

Chapter 19.64 – MARIJUANA

Section 19.64.010 – Purpose and Intent

The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved marijuana activities and land uses consistent with Chapter 69.50 RCW, the Washington Uniform Controlled Substances Act, and Chapter 314-55 WAC, which addresses the producing, processing, and retailing of marijuana. This section establishes minimum performance standards to address public health and safety impacts from such facilities.

Section 19.64.020 – Applicability

This chapter applies to marijuana producers, processors, and retailers licensed by the state of Washington in all portions of unincorporated Whitman County.

Section 19.64.030 – Definitions

Whitman County shall rely upon definitions set forth in Chapter 314-55 WAC, RCW 69.50.101, and WCC Chapter 19.03, as each now exists or may hereafter be amended.

Agricultural Activity: For the purposes of this Chapter, the production, processing, and sale of any controlled substances, including marijuana, cannabis, and its derivatives is not considered an agricultural activity. For the definition of Agricultural Activity see WCC Chapter 19.03.025.

Section 19.64.040 – Marijuana Production and Processing Permitted Zoning Districts

- A. Indoor marijuana production and processing may be permitted in the following zoning districts:
1. Agricultural District
 2. North Pullman-Moscow Corridor District
 3. South Pullman-Moscow Corridor District
 4. Heavy Commercial District
 5. Light Industrial District
 6. Heavy Industrial District
- B. Outdoor marijuana production and processing may be permitted in the following districts:
1. The Agricultural District
- C. Marijuana retail outlets may be permitted in the following zoning districts:
1. North Pullman-Moscow Corridor District
 2. South Pullman-Moscow Corridor District

Section 19.64.050 – Development Standards

A. Indoor production, processing and retailing

1. Indoor marijuana production, processing, and retailing requires a conditional use permit. A pre-application meeting is required prior to the submittal of a conditional use application.
2. Only currently licensed marijuana producers, processors, and retailers, or those with pending applications, validly issued by the Washington State Liquor and Cannabis Board, compliant with all local development regulations shall be allowed. When a conflict exists such that the Washington State Liquor and Cannabis Board has issued a license in a location where activity is prohibited by regulation, the local regulations shall prevail.
3. Marijuana producers, processors, and retailers shall be subject to the development standards of the underlying zoning district, the Whitman County Code, and all other local and state laws except as modified in this chapter.
4. No marijuana producers, processors, or retailer shall be permitted within a dwelling unit or within a building physically attached to a dwelling unit.
5. Indoor marijuana production and processing in all zoning districts shall be within an entirely enclosed building.
6. No marijuana producer, processor, or retailer shall emit odors that is detectable at or beyond the lot lines of the facility in such a concentration or of such a duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use or enjoyment of neighboring uses. The applicant shall install an exhaust system that is designed and constructed to capture sources of contaminants to prevent spreading of contaminants or odors to the surrounding areas. The system must be designed by a licensed Washington State professional engineer.
7. Lighting for marijuana production, processing, and retail operations, including any required security lighting, shall be designed, installed, and maintained so as to eliminate light directly projecting across property lines.
8. The Board of Adjustment or Hearing Examiner shall determine the setback requirement for all marijuana indoor production and processing applications based on site specific and operational characteristics (such as topography, use of structures to enhance plant growth, use of odor control systems, use of temporary growing structures, ventilation system, prevailing wind direction, etc.) and probable impacts to neighboring properties; but in no case shall setbacks for indoor production and processing be less than a minimum of 20 feet from front, rear, and side property lines. Any increase of the setbacks is subject to the site specific and operational characteristics described above.

9. No indoor marijuana production or processing shall be allowed on lots or parcels less than two acres. The land used for this must be a stand-alone legal parcel.
10. Licensed indoor marijuana producers, processors, and retailers shall not be permitted within one thousand (1,000) feet of the perimeter grounds of the following entities:
 - a. Elementary or secondary schools;
 - b. Playgrounds;
 - c. Recreation centers or facilities;
 - d. Child-care centers;
 - e. Public parks and trails;
 - f. Public transit centers;
 - g. Libraries;
 - h. Game arcades (where admission is not restricted to persons age 21 or older);
 - i. Churches;
 - j. Any parcel containing a licensed marijuana retail outlet;
 - k. Retirement/senior/elder care facilities;
 - l. Hospitals and medical clinics;
 - m. Drug treatment centers;
 - n. The county fairgrounds,

The 1000 foot buffer distance must be measured as the shortest straight line distance from the property line of the proposed business location to the property line of any of the entities aforementioned.

