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# Recreational Marijuana

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Board of County Commissioners Hearing  
May 27, 2014



Oliver Orjiako, Director  
Community Planning

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# Recreational Marijuana

- Purpose
  - Discuss land use options for recreational marijuana facilities
- Background
  - Marijuana still is illegal under the Federal Controlled Substances Act of 1970
  - Federal government maintains right to prosecute state-authorized medical marijuana users.
  - Federal government may not require states to enforce federal law, but can prosecute for violation or deny grants.
  - DEA letter to Clark County, January 2012.



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# Recreational Marijuana

- State of Washington

- Initiative 502 adopted by voters in November 2012
- Requires the Washington Liquor Control Board (LCB) to adopt regulations regarding facilities for the production, processing, and retailing of marijuana and marijuana-related products
- Regulations went into effect Nov. 16, 2013
- Codified as Chapter 314-55 WAC
- LCB licenses production, processing, and retailing facilities
- Initial license application period closed Dec. 21, 2013



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# Recreational Marijuana

- Clark County
  - Local jurisdictions are responsible for siting facilities
  - County does not have zoning requirements to allow siting of facilities
  - Board adopted six-month moratorium on such facilities on August 13, 2013 (expiration: February 13, 2014)
  - Board affirmed moratorium in October 2013; directed staff to engage community and prepare draft zoning requirements
  - Board extended the moratorium on February 11, 2014 to June 11, 2014
  - Clark County gets six retail licenses



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# Recreational Marijuana

## ■ Timeline

- Public meetings in November 2013
  - Nov. 18: Ridgefield, CCFR Station 21
  - Nov. 20: Hockinson, CCFD Station 3
  - Nov. 25: Vancouver, CC Public Service Center
  - Nov. 26: Camas Public Library
- Presentation to NACCC, December 9, 2013
- Board work session: January 8, 2014
- AG opinion on allowing jurisdictions to ban: January 16, 2014
- Planning Commission work session: March 6, 2014
- Planning Commission hearing: March 20, 2014
- Board hearing: May 27, 2014



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# Recreational Marijuana

- Land use options

- Location

- WAC allows both indoor and outdoor growing
    - WAC prohibits facilities within 1,000 feet of schools, child care centers, playgrounds, recreational centers/facilities, parks, transit centers, libraries and game arcades
    - Where to allow production facilities?
    - Where to allow processing facilities?
    - Where to allow retailing facilities?



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# Recreational Marijuana

- Land use options
  - Hours of operation
    - WAC limits for retailing: 8 a.m. to midnight
  - Signage
    - Ban signage (WAC bans symbols in advertising)
  - Spacing requirements
    - Should there be distance requirements between facilities?
    - Co-location of facilities?
  - Facility operations
    - Requirements for noise, glare, smoke, odor, etc. similar to other industrial operations



# Recreational Marijuana

## ■ Open Houses

Open House Date	# Attendees	# Surveys received
18-Nov	8	8
20-Nov	9	5
25-Nov	21	24
26-Nov	16	17
<b>Total</b>	<b>54</b>	<b>54</b>

### ■ Locations

- Retail facility zones: C-2, C-3, GC, BP, CR-1, CR-2
- Production facility zones: IL, IH, FR-40, FR-80, AG-20, CR-1, CR-2, UR-10, UR-20, UR-40
- Processing facility zones: C-2, C-3, GC, IL, IH, BP, FR-40, FR-80, AG-20, R-5, R-10, R-20, CR-1, CR-2, UR-10, UR-20, UR-40.



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# Recreational Marijuana

## ■ Open Houses

- Ban signage: no
- Ban symbols: no (required in the WAC)
- Distance between facilities: no
- Co-location of facilities: yes
- Hours of operation, 8:00 a.m. to 12:00 a.m. (WAC limits): yes



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# Recreational Marijuana

- Clark County License Applications (12-31-13)

	TOTAL	CLARK COUNTY
Production	107	71
Processing	82	48
Retail	106	35



# Recreational Marijuana

## ■ Applications by Zone

Zone	Application Type		
	Producer	Processor	Retail
Agriculture-20 (AG-20)	9	7	1
Forest Tier II-40 (FR-40)	6	2	0
Community Commercial (C-3)	0	0	10
General Commercial (GC)	4	4	15
Rural Center Commercial (CR-2)	0	0	0
Business Park (BP)	2	0	0
Light Industrial (IL)	3	4	1
Heavy Industrial (IH)	1	1	0
Rural-5 (R-5)	29	19	3
Rural-10 (R-10)	4	2	0
Rural-20 (R-20)	2	1	0
Mixed Use (MX)	2	2	0
Rural Center Residential-1 ac min (RC-1)	1	1	0
Residential	7	4	5
Gorge Residential 5 (GR 5)	1	1	0
<b>Total</b>	<b>71</b>	<b>48</b>	<b>35</b>



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# Recreational Marijuana

## ■ Proposal

- New CCC section, Section 40.260.115
- Remove marijuana facilities from the definition of ‘agriculture’ (Section 40.100.070)
- Producing: FR-40, AG-20, R-5, R-10, R-20; indoor only
- Processing (non-industrial): FR-40, AG-20, R-5, R-10, R-20 (allows for collocation)
- Processing (industrial): IL, IH, IR, BP
- Retailing: GC, C-3, CR-2
- Ban signage, except for retail
- Retail hours: 8 a.m. to 8 p.m.
- Type II land use approval process



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# Recreational Marijuana

- Planning Commission
  - Work session on March 6, 2014
  - Public Hearing on March 20, 2014
  - Voted to support the Pierce County language on a de facto ban



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# Recreational Marijuana

## ■ Planning Commission

- New CCC section, Section 40.260.115
- Remove marijuana facilities from the definition of ‘agriculture’ (Section 40.100.070)
- Producing: IL, IH, IR; FR-40, AG-20 (10 acres or more), ~~R-5, R-10, R-20~~; indoor only
- Processing (non-industrial): IL, IH, IR, BP; FR-40, AG-20 (10 acres or more), ~~R-5, R-10, R-20~~ (allows for collocation)
- Processing (industrial): IL, IH, IR, BP
- Retailing: GC, C-3, CR-2
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# Recreational Marijuana

- **Planning Commission**
  - Use WAC language for signage and security
  - Add 'churches and religious facilities' to the list of entities requiring a 1000' buffer
  - Planning Commission changes are gray-shaded



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# Recreational Marijuana

- Further information:

[http://www.clark.wa.gov/planning/land\\_use/marijuana\\_facilities.html](http://www.clark.wa.gov/planning/land_use/marijuana_facilities.html)

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# Recreational Marijuana

- Questions?
  
- Thank You!

