WHEREAS, pursuant to the provisions of Chapter 36.70A RCW, the Board of County Commissioners of Spokane County, Washington, hereinafter referred to as the “Board,” has created a Planning Commission, hereinafter referred to as the “Commission”; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW, the Commission may make recommendations concerning the adoption of official controls that implement comprehensive plans; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW, the Board may adopt a zoning ordinance for the unincorporated areas of Spokane County and may amend the same; and

WHEREAS, Initiative 502 (the “Initiative”) was enacted in November of 2012 and implementation of this Initiative establishes a regulatory system to license producers, processors, and retailers of recreational marijuana; and

WHEREAS, the Washington State Liquor Control Board has adopted a comprehensive set of regulations for the licensing of producers, processors, and retailers in Chapter 314-55 WAC and Chapter 69.50 RCW ; and

WHEREAS, Chapter 314-55 WAC became effective on November 16, 2013 and the Washington State Liquor Control Board began accepting applications for all license types on November 18, 2013; and

WHEREAS, in addition to the licensing requirements promulgated under Chapter 314-55 WAC, cities, towns and counties may adopt zoning requirements, business licenses, and health and safety requirements pertaining to production, processing, and dispensing/sale of cannabis and cannabis products under RCW 69.51A.140.

Specifically RCW 69.51A.140 provides in part:

“RCW 69.51A.140 Counties, cities, towns----Authority to adopt and enforce requirements ....
(2) Counties may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction in locations outside of corporate limits of any city or town: Zoning requirements, business licensing requirements, and health and safety requirements. Noting in chapter 181, Laws of 2011 is intended to limit the authority of counties to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers."

and

**WHEREAS**, moratoriums and interim zoning ordinances enacted under RCW 36.70.795 or RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

**WHEREAS**, RCW 36.70.795 and RCW 36.70A.390 authorize the enactment of a moratorium, interim zoning map, interim zoning ordinance or interim official control without holding a public hearing; and

**WHEREAS**, WAC 197-11-880 provides:

"Actions that must be undertaken immediately or within a time too short to allow full compliance with this Chapter, to avoid an imminent threat to public health and safety, to prevent an imminent danger to public or private property, to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures."

and

**WHEREAS**, pursuant to RCW 36.70.765 and RCW 36.70.390, a series of Interim Zoning Ordinances were adopted and subsequently affirmed by the Board beginning on November 12, 2013 (Resolution #13-1061), followed by Resolutions #14-0029, #14-0172, #14-0447; and #14-0551 (effective until December 21, 2014), regarding the production, processing and retail sale of recreational marijuana; and

**WHEREAS**, several licenses for production, processing and retail sale of recreational marijuana have been issued by the Washington State Liquor Control Board within Spokane County based on compliance with Spokane County’s Interim Zoning Ordinances; and

**WHEREAS**, the Board, pursuant to Section 14.402.080(1) of the Spokane County Zoning Code, initiated a Zoning Code Text Amendment to address the production, processing, and sale of recreational marijuana; and
WHEREAS, the Interim Zoning Ordinance adopted on June 24, 2014 (Resolution #14-0551) served as a basis for the proposed text amendment to Spokane County Zoning Code to permanently address production, processing and retail sale of recreational marijuana; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed Zoning Code Text Amendment, County File #14-ZTA-03 and request for review was sent to the Department of Commerce on October 12, 2014 and no comments were received; and

WHEREAS, pursuant to WAC 197-11-340 and Section 11.10.230(3) of the Spokane County Environmental Ordinance, on or before October 29, 2014, the Department issued a Determination of Nonsignificance (DNS) for a non-project action for the proposed Zoning Code Text Amendment, County File #14-ZTA-03; and

WHEREAS, pursuant to WAC 197-11-340(2), the Department provided at least a 14-day comment period for the Determination of Nonsignificance issued on the proposed amendment with the appeal and comment period ending November 12, 2014. No appeal of the environmental determination was received; and

