

Chapter 5.20

MARIJUANA PRODUCTION, PROCESSING AND RETAIL SALE

Sections:

~~5.20.010 — Purpose and scope.~~

~~5.20.020 — Provision — License required.~~

~~5.20.030 — Application requirements — Approval, denial, and appeal — Expiration and renewal — Revocation — Fees.~~

~~5.20.040 — Enforcement — Penalties.~~

5.20.010 — Purpose and scope.

(1) The purpose of this chapter is to regulate and monitor individuals or entities within the unincorporated areas of Lewis County, Washington, engaged in marijuana activity regulated under Chapter 314-55 WAC, now or as hereafter amended or replaced. Article XI, Section 11 of the Washington Constitution authorizes Lewis County to make and enforce within its limits local police, sanitary and other regulations in compliance with general laws. The failure to procure a license under Chapter 314-55 WAC shall not be a defense for failing to comply with the provisions of this chapter, which shall apply to any individual or entity engaged in marijuana activity regulated under Chapter 314-55 WAC regardless of the regularity, for- or nonprofit status, or any other circumstances of such activity.

(2) Lewis County recognizes that the Constitution of the United States and the laws of the United States made in pursuance thereof are the supreme law of the United States and the state of Washington, as recognized by the plain reading of Article I, Section 2 of the Washington State Constitution and the decisions of the Washington Supreme Court. The purpose of this chapter is to ensure that all production, processing, and retailing of marijuana and related products within the unincorporated areas of Lewis County, Washington, comply with the supreme laws of the United States.

(3) Procurement of a license under this chapter will not waive the requirement for any other local, state, or federal permit or license as required by those entities. [Ord. 1271 §1, 2017; Ord. 1247 §1, 2013]

5.20.020 — Provision — License required.

(1) It shall be unlawful for any person or entity within the unincorporated areas of Lewis County, Washington, to engage in marijuana activity regulated under Chapter 314-55 WAC without first having obtained a license pursuant to the provisions of this chapter, or to do so outside the conditions of a license so issued; provided, that a license under this chapter is not required for persons to grow medical marijuana solely for their own noncommercial use (including as members of a medical marijuana cooperative) so long as the marijuana activity complies with applicable state law and does not include any solvent- or CO₂-based extraction. If the marijuana activity fails to comply with applicable state law and/or includes solvent- or CO₂-based extraction, a license is required under this chapter.

(2) ~~Procurement of a license or permit issued by state agencies, other counties, cities, or the federal government does not alleviate the requirement that all producers, processors, and retailers of marijuana or related products obtain a license pursuant to this chapter prior to operating within the unincorporated areas of Lewis County.~~

(3) ~~The activities governed by this chapter are deemed to take place within the unincorporated areas of Lewis County, Washington, if any portion of the production, processing, or retail activities take place within the boundaries of the unincorporated areas of Lewis County, Washington; provided, that the provision of this chapter shall not apply to the transportation of marijuana or related products through Lewis County when the transportation is not related directly or indirectly to production, processing, or retail activities within the unincorporated areas of Lewis County. Production, processing, or retail activities which take place both within and without the unincorporated areas of Lewis County require a license as if all portions were to occur within the unincorporated areas of Lewis County. [Ord. 1271 §1, 2017; Ord. 1247 §1, 2013]~~

~~5.20.030 — Application requirements — Approval, denial, and appeal — Expiration and renewal — Revocation — Fees.~~

~~(1) Application Requirements.~~

~~(a) A license issued pursuant to this chapter shall be construed as a business license for marijuana activity and shall only be issued following application to the director of community development. Applications for a license required by this chapter shall be submitted in such form and detail as reasonably prescribed by the director of community development. Such applications shall be signed by the applicant who shall certify that all of the information contained within and attached to the application is correct and, at a minimum, shall include: name, address, and date of birth or incorporation or origination of the applicant; hours of operation; emergency contact information for after-hours contact; payment of applicable fees; proof of state licensure under Chapter 314-55 WAC or application under Chapter 314-55 WAC; proof of registration approval from the United States Attorney General or Drug Enforcement Administration pursuant to 21 U.S.C. 823 for the applicant's marijuana activity, as evidenced by notice from the United States Attorney General or Drug Enforcement Administration in the Federal Register; proof of a criminal history check indicating that the applicant has not been convicted of any crime involving a controlled substance; and proof of compliance with Lewis County zoning and land use, waste, wastewater, public water, and building and fire regulations. Proof of compliance with Lewis County regulations shall be obtained by developing an approved operating plan demonstrating compliance.~~

