

Ordinance 93

Amending Title 33, Zoning, Chapter 33.52, Recreational Marijuana of the Clallam County Code to prohibit retail sales of marijuana in the Joyce Urban Growth Area and allow for minor text changes, including changing the current title from Recreational Marijuana to Marijuana Regulations

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1. Section 33.52.010, Purpose, is amended to read as follows:**

The purpose of this chapter is:

(1) To acknowledge the passage and enactment of Initiative 502 and associated licensing and registration procedures for ~~recreational~~ marijuana by the State of Washington by developing local review standards for the placement and development of ~~recreational~~ marijuana uses.

(2) Minimize potential adverse impacts to the citizens of Clallam County by developing land use regulations regarding the location and development standards for marijuana land uses.

(3) Provide a consistent and predictable path for the development of ~~recreational~~ marijuana land uses and encourage their placement in areas where adverse impacts of odors, noise, lighting and/or other nuisances can be minimized with surrounding properties.

(4) Retain forest lands by limiting the footprint of buildings, impervious surfaces, and infrastructure associated with marijuana production and processing business siting within forest resource lands.

(5) This chapter is necessary to protect the public health, safety and welfare of Clallam County citizens.

(6) This chapter shall apply to those marijuana producers, processors and retailers that are licensed by the Washington State Liquor and Cannabis Board under Chapter 314-55 WAC.

(7) Nothing in this chapter shall be construed to supersede Washington State law prohibiting the acquisition, possession, manufacture, sale, or use of marijuana in any manner not authorized by Chapter 69.50 or 69.51A RCW.

**Section 2. Section 33.52.020, Definitions, is amended to read as follows:**

The terms used in this chapter shall have the following meanings. Where these definitions conflict with RCW 69.50.101, as now or hereafter amended, those in State law shall govern.

(1) "Marijuana" 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 there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(2) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than ~~60-~~ten percent.

(3) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration no greater than ~~0.3~~ ten percent. ~~and no greater than 60-percent.~~ The term "marijuana-infused products" does not include either usable marijuana or marijuana concentrates.

(4) “Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, package and label marijuana concentrates, usable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, usable marijuana, and marijuana infused products at wholesale to marijuana retailers. All marijuana processors are classified as either a type 1 or a type 2 processor:

(a) Type 1 processor is limited to drying, curing, trimming and packaging.

(b) Type 2 processor is limited to all marijuana processor 1 activities, extracting concentrates and infusing products, mechanical and chemical processing and packaging.

(5) “Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(6) “Marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, usable marijuana, and marijuana-infused products in a retail outlet.

(7) “Production tiers” are categorized by the State in the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

(a) Tier 1: less than 2,000 square feet.

(b) Tier 2: 2,000 to 10,000 square feet.

(c) Tier 3: 10,000 to 30,000 square feet.

(8) “Retail outlet” means a location licensed by the State Liquor and Cannabis Board for the retail sale of marijuana concentrates, usable marijuana, and marijuana-infused products.

(9) “Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include either marijuana-infused products or marijuana concentrates.

**Section 3. Section 33.52.030, Location of **recreational** marijuana facilities, is amended to read as follows:**

This section identifies the location requirements for marijuana land uses and required review process.

(1) Applications for land use approval for **recreational** marijuana production, processors, and retailers are allowed only in those zones as set forth in this section. Zones that have not been listed are prohibited.

<b>Zone</b>	<b>Producer</b>	<b>Processor</b>	<b>Retail</b>
Commercial Forest (CF)	A <sup>1</sup>	A <sup>1</sup>	X
Commercial Forest/Mixed Use 20 (CFM20)	A <sup>2</sup>	A <sup>2</sup>	X
Rural Commercial (RC)	A <sup>3</sup>	A <sup>3</sup>	A
Rural Neighborhood Commercial (RNC)	A <sup>3</sup>	A <sup>3</sup>	A
Agricultural Retention (AR)	C	C	X
Rural Limited Commercial (RLC)	A	A	A
Western Region Rural Center (WRC)	A	A	A
Urban Neighborhood Commercial (UNC)	A	A	A
Urban Regional Commercial (URC)	A	A	A
Industrial (M)	A	A	X
Urban Reserve Industrial (URI)	A	A	X
Carlsborg Industrial (CI)	A	A	X

