

ORDINANCE 2330

**AN ORDINANCE OF THE CITY OF CENTRALIA, WASHINGTON,
ADDING A NEW CHAPTER TO TITLE 20 – ZONING, OF THE
CENTRALIA MUNICIPAL CODE (C.M.C) ENTITLED 20.65
RECREATIONAL MARIJUANA BUSINESS AND REPEALING THOSE
SECTIONS IN CONFLICT HEREWITH**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRALIA AS
FOLLOWS:

Section 1

That a new section be added to Chapter 20 - Zoning of the Centralia Municipal Code be, and the same hereby is created to read as follows:

**Chapter 20.65
RECREATIONAL MARIJUANA BUSINESSES**

Sections:

- 20.65.010 Intent.
- 20.65.020 Applicability.
- 20.65.030 Definitions.
- 20.65.040 Environmental performance standards.
- 20.65.050 Development requirements.
- 20.65.060 Site requirements.
- 20.65.070 Building allowance.
- 20.65.080 Off-street parking.
- 20.65.090 Landscaping, buffering, fencing and solid waste receptacles.
- 20.65.100 Design and development guidelines.
- 20.65.110 Site plan review.
- 20.65.120 Violations.

20.65.010 Intent.

In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. Pursuant to RCW Title 69 and the requirements of Chapter 314-55 WAC, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Centralia. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these

regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

20.65.020 Applicability.

The provisions of this Section shall apply only within the City limits as currently adopted. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district.

- A. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.
- B. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in RCW Title 69 and WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

20.65.030 Definitions.

All definitions used in this chapter apply to this chapter and only and, except as otherwise revised below, shall have the meanings established pursuant to RCW Title 69 and WAC 314-55, as the same exist now or as they may later be amended. Selected definitions have been included below for ease of reference.

- A. "Marijuana" or "marihuana" as defined in RCW 69.50.101, means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- B. "Marijuana Processor" as defined in RCW 69.50.101, means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
- C. "Marijuana Producer" as defined in RCW 69.50.101, means a person licensed by the state liquor board to produce and sell marijuana at whole sale to marijuana processors and other marijuana producers.

- D. "Marijuana-infused products" as defined in RCW 69.50.101, means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.
- E. "Marijuana retailer" as defined in RCW 69.50.101, means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
- F. As used in this Ordinance, any reference to Marijuana production, processing and retail sales shall refer ONLY to RECREATIONAL marijuana production, processing and retail sales.
- G. "Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
- H. "Indoors" means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the city of Centralia, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through two or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
- I. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
- J. "Useable Marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

20.65.040 Environmental performance standards.

- A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 20.57 CMC.
- B. Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

C. Marijuana producers, processors and retail sales shall incorporate odor control technology and provisions to ensure that emissions do not exceed Southwest Washington Clean Air Agency regulations.

20.65.050 Development requirements.

A. Marijuana producers, marijuana processors, and marijuana retailers shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

B. Marijuana producers, marijuana processors, and marijuana retailers shall only be allowed within the City of Centralia municipal boundaries if appropriately licensed by the State of Washington and the City of Centralia, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

C. Marijuana producers, marijuana processors, and marijuana retailers shall only be allowed within the City of Centralia in those zoning districts where it is specifically identified as an allowed use.

1. Marijuana retailers shall only be allowed in the M-2 Industrial zoning district.

2. Marijuana producers and processors shall only be allowed only in the M-2 Industrial zoning district.

D. The production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may not be conducted in association with any business establishment, dwelling unit, or home occupation located in any of the following zoning districts in the City of Centralia:

Very low-density residential district (R:2)

Low-density residential district (R:4)

Moderate-density residential district (R:8)

Medium-high-density residential district (R:15)

High-density residential district (R:20)

Health services district (H-1)

Open space/public facilities district (OS/PF)

Port master plan district (PMP)

Limited business district (LBD)

General commercial district (C-1)

Highway commercial district (C-2)

Core commercial district (C-3)

Light Industrial district (M-1)

E. Marijuana production and marijuana processing facilities shall be designed to include controls and features to prevent odors from travelling off-site and being

detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

F. Marijuana retailers shall not include drive-thru, exterior, or off-site sales. Marijuana retailers shall not be located in a mobile or temporary structure.

