
Recreational Marijuana in Clark County, Washington

Alaska Municipal League

February 17, 2015

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Recreational Marijuana

■ Purpose

- Present what Clark County did in response to Initiative 502

■ 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
- DOJ has modified its stance since then



Recreational Marijuana

■ State of Washington

- Initiative 502 adopted by voters in Nov. 2012
- RCW 69.50; codified as Chapter 314-55 WAC
- 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
- LCB licenses production, processing, and retailing facilities
- Limit of 336 retail licenses statewide; no limit on producer or processor licenses, other than a statewide limit on square footage



Recreational Marijuana

- State of Washington
 - Local jurisdictions are responsible for siting facilities
 - Initial license application period closed Dec. 21, 2013; most local jurisdictions were not ready
 - 250 production/processor and 63 retail licenses have been issued



Recreational Marijuana

■ Clark County

- Clark County to receive 15 retail licenses (statewide total of 336):
Six for the county, six for Vancouver, three for smaller cities
- County did not have zoning requirements to allow siting of facilities
- Board adopted six-month emergency moratorium on facilities on Aug. 13, 2013 (expiration: Feb. 13, 2014)
- Board affirmed moratorium in Oct. 2013; directed staff to engage community and prepare draft zoning requirements
- Board extended the moratorium on Feb. 11, 2014 to June 11, 2014



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?



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

■ Four 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
- Recommendations for zones for facilities



Recreational Marijuana

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

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



Recreational Marijuana

■ Proposal

- New Clark County Code 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



Recreational Marijuana

■ Planning Commission

- New Clark County Code 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
- Ban signage, except for retail
- Retail hours: 8 a.m. to 8 p.m.
- Type II land use approval process



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

- **Board of County Commissioners**

- Adopt the Planning Commission recommendation
- Includes a ban on I-502 facilities in unincorporated areas until such time as marijuana is no longer illegal at the federal level



Recreational Marijuana

■ Clark County Summary

- Public meetings (four) in Nov. 2013
- Presentation to NACCC, Dec. 9, 2013
- Board work session: Jan. 8, 2014
- Washington AG opinion on allowing jurisdictions to ban: Jan. 16, 2014
- Planning Commission work session: March 6, 2014
- Planning Commission hearing: March 20, 2014
- Board hearing: May 27, 2014



Medical Marijuana

- State of Washington
 - Initiative 692 adopted by voters in November 1998
 - Creates affirmative defenses against criminal prosecution for marijuana possession for qualifying patients and their providers and physicians
 - Allows patients and providers to grow at home
 - Amended in 2007
 - Broadened to include variety of health care professionals.
 - Designated caregiver amended to qualified provider.
 - Limited regulatory authority to “add terminal or debilitating conditions”
 - SB 5073 codified as RCW 69.51A Medical Cannabis in 2011



Medical Marijuana

■ State of Washington

- Personal possession limits of 15 plants and 24 ounces of usable marijuana, deemed to be a 60-day supply allowing patients to meet their medical needs
- Double the limits if both a patient and a provider
- Issue is that the recreational market is highly regulated while the medical market is not

■ Clark County

- Banned collective gardens (dispensaries) as a land use in 2013



Medical Marijuana

■ SB 5052

While medical needs remain, the state is in the untenable position of having a recreational product that is tested and subject to production standards that ensure safe access for recreational users. No such standards exist for medical users and, consequently, the very people originally meant to be helped through the medical use of marijuana do not know if their product has been tested for molds, do not know where their marijuana has been grown, have no certainty in the level of THC or CBD in their products, and have no assurances that their products have been handled through quality assurance measures. It is not the public policy of the state to allow qualifying patients to only have access to products that may be endangering their health.

The legislature, therefore, intends to adopt a comprehensive act that uses the regulations in place for the recreational market to provide regulation for the medical use of marijuana. It intends to ensure that patients retain their ability to grow their own marijuana for their own medical use and it intends to ensure that patients have the ability to possess more marijuana-infused products and marijuana concentrates than what is available to a recreational user..... It further intends that medical specific regulations be adopted as needed and under consultation of the departments of health and agriculture so that safe handling practices will be adopted and so that testing standards for medical products meet or exceed those standards in use in recreational markets.



Recreational Marijuana

- Further information:

http://www.clark.wa.gov/planning/land_use/marijuana_facilities.html

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