~~(b) In addition to any other requirements imposed herein, all marijuana activity licensed under this chapter must employ a ventilation system or odor controls that adequately reduce the public's exposure to odor from the marijuana activity, and the director of community development may prescribe rules for such system or controls. Furthermore, no marijuana activity licensed under this chapter may be publicly advertised except by means consistent with that allowed by a home occupation under LCC 17.10.080.~~

~~(c) No more than five licenses for marijuana retailers shall be granted under this chapter. No more than five licenses for marijuana production and/or processing, combined, shall be granted under this chapter. Licenses granted to persons growing marijuana solely for their own medical noncommercial use (including medical marijuana cooperatives) shall not be counted towards these limits. Licenses shall be granted on a first-in-time, first-in-right basis measured from the date a complete application is received by Lewis County.~~

~~(2) Approval and Denial. The director of community development shall review all completed and properly submitted applications to determine whether the requirements as established in subsection (1) of this section and as prescribed by the director of community development have been met by the applicant. It shall be the burden of the applicant to show by a preponderance of the evidence that the applicant has met the requirements for the issuance of the license. Applications meeting the requirements as established in subsection (1) of this section and as prescribed by the director of community development shall be approved by the director of community development within 30 days of submission of the completed application and such approval shall be evidenced by a license signed by the director of community development and issued to the applicant by mailing the license to the applicant at the address provided in the application. Applications may be conditionally approved on satisfaction of or maintained compliance with the requirements of subsection (1) of this section. Applications not meeting the requirements as established in subsection (1) of this section and as prescribed by the director of community development shall be denied by the director of community development within 30 days of submission of the completed application and such denial shall be evidenced by a letter summarizing the deficiencies in the application and shall be signed by the director of community development and mailed to the applicant at the address provided in the application. Failure of the director of community development to take action on a completed and properly submitted application shall be deemed a denial of the application, but all fees paid by the applicant shall be returned to the applicant upon demand by the applicant to the director of community development. Denial of an application may be appealed to the hearing examiner pursuant to Chapter 2.25 LCC; provided, that no fee shall be charged for the appeal. Review by the hearing examiner shall be de novo.~~

~~(3) Incomplete or improperly submitted applications will not be considered by the director of community development.~~

~~(4) Expiration and Renewal. A license issued pursuant to this chapter shall be effective for one year from the date of application approval. An applicant desiring to renew a license may submit an application not earlier than 60 days prior to the expiration date of its current license. All applications for renewal shall be treated as an initial application and must meet all of the requirements of an initial application. No license shall issue under this chapter to an applicant holding another license issued pursuant to this chapter until the prior license expires or is revoked.~~

~~(5) Revocation. The director of community development may revoke a license issued under this chapter if the applicant at any time is found by a preponderance of the evidence to no longer meet the requirements established for application under subsection (1) of this section, or to be~~

operating outside the conditions of the applicant's license. The director of community development shall revoke a license issued to an applicant under this chapter if the applicant at any time is found to have been convicted of a crime involving a controlled substance in any jurisdiction. The director of community development shall provide notice of the revocation to the applicant either by personal service or by mailing notice to the address provided to the applicant during the application process. Revocation of a license may be appealed to the hearing examiner pursuant to Chapter 2.25 LCC; provided, that no fee shall be charged for the appeal. Review by the hearing examiner shall be de novo. Upon notice to the applicant of revocation by the director of community development, the applicant shall stay all marijuana production, processing, and retailing activity within 10 calendar days unless the revocation is appealed, in which case the stay shall not begin until after the hearing examiner has ruled. However, when the director of community development is notified by the department of public health and social services, based on a preponderance of the evidence, that the applicant's activity poses a significant threat to the public's health and safety, the director may, in addition to notice of revocation, provide to the applicant a cease and desist order requiring the applicant to immediately cease all marijuana activity, and such cease and desist order shall be an additional subject in the appeal if the applicant appeals the matter.

