

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Resolution No. TLS 13-34

Land Use Guidance for ()
Implementing Initiative 502)

TRANSPÓRTATION & LAND SERVICES

WHEREAS, the voters of Washington State passed Initiative 502 in 2012, which, in part, directs the Washington State Liquor Control Board to establish a regulatory and licensing system for the production, processing and retail sales of marijuana and marijuana-related products; and

WHEREAS, the Washington State Liquor Control Board is planning on adopting implementing rules on October 16, 2013 and will open a thirty-day filing period on November 16, 2013 for interested persons to apply for licenses to produce, process and sell marijuana and marijuana-related products; and

WHEREAS, the United States Dept. of Justice's Deputy Attorney General's Office has provided guidance regarding the implementation of Initiative 502; and

WHEREAS, the Douglas County Board of Commissioners does not want to expose the County and County personnel to legal and liability issues associated with federal law while still being responsive to state law.

NOW, THEREFORE, BE IT RESOLVED that the following policy is adopted insofar as land use and building construction matters only:

1. Marijuana, as any other crop, may be grown in agricultural and rural zoning districts, and may be grown in the Industrial district if within a greenhouse. Marijuana may also be grown in urban growth areas where city land use codes permit agriculture.
2. Marijuana may be processed in any zoning district that allows agricultural processing (agricultural, rural, industrial). Marijuana may also be processed in urban growth areas where city land use codes permit processing of agricultural products.
3. Sales of products authorized by Initiative 502 may be conducted in commercial districts that allow retail sales, and possibly in conjunction with other activities (e.g. fruit stands) or via conditional use permit for retail sales in rural service centers.
4. The initiative and the draft proposal undergoing rulemaking identify distance separation standards between marijuana-related activities and certain assembly and recreation uses. These separation standards are administered by the Liquor

Control Board. The County will not speculate whether a proposed site meets the distance separation criteria.

5. County personnel will not confirm if a particular site is zoned or otherwise acceptable for marijuana-related activity. Personnel can, in general terms, confirm whether property can be used for agricultural production, agricultural processing and/or retail sales.
6. Persons growing, processing and selling marijuana products may need building permits if they construct/remodel structures associated their operation. These will be processed and reviewed just as any other agricultural, industrial or commercial building. The Department of Transportation and Land Services will not maintain copies of any marijuana-related license from the State of Washington.
7. The draft rules allow outdoor production (growing) if the area is enclosed with a site obscuring wall or fence at least eight (8) feet high. Walls and fences this high are, at this time, only allowed in an industrial zoning district and require building permits prior to construction.
8. While the county has adopted land use codes of the cities/towns within their urban growth areas, the county does not have a business license program. Should cities/towns decide to use their business license program for regulating the implementation of I-502, the county will not be able to follow the same approach. The same situation exists for moratoria; these do not apply in the unincorporated area unless the Board of Commissioners similarly enacts a moratorium.

Dated this 1st day of October, 2013 at Waterville, Washington.



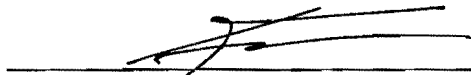
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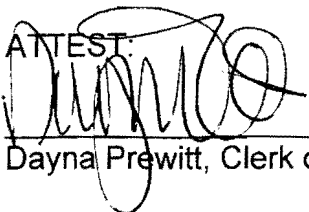
Steven D. Jenkins, Chair



Dale Snyder, Vice-Chair



Ken Stanton, Member

ATTEST:


Dayna Prewitt, Clerk of the Board