

ORDINANCE NO. 15678

**AN ORDINANCE TO RENEW ORDINANCE NO. 14944, AS AMENDED AND RENEWED BY ORDINANCE NOS. 14978, 15086, 15122, 15157, 15189, 15210, 15292, 15371, 15465, 15533, AND 15613 WHICH ADOPTED INTERIM REGULATIONS FOR MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS AUTHORIZED BY CHAPTER 69.50 RCW, BY AMENDING THE THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC) CHAPTER 20.63, THE ZONING ORDINANCE OF THE LACEY URBAN GROWTH AREA (UGA) (TITLE 21 TCC) CHAPTER 21.103, THE TUMWATER UGA ZONING ORDINANCE (TITLE 22 TCC) CHAPTER 22.65, AND THE OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC) CHAPTER 23.91 TO STUDY LAND USE AND SITING ISSUES RELATED TO MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS, TO DETERMINE FINAL APPROPRIATE REGULATIONS, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.**

**WHEREAS**, pursuant to RCW 36.70A.390 and other lawful authority, the Board of Thurston County Commissioners (Board) has the authority to renew an ordinance that established interim regulations for a period of six months; and

**WHEREAS**, the Board adopted interim zoning controls for marijuana producers, processors and retailers on November 12, 2013 as Ordinance No. 14944; and

**WHEREAS**, the Board amended the interim zoning controls for marijuana producers, processors and retailers on January 21, 2014 with Ordinance No. 14978; and

**WHEREAS**, the interim ordinance as amended was to remain in effect for one (1) year from original adoption; and

**WHEREAS**, Ordinance No. 14944, as amended by Ordinance No. 14978, was renewed by the Board with the adoption of Ordinance No. 15086 on October 28, 2014, effective November 11, 2014; and

**WHEREAS**, on December 16, 2014, the Board adopted the official development code docket which included final marijuana regulations as a high priority; and

**WHEREAS**, Ordinance No. 14944, as amended by Ordinance No. 14978, and renewed by Ordinance No. 15086 was renewed by the Board for six (6) months by the adoption of Ordinance No. 15122 on April 7, 2015, effective May 11, 2015; and

**WHEREAS**, Ordinance No. 14944, as amended by Ordinance No. 14978, and renewed by Ordinance No. 15086 and 15122, was amended by Ordinance No. 15157 on July 7, 2015 without extending the renewal expiration date in Ordinance No. 15122; and

**WHEREAS**, Ordinance No. 14944, as amended by Ordinance No. 14978, and renewed by Ordinance Nos. 15086 and 15122, as amended by Ordinance No. 15157, was amended on October 6, 2015 by Ordinance No. 15189 without extending the renewal expiration date in Ordinance No. 15122; and

**WHEREAS**, Ordinance No. 14944, as amended by Ordinance No. 14978, and renewed by Ordinance Nos. 15086 and 15122, as amended by Ordinance No. 15157, was amended and renewed on November 10, 2015 by Ordinance No. 15210; and

**WHEREAS**, Ordinance No. 14944, as amended by Ordinance No. 14978, and renewed by Ordinance Nos. 15086 and 15122, as amended by Ordinance No. 15157, was amended and renewed on November 10, 2015 by Ordinance No. 15210, then was renewed for six (6) months on May 10, 2016 by Ordinance No. 15292; and

**WHEREAS**, Ordinance No. 14944, as amended, was renewed for six (6) months on November 8, 2016 by Ordinance No. 15371; and

**WHEREAS**, Ordinance No. 14944, as amended, was amended by and renewed by Ordinance No. 15465 for six (6) months on May 2, 2017 effective May 8, 2017;

**WHEREAS**, Ordinance No. 14944 was renewed by Ordinance No. 15533 for six months, on October 24, 2017 effective November 8, 2017; and

**WHEREAS**, Ordinance No. 14944 was renewed as amended by Ordinance No. 15613 for six months on May 1, 2018 effective May 8, 2018; and

**WHEREAS**, the Board held a briefing on June 20, 2018 with a follow-up discussion on June 26, 2018; and

**WHEREAS**, the Board decided that more research is necessary on the proposed options including consultation with the Thurston County Health Department; and

**WHEREAS**, the interim regulations, will be renewed for six (6) months from adoption of this ordinance while the County works with its citizens and interested parties to devise appropriate measures to address the siting, nuisance and other land use concerns related to marijuana producers, processors, and retailers, and consider amendments to the Thurston County Code; and

**WHEREAS**, Initiative 502 was passed on November 6, 2012, and went into effect on December 6, 2012; and

**WHEREAS**, Initiative 502 authorized the recreational use of marijuana; and

**WHEREAS**, Initiative 502 was codified into Chapter 69.50 RCW, Uniform Controlled Substances Act; and

**WHEREAS**, the Washington State Liquor Control Board adopted final rules on October 16, 2013 for marijuana processors, producers, and retailers as Chapter 314-55 WAC Marijuana Licenses, Application Process, Requirements, and Reporting; and

