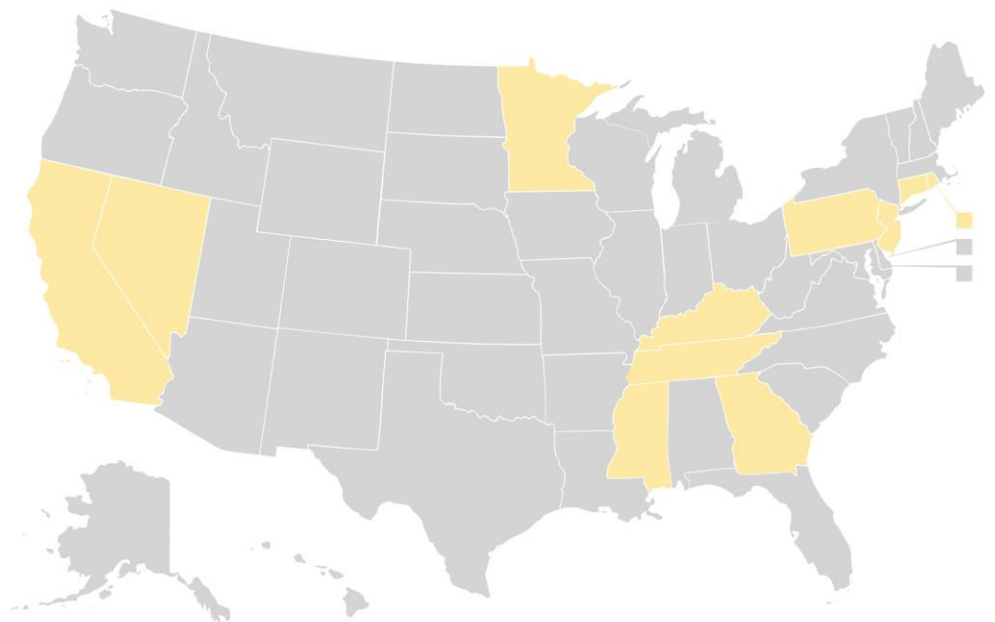


Research Protocol for Local Legal Marijuana Laws in Washington State

Prepared by Public Health – Seattle & King County

March 2017



RESEARCH PROTOCOL

March 2017

Local Marijuana Laws in Washington State

- I. **Goal:** To compile and review local city and county zoning and other local legislation in the state of Washington, pertaining to both recreational and medical marijuana businesses and uses.
- II. **Primary Data Collection**
 - a. **Project dates:** This is a longitudinal dataset displaying ordinances in effect as of January 31, 2016 and updated through September 30, 2016. Data was collected on a quarterly basis thereafter.
 - b. **Dates included in the dataset:** Researchers used the last date of each grant month against which to review marijuana-related ordinances (EG: January 31, 2016, February 29, 2016 and March 31, 2016). **Databases used:** Searches for local codes was conducted using the online Municipal Research Services (MRSC) database (a publicly available service for local governments that compiles online local statutes of participating jurisdictions) [<http://www.mrsc.org/codescombined.aspx>]
 - c. **Search Terms:** Marijuana; Marihuana; Cannabis; Collective Garden; collectives; I502; I-502; Cooperatives
 - d. **Exclusion Criteria:** Grant team agreed with PI to exclude: any city/town with population below 3,000 residents, and tribal lands, and only collect additional cities/towns time permitting. [Source: [Office of Financial Management web page on Population: http://www.ofm.wa.gov/pop/default.asp](http://www.ofm.wa.gov/pop/default.asp)]
 - e. **Primary Quality Control:** For cities and counties with no result in the Municipal Code database, a second search was conducted by searching on the city or county specific webpage, accessible through [<http://www.mrsc.org/codes.aspx#city>] and [<http://www.mrsc.org/cntycodes.aspx>]. Search used the same syntax and search terms as stated above. A general Google search was also conducted. After searching for all local codes, ordinances and rules, results were compared to other compiled publicly available information on local marijuana laws for consistency. MRSC, LCB and WSIPP were also consulted for additional verification.