G. In accordance with WAC 314-55-147, marijuana retail sales shall not be open to the public between the hours of 12 a.m. and 8 a.m.

H. Signage for marijuana production, processing and retail businesses shall be subject to the requirements of WAC 314-55-155 and CMC Chapter 18.24, whichever is more restrictive. No off-premises signage is permitted.

I. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

J. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana producers, marijuana processors, and marijuana retailers shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purpose of this standard, these uses are defined in WAC 314-55. The methodology for measuring the buffers shall be as provided in WAC 314-55. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers.

K. Marijuana retailers shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers. The methodology for measuring the buffers shall be as provided in WAC 314-55. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers.

L. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.

M. Marijuana producers, marijuana processors, and marijuana retailers shall connect to all City of Centralia utilities.

N. Marijuana production, processing and retail sales are not permitted as a home occupation under CMC Chapter 20.69.

O. Retail marijuana sales 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.

P. Marijuana production, processing and retail sales 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.

Q. Marijuana production, processing and retail sales must take place within fully enclosed secure indoor facilities.

R. Only two (2) recreational marijuana retail stores shall be allowed at any one time, within the Centralia City limits.

20.65.060 Site requirements.

Shall meet all requirements set forth in the underlining zone.

20.65.070 Building allowance.

Shall meet all requirements set forth in the underlining zone.

20.65.080 Off-street parking.

Off-street parking shall be provided in accordance with Chapter 20.72 CMC.

20.65.090 Landscaping, buffering, fencing and solid waste receptacles.

Landscaping shall be provided in accordance with the requirements in the underlining zoning district.

20.65.100 Design and development guidelines.

Developments shall comply with the requirements of CMC 18.10.030, Design and Development Guidelines manual.

20.65.110 Site plan review.

Shall meet all requirements set forth in the underlining zoning district.

20.65.120 Violations.

Violations of this Chapter shall be subject to enforcement action as provided in the Uniformed Controlled Substances Act, Title 69 RCW, as well as, subject to enforcement actions for violations of the City of Centralia Municipal Code.

Section 2

Ordinance 2322-B which established a moratorium that prohibited the production, processing and retail sales of recreational marijuana and prohibited the

acceptance of any application for any city license or permit related to such activities shall expire upon the effective date of this ordinance.

Section 3

That the provisions of this ordinance are declared to be severable and in the event a court of competent jurisdiction declares any portion of this ordinance invalid, the remaining provisions shall be unaffected thereby.

Section 4

That any previously enacted ordinance, or part thereof in conflict herewith be and the same hereby is repealed to the extent of such conflict.

Section 5

This ordinance shall become effective immediately upon passage.

PASSED by the City Council of the City of Centralia, Washington on **first** reading on the 29th day of July, 2014.

M A Y O R

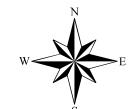
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Proposed Areas for Recreational Marijuana Production, Processing and Retail Sales



