


WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2014-074C

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Nick Smith	NAS	3/28/2014	RECEIVED APR 1 - 2014 WHATCOM COUNTY COUNCIL	4/8/2014	SCOTW
Division Head: Tyler Schroeder	TS	3/28/14		4/8/2014	Introduction
Dept. Head: Sam Ryan	SR	3/28/14		4/22/14	Hearing
Prosecutor: Karen Frakes					
Purchasing/Budget:					
Executive: Jack Louws		3/31/14			

TITLE OF DOCUMENT:

Interim Ordinance allowing marijuana production, processing and retailing as authorized by Washington State Initiative 502 and medical marijuana facilities as authorized under Chapter 69.51A RCW, replacing the Interim Ordinance 2014-019 adopted March 25, 2014.

ATTACHMENTS:

1. Cover Memorandum
2. Interim Ordinance
3. Related Article

SEPA review required? () Yes (X) NO
 SEPA review completed? () Yes (X) NO

Should Clerk schedule a hearing? (X) Yes () NO
 Requested Date

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Interim Ordinance allowing marijuana production, processing and retailing as authorized by Washington State Initiative 502 and medical marijuana facilities as authorized under Chapter 69.51A RCW, replacing the Interim Ordinance 2014-019 adopted March 25, 2014.

COMMITTEE ACTION:

4/08/2014: Committee amended and recommended approval of the version in the packet. Staff will prepare an ordinance for introduction tonight.

COUNCIL ACTION:

4/08/2014: Substitute Introduced
 4/22/2014: Council Adopted 6-1, Crawford opposed Ord. 2014-027

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2014-027

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY:
PROPOSED BY:
INTRODUCTION DATE: April 8, 2014

ORDINANCE NO. 2014-027

INTERIM ORDINANCE ALLOWING MARIJUANA PRODUCTION, PROCESSING AND RETAILING AS AUTHORIZED BY WASHINGTON STATE INITIATIVE 502 AND MEDICAL MARIJUANA FACILITIES AS AUTHORIZED UNDER CHAPTER 69.51A RCW

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, thereby amending Chapter 69.50 RCW and providing the regulatory framework for marijuana producers, processors, and retailers to become licensed by the Washington State Liquor Control Board ("WSLCB"); and

WHEREAS, on November 16, 2013, the WSLCB adopted final marijuana licensing rules as codified in Chapter 314-55 WAC; and

WHEREAS, during the period between November 18, 2013 and December 20, 2013, the WSLCB accepted marijuana license applications for marijuana production, processing and retail facilities; and

WHEREAS, Whatcom County began receiving notifications of proposed marijuana facilities from the WSLCB in mid-December, 2013; and

WHEREAS, the WSLCB anticipates issuing marijuana producer, processor, and retail licenses to qualified applicants starting in late February or March, 2014; and

WHEREAS, in 2011, the Washington State Legislature passed ESSSB 5073, codified in Chapter 69.51A RCW, which provides that qualifying patients or their designated care providers may create and participate in collective gardens to produce, process, transport, and deliver marijuana for medical use; and

WHEREAS, marijuana facilities, whether under Chapter 69.51A RCW or Initiative 502, are currently not specifically addressed in Whatcom County Code; and

WHEREAS, on September 28, 2013, Whatcom County Planning and Development Services adopted Zoning Interpretation Policy: PL1-73-003Z which determined that marijuana proposed uses, as allowed by Initiative 502, would be regulated in the same way as proposed uses related to any other commodity that is grown, processed, or sold in Whatcom County; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued an opinion stating that Initiative 502 does not preempt counties from banning or placing additional regulatory requirements on marijuana related businesses within their jurisdictions; and

WHEREAS, on February 11, 2014, the Whatcom County Council adopted Ordinance 2014-011, an emergency ordinance imposing a moratorium on the acceptance of all building and/or land use applications that pertain to marijuana producers, processors, retailers, and collective gardens; and

WHEREAS, on March 25, 2014, the Whatcom County Council adopted Ordinance 2014-019, an interim ordinance removing the moratorium and enacting interim regulations pertaining to marijuana producers, processors, retailers, and collective gardens; and

WHEREAS, Whatcom County intends to consider the adoption of permanent regulatory requirements specifically for marijuana related businesses; and

