



Marijuana Interim Regulations – Proposed Framework

August 14, 2013 Draft

Background

Initiative 502 approved by Washington voters in November 2012 would license and regulate the production, processing, and retail of recreational marijuana. The Washington State Liquor Control Board (WSLCB) is tasked with establishing rules implementing Initiative 502 and for determining a “maximum number of retail outlets that may be licensed in each county.” According to the rulemaking schedule issued by the WSLCB on August 13, 2013, the rules would become effective on November 16, 2013 and the State would begin accepting applications for all license types on November 18, 2013.

It is in the best interest of the City to develop policy and regulatory guidance by mid-November to facilitate the review, in a proactive manner, of those applications within City limits. Imposing interim regulations to that effect before a permanent solution is developed seems to be an appropriate option.

Jurisdictions around the Puget Sound Region have taken similar actions. Pierce County adopted interim regulations in July 2013; Bellevue and Everett have recently initiated the interim regulations process; and Olympia and Bellingham adopted a one-year moratorium in, respectively, May and July of 2013.

Provided below is a draft framework for the interim regulations, if initiated and imposed by the City Council. The framework represents an option in zoning regulations only. The impacts of marijuana production, processing, and retailing uses under a licensed system are still largely unknown and whether the City Council will need to pursue other regulatory and legal options remains to be determined.

Framework for Interim Regulations

- Define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50.101;
- Prohibit all marijuana uses in residential districts and shoreline districts;
- Allow marijuana producers and marijuana processors outright in intensive industrial zones;
- Allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts;
- Prohibit marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community center, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to RCW69.50.331;
- Prohibit marijuana uses from locating within 1,000 feet of jails, prisons, court houses, drug rehabilitation/detoxification centers, and other uses to be determined; and
- Add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

Tentative Schedule for Interim Regulations

October 1, 2013	City Council initiating Interim Regulations
October 2	Planning Commission review
October 16	Planning Commission recommendation
October 22	City Council study session
October 22	City Council public hearing
October 29	City Council first reading of ordinance
November 5	City Council final reading of ordinance
November 17, 2013	Interim Regulations become effective (through May 16, 2014)