

Attachment 1

<p>Plain text = existing code with no changes Strikethrough = existing code to be deleted <u>Underlined</u> = new code to be added <i>Italics</i> = instructions to code reviser [brackets] = optional provisions</p>
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SCC Chapter 14.04.020 Definitions

The following definitions are added to SCC 14.04.020:

Marijuana cooperative: consistent with RCW Chapter 69.51A, a shared cooperative for acquiring and supplying the resources needed to produce and process marijuana for the medical use of the members of the cooperative.

Marijuana production facility: any land use involving the growing of marijuana, excluding marijuana cooperatives and marijuana grown at home for medical use consistent with state law.

Marijuana processing facility: any land use involving the processing of marijuana, excluding marijuana cooperatives and marijuana grown at home for medical use consistent with state law.

Marijuana production/processing facility: a marijuana production facility, or a marijuana processing facility, or any combination of the two.

Marijuana retail facility: any land use involving the sale or other provision of marijuana for use or consumption.

[Opaque structure: as applies to marijuana facilities, any structure with sides that largely prevent the passage of light through them.]

[Translucent structure: as applies to marijuana facilities, any structures with sides that largely allow light to pass through them.]

SCC 14.06.150 Public notice requirements.

(1) For all public notices that require mailing to property owners and physical addresses, the applicant shall use the records of the Skagit County Assessor's Office for determining all of the owner(s) of record and all physical addresses within ~~300 feet of all subject property lines or as otherwise required~~the distance specified in Subsection (2)(d)(iii) of this Section. The applicant shall provide the Department with a mailing list including the names and addresses of all applicable property owners and all applicable physical addresses as well as corresponding preaddressed and stamped envelopes, and the Department shall mail the notice. This submittal shall be completed by the applicant within the time frames for notice specified in this Section. The information provided shall be that on record with the Assessor's Office as of no more than 3 months from the date of public notice. Information obtained more than 3 months prior to the date of public notice shall be reviewed for accuracy by the applicant and updated, if necessary, prior to mailing. Failure to submit the required material or perform any necessary review and/or updated could result in continuation of any scheduled hearing or decision. The County shall provide a format, both in time frame and content, for the public notice to the applicant.

(2) Notice of Development Application Requirements.

(a) *No change.*

(b) *No change.*

(c) *No change.*

(d) Notice of Development Application shall be made as follows:

(i) Published in the official newspaper of the County.

(ii) Posted with an identification sign provided by Skagit County in 1 or more locations on the project site that is visible from the access road giving the name and general description of the proposed project and a contact name and phone number for more information. The posted sign may be removed no earlier than 14 days after the decision on the application.

(iii) Mailed to all physical addresses and owners of record located within 300 feet of all subject property lines, or, if the applicant owns property adjacent to the subject property, notice shall be given to all physical addresses and all owners of real property within 300 feet of any portion of the boundaries of such adjacent properties owned by the applicant. Further provided, however, when the Administrative Official finds that a need exists, and so informs the applicant at the preapplication meeting, notice shall be given to all physical addresses and all owners of real property within 500 feet of any portion of the applicable boundaries. [\[For marijuana facilities, notice must be provided within 1,000 feet.\]](#)

(iv) Sent to all County Departments and agencies with jurisdiction.

(v) For all development permit applications submitted on lands located in the URR, URC-I, URP-OS, A-UD and MV-UD zoning districts not otherwise exempt from these notice requirements, a copy of the Notice of Development Application shall also be mailed to the city in whose UGA the proposed development is located.

(e) *No change.*

(3) - (4) *No change.*

SCC Chapter 14.16 Zoning

Chapter 14.16 will be revised to add the uses listed in the following table to the corresponding zoning designations. In the table, P = Permitted, AD = Administrative Special Use, HE = Hearing Examiner Special Use, X = Prohibited. Slashes (/) represent options and are presented to invite public comment on all such options. In the Rural Business zone, SUP would result in not adding a line to the zoning code section because the zone already allows for conversion of existing uses by special use permit.