WHEREAS, while the permanent ordinance is being processed, the County Council is adopting this interim ordinance regulating marijuana related businesses and, in support of this interim ordinance, the Council makes the following findings as required by RCW 36.70.795:

1. Marijuana related operations are vulnerable to robbery and crimes of violence, as evidenced by the actual robberies and violence that have occurred at state legal marijuana medical sites within Whatcom County and elsewhere. The current requirements for locating a proposed marijuana facility do not specifically address the potential risks that these operations pose for surrounding residences, including those residences within isolated communities with limited police protection; and
2. The adoption of this interim ordinance would provide protection to communities and residential uses surrounding marijuana related businesses, as well as provide WSLCB applicants the opportunity to apply for building and/or land use permits; and
3. The emergency moratorium adopted in Ordinance No. 2014-011 is only effective for sixty (60) days. It is necessary to have this interim ordinance in place in order to prevent future applications for marijuana producers, processors, retailers and collective gardens from vesting under current law and thus subverting the purpose of additional regulations to protect the public after the emergency ordinance expires.

WHEREAS, in accordance with RCW 36.70A.106 Whatcom County Planning and Development Services notified the Department of Commerce of the proposed interim zoning amendment; and

WHEREAS, this ordinance shall be effective for not longer than six months following its effective date, but may be renewed for one or more six month periods if subsequent public hearings are held and findings of fact are made prior to each renewal.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Zoning Code is hereby amended, on an interim basis, as shown in Exhibit A.

BE IT FURTHER ORDAINED that this ordinance shall be effective for not longer than six months following its effective date.

BE IT FINALLY ORDAINED that if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this 22nd day of April, 2014.

ATTEST:

Dana Brown-Davis, County Clerk

APPROVED AS TO FORM:


Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**


Carl Weimer, Council Chair

Approved () Denied



Jack Louws, County Executive
Date: 4/23/14

EXHIBIT A

Chapter 20.32 Rural Residential (RR) District

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20.32.050 Permitted uses.

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.058 Marijuana production, provided the following criteria are met:

- (1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.
- (3) The facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.
- (4) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (5) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (6) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (7) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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20.32.130 Administrative approval uses.

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.136 The processing of marijuana, provided the following criteria are met:

- (1) The facility is accessory to the on-site production of marijuana.
- (2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.
- (4) The facility employs no more than 10 permanent employees.
- (5) The total area used for marijuana processing and production shall not exceed 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.
- (6) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (7) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (8) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (9) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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Chapter 20.34 Rural Residential - Island (RRI) District

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20.34.050 Permitted uses.

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.060 Marijuana production, provided the following criteria are met:

- (1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.
- (3) The facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.
- (4) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (5) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (6) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (7) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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20.34.130 Administrative approval uses.

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.136 The processing of marijuana, provided the following criteria are met:

- (1) The facility is accessory to the on-site production of marijuana.
- (2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

- (3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.
- (4) The facility employs no more than 10 permanent employees.
- (5) The total area used for marijuana processing and production shall not exceed 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.
- (6) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (7) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (8) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (9) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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Chapter 20.36 Rural (R) District

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20.36.050 Permitted uses.

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.062 Marijuana production, provided the following criteria are met:

- (1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement from residential units if

the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

- (3) On parcels smaller than 4.5 acres the facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.
- (4) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (5) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (6) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (7) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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20.36.130 Administrative approval uses.

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.137 The processing of marijuana, provided the following criteria are met:

- (1) The facility is accessory to the on-site production of marijuana.
- (2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.
- (4) The facility employs no more than 10 permanent employees.
- (5) On parcels smaller than 4.5 acres the total area used for marijuana processing and production shall not exceed 2,000 square feet, except

where the facility is contained within a building that existed on the effective date of this ordinance.

- (6) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (7) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (8) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (9) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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Chapter 20.40 Agriculture (AG) District

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20.40.050 Permitted uses.

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.059 Marijuana production, provided the following criteria are met:

- (1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

- (3) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (4) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (5) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (6) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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20.40.100 Accessory uses.

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.115 The processing of marijuana, provided the following criteria are met:

- (1) The facility is accessory to the on-site production of marijuana.
- (2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.
- (4) The facility employs no more than 20 permanent employees.
- (5) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (6) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.

