# Chapter 8.60
# Collective Medicinal Cannabis Gardens

Sections:

8.60.010 Preamble.
8.60.020 Statements of Purpose and Authority.
8.60.030 Applicants.
8.60.040 Administrative Responsibilities.
8.60.050 Application for License.
8.60.060 Requirements.
8.60.070 Fees.
8.60.075 Additional Licensees for an Established Garden
8.60.080 Violation - Penalties.
8.60.090 Variances - Appeals.

**8.60.010 Preamble.**

The Board of County Commissioners of Lewis County hereby declares that it is necessary for the protection of the health, welfare and safety of the people of Lewis County to enact under the police power of the county the following chapter providing for the licensing of collective medicinal cannabis gardens as defined by this chapter and establishing the minimum health, sanitary, safety and law enforcement standards which are necessary to protect the general public, consistent with RCW 69.51A.

**8.60.020 Statement of Purpose and Authority.**

The purpose and intent of this ordinance is to provide guidelines and conditions necessary for the establishment of collective medicinal cannabis gardens (hereinafter sometimes referred to as a "collective garden" or "cannabis garden") within unincorporated Lewis County. For the purposes of this Chapter, a "cannabis garden" or a "collective garden" is a location where cannabis or marijuana is grown or produced collectively and strictly for medicinal purposes consistent with the meaning, intent and provisions of RCW 69.51A and applicable federal law. This chapter is authorized by and is adopted to implement the provisions of RCW 69.51A consistent with applicable federal law.

**8.60.030 Applicants.**

Any person over the age of 18 years, who has not been convicted of a felony crime within the last ten years and who is a qualified patient or designated provider as those terms are defined by RCW 69.51A, may make application for a cannabis garden license. Each person who participates in, or plans to participate in, a collective garden, either as a qualifying patient or as a designated provider under state law, must apply and qualify on an individual basis.

**8.60.040 Administrative Responsibilities.**

The Department of Community Development is responsible for the administration of this Chapter. The department shall act as a coordinating and processing agent to ensure that the county application process is reasonably expeditious and shall consider relevant information provided by other county offices or departments having appropriate

expertise, authority or jurisdiction, including the Lewis County Sheriff's Office, Lewis County Prosecutor's Office, Department of Health and Social Services, and the Department of Public Works. All affected offices and departments of county government shall endeavor to cooperate fully with the department of community development in the exercise of their duties relative to the issuance of a license under this Chapter.

**8.60.050 Application for License.**

(1) An individual's application for a cannabis garden license shall be submitted to the Lewis County Department of Community Development. An individual's application shall not be complete and will not be processed unless all fees for such license have been paid in advance. Fees shall not be refunded for any reason.

(2) Once the individual's application is deemed to be complete, a copy shall be sent to the Lewis County Sheriff's Office which shall conduct a check through the federal drug enforcement agency, the federal bureau of investigation, and such other agencies or resources as appropriate, to determine whether the applicant is licensed or permitted to establish and operate a cannabis garden under applicable federal law and otherwise meets the qualifications set forth in section 8.60.040 LCC, and the eligibility requirements of (4) below.

(3) In addition to any other information which may be requested by the county, or required under RCW 69.51A, the following shall apply:

(a) The individual's application for a license shall bear the full name, residential address, telephone number (at the option of the applicant), date and place of birth, race, gender, description, two complete sets of fingerprints, and signature of the applicant, and the applicant's driver's license number or state identification card number if used for identification in applying for a license. A signed application shall constitute a waiver of confidentiality and a written request that federal, state and local agencies release information relevant to the applicant's eligibility for a collective cannabis garden license to an inquiring court or law enforcement agency.

(b) The two complete sets of fingerprints shall be forwarded to the Washington state patrol.

(c) The county license that is issued to the applicant shall include the following printed statement and the application for the license shall require the individual applicant to acknowledge the following warning:

> **CAUTION: Although state and local laws do not differ, federal and state laws on the cultivation of cannabis and possession of harvested cannabis and cannabis products differ. In the absence of a federal license, federal law prohibits the cultivation and possession of cannabis and cannabis products even pursuant to a state license. If you are in violation of federal law, you may be prosecuted in federal court, imprisoned, required to pay a fine and restitution and your real and personal property deemed related to the cultivation or violation may be forfeited. A state or county license is not a defense to a federal prosecution and forfeiture.**

(d) The application shall require the applicant to answer questions concerning the applicant's eligibility under RCW 69.51A and federal law to cultivate and produce cannabis or cannabis products.