WHEREAS, after providing at least fifteen (15) days for public notice, the Commission held a public hearing on November 13, 2014 to consider public testimony concerning Zoning Code Text Amendment, County File #14-ZTA-03; and

WHEREAS, to provide for further public participation, the Planning Commission provided for additional written public testimony until November 20, 2014, regarding County File #14-ZTA-03; and

WHEREAS, the Commission, at the public hearing on November 13, 2014, established December 11, 2014 as the public meeting date for their deliberations on the Zoning Code Text Amendment, County File #14-ZTA-03; and

WHEREAS, on December 11, 2014, the Commission met to deliberate and consider the public record consisting of all public testimony received at the public hearing on November 13, 2014 and all written comments received until November 20, 2014; and

WHEREAS, the Planning Commission considered the information contained in the public record for County File #14-ZTA-03, including the Staff Report regarding the proposed Zoning Code Text Amendment; and

WHEREAS, at their deliberation session on December 11, 2014 the Commission considered the comments from the Spokane Regional Clean Air Agency dated November 10, 2014, regarding compliance with their regulations; and

WHEREAS, the Commission finds that the best interests of the public as well as its health, safety and welfare, will be met by approval of the proposed Zoning Code Text Amendment as proposed, and as amended to include the revisions as provided by Spokane Regional Clean Air Agency; and
NOW, THEREFORE, BE IT RESOLVED by the Commission that, in making the recommendations herein, the Commission does hereby enter the following Findings:

#1
Pursuant to the provision of RCW Chapter 36.70 and the Zoning Code for Spokane County, the Commission has the legal authority to recommend changes to the Zoning Code for Spokane County.

#2
After the required public notice, the Commission held a Public Hearing on November 13, 2014, to consider the proposed Zoning Code Text Amendment, County File #14-ZTA-03; and

#3
Spokane County has provided for timely public participation in consideration of the proposed Zoning Code Text Amendment consistent with RCW 36.70A, WAC 365-195-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions #14-0029, #14-0172, #14-0447, and #14-0551), and as required by Section 14.402.080 of Spokane County Zoning Code:
   a. Public notice of the hearing as required by Washington State Law, including a legal notice published in the Spokesman Review newspaper.
   b. Public notice mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.
   c. Notice of hearing provided to all County Libraries and the City of Spokane Downtown Library.
   d. Notice of intent to adopt sent to the Washington State Department of Commerce on October 12, 2014.
   e. Notice of hearing was posted on the Spokane County internet website.

#4
The Commission considered the public record and all public testimony for the proposed Zoning Code Text Amendment.

#5
The Commission considered the proposed amendment for consistency with the Spokane County Comprehensive Plan and found that the proposed amendment is consistent with and supported in general by the Spokane County Comprehensive Plan.

#6
The proposed amendment to the Spokane County Zoning Code regarding production, processing and retail sale of recreational marijuana as proposed and with the change recommended by Spokane Regional Clean Air Agency and contained in Attachment “A” was approved by a four (4) to two (2) vote (Mike Cummings and Alene Lindstrand voting no).
BE IT FURTHER RESOLVED by the Commission that it hereby recommends to the Board approval of the proposed Zoning Code Text amendment as included in Attachment "A".

ADOPTED this 5th day of January, 2014.

SPOKANE COUNTY PLANNING COMMISSION

with Reservations - Mike Cummings

Mike Cummings, Chair

Ed Neunherz, Vice Chair

Pete Rayner

Joyce McNamee

Alene Lindstrand

Stephen Pohl

ABSENT

Stanley Stirling

ATTEST: John Pederson, Planning Director
Department of Building and Planning

BY: John Pederson
Attachment 'A'

Zoning Code Text Amendment: Planning Commission related to production, processing and retail sale of recreational marijuana, County File # 14-ZTA-03.
ATTACHMENT “A”

