



# Skagit County Planning & Development Services

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## Permit Guidance for Recreational and Medical Marijuana

*created 12/4/2013; updated 8/7/2015*

### 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 obtain land use approval and building permits from the local jurisdictions they wish to locate in.

After a lengthy and deliberative public participation process, Skagit County adopted new rules for marijuana facilities in 2015.<sup>1</sup> This document replaces and supersedes all prior guidance for marijuana permitting in Skagit County.

### Skagit County’s Land Use Regulations

Skagit 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 Skagit County** in addition to any approvals or licenses required by the Washington State Liquor and Cannabis Board.

### Generally

Skagit County Code (SCC) 14.16.855 **prohibits** the following uses and activities anywhere in unincorporated Skagit County:

1. Outdoor growing of marijuana.
2. Marijuana production or processing in a greenhouse or any translucent structure.
3. Any growing or processing of marijuana or keeping marijuana plants when not in compliance with state law governing the growing of medical marijuana at home or without a current license from the State Liquor and Cannabis Board.
4. Any storage or growing of plants if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

### Geographic Limitations

SCC Chapter 14.16, Zoning, identifies the zones in which marijuana facilities are allowed. In summary, production and processing is allowed only in:

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<sup>1</sup> [Skagit County Ordinance O20150005](#) (August 3, 2015).

- Bayview Ridge Light Industrial
- Bayview Ridge Heavy Industrial
- Urban Reserve Commercial-Industrial
- Agricultural—Natural Resource Lands (in a structure existing as of January 1, 2014)

Retail uses are allowed only in:

- Rural Center
- Rural Freeway Service
- Rural Village Commercial
- Urban Reserve Commercial-Industrial

In zones where it is allowed, marijuana production, processing, or retail facilities usually require special use permits and building permits and may have other siting requirements.

Marijuana facilities are allowed only where explicitly identified in the zoning chapter.<sup>2</sup> The County considers marijuana production and processing to be an industrial use, not an agricultural use, and allows it only in zones consistent with that characterization.

### **Special Restrictions in Marijuana Processing**

Per SCC 14.16.855(1)(b), marijuana processing using hazardous or flammable solvents or gases is allowed only in the Bayview Ridge Heavy Industrial zone, only in a marijuana processing facility, and only in a professional-grade closed-loop extraction system that is designed to recover the chemicals and that is labeled for such use by the manufacturer. Processing using a CO<sub>2</sub>-based system is allowed in other zones where marijuana processing is allowed.

### **Medical Marijuana**

Per SCC 14.16.855, medical marijuana cooperatives and collective gardens are **prohibited** in unincorporated Skagit County. Growing medical marijuana at home by individuals, when done consistent with state law, is allowed in all zones. An **individual** may grow medical marijuana when:

1. consistent with state laws and rules governing medical marijuana;
2. grown at home, indoors, and not in a greenhouse or other translucent structure; and
3. storage and growing cannot be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

### **Liquor and Cannabis Board Regulations**

The WSLCB’s licensing rules impose a number of restrictions on land use for marijuana facilities.<sup>3</sup> Those rules include:

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<sup>2</sup> Except that in municipal Urban Growth Areas where a municipality’s development regulations apply, a marijuana facility must comply with the municipality’s development regulations instead of this section.

<sup>3</sup> See [WAC 314-55 Marijuana Licenses, Application Process, Requirements, and Reporting](#).

- Prohibition on locations within 1000 feet of “elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.”
- Requirement for alarm systems and security cameras at licensed facilities.
- Requirement for signage prohibiting consumption of marijuana on the premises and prohibiting access by persons under 21.
- Restrictions on advertising and packaging that appeals to children.
- Limited hours of operation.

Skagit County cannot provide assistance in identifying separation distances or in complying with these or any of the other WSLCB rules. The WSLCB, not Skagit County, is responsible for enforcing these rules.

For more information on the Liquor and Cannabis Board’s process and rules, please visit [www.lcb.wa.gov](http://www.lcb.wa.gov).

## **How to Apply**

### **County Land Use Approval Required**

Persons or entities interested in obtaining a marijuana license from the WSLCB must also obtain land use approval and building permits from Skagit County. Correspondingly, no marijuana facility may operate in Skagit County if it does not have all required approvals from the WSLCB. WSLCB approval does not guarantee Skagit County land use approval, nor does it vest an applicant to Skagit County’s current land use code.

Skagit County will not provide pre-approval for any WSLCB marijuana license. The Board of County Commissioners will only evaluate a license application when the WSLCB sends it to the County for possible objection.

The County will object to any license application or renewal notice, and will pursue code enforcement after the operation begins, if the facility does not comply with County land use regulations.<sup>4</sup>

### **No County Business License Required**

Unlike the cities, Skagit County does not require or offer business licenses. You may still need a business license from the State of Washington. You can learn more about starting a business in Washington at [www.ora.wa.gov/business.asp](http://www.ora.wa.gov/business.asp).

### **No Health Department Review of Infused Food Products**

Under state law, the WSLCB has sole authority to regulate recreational marijuana, including “marijuana infused products.” The County Health Department will not, therefore, be involved in permitting or regulating such products.

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<sup>4</sup> [Skagit County Resolution R20150187](#).