**WHEREAS**, the final rules went into effect on November 16, 2013, and the Washington State Liquor Control Board began to accept applications for recreational marijuana processors, producers, and retailers on November 18, 2013; and

**WHEREAS**, The Liquor and Cannabis Board revised rules, which took effect July 1, 2015, and again on July 1, 2016; and

**WHEREAS**, the Cannabis Patient Protection Act (SSB 5052) was signed into law on April 24, 2015, which establishes regulations for the formerly unregulated medical marijuana system to align it with the existing recreational marijuana system; and

**WHEREAS**, Marijuana and marihuana producers, processors, and retailers are defined in RCW 69.50.101 (as amended by 2013 c 3) as follows:

- a. Marijuana or marihuana 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 resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- b. Marijuana processor 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 means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. A marijuana production area not located in a legally permitted fully enclosed permanent building shall be considered an outdoor marijuana production area. Hoop houses and other temporary structures are not considered a legally permitted permanent building. Marijuana production may include growing, drying, cutting, and bagging marijuana to prepare marijuana for wholesale shipment to a marijuana processor.
- d. Marijuana retailer means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet; and

**WHEREAS**, the adopted interim regulations and these amendments to those regulations are consistent with Chapter 69.50 RCW and with Chapter 314-55 WAC; and

**WHEREAS**, the Board finds that Ordinance No. 14944, as amended, will better serve the public good; and

**WHEREAS**, Thurston County Planning Commission received initial information on January 20, 2016, and conducted a work session on February 3, 2016, to gather information and scope in regards to regulating marijuana producers, processors, and retailers; and

**WHEREAS**, the Thurston County Planning Commission conducted a public hearing on February 17, 2016, and another information session on March 2, 2016; and

**WHEREAS**, the Thurston County Planning Commission directed county staff to prepare a final version of zoning text with selected options for final consideration and recommendation on April 20, 2016; and

**WHEREAS**, on May 18, 2016, the Thurston County Planning Commission moved to recommend that the Board of County Commissioners adopt an ordinance permanently regulating state licensed marijuana producers, processors, and retailers with amendments as proposed; and

**WHEREAS**, the Thurston County Board of County Commissioners continue to deliberate during the period of interim regulation of marijuana producers, processors, and retailers to produce appropriate permanent regulations to adopt into the Thurston county Code; and

**WHEREAS**, the Board held a public hearing on November 8, 2016, April 25, 2017, and October 24, 2017 to receive comments on the renewal of Ordinance 14944, as amended; and

**WHEREAS**, at the public hearing, the Board heard from citizens about allowing marijuana production, processing, and retail in unincorporated Thurston County; and

**WHEREAS**, the Board needs more time to assess the impact and appropriateness of state licensed marijuana producers, processors and cooperatives in rural residential areas and other unincorporated areas in Thurston County; and

**WHEREAS**, County staff is continuing to research environmental and siting issues to determine appropriate final regulations for marijuana operations; and

**WHEREAS**, a solution to the issues for regulating marijuana producers, processors, and retailers will include an amendment to the TCC; and

**WHEREAS**, amendments to the TCC titles and chapters listed in Chapter 2.05 TCC Growth Management Public Participation that do not involve an amendment to the Thurston County Comprehensive Plan must be placed on the Development Code Official Docket prior to formal consideration and adoption; and

**WHEREAS**, the Board continues to consider final regulations for state-licensed marijuana producers, processors and retailers as a high priority; and

**WHEREAS**, the Board has requested staff to review impacts to commercial and industrial areas in unincorporated Thurston County to review impacts by marijuana producers, processors and retailers; and

**WHEREAS**, it is the intent of the Board to repeal the interim regulations as amended following the completion of the work; and

**WHEREAS**, it is the intent of the Board to adopt zoning controls following the completion of the work that permit marijuana producers, processors, and retailers in suitable locations that are consistent and compatible with surrounding land uses; and

**WHEREAS**, the Board believes renewing the interim regulations, as amended, is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents; and

**WHEREAS**, applicable findings from Ordinance 14944, Ordinance No. 14978, and Ordinance No. 15086, 15122, 15157, 15210, 15292, 15371, 15465, 15533, and 15613 are incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:**

**SECTION 1. AMENDMENT AND RENEWAL.** Ordinance No. 14944 is renewed, as amended by Ordinance No. 14978, Ordinance No. 15086, Ordinance No. 15122, Ordinance No. 15157, Ordinance No. 15210, Ordinance No. 15292, Ordinance No. 15371, Ordinance No. 15465, Ordinance No. 15533, and Ordinance No. 15613. The regulations, as amended, are in Attachments A through E to this ordinance.

