ORDINANCE NO. 2014-29

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 20 OF THE WALLA WALLA MUNICIPAL CODE REGARDING ZONING AND LAND USE MATTERS TO ADDRESS INITIATIVE 502 AND RELATED REGULATORY MATTERS

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and
WHEREAS, the Walla Walla County Board of Commissioners passed County Resolution number 90-449 on October 30, 1990 opting into planning activities under the Washington Growth Management Act, Chapter 36.70A RCW; and
WHEREAS, the Walla Walla City Council passed City Ordinance 2008-25 on November 5, 2008 adopting an updated comprehensive plan for the City of Walla Walla; and
WHEREAS, RCW 36.70A.130 provides that development regulations shall be subject to continuing review and evaluation by the city that adopted them; and
WHEREAS, RCW 35A.63.100 authorizes the Walla Walla City Council, by ordinance or other action to the extent the Walla Walla City Council deems necessary or appropriate, to implement or give effect to the comprehensive plan or parts thereof in developing the City of Walla Walla and in regulating the use of land herein; and
WHEREAS, Washington voters approved initiative 502 (I-502) at the November 6, 2012 general election which authorizes licensing of marijuana producers, processors, and retailers, and such initiative has been enacted as chapter 3 of the 2013 laws of the regular session of the Washington Legislature; and
WHEREAS, Laws of 2013, ch. 3, § 10 directed the state liquor control board to adopt rules by December 1, 2013 that establish the procedures and criteria necessary to license marijuana producers, processors, and retailers and determining the maximum number of retail outlets that may be licensed in each county; and
WHEREAS, Washington voters approved initiative 502 (I-502) at the November 6, 2012 general election which authorizes licensing of marijuana producers, processors, and retailers, and such initiative has been enacted as chapter 3 of the 2013 laws of the regular session of the Washington Legislature; and
WHEREAS, Laws of 2013, ch. 3, § 10 directed the state liquor control board to adopt rules by December 1, 2013 that establish the procedures and criteria necessary to license marijuana producers, processors, and retailers and determining the maximum number of retail outlets that may be licensed in each county; and
WHEREAS, the United States Department of Justice issued a memorandum on August 29, 2013 that reserved federal prosecutorial authority but indicated that it may not prosecute activities less likely under strong and effective regulatory and enforcement systems to threaten certain federal enforcement priorities; and
WHEREAS, the Washington State Liquor Control promulgated rules to implement I-502 which are codified at Chapter 314-55 WAC; and
WHEREAS, the City of Walla Walla gave appropriate notice and conducted a public work
session on October 21, 2013 to take public input and discuss possible adoption of a moratorium or interim zoning ordinance regarding locating or placing marijuana production facilities, marijuana processing facilities, and marijuana retail outlets and matters related thereto; and

WHEREAS, the City of Walla Walla gave appropriate notice and conducted a public hearing at its regularly scheduled open public meeting on October 23, 2013 on adoption of a moratorium or interim zoning ordinance regarding locating or placing marijuana production facilities, marijuana processing facilities, and marijuana retail outlets and matters related thereto; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its October 23, 2013 regular meeting and passed Walla Walla City Ordinance 2013-30, an interim zoning ordinance; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its June 11, 2014 regular meeting and passed Walla Walla City Ordinance 2014-13 amending its interim zoning ordinance; and

WHEREAS, the City of Walla Walla filed an application on December 3, 2013 to amend its zoning code to adopt permanent regulations regarding locating or placing marijuana production facilities, marijuana processing facilities, and marijuana retail outlets and matters related thereto; and

WHEREAS, notice of application was given on January 24, 2014 which provided that the SEPA responsible official anticipated issued a determination of non-significance; and

WHEREAS, after proper notice of application and hearing, the Walla Walla Planning Commission conducted a public hearing on the City's application on August 4, 2014 and has made recommendations to the Walla Walla City Council; and

WHEREAS, the Walla Walla City Council has considered adoption of this ordinance during a duly called public meeting of said Council, has given careful review and consideration to said ordinance, finds said ordinance to be in the best interests of the City of Walla Walla, and this ordinance having been passed by a majority of the whole membership of the Walla Walla City Council;