(6) The director of community development may review a license holder's compliance with this chapter at the director's discretion. The prosecuting attorney may, but is not required to, notify the director of community development if the holder of a license under this chapter is convicted of a crime involving a controlled substance or is otherwise believed to be out of compliance with the requirements of this chapter.

(7) Fees. The fee for the application shall be as set forth in the annual categorized schedule of fees for the departments of community development, public works, and public health and social services, now or as hereafter amended by resolution or ordinance. [Ord. 1271 §1, 2017; Ord. 1247 §1, 2013]

5.20.040 — Enforcement — Penalties.

Any person or entity failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not less than \$300.00 but not exceeding \$500.00 and shall be imprisoned in the county jail for a period not less than 24 consecutive hours but not exceeding 90 days. A person or entity shall be guilty of a separate offense for each day in which a violation occurs. A person or entity can be charged as a principal if the person or entity is the principal violator or if the person or entity is liable as a principal under RCW 9A.08.020. In addition, a conviction under this section shall automatically revoke any license issued to the violator pursuant to this chapter and the violator shall not be eligible to apply for a license under this chapter for a period of three years from the date of conviction. Finally, a violation of any of the provisions of this chapter is a public nuisance that may be enjoined, abated, or otherwise remedied through a civil action. In addition to the usual remedies available in such civil action, the court shall impose a civil penalty of \$300.00 per day the public nuisance persists after the violator receives written notice of the nuisance and potential \$300.00-per-day penalty, unless by agreement of all parties such penalty is waived.

17.10.030 "C" definitions.

"Cannabis production" means ~~the growing and wholesaling of cannabis (aka marijuana) by any person or entity that holds a valid license~~ the cultivation, harvesting, trimming, drying, curing, packaging, and wholesale distribution of cannabis and related plant products by any person or entity licensed to operate as a cannabis producer issued by the Washington State Liquor and Cannabis Board under WAC 314-55-075 as now in effect or hereafter amended.

"Cannabis retailer" means a retail outlet ~~that sells usable cannabis (aka marijuana), cannabis-infused products, and cannabis paraphernalia and is owned by any person or entity~~ authorized to sell only useable cannabis, cannabis concentrates, cannabis-infused products, cannabis paraphernalia, and lockable boxes to store cannabis to persons 21 years of age and older, except as otherwise allowed under RCW 69.50.357 and applicable rules under WAC 314.550.80, and that is owned and operated by a person or entity that holds a valid cannabis retailer license issued by the Washington State Liquor and Cannabis Board under WAC 314-55-079 as now in effect or hereafter amended.

17.10.130 "M" definitions.

~~"Marijuana processing" means converting harvested marijuana into usable marijuana and marijuana-infused products by any person or entity that holds a valid marijuana processor license issued by the Washington State Liquor and Cannabis Board under WAC 314-55-077 as now in effect or hereafter amended.~~

~~(a) "Type 1 marijuana processing" means marijuana processing as provided under WAC 314-55-077 that is limited to drying, curing, trimming, and packaging marijuana for retail sale.~~

~~(b) "Type 2 marijuana processing" means marijuana processing as provided under WAC 314-55-077 that extracts concentrates, infuses products, or involves the mechanical and/or chemical processing in addition to or instead of drying, curing, trimming, and packaging for retail sale.~~

~~"Miscellaneous or future marijuana uses" are marijuana activities other than marijuana production, processing, and retail.~~