0.06 0.1 0.2 0.3
Miles

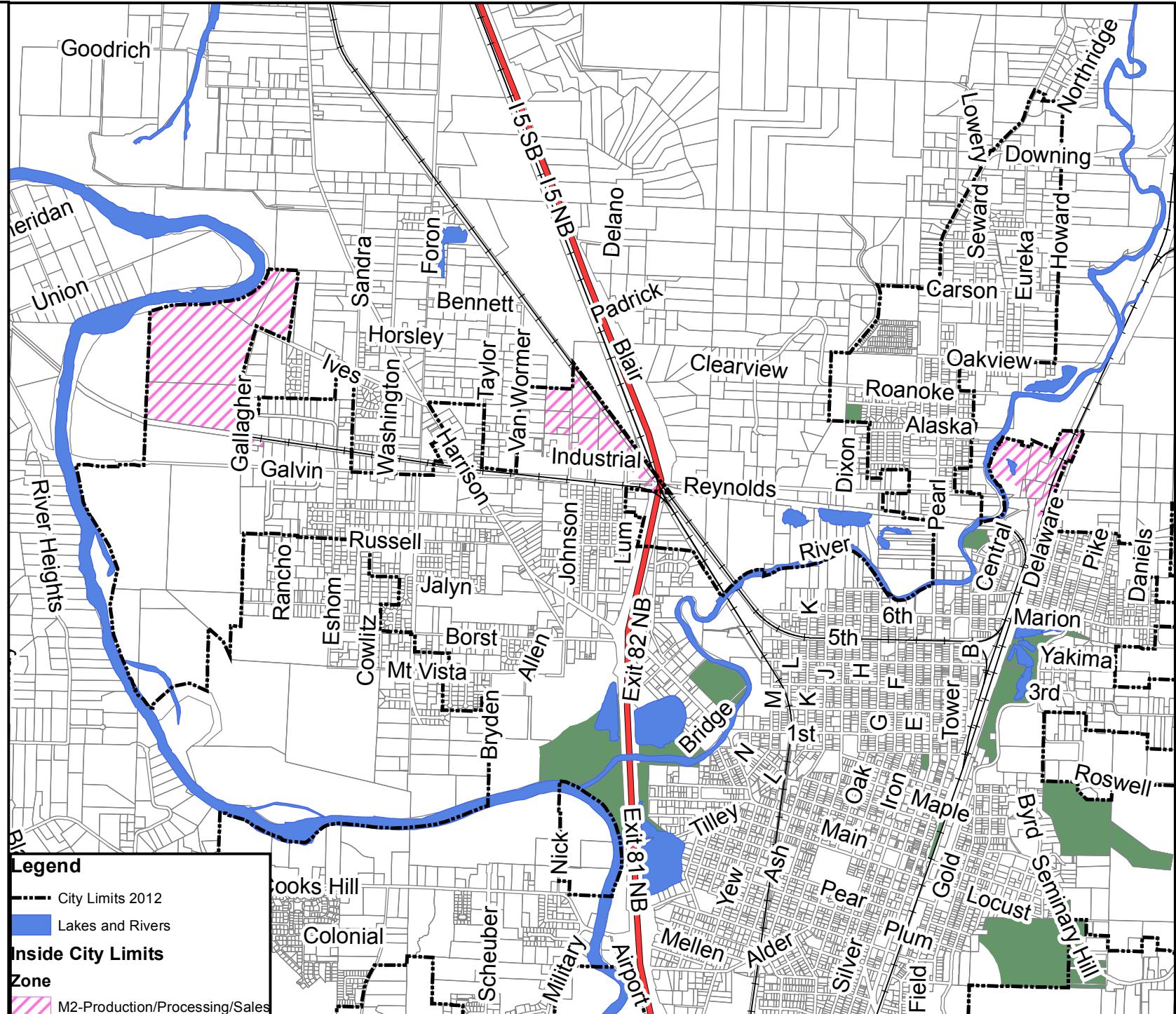
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