



# AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

**Department: Community Development**

**WORK SESSION**  **Meeting Date:** August 25, 2014

**REGULAR AGENDA**  **Meeting Date:**

**Required Originals Approved and Attached?**

Will be provided on:

## Item Summary:\*

- Call for Hearing
  - Resolution
  - Draft Ordinance
  - Contract/Agreement/MOU\*\*
  - Proclamation
  - Final Ordinance
  - Contract #
  - Budget Item
  - Other Consider Other Action
- Documents exempt from public disclosure attached:

## Executive Summary:

There's substantial interest from Recreational Marijuana Producer/Processors to move into Clallam County, in response to I-502 passage in 2013. It wasn't until January 12, 2014 that Washington State's Attorney General gave the opinion that "Local governments have broad authority to regulate within their jurisdictions, and nothing in I-502 limits that authority with respect to licensed marijuana businesses."

With Interfor's two sawmill operations closing recently in Forks and Beaver, and the Comprehensive Plan (31.02.620) specifying economic development goals (1 and 4) "to attract businesses and emerging industries" and "to improve perceptions about Clallam County as a good place to locate a business or industry," our rurally distressed County (RCW 82.14.370) has an opportunity to diversify its economic base.

A mix of land uses should be allowed in rural lands, including residential, small-scale resource production/extraction, tourism and recreation, home based industries, essential public facilities, rural villages and limited commercial and industrial uses CCC 31.02.260 (5).

**Budgetary Impact:**(Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget Action is required, has it been submitted and a copy attached?**

Resources of the Department of Community Development and the Hearing Examiner

**Recommended Action:**(Does the Board need to act? If so, what is the department's recommendation?)

Decide what Legislative Action the Board of Clallam County Commissioners want to take.

**County Official Signature:** *J Miller* *20 August 2014*

\* Submit original and 5 copies  
\*\* Submit 3 originals and 5 copies



MEMORANDUM  
Clallam County Department  
of Community Development

**Date:** August 25, 2014  
**To:** Board of County Commission  
**From:** Department of Community Development  
**Re:** Marijuana Application Overview

**Background**

With the passage of Initiative 502, the Department of Community Development issued an interpretation on April 2, 2014, addressing marijuana production and marijuana processors as conditional uses when being proposed in a rural residential zone. This process was established to address the unique issues associated with marijuana as an unclassified use. The interpretation also considered using the existing code language within zones that listed industrial, limited industrial and business parks as either an allowed use or conditional use depending on the land use designation of the respective zone.

Based on the interpretation letter dated April 2, 2014, the following tables represent where marijuana production and marijuana processors are able to be permitted, either through a conditional use permit or as an allowed use of the underlying zone; the number of applications submitted to DCD; and the zoning designations of the county's rural residential zones. The tables are as follows:

**Table 1** - Outlines zones where marijuana production and marijuana processors are allowed to locate due to the allowance of business parks, industrial land uses or limited industrial land uses.

**Table 2** – Outlines zones where marijuana production and marijuana processors require a conditional use permit due to the conditional allowance of a business park.

**Table 3** – Outlines the number of conditional use permit applications the Department of Community Development have accepted since the passage of I-502. The table also provides the status of each conditional use permit application.

**Table 4** – Outlines the non industrial and commercial zones.

**Map** – Outlines locations of properties that have approved or pending conditional use permit applications with DCD, and the zoning and acreage that may accommodate marijuana production and marijuana processors.

**Conditional Use Permit Applications**

Since the I-502 passage, DCD has received fifteen conditional use permit applications for marijuana production and marijuana processors. Of the fifteen applications, twelve have been submitted for review in the rural residential zones for the Hearing Examiner's consideration. Two of the conditional use permit applications were withdrawn by the applicant. Table 3 indicates that there is a strong application

trend for marijuana production and marijuana processors being sought in the rural residential zones. This business trend may be for reasons of real estate price for land or leases, or simply the availability of zoned land that can accommodate the proposed use. Typically, zones are intended to provide areas that are conducive to development patterns and compatibility of similar or like uses within a zoned setting.

**Request from BOCC**

Staff is requesting that the Board provide the necessary direction on whether or not the county's current land use development regulations and comprehensive plan adequately address the procedures, siting, and other nuisance concerns related to marijuana producers and marijuana processors in unincorporated Clallam County.

**TABLE 1****Marijuana Production and Processors - Allowed**

<b>Zone</b>	<b>Use Category</b>	<b>Type</b>	<b>Code Section</b>
<b>Commercial Forest (CF)</b>	Industrial land uses	A	33.07.020(1)
<b>Diamond Point Airport (DPA)</b>	Limited industrial use	A	33.15.035(1)
<b>Rural Limited Commercial (RLC)</b>	Limited industrial uses	A	33.15.060(1)
<b>Industrial (M)</b>	Industrial uses	A	33.17.010(1)
<b>Urban Reserve Industrial (URI)</b>	Limited industrial uses	A	33.17.030(1)
<b>Carlsborg Industrial (CI)</b>	Industrial uses	A	33.20.040(A)
<b>Rural Commercial (RC)</b>	Business Park	A	33.15.010(1)
<b>Rural Center (CEN)</b>	Business Park	A	33.15.040(1)
<b>Urban Regional Commercial (URC)</b>	Business Park	A	33.15.080(1)
<b>Urban Center (UC)</b>	Business Park	A	33.15.090(1)
<b>Carlsborg Village Commercial (CV)</b>	Business Park	A	33.20.040(A)
<b>Carlsborg Village Center (CN)</b>	Business Park	A	33.20.040(A)
<b>Carlsborg General Commercial (CGC)</b>	Business Park	A	33.20.040(A)
<b>Carlsborg Commercial (CC)</b>	Business Park	A	33.20.040(A)
<b>Carlsborg Industrial (CI)</b>	Business Park	A	33.20.040(A)

Certain zones are subject to additional performance standards found within the respective zone.