~~(a) If any future marijuana activity regulated under Chapter 314-55 WAC, now or as hereafter amended or replaced, falls outside of the definitions of marijuana retailer, production, or processing herein, such activity shall be subject to this title's provisions pertaining to marijuana uses to the extent possible, except as otherwise specified in this section.~~

~~(b) Persons growing medical marijuana solely for their own use (including members of a medical marijuana cooperative under WAC 314-55-410 et seq., now or as hereafter amended) shall be treated as a noncommercial greenhouse use under this title instead of as marijuana production or processing, so long as the marijuana activity complies with~~

~~applicable state law and does not include any solvent- or CO₂-based extraction. If the marijuana activity fails to comply with applicable state law and/or includes solvent- or CO₂-based extraction, it shall be regulated as marijuana production or processing, as appropriate under this title.~~

17.10.160 "P" definitions

"Place of Worship" means a building, structure, or permanently established portion thereof located on a parcel and used primarily for organized religious worship, services, or other faith-based assemblies, including but not limited to churches, temples, mosques, synagogues, and similar facilities. This use includes accessory buildings and uses customarily associated with religious worship, such as fellowship halls, classrooms, offices, and community activities. This definition shall not include private residences or outdoor spaces used for occasional or incidental religious gatherings that do not involve regular, organized public assembly.

17.42.020 Land Use Summary

USE TYPE	RURAL			LAMIRD Type 1			LAMIRD Type 2	LAMIRD Type 3			RESOURCE				OTHER RURAL	UGA	UGA - SMALL TOWNS							
COMMERCIAL/PROFESSIONAL	RDD-5	RDD-10	RDD-20	STMU	RRC	CC	TSA	STI	FC	RAI	ARL	FRL	MRL	MPR	Park	MID	RL	RM	RH	MU	CBZ	AX	IND	OS
Cannabis retail ⁵	X	X	X	XA	X	XA	X	X	XA	X	X	X	X	X	X	X	X	X	X	A	A	XA	X	X
INDUSTRIAL	RDD-5	RDD-10	RDD-20	STMU	RRC	CC	TSA	STI	FC	RAI	ARL	FRL	MRL	MPR	Park	MID	RL	RM	RH	MU	CBZ	AX	IND	OS
Cannabis processing	SUP	SUP	SUP	X	X	X	X	SUP	SUP	SUP	P - ac	P - ac	X	X	X	X	X	X	X	X	X	X	X	X

LEGEND

LAMIRD = Limited Area of More Intense Rural Development

RAI = Regional Area Industrial

UGA = Urban Growth Area

P = Permitted use

RDD = Rural Development District

ARL = Agricultural Resource Land

MPR = Master Planned Resort

P - ac. = Permitted accessory use

STMU = Small Town Mixed Use

FRL = Forest Resource Land

MID = Major Industrial Area

A = Administrative review

RRC = Rural Residential Center

MRL = Mineral Resource Land

RL = Residential Low Density

SUP = Special use permit

CC = Commercial Crossroads

CBZ = Commercial Business District

RM = Residential Medium Density

X = Prohibited

TSA = Tourist Service Area

AX = Airport District

RH = Residential High Density

STI = Small Town Industrial

IND = Industrial

MU = Mixed Use

FC = Freeway Commercial

OS = Open Space

Notes:

(5) Cannabis retail establishments are permitted only within the Packwood UGA.

17.142.140 — Cannabis production and processing.

(1) The location of all cannabis production and/or processing, including related structures, shall not be closer than 100 feet from any property line, except when located in the Small Town Industrial (STI), urban growth area – small town Industrial (IND) or Rural Area Industrial Districts (RAI) the underlying zoning setback requirements shall be met.

(2) The location of all cannabis production and/or processing, including related structures, shall be on parcels with direct access to a public right-of-way.

(3) No cannabis production and/or processing shall occur on parcels less than five acres in area, except in the Small Town Industrial (STI), urban growth area – small town Industrial (IND) or Rural Area Industrial Districts (RAI) zones. A special use permit for cannabis production and/or processing may require odor control measures to protect neighboring properties from potential odor nuisances, as specified by the director of community development pursuant to LCC 5.20.030(1).

