



CLARK COUNTY  
WASHINGTON

COMMUNITY DEVELOPMENT  
LAND USE REVIEW

# Marijuana Producers, Processors and Retailers Type II Planning Director Review Permit Guidance and Submittal Requirements

Rev 12.05.19

*Working together. Securing your safety. Protecting your investment.*

## Overview

Marijuana has been legal for recreational use in Washington state since the passage of Initiative 502 in 2012. Marijuana production, processing, and retail facilities must obtain licenses from the Washington State Liquor and Cannabis Board (WSLCB) and any required approvals or permits from local jurisdictions.

Clark County regulates land use in all unincorporated areas of the county (areas outside the cities and towns). Marijuana facilities must obtain land use approval and building permits from Clark County. Facilities must also meet Fire and Public Health code requirements.

## Definitions

In accordance with WAC 314-55-010 and CCC 40.260.115, the following definitions apply:

Marijuana	<p>"Marijuana" means all 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:</p> <ul style="list-style-type: none"> <li>• 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; or</li> <li>• Industrial hemp as defined in RCW 15.120.010.</li> </ul>
Marijuana processor	<p>"Marijuana processor" means a facility licensed by the Washington State Liquor and Cannabis Board to transform marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers. Processors are classified as follows:</p> <ul style="list-style-type: none"> <li>• Processor I: a facility limited to drying, curing, trimming, and packaging; and</li> <li>• Processor II: a facility that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging.</li> </ul>

Marijuana producer	"Marijuana producer" means a facility licensed by the Washington State Liquor and Cannabis Board for the growing and sale at wholesale of marijuana to marijuana processors and other marijuana producers.
Marijuana retailer	"Marijuana retailer" means a facility licensed by the Washington State Liquor and Cannabis Board for the sale to consumers of usable marijuana and marijuana-infused products.
Elementary School	"Elementary school" means a school with a physical location for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.
Secondary school	"Secondary school" means a high and/or middle school with a physical location: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.
Playground	"Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, federal government, or metropolitan park district.
Recreation center or facility	"Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, federal government, or metropolitan park district.
Child care center	"Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC.
Public park	"Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.
Public transit center	"Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.
Library	"Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
Game arcade	"Game arcade" means an entertainment venue featuring primarily

	video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
Substance use disorder treatment program	"Substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the Washington department of health as meeting standards adopted pursuant to RCW 71.24.025.

### Locational Requirements

See chart on page 6 for siting standards. Use our [interactive map](#).

### Review Procedures

See chart on page 7 for review processes.

### Development Standards

The requirements of Chapter 314-55 WAC are considered minimum standards for the purposes of this section.

1. All facilities shall be located entirely within an enclosed and secure structure with an engineered foundation, and shall be constructed in compliance with Titles 14 (Buildings and Structures), 15 (Fire Prevention), and 24 (Public Health).
2. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.
3. Cannabis plants shall not be visible from the public right-of-way or any public place.
4. Signs.
  - a. In accordance with RCW 69.50.369, licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than two signs no larger than one thousand six hundred square inches (11.1 square feet) each identifying the retail outlet by the licensee's business or trade name.
  - b. No signs for production and processing facilities are allowed.
  - c. Other than the size limitation set forth in RCW 69.50.369, signs shall be subject to applicable sections in Chapter 40.310 and Appendix F Section 8.4.
5. Hours of operation for retailing facilities shall be between 8:00 a.m. and 11:00 p.m.
6. Measures shall be implemented to prevent adverse health and safety effects to nearby residents from odors, noise, noxious gases, light, smoke and security.
  - a. Odors. Facilities shall not create odors or smoke that is objectionable to residents or employees of adjacent properties.

- b. Lighting. All lights used for security shall be shielded or positioned to prevent glare impacts to nearby properties.
  - c. Noise. Maximum noise levels of WAC 173-60-040 shall not be exceeded.
  - d. Security. Security measures shall include, at a minimum, the requirements of WAC 314-55-83 and Title 14.
  - e. Waste Disposal. Waste materials generated from any facility must be disposed of in accordance with the plan filed as part of the WSLCB license application.
7. Locational requirements set forth in CCC 40.260.115.
8. For those applications requiring site plan approval, the application must comply with the following standards:
- a. Use and development standards of the applicable base zones and overlay zones;
  - b. Sign standards in Chapter 40.310;
  - c. Landscaping and screening design standards in Chapter 40.320;
  - d. Crime prevention guidelines in Chapter 40.330;
  - e. Parking and loading standards in Chapter 40.340;
  - f. Transportation and circulation standards in Chapter 40.350;
  - g. Solid waste and recycling standards in Chapter 40.360;
  - h. Sewer and water standards in Chapter 40.370;
  - i. Stormwater and erosion control standards in Chapter 40.386;
  - j. Critical areas standards in Subtitle 40.4;
  - k. Fire safety standards in Chapter 15.12; and
  - l. Applicable ADA standards.

## Fee schedule

For all marijuana facilities, the following fees are required to be paid when the application is submitted.