**SECTION 2. EXISTING APPLICATIONS AND USES.** Legally permitted existing marijuana producers, processors and retailers and permit applications received prior to November 8, 2018, the production, processing and retail of recreational marijuana subject to the licensing requirements of the Washington State Liquor Control Board in accordance with RCW 69.50.325, as said statute exists now or thereafter amended shall have their permits reviewed under the regulations in place at the time their permit application was submitted to Thurston County.

**SECTION 3. WORK PLAN.** A six-month work plan is established as follows:

1. Renewal of Interim Regulations (Nov 2018)
2. Further Outreach to Affected Parties (Jan 2019)

9. If necessary, public hearing of proposed changes. (Feb 2019)

7. Adoption of Final Regulations (March, 2019)

**SECTION 4. DURATION.** This Ordinance shall expire on May 8, 2019, *or earlier by Board action.*

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**SECTION 6. CORRECTIONS.** Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scrivener or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect on November 8, 2018, the expiration of Ordinance No. 15613.

ADOPTED November 6, 2018

ATTEST:

Robert J. Brown  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

Bud Blake  
Chair

APPROVED AS TO FORM:

JON TUNHEIM  
PROSECUTING ATTORNEY

Travis Burns  
Deputy Prosecuting Attorney

Joe Felt  
Vice-Chair

Dany Edwards  
Commissioner

Attachment A:

A new chapter shall be added to title 20 TCC, Zoning, chapter 20.63 TCC "State-Licensed Marijuana Producers, Processors and Retailers Regulations" which shall read as follows:

**Chapter 20.63**

**STATE-LICENSED MARIJUANA PRODUCERS, PROCESSORS AND RETAILERS REGULATIONS.**

**Sections:**

- 20.63.010 Purpose.**
- 20.63.020 Applicability.**
- 20.63.030 Definitions.**
- 20.63.040 Permitted Zoning Districts.**
- 20.63.045 Development Standards – General.**
- 20.63.050 Development Standards - Specific.**
- 20.63.060 Approval Process.**
- 20.63.070 State License Required.**
- 20.63.080 Application for County Development Permits - Timing.**
- 20.63.090 Additional Fees.**

**20.63.010 Purpose.**

The purpose of this chapter is to regulate the location and design of state-licensed marijuana producers, processors, and retailers allowed under chapter 69.50 RCW and applicable state administrative rules, and to mitigate impacts of such uses on neighboring properties.

**20.63.020 Applicability.**

This chapter applies to state licensed marijuana producers, processors, and retailers in unincorporated Thurston County subject to this title. Applicable fencing and screening requirements for expansion of nonconforming producers and processors shall be the same as described in TCC 20.63.050. Noticing requirements for expansion of existing nonconforming producers and processors shall be as described in TCC 20.63.060 with the additional requirement to include noticing for expansion of any such operation on a residentially zoned parcel or parcels that total ten acres or less.

**20.63.030 Definitions.**

The terms used in this chapter shall have the following meanings:

"Marijuana or marihuana" 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.

“Marijuana processor” 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.

“Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. A marijuana production area not located in a legally permitted fully enclosed permanent building shall be considered an outdoor marijuana production area. Hoop houses and other temporary structures are not considered a legally permitted permanent building. Marijuana production may include growing, drying, cutting, and bagging marijuana to prepare marijuana for wholesale shipment to a marijuana processor.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana as defined in RCW 69.50.101.

“Marijuana retailer” means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

#### **20.63.040 Permitted Zoning Districts.**

1. Marijuana producers and processors shall be permitted in the following non-residential zoning districts:
  - a. Chapter 20.27 Planned Industrial Park District (PI)
  - b. Chapter 20.28 Light Industrial District (LI)
  - c. Chapter 20.29 Rural Resource Industrial District (RRI)
  - d. Chapter 20.24 Rural Commercial Center District (RCC)
2. Marijuana retailers shall be permitted in the following non-residential zoning districts:
  - a. Chapter 20.24 Rural Commercial Center District (RCC)
  - b. Chapter 20.25 Arterial Commercial District (AC)
  - c. Chapter 20.26 Highway Commercial District (HC)
  - d. Chapter 20.29 Rural Resource Industrial District (RRI)

#### **20.63.045 Development Standards-General.**

1. Marijuana producers, processors and retailers shall be subject to the development standards of the underlying zoning district, the Thurston County Code, and all other local and state laws except as modified in this chapter.
2. No marijuana producer, processor or retailer shall locate within 1000 feet of those entities listed in WAC 314-55-050(10), as amended, or such other entities, as determined by the Resource Stewardship Director, where persons under twenty-one years of age are invited



routinely to congregate for activities or events, and of future school sites owned by a school district and for which construction of a school within six years has been approved by the school district. The distance shall be measured in a straight line from property line to property line at the closest point.

3. No marijuana producer, processor or retailer shall be permitted within a residence or within a structure physically attached to a residence.
4. No marijuana producer, processor or retailer shall emit excessive odors detectable off-site related to the marijuana operation.

**20.63.050 Development Standards-Specific.**

1. **Marijuana Producers:**

In addition to 20.63.045, marijuana producers are subject to the following development standards.