**TABLE 2****Marijuana Production and Processors - Conditional Use Permit**

<b>Zone</b>	<b>Use Category</b>	<b>Type</b>	<b>Code Section</b>
<b>Western Region Rural Low (RW5)</b>	Business Park	C	33.10.025(2)
<b>Western Region Rural (RW1)</b>	Business Park	C	33.10.045(2)
<b>Quillayute Residential</b>	Business Park	C	33.10.080(2)
<b>Rural Village (RV)</b>	Business Park	C	33.15.020(2)
<b>Rural Village Low (RV2)</b>	Business Park	C	33.15.025(2)
<b>Western Regional Rural Center (WRC)</b>	Business Park	C	33.15.045(2)
<b>Rural Limited Commercial (RLC)</b>	Business Park	C	33.15.060(2)
<b>Tourist Commercial (TC)</b>	Business Park	C	33.15.067(2)
<b>Urban Neighborhood Commercial (UNC)</b>	Business Park	C	33.15.070(2)

Certain zones are subject to additional performance standards found within the respective zone.

**TABLE 3**

	Case Number	Status	Applicant	Zone	Size	Notes
<b>1</b>	CUP 2013-05	Approved	Ash	NC	2,688 s.f.	New greenhouse
<b>2</b>	CUP 2013-06	Approved	Ash	NC	2,688 s.f.	New greenhouse
<b>3</b>	CUP 2013-07	Approved	Ash	NC	3,616 s.f.	1,600 s.f. within existing milking parlor - outdoor greenhouse 2,016
<b>4</b>	CUP 2014-04	Approved	Schaeffer	NC	6,636 s.f.	Existing garage utilizing 2,676 s.f. 3,960 s.f. new greenhouses
<b>5</b>	CUP 2014-05	Approved	Caldwell	UNC	9,600 s.f.	Existing building – Utilizing 3,000 s.f. for production and processing
<b>6</b>	CUP 2014-07	Approved	Libera	R5	Lease 34,000 s.f. parcel	20,500 outdoor grow (no greenhouses) 1,031 s.f metal building. Home on parcel
<b>7</b>	CUP 2014-09	Pending	Palmer	R5	8,416 s.f.	2,880 s.f. building – 21 foot with 2 greenhouses each 2,808 s.f. within 28,880 s.f. chain linked fence area
<b>8</b>	CUP 2014-12	Pending	Burke	UNC	3,600 s.f.	Business Park – 1.8 acres and Vacant parcel on 1.8 acres
<b>9</b>	CUP 2014-13	Pending	Grady	R5	<4,000 s.f.	Utilizing existing greenhouses on 4.8 acres
<b>10</b>	CUP 2014-14	Pending	Delgardano	R5	6,000 s.f.	Existing single-family dwelling on 4.9 acres. New construction of 6,000 s.f. building and 6,000 s.f. greenhouse
<b>11</b>	CUP 2014-16	Pending	Burns	R-5	800 s.f.	Existing 800 s.f. barn (indoor) on 5 acres
<b>12</b>	CUP 2014-17	Pending	Jafay	NC		Utilize existing school building on 9.4 acres plus up to (12) 17 - foot high 2,800 s.f. greenhouses (34,560 s.f.)
<b>13</b>	CUP 2014-18	Pending	Green	UNC	16,000 s.f.	Utilize existing 16,000 s.f warehouse on 1.9 acres

**TABLE 4**

<b>Rural Zones</b>	<b>Zoning Symbol</b>
Rural Very Low	R20
Rural Neighborhood Conservation	NC
Rural Low	R5
Rural Moderate	R2
Rural	R1
Western Region Rural Low	RW5
Western Region Rural Moderate	RW2
Western Region Rural	RW1
Rural Suburban Community	RSC
Rural Character Conservation 5	RCC5
Rural Character Conservation 3	RCC3
Rural Low Mixed	RLM
Quillayute Residential	QR
Rural Village	RV

<b>Resource Zones</b>	<b>Zoning Symbol</b>
Agricultural Retention	AR
Commercial Forest	CF
Commercial Forest/Mixed Use 20	CFM20
Commercial Forest/Mixed Use 5	CFM5

<b>Urban Zones</b>	<b>Zoning Symbol</b>
Urban Residential High Density	URH
Urban Residential Low Density	URL
Urban Very Low Density	VLD
Urban Low Density	LD
Urban Very Low Density/Urban Low Density	VLD/LD
Urban Moderate Density	MD

<b>Urban Growth Areas Zones</b>	<b>Zoning Symbol</b>
Sequim Urban Residential – II	S(R-II)
Sequim Urban Residential – III	S(R-III)
Sequim Urban Residential – IV	S(R-IV)
Carlsborg Urban Residential	CR

# Marijuana Zones for Production & Processors

