

ORDINANCE NO. 15724

AN ORDINANCE TO ADOPT FINAL REGULATIONS FOR MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS AUTHORIZED BY CHAPTER 69.50 RCW, BY AMENDING THE THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC) TO ADD CHAPTER 20.63, THE ZONING ORDINANCE OF THE LACEY URBAN GROWTH AREA (UGA) (TITLE 21 TCC) TO ADD CHAPTER 21.103, THE TUMWATER UGA ZONING ORDINANCE (TITLE 22 TCC) TO ADD CHAPTER 22.65, THE OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC) TO ADD CHAPTER 23.91, TO AMEND SECTION 17.09.055, AND TO REPEAL ORDINANCE NO. 14944, AS AMENDED AND RENEWED BY SUBSEQUENT ORDINANCES, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals that are intended to guide the development and adoption of comprehensive plans and associated development regulations, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries; open space and recreation, the environment, citizen participation and coordination, public facilities and services, historic preservation, and Shoreline Management Act goals and policies; and

WHEREAS, the GMA requires the comprehensive plan and development regulations to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

WHEREAS, the GMA also requires a process of early and continuous citizen participation for amending comprehensive plans and development regulations; and

WHEREAS, the GMA also requires a process of early and continuous citizen participation for amending the development regulations; and

WHEREAS, the development regulation, including the official zoning maps, in Thurston County adopted under the GMA must be consistent with the Thurston County Comprehensive Plan and associated Joint Plans; and

WHEREAS, the Thurston County Comprehensive Plan, as amended, collectively includes Joint Plans with the cities of Bucoda, Lacey, Olympia, Rainier, Tenino, Tumwater, Yelm, and other sub-area plans, with chapters on land use, natural resource lands, housing, transportation, capital facilities, utilities, economic development, the natural environment, archeological, and historic resources that govern development throughout unincorporated Thurston County and comply with GMA requirements for comprehensive plans and development regulations; and

WHEREAS, the development regulations in the Thurston County Zoning Ordinance (Title 20 TCC) apply to the unincorporated area outside of the North County Urban Growth Area (Lacey, Olympia, Tumwater UGA), and the locations and boundaries of the zoning districts established in the Zoning Ordinance are shown in the Official Zoning Map, Thurston County Washington (Chapter 20.06 TCC); and

WHEREAS, The development regulations in the Zoning Ordinance of the Lacey Urban Growth Area (Title 21 TCC) apply to the unincorporated area in the City of Lacey UGA. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Lacey Urban Growth Area are shown in the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 21.09 TCC); and

WHEREAS, the development regulations in the Zoning Ordinance of the Tumwater Urban Growth Area (Title 22 TCC) apply to the unincorporated area in the City of Tumwater UGA. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Tumwater UGA are shown in the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 22.06.020 TCC); and

WHEREAS, the development regulations in the Zoning Ordinance of the Olympia Urban Growth Area (Title 23 TCC) apply to the unincorporated area in the City of Olympia UGA. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Olympia UGA are shown in the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 23.02 TCC); and

WHEREAS, the amendments to the Thurston County Zoning Ordinance, the Zoning Ordinance of the Lacey UGA, the Tumwater UGA Zoning Ordinance, and the Olympia UGA Zoning Ordinance adopted by this ordinance were prepared, considered and adopted in compliance with the county-wide planning policies and are consistent with the Thurston County Comprehensive Plan; 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 regulations herein are consistent with Chapter 69.50 RCW and with Chapter 314-55 WAC; and

WHEREAS, the Planning Commission studied the interim regulations as part of their deliberations; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on February 17, 2016; and

WHEREAS, on May 18, 2016, the Planning Commission deliberated and moved, and unanimously passed a recommendation that the Board adopt an ordinance permanently regulating state licensed marijuana producers, processors, and retailers, with the amendments proposed by staff; and

WHEREAS, the Planning Commission's recommendation dated June 1, 2016 on the proposed amendments was received by the Board on June 22, 2016 at their regularly scheduled briefing and the Board directed staff to set a public hearing ; and

WHEREAS, the Thurston County Board of County Commissioners have continued 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 duly noticed public hearing on September 20, 2016; and

WHEREAS, following the public hearing, the Board requested staff study changes to the Planning Commission recommendation due to public comments received at the public hearing; and

WHEREAS, the Board subsequently renewed the interim regulations to allow more time to study final regulations; and

WHEREAS, the Planning Commission included allowing marijuana producers, processors and retailers in rural residential and agricultural zones; and

WHEREAS, at the public hearing on September 20, 2016 and at public hearings on the interim regulations, the Board heard from citizens about allowing marijuana production, processing, and retail in unincorporated Thurston County; and

WHEREAS, in response to public testimony received during the September 20, 2016 public hearing and subsequent public hearings on the interim regulations the Board directed staff to bring forward the current interim regulations as permanent regulations which exclude marijuana producers, processors and retailers from rural residential and agricultural zones; and

WHEREAS, the Board held a second duly noticed public hearing on December 11, 2018 on adopting the current interim regulations as permanent regulations; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt the regulations herein were submitted to the Washington State Department of Commerce on February 29, 2016, and no comments were received; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a Determination of Non Significance (DNS) was issued on March 4, 2016 for the proposed amendment and the comment and appeal period ended on March 25, 2016 and no comments or appeals were received; and

WHEREAS, The Board believes adopting the amendments is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents.

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

SECTION 1. INTERIM REGULATIONS REPEALED. Interim regulations adopted by Ordinance No. 14944, 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, Ordinance No. 15613, and Ordinance No. 15678 are hereby repealed.

SECTION 2. . FINAL REGULATIONS ESTABLISHED. Regulations for state licensed marijuana producers processors and retailers in the Thurston County Zoning Ordinance (Title 20), the Zoning Ordinance for the Lacey Urban Growth Area (Title 21), the Tumwater UGA Zoning Ordinance (Title 22), the Olympia UGA Zoning Ordinance (Title 23), are hereby adopted as shown in Attachments A, B, C, and D to this Ordinance. The categorical exemptions for the State Environmental Policy Act (Section 17.09.055) are hereby amended as shown in Attachment E to this Ordinance.

SECTION 3. 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 4. APPLICATION FEES. The Board directs the Community Planning and Economic Development Director to amend the fee schedule to add fees for marijuana producers, processors, and retailers at the current hourly rate for land use and development permits.

SECTION 5. 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 6. EFFECTIVE DATE. This Ordinance shall take effect *immediately upon adoption.*

ADOPTED: 12-11-2018

ATTEST:

Whitney Pensall
Clerk of the Board, Acting

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Bud Blake
Chair

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

Travis Burns
Deputy Prosecuting Attorney

[Signature]
Vice-Chair

Voted NO
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.**

20.63.010 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.

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.**

21.103.010 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.

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.**

22.65.010 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.

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:

- 23.91.010 Purpose.**
- 23.91.020 Applicability.**
- 23.91.030 Definitions.**
- 23.91.040 Permitted Zoning Districts.**
- 23.91.050 Development Standards.**
- 23.91.060 Approval Process.**
- 23.91.070 State License Required.**
- 23.91.080 Application for County Development Permits - Timing.**

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.

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.