Application submittal fee	\$632
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The following fees are required to be paid when the application has been deemed Fully Complete.

Planning	\$1,000
Issuance	\$53

A Site Plan Review may also be required if thresholds identified in CCC 40.520.040 are triggered. See our *Type II Site Plan Review* handout for more information and fees.

**Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.260.115 (Marijuana Facilities) and Chapter 314-55 WAC.**

## Marijuana Facility Locational Requirements

	Production Facility	Processing Facility	Retail Facility
Zones Allowed	AG-20, FR-40, IL, and IH  Where allowed, production and processing facilities may co-locate on the same parcel, if they otherwise meet requirements of Chapter 314-55 WAC and CCC 40.260.115.	Processor I: IL, IH and BP Processor I: AG-20 and FR-40 <sup>1</sup> Processor II: IL, IH and BP	GC and CC
Minimum Lot Size	<ul style="list-style-type: none"> <li>• 5 acres in AG-20 and FR-40</li> <li>• No minimum in IL and IH</li> </ul>	<ul style="list-style-type: none"> <li>• 5 acres in AG-20 and FR-40</li> <li>• No minimum in IL and IH</li> <li>• 5 acres in BP</li> </ul>	No minimum
Parcel Requirement	Legal lot of record	Legal lot of record	Legal lot of record
Use Separation Requirements <sup>2</sup>	Not allowed within 1,000 feet of the following: <ul style="list-style-type: none"> <li>• Elementary or secondary school;</li> <li>• Public playground;</li> <li>• Recreation center or facility, including the Clark County Events Center;</li> <li>• Child care center;</li> <li>• Public park;</li> <li>• Public transit center;</li> <li>• Library;</li> <li>• Any game arcade where admission is not restricted to persons aged twenty-one (21) or older;</li> <li>• Churches and religious facilities; or</li> <li>• Substance use disorder treatment facilities.</li> </ul>	Not allowed within 1,000 feet of the following: <ul style="list-style-type: none"> <li>• Elementary or secondary school;</li> <li>• Public playground;</li> <li>• Recreation center or facility, including the Clark County Events Center;</li> <li>• Child care center;</li> <li>• Public park;</li> <li>• Public transit center;</li> <li>• Library;</li> <li>• Any game arcade where admission is not restricted to persons aged twenty-one (21) or older;</li> <li>• Churches and religious facilities; or</li> <li>• Substance use disorder treatment facilities.</li> </ul>	Not allowed within 1,000 feet of the following: <ul style="list-style-type: none"> <li>• Elementary or secondary school;</li> <li>• Public playground;</li> </ul> Not allowed within 500 feet of the following: <ul style="list-style-type: none"> <li>• Recreation center or facility, including the Clark County Events Center;</li> <li>• Child care center;</li> <li>• Public park;</li> <li>• Public transit center;</li> <li>• Library;</li> <li>• Any game arcade where admission is not restricted to persons aged twenty-one (21) or older;</li> <li>• Churches and religious facilities; or</li> <li>• Substance use disorder treatment facilities.</li> </ul>

<sup>1</sup> Only as accessory to licensed production facility.

<sup>2</sup> The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed pursuant to WAC 314-55-050.

## Marijuana Facility Type II Review Process

	Site Plan Review	Planning Director Review
Threshold to Determine Applicable Review Process	Site plan review is required for new development, change of use from residential to commercial or industrial use, and modifications to existing development if thresholds identified in CCC 40.520.040 are triggered.	Modification or use of a previously <u>permitted</u> structure than does not trigger any of the thresholds identified in CCC 40.520.040 for site plan review.
First step in process	<ul style="list-style-type: none"> <li>• Pre-Application conference for GC, CC, IL, IH and BP Zones</li> <li>• Not required in AG-20 and FR-40</li> </ul>	Pre-submittal meeting
Preliminary Application	Required	Required
Preliminary Review Criteria	<ul style="list-style-type: none"> <li>• Chapter 314-55 WAC</li> <li>• Development standards for marijuana facilities</li> <li>• Marijuana facility locational requirements</li> <li>• Site plan review approval standards</li> </ul>	<ul style="list-style-type: none"> <li>• Chapter 314-55 WAC</li> <li>• Development standards for marijuana facilities</li> <li>• Marijuana facility locational requirements</li> </ul>
Final Engineering Plan/ Final Site Plan Review	Required	Not required
Building Permit	Required	Required

# Marijuana Producers, Processors and Retailers

## Type II Planning Director Review Submittal Requirements

Include a completed Submittal Requirements checklist with your application.

Use boxes to the left of each submittal requirement to check off items included with your application. For your reference, the code section requiring the information is listed after each submittal item.

The first step in the application process is a pre-submittal meeting. Items 3 and 5 on this checklist are required to schedule a pre-submittal meeting. Applicants can schedule the pre-submittal meeting by emailing [planningtech@clark.wa.gov](mailto:planningtech@clark.wa.gov) or calling Shana Lazzarini at 564.397.4993 or Joe Kinsman at 564.397.4955.