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: The Walla Walla City Council finds that it is necessary to amend its Municipal Code to ensure that the City remains compliant with the requirements of Ch. 36.70A RCW, addresses Laws of 2013, ch. 3 enacted by I-502, and establishes local regulations that satisfy the August 29, 2013 U.S. Department of Justice mandate for robust controls that do not threaten federal enforcement priorities. There is a need for local development regulations, because WAC 314-55-020(11) states that the issuance of a marijuana license by the Washington State Liquor Control Board "shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements."
A. The Washington State Liquor Control Board issued a concise explanatory statement on October 21, 2013 for rules that it adopted to implement I-502. The explanatory statement issued by the Washington State Liquor Control Board contains its responses to various comments received about its proposed rules. Comments and the responses given by the Washington State Liquor Control Board demonstrate that the Washington State Liquor Control Board did not consider the requirements of Chapter 36.70A RCW or otherwise determine whether its rules are consistent with and implement local comprehensive plans. Comments and the responses given by the Washington State Liquor Control Board identify and acknowledge many gaps for which local regulation is needed to satisfy the demands of the U.S. Department of Justice for strong and effective regulatory and enforcement systems. The October 21, 2013 explanatory statement details the following comments and Washington State Liquor Control Board responses (LCB responses):

1. Eighteen comments were received requesting a limit on outlet density. **LCB response:** Outlet density will be determined by local jurisdictions by their zoning decisions for areas that will be allowed to have marijuana licenses.

2. Five comments were received requesting the board use caution when issuing licenses to communities with persons at risk. **LCB response:** Local jurisdictions through the zoning process will be deciding which areas will be allowed to have marijuana licenses. Concerns should be shared with local jurisdictions.

3. Three comments were received requesting a ban on marijuana licenses in residential areas. **LCB response:** The board will not issue a marijuana license to a location that is in a residence. Local jurisdictions will make the decisions on what area will be zoned for marijuana licenses.

4. Two comments were received requesting limits be set on outdoor grow operations in proximity to neighbors to protect from noxious smells (odor impacts). **LCB response:** There was nothing in I-502 limiting the distances for marijuana producer licenses or limiting odors from marijuana production.

5. One comment was received requesting the board restrict the location and number of retail outlets per county with even distribution, with awareness of the number of licenses allowed in low income areas. **LCB response:** Local jurisdictions through the zoning process will determine which areas will be allowed to have marijuana licenses.

6. One comment was received requesting the board require size limitations for signs and defer to local jurisdiction’s sign code, if more restrictive. **LCB response:** There is a sign restriction for marijuana retail outlets (WAC 314-55-155 (1)). Local jurisdictions have authority to enforce their own sign codes.
7. One comment was received requesting allowance for local jurisdictions to finalize zones prior to starting the application process. **LCB response:** The board has no authority over local jurisdiction’s zoning timelines.

8. Once comment was received requesting a limit on outlet density. **LCB response:** Outlet density will be determined by the local jurisdictions by their zoning decisions for areas that will be allowed to have marijuana licenses.

9. Two comments were received regarding areas where licenses should not be located. One person requested that the board clarify licenses will not be issued in areas zoned residential. One person requested marijuana producer and processor licenses not be allowed within the 10 year well head protection zone of a class A water system. **LCB response:** Local jurisdictions will determine through the zoning process areas marijuana businesses can be located. The board will not issue any marijuana license for a location in a residence.

10. Six comments were received on areas where licenses should not be located. Five people requested marijuana businesses not be located in close proximity of each other. One person requested the rules specify marijuana licenses will only be approved in accordance with local zoning regulations. **LCB response:** Local jurisdictions will determine areas marijuana businesses can be located (WAC 314-55-020(11)).

**Section 2:** The City of Walla Walla hereby incorporates the Urban Area Comprehensive Plan & Environmental Impact Statement as the environmental document used to meet the City’s responsibilities under SEPA pursuant to WAC 197-11-635. The Urban Area Comprehensive Plan & Environmental Impact Statement analyzes impacts associated with adoption of development regulations herein. Such environmental documents are available for public review at the Walla Walla Joint Community Development Agency located at 55 E. Moore St., Walla Walla, Washington.

**Section 3:** The Walla Walla City Council finds that the amendments hereby adopted conform to the requirements of Chapter 36.70A RCW. The Walla Walla City Council finds that the amendments adopted herein are consistent with and implement the City of Walla Walla’s comprehensive plan, as amended. The Walla Walla City Council finds that the amendments adopted herein advance state interests which are stated in RCW 36.70A.010 and in the policies, goals, and other provisions of the City of Walla Walla’s comprehensive plan, as amended.