<i>Zone</i>	<i>Retail</i>	<i>Production/Processing in an Opaque Structure</i>	<i>Production/Processing in a Translucent Structure</i>
Agricultural—Natural Resource Lands (Ag-NRL)	X	AD, only in structures existing as of 1/1/2014	X
Bayview Ridge Light Industrial (BR-LI)	X	P; AD when within 1000 ft of a residential zone or a residence	X/P; HE when within 1000 ft of a residential zone or a residence
Bayview Ridge Heavy Industrial (BR-HI)	X	P	X/P
Hamilton Industrial (H-I)	X	AD	X/HE
Natural Resource Industrial (NRI)	X	X	X
Rural Business (RB)	SUP/X	X	X
Rural Center (RC)	P/AD/X	X	X
Rural Freeway Service (RFS)	P	X	X
Rural Resource—Natural Resource Lands (RRc-NRL)	X	X/P, except prohibited on Guemes Island	X/AD, except prohibited on Guemes Island
Rural Village Commercial (RVC)	P/AD/X	X	X
Urban Reserve Commercial-Industrial (URC-I)	P/AD	HE	X

New section 14.16.855 Marijuana and Marijuana Facilities

(1) When allowed.

(a) Marijuana facilities are allowed only where explicitly identified in this Chapter; except that in municipal UGAs where a municipality’s development regulations apply, a marijuana facility must comply with the municipality’s development regulations instead of this section.

(b) Marijuana processing using hazardous or flammable solvents or gases is allowed only in BR-HI, only in a marijuana processing facility, and only in a professional-grade closed-loop extraction system that is designed to recover the chemicals and that is labeled for such use by the manufacturer.

(c) Growing medical marijuana at home by individuals, when done consistent with state law, is allowed in all zones.

(d) The following uses and activities are explicitly prohibited in all zones:

(i) Outdoor growing of marijuana.

(ii) [Marijuana production or processing in a greenhouse or any translucent structure.]

- (iii) Marijuana cooperatives.
 - (iv) Any growing or processing of marijuana or keeping marijuana plants when not in compliance with state law governing the growing of medical marijuana at home or without a current license from the State Liquor and Cannabis Board.
 - (v) Any storage or growing of plants if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.
- (2) Characterization. Marijuana production and processing is an industrial use, not an agricultural use.
- (3) Requirements for all marijuana facilities:
- (a) [A marijuana production or processing and any security fencing must be set back at least 400 ft from a residence not owned by the facility operator.]
 - (b) A marijuana production or processing facility must employ ventilation systems such that no odors from the production or processing are detectable off the premises.
 - (c) A marijuana facility that employs security cameras must aim those cameras so as to view only the facility property, not public rights-of-way or neighboring properties.
 - (d) The Fire Marshal must notify the local fire district or other fire authority whenever the Department approves a permit for any marijuana production or processing facility.
- (4) A special use permit for a marijuana production/processing facility must:
- (a) be conditioned on holding a current license from the State Liquor and Cannabis Board;
 - (b) address impacts on surrounding properties, including but not limited to the appropriate distance of the facility from residences, schools, daycare facilities, public parks, other public facilities, and other marijuana facilities;
 - (c) include appropriate controls on odor;
 - (d) include appropriate screening or other requirements to avoid lighting impacts and the visual impacts of security fencing;
 - (e) include requirements for appropriate disposal of the waste and byproducts of production and processing;
 - (f) include protections against security cameras infringing on neighbors' privacy;
 - (g) include any additional controls on hazardous processing methods with potential to injure neighboring properties;
 - (h) mitigate other impacts.
- (5) [A special use permit for a marijuana retail facility must:
- (a) be conditioned on holding a current license from the State Liquor and Cannabis Board;
 - (b) include appropriate conditions to avoid customer use of marijuana onsite or in adjacent areas (e.g., security cameras, fences, or site design);
 - (c) mitigate other impacts.]

14.16.900 Special use permit requirements.

(1) *No change.*

(2) Special Uses with Specific Criteria.

(a) – (i) *No change.*

[\(j\) Marijuana production, processing\[, and retail\] facilities. See SCC 14.16.855.](#)

(3) *No change.*