

Amend Definition 14.98.037 Agriculture.

“Agriculture” means the tilling of the soil; the raising of crops; forestry; horticulture; nonretail greenhouses, nurseries and gardening; and the keeping and raising of livestock and poultry. “Agriculture” does not include marijuana.

New Chapter 18.XX Marijuana Production, Processing and Retail Sales

18.XX.010 Purpose.

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

18.XX.020 Applicability.

This chapter applies to marijuana producers, processors, and retailers licensed by the State of Washington in unincorporated Douglas County.

18.XX.030 Definitions.

Terms are defined in DCC Chapter 14.98, RCW Chapter 69.50 and WAC Chapter 314-55, as each now exists or may hereafter be amended. Marijuana is not considered an agricultural product under the provisions of RCW 82.04.213. The definition of “agriculture” in DCC 14.98.037, and other agriculture-oriented definitions in DCC Chapter 14.98, does not include marijuana production and marijuana processing.

18.XX.040 Permitted zoning districts.

A. Marijuana producers and processors may be permitted only in the following zoning districts:

1. Rural Resource 20 (RR-20)
2. Dryland Agriculture (A-D)
3. General Industrial (I-G)

B. Marijuana retailers may only be permitted within urban growth areas subject to the provisions of the applicable municipal codes of the city or town within the urban growth area.

18.XX.050 Development standards.

A. Marijuana producers, processors and retailers shall be subject to the development standards of the underlying zoning district, the Douglas County Code, and all other local and state laws except as modified in this chapter.

B. No marijuana producer, processor or retailer shall be permitted within a dwelling unit or within a building physically attached to a dwelling unit.

C. No marijuana producer, processor or retailer shall emit excessive odors detectable at any lot line of the property of the marijuana production, processing or retail sales.

D. Marijuana production and processing in all zoning districts shall be within an entirely enclosed building. Production and processing buildings, and areas required by the state of Washington to be secure shall be setback a minimum of one hundred (100) feet from a residential zoning district boundary. Production and processing buildings, and areas required by the state of Washington to be secure, within an RR-20 or A-D zoning district, shall be at least one-quarter mile (1,320 feet) from an existing off-premise residential dwelling unit and a minimum of one (1) mile from any urban growth area boundary or industrial service area boundary established by Douglas County. Distances shall be measured in the most direct manner. Buildings with Douglas County permit approval for marijuana operations prior to adoption of this chapter on _____, 2016 are exempt from these setbacks. Expansion within the setbacks is not permitted. The setbacks apply to all operations associated with the production and processing of marijuana except for access driveways and parking areas.

E. Light and Glare. Sources of light for marijuana production and processing facilities and operations, including security lighting, shall be shielded so as not to be

visible off-premise. Buildings shall be constructed with opaque materials or otherwise designed to eliminate fugitive light and glare visible off-premise.

F. Noise. Production and processing buildings shall be designed and otherwise oriented to mitigate noise impacts on neighboring properties. Methods of reducing noise impacts from heating, ventilation and conditioning equipment may include muffling, dampening, shielding and/or deflecting equipment noise.

18.XX.070 Existing production and processing.

Marijuana production and processing businesses lawfully permitted by Douglas County prior to adoption of this chapter on _____, 2016 may continue in accordance with the terms of permit approval. Changes including, without limitation, building alterations, expansions of buildings, additional outdoor plant canopy, and tenant improvements, are subject to the provisions of this chapter relating to existing operations, in accordance with DCC 18.82.XXX, and other applicable provisions of the Douglas County Code.

18.XX.080 Application for county development permits—Timing.

Applicants for a marijuana producing, processing, or retailing license from the State of Washington 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, and prior to obtaining approval as a state-licensed marijuana producer, processor, or retailer do so at their own risk. Application for and/or issuance of a license from the State of Washington does not vest the activity under the Douglas County code.

18.XX.090 Enforcement.

Enforcement of violations of this title shall follow the procedures in DCC chapter 14.92.

New Section 18.82.XXX Nonconforming marijuana retail, processing and production.

- A. Special provisions and vesting. Special provisions apply to marijuana-related businesses including retail sales, production and processing that were lawfully permitted by Douglas County prior to adoption of ordinance TLS-16-___-___B on _____, 2016. The application for and/or issuance of a license from the state of Washington does not vest an activity under the provisions of the Douglas County code.
- B. Retail sales. Buildings used for retail sales of marijuana may not be expanded or enlarged, or otherwise modified unless the modification is necessary to comply with life safety provisions of the Douglas County Code and the adopted International Codes.
- C. Production and/or processing.
 - 1. Marijuana production and/or processing buildings that have been permitted as an F1 occupancy class by Douglas County and have been or can be issued a certificate of occupancy may continue to be used for the purpose(s) permitted. Buildings within the zoning districts enumerated in DCC 18.XX.040(A) may be modified, enlarged and expanded in accordance with the standards in DCC 18.XX.
 - 2. Buildings in zoning districts not enumerated in DCC 18.XX.040(A) may not be expanded or enlarged, and may be modified only when necessary to comply with life safety provisions of the Douglas County Code and the adopted International Codes.
 - 3. Outdoor production may continue in its current condition. Expansions of outdoor production are prohibited, regardless of any license issued by the State of Washington. New indoor production facilities may be permitted provided that an equivalent area of outdoor production is permanently removed and the perimeter of any required fencing is correspondingly reduced.
- D. Production and processing operations may not be re-established if they are: discontinued and not re-established within six months; removed and/or destroyed by any means, voluntarily or involuntarily, beyond fifty (50) percent of the value of the building/structure determined by using the most recent ICC construction value tables.

New Section 15.16.XXX Marijuana production and processing.

Buildings for marijuana production and/or processing are classified as an F1 occupancy. All buildings must be equipped with a ventilation and odor control system, designed by a professional engineer. The odor control system must be based on proven technology for the intended purpose. The system designer shall submit certification that the ventilation and odor control system will control odors such that odors cannot be detected at any property line of the parcel on which the marijuana production and/or processing facility is located, and in no case more than one hundred (100) feet from the building. The ventilation and odor control system must remain functional and effective continuously during production and processing. Marijuana production and/or marijuana processing buildings lawfully permitted as F1 occupancies by Douglas County prior to adoption of this section on _____, 2016 may continue to be used for marijuana production and/or processing without the required ventilation and odor control system until the building is expanded, revised and/or additional tenant improvements are proposed, at which time the installation of an odor control system is required.