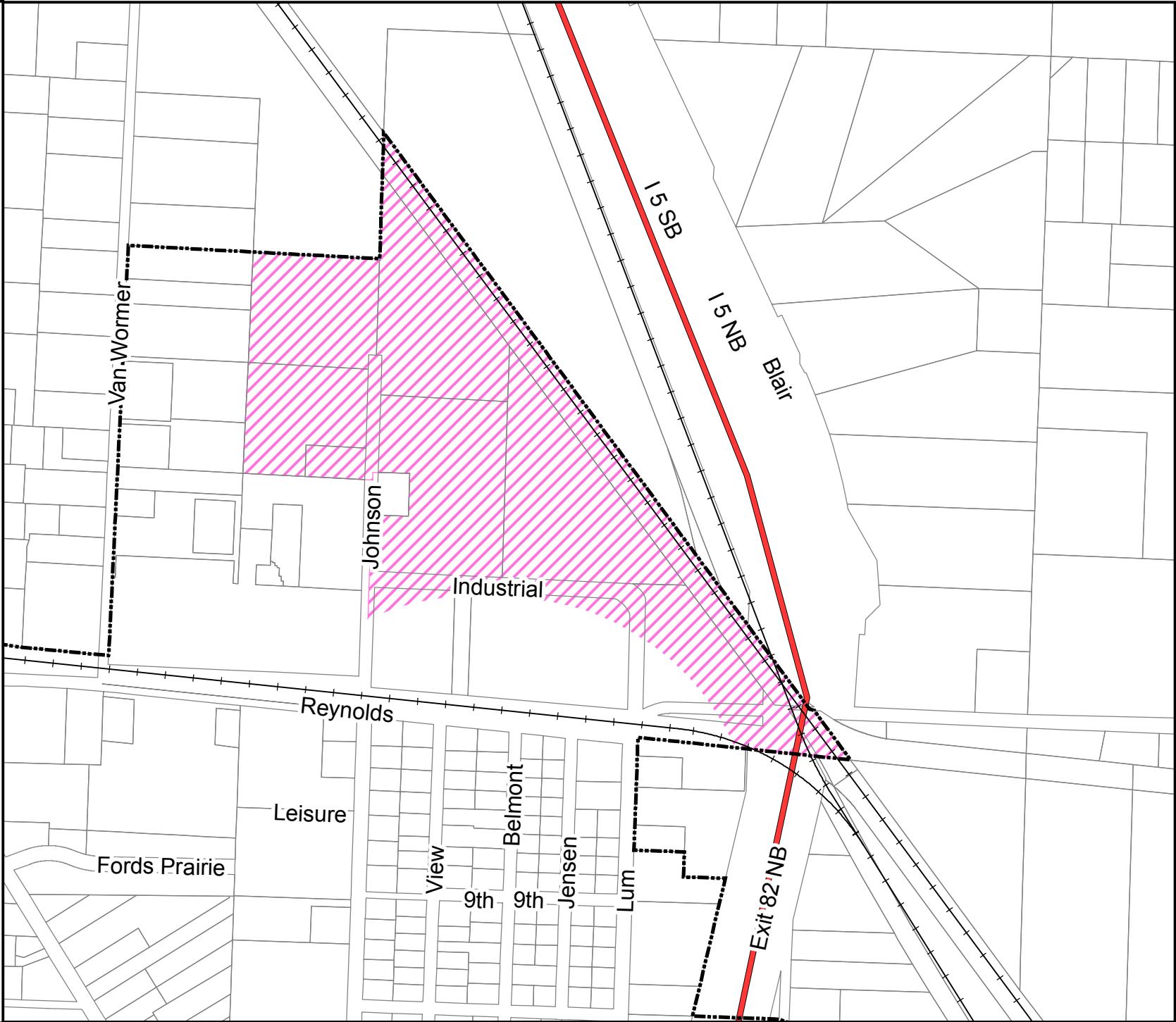
Legend
--- City Limits 2012
Blue Lakes and Rivers

