

RECEIVED  
PIERCE COUNTY AUDITOR

JAN 22 2016

1 Sponsored by: Councilmembers Derek Young, Connie Ladenburg and Rick Talbert  
2 Requested by: Pierce County Council  
3  
4  
5

## 6 **ORDINANCE NO. 2015-27s**

7  
8

9 **An Ordinance of the Pierce County Council Related to Marijuana**  
10 **Production, Processing, and Retail Sales Pursuant to**  
11 **Initiative 502 and Subsequent Amendments; Amending**  
12 **Section 18A.12.020 of the Pierce County Code, "State-**  
13 **Licensed Facilities," to Remove Federal Government**  
14 **Authorization as a Condition of Approval for a Marijuana-**  
15 **Licensed Business; Removing a Requirement Limiting**  
16 **Marijuana Retail Sales to Detached Buildings"; Calling for an**  
17 **Advisory Ballot Proposition to Be Placed before the Voters**  
18 **of Pierce County Residing in the Unincorporated Area at the**  
19 **April 26, 2016, Election Concerning whether Marijuana**  
20 **Production, Processing and Retail Sales Should be Allowed**  
21 **within the Unincorporated Area of Pierce County; and**  
22 **Setting an Effective Date.**  
23

24 **Whereas**, Ordinance No. 2013-111s passed the Pierce County Council on  
25 November 5, 2013, concerning marijuana-related uses, and was codified as Chapter  
26 18A.12 of the Pierce County Code (PCC); and  
27

28 **Whereas**, Ordinance No. 2013-111s authorized the processing, production and  
29 retail sale of marijuana in Pierce County subject to certain limitations, including  
30 possession of a license from the Washington State Liquor and Cannabis Board allowing  
31 holders to engage in specified marijuana-related activities which would include the sale  
32 of marijuana for medicinal purposes; and  
33

34 **Whereas**, 2SSB 5052, adopted during the 2015 legislative session, permits  
35 those possessing relevant Washington State Liquor and Cannabis Board licenses to sell  
36 marijuana for medical purposes subject to local government land use restrictions; and  
37

38 **Whereas**, Pierce County has not previously authorized the sale of marijuana for  
39 medicinal purposes; and  
40

41 **Whereas**, approval of this ordinance would permit the sale of marijuana for all  
42 lawful purposes by those possessing relevant Washington State Liquor and Cannabis  
43 Board licenses; and  
44

45 **Whereas**, PCC 18A.12.020 D. provided that "[n]o application for a marijuana-  
46 licensed business shall be approved by Pierce County until such time as marijuana is



1 removed from the schedule of controlled substances at 21 U.S.C. sec. 812(c) as  
2 evidenced by a slip law available from the Library of Congress"; and

3  
4 **Whereas**, PCC 18A.12.020 E. provides in part that "[a] marijuana retailer  
5 licensee shall sell usable marijuana, marijuana infused products, and marijuana  
6 paraphernalia in a detached building containing no additional business activities which  
7 would include the sale of marijuana for medicinal purposes"; and

8  
9 **Whereas**, persons holding marijuana-related licenses issued by the Washington  
10 State Liquor and Cannabis Board seek to operate per conditions of their license in  
11 unincorporated Pierce County; and

12  
13 **Whereas**, it is desirable to allow marijuana retailer licensees to operate as a  
14 separate business in a structure housing more than one business; and

15  
16 **Whereas**, it is desirable to permit marijuana-related processing, production and  
17 retail licensees to operate in unincorporated Pierce County subject to conditions  
18 established by Pierce County and the state; and

19  
20 **Whereas**, the federal Controlled Substances Act (CSA) continues to prohibit  
21 marijuana use, distribution, and possession, and that no medical necessity exception  
22 exists to these prohibitions. Further, the federal CSA prohibits local cultivation and use  
23 of marijuana under all circumstances; and

24  
25 **Whereas**, at the November 2015 election, voters in Federal Way, Washington  
26 approved an advisory ballot measure banning marijuana production, processing and  
27 retail sales in that jurisdiction by a margin exceeding margins registered in favor of I-502  
28 in that jurisdiction; and

29  
30 **Whereas**, given mixed messages sent by voters in recent elections, it is  
31 advisable to ask the voters in unincorporated Pierce County whether they want to allow  
32 marijuana production, processing and retail sales to operate in their community; **Now**  
33 **Therefore**,

34  
35 **BE IT ORDAINED by the Council of Pierce County:**

36  
37 Section 1. Section 18A.12.020 of the Pierce County Code, "State-Licensed  
38 Facilities," is hereby amended as shown in Exhibit A, which is attached hereto and  
39 incorporated herein by reference.

40  
41 Section 2. The Auditor is hereby requested to place an advisory ballot  
42 proposition before the voters of unincorporated Pierce County at the April 26, 2016,  
43 election on the question of whether the Pierce County Council should enact an  
44 ordinance allowing marijuana production, processing and retail sales within the  
45 unincorporated area of Pierce County.

