

I-502 -Legalized Recreational Marijuana (MJ) Businesses
Frequently Asked Questions
May 2014

Q: How can I be informed about pending applications for marijuana business licenses?

A: A list of marijuana applications received by the Washington State Liquor Control Board (WSLCB) can be found at: <http://www.liq.wa.gov/records/frequently-requested-lists>

- A brief summary of the County's current approach to regulating marijuana businesses is available at the Jefferson County Department of Community Development (DCD) website at: <http://www.co.jefferson.wa.us/commdevelopment/PDFS/I502/I-502%20Policies%20&%20Regulations.pdf>

- The comments that DCD has provided to the WSLCB regarding specific license applications are available online at: <http://test.co.jefferson.wa.us/WeblinkExternal/Browse.aspx?dbid=0>

(Click on: Permits, DCD Correspondence, I-502, then you can view the list of comments DCD provided to the state).

- You can view a map of approximate "exclusion zones" for marijuana businesses at: <http://www.co.jefferson.wa.us/commdevelopment/PDFS/I502/I502Buf1000.pdf>
- You may also view mapping including zoning and critical areas online at: <http://maps.co.jefferson.wa.us/Website/mspub/viewer.htm?mapset=esa>
- Frequently asked questions from the WSLCB are available at: http://lcb.wa.gov/marijuana/faqs_i-502

Q: How is the County regulating license applications for marijuana applications?

A: DCD has provided comments to the WSLCB on every application that has been sent to us by the WSLCB. Nearly all marijuana license activities will require a land use review and approval and a building permit from DCD. The only exception is for growing marijuana only, which is allowed by right in every County land use zone. Currently, the County is using its existing regulations, as well as the WSLCB and other agency regulations to regulate marijuana applications.

In addition to Jefferson County noticing and land use regulations, the WSLCB has extensive regulations to control many aspects of marijuana business activities, including security, traceability, financial, and background investigations of potential licensees, employees and visitors. All licensed activities must be located a minimum of 1,000 feet from certain other uses, including:

- Elementary or secondary schools
- Playgrounds
- Recreation center or facility
- Child care center
- Public park
- Public transit center
- Library
- Game arcade

Complete WSLCB rules can be found at the Washington Administrative Code at Chapter 355-14, and at the WSLCB website: <http://www.liq.wa.gov/marijuana/l-502>

Q: Will neighbors be notified of applications for marijuana businesses at nearby properties?

A: The public can always see what applications have been submitted to the WSLCB at the website noted above. Additionally, the public can see all the comments on applications that DCD has submitted at the website noted above.

Marijuana land use activities are currently regulated by the County's existing regulations. Per these regulations, public notice to surrounding properties is provided for:

- Processing or retail operations in the following land use zones:
 - Rural residential (RR),
 - Forest (CF/RF/IF),
 - Resource Based Industrial (RBIZ)

Notice to neighbors does not mean a public hearing will be held.

Notice to neighbors is not provided for:

- Producing (growing) operations in any land use designation.
- Processing with accessory retail operations in the
 - Light Industrial
 - Agricultural, and
 - Commercial zoning if a cottage industry including Rural village center (RVC), Neighborhood/visitor crossroad (N/C), and General crossroad (GC).
 - Retail operations in commercial land use designations including RVC and GC

Q: I have heard there are water restrictions in the certain areas called "Water Resource Inventory Area 17". How will "WRIA 17" compliance be enforced for growing operations? For producing operations? If the County doesn't have a permit, who enforces?

A: WRIA 17 compliance is regulated the Washington Department of Ecology, who will be informed of applications for marijuana businesses as part of the county building permit process. The use of new or existing wells for marijuana businesses will require a review for compliance by the department of Ecology. For more information on WRIA 17 requirements, please go to Ecology's website: <http://www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html>).

Q: For enforcement, what does "voluntary compliance" mean? Does it mean the landowner has the option to comply?

A: No. When DCD is informed of a potential violation of land use or building codes, DCD investigates it. If a violation is found or suspected, DCD seeks voluntary compliance through contacts with the property owner or occupant to get cessation of the violation or to obtain permits. Voluntary compliance is generally faster and more effective than seeking compliance through legal proceedings.

Q: How is water use and wastewater disposal addressed?

A: Water use in growing, processing or retail establishments will be addressed via the Washington State Department of Ecology, Washington State Department of Health or Jefferson County Public health depending upon specific operation size, volume, practices and water source.

Wastewater facilities will require a permit. However, who issues that permit will depend upon project-specific information. Permitting entities may include Jefferson County Public Health, Washington State Department of Ecology or the WA State Department of Health.

Q: How will food safety of “edibles” be ensured?

A: The responsibility for Food Safety and Sanitation inspections is delegated to the WSLCB. Specific rules regarding facility food safety and sanitation have yet to be issued. See the WSLCB website for the most recent developments.

Q: How does the approval process for marijuana operations “nest” with those of DCD, EH, WSLCB, Ecology and the State Department of Health (DOH)?

A: DCD’s understanding is that the WSLCB license is the final approval needed, following the necessary approvals of all other agencies. The sequence of other approvals is still evolving. Permits issued by DCD will contain the provision that the applicant must obtain all other required permits.

Q: When there are violations on a property early in the process, how is it dealt with? Some people have the attitude: “do it now and ask for permission later”. Is there any disadvantage to getting “after the fact” permits?

A: Yes. There are fines for building without a permit, and unpermitted structures may not comply with certain building or land use codes, which may require expensive and time-consuming modifications in order to meet codes.

Q: Are there any other state or federal agencies which will regulate the growing, processing or retailing of marijuana?

A: In addition to those already identified, the Olympic Region Clean Air Authority (ORCAA) issues permits for activities that may impact local air quality. Marijuana businesses should inquire with ORCAA regarding any regulatory requirements affecting their operations at: www.ORCAA.org

Q: How, if at all, are the environmental impacts of a marijuana grower, processor or retailer examined by any of the regulatory agencies?

A: Washington State Department of Ecology provides information on marijuana licensing and the Environment online at: <http://www.ecy.wa.gov/topics/marijuana.html>

Permits are site specific and permit requirements depend on the specific nature of a project, for example processing methods used and the size of project. If a project is not exempt from the State Environmental Policy Act (SEPA) per WAC 197-11-800, applicants must submit a SEPA checklist with permit applications for review by all permitting agencies.

If a project is subject to SEPA and requires a permit through Jefferson County, DCD then becomes the lead agency reviewing the SEPA checklist. The checklist is completed by the applicant to determine if the proposed project or development will generate any “probable significant adverse environmental impacts” or PSAEI. If DCD determines that a project or proposal will generate PSAEI, then any permit issued will contain written conditions requiring the applicant to mitigate (reduce) the PSAEI such that a particular impact is no longer probable and/or significant.

(The reader should note that SEPA is only intended to “reasonably inform the decision-maker” of the likelihood and intensity of impacts and does not provide the County with authority to deny a permit. Instead, SEPA authorizes the imposition of conditions as part of a permit).

Q: How will marijuana operations be taxed?

A: A new State law says that marijuana growing is not considered “agriculture.” Therefore it will not be eligible for the “open space- agriculture” designation for property tax assessment purposes. Also, each of the three types of licenses, (producer, processor and retailer) is subject to a 25% tax payable to the WSLCB. Local sales taxes are presumed to apply to any retail sales.