(4) No facility used for cannabis production and/or processing shall use permanent standby or portable power generators using combustible fuels as a sole source of electrical power, except during periods of power outages.

(5) Any outside lighting proposed for cannabis production and/or processing, including security lighting, shall meet the standards of LCC 17.142.020(3)(e), lighting.

(6) The position of cameras required for surveillance systems for cannabis production and/or processing shall not intrude on the privacy of neighboring properties.

(7) All structures serving cannabis production and/or processing shall conform to LCC Title 15, except as provided under RCW 19.27.065.

(8) All structures and uses serving production and/or processing of recreational cannabis shall conform to LCC Title 8, pertaining to solid waste disposal, and to Chapter 8.40 LCC or Chapter 173-216, 173-218, or 173-303 WAC, as appropriate, pertaining to sewage or wastewater disposal.

(9) The development of a cannabis producing and/or processing facility that will generate a liquid industrial waste shall address either:

- (a) The coordinated disposal with an existing municipal utility sewer treatment plant; or
- (b) A permitted tank storage and transport disposal off site to a permitted facility; or
- (c) An on-site closed loop system along with treatment and waste characterization.

(10) The development of a cannabis producing and/or processing facility shall implement a fully approved public water supply consistent with Chapter 246-290 WAC or Chapter 8.55 LCC.

~~(11) All structures and uses serving cannabis production and/or processing shall conform to the licensing requirements of Chapter 5.20 LCC.~~

~~(12) In addition to the buffer requirements stated in Chapter 314-55 WAC, cannabis production and/or processing shall not locate within 1,000 feet of any hospital or any family home child care center as defined in WAC 170-296A-1000. The distance shall be measured as the shortest straight-line distance from the property line of the cannabis production or processing facility to the property line of the hospital or family home child care center.~~

~~(13) A special use permit granted under Chapter 17.158 LCC for cannabis production and/or processing shall expire automatically if the Washington State Liquor and Cannabis Board revokes the facility's valid license issued under Chapter 314-55 WAC or if the facility's license under Chapter 5.20 LCC expires, is revoked, or ceases to be valid.~~

17.142.150075 Cannabis retailers.

(1) Retail sales of cannabis is allowed pursuant to 17.42, Table 2, Land Use Summary, within the Packwood UGA only. Cannabis retail shall not include any activities meeting the definition of "cannabis production" or "cannabis processing".

(2) Signage.

- (a) Pursuant to RCW 69.50.369, each cannabis retail establishment is allowed no more than two (2) exterior signs identifying the business, and each sign must not exceed 1,600 square inches (40 inches by 40 inches) and shall be permanently affixed to the building or structure. The total combined area of all exterior signs associated with the retail cannabis use shall not exceed 3,200 square inches. Signs may include the business name and a non-illustrative statement of the nature of the business, provided such statement complies with state law.
- (b) In addition to the requirement of 17.142.207 Signs, signage shall not include any of the following:
 - (i) Signage, business names, and advertising shall not include slang, colloquial, or informal terminology commonly used to refer to cannabis or cannabis products, or any terminology that may be reasonably understood to appeal to minors (e.g., cartoons, toys, or youth-oriented imagery). Examples include, but are not limited to, terms such as marijuana, weed, reefer or similar expressions.
 - (ii) Depictions of the cannabis plant, flower, product, paraphernalia, smoke, or similar imagery.
- (c) Decals, vinyl, stickers or similar adhesive signage may be placed on glass windows or doors provided that the color and type of the signage are consistent with these standards and permitted within the zoning district.

- (d) Offsite signage is prohibited, including, but not limited to, billboards, business logo flags, balloons and streamers, offsite temporary or permanent signage, inflatables or moving signs, sandwich boards and human direction sign (sign spinners).