A. The goals, objectives, policies and elements of the City of Walla Walla’s comprehensive plan were adopted after considering and balancing the planning goals stated in RCW 36.70A.020, and they manifest and advance the state interests stated in Chapter 36.70A RCW.

B. Objective 2 of goal 1 of paragraph 2.2.3 of the comprehensive plan state that it is an objective of the City of Walla Walla to ensure compatibility among land uses.
C. Objective 5 of goal 2 of paragraph 2.2.3 and policy 6 of paragraph 2.3.5 of the comprehensive plan state that the character of Walla Walla neighborhoods should be enhanced, supported, promoted and celebrated.

D. Element 3 of the comprehensive plan contains a future land use map and land capacity analyses that identifies where the community desires to locate future land uses by type.

E. Policies 1 and 2 of paragraph 2.3.5 of the comprehensive plan state that the pattern of development should conform to the future land use plan and the character of existing land used.

F. Element 7 of the comprehensive plan details existing land uses and contains both an existing land use map and a current zoning map that identifies existing uses by type.

G. Paragraph 7.2 of the comprehensive plan explains that residential districts of the City of Walla Walla are intended primarily for residential development, commercial districts of the city are intended primarily for commercial uses, light industrial districts are intended for industrial and other commercial uses that do not generate excessive noise, odors or other nuisances, heavy industrial districts are intended for uses that may created a greater degree of nuisances to surrounding uses, public reserve districts are intended as areas to protect civic, cultural, educational and similar facilities, and airport development districts are intended for uses compatible with aviation facilities and to enhance potential future commercial and industrial uses that will benefit from a location near the airport. The primary purposes of those districts are further explained in chapter 20.50 of the Walla Walla Municipal Code which implements the comprehensive plan.

H. Land use policies 1 and 11 of paragraph 2.3.8 of the comprehensive plan state the types of land uses allowed on particular sites should minimize and mitigate land use conflicts and establish better organization of the community.

The aforementioned goals, objectives, policies and elements of the comprehensive plan indicate that marijuana production facilities, marijuana processing facilities, marijuana retail outlets, and similar facilities are inappropriate for residential districts and public reserve districts of the City of Walla Walla and should be limited to appropriate commercial, industrial, and airport development districts.

Section 4: The Walla Walla City Council finds that marijuana production facilities, marijuana processing facilities, marijuana retail outlets, and similar facilities are inappropriate for residentially zoned properties under Laws of 2013, ch. 3 enacted by I-502, Chapter 314-55 WAC, and federal guidance contained in an August 29, 2013 memorandum from Deputy Attorney General James M. Cole.

A. Laws of 2013, ch. 3, § 4, codified as RCW 69.50.325, provides that marijuana producer's license, marijuana processor's licenses, and marijuana retailer's licenses shall be regulated by the
Washington State Liquor Control Board. Laws of 2013, ch. 3, § 6(4), codified as RCW 69.50.331(4) states that every license issued under that act shall be subject to all conditions and restrictions adopted by the Washington State Liquor Control Board. Laws of 2013, ch. 3, § 9, codified as RCW 69.50.342, authorize the Washington State Liquor Control Board to adopt rules to implement that act. WAC 314-55-015(5) states that the Washington State Liquor Control Board "will not approve any marijuana license for a location where law enforcement access, without notice or cause, is limited. This includes a personal residence."

B. Laws of 2013, ch. 3 § 6(8), codified as RCW 69.50.331(8), manifests state intent to prevent distribution of marijuana to minors.

C. An August 29, 2013 memorandum from Deputy Attorney General James M. Cole regarding marijuana enforcement states that the following enforcement priorities are particularly important to the federal government:

- Preventing distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

D. Over 1/4 of Walla Walla households include children under the age of eighteen (18) years.

E. Residential zones in the City of Walla Walla consist primarily of personal residences and contain locations throughout such zones where children under the age of eighteen (18) years reside. Properties in residential zones are therefore not appropriate locations for marijuana production facilities, marijuana processing facilities, marijuana retail outlets, and similar facilities.

Section 5: The Walla Walla City Council finds that there is no location in the central commercial district of the City of Walla Walla that could qualify for issuance of a marijuana license pursuant to WAC 314-55-050(10).

Section 6: The Walla Walla City Council finds that the special requirements imposed by Chapter 314-55 WAC and the need to mitigate potential impacts that marijuana production facilities, marijuana processing facilities, marijuana retail outlets, and similar facilities may have
upon neighboring properties dictates that such uses should only be allowed, where appropriate, under a conditional use permit.

