



**MEMORANDUM**

To: Eileen Quiring, Julie Olson, John Blom, Temple Lentz, Gary Medvigy, Shawn Hennessee, Chris Cook, Lindsey Shafar, Rebecca Messinger

From: Oliver Orjiako, Director  
Jose Alvarez, Planner III

Date: May 1, 2019

Subject: Cannabis Work Session Summary

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On May 1, 2019 Community Planning presented an overview of a path forward for marijuana regulation for the Council to consider.

Council provided staff with direction to research four items (including clarification on sales of paraphernalia) and to evaluate whether they would be considered significant amendments to the existing marijuana code section CCC 40.260.115 and provide that information at a subsequent Council Time meeting.

Council directed staff to research the following items:

- Hours of operation for a marijuana retail facility – CCC 40.260.115(E)(6) would allow retail marijuana facilities to operate between the hours of 8AM and 8PM; per RCW 314-55-147 retail marijuana operations may take place between the hours of 8AM and 12AM.

Would amending the hours of operation in 40.260.115(E)(6) from 8PM to 11PM be a significant change? Increasing the hours of operation to 11PM would be a 25% increase in operating hours. Under CCC 40.550.020 Variance, a variance “up to and including 25% of the numerical standard(s) in question” are subject to a Type II administrative variance. The proposed code amendment would be subject to a Type IV process with at least one public hearing each with the Planning Commission and County Council. It would appear that the Type IV process would be sufficient to address this amendment.

- Distance – can the 1,000 ft. criteria be measured door to door? No. Per WAC 314-55-010 Definitions - “Perimeter” means a property line that encloses an area. Per WAC 314-55-050(10) “Except as provided in subsection (11) of this section, the WSLCB shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the perimeter of the grounds of any of the following entities. ***The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities...***”
- Signs – Would amending 40.260.115(E)(5)(a) to reflect the RCW that addresses signage of marijuana retail facilities be a significant amendment? No, it’s a clarification to point the reader to the appropriate RCW section.

- Would the addition of drug treatment facilities to the 1,000 ft. locational criteria list be a significant amendment? The addition of drug and alcohol treatment facilities to the 1,000 ft. locational criteria is more restrictive. In that, fewer properties could potentially meet the criteria than with the currently adopted code. The proposed code amendment would be subject to a Type IV process with at least one public hearing with the Planning Commission and County Council. It would appear that the Type IV process would be sufficient to address this amendment.

Staff will work to create as specific a definition as possible to be able to identify facilities, as there are a wide variety of treatment facilities that range from inpatient residential care to outpatient clinics.

- Paraphernalia – CCC 40.260.115 prohibits the display or sale of marijuana paraphernalia in a marijuana retail location. WAC 314-55-079 provides that a marijuana retailer license allows the licensee to sell only useable marijuana, marijuana concentrates, marijuana-infused products, marijuana paraphernalia and lockable boxes to store marijuana. The restriction in current code is permissible but the Council could choose to allow sales that are permitted by state regulation.

Please let us know if you have any questions or would like further clarification at a Council Time. Thank you.