WSIPP report: <http://www.wsipp.wa.gov/Reports/537>
MRSC websites: <http://mrsc.org/Home/Explore-Topics/Legal/Regulation/Recreational-Marijuana-A-Guide-for-Local-Governmen.aspx> -and-
[http://mrsc.org/Home/Explore-Topics/Legal/Regulation/Medical-Marijuana-\(Cannabis\).aspx](http://mrsc.org/Home/Explore-Topics/Legal/Regulation/Medical-Marijuana-(Cannabis).aspx)

III. Coding

- a. **Codebook Development:** Researcher #1 created an Excel spreadsheet that included all coding questions developed by the Researchers. A coder notes section was created to include “PARENT,” “CHILD” or “GRANDCHILD” and Question Number to denote skip logic. {e.g. Codebook: Question #1, PARENT;} Coder notes were included as necessary to provide additional clarification and guidance on a specific question, with a reminder to include citations. These notes were used extensively to direct coding.

- b. **Coding Methods:**
 - i. Researcher #1 (primary coder) coded all Moratoria and Bans.
 - ii. Researcher #1 and #2 beta coded 10 jurisdictions with zoning ordinances to uncover any language issues, inconsistencies, etc. Both researchers coded outside of LawAtlasSM using Excel spreadsheet. The researchers met to resolve any differences. Once divergences were resolved, the primary coder entered the final codes into LawAtlasSM. Any changes to the codebook questions, variable names, and public description were made as necessary. Coder notes were used extensively to direct coding.
 - iii. Researcher #1, Researcher #2 and Researcher #3 coded the remaining jurisdictions with zoning. Redundant coding for quality assurance was conducted on 100% of jurisdictions. This Inter-Rater Reliability Review showed 100% agreement after coding review meeting.

- c. **Coding Decisions:**
 - i. For time periods:
 - If more than one ordinance was enacted during the same time period (e.g., January 31, 2016), all applicable provisions were coded into the same record. For instance, if a county passed permanent zoning but also interim fencing regulations, both were included as both were in place at the time period coded.
 - However, if interim zoning was replaced by permanent zoning, then only the permanent zoning was included (as it replaced the interim zoning) so that only the zoning in place at the time period was coded.
 - ii. For zoning questions:
 - We utilized a ‘zoning conversion table’ – showing broad categories of zones that may appear in most jurisdictions, criteria for how to properly categorize the actual zones, and the names of the zones in each category. This allowed us to use comparable categories across multiple coders.
 - For questions listing zones in jurisdiction, we noted that not all zones from the local code are included, and only those with relevance to marijuana-related use siting should be selected. Names of zones may be different from these categories, but purpose for the zone was reviewed to categorize the zone:

1. Single-family residential
 2. Multi-family residential
 3. Mixed use (residential / commercial / industrial)
 4. Solely Office / Business park
 5. Solely Commercial or Solely Business
 6. Solely Industrial / Manufacturing
 7. Agricultural
 8. Rural
 9. Other
- Coders used 'mixed use' to reflect any zone that allowed residential uses in other combined uses (such as commercial/industrial). Only if a specific zone appeared to be 'solely' for that use (such as solely commercial) was a zone selected and coded where marijuana-related uses were allowed in that zone. Because many zones are not well-described in the local code, even when reviewing the purpose, it was sometimes impossible to assess whether the zone was exclusive (e.g., solely commercial) or in reality a mixed use. In these circumstances, we coded to our best interpretation of the zone use description, and "flagged" the question, describing coding decision. (It should be noted that residential uses are also often non-conforming pre-existing uses even in those zones that appear to be solely limited to the higher impact use. Actual uses in the zone may differ from the description/name of the zone in some circumstances.)
- iii. Coding for Youth-Related Use Setbacks
 - Conditions related to setbacks or restrictions on marijuana-related businesses and youth-related activities/functions were a key part of this research. The question for youth-related activity/function setbacks were coded as a stand-alone question and were not coded as part of the overall list of set-backs. Coder notes and caution flags for the general set-backs questions noted this.
 - iv. Coding for Rural Areas
 - In county rural areas, there are potentially many non-rural uses (such as rural service centers – small business districts; industry; housing).
 - However, to avoid confusion with more intensive mixed use areas where there would be potentially more conflicts between marijuana businesses and other uses (such as urban commercial/residential), all marijuana-related uses in rural zones were coded as rural, with a caution flag to note if the zone was actually a rural-industrial mixed zone or rural service centers/rural commercial mixed zone.
 - v. Coding for Agricultural Areas
 - In county agricultural areas, housing on farm lots exists.
 - Notwithstanding housing, agricultural zones were coded as such, not as mixed-use areas.
 - vi. Coding for Rural Industrial Areas
 - vii. Where rural industrial areas were truly separate zones (not mixed rural/industrial), these were coded as such.
 - viii. Coding Definitions
 - Proximity - proximity to another marijuana-related business/use