- a. Marijuana producers in the Planned Industrial Park District, Light Industrial District, Rural Resource Industrial District and Rural Commercial Center District shall have a minimum setback of one hundred (100) feet from a residential zoning district boundary. Existing structures with permitted marijuana operations are exempt from this setback. Expansion within the setback is not permitted. The setback applies to all operations associated with the production of Marijuana except for access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities. Noise producing equipment such as generators or other mechanical equipment shall not encroach into the setback.
- b. Outdoor marijuana production areas in any zoning district shall only be allowed on legal lots equal to or greater than 40 acres, and shall have a minimum setback of five hundred (500) feet from each adjacent property line. Driveways, parking areas, on-site on-site sewage systems, wells, stormwater facilities, and other associated utilities are exempt from this setback. Noise producing equipment such as generators or mechanical equipment shall not encroach into the setback.
- c. Outdoor marijuana production areas in any zoning district shall be located within the confines of an opaque wall or fence. The wall or fence shall be constructed using wood, decorative concrete block (CMU) walls, or a combination of both. The fence or wall shall have a minimum height of eight (8) feet. When the boundary abuts a manmade barrier or natural barrier (e.g. a legally permitted building or hillside) that provides a substantial barrier between the production area and the adjacent property or right-of-way with a minimum height of eight (8) feet, fencing is not required by Thurston County. The following fencing materials are prohibited:
  - i. Chain-link, chain-link with slats, or open wire fencing (except as temporary construction fencing) shall be prohibited;
  - ii. Razor wire or barbed wire;
  - iii. Corrugated metal;

- iv. Bright colored plastic
  - v. Untextured or unfinished concrete block (CMU) walls.
- d. In addition to other requirements in this section, any portion except access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities, of a marijuana production and processing operation or facility located adjacent to a residential zoning district or that is visible from a right-of-way or adjacent residential property shall be screened. Noise producing equipment such as generators or other mechanical equipment shall be screened from residential uses. Screening is required for new, expansion of existing uses or buildings and placement of new uses in existing buildings. Screening shall consist of evergreen trees or shrubs spaced a minimum of 10-feet on center with a minimum height of six (6) feet at planting. Trees or shrubs shall have a minimum height of fifteen (15) feet at full growth. Alternative planting plans that achieve the same effect may be allowed subject to approval by the director.

2. **Marijuana Processors:**

In addition to 20.63.045, marijuana processors are subject to the following development standards.

- a. Marijuana processors in the Planned Industrial Park District, Light Industrial District, Rural Resource Industrial District and Rural Commercial Center District shall have a minimum setback of one hundred (100) feet from a residential zoning district boundary. Existing structures with existing permitted marijuana operations are exempt from this setback. Expansion within the setback is not permitted. The setback applies to all operations associated with the processing of Marijuana except for access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities. Noise producing equipment such as generators or other mechanical equipment shall not encroach into the setback.

3. **Marijuana Retailers:**

In addition to 20.63.045 Marijuana retailers are subject to the following development standards:

- a. Marijuana retailers shall be separated by a minimum of 300 feet from property line to property line from another marijuana retailer.
- b. Marijuana retailers shall provide adequate ventilation to eliminate odors of marijuana detectable outside the retail facility.

**20.63.060 Approval Process.**

- 1. Marijuana producers and processors in the zoning districts listed in 20.63.040(1) shall be subject to the approval process for a site plan review as determined by chapter 20.37 whether or not a building permit is required. New structures or substantial improvement to existing structures will also require a presubmission conference. A notice of application shall be sent to property owners within five hundred (500) feet of marijuana

producers that will have an outdoor marijuana production area. A notice of application shall be sent for marijuana producers and processors located on a legal lot ten (10) acres or less. The notification distance shall be measured from the outermost property line included in the application.

2. Marijuana retailers shall be subject to the approval process for a site plan review as determined by chapter 20.37 whether or not a building permit is required. New structures or substantial improvement to existing structures will also require a presubmission conference.

**20.63.070 State License Required.**

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

**20.63.080 Application for County Development Permits - Timing.**

Applicants for marijuana producing, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence construction of facilities for producing, processing, or retailing marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor, or retailer do so at their own risk.

**20.63.090 Application for County Development Permits - Fees.**

Application for production and processing on the same parcel or on adjacent parcels under the same ownership and with the same operator may be combined in a single application. Fees shall be as follows:

Producer or Processor in Non-Residential Zones	\$2,417
Producer and Processor Together in Non-Residential Zones	\$3,282 (adds 5 hours)
Retailer	\$2,417

If presubmission conference or state environmental policy act submittals are required pursuant to County Code, additional fees as set in the Land Use Application Fee Schedule are applicable. Additionally, hourly billing may occur if base review hours are exceeded.

