recreation center or facility, providing a broad range of activities intended primarily for minors and managed by a public or charitable non-profit entity;

4. Child care facility, licensed by the Department of Early Learning providing child care regularly for less than 24 hours;

5. Public park, having facilities for active or passive recreation, exclusive of trails;

6. Public transit center where several transit routes converge;

7. Library; or

8. Game arcade where admission is not restricted to persons age 21 and older.

B. Retail marijuana retail business shall not be located within 300 feet of other state-licensed marijuana retail business, as measured from property line to property line as specified in subsection A of the section.
C. A marijuana retail business is permitted only in the GC (General Commercial) or CC (Community Commercial) zone districts as specified in VMC 20.430.030-1.

D. Marijuana production or processing businesses are permitted only in the IL (Light Industrial) or IH (Heavy Industrial) as specified in VMC 20.440.030-1.

E. Marijuana businesses are not permitted as a home occupation under 20.860 VMC and shall not operate at a dwelling as defined by VMC 20.150.040A.

F. Retail marijuana businesses may not be located within any other businesses, and may only be located in buildings with other uses only if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.

G. Marijuana businesses shall not be located in a mobile structure.

(M-4169, Amended, 06/27/2016; Sec 4-Effective 07/03/2016; M-4071, Added, 03/03/2014, Sec 3 - Effective 3/9/2014)

Section 20.884.030 Special Regulations.

A. To operate within the City, each recreational marijuana business is required to have a current license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 5.04 VMC. No application for a business license for a marijuana business shall be accepted unless the applicant has a current license issued under Chapter 314-55 WAC.

B. A retail marijuana business shall not sell marijuana, marijuana-infused products, or marijuana paraphernalia or otherwise be open for business before 8 am or after 11:00 pm on any day.

C. For signage, marijuana retail, processing and production businesses shall be subject to the substantive requirements of Chapter 314-55-155 WAC and Chapter 20.960 VMC, whichever is more restrictive. No off-premises signage is permitted.

D. No more than twelve retail marijuana businesses shall be allowed within the city.

E. A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

F. Marijuana businesses are subject to all applicable requirements of the Vancouver Municipal Code, including but not limited to the Building Code (Chapter 17.12 VMC) as now exists or may be amended.

G. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.

H. Security. In addition to the security requirements in Chapter 315-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Planning Official, provided the container is affixed to the building structure.
I. Marijuana businesses are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.

J. Marijuana businesses shall incorporate odor control technology and provisions, and ensure that emissions do not exceed Southwest Washington Clean Air Agency regulations, including but not limited to those specified for odors at 400.040(4).

Section 20.884.035 Nuisance Declared
The City of Vancouver finds that production or processing of marijuana or marijuana infused products or storage or growing of plants in residences, pursuant to RCW 69.51A, that can be readily seen by normal unaided vision, or readily smelled, from a public place or private residence shall constitute a nuisance for enforcement purposes.

Section 20.884.040 Enforcement of Violations.
Violations of this Chapter shall be subject to enforcement action as provided in the Uniformed Controlled Substances Act, Title 69 RCW. In addition, violations of this Chapter shall be subject to the enforcement provisions set forth in VMC Chapter 20.140.

Section 20.884.050 No Non-Conforming Uses.
No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Vancouver Municipal Code and that use shall not be entitled to claim legal non-conforming status.

Section 20.884.060 Medical Marijuana
This chapter shall not supersede rights and obligations under Washington law for individual medically authorized users to grow marijuana for their use on private property, or designate individual parties to do so on their behalf pursuant to RCW 69.51A as amended in SSSB 5052 Section 27. Unless otherwise specified by state law: (a) No medically authorized user shall grow more than the number of marijuana plants specified on their recognition card up to a maximum of 6 medically authorized marijuana plants; (b) No more than 15 medically authorized marijuana plants may be grown, processed or possessed in a housing unit with multiple medically authorized marijuana user residents and (c) no portion of these activities may be seen by normal unaided vision, or smelled, from a public place or private housing residence.

20.884 - 3