Section 7: Section 20.100.040 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.100.040 Table of permitted land uses.

The uses described in the following table are permitted, conditionally permitted, or not permitted in zoning districts of the city as identified therein subject to concurrency requirements, the provisions of this title, and title 21 of this code.

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>ZONING DISTRICTS</th>
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<tbody>
<tr>
<td></td>
<td>R-60</td>
</tr>
<tr>
<td>AGRICULTURAL (COMMERCIAL)</td>
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</tr>
<tr>
<td>Agriculture, Horticulture, Gen. Farming (Not feedlots &amp; stockyards)</td>
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<tr>
<td>Agricultural Stand (*)</td>
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</tr>
<tr>
<td>Agriculturally Related Industries (*) (Also see Wineries, Distilleries, and Breweries under Manufacturing)</td>
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</tr>
<tr>
<td>Animal Husbandry (*)(3)</td>
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<tr>
<td>Aquaculture</td>
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<tr>
<td>Concentrated Animal Feeding Operation (*)</td>
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<tr>
<td>Marijuana Production Facilities, Medicinal Cannabis Production Facilities, and Collective Gardens</td>
<td>x</td>
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<tr>
<td>Floriculture</td>
<td></td>
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<tr>
<td>AMUSEMENT AND RECREATION</td>
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<tr>
<td>Amateur radio towers</td>
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<tr>
<td>Amusement Park (Permanent)</td>
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<tr>
<td>Bowling Alleys</td>
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</tbody>
</table>

NOTES:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
3. No closer than 300' from any residential dwelling units.
NOTES:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.

<table>
<thead>
<tr>
<th>LAND USES - COMMUNITY SERVICES</th>
<th>ZONING DISTRICTS</th>
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</thead>
<tbody>
<tr>
<td>Day Care Centers: Mini (1-6 children) (*)</td>
<td>R-60 R-72 R-96 RM PR CC CH IL/C IH AD</td>
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<tr>
<td>Day Care Centers: Mini (7-12 children) (*)</td>
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<tr>
<td>Day Care Centers: Family (13 or more children) (*)</td>
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<tr>
<td>Essential Public Facilities★</td>
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</tr>
<tr>
<td>Fire Stations, Police Stations &amp; Ambulance Service</td>
<td>3 3 3 1 1 1 1 1 1 1 x</td>
</tr>
<tr>
<td>Funeral Homes, Crematories, Mausoleums &amp; Columbariums</td>
<td>x x 3 1 1 1 1 3 x x</td>
</tr>
<tr>
<td>Government Offices, quasi-government offices, community services agencies offices</td>
<td>x x 3 1 1 1 1 1 1</td>
</tr>
<tr>
<td>Hospitals</td>
<td>3 3 3 3 3 1 x 3 3 x x</td>
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<tr>
<td>Libraries</td>
<td>3 3 3 3 1 1 1 3 3 3 x x</td>
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<tr>
<td>Museums, Art Galleries</td>
<td>3 3 3 3 3 1 1 1 3 3 x x</td>
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<tr>
<td>Schools, Public/Private Schools</td>
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<tr>
<td>Schools, Vocational Schools</td>
<td>3 3 3 3 3 2 2 2 2 x x x x</td>
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<tr>
<td>Shelters, Temporary Housing - Emergency</td>
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<tr>
<td>Storage of Gravel &amp; Equipment for Street Construction (Permanent)</td>
<td>x x x x x x 3 1 3 x x x x</td>
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<tr>
<td>Zoo</td>
<td>x x x x 1 x x x x x x</td>
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</tbody>
</table>

MANUFACTURING

-8-
NOTES:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
3. (★★) The facility must be sited in accordance with Chapter 20.176, or, in the case of preemption, such other applicable process established by law, before proceeding with Level III conditional use review.