(e) The county shall make available to law enforcement and corrections agencies all information received under this subsection.

(f) The application shall contain the name and address of the record owner of the property on which the collective cannabis garden shall be located or, in the event that the record owner is a partnership, joint venture, corporation, limited liability entity, or other association, the names and addresses of all persons having an interest in the entity, together with a description of that interest;

(g) The application shall contain a description of the properties to be used for the cannabis garden and to store harvested cannabis and cannabis products, including Assessor Tax Parcel Numbers and a verified statement from the record owner(s) that he/she/they/it has (have) consented to the establishment and operation of such collective cannabis garden and/or storage facilities;

(h) The application shall require the signed, verified and authorized statement of the record owner(s) of the property acknowledging the following warning:

> **CAUTION: Although state and local laws do not differ, federal and state laws on the cultivation of cannabis and possession of cannabis and cannabis products differ. In the absence of a federal license, federal law prohibits the cultivation and possession of cannabis and cannabis products even pursuant to a state license. If you are in violation of federal law, you may be prosecuted in federal court, imprisoned, required to pay a fine and restitution, and your real and personal property deemed related to the cultivation or violation may be forfeited. A state or county license is not a defense to a federal prosecution or forfeiture.**

The statement shall be signed, verified and authorized by all of the persons having an interest in the entity that is the record owner of the property if that entity is a partnership, joint venture, corporation, association or limited liability entity.

(i) The application shall require the applicant to provide proof of identification of the applicant in the form of a valid driver's license with the applicant's photograph or current state identification card with the applicant's photograph.

(k) The application shall require the applicant to provide proof of registration pursuant to RCW 69.51A or a copy of valid documentation as defined by RCW 69.51A establishing his or her status as a qualifying patient or, in the case of a designated provider, a true and correct copy of current documentation establishing his or her status as a designated provider for purposes of RCW 69.51A.

(4) The applicant for a county license to establish a collective cannabis garden for the production of cannabis and cannabis products under RCW 69.51A.085 and 69.51A.140 shall not be issued such a license if:

(a) He or she has not been issued a permit or license by the federal drug enforcement agency to establish and operate a marijuana or cannabis garden under the provisions of applicable federal law;

(b) He or she is not a qualifying patient or designated provider as defined under RCW 69.51A.010 or cannot establish such status;

(c) The applicant's permit or license to establish and operate any cannabis garden is in a revoked status;

(d) He or she is under eighteen years of age;

(e) He or she is subject to a court order or injunction prohibiting cultivation, possession or use of marijuana, cannabis or cannabis products, or any controlled substance;

(f) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a criminal offense; or

(g) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction within the United States for a felony or misdemeanor.

(h) He or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.

**8.60.060 Requirements.**

The approval of an application for a county license to establish and operate a cannabis garden shall be conditioned upon compliance with the following conditions in establishing and operating a cannabis garden:

(1) The cannabis garden must be located in an unincorporated area of Lewis County that is zoned RDD (Rural Development District) 5, RDD 10 or RDD 20 and permits commercial development;

(2) The cannabis garden must be fully contained inside of a building compliant with county code and the requirements of this section ("garden building");

(3) The garden building shall be equipped with an air filtration system that prevents the release of cannabis pollen, fumes, and odors to the outside;

(4) The garden building shall be equipped with a sprinkler/fire suppression system approved by the county building official;

(5) If the garden building is equipped with a "roll-up" or garage-type door, barricades shall be installed to prevent a vehicle from driving through the door(s);

(6) All doors to the garden building shall be kept locked at all times and made inaccessible to the public;

(7) The garden building shall be surrounded by a fence of at least ten feet in height and topped with razor-type wire;

(8) Each fence surrounding a garden building shall be placed at least ten feet from the inside perimeter of the fence to the outside perimeter of the garden building and a permit shall be obtained for each such fence as required by County Code;

(9) Access through the fence surrounding a garden building shall be secured at all times and unlocked only to allow an authorized person in or out of the facility;

(10) The garden building shall be monitored at all times by video surveillance sufficient in coverage to include the exterior and interior fence lines of the facility and all of the interiors of the garden building, excluding any bathrooms. Video records shall be maintained by the licensees for a period of twenty-four months. The video records shall be maintained at a location in the county identified by the licensees on the applications for an original or renewal license as applicable and the licensees shall advise the Lewis