Inside City Limits

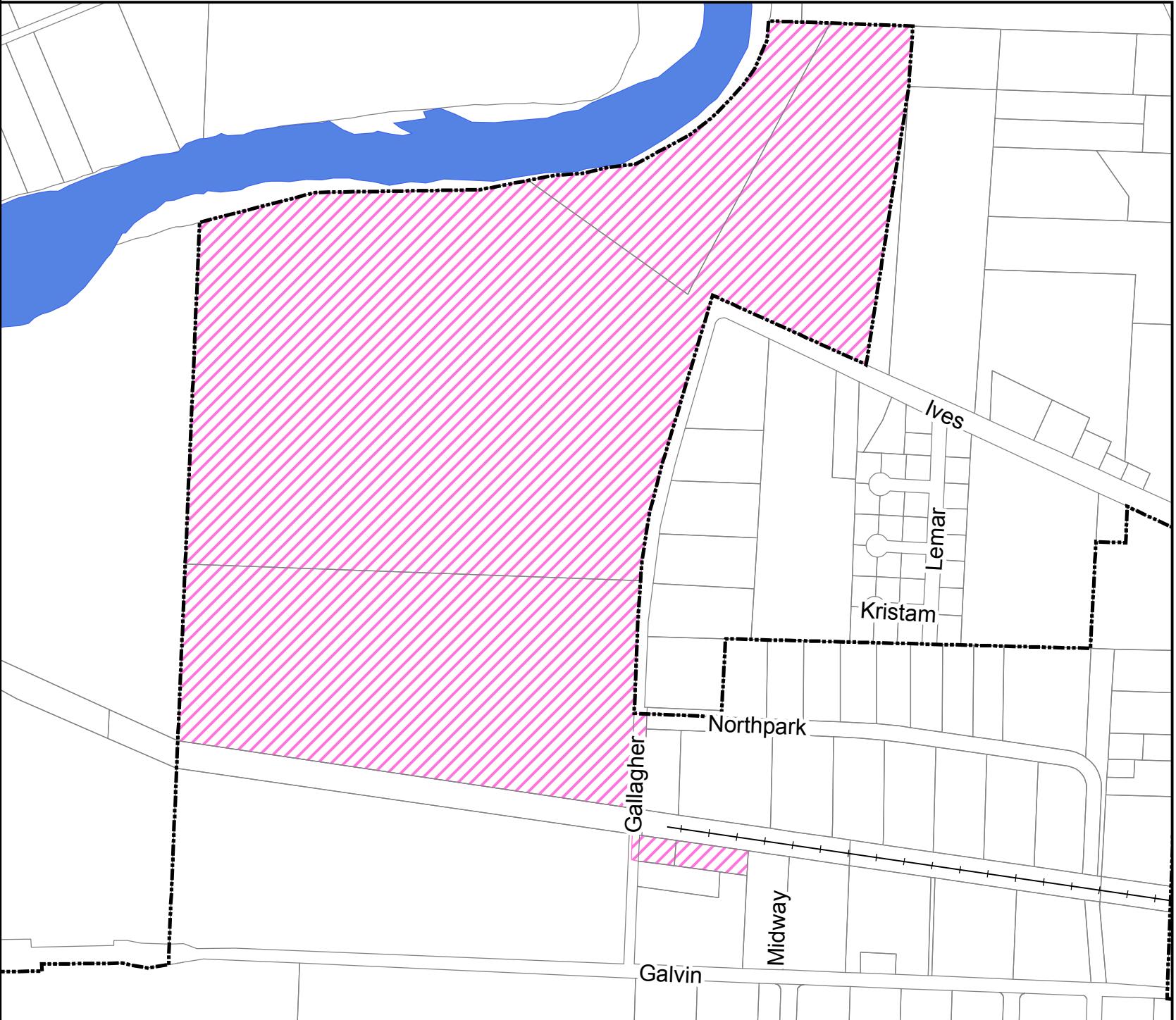
Zone
M2-Production/Processing/Sales



**Proposed Overlay for
Recreational Marijuana Production, Processing
and Retail Sales
M-2, Heavy Industrial**



**Proposed Overlay for
Recreational Marijuana Production, Processing
and Retail Sales
M-2, Heavy Industrial**



**Proposed Overlay for
Recreational Marijuana Production, Processing
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M-2, Heavy Industrial**