11. Waste disposal from all structures and uses serving production and/or processing of marijuana shall conform to WAC 314-55-097, as now in effect or as hereafter amended. If any such waste may be designated dangerous waste under WAC 173-303, as now in effect or hereafter amended, then the waste generator shall bear the responsibility for waste characterization and disposal pursuant to the rules of the Washington State Department of Ecology or any other appropriate regulatory authority.
12. No fertilizers, chemicals, gases, or hazardous materials used in the growing or processing of the marijuana plants shall be allowed to enter an on-site septic system, sanitary sewer, or stormwater system, nor be released into the atmosphere where the facility is located.
13. Any soil amendments, fertilizers, other crop production aids, and pesticides used in the indoor production and processing of marijuana must comply with WAC 314-55-084.
14. No facility engaged in marijuana production and/or processing may locate within 1,500 feet of the municipal boundaries of incorporated towns and unincorporated

communities within Whitman County. Marijuana retail operations will comply with the setbacks from the underlying zoning district.

15. Upon notice of violation the County Planner may direct compliance. Upon failure to comply the permit may be suspended [per WCC 19.06.010(2)] by the Board of Adjustment or Hearing Examiner until necessary corrections are made or terminated upon failure to comply or repeated violations.

B. Outdoor Production

1. Outdoor production of marijuana requires a conditional use permit. A pre-application meeting is required prior to the submittal of a conditional use application.
2. Only currently licensed marijuana producers, or those with pending applications, validly issued by the Washington State Liquor and Cannabis Board, compliant with all local development regulations shall be allowed. When a conflict exists such that the Washington State Liquor and Cannabis Board has issued a license in a location where activity is prohibited by regulation, the local regulations shall prevail.
3. Outdoor marijuana producers shall be subject to the development standards of the underlying zoning district, the Whitman County Code, and all other local and state laws except as modified in this chapter.
4. No outdoor marijuana producer shall emit ~~smoke~~ or odors that are detectable at or beyond the lot lines of the facility in such a concentration or of such a duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use or enjoyment of neighboring uses. The County Planner may issue a written notice to the holder of a conditional use permit issued pursuant to this chapter that odor has been detected in violation of this section. Any odor condition detected must be cured within seven business days of the conditional use holder's receipt of the written notice of violation. If a second violation occurs the County Planner shall take the conditional use permit holder back to the Board of Adjustment or Hearing Examiner for a review of the permit. If the odors from the outdoor grow operation cannot be contained within the premises the options for the Board of Adjustment or Hearing Examiner are to require the permit holder to bring the outdoor grow operation indoors to a building that conforms to the requirements of Section 19.64.050(A)(6), or be terminated.
5. Outdoor marijuana production areas shall be located within the confines of an opaque wall or fence, except for access driveways and parking areas. The wall or fence shall be a minimum height of eight feet.

Formatted: Font: 14 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 12 pt

Formatted: Strikethrough

Formatted: Indent: Left: 0"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 12 pt

6. Lighting for outdoor marijuana production including any required security lighting, shall be designed, installed, and maintained so as to eliminate light directly projecting across property lines.

7. The Board of Adjustment or Hearing Examiner shall determine the setback requirement for outdoor marijuana production applications based on site specific and operational characteristics (such as topography, use of structures to enhance plant growth, use of odor control systems, use of temporary growing structures, ventilation system, prevailing wind direction, etc.) and probable impacts to neighboring properties. The minimum setback for outdoor marijuana production is 1500 feet from front, rear, and side property lines. This minimum setback distance can be increased or decreased by the Board of Adjustment. It can be decreased by up to fifty percent (50%) provided the affected property owner of record grants the reduced distance through a signed and notarized waiver, contract, covenant or other document is executed with specific reference to the assessor parcels impacted and a copy is recorded with the Whitman County Auditor. Any increase of the setbacks is subject to the site specific and operational characteristics described above.

8. No outdoor marijuana production or processing shall be allowed on lots or parcels less than ten acres. The land used for this must be a stand-alone legal parcel.

