



**King County**  
**Department of Permitting**  
**and Environmental Review**  
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## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE: March 6, 2014**

**TO:** Jim Chan Molly Johnson  
Wally Archuleta Chris Ricketts  
Sheryl Lux Steve Roberge  
Ty Peterson

John Starbard, Director  
Randy Sandin, Product Line Manager, Resource  
Devon Shannon, Prosecuting Attorney's Office

**FM:** Lisa Verner, Legislative Coordinator and RRC Chair

Present: Lisa Verner, Devon Shannon, Sheryl Lux, Randy Sandin, Steve Roberge, Ty Peterson, Wally Archuleta and Molly Johnson

- 1. Should we, and how can we, address and/or change the calculations by which recreational marijuana producer uses and processor uses are measured in order to determine code compliance?**

### Background

Recreational marijuana 'Producer' area limitations and recreational marijuana 'Processor' area limitations are not stated the same in the development conditions attached to the land use charts by Ordinance 17710. The former is "Floor area" while the latter is "canopy area". "Canopy area" theoretically could include vertical growing areas so that 10 square feet of floor area could translate to 15, 20, 30 or more square feet of canopy area when utilizing vertical racks or shelves. If a proposal for both Producer and Processor showed a dedicated area not exceeding 2000 square feet on plans, it would comply with combined Processor/Producer limitations. However, if racks or shelves were brought in and used, it could result in greater canopy square footage, exceeding County limits on Producer uses.

## Discussion

This is a new, untested area; no permits for any kind of recreational marijuana use to date. The state Liquor Control Board has issued only one permit and has announced it will reduce the amount of recreational marijuana production it will license at the beginning. As the licensing system stabilizes, licensees may be granted more production capability. With regard to County permits, it is unclear what applicants will apply for: a tenant improvement (TI) permit for an amount under 2000 sf in order to get the business going or a Conditional Use Permit (CUP) for the full allowed amount, up to 30,000 sf.

The main issue of calculating usage by square footage of floor area or by square footage of canopy area was discussed. Floor area was determined to be a more consistent and clear way of calculating usage. Because an applicant could use shelves or layered growing structures, canopy area could be added and subtracted easily. For example, production could cover 2000 sf of floor area and have 6000 sf of canopy area.

The question arose about how the County will know when an applicant increases the amount to more than 2000 sf, after obtaining a TI permit to start the business. (The issue is potential avoidance of a CUP). Several suggestions were made:

1. Have a tracking system; attach a note to the parcel number stating that the County was notified that a recreational marijuana license was applied for from the WSLCB;
2. Have a tracking system; attach a note to the parcel number stating that the County has issued a TI or other permit for a recreational marijuana use of 2000 sf or less (this would be seen when any future permit application is received and a determination made about whether a CUP was needed);
3. Include text on any approved plan and in any project description for a recreational marijuana use permit that the approval is for a maximum of 2000 sf and a CUP is required for additional usage;
4. Include a condition on the permit that it is approved for a maximum of 2000sf of recreational marijuana use and that a CUP is required for additional use, regardless of the amount allowed by the WSLCB license.

## Conclusion

For purposes of administering the code for recreational marijuana producer and/or processor permit review, the floor area square footage covered by the applicant's total use should be used for compliance calculations. A condition should be added to the permit stating that canopy areas, or combined canopy and processing areas, are limited to 2000 sf without a CUP and up to the limits identified by a CUP for any amount over 2000 sf. These limits are independent of the amount licensed by the WSLCB.