- (7) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (8) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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Chapter 20.42 Rural Forestry (RF) District

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20.42.050 Permitted uses.

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.070 Marijuana production, provided the following criteria are met:

- (1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.
- (3) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (4) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (5) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (6) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least

one additional space shall be provided for each nonresident on-site employee.

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20.42.100 Accessory uses.

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.106 The processing of marijuana, provided the following criteria are met:

- (1) The facility is accessory to the on-site production of marijuana.
- (2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
- (3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.
- (4) The facility employs no more than 20 permanent employees.
- (5) No odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring uses.
- (6) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.
- (7) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.
- (8) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

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Chapter 20.51 Lake Whatcom Watershed Overlay District

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20.51.200 Prohibited uses.

In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited, except as per Chapter 20.83 WCC:

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.102 Marijuana production or processing.

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Chapter 20.59 Rural General Commercial (RGC) District

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20.59.050 Permitted uses.

.051 Retail and office type uses.

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- (4) Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana retail.

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Chapter 20.60 Neighborhood Commercial Center (NC) District

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20.60.050 Permitted uses.

.051 Retail and office type uses.

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- (7) Marijuana retail, not greater than 2,500 square feet.
- (8) Other convenience retail shops not greater than 2,500 square feet per shop.
- (9) Professional offices not greater than 2,500 square feet per business.

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Chapter 20.61 Small Town Commercial (STC) District

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20.61.050 Permitted uses.

.051 Retail and office type uses.

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- (4) Retail establishments with less than 2,500 square feet of retail floor area per establishment, including but not limited to liquor, drug, sundries, variety, clothing, florist, optical, sporting goods, appliance, craft, music, pet stores and marijuana retail.

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Chapter 20.62 General Commercial (GC) District

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20.62.050 Permitted uses.

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.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana retail.

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Chapter 20.64 Resort Commercial (RC) District

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20.62.050 Permitted uses.

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.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana retail.

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Chapter 20.66 Light Impact Industrial (LII) District

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20.66.050 Permitted uses.

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.087 Marijuana production or processing.

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20.66.700 Performance standards.

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.709 Marijuana Odor

Within an industrial park no odor or smoke shall be emitted that is detectable at or beyond the walls of the building where said use is located, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of other users within the park.

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Chapter 20.68 Heavy Impact Industrial (HII) District

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20.68.050 Permitted uses.

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.066 Marijuana production or processing.

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Chapter 20.69 Rural Industrial Manufacturing (RIM) District

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20.69.050 Permitted uses.

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.053 Agriculture type uses.

Uses related to agriculture including, but not limited to:

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(10) Marijuana production.

(11) Processing of marijuana.

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20.69.700 Performance standards.

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.708 Marijuana Odor

Within an industrial park no odor or smoke shall be emitted that is detectable, at or beyond the walls of the building where said use is located, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of other users within the industrial park.

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Chapter 20.71 Water Resource Protection Overlay District

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20.71.200 Prohibited uses.

In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited, except as per Chapter 20.83 WCC:

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.222 Marijuana production.

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Chapter 20.80 Supplementary Requirements

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20.80.690 Marijuana State License Required.

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under Chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

20.80.695 Application for County Development Permits - Timing.

Applicants for marijuana production, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence construction of facilities for producing, processing, or retailing of marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor or retailer do so at their own risk. Final occupancy of the building will not be granted until a state liquor control board license has been approved.

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20.97 Definitions.

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20.97.225 Marijuana, marihuana or cannabis.

"Marijuana," "marihuana" or "cannabis" 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 therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

20.97.226 Marijuana processing.

"Marijuana processing" means a facility licensed by the state liquor control board to process 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. A marijuana processing facility shall include any building that is associated with the processing of marijuana.

20.97.227 Marijuana production.

"Marijuana production" means a facility licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors. The area of a marijuana production facility includes all the area enclosed within a building or fence that is required by the state liquor control board for the production of marijuana.

20.97.228 Marijuana retail.

"Marijuana retail" means a facility licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet. A marijuana retail facility shall include any building that is associated with the sale of marijuana.

20.97.229 Marina.

20.97.230 May.