Attachment B:

A new chapter shall be added to title 21 TCC, the Zoning Ordinance for the Lacey urban growth area, chapter 21.103 TCC "State-Licensed Marijuana Producers, Processors and Retailers Regulations" which shall read as follows:

### **Chapter 21.103**

## **STATE-LICENSED MARIJUANA PRODUCERS, PROCESSORS AND RETAILERS REGULATIONS.**

### **Sections:**

- 21.103.010 Purpose.**
- 21.103.020 Applicability.**
- 21.103.030 Definitions.**
- 21.103.040 Permitted Zoning Districts.**
- 21.103.050 Development Standards.**
- 21.103.060 Approval Process.**
- 21.103.070 State License Required.**
- 21.103.080 Application for County Development Permits - Timing.**
- 21.103.090 Additional Fees.**

#### **21.103.010 Purpose.**

The purpose of this chapter is to regulate the location and design of state-licensed marijuana producers, processors, and retailers allowed under chapter 69.50 RCW and applicable state administrative rules, and to mitigate impacts of such uses on neighboring properties in the unincorporated Lacey Urban Growth Area.

#### **21.103.020 Applicability.**

This chapter applies to state licensed marijuana producers, processors, and retailers in the unincorporated Lacey Urban Growth Area.

#### **21.103.030 Definitions.**

The terms used in this chapter shall have the following meanings:

"Marijuana or marihuana" 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.

“Marijuana processor” 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..

“Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. A marijuana production area not located in a legally permitted fully enclosed permanent building shall be considered an outdoor marijuana production area. Hoop houses and other temporary structures are not considered a legally permitted permanent building. Marijuana production may include growing, drying, cutting, and bagging marijuana to prepare marijuana for wholesale shipment to a marijuana processor.

“Marijuana retailer” means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

**21.103.040 Permitted Zoning Districts.**

- A. Marijuana producing and processing shall be permitted in the following industrial zoning districts:
  - 1. Chapter 21.39 Light Industrial/Commercial District
  - 2. Chapter 21.40 Light Industrial District
  - 3. Chapter 21.41 Business Park District
  
- B. Marijuana retailers shall be permitted in the following industrial and commercial zoning districts:
  - 1. Chapter 21.22 Mixed Use Moderate Density Corridor District
  - 2. Chapter 21.23 Mixed Use High Density Corridor District
  - 3. Chapter 21.24 Central Business District
  - 4. Chapter 21.34 Community Commercial District
  - 5. Chapter 21.37 Hawks Prairie Business District
  - 6. Chapter 21.39 Light Industrial/Commercial District
  - 7. Chapter 21.40 Light Industrial District
  - 8. Chapter 21.41 Business Park District

**21.103.050 Development Standards.**

- A. Marijuana producing, processing and retailing shall be subject to the development standards where permitted in the zoning districts specified in section 21.103.040, in addition to the requirements of this chapter.
  
- B. The location of marijuana producers in commercial and industrial zoning districts shall have a minimum legal lot size of one (1) acre, or where there are adjacent lots under the same ownership, a combined minimum total of one (1) acre.
  
- C. Adequate ventilation shall be provided for all marijuana retailers to eliminate odors of marijuana detectable outside the facility.

- D. No marijuana producer, processor or retailer shall locate within 1000 feet of those entities listed in WAC 314-55-050(10), as amended, or such other entities, as determined by the Resource Stewardship Director, where persons under twenty-one years of age are invited routinely to congregate for activities or events, and of future school sites owned by a school district and for which construction of a school within six years has been approved by the school district. The distance shall be measured in a straight line from property line to property line at the closest point.
- E. No marijuana producer, processor or retailer shall be permitted within a residence or within a structure physically attached to a residence.
- F. Marijuana producers or processors in commercial and industrial zoning districts shall have a minimum setback of one hundred (100) feet from a residential zoning district boundary. Existing structures with existing permitted marijuana operations are exempt from this setback. Expansion within the setback is not permitted. The setback applies to all operations associated with the production of Marijuana except for access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities. Noise producing equipment such as generators or other mechanical equipment shall not encroach into the setback.
- G. No marijuana producer, processor or retailer shall emit excessive odors detectable off-site related to the marijuana operation.
- H. Outdoor marijuana production areas in any zoning district shall be located within the confines of an opaque wall or fence, except for access driveways and parking areas. The wall or fence shall be constructed using wood, decorative concrete block (CMU) walls, or a combination of both. The fence or wall shall have a minimum height of eight (8) feet. When the boundary abuts a manmade barrier or natural barrier (e.g. a legally permitted building or hillside) that provides a substantial barrier between the production area and the adjacent property or right-of-way with a minimum height of eight (8) feet, fencing is not required. The following fencing materials are prohibited:
- i. Chain-link, chain-link with slats, or open wire fencing (except as temporary construction fencing) shall be prohibited;
  - ii. Razor wire or barbed wire;
  - iii. Corrugated metal;
  - iv. Bright colored plastic
  - v. Untextured or unfinished concrete block (CMU) walls.
- I. In addition to other requirements in this section, any portion except access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities of a marijuana production and processing operation or facility located adjacent to a residential zoning district or that is visible from a right-of-way or adjacent residential property shall be screened. Noise producing equipment such as generators or other mechanical equipment shall be screened from residential uses. Screening is required for new, expansion of existing uses or buildings and placement of new uses in existing buildings.

