



and Associates

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PLANNING, LAND USE  
AND DEVELOPMENT SERVICES

## Memorandum

**Date:** January 23, 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:** Draft Project Principles and Status of recreational marijuana regulations in selected jurisdictions

This memorandum includes three attachments related to the work plan for the regulation of the production, processing, and retail sale of recreational marijuana.

Attachment 1 is a draft of Project Principles for the planning commission's work on the regulation of recreational marijuana.

Attachment 2 is a table summarizing the status of the regulation of recreational marijuana in some other jurisdictions around the state. The source of the information is the Municipal Services Resource Center. Given the State Attorney General's opinion last week, many of the jurisdictions listed are revisiting the issue, and there are jurisdictions not listed that have either imposed moratoriums or adopted zoning. During the course of the planning commission's review, I will provide more current information regarding regulations in selected jurisdictions.

Attachment 3 is a summary of the regulations in three counties related to the production, processing, and retail sale of recreational marijuana. This summary will be expanded to include numerous other jurisdictions during the planning commission's work.

## **Attachment 1**

### **DRAFT Principles for Recreational Marijuana**

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), .
3. 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 Uses are Protected**

City boundaries that adjoin county lands contain a wide variety of uses. Recreational marijuana facilities, if allowed, should not adversely impact the continuation of the uses allowed in city zoning districts adjacent to 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 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

**Attachment 2  
 Status of the Regulation of Recreational Marijuana**

| <b>Jurisdiction</b>                 | <b>Allow Under Existing Laws</b> | <b>Moratorium</b> | <b>Interim Zoning</b> | <b>Permanent Zoning</b> | <b>Prohibition</b> |
|-------------------------------------|----------------------------------|-------------------|-----------------------|-------------------------|--------------------|
| <u>Aberdeen</u>                     |                                  |                   | X                     |                         |                    |
| <u>Anacortes</u>                    |                                  | X                 |                       |                         |                    |
| <u>Arlington</u>                    |                                  | X                 |                       |                         |                    |
| <u>Blaine</u>                       |                                  |                   |                       | X                       |                    |
| <u>Bellevue</u>                     |                                  |                   | X                     |                         |                    |
| <u>Bellingham</u>                   |                                  |                   | X                     |                         |                    |
| <u>Burien</u>                       |                                  |                   | X                     |                         |                    |
| <u>Des Moines</u>                   |                                  |                   |                       | X                       |                    |
| <u>Douglas County</u>               |                                  |                   |                       | X                       |                    |
| <u>Edgewood</u>                     |                                  |                   | X                     |                         |                    |
| <u>Grays Harbor County</u>          |                                  | X                 |                       |                         |                    |
| <u>Island County</u>                |                                  | X                 |                       |                         |                    |
| <u>Kennewick</u>                    |                                  | X                 |                       |                         |                    |
| <u>Kent</u>                         |                                  | X                 |                       |                         |                    |
| <u>Kirkland</u>                     | X                                |                   |                       |                         |                    |
| <u>Lacey</u>                        | X                                |                   |                       |                         |                    |
| <u>Mason County</u>                 |                                  |                   |                       | X                       |                    |
| <u>Millwood</u>                     |                                  | X                 |                       |                         |                    |
| <u>Milton</u>                       |                                  |                   |                       | X                       |                    |
| <u>Monroe</u>                       |                                  |                   | X                     |                         |                    |
| <u>Moses Lake</u>                   |                                  |                   |                       | X                       |                    |
| <u>Mossyrock</u>                    |                                  |                   |                       |                         | X                  |
| <u>Mountlake Terrace</u>            |                                  |                   |                       | X                       |                    |
| <u>Mukilteo</u>                     |                                  |                   |                       | X                       |                    |
| <u>Normandy Park</u>                |                                  |                   | X                     |                         |                    |
| <u>Olympia</u>                      |                                  | X                 |                       |                         |                    |
| <u>Pasco</u>                        |                                  | X                 |                       |                         |                    |
| <u>Pierce County</u>                |                                  |                   |                       |                         | X                  |
| <u>Puyallup</u>                     |                                  | X                 |                       |                         |                    |
| <u>Redmond</u>                      |                                  | X                 |                       |                         |                    |
| <u>Richland</u>                     |                                  | X                 |                       |                         |                    |
| <u>San Juan County</u> <sup>1</sup> | X                                |                   |                       |                         |                    |
| <u>Seattle</u>                      |                                  |                   |                       | X                       |                    |
| <u>Skamania County</u>              |                                  | X                 |                       |                         |                    |

| Jurisdiction                      | Allow Under Existing Laws | Moratorium | Interim Zoning | Permanent Zoning | Prohibition |
|-----------------------------------|---------------------------|------------|----------------|------------------|-------------|
| <u>Skagit County</u> <sup>2</sup> | X                         |            |                |                  |             |
| <u>Snohomish County</u>           |                           |            |                | X                |             |
| <u>Spokane (city)</u>             |                           |            | X              |                  |             |
| <u>Sunnyside</u> <sup>3</sup>     |                           | X          |                |                  |             |
| <u>Tacoma</u>                     |                           |            | X              |                  |             |
| <u>Thurston County</u>            |                           |            | X              |                  |             |
| <u>Tukwila</u>                    |                           |            |                | X                |             |
| <u>University Place</u>           |                           | X          |                |                  |             |
| <u>Wenatchee</u> <sup>4</sup>     |                           |            |                |                  | X           |
| <u>Yakima (city)</u>              |                           | X          |                |                  |             |

1. **San Juan county** will accommodate state licensed marijuana businesses under its existing zoning regulations.

2. In **Skagit county**, licensed marijuana businesses are permitted in established county zones, in accordance with the Guidance Memo. See also the county's [Press Release](#) from December 5th, 2013.

3. On September 30, 2013, the Sunnyside city council voted to extend the city's moratorium on the producing, processing and selling of recreational marijuana within city limits to 12 months from its original six months.

4. On October 24, 2013, the Wenatchee city council voted against an ordinance that would have exempted marijuana businesses from the city requirement that all businesses comply with federal laws, so marijuana businesses are now prohibited from siting in the city.

### **Attachment 3**

#### **Summary of Regulations in Selected Jurisdictions**

##### Douglas County

###### Production:

- Allowed in agricultural and rural agricultural zones (Outdoor growing requires an 8 foot high wall or fence that is allowed only in industrial districts)
- Allowed in industrial districts if in a greenhouse.

###### Processing:

- Allowed in any zone that allows the agricultural processing use

###### Retail Sales:

- Allowed in commercial districts that allow retail sales
- Allowed as a conditional use in rural service centers

##### Pierce County

No applications shall be approved for a marijuana business until marijuana is removed from the federal schedule of controlled substances.

##### Mason County

###### Production:

- Allowed in all rural residential, commercial, mixed use and industrial zones subject to 5 acre minimum lot size, square footage used for production, and enclosure standards (secure indoor facility or greenhouse; outdoor enclosed by 8 foot high wall or fence)

###### Processing:

- Allowed in all rural residential, commercial, mixed use and industrial zones subject to 5 acre minimum lot size

###### Retail Sales:

- Allowed in all rural commercial, mixed use and industrial zones