<table>
<thead>
<tr>
<th>TABLE OF PERMITTED LAND USES</th>
<th>ZONING DISTRICTS</th>
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<tbody>
<tr>
<td>LAND USES - MANUFACTURING</td>
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<td>(Continued)</td>
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<tr>
<td>Bakery Products (Wholesale)</td>
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<tr>
<td>Beverage Industry</td>
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<tr>
<td>Beverage Industry: Non-alcoholic</td>
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<tr>
<td>Beverage Industry: Breweries</td>
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<td>See Chap. 20.172</td>
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<tr>
<td>Beverage Industry: Distilleries</td>
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<td>See Chap. 20.172</td>
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<tr>
<td>Beverage Industry: Wineries</td>
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<tr>
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<td>See Chap. 20.172</td>
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<tr>
<td>Canning, Preserving &amp; Packaging Fruits, Vegetables &amp; Other Foods</td>
<td>x</td>
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<tr>
<td>Cement and Concrete Plants</td>
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<td>Chemicals (Industrial, Agricultural, Wood, etc.)</td>
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<tr>
<td>Concrete, Gypsum and Plaster Products (Wholesale)</td>
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<tr>
<td>Confectionery and Related Products (Wholesale)</td>
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<tr>
<td>Cutlery, Hand Tools and General Hardware</td>
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<tr>
<td>Electrical Transmission and Distribution Equipment</td>
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<tr>
<td>Electronic Components and Accessories</td>
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<tr>
<td>Engineering, Medical, Optical, Dental &amp; Scientific Instruments</td>
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<td>Fabricated Structural Metal Products</td>
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<td>Food Processing</td>
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<td>Furniture and Custom Cabinet Shops</td>
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<td>Glass, Pottery and Related Products</td>
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<tr>
<td>Grain Mill Products</td>
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<tr>
<td>Heating Apparatus Wood Stoves</td>
<td>x</td>
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<tr>
<td>Leather Products</td>
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</table>

NOTES:
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2. (*) refers to definition in Chapter 20.06.
<table>
<thead>
<tr>
<th>LAND USES - MANUFACTURING USES</th>
<th>R-60</th>
<th>R-72</th>
<th>R-96</th>
<th>RM</th>
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<td>Marijuana Processing Facilities and Medical Cannabis Processing Facilities</td>
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<td>Meat, Poultry and Dairy Products</td>
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<td>Metal Cans</td>
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<td>Paints, Varnishes, Lacquers, Enamels &amp; Allied Products</td>
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<td>Prefabricated Structural Wood Products &amp; Containers</td>
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<td>Printing, Publishing and Binding</td>
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<td>Rendering Plants, Slaughter Houses</td>
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<td>Sawmills and Planing Mills</td>
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<td>Sheet Metal and Welding Shops</td>
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<td>x</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>x</td>
</tr>
<tr>
<td>Stone Products (Such as Finishing of Monuments for Retail Sale)</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>x</td>
</tr>
<tr>
<td>Transportation Equipment, Including Trailers &amp; Campers</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>x</td>
</tr>
</tbody>
</table>

**NOTES:**
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.  
2. (*) refers to definition in Chapter 20.06.

### TABLE OF PERMITTED LAND USES ZONING DISTRICTS

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>MINING/REFINING/HAZARDOUS STORAGE &amp; TREATMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt Paving &amp; Roofing Materials</td>
<td>x</td>
</tr>
<tr>
<td>Excavation or Stockpiling of Earthen Materials Not Associated with an Approved Use</td>
<td>x</td>
</tr>
<tr>
<td>Offsite Hazardous Waste Treatment and Storage Facilities</td>
<td>x</td>
</tr>
</tbody>
</table>

Onsite Hazardous Waste Treatment and Storage Facilities Permitted at same level as Permitted Use Generator

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>RESIDENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sand &amp; Gravel Pits (*)</td>
<td>x</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td>Accessory Dwelling Unit, Attached</td>
</tr>
<tr>
<td>Accessory Dwelling Unit, Detached</td>
<td>2</td>
</tr>
<tr>
<td>Adult Family Home</td>
<td>1</td>
</tr>
</tbody>
</table>

Animals See Chapter 20.130

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>Boarding House (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding House (*)</td>
<td>3</td>
</tr>
<tr>
<td>Congregate Care Facility (*)</td>
<td>3</td>
</tr>
</tbody>
</table>

-10-
### Notes:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
3. Subject to specific development standards. See Chapter 20.170.
4. No residential premises shall have more than 4 per year for a total of 12 days a year. See Section 20.118.060.