PLANNING COMMISSION ZONING CODE TEXT AMENDMENT

December 11, 2014

Amendment Additions to Spokane County Zoning Code File #14-ZTA-03

14.618.220 Rural Zones Matrix

Table 618-1, Rural Zones Matrix

<table>
<thead>
<tr>
<th>Agricultural Use</th>
<th>Rural-5</th>
<th>Rural Traditional</th>
<th>Rural Activity Center</th>
<th>Urban Reserve</th>
<th>Rural Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural, Marijuana, Recreational Production, Outdoor</td>
<td>L</td>
<td>L</td>
<td>N</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Agricultural, Marijuana, Recreational Production, Indoor</td>
<td>L</td>
<td>L</td>
<td>N</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Agricultural, Marijuana, Recreational Processing (limited to packaging and labeling of useable marijuana)</td>
<td>L</td>
<td>L</td>
<td>N</td>
<td>L</td>
<td>L</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Uses</th>
<th>Rural-5</th>
<th>Rural Traditional</th>
<th>Rural Activity Center</th>
<th>Urban Reserve</th>
<th>Rural Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales, Marijuana, Recreational</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

RURAL Zones

14.618.230 Uses with Specific Standards

4. Agricultural, Marijuana, Recreational, Production Outdoor, and Indoor: Agricultural, Marijuana Recreational Processing (limited to packaging and labeling of useable marijuana) (R-5, RT, UR, RCV, zones)

   a. The use(s) must meet all licensing requirements of the Washington State Liquor Control Board.

   b. The use(s) shall employ odor control measures as necessary to comply with SRCCA Regulation 1, Section 6.04 - Emission of Air Contaminant: Detriment to Person or Property. Such odor control measures may include, but are not limited to the following: use of carbon adsorption media or other controls at all exhaust air discharge points, use of vertical exhaust vents or stacks, and/or completely enclosing the operation and recirculating ventilation air within the enclosure.

   c. Outdoor or indoor production or limited processing facility, temporary growing structures, greenhouse, or structures must be located a minimum of 100 feet from any front property line; except that the 100 foot setback shall not apply to structures existing on the property at the time of adoption of this ordinance; 50 feet from any side, flanking, or rear property line; and 300 feet from any primary residence on an adjacent property. The distance from any primary residence on an adjacent property and/or from the side, rear, or flanking property line can be reduced by up to fifty percent (50%) if the adjacent property owner signs a waiver. Provided, however, that at no time shall the parcel, lot or tract for a Tier 1 permit be less than three (3) acres and for Tier 2 and/or Tier 3 permits be less than five (5) acres in size.
The terminology “temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

### Industrial, Commercial, Mineral Lands

#### 14.614.220 Industrial Zones Matrix

Table 614-1, Industrial Zones Matrix

<table>
<thead>
<tr>
<th></th>
<th>LI</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production, Outdoor, Marijuana, Recreational</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Production, Indoor, Marijuana, Recreational</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>Processing, Marijuana, Recreational</td>
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<td>N</td>
</tr>
<tr>
<td>Retail Sales, Marijuana, Recreational</td>
<td>P</td>
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</tr>
</tbody>
</table>

#### 14.612.10 Commercial Zones Matrix

Table 612-1, Commercial Zones Matrix

<table>
<thead>
<tr>
<th></th>
<th>NC</th>
<th>CC</th>
<th>RC</th>
<th>LDA C</th>
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<tbody>
<tr>
<td>Production, Outdoor, Marijuana, Recreational</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Production, Indoor, Marijuana, Recreational</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Processing, Marijuana, Recreational</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>Retail Sales, Marijuana, Recreational</td>
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<td>P</td>
<td>N</td>
</tr>
</tbody>
</table>

#### 14.620.210 Mineral Lands Zone Matrix

Table 620-1, Mineral Lands Matrix

<table>
<thead>
<tr>
<th>Mineral Lands Zone Matrix Use</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production, Outdoor, Marijuana, Recreational</td>
<td>L</td>
</tr>
<tr>
<td>Production, Indoor, Marijuana, Recreational</td>
<td>L</td>
</tr>
<tr>
<td>Processing, Marijuana, Recreational (Limited to packaging and labeling of useable marijuana)</td>
<td>L</td>
</tr>
<tr>
<td>Retail Sales, Marijuana, Recreational</td>
<td>N</td>
</tr>
</tbody>
</table>