The submittal packet shall be organized **in the following order:** Staff  
Use  
Only

1. COVER SHEET	
The cover sheet shall contain the following information:	
<input type="checkbox"/> Marijuana business name; [Table 40.510.050-1]	
<input type="checkbox"/> Applicant's name; [Table 40.510.050-1]	
<input type="checkbox"/> Applicant's address; [Table 40.510.050-1]	
<input type="checkbox"/> Applicant's email address; [Table 40.510.050-1]	
<input type="checkbox"/> Applicant's phone number; [Table 40.510.050-1]	
2. TABLE OF CONTENTS	
<input type="checkbox"/> Table of Contents	
<input type="checkbox"/> Each submittal item separated by tabs and/or dividers; [Table 40.510.050-1]	
3. APPLICATION FORM	
<input type="checkbox"/> Completed application form; [Table 40.510.050-1, 40.510.020 and 40.520.030 ]	
<input type="checkbox"/> Original signed in ink by the applicant; [Table 40.510.050-1, 40.510.020 and 40.520.030]	
<input type="checkbox"/> Signature of property owner or owner's authorized representative; [40.510.020 and 40.520.030]	
<input type="checkbox"/> Letter of authorization from property owner if signed by representative; [on advice of legal counsel]	
<input type="checkbox"/> If owner is an entity, documentation demonstrating person signing has signatory authority for the entity; [on advice of legal counsel]	
4. APPLICATION FEE [Table 40.510.050-1]	
<input type="checkbox"/> A \$632 submittal fee is required at time of application (fees to be paid when 'Fully Complete' Determination issued). [Table 6.110A.010] Accepted forms of payment:	
• Cash	
• Check/Cashier's Check payable to Clark County Community Development	
• Major Credit Cards – a Third Party convenience fee will apply	
5. DEVELOPER'S GIS PACKET	
<input type="checkbox"/> Packet has not expired as of the Fully Complete date; [Table 40.510.050-1]	
6. NARRATIVE	
The written narrative shall address the following:	
<input type="checkbox"/> Description of the proposed use;	
<input type="checkbox"/> How the application meets or exceeds the development standards in CCC 40.260.115(E) [Table 40.510.050-1]	

- Located entirely within an enclosed and secure structure;
- Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located;
- Cannabis plants shall not be visible from the public right-of-way or any public place.
- Size and number of signs;
- Hours of operation for retailing facilities;
- Measures taken to prevent adverse impacts from odors, lighting, noise, security and waste disposal;

**7. LEGAL LOT DETERMINATION**

In order to demonstrate that the subject lot(s) have been created legally, the following must be submitted: [Table 40.510.050-1]

- Current owner’s deed; [Table 40.510.050-1] and
- Prior county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot; [Table 40.510.050-1] or
- Sales or transfer deed history dating back to 1969, to include copies of recorded deeds, contracts, segregation requests, and/or recorded surveys verifying the date of creation of the parcel in chronological order with each deed identified with the assessor’s lot number; [Table 40.510.050-1]

**8. SITE PLAN**

The proposed plan shall be drawn to a minimum engineer’s scale of one (1) inch equals two hundred (200) feet (1” = 200’) on a sheet no larger than twenty-four (24) inches by thirty-six (36) inches (24” x 36”). The following information shall be clearly depicted on the proposed plan: [Table 40.510.050-1]

A. General Information.

- Applicant’s name, mailing address and phone number;
- Owner’s name and mailing address;
- Contact person’s name, mailing address, and phone number;
- North arrow, scale and date;
- Name of marijuana business;

B. Land Use

- Layout and dimensions of all parcels; [Table 40.510.050-1]
- Location of any existing building(s) on the site and use; [Table 40.510.050-1]
- Location of tenant space within building;
- Name and location of existing rights-of-way; [Table 40.510.050-1]

**9. ADDITIONAL SUBMITTALS**

- Copy of Washington State Liquor and Cannabis Board License; or
- If State license has not been issued, a complete copy of marijuana license application submitted to and accepted by Washington State Liquor and Cannabis Board;
- Copy of Washington State business license (UBI);
- Copy of waste disposal plan filed with the Washington State Liquor and Cannabis Board license application, if applicable;
- Survey of uses on all properties within 1,000 feet of proposed site, created in the following manner:
  - Obtain map and list of mailing addresses from county GIS (available at <https://gis.clark.wa.gov/gishome/mapStore/#/mailingLabels>) showing properties

within 1,000 feet as measured from the property line of the proposed building/business location;

- For each mailing address on the list, visit the location and record the uses and business names present on the property. Submit the completed list. An example of a completed survey includes:
  - 555 Main Street - Residential - Harmony Apartments
  - No address – parcel 555000000 - Public park –North Park
  - 556 Main Street - School - Main Street Elementary

**10. SUBMITTAL COPIES [40.510.050(B)]**

The following shall be submitted with the application:

- One (1) copy of the main submittal with original signatures bound by a jumbo clip or rubber band;
- One reduced copy of proposed plans (maximum size 11" x 17");