Director’s Interpretation

DATE:       June 18, 2014

TO:         Washington Jade

FROM:       Jeffrey L Rowe, Deputy Director, DCD

Cc:         Scott Diener, Manager, Policy and Planning, DCD

RE:         Formal Director’s Interpretation: Marijuana Drop-off and/or Distribution

This interpretation pertains to the continued siting of an unpermitted medical marijuana drop-off and distribution operation in the Rural Industrial zone. This interpretation is solely related to land use under title 17 KCC and does not address the legality of the use under state law. Further, this interpretation may not be construed as an authorization to circumvent or violate state or federal law or as permission to any person or entity to violate state or federal law.

Background
The above unpermitted medical marijuana activity is occurring on Parcel No. 8513-000-005-0008 within the Mullenix/Hwy 16 industrial area, which is zoned Rural Industrial. The purpose of the Rural Industrial zone “provides for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services.” KCC 17.370.010.

Kitsap County notes the current use and activity to consist of delivery of marijuana prepared for medical marijuana purposes to the location noted above, and the picking up of medical marijuana by qualified patients, either for compensation, barter or trade, but not necessarily requiring compensation, barter or trade at the location of the pick-up. Kitsap County further understands that the persons engaged in this use claim to act pursuant to the collective garden provisions of RCW 69.51A.085, although no actual growing occurs on site.

Director’s Formal Interpretation
The Director finds that the proposed use is not specifically listed in the zoning tables of chapter 17.381 KCC and constitutes an unclassified use pursuant to KCC 17.381.030. In reviewing the factors of KCC 17.100.040, the Director is unable to find that the use is similar to any use allowed in the Rural Industrial zone. The use is thus prohibited in the Rural Industrial zone.

This decision is a final Type 1 decision of DCD and may be appealed within 14 days of the mailing date noted above pursuant to KCC 21.04.290.