(3) Building Design

- (a) In addition to standards provided in Chapter 17.17, UGA – Small Towns, exterior surfaces, including walls, roof and signs, shall be a white, gray to brown color as shown in Figure X (Munsell), excluding exterior glass. Building colors shall be low-intensity and non-reflective. Colors with high saturation or brightness, including fluorescent, neon colors or glow in the dark colors are prohibited on all building facades, exterior walls, exterior surfaces, building accents and signage. Colors shall not exceed a medium value and saturation level as measured by a recognized color system (e.g., Munsell or similar).
- (b) Within UGA – Small Towns, exterior glass shall be façade glass (not mirrored or reflective) and shall be maintained in a manner that prevents visibility of cannabis, cannabis products, or transactions from the exterior, consistent with RCW 69.50.369 and WAC 314-55-155. This may be achieved through methods including, but not limited to, interior screening, frosted glass, window film, etc. Window treatments shall remain compliant with building and fire codes.
- (c) External lighting shall meet the standards of LCC 17.142.020(3)(e).

~~(1) External lighting shall meet the standards of LCC 17.142.020(3)(e), lighting.~~

~~(2) The position of cameras required for surveillance systems for cannabis retailers shall not intrude on the privacy of neighboring properties.~~

~~(3) Cannabis retailers shall conform to LCC Title 8, pertaining to solid waste disposal, and to Chapter 8.40 LCC or Chapter 173-216, 173-218, or 173-303 WAC, as appropriate, pertaining to sewage or wastewater disposal.~~

(4) All retail cannabis operations shall provide approved potable water and domestic strength sewage disposal, as applicable, in compliance with all applicable local and state requirements. To the extent that solid, liquid, or hazardous waste is generated by the operation, the collection, handling, and disposal of such waste shall comply will all applicable local and state requirements.

~~(4) Cannabis retailers shall implement a fully approved public water supply if and to the extent required by Chapter 246-290 WAC and Chapter 8.55 LCC.~~

~~(5) All structures and uses serving cannabis retail shall conform to LCC Title 15, except as provided under RCW 19.27.065.~~

~~(6) All structures and uses serving cannabis retail shall conform to the licensing requirements of Chapter 5.20 LCC.~~

~~(7) Cannabis retailers shall locate on parcels with direct access to the following transportation routes under the standards of the Washington State Department of Transportation: state highways, local arterials, and local major collectors.~~

~~(8) Pursuant to RCW 39.50.331, any cannabis retailer shall not locate within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade, admission to which is not restricted to persons aged 21 years or older. In addition, cannabis retailers shall not locate within 1,000 feet of any community center, hospital, or correctional/detention facility. The distance shall be measured as the shortest straight-line distance from the property line of the cannabis retailer to the property line of the specified use.~~

~~(9) No cannabis retailer shall locate on a parcel that is within the same ZIP postal code region as any other cannabis retailer, except that in the region corresponding to the 98532 postal code, one retailer may locate on each side of Interstate 5. Only cannabis retailers in unincorporated Lewis County shall be counted when considering this limitation; cannabis retailers located within an incorporated town or city shall not preclude the location of another retailer within the same ZIP code.~~

(5) Retail cannabis use shall not locate within 1,000 feet of the following uses (a) through (g), measured from property line to property line along the shortest straight line. Exceptions may be granted where parcels are separated by Interstate 5, as determined by the director of community development.

- (a) Elementary or secondary schools, public or private (RCW 69.50.331; WAC 314-55-050);
- (b) Playgrounds associated with schools, parks, or licensed child care centers;
- (c) Public parks, recreation or community centers, libraries, or public transit centers;
- (d) Licensed family home child care centers (WAC 170-296A-1000);
- (e) Game arcades open primarily to minors;
- (f) Correctional/detention facility;
- (g) Place of Worship; or
- (h) Any other cannabis retail establishment.

~~(610) An Administrative special use permit granted under Chapter 17.158 LCC for a cannabis retailer shall **expire** automatically **expire** if the Washington State Liquor and Cannabis Board revokes the facility's **valid** license issued under Chapter 314-55 WAC, **or if the facility's license under Chapter 5.20 LCC expires, is revoked, or ceases to be valid.**~~

Figure X

