



Pacific County
DEPARTMENT OF COMMUNITY DEVELOPMENT

BUILDING • ENVIRONMENTAL HEALTH • PLANNING

MEMO

DATE: January 30, 2014
TO: Planning Commission
FROM: Tim Crose, Planning Director
RE: Marijuana Businesses Section 24 of Ord. No. 162

Thank you for all of your timely comments regarding Section 24 of Zoning Ordinance 162. I was able to compile and incorporate them for your review prior to the February 6th meeting. I appreciate all the time and effort you have put into participating, researching, and commenting to bring this unusual but important assignment to completion.

I have tried to incorporate all of your comments into this latest draft; you will see all new language highlighted in yellow. I hope that you can review this new version and provide comment back to me by Monday, February 3rd, at 4:00 p.m. so I have time to make corrections and have it back to you prior to next Thursdays meeting.

I have attached all comments for your review and have included relevant sections of Ordinance 162 that I recommend you take a closer look at. I have included the Mixed Use Tokeland, Categories of Uses, Special Use Criteria, and Conditional Use Criteria for your review. I thought it may be helpful to see what level of review is required for each category.

SECTION 18 – MIXED USE DISTRICT – (MU) – TOKELAND

A. INTENT

The intent of the Mixed Use District for the Tokeland Rural Activity Center is to provide for a broad range of residential, agricultural, commercial, recreational and limited industrial uses reflective of the existing and historical land use patterns found in the developed areas of Tokeland. The development patterns found within the District's boundaries are a mixture of uses that have co-existed for many decades. The purpose of this District is to provide for a variety of development commensurate with available public services, physical limitations, and neighborhood compatibility while continuing with a flexible land use system recognizing ease and simplicity of use.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.
2. One two-family dwelling (Duplex), or two single-family residential dwellings per lot of record.
3. Multi-family dwellings containing up to sixteen (16) dwelling units per lot of record.
4. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation and the processing of agricultural products.
5. All aquaculture farming activities including the storage of commercial fishing gear and commercial fishing vessels, all marine-life raising activities, including all fish/shellfish receiving and harvesting practices incidental to aquaculture activities, seafood processing facilities, and the commercial sales of aquaculture products.
6. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.
7. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.
8. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.
9. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.
10. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.
11. Mobile Home Parks that meet the standards contained in Subsection 21.O, Mobile Home Parks.
12. Commercial service, retail, eating and drinking establishments within a building footprint of less than five thousand (5,000) square feet.
13. Motels, hotels, condominiums with a maximum room count of twenty-five (25).
14. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

15. Theaters, auditoriums, exhibition halls, convention halls, museums.
16. Indoor and outdoor recreation facilities, including bowling alleys, miniature golf courses, golf courses, skating rinks, ball fields, basketball courts, and parks.
17. Hospitals, medical clinics, and professional medical centers.
18. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, port facilities, and wireless communication facilities.
19. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.
20. Level 1, 2 and 3 electric vehicle charging stations.
21. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, small horse barns, animal pens, pools, spas, saunas, tennis courts, etc.
2. Uses incidental to a primary permitted commercial or recreational use including, but not limited to, garages, storage buildings, off-street parking areas, loading areas, outdoor seating, landscaping, signage, pools, ponds, etc.
3. The growing, harvesting and seasonal sales of garden and agricultural crops.
4. The keeping and raising of domestic livestock and fowl for personal use provided that they are fenced, the animals and their feed do not create objectionable odors, unsanitary conditions or inhumane treatment objected to by the Administrator or the Pacific County Health Officer, and all stalls, feeding areas, confinement areas, poultry houses, horse barns, etc., are located at least twenty-five (25) feet from all adjoining property lines.
5. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.
6. In home family or child day care.

7. A detached accessory living quarter for the sole use by the owner, his temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.
8. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 164, or any amendments thereto.

1. Commercial horse arenas, riding farms and stables provided all structures housing animals are located at least fifty (50) feet from any adjoining property boundary.
2. Veterinary clinics and/or kennels provided that all outdoor dog runs are located at least two hundred (200) feet from any adjoining property lines.
3. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.
4. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.
5. Mini-Storage Facilities used for the storage of household goods, recreational equipment, Recreational Vehicles and commercial fishing vessels, provided that the facility and its outdoor storage areas are adequately screened with either fencing or landscaping as determined by the Board of Adjustment.
6. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Pacific County Board of Adjustment and is subject to a Type III Administrative Process according to Pacific County Ordinance 164, or any amendments thereto.

