



and Associates

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PLANNING, LAND USE  
AND DEVELOPMENT SERVICES

## Memorandum

**Date:** January 30, 2014  
**To:** Board of County Commissioners  
**From:** Bill Stalzer, planning consultant  
**Cc:** Jesse Nolte, Deputy Prosecuting Attorney, Tom Glover, Director, Walla Walla Joint Community Development Agency  
**Re:** Revised Principles for Recreational Marijuana Regulations

Attached are revised principles for the planning commission's work on the regulation of recreational marijuana based on the discussion at the Board's meeting this week.

## **Attachment Principles for Recreational Marijuana Regulations**

The following project principles apply only to the land use regulation of recreational marijuana as permitted under the rules promulgated by the WSLCB in WAC 314-55. The planning commission shall provide a recommendation to the Board of County Commissioners that addresses the regulation of the production, processing, and retail sale of recreational marijuana and that meets all of the following principles. The recommendation should be consistent with the policies in the County Comprehensive Plan. The recommendation should also recognize that recreational marijuana facilities are a new, untested land use in the county and state, with uncertain potential impacts.

After reviewing the following principles, the Planning Commission should make a recommendation as to:

1. What zones recreational marijuana uses should be located in.
2. Whether additional regulations are necessary for recreational marijuana uses (i.e. Conditional Use Permits, use specific regulations, similar to the County's winery standards, etc), .

After receiving the Planning Commission's recommendation, the Board will review it, and also consider whether an outright ban, or prohibition on recreational marijuana land uses until the uses are allowed by Federal Law, is a preferred option to the options set forth above.

### **Rural and Resource Areas are Protected**

Agricultural and rural uses define the character of Walla Walla County. Recreational marijuana production and processing facilities, if allowed, should not jeopardize the continuation of uses already allowed in agricultural and rural areas or the character of those areas. Retail sales facilities should not be allowed.

### **Rural Activity Centers are Protected**

Rural activity centers are important small communities in the county. While limited in size, they contain a mix of residential, commercial, and industrial uses thereby providing a variety of functions for area residents that should be protected. Recreational marijuana facilities, if allowed, should not adversely impact the character of rural activity centers.

### **Residential Urban Growth Areas are Protected**

Residential urban growth areas are zoned for urban-density residential uses to accommodate the planned population growth of the cities. Ensuring that these areas remain available for future urban residential uses is a requirement of both the comprehensive plan and the growth management Act. Recreational marijuana facilities are inconsistent with residential uses and should not be allowed in residential urban growth areas.

### **Adjacent City, State and County Uses are Protected**

County, State and City lands that adjoin Walla Walla County lands contain a wide variety of uses. Recreational marijuana facilities, if allowed, should not adversely impact the continuation of existing uses on county or city lands adjacent to Walla Walla County lands.

### **Security Measures are Required**

Security measures to protect both a property owner's investment and the general public should be required. Measures to prevent theft or the destruction of recreational marijuana facilities should be required.

### **Regulations are Specific**

Recommended regulations should be specific enough that applicants, owners and the general public clearly understand what is expected for a production, processing, or retail sale facility to be allowed. Conditions, if imposed, should be easily understood and specific.

### **Administration and Law Enforcement Should Not be Negatively Impacted**

Recommended regulations should be capable of being administered and enforced within the existing resources of the county. Public spending priorities for County services, including law enforcement, within

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rural areas are to maintain or upgrade services at rural level standards to existing, not new, development. Recreational marijuana facilities should not cause unmitigated impacts or otherwise encumber public services.

**The Process should meet County Code Requirements and Include Public Participation**

The process should be consistent with county code requirements for amendments to the comprehensive plan and development regulations, as applicable, and provide ample opportunity for public review and comment.

**Recommendations Conform to Applicable Laws and Federal Law Enforcement Priorities**

Recommendations must comply with WAC 314-55 and the following Federal law enforcement priorities in the August 29, 2013 U.S. Attorney memo:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property