Screening shall consist of evergreen trees or shrubs spaced a minimum of 10-feet on center with a minimum height of six (6) feet at planting. Trees or shrubs shall have a minimum height of fifteen (15) feet at full growth. Alternative planting plans that achieve the same effect may be allowed subject to approval by the director.

**21.103.060 Approval Process.**

Marijuana producers, processors and retailers permitted in the zoning district specified in section 21.103.040 shall follow the approval process for a site plan review as described in 21.84 whether or not a building permit is required. A notice of application shall be sent to property owners within five hundred (500) feet of marijuana producers that will have an outdoor marijuana production area. The notification distance shall be measured from the outermost property line included in the application.

**21.103.070 State License Required.**

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

**21.103.080 Application for County Development Permits - Timing.**

Applicants for marijuana producing, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence construction of facilities for producing, processing, or retailing marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor, or retailer do so at their own risk.

**21.103.090 Application for County Development Permits - Fees.**

Application for production and processing on the same parcel or on adjacent parcels under the same ownership and with the same operator may be combined in a single application. Fees shall be as follows:

Producer or Processor in Non-Residential Zones	\$2,417
Producer and Processor Together in Non-Residential Zones	\$3,282 (adds 5 hours)
Retailer	\$2,417

If presubmission conference or state environmental policy act submittals are required pursuant to County Code, additional fees as set in the Land Use Application Fee Schedule are applicable. Additionally, hourly billing may occur if base review hours are exceeded.

Attachment C:

A new chapter shall be added to title 22 TCC, Tumwater UGA Zoning Ordinance, chapter 22.65 TCC "State-Licensed Marijuana Producers, Processors and Retailers Regulations" which shall read as follows:

**Chapter 22.65**

**STATE-LICENSED MARIJUANA PRODUCERS, PROCESSORS AND RETAILERS REGULATIONS.**

**Sections:**

- 22.65.010 Purpose.**
- 22.65.020 Applicability.**
- 22.65.030 Definitions.**
- 22.65.040 Permitted Zoning Districts.**
- 22.65.050 Development Standards.**
- 22.65.060 Approval Process.**
- 22.65.070 State License Required.**
- 22.65.080 Application for County Development Permits - Timing.**
- 22.65.090 Additional Fees.**

**22.65.010 Purpose.**

The purpose of this chapter is to regulate the location and design of state-licensed marijuana producers, processors, and retailers allowed under chapter 69.50 RCW and applicable state administrative rules, and to mitigate impacts of such uses on neighboring properties in the unincorporated Tumwater Urban Growth Area.

**22.65.020 Applicability.**

This chapter applies to state licensed marijuana producers, processors, and retailers in the unincorporated Tumwater Urban Growth Area.

**22.65.030 Definitions.**

The terms used in this chapter shall have the following meanings:

"Marijuana or marihuana" 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.

"Marijuana processor" 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..

“Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. A marijuana production area not located in a legally permitted fully enclosed permanent building shall be considered an outdoor marijuana production area. Hoop houses and other temporary structures are not considered a legally permitted permanent building. Marijuana production may include growing, drying, cutting, and bagging marijuana to prepare marijuana for wholesale shipment to a marijuana processor.

“Marijuana retailer” means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

**22.65.040 Permitted Zoning Districts.**

- A. Marijuana producers and processors shall be permitted only in the Light Industrial Zone District (LI) (chapter 22.24).
- B. Marijuana retailers shall be permitted in the General Commercial Zoning District (GC)(chapter 22.22) and the Light Industrial Zone District (LI) (Chapter 22.24).

**22.65.050 Development Standards.**

- A. Marijuana production, processing, and retailing shall be subject to the development standards of the applicable zoning district and all other local and state laws, in addition to the requirements of this chapter.
- B. No marijuana producer, processor or retailer shall locate within 1000 feet of those entities listed in WAC 314-55-050(10), as amended, or such other entities, as determined by the Resource Stewardship Director, where persons under twenty-one years of age are invited routinely to congregate for activities or events, and of future school sites owned by a school district and for which construction of a school within six years has been approved by the school district. The distance shall be measured in a straight line from property line to property line at the closest point.
- C. No marijuana producer, processor or retailer shall be permitted within a residence or within a structure physically attached to a residence.
- D. Marijuana producers or processors shall have a minimum setback of one hundred (100) feet from a residential zoning district boundary. Existing structures with existing permitted marijuana operations are exempt from this setback. Expansion within the setback is not permitted. The setback applies to all operations associated with the production of marijuana except for access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities. Noise producing equipment such as generators or other mechanical equipment shall not encroach into the setback.