1. Private and public airports, landing strips, and hanger facilities.
2. Multi-family dwellings containing more than sixteen (16) dwelling units per lot of record.
3. Commercial service, retail, eating and drinking establishments within a building footprint of greater than five thousand (5,000) square feet
4. Motels, hotels, condominiums with a room count exceeding twenty-five (25).
5. Automobile, truck and recreational vehicle service stations

6. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:
 - a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;
 - b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;
 - c. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,
 - d. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.
7. Light industrial activities, including fabrication and assembly, subject to the following requirements:
 - a. Individual buildings shall be limited to a total square footage of four thousand (4,000) square feet of floor area;
 - b. All work shall be conducted within a building; however, limited activities may occur outside provided they are consistent with the adjacent land uses on adjoining parcels;
 - c. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;
 - d. The proposed activity shall be located at least two hundred (200) feet from all adjoining residential dwellings on adjoining lots, unless the Board of Adjustment determines that the level of noise, odor, dust, fumes, or any other potentially objectionable aspects of the activity dictates a different standard of separation from adjoining residential dwellings. The minimum separation from adjoining residential dwellings does not apply to any dwelling located on the same parcel as the proposed light industrial activity; and,
 - e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.
8. Solid waste transfer stations and recycling centers.
9. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES.

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS.

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.
2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.
3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.
4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.
5. Building Setbacks:
 1. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street
 2. Multi-family dwellings (three residential dwelling units or more) – twenty (20) feet from all property lines.
 3. All commercial uses or activities adjoining other commercial uses or commercially zoned property – zero (0) feet from all property lines, and provided that the requirements of all other local ordinances are met.
 4. All commercial uses adjoining residentially zoned properties – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.
 5. All other uses – twenty (20) feet from all property lines, with the exception that the Administrator may allow a reduction in the minimum side and rear yard setbacks if the proposed use or activities is immediately adjacent to an existing commercial use or a

commercially zoned property, and provided that the requirements of all other local ordinances are met.

6. Building Height:
 - a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.
 - b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.
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G. CATEGORIES OF USES

All uses in a given district are permitted, permitted conditionally as either a Special Use or a Conditional Use, or prohibited:

1. Permitted uses are those uses that are allowed as a matter of law in a given district. Permitted uses are reviewed as a Type I process according to Pacific County Ordinance 164, or any amendment thereto;
2. Special uses are those uses that require special review in order to ensure compatibility with permitted uses in the same district. A special use permit is reviewed as a Type II process according to Pacific County Ordinance 164, or any amendments thereto. A Type II process requires that the application be reviewed by a Hearings Examiner and generally involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. A special use permit is required before a special use may be established;
3. Conditional uses are those uses that require special review in order to ensure compatibility with permitted uses in the same district. A conditional use is reviewed as a Type III process according to Pacific County Ordinance 164, or any amendments thereto. A Type III process requires that the application be reviewed by the Pacific County Board of Adjustment and generally involves an application subject to standards that require the exercise of substantial discretion with potentially broad public interest. A conditional use permit is required before a conditional use may be established;
4. Prohibited uses are those uses that are not allowed in a given district. Any use not allowed by this Ordinance in a given district is prohibited. A use may be prohibited in one district, a special or conditional use in a second district, and permitted outright in a third district.
5. Uses which are incidental to a permitted, special or conditional use may be placed on lots in conjunction with the permitted, special or conditional use.

H. SPECIFIC VS. GENERAL

Wherever a use is both specifically listed and generally implied, the more specific regulations shall supersede the general regulations.

I. ADMINISTRATION

1. The Director of the Pacific County Department of Community Development or his or her designee(s) shall be Administrator of this Ordinance and shall be responsible for administering the provisions and requirements of this Ordinance.
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G. SPECIAL USES – PRECONDITION. Before a person can apply for a special use permit, the Administrator must find that the applicant’s proposed use/activity is categorized as a special use under this Ordinance. The decision of the Administrator regarding the applicability of a special use process is subject to Type I review process under Pacific County Ordinance No. 164, or any amendments thereto.