#### 14.620.220 Uses with Specific Standards

3. Agricultural, Marijuana, Recreational, Production Outdoor, and Indoor; Agricultural, Marijuana, Recreational, Processing (limited to packaging and labeling of usable marijuana) (M, zone)
   
   a. The use(s) must meet all licensing requirements of the Washington State Liquor Control Board.
b. The use(s) shall employ odor control measures as necessary to comply with SRCCA Regulation 1, Section 6.04 - Emission of Air Contaminant: Detriment to Person or Property. Such odor control measures may include, but are not limited to the following: use of carbon adsorption media or other controls at all exhaust air discharge points, use of vertical exhaust vents or stacks, and/or completely enclosing the operation and recirculating ventilation air within the enclosure.

c. Outdoor or indoor production or limited processing facility, temporary growing structures, greenhouse, or structures must be located a minimum of 100 feet from any front property line; except that the 100 foot setback shall not apply to structures existing on the property at the time of adoption of this ordinance; 50 feet from any side, flanking, or rear property line; and 300 feet from any primary residence on an adjacent property. The distance from any primary residence on an adjacent property and/or from the side, rear, or flanking property line can be reduced by up to fifty percent (50%) if the adjacent property owner signs a waiver. Provided, however, that at no time shall the parcel, lot or tract for a Tier 1 permit be less than three (3) acres and for Tier 2 and/or Tier 3 permits be less than five (5) acres in size. The terminology "temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

### 14.616.220 Resource Lands Matrix

**Table 616-1 Resource Lands Matrix**

<table>
<thead>
<tr>
<th>Agricultural Use</th>
<th>Large Tract Agricultural</th>
<th>Small Tract Agricultural</th>
<th>Forest Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural, Marijuana, Recreational Production, Outdoor</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Agricultural, Marijuana, Recreational Production, Indoor</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Agricultural, Marijuana, Recreational Processing (Limited to packaging and labeling of usable marijuana)</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
</tbody>
</table>

**Business Uses**

<table>
<thead>
<tr>
<th>Business Uses</th>
<th>Large Tract Agricultural</th>
<th>Small Tract Agricultural</th>
<th>Forest Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales, Marijuana, Recreational</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

### 14.616.230 Uses with Specific Standards

3. Agricultural, Marijuana, Recreational, Production, Outdoor, and Indoor; Agricultural, Marijuana, Recreational, Processing (limited to packaging and labeling of usable marijuana) (LTA, STA, F, zones)

   a. The use(s) must meet all licensing requirements of the Washington State Liquor Control Board.

   b. The use(s) shall employ odor control measures as necessary to comply with SRCCA Regulation 1, Section 6.04 - Emission of Air Contaminant: Detriment to Person or Property. Such odor control measures may include, but are not limited to the following: use of carbon adsorption media or other controls at all exhaust air discharge points, use of vertical exhaust vents or stacks, and/or completely enclosing the operation and recirculating ventilation air within the enclosure.

November /2014
c. Outdoor or indoor production or limited processing facility, temporary growing structures, greenhouse, or structures must be located a minimum of 100 feet from any front property line; except that the 100 foot setback shall not apply to structures existing on the property at the time of adoption of this ordinance; 50 feet from any side, flanking, or rear property line; and 300 feet from any primary residence on an adjacent property. The distance from any primary residence on an adjacent property and/or from the side, rear, or flanking property line can be reduced by up to fifty percent (50%) if the adjacent property owner signs a waiver. Provided, however, that at no time shall the parcel, lot or tract for a Tier 1 permit be less than three (3) acres and for Tier 2 and/or Tier 3 permits be less than five (5) acres in size. The terminology "temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.