Zone	Producer	Processor	Retail
Rural Village (RV)	X	X	A
Rural Village Low (RV2)	X	X	A
Rural Center (CEN)	X	X	A
Tourist Commercial (TC)	X	X	A
Tourist Rural (TR)	X	X	A
Urban Center (UC)	X	X	A <sup>4</sup>
Carlsborg Village Commercial (CV)	X	X	A
Carlsborg Village Center (CN)	X	X	A
Carlsborg General Commercial (CGC)	X	X	A

A<sup>1</sup> = Allowed – Type 1 processor only; Tier 1 or 2 production only; minimum parcel size of 80 acres or legal lot of record (no more than five acres devoted to marijuana operations); and a 200-foot minimum property line setback.

A<sup>2</sup> = Allowed – Type 1 processor only; Tier 1 or 2 production only; minimum parcel size of 20 acres, or legal lot of record and a 200-foot minimum property line setback.

A<sup>3</sup> = Allowed – Type 1 processor only; Tier 1 or 2 production only.

A<sup>4</sup> = Not allowed within the Urban Growth Area of Joyce.

C = Conditional Use – Minimum 15 acres or more of contiguous land (parcels) ownership required; minimum 100-foot property line setback for all new construction (existing legally constructed buildings structures are exempt from setback requirement) ; ~~the development section is the location of the site production and processing of marijuana which may be established up to a maximum of five percent of the~~ development for the production and processing of marijuana is limited to a maximum of five percent of the parcel; total cumulative gross floor area of structure(s) shall not exceed a maximum of 30,000 square feet; all structure(s) accommodating marijuana production or processing shall be occur within a fully enclosed, secure, rigid frame structure(s).

A = Allowed.

X = Prohibited.

**Section 4. Section 33.52.040, General development standards, is amended to read as follows:**

The standards listed below shall apply to all **recreational** marijuana facilities in the unincorporated areas of Clallam County.

(1) All facilities shall meet the standards of the Clallam County zoning ordinance, critical areas ordinance, shorelines, building code, fire code, health code, and all other applicable State and local laws.

(2) Marijuana production and marijuana processing facilities shall be designed to include controls and features to minimize noise from mechanical equipment and odors from marijuana detectable outside the facility. This plan shall state how the proposal will be operated in a manner consistent with baseline controls for odors and dust supported by the Olympic Region Clean Air Agency (ORCAA).

(3) Site or building improvements are subject to Chapter 33.53 CCC, Landscape Requirements.

(4) If required, a sanitation and potable water plan is submitted to Clallam County Environmental Health for review and approval.

(5) All **recreational** marijuana operations shall be conducted indoors only, in a fully enclosed building, structure, or greenhouse.

(6) Any lighting proposed with marijuana facilities shall be hooded and/or shielded to prevent light transmission to neighboring properties.

**Section 5. Section 33.52.050, Application process and administration, is amended to read as follows:**

All **recreational** marijuana facilities shall be reviewed for consistency with this chapter. Applications shall, at a minimum, contain the application materials found in CCC 26.10.310. In addition to the application requirements found in CCC 26.10.310, all applications shall include the following information:

(1) Name of the operation the production tier marijuana license that has been applied for at the Washington State Liquor and Cannabis Board.

(2) Provide a copy of the operation plan submitted to the Washington State Liquor and Cannabis Board.

(3) Proposed square footage of marijuana to be grown within building.

(4) Provide documentation that the existing electrical distribution system is adequate for your proposal.

(5) Clarify the sources of water for the marijuana production and marijuana processing. If more than one source of water would be used (i.e., irrigation, well, and/or public) outline when and how much would be used.

**Section 6. Section 33.52.060, Severability, is amended to read as follows:**

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter.

ADOPTED this nineteenth day of September 2017

BOARD OF CLALLAM COUNTY COMMISSIONERS

Voted no  
Mark Ozias, Chair

Randy Johnson  
Randy Johnson

Bill Peach  
Bill Peach

ATTEST:

Loni Gores  
Loni Gores, Clerk of the Board