H. CRITERIA FOR GRANTING A SPECIAL USE PERMIT. A special use permit shall be denied by the Hearings Examiner unless the applicant demonstrates with clear and convincing evidence that the proposed special use conforms to all of the criteria set forth below:

1. A special use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
 2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the permitted development or use of properties in the immediate vicinity of the special use;
 3. The special use is designed in a manner that is compatible with the physical characteristics of the subject property;
 4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
 5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the adjacent area;
 6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities, and
 7. The special use is not in conflict with the health and safety of the community, nor detrimental to the public interest.
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- E. **CONDITIONAL USES – PRECONDITION.** Before a person can apply for a conditional use permit, the Administrator must find that the applicant’s proposed use/activity is categorized as a conditional use under this Ordinance. The decision of the Administrator regarding the applicability of a conditional use process is subject to Type I review process under Pacific County Ordinance No. 164, or any amendments thereto.
- F. **CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT.** A conditional use permit shall be denied by the Board of Adjustment unless the applicant demonstrates with clear and convincing evidence that the proposed conditional use conforms to all of the criteria set forth below:
- a. A conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
 - b. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder or discourage the permitted development or use of properties in the immediate vicinity of the conditional use;
 - c. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
 - d. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
2. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the adjacent area;
 3. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities, and
 4. The conditional use is not in conflict with the health and safety of the community, nor detrimental to the public interest.

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Section 24 – Licensed Marijuana Production, Processing, and Retail Businesses

DEFINITIONS (will go upfront in the Section 2 Definitions)

1. Marijuana Retailer – “Marijuana Retailer” means a retail outlet that sells useable marijuana, marijuana infused products, and marijuana-infused products, and marijuana paraphernalia and is owned by a person or entity that holds a marijuana retailer license approved by the Washington State Liquor Control Board under WAC 314-55-079.
2. Marijuana Production – “Marijuana Production” means the indoor or outdoor growing and wholesaling of marijuana by a person or entity that holds a license approved by the Washington State Liquor Control Board under WAC 314-55-075.
3. Marijuana Processing – “Marijuana Processing” means converting marijuana into usable marijuana and marijuana-infused products and is owned by a person or entity that holds a marijuana processing license approved by the Washington State Liquor Control Board under WAC 314-55-077.

A. INTENT

The purpose of this Section is to establish land use controls on siting and operating of any structure, activity, or use relating to Marijuana production, processing, and retailing associated with recreational Marijuana licensed in accordance with Chapter 314-55 WAC and not otherwise prohibited by RCW 69.50. Pacific County wishes to adequately separate such uses that may be incompatible with adjacent land uses by establishing criteria to address public health and safety impacts from such uses. This Section is in no way intended to allow activities or uses that are not specifically permitted or licensed by the Washington State Liquor Control Board.

B. Marijuana Production Facility

A Marijuana Production Facility shall be allowed as a Conditional Use in the following: Industrial (I), Agricultural (A), Rural Lands, (R-L), Mixed Use (M-U), and Tokeland Mixed Use (TMU) zoning districts, but prohibited in all other zoning districts. **(Possible permitted use in Tokeland Mixed Use – requires discussion)**

1. In addition to the Conditional Use criteria outlined in 27.F, proposed Marijuana Production Facility shall also comply with all of the following requirements:
 - a. The proposed facility shall be located at least two hundred (200) feet from all adjoining residential property lines

C. Marijuana Processing Facility

A Marijuana Processing Facility shall be allowed as a Conditional Use in the following: Industrial (I), Agricultural (A), Rural Residential (R-R), Rural Lands (R-L), Mixed Use (M-U), and Tokeland Mixed Use (TMU) zoning districts, but prohibited in all other zoning districts. (Permitted Use, Special Use, Conditional Use)

1. In addition to the Conditional Use criteria outlined in 27.F, proposed Marijuana Production Facility shall also comply with all of the following requirements:

- a. The proposed facility shall be located at least two hundred (200) feet from all adjoining residential property lines.