#### TABLE OF PERMITTED LAND USES - RESIDENTIAL (Continued)

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family Dwelling</td>
<td>R-60</td>
</tr>
<tr>
<td>Dwelling Unit, Security Personnel</td>
<td>x</td>
</tr>
<tr>
<td>Garage Sales (*)(4)</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP</th>
<th>LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Housing for Handicapped Persons (6 or fewer clients)</td>
<td>Group Housing for Handicapped Persons (More than 6 clients)</td>
<td>R-60</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>Manufactured Home Parks (*)</td>
<td>1</td>
</tr>
<tr>
<td>Single-family, including Manufactured Home Subdivision (*)</td>
<td>Mobile Home (<em>) or Manufactured Homes (</em>)(3)</td>
<td>4</td>
</tr>
<tr>
<td>Multi-Family Dwelling</td>
<td>Nursing Care, Home (9 or fewer clients)</td>
<td>x</td>
</tr>
<tr>
<td>Nursing Care Facility (10 or more clients)</td>
<td>Planned Residential Development (Level 4)</td>
<td>3</td>
</tr>
<tr>
<td>Residential Use, Commercial Districts (4)</td>
<td>Satellite Dishes, Receive Only Earth Station, Residential Use (5)</td>
<td>x</td>
</tr>
<tr>
<td>Temporary Hardship Units (Mobile Home)(3)</td>
<td>Two Family Dwelling (Duplex)(*)</td>
<td>2</td>
</tr>
<tr>
<td>NOTES:</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1. Level I &amp; Level II uses may require a higher level of review if the use or development is in an overlay zone.</td>
<td></td>
<td>2. (*) refers to definition in Chapter 20.06.</td>
</tr>
<tr>
<td>3. Subject to specific development standards. See Chapter 20.170.</td>
<td></td>
<td>4. Second story and above.</td>
</tr>
<tr>
<td>5. Subject to specific development standards. See Chapter 20.170.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### TABLE OF PERMITTED LAND USES - RETAIL TRADE AND SERVICE

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addressing, Mailing &amp; Stenographic Services</td>
<td>Addressing Agencies</td>
</tr>
<tr>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Land Uses</td>
<td>R-60</td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>Beauty &amp; Barber Shops</td>
<td>x</td>
</tr>
<tr>
<td>Bed &amp; Breakfast (3)</td>
<td></td>
</tr>
<tr>
<td>Boats &amp; Marine Accessories</td>
<td>x</td>
</tr>
<tr>
<td>Books, Stationery, Office Supplies</td>
<td>x</td>
</tr>
<tr>
<td>Building &amp; Trade (e.g. Plumbing, Heating, Electrical)</td>
<td>x</td>
</tr>
<tr>
<td>Butcher Shop</td>
<td>x</td>
</tr>
<tr>
<td>Camera Stores &amp; Photographic Studios</td>
<td>x</td>
</tr>
<tr>
<td>Candy Store</td>
<td>x</td>
</tr>
<tr>
<td>Christmas Tree Sales Lot</td>
<td>2</td>
</tr>
<tr>
<td>Clothing &amp; Accessories</td>
<td>x</td>
</tr>
<tr>
<td>Coin &amp; Stamp Shops</td>
<td>x</td>
</tr>
<tr>
<td>Convenience Store (*)(4)</td>
<td>3</td>
</tr>
<tr>
<td>Delicatessen</td>
<td>x</td>
</tr>
<tr>
<td>Department, Discount, Variety Stores</td>
<td>x</td>
</tr>
<tr>
<td>Drug Stores (Optical Goods, Orthopedic Supplies)</td>
<td>x</td>
</tr>
<tr>
<td>Dry Cleaning Plants</td>
<td>x</td>
</tr>
<tr>
<td>Employment Agencies (Private)</td>
<td>x</td>
</tr>
<tr>
<td>Fabric Store</td>
<td>x</td>
</tr>
</tbody>
</table>