- E. No marijuana producer, processor, or retailer shall emit excessive odors detectable off-site related to the marijuana operation.
- F. Outdoor marijuana production areas in any zoning district shall be located within the confines of an opaque wall or fence, except for access driveways and parking areas. The wall or fence shall be constructed using wood, decorative concrete block (CMU) walls, or a combination of both. The fence or wall shall have a minimum height of eight (8) feet. When the boundary abuts a manmade barrier or natural barrier (e.g. a legally permitted building or hillside) that provides a substantial barrier between the production area and the adjacent property or right-of-way with a minimum height of eight (8) feet, fencing is not required. The following fencing materials are prohibited:
- i. Chain-link, chain-link with slats, or open wire fencing (except as temporary construction fencing) shall be prohibited;
  - ii. Razor wire or barbed wire;
  - iii. Corrugated metal;
  - iv. Bright colored plastic
  - v. Untextured or unfinished concrete block (CMU) walls.
- G. In addition to other requirements in this section, any portion except access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities of a marijuana production and processing operation or facility located adjacent to a residential zoning district or that is visible from a right-of-way or adjacent residential property shall be screened. Noise producing equipment such as generators or other mechanical equipment shall be screened from residential uses. Screening is required for new, expansion of existing uses or buildings and placement of new uses in existing buildings. Screening shall consist of evergreen trees or shrubs spaced a minimum of 10-feet on center with a minimum height of six (6) feet at planting. Trees or shrubs shall have a minimum height of fifteen (15) feet at full growth. Alternative planting plans that achieve the same effect may be allowed subject to approval by the director.

**22.65.060 Approval Process.**

Marijuana producers, processors and retailers permitted in any zone district listed in 22.65.040 shall follow the approval process for a site plan review as described in 22.59 whether or not a building permit is required. A notice of application shall be sent to property owners within five hundred (500) feet of marijuana producers that will have an outdoor marijuana production area. The notification distance shall be measured from the outermost property line included in the application.

**22.65.070 State License Required.**

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

**22.65.080 Application for County Development Permits - Timing.**

Applicants for marijuana production, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence

construction of facilities for producing, processing, or retailing marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor, or retailer do so at their own risk.

**22.65.090 Application for County Development Permits - Fees.**

Application for production and processing on the same parcel or on adjacent parcels under the same ownership and with the same operator may be combined in a single application. Fees shall be as follows:

Producer or Processor in Non-Residential Zones	\$2,417
Producer and Processor Together in Non-Residential Zones	\$3,282 (adds 5 hours)
Retailer	\$2,417

If presubmission conference or state environmental policy act submittals are required pursuant to County Code, additional fees as set in the Land Use Application Fee Schedule are applicable. Additionally, hourly billing may occur if base review hours are exceeded.

Attachment D:

A new chapter shall be added to title 23 TCC, Olympia UGA Zoning Ordinance, chapter 23.91 TCC "State-Licensed Marijuana Producers, Processors and Retailers Regulations" which shall read as follows:

**Chapter 23.91**

**STATE-LICENSED MARIJUANA PRODUCERS, PROCESSORS AND RETAILERS REGULATIONS.**

**Sections:**

<b>23.91.010</b>	<b>Purpose.</b>
<b>23.91.020</b>	<b>Applicability.</b>
<b>23.91.030</b>	<b>Definitions.</b>
<b>23.91.040</b>	<b>Permitted Zoning Districts.</b>
<b>23.91.050</b>	<b>Development Standards.</b>
<b>23.91.060</b>	<b>Approval Process.</b>
<b>23.91.070</b>	<b>State License Required.</b>
<b>23.91.080</b>	<b>Application for County Development Permits - Timing.</b>
<b>23.91.090</b>	<b>Additional Fees.</b>

**23.91.010 Purpose.**

The purpose of this chapter is to regulate the location and design of state-licensed marijuana producers, processors, and retailers allowed under chapter 69.50 RCW and applicable state administrative rules, and to mitigate impacts of such uses on neighboring properties in the unincorporated Olympia Urban Growth Area.

**23.91.020 Applicability.**

This chapter applies to state licensed marijuana producers, processors, and retailers in the unincorporated Olympia Urban Growth Area.

**23.91.030 Definitions.**

The terms used in this chapter shall have the following meanings:

"Marijuana or marihuana" 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.

"Marijuana processor" 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..

“Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. A marijuana production area not located in a legally permitted fully enclosed permanent building shall be considered an outdoor marijuana production area. Hoop houses and other temporary structures are not considered a legally permitted permanent building. Marijuana production may include growing, drying, cutting, and bagging marijuana to prepare marijuana for wholesale shipment to a marijuana processor.

“Marijuana retailer” means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

**23.91.040 Permitted Zoning Districts.**

Marijuana producers, processors, and retailers shall be permitted in the Light Industrial/Commercial (LI/C) zoning district.