County Sheriff's Office and the Lewis County Department of Community Development of any change of location in writing within 72 hours of the change being made;

(11) The licensees shall maintain a log of all people entering and exiting the garden building. The log shall include the name, address and telephone number of the persons entering the garden building and a statement of the reason for such entry. The log shall also record the times of entry and exit from the garden building;

(12) The garden building shall be patrolled by on-site security at all times. On-site security personnel may be armed, provided security personnel (i) have the legal right (under both federal and state laws) to possess firearms, (ii) are not medical marijuana users, and (iii) are not a designated provider of cannabis under state law;

(13) All windows and doors of the garden building must be secured by monitored alarm. The interiors of the garden building must be monitored by motion detectors that are able to detect motion from the floor of the building to a maximum height of eight feet;

(14) A license permits a licensee to participate in only one collective garden. The collective garden must—at all times-- comply with the requirements of RCW 69.51A.085, including but not limited to number of plants, number of qualifying patients participating in the garden, and amount of useable cannabis per qualifying patient;

(15) Only growing marijuana plants may be kept at the collective garden site. Harvested marijuana plants must be dried and stored at a separate location. Harvested/drying plants from any other location shall not be kept on site;

(16) No other business may be housed in a garden building, whether for-profit or not-for-profit; nor shall there be any items that can be obtained for "donation", "trade" or as gifts;

(17) Garden buildings may not be located within one mile of any other garden building.

(18) Garden buildings may not be located within one mile of a school, designated school bus stop, senior center, hospital, public park, public building, or public recreational facility (e.g., baseball/football/soccer fields, tennis/volleyball courts, skate parks, etc.)

(19) Garden buildings may not be located within 100 feet of a county/state road, highway or right of way;

(20) All structures shall be fully permitted by Lewis County and shall conform to applicable building code and development requirements of Chapters 15 and 17 LCC;

(21) The licensees participating in a collective garden shall at all times maintain general liability insurance for the establishment and operation of the collective garden and related risks with a single occurrence limit of $1 million and an aggregate limit of $3 million, proof of which shall be available to the Lewis County Sheriff's Office at all times.

**8.60.070 Fees.**

The following fees shall apply to this Chapter, as adopted by the Board of County Commissioner and contained within the Lewis County Schedule of Fees:

(1) A nonrefundable fee for the original county license application of each individual applicant and Sheriff's Office background check shall be paid upon submission of the application to the Lewis County Department of Community Development, plus any additional charges imposed by the federal drug enforcement agency, federal bureau of investigation and other federal and state agency charges that shall be passed onto the

individual applicant. Failure to pay a fee or charge required by any state or federal agency as required in the processing of an application shall be grounds for denying the application.

(2) A nonrefundable fee for replacement of lost, stolen or damaged licenses;

(3) A nonrefundable fee for renewal of such county license. Failure to renew a license for a cannabis garden prior to the expiration date of the license shall result in immediate revocation of the license and all activities related to the license shall cease immediately and any further activities shall be considered unlawful.

8.60.075. Additional Licensees for an Established Collective Garden.

A qualifying patient or designated provider under RCW 69.51A who desires to apply for a license to participate in an established and licensed collective garden ---when a licensed participant in such an established garden dies, resigns, has his or her license revoked, or otherwise terminates his or her participation in the collective garden, or when the collective garden otherwise has fewer participants than permitted by federal, state or local law--- must submit an application for a license that complies with all of the requirements of this chapter. If the applicant is granted the desired license, he or she may participate in the established collective garden to the extent permitted by applicable federal, state and local law.

**8.60.080 Violation - Penalties.**

Any person who shall willfully violate the provisions of this chapter, or any license holder who shall willfully fail to comply with the requirements of this chapter, shall be subject to the penalties in LCC 1.20.020 ,1.20.040 and 17.300.050 in addition to any state and federal statutes as may apply.

**5.15.090 Variances – Appeals.**

(1) To the extent, if any, that it may be conformable with the law, the Hearing Examiner may grant a variance from zoning or development requirements of this chapter, consistent with such variance provisions of Titles 8, 15, 16 and 17 Lewis County Code, if to do so would not in any way endanger the health, safety or welfare of those persons to be protected.

(2) Any appeal to an administrative decision under this Chapter shall be made to the Lewis County Hearing Examiner consistent with the provisions of Chapter 2.25 LCC.