NOTES:
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
4. Subject to specific development standards. See Chapter 20.166.
<table>
<thead>
<tr>
<th>TABLE OF PERMITTED LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USES - RETAIL TRADE AND SERVICE (Continued)</td>
<td>R-60</td>
</tr>
<tr>
<td>Farm Implements, Tools &amp; Heavy Construction Equipment</td>
<td>x</td>
</tr>
<tr>
<td>Farm Supplies</td>
<td>x</td>
</tr>
<tr>
<td>Financial Institutions</td>
<td>x</td>
</tr>
<tr>
<td>Florist Shop</td>
<td>x</td>
</tr>
<tr>
<td>Food Store, Specialty or Super Market</td>
<td>x</td>
</tr>
<tr>
<td>Fuel, Oil &amp; Coal Distributors</td>
<td>x</td>
</tr>
<tr>
<td>Furniture, Home Furnishings, Appliances</td>
<td>x</td>
</tr>
<tr>
<td>General Hardware, Garden Equipment &amp; Supplies</td>
<td>x</td>
</tr>
<tr>
<td>Heating &amp; Plumbing Equipment Stores</td>
<td>x</td>
</tr>
<tr>
<td>Horse &amp; Pony Boarding, Riding Stables</td>
<td>x</td>
</tr>
<tr>
<td>Schools (Commercial)</td>
<td></td>
</tr>
<tr>
<td>Insurance Agents, Brokers &amp; Service Agencies</td>
<td>x</td>
</tr>
<tr>
<td>Jewelry, Watches, Silverware Sales &amp; Repair</td>
<td>x</td>
</tr>
<tr>
<td>Kennels (*)</td>
<td>x</td>
</tr>
<tr>
<td>Laundries</td>
<td>x</td>
</tr>
<tr>
<td>Laundermats</td>
<td>x</td>
</tr>
<tr>
<td>Liquor Stores</td>
<td>x</td>
</tr>
<tr>
<td>Lumber Yards</td>
<td>x</td>
</tr>
<tr>
<td>Malls, Multi-Tenant, Retail Complex</td>
<td>x</td>
</tr>
<tr>
<td>Notes: 1. Level I &amp; II uses may require a higher level of review if the use or development is in an overlay zone. 2. (*) refers to definition in Chapter 20.06.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE OF PERMITTED LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USES - RETAIL TRADE AND SERVICE (Continued)</td>
<td>R-60</td>
</tr>
<tr>
<td>Marijuana Retail Outlets and Medical Marijuana Dispensaries</td>
<td>x</td>
</tr>
<tr>
<td>Medical &amp; Dental Facilities (3)</td>
<td>x</td>
</tr>
<tr>
<td>Motels &amp; Hotels</td>
<td>x</td>
</tr>
<tr>
<td>Motorcycle Sales &amp; Repairs (Including Maintenance &amp; Parts)</td>
<td>x</td>
</tr>
<tr>
<td>Music Stores</td>
<td>x</td>
</tr>
<tr>
<td>Nursery (*)</td>
<td>x</td>
</tr>
<tr>
<td>Outside Advertising (Billboards)</td>
<td>See Chapter 20.204</td>
</tr>
<tr>
<td>Paint, Glass &amp; Wallpaper Stores</td>
<td>x</td>
</tr>
<tr>
<td>Pet Stores, Pet Supplies, &amp; Dog Grooming</td>
<td>x</td>
</tr>
<tr>
<td>Printing, Photocopy Service</td>
<td>x</td>
</tr>
<tr>
<td>Professional Office Buildings (3)</td>
<td>x</td>
</tr>
<tr>
<td>Real Estate Offices</td>
<td>x</td>
</tr>
<tr>
<td>Recycling Center (*)</td>
<td>x</td>
</tr>
<tr>
<td>Rental: Auto, Truck and/or Trailer, Fleet Leasing Services</td>
<td>x</td>
</tr>
</tbody>
</table>

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NOTES:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
3. In an RM Zone, subject to specific development standards. See Chapter 20.168.

<table>
<thead>
<tr>
<th>TABLE OF PERMITTED LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USES - RETAIL TRADE AND SERVICE (Continued)</td>
<td>R-60</td>
</tr>
<tr>
<td>Repairs: Small Appliances, T.V.'s, Business Machines, etc.</td>
<td>x</td>
</tr>
<tr>
<td>Repairs: Locksmiths &amp; Gunsmiths</td>
<td>x</td>
</tr>
<tr>
<td>Repairs: Re-Upholstery &amp; Furniture</td>
<td>x</td>
</tr>
<tr>
<td>Repairs: Small Engine &amp; Garden Equipment</td>
<td>x</td>
</tr>
<tr>
<td>Restaurants, Cafes &amp; Drive-In Eating Facilities</td>
<td>x</td>
</tr>
<tr>
<td>Second Hand Store</td>
<td>x</td>
</tr>
<tr>
<td>Shoe Repair &amp; Shoe Shine Shops</td>
<td>x</td>
</tr>
<tr>
<td>Sporting Goods, Bicycle Shops</td>
<td>x</td>
</tr>
<tr>
<td>Taverns &amp; Bars, Dine, Drink &amp; Dance Establishments</td>
<td>x</td>
</tr>
<tr>
<td>Taxidermy</td>
<td>