**23.91.050 Development Standards.**

- A. Marijuana production, processing, and retailing shall be subject to the development standards of the Light Industrial/Commercial Zoning District and all other local and state laws.
- B. Marijuana production, processing, and retailing shall occur entirely within a permanent enclosed structure with a roof.
- C. There shall be a 300-foot separation from any other marijuana operation not located within the same structure. The distance shall be measured from structure to structure at the closest point.
- D. Adequate ventilation shall be provided for all marijuana operations to eliminate odors of marijuana detectable outside the facility.
- E. No marijuana producer, processor or retailer shall locate within 1000 feet of those entities listed in WAC 314-55-050(10), as amended, or such other entities, as determined by the Resource Stewardship Director, where persons under twenty-one years of age are invited routinely to congregate for activities or events, and of future school sites owned by a school district and for which construction of a school within six years has been approved by the school district. The distance shall be measured in a straight line from property line to property line at the closest point.
- F. No marijuana producer, processor or retailer shall be permitted within a residence or within a structure physically attached to a residence.
- G. Marijuana producers or processors shall have a minimum setback of one hundred (100) feet from a residential zoning district boundary. Existing structures with existing

permitted marijuana operations are exempt from this setback. Expansion within the setback is not permitted. The setback applies to all operations associated with the production of marijuana except for access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities. Noise producing equipment such as generators or other mechanical equipment shall not encroach into the setback.

- H. Outdoor marijuana production areas in any zoning district shall be located within the confines of an opaque wall or fence, except for access driveways and parking areas. The wall or fence shall be constructed using wood, decorative concrete block (CMU) walls, or a combination of both. The fence or wall shall have a minimum height of eight (8) feet. When the boundary abuts a manmade barrier or natural barrier (e.g. a legally permitted building or hillside) that provides a substantial barrier between the production area and the adjacent property or right-of-way with a minimum height of eight (8) feet, fencing is not required. The following fencing materials are prohibited:
- i. Chain-link, chain-link with slats, or open wire fencing (except as temporary construction fencing) shall be prohibited;
  - ii. Razor wire or barbed wire;
  - iii. Corrugated metal;
  - iv. Bright colored plastic
  - v. Untextured or unfinished concrete block (CMU) walls.
- I. In addition to other requirements in this section, any portion except access driveways, on-site sewage systems, wells, stormwater facilities, and other associated utilities of a marijuana production and processing operation or facility located adjacent to a residential zoning district or that is visible from a right-of-way or adjacent residential property shall be screened. Noise producing equipment such as generators or other mechanical equipment shall be screened from residential uses. Screening is required for new, expansion of existing uses or buildings and placement of new uses in existing buildings. Screening shall consist of evergreen trees or shrubs spaced a minimum of 10-feet on center with a minimum height of six (6) feet at planting. Trees or shrubs shall have a minimum height of fifteen (15) feet at full growth. Alternative planting plans that achieve the same effect may be allowed subject to approval by the director.

**23.91.060 Approval Process.**

Marijuana producers, processors and retailers permitted in the Light Industrial/Commercial zoning district shall follow the approval process for a site plan review as described in 23.60 whether or not a building permit is required. A notice of application shall be sent to property owners within five hundred (500) feet of marijuana producers that will have an outdoor marijuana production area. The notification distance shall be measured from the outermost property line included in the application.

**23.91.070 State License Required.**

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

**23.91.080 Application for County Development Permits - Timing.**

Applicants for marijuana production, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence construction of facilities for producing, processing, or retailing marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor, or retailer do so at their own risk.

**23.91.090 Application for County Development Permits - Fees.**

Application for production and processing on the same parcel or on adjacent parcels under the same ownership and with the same operator may be combined in a single application. Fees shall be as follows:

Producer or Processor in Non-Residential Zones	\$2,417
Producer and Processor Together in Non-Residential Zones	\$3,282 (adds 5 hours)
Retailer	\$2,417

If presubmission conference or state environmental policy act submittals are required pursuant to County Code, additional fees as set in the Land Use Application Fee Schedule are applicable. Additionally, hourly billing may occur if base review hours are exceeded.

Attachment E:

Section 17.09.055 shall be amended as follows:

**17.09.055 - Categorical exemptions.**

Pursuant to WAC 197-11-800(1)(c) and notwithstanding the provisions of WAC 197-11-800(1)(b), the following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

- A. In an urban growth area, the construction or location of any residential structures of nine units;
- B. Outside an urban growth area, construction or location of any residential structures of four units;
- C. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agriculture structure, covering twenty thousand square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- D. The construction of an office, school, commercial, recreational, service or storage building with eight thousand square feet of gross floor area, and with associated parking facilities designed for thirty automobiles;
- E. The construction of a parking lot designed for thirty automobiles;
- F. Any landfill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;
- G. The construction of a building for marijuana production (producer), processing (processor), or retail with eight thousand square feet of gross floor area.