D. Marijuana Retail Facility

Marijuana Retail Facility shall be allowed in the following zones: Mixed Use (M-U) as a (Permitted Use, Special Use, Conditional Use), Community Commercial (C-C) (Permitted Use, Special Use, Conditional Use), and Tokeland Mixed Use (TMU) (Permitted Use, Special Use, Conditional Use)

1. Additional Retail requirements:

- a. Retail hours of operation are from 6:00 a.m. to 8:00 p.m.
- b. Businesses must front state highways or main streets.
- c. Parking areas must be well lit with no benches, tables, or chairs.

E. In addition to the Conditional Use criteria outlined in Section 27.F, proposed recreational marijuana businesses shall also comply with all of the following requirements:

1. Marijuana related businesses shall be licensed by the Washington State Liquor Control Board.

2. Marijuana-licensed business shall not be permitted within 1,000 feet of the perimeter grounds of the following entities:

- a. Elementary or secondary schools;
- b. Playground;
- c. Recreation center or facility;
- d. Child-care center;
- e. Public Park;
- f. Public transit center;
- g. Library;

- h. Game arcade (where admission is not restricted to persons age 21 or older);
- i. Churches with registered day care centers;
- j. Any parcel containing a licensed marijuana retail outlet.

Pacific County shall rely upon definitions set forth in Chapter 314-55 of the Washington Administrative Code when identifying the entities above.

- 3. Measures shall be implemented to prevent adverse health and safety effects to persons lawfully present on nearby properties that might be impacted by odors, noise, noxious gases, light, smoke and security.
- 4. Production and Processing facilities shall not create odors that travel beyond the walls of the facility.
- 5. All lights used for security and production shall be shielded or positioned to prevent glare impacts to nearby properties.
- 7. Security measures set forth in Chapter 314-55-083 of the Washington Administrative Code are met.

F. No County Liability – Indemnification

- 1. By accepting a permit issued pursuant to this Section, the licensee waives and releases the County, its officers, elected officials, employees, Volunteers, and agents from any liability of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
- 2. By accepting a issued permit pursuant to this Section, all licensees, jointly and severally, if more than one agree to indemnify, defend and hold harmless the County its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, loss or damage, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in a manner that is subject of the license.

G. Limitations

- 1. Nothing in this Ordinance subsection is intended to be, nor should be considered to be, an allowance for less restricted activity that is permitted by State law and the rules and regulations of the Washington State Liquor Control Board.

2. Nothing in this Ordinance subsection is intended to be, nor should be considered to be, a limitation on the City from protesting the granting of a permit(s) or renewal of a permit(s).
3. Nothing in this Ordinance shall be construed to supersede Washington State Law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51 A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance.

DRAFT

Section 24 – Licensed Marijuana Production, Processing, and Retail Businesses

DEFINITIONS (will go upfront in the Section 2 Definitions)

1. Marijuana Retailer – “Marijuana Retailer” means a retail outlet that sells useable marijuana, marijuana infused products, and marijuana-infused products, and marijuana paraphernalia and is owned by a person or entity that holds a marijuana retailer license approved by the Washington State Liquor Control Board under WAC 314-55-079.
2. Marijuana Production – “Marijuana Production” means the indoor or outdoor growing and wholesaling of marijuana by a person or entity that holds a license approved by the Washington State Liquor Control Board under WAC 314-55-075.
3. Marijuana Processing – “Marijuana Processing” means converting marijuana into usable marijuana and marijuana-infused products and is owned by a person or entity that holds a marijuana processing license approved by the Washington State Liquor Control Board under WAC 314-55-077.

A. INTENT

The purpose of this Section is to establish land use controls on siting and operating of any structure, activity, or use relating to Marijuana production, processing, and retailing associated with recreational Marijuana licensed in accordance with Chapter 314-55 WAC and not otherwise prohibited by RCW 69.50. The production, processing, and sale of Marijuana are highly regulated endeavors under Chapter 314-55 WAC. Therefore, the unique regulatory environment associated with the production, processing, and sale of Marijuana requires an additional level of scrutiny. Pacific County wishes to adequately separate such uses that may be incompatible with adjacent land uses by establishing criteria to address public health and safety impacts from such uses. This Section is in no way intended to allow activities or uses that are not specifically permitted or licensed by the Washington State Liquor Control Board.

