

**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.

**Add:**

18.27.050 F. Marijuana production and/or processing for any purpose.

18.28.050 H. Marijuana production and/or processing for any purpose.

18.30.020 O. Marijuana production and processing facilities subject to the standards of DCC chapter 18.XX.

18.31.020 S. Marijuana production and processing facilities subject to the standards of DCC chapter 18.XX.

18.32.050 H. Marijuana production and/or processing for any purpose.

18.34.050 G. Marijuana production and/or processing for any purpose.

18.36.020 S. Marijuana production and processing facilities subject to the standards of DCC chapter 18.XX.

18.40.020 S. Marijuana production and processing facilities subject to the standards of DCC chapter 18.XX.

18.60.020 W. Marijuana production and processing facilities subject to the standards of DCC chapter 18.XX

**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 production and processing may be permitted only in the following zoning districts:

1. Rural Resource 5 (RR-5)
2. Agricultural Commercial 10 (AC-10)
3. Rural Resource 20 (RR-20)
4. Dryland Agriculture (A-D)
5. General Industrial (I-G)

B. Marijuana production and processing are prohibited in the following zoning districts:

1. Rural Recreation (R-REC)
2. Rural Resource 2 (RR-2)
3. Rural Service Center (RSC)
4. Commercial Agricultural 5 (AC-5)
5. Recreation Overlay (R-O)
6. Master Planned Resort (MPR)

C. 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. Buildings used for retail sales of marijuana outside of an urban growth area 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.

**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, except that outdoor production may be permitted in the RR-5, AC-10, RR-20 and A-D districts subject to the following setback/buffer standards: .
  - 1. At least one mile (5,280 feet) from an urban growth area boundary, and
  - 2. At least one-half mile (2,640 feet) from an off-premise residence, and
  - 3. At least one-half mile (2,640 feet) from an Rural Recreation (R-REC), Rural Service Center (RSC) or Master Planned Resort ( MPR) zoning district, and
  - 4. At least one-half mile (2,640 feet) from any individual lot (residential) in a cluster division or a clustering of existing lots, excluding reserve lots.

The above setbacks/buffers apply to all production and processing buildings, and areas required by the state of Washington to be secure and all operational areas associated with the production and processing of marijuana except for access driveways and parking areas. Distances shall be measured in the most direct manner.

Outdoor marijuana production and processing is not allowed in an I-G district.

E. All production and processing operations must be located at least one-thousand (1,000) feet from a public park owned and/or operated by a city, county, special purpose or utility district, state agency or federal agency.

F. 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.

G. 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.

H. Applicants for marijuana production and processing facilities must submit verification of a lawful source of water (e.g. irrigation/water district, water right and metered well/surface water withdrawal) that will be used for production and processing.

**18.XX.070 Existing outdoor production and processing.**

Outdoor 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. Outdoor facilities, such as fences and security infrastructure, supporting outdoor production that do not meet the setback/buffer requirements of DCC 18.XX.050 D. may be maintained with ordinary care. The expansion of outdoor production area and additional outdoor plant canopy is prohibited within the setback/buffer areas in DCC 18.XX.050 D.

**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, and 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.