- Density - limit on concentration per square mile/block or other defined area (e.g., in entire city)
 - Buffer - buffer from any other use (e.g., buffer from youth-serving use, or other use such as rehab facility)
 - Setbacks - setback of business from property line
- ix. Coding Standards
- Coding standards were determined after IRR Review
 1. Legal non-conforming (Still need to add definition)
 2. “Silent” vs. “No” – Code “No” if ordinance explicitly stated “No”
 3. Buffer vs. Proximity – GRAPHIC NEEDED
 4. “No” vs. “Silent” in specific zones set of questions – If MJ explicitly allowed in 1 or more zones, and silent for others, code other zones as Prohibited.
 5. Size/Density/Proximity/Building Setback in specific zones set of questions – Add coder flag and list specific details, not just the number (eg: enter “Retail must be 500 feet from residential zones” and not just “500 feet”)
 6. If Size/Density/Proximity/Building Setback/Youth Buffer responses were coded in Jurisdiction-wide set of questions, make sure they are also coded in specific zones set of questions as well, if applicable.
 7. “Residence” to identify Mixed-Use zone – use “normal” residences (eg: single-family, multi-family, duplexes, mobile home parks and dwelling units above commercial uses). Examples of what not to include as “residence” are assisted living facilities, adult family homes, boarding houses, caretaker dwellings. For question “What specific zones are recreational/retail marijuana-related uses explicitly allowed in the Mixed Use zone (residential / commercial / industrial)?” – add how coder determined mixed-use category in response, or add coder flag if determination of residence is not clear. [Eg: Producers, Processors and Retailers allowed in M-1 Industrial District. This district allows existing single-family and duplex residence.]
 8. Indoor vs. Outdoor (allows vs. prohibits) – Code as explicitly state in ordinance, and do not code the reverse. [Eg: “The production and processing of marijuana shall take place indoors, entirely within a permanent enclosed structure with a roof” should be coded as “Allows indoor growing.” – do not code as “Prohibits outdoor growing” unless ordinance explicitly states prohibition. If ordinance language uses “In a structure” – code as “Other” and Flag.
 9. Indoor vs. Outdoor where zone only allows retail – Only code the indoor/outdoor growing allowed/not allowed in the set of zone questions where producers and processors allowed.
 10. Greenhouse – Code as “Other” and Flag that “Other = Greenhouse”

11. Definitions – if definitions are adopting WAC by reference, code as “Silent” and Flag.
12. Producers & Processors allowed in Same Building Question – For Medical (Cooperatives, Collective Gardens, etc) – By Definition, Cooperatives & Collective Gardens are combined producers and processors. Code this question as “Yes” – and Flag as such.
13. Public Nuisance – Code if nuisance explicitly states marijuana (or cannabis)
14. If Industrial zone is combined with Solely Commercial zone – Determine which zone is the primary use then code only for that zone (ie, if zone is more Industrial than Solely Commercial, code in Industrial zone and not also in Solely Commercial zone. Flag that zone is combined Industrial/Commercial, but coding only in Industrial.)
15. “Single tax parcel” – Code this as Density (ie, if ordinance states “No more than 1 marijuana retail business shall be located on a single parcel”, code this as Density.)
16. Marketing & Promotion – Code “Yes” if Signage is restricted. Flag and add details (this question will likely be modified in the future.)

IV. Limitations

- a. Queries necessarily were limited to the specific language related to marijuana-related uses. Some jurisdictions do not include language specific to an actual use (for instance, they zone or place conditions on a general category, such as retail stores, or small processing operations, but do not list marijuana stores, or marijuana processing operations specifically). This was noted through caution flags and it was noted that no specific marijuana use existed. Researchers are advised to review the direct code language to determine if a use is allowed, even without a listing in the zoning table.
- b. Some jurisdictions’ codes appear to be codified incorrectly (e.g., the ordinance language does not reflect the code). These jurisdictions will be contacted directly to verify, but their records are currently not visible and showing in LawAtlasSM.
- c. We limited coding to larger cities and all counties in the interest of time. We will continue to add smaller cities (there are 140 cities with a population of 3,000 or less) as time permits.