



and Associates

PLANNING, LAND USE  
AND DEVELOPMENT SERVICES

## Memorandum

**Date:** October 15, 2014  
**To:** Board of County Commissioners  
**From:** Bill Stalzer, planning consultant **BS**  
**Cc:** Jesse Nolte, Deputy Prosecuting Attorney, Tom Glover, Director, Walla Walla Joint Community Development Agency  
**Re:** Zoning Code Amendment Prohibiting Recreational Marijuana Uses

### Section I Background

On September 8<sup>th</sup>, the Board of County Commissioners adopted Ordinance 424 extending a moratorium on recreational marijuana land uses and allowing for the completion of draft zoning regulations prohibiting the production, processing, or retail sale of recreational marijuana.

In the discussion of a potential prohibition on recreational marijuana at the conclusion of the public hearing on September 2<sup>nd</sup>, a majority of the Board cited a number of concerns if the production, processing, storage, packing, or retail sale of recreational marijuana were permitted uses in the zoning code, regardless of the land use districts or development conditions under which they would be allowed:

- Numerous uncertainties about the impact on the public health, safety and welfare because recreational marijuana has not been an allowed use in Colorado or Washington long enough for a clear documented history of impacts
- The potential for substance abuse and thereby an increased strain on county mental health services
- The likelihood of availability to minors, especially marijuana-infused products
- Unknown consequences for law enforcement services
- The possibility that recreational marijuana would be made available to residents of Oregon and Idaho due to the county's proximity to those states

Some of these concerns reflect an uncertainty about whether or not the following US Department of Justice enforcement priorities could be achieved:

- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
- Preventing the distribution of marijuana to minors
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states

### Section II Proposed Amendment to County Zoning Code

To ensure that recreational marijuana land uses are prohibited in all zoning districts in the county, the following amendment to WWCC Title 17 Zoning is proposed:

#### 17.16.010 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in unincorporated Walla Walla County. Any recreational marijuana land use including, but not limited to, production, processing, storage, and retail sale of recreational marijuana and recreational marijuana-derived products are prohibited land uses in unincorporated Walla Walla County.

(Ord. 269 (part), 2002; Ord. 312 (part), 2005; Ord. 343 §§ 1, 2, 2007)