

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT TO THE PLANNING COMMISSION**

December 7, 2016

MARIJUANA USES

SUBJECT: Marijuana Uses

INTRODUCTION: In accordance with City Council Resolution 817 (Attachment 1) the Planning Commission will seek public comment, study and recommend where and under what conditions and/or development standards marijuana uses should be allowed in the city should the City Council allow state licensed and regulated marijuana uses in the city.

BACKGROUND: Washington voters approved Initiative 502 (I-502) in 2012, which "authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older. I-502 allowed the Washington State Liquor Control Board now the Washington State Liquor and Cannabis Board (WSLCB) to license marijuana producers, processors and retail outlets.

I-502 also established siting limitations for marijuana-related uses that are within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center or library, or any game arcade, admission to which is not restricted to persons aged twenty one or older.

More recently the WSLCB established an administrative rule stating "A city or county may by local ordinance permit the licensing of marijuana businesses within one thousand feet but not less than one hundred feet of the facilities listed in subsection (10) of this section except elementary and secondary schools, and playgrounds."

The initiative also decriminalized, for the purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502. However, under Federal law, "Marijuana" is still listed as a Schedule One Controlled Substance. Applicable WACS are included as Attachment 2.

The city currently does not allow Marijuana related uses and will not issue a city business license for those types of uses. Despite the city’s ban, the code would allow only state licensed and regulated marijuana retail outlets in the mixed use zone subject to a conditional use permit should the ban be lifted.

COMPREHENSIVE PLAN: The University Place Comprehensive Plan does not specifically address marijuana related uses.

ORGANIZATION OF THE STAFF REPORT: This Staff Report lists proposed amendments by section that could be made to the development regulations to allow marijuana uses in the city should the City Council decide to allow such uses.

19.10 040 Unlisted word and phrases

F. The City hereby adopts the definitions in WAC 314-55-010 and RCW 69.50.101.

19.25.090 Commercial Use Types – Descriptions.

Marijuana Retail Outlet. A Marijuana Retail Outlet is a state licensed and regulated retail outlet allowed to sell only usable marijuana, marijuana concentrates, marijuana-infused products, and marijuana paraphernalia at retail to persons twenty-one years of age and older.

19.25.100 Industrial Use Category – Descriptions.

Marijuana Processor. A Marijuana Processor is a state licensed and regulated marijuana processor which is allowed to process, dry, cure, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.

Marijuana Producer. A Marijuana Producer is a state licensed and regulated marijuana producer allowed to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell marijuana plants, seed, and plant tissue culture to other marijuana producer licensees.

19.25.110 Use Tables

Commercial Uses

Use Types	Zone Classifications										
Commercial Uses	R1	R2	MF	POS	NC	TC	CC	MU	MUO	MUM	LI-BP
<u>Marijuana Retail Outlets 28</u>								<u>C</u>			
Light Industrial Uses											

<u>Marijuana Processor</u> 28												<u>C</u>
<u>Marijuana Producer</u> 28												<u>C</u>

19.25.120 Use Table Notes

28. Subject to the development standards in UPMC 19.70.140.

19.70.140 Marijuana Related Uses.

A matrix containing examples of zones where marijuana uses are allowed, under what conditions and permitting process from select cities and Clark County. The Planning Commission will discuss which of any of these example provisions they would recommend to the City Council should, the Planning Commission decide to recommend allowing marijuana uses.

Attachments:

1. City Council Resolution 817
2. WACS Relating to Marijuana Use
3. Marijuana Use Matrix