B. Marijuana Production Facility

A Marijuana Production Facility shall be allowed as a Conditional Use in the following: Industrial (I), Agricultural (A), Rural Lands (R-L), and Mixed Use (M-U) zoning districts. A Marijuana Production Facility shall be allowed as a Special Use in the Tokeland Mixed Use (TMU) zoning district. Marijuana Production Facilities shall be prohibited in all other zoning districts.

1. In addition to the Conditional Use criteria outlined in 27.F, proposed Marijuana Production Facilities shall also comply with all of the following requirements:

- a. The proposed facility shall be located at least two hundred (200) feet from the boundary of all property lines containing a single family residence.

C. Marijuana Processing Facility

A Marijuana Processing Facility shall be allowed as a Conditional Use in the following: Industrial (I), Agricultural (A), Rural Lands (R-L), Mixed Use (M-U), and Tokeland Mixed Use (TMU) zoning districts, but prohibited in all other zoning districts.

1. In addition to the Conditional Use criteria outlined in 27.F, proposed Marijuana Processing Facilities shall also comply with all of the following requirements:
 - a. The proposed facility shall be located at least two hundred (200) feet the boundary of all property lines containing a single family residence.

D. Marijuana Retail Facility

A Marijuana Retail Facility shall be allowed as a Conditional Use in the following zones: Mixed Use (M-U), Community Commercial (C-C), and Tokeland Mixed Use (TMU) zoning districts but prohibited in all other zoning districts.

1. In addition to the Conditional Use criteria outlined in 27.F, proposed Marijuana Retail Facilities shall also comply with all of the following requirements:
 - a. Retail hours of operation are from 8:00 a.m. to 8:00 p.m.
 - b. Businesses must front state highways or main streets.
 - c. Parking areas must be well lit with no benches, tables, or chairs.
 - d. Parking requirements will be considered in a manner appropriate to the circumstances of the case and determined by the Board of Adjustment.

E. In addition to the Conditional Use criteria outlined in Section 27.F, proposed recreational marijuana businesses shall also comply with all of the following requirements:

1. Marijuana related businesses shall be licensed by the Washington State Liquor Control Board.
2. Marijuana-licensed business shall not be permitted within 1,000 feet of the perimeter grounds of the following entities:

- a. Elementary or secondary schools;
- b. Playground;
- c. Recreation center or facility;
- d. Child-care center;
- e. Public Park;
- f. Public transit center;
- g. Library;
- h. Game arcade (where admission is not restricted to persons age 21 or older);
- i. Churches with licensed day care centers;
- j. Any parcel containing a licensed marijuana retail outlet.

Pacific County shall rely upon definitions set forth in Chapter 314-55 of the Washington Administrative Code when identifying the entities above.

3. Measures shall be implemented to prevent adverse health and safety effects to persons lawfully present on nearby properties that might be impacted by odors, noise, noxious gases, light, smoke and security.
4. Production and Processing facilities shall not create odors that travel beyond the walls of the facility.
5. All lights used for security and production shall be shielded or positioned to prevent glare impacts to nearby properties.
6. Security measures set forth in Chapter 314-55-083 of the Washington Administrative Code are met.

F. No County Liability – Indemnification

1. By accepting a permit issued pursuant to this Section, the licensee waives and releases the County, its officers, elected officials, employees, Volunteers, and agents from any liability of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
2. By accepting a issued permit pursuant to this Section, all licensees, jointly and severally, if more than one agree to indemnify, defend and hold harmless the County its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, loss or damage, disease, death, property loss or

damage, or any other loss of any kind whatsoever arising out of or in a manner that is subject of the license.

3. Insurance requirements set forth in Chapter 314-55-083 of the Washington Administrative Code shall be met. Furthermore, Pacific County shall be named as an “additional insured” on all general liability, umbrella, and access insurance policies. All policies shall be primary over any other valid collectable insurance.
4. Licenses shall be reviewed annually. If an insurance deficiency exists, the County may rescind the permit through a Type I process.

G. Limitations

1. Nothing in this Ordinance subsection is intended to be, nor should be considered to be, an allowance for less restricted activity that is permitted by State law and the rules and regulations of the Washington State Liquor Control Board.
2. Nothing in this Ordinance subsection is intended to be, nor should be considered to be, a limitation on the County by the Washington State Liquor Control Board from protesting the granting of a permit(s) or renewal of a permit(s).
3. Nothing in this Ordinance shall be construed to supersede Washington State Law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance.