

DRAFT

Proposed Additions/Changes to the Clark County Code in Response to Initiative 502 (I-502)—Planning Commission

40.100.070 DEFINITIONS

Agriculture, agriculture uses or agricultural activities	“Agriculture,” “agriculture uses” or “agricultural activities” means the use of the land for agricultural purposes, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses and structures; provided, however, that the construction and operation of any such accessory use or structure shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals. <u>Marijuana production and processing are not considered agriculture, agricultural uses or agricultural activities, and may only occur in accordance with Chapter 314-55 WAC and Section 40.260.115.</u>
----------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

40.260.115 MARIJUANA FACILITIES

A. Purpose.

The purpose of this section is to implement RCW 69.50, the Washington Uniform Controlled Substances Act, and Chapter 314-55 WAC, which address the producing, processing, and retailing of marijuana. This section addresses the facilities for such uses by establishing criteria to adequately separate such facilities from schools, community centers, parks, licensed daycare facilities, and other such facilities, and to establish minimum performance standards to address public health and safety impacts from such facilities.

B. Applicability.

1. This ordinance shall apply to all unincorporated areas of the county.
2. The location restrictions and special standards in this section apply to any facility that:
 - a. is a producer of marijuana as defined in Chapter 314-55-075 WAC;
 - b. is a processor of marijuana as defined in Chapter 314-55-077 WAC; or
 - c. is a retailer of marijuana as defined in Chapter 314-55-079 WAC.

DRAFT

- 1 3. This section does not pertain in any respect to medical marijuana
2 collective gardens.
3 4. Recreational marijuana-related permits will not be approved until such time
4 that marijuana is no longer listed as a federally controlled substance in
5 accordance with 21 U.S.C Sec. 812(c).
6

7 C. Definitions.

8 For purposes of this section, the following definitions shall apply.
9

<u>Marijuana processor</u>	<u>“Marijuana processor” means a facility licensed by the Washington Liquor Control Board to transform 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. Processors are classified as follows:</u> <ul style="list-style-type: none">• <u>Processor I, a facility limited to drying, curing, trimming, and packaging; and</u>• <u>Processor II, a facility that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging.</u>
<u>Marijuana producer</u>	<u>“Marijuana producer” means a facility licensed by the Washington Liquor Control Board for the growing and sale at wholesale of marijuana to marijuana processors and other marijuana producers.</u>
<u>Marijuana retailer</u>	<u>“Marijuana retailer” means a facility licensed by the Washington Liquor Control Board for the sale to consumers of useable marijuana and marijuana-infused products.</u>

10 D. Location Standards.

- 11
12
13 1. Subject to Section 40.260.115(D)(1)(d) below, marijuana facilities as
14 defined in Section 40.260.115(C) may be sited, as follows:
15 a. Marijuana production facilities may be allowed on legal conforming
16 parcels of at least 10 acres in size zoned R-5, R-10, R-20, AG-20 and
17 FR-40, and on legal conforming parcels zoned IL, IH, and IR.
18 b. Marijuana processing facilities may be allowed on legal conforming
19 parcels, as follows:
20 (1) Processor I facilities, on parcels legal conforming parcels zoned R-
21 5, R-10, and R-20, IL, IH, IR, and BP;
22 (2) Processor I facilities on parcels of at least 10 acres in size zoned
23 AG-20 and FR-40, but only as accessory to licensed production
24 facilities; and

DRAFT

- 1 (3) Processor II facilities, on parcels zoned IH, IL, IR, and BP.
2 c. Marijuana retailing facilities may be allowed on legal conforming
3 parcels zoned GC, C-3, and CR-2.
4 d. No facilities are allowed within one thousand (1000) feet of the
5 perimeter of the grounds of the following entities. The distance shall
6 be measured as the shortest straight line distance from the property
7 line of the proposed building/business location to the property line of
8 the entities listed below:
9 (1) Elementary or secondary school;
10 (2) Public playground;
11 (3) Recreation center or facility, including the Clark County Events
12 Center;
13 (4) Child care center;
14 (5) Public park;
15 (6) Public transit center;
16 (7) Library; or
17 (8) Any game arcade where admission is not restricted to persons
18 aged twenty-one (21) or older; or
19 (9) Churches and religious facilities.
20 2. Where allowed, production and processing facilities may co-locate on the
21 same parcel, if they otherwise meet the requirements of Chapter 314-
22 55 WAC and this section.

E. Development Standards.

- 25 1. The requirements of Chapter 314-55 WAC are considered minimum
26 standards for the purposes of this section.
27 2. Any facilities as described in Section 40.260.115(B)(2) shall be located
28 entirely within an enclosed and secure structure with an engineered
29 foundation, and shall be constructed in compliance with CCC Titles 14
30 (Building and Structures), 15 (Fire Prevention), and 24 (Public Health).
31 3. There shall be no on-site display or sale of paraphernalia used for the
32 consumption of cannabis.
33 4. Cannabis plants shall not be visible from the public right-of-way or any
34 public place.
35 5. Signs.
36 a. In accordance with RCW 69.50.357(3), licensed marijuana retailers
37 shall not display any signage in a window, on a door, or on the outside
38 of the premises of a retail outlet that is visible to the general public
39 from a public right-of-way, other than a single sign no larger than one
40 twelve (12) square feet identifying the retail outlet by the licensee's
41 business or trade name.
42 a. Signs are only allowed for retailing facilities, as follows: (1) One
43 sign is allowed limited to the business name or trade name. No
44 symbols of any kind are allowed. (2) The sign shall not exceed twelve
45 (12) square feet.
46 b. No signs for production and processing facilities are allowed.

DRAFT

1 6. Hours of operation for retailing facilities shall be between 8:00 a.m. and
2 8:00 p.m.

3 7. Measures shall be implemented to prevent adverse health and safety
4 effects to nearby residents from odors, noise, noxious gases, light, smoke
5 and security.

6 a. Odors. Facilities shall not create odors or smoke that is objectionable
7 to residents or employees of adjacent properties.

8 b. Lighting. All lights used for security shall be shielded or positioned to
9 prevent glare impacts to nearby properties.

10 c. Noise. Maximum noise levels of Chapter 173-60-040 WAC shall not be
11 exceeded.

12 d. Security. Security measures shall include, at a minimum, the
13 requirements of Chapter 314-55-083 WAC and CCC Title 14.
14 following:

15 (1) Robbery and burglary alarm systems which are professionally
16 monitored and maintained in good working condition.

17 (2) Exterior lighting that illuminates all exterior entrances;

18 (3) Deadbolt locks on all exterior doors; and

19 (4) Windows secured with bars to prevent unauthorized entry, with
20 interior latches that allow for exiting in the event of emergency.

21 e. Waste disposal. Waste materials generated from any facility must be
22 disposed of in accordance with the plan filed as part of the license
23 application.

24
25 F. Approval process.

26 Applications for production, processing, and retailing facilities shall be
27 considered using a Type II process pursuant to Section 40.510.020.

28
29 G. Enforcement.

30 Violations of this chapter shall be subject to enforcement action as contained
31 in Title 32, Enforcement.

32
33
34 *Notes: 1. underlined language is new code language.*

35 *2. gray shading indicates Planning Commission recommendations.*