46  
RECEIVED  
PIERCE COUNTY AUDITOR

JAN 22 2016



1 Section 3 The Prosecuting Attorney is hereby requested to draft an appropriate  
2 ballot title for the advisory ballot proposition referenced at Section 2

3  
4 Section 4 The effective date of Section 1 of this Ordinance shall be July 1, 2016

5  
6  
7 PASSED this 15<sup>th</sup> day of December, 2015

8  
9 ATTEST

PIERCE COUNTY COUNCIL  
Pierce County, Washington

10  
11  
12 Denise D. Johnson

13  
14 Denise D. Johnson  
15 Clerk of the Council

D. Roach

16  
17 Dan Roach  
18 Council Chair

19  
20 Returned unsigned  
21 on January 6, 2016

22 Pat McCarthy

Pierce County Executive

23 Approved \_\_\_\_\_ Vetoed \_\_\_\_\_, this  
24 \_\_\_\_\_ day of \_\_\_\_\_,  
25 2015

26 Date of Publication of

27 Notice of Public Hearing May 13, 2015 and October 21, 2015

28 Effective Date of Section 1 July 1, 2016

29  
30 Effective Date of Ordinance January 7, 2016

31  
32 RECEIVED  
PIERCE COUNTY AUDITOR

JAN 22 2016



1  
2  
3  
4 **18A.12.020 State-Licensed Facilities.**

5 The following provisions apply to marijuana-related businesses licensed by the Washington  
6 State Liquor ~~Control~~ and Cannabis Board.

- 7 A. Marijuana-licensed business shall be subject to all applicable standards of Pierce County  
8 Development Regulations.
- 9 B. Marijuana-licensed business shall not be permitted within 1,000 feet of the perimeter  
10 grounds of the following entities:
  - 11 1. Elementary or secondary schools;
  - 12 2. Playground;
  - 13 3. Recreation center or facility;
  - 14 4. Child-care center;
  - 15 5. Public Park;
  - 16 6. Public transit center;
  - 17 7. Library;
  - 18 8. Game arcade (where admission is not restricted to persons age 21 or older);
  - 19 9. Any parcel containing a marijuana retail outlet licensed by the Washington State  
20 Liquor ~~Control~~ and Cannabis Board; or
  - 21 10. Religious assembly; or
  - 22 11. Scenic and recreational highways as designated at RCW 47.39.020.

RECEIVED  
PIERCE COUNTY AUDITOR  
JAN 2 2 2016

23 Pierce County shall rely upon the definitions set forth in Chapter 314-55 of the  
24 Washington Administrative Code when identifying the entities listed above.

25 **C. Outdoor Advertising.**

- 26 1. One sign, not exceeding 1,600 square inches (11.1 square feet) that is visible to the  
27 general public from a public right-of-way shall be permitted for exterior advertising  
28 purposes. Such sign shall be subject to the standards of the Washington State Liquor  
29 ~~Control~~ and Cannabis Board and Title 18B PCC.
- 30 2. "Minors restricted signs" shall be posted at all marijuana-licensed premises.

31 ~~**D. Federal Government Authorization.** No application for a marijuana-licensed business  
32 shall be approved by Pierce County until such time as marijuana is removed from the  
33 schedule of controlled substances at 21 U.S.C. sec. 812(c) as evidenced by a slip law  
34 available from the Library of Congress.~~

35 ~~**DE. Marijuana-Licensed Retail Outlets.**~~

- 36 1. Marijuana-licensed retail outlets shall be permitted through a Conditional Use Permit  
37 in Mixed Use District (MUD), Commercial Mixed Use District (CMUD), and  
38 Community Center (CC) zone classifications as well as the Rural Activity Center  
39 (RAC) classifications in the Key Peninsula and Gig Harbor Peninsula Community  
40 plan areas.
- 41 2. A marijuana retailer licensee may sell usable marijuana, marijuana-infused products,  
42 and marijuana paraphernalia between the hours of 8 a.m. and 12 a.m.
- 43 ~~3. A marijuana retailer licensee shall sell usable marijuana, marijuana-infused products,  
44 and marijuana paraphernalia in a detached building containing no additional business  
45 activities.~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

**EF. Marijuana-Licensed Processors.**

1. Marijuana-licensed processors shall be permitted through a Conditional Use Permit in Employment Center (EC), Community Employment (CE), and Mixed Use District (MUD) zone classifications.

**FG. Marijuana-Licensed Producers.**

1. Marijuana-licensed indoor producers shall be permitted through a Conditional Use Permit in the Employment Center (EC) and Community Employment zone classifications.
2. Marijuana production shall take place within a fully enclosed secure indoor facility or greenhouse.
3. Marijuana-licensed indoor production facilities shall be limited to 10,000 square feet of production space.
4. ~~Marijuana-licensed outdoor production facilities shall be limited to 10,000 square feet of production space.~~

**GH. Nuisance Abatement.** In addition to any other available remedy or penalty, any violation of this Section is declared to be a public nuisance per se, and may be abated under the applicable provisions of this Code or state law.

RECEIVED  
PIERCE COUNTY AUDITOR

JAN 22 2016