9. Licensed outdoor marijuana producers shall not be permitted within one thousand (1,000) feet of the perimeter grounds of the following entities:

- a. Elementary or secondary schools;
- b. Playgrounds;
- c. Recreation centers or facilities;
- d. Child-care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries;
- h. Game arcades (where admission is not restricted to persons age 21 or older);
- i. Churches with licensed day care centers;
- j. Any parcel containing a licensed marijuana retail outlet;
- k. Retirement/senior/elder care facilities;
- l. Hospitals and medical clinics;
- m. Drug treatment centers;
- n. The county fairgrounds.

The 1000 foot buffer distance must be measured as the shortest straight line distance from the property line of the proposed business location to the property line of any of the entities aforementioned.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left + Not at 0.5"

Formatted: Indent: Left: 0.5", Tab stops: Not at 0.5"

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left + Not at 0.5"

Formatted: Indent: Left: 0.5", Tab stops: Not at 0.5"

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left + Not at 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.25"

10. Waste disposal from all structures and uses serving outdoor production of marijuana shall conform to WAC 314-55-097, as now in effect or as hereafter amended. If any such waste may be designated dangerous waste under WAC 173-303, as now in effect or hereafter amended, then the waste generator shall bear the responsibility for waste characterization and disposal pursuant to the rules of the Washington State Department of Ecology or any other appropriate regulatory authority.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

11. No fertilizers, chemicals, gases, or hazardous materials used in the growing of the marijuana plants shall be allowed to enter an on-site septic system, sanitary sewer, or stormwater system.

Formatted: No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

12. Any soil amendments, fertilizers, other crop production aids, and pesticides used in the production of outdoor marijuana must comply with WAC 314-55-084.

Formatted: List Paragraph, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

13. No facility engaged in outdoor marijuana production may locate within 1,000 feet of the municipal boundaries of incorporated towns and unincorporated communities within Whitman County.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.25", No bullets or numbering

~~14. Upon notice of violation the County Planner will may direct compliance. Upon failure to comply, the permit for outdoor grow of marijuana may be suspended [per WCC 19.06.010(2)] by the Board of Adjustment or Hearing Examiner. If the violation concerns odors and such odors fail to be prevented from escaping the property, then the Board of Adjustment or the Hearing Examiner can require that all outdoor grow of marijuana be brought indoors to a controlled building as described in Section 19.64.050(A)(6) or be terminated.~~

Formatted: No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: No bullets or numbering

Formatted: Strikethrough

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Section 19.64.060 – Conditional Use Submittal Requirements

1. Site Plan. The applicant shall submit a site plan, drawn to a standard scale. The site plan shall depict and describe the following: (a) the location and total area of the licensed facility; (b) the distances from the production (grow) areas and/or processing facilities to all adjacent buildings and property lines; (c) all existing and intended uses of any buildings or structures, grow areas, parking spaces, property lines, property under control of the license holder, physical land features such as roads, utilities, driveways and any critical areas; (d) the location of the security fence and the distance of the fence from the property's lot lines. The security fence must be at least 20 feet from all lot lines..

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

2. Location Plan. The applicant shall submit a map, drawn to scale, showing that the cannabis production facility and/or processing facility is at least 1,000 feet from the perimeter of the grounds of all of the entities identified in Section 19.64.050(9).

3. Lighting Plan. Buildings shall have internal shielding (such as blackout curtains) to prevent glare and light trespass from the building's interior walls and roof, so that lighting sources are not visible from off-site residences and public roads. Conditions of approval for any conditional use permitted under this chapter shall require compliance with the lighting plan. At the time of application for a building permit, proof of interior wall and roof shielding shall be submitted to the County Planning Department. All exterior lighting shall be designed to be downward facing and shielded to prevent light directly projecting across property lines.

4. Security. A cannabis business shall meet all security requirements as required by WAC 314-55 and shall provide proof of such operational security system.

5. Waste Disposal Plan. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state, and federal regulations. No fertilizers, chemicals, gases, or hazardous materials shall be allowed to enter an on-site septic system, sanitary sewer or storm sewer system, nor be released into the atmosphere where the facility is located. Waste materials generated from any facility must be disposed of in accordance with the operating plan filed as part of a cannabis license application and consistent with all applicable federal, state, and local regulations.

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: List Paragraph, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: No underline

Formatted: Indent: Left: 0.25"

Section 19.64.070 – Legal Preexisting Marijuana Operations

Legally established marijuana operations in existence prior to the adoption date of this ordinance are considered legal preexisting in accordance with WCC 19.54.

Formatted: Indent: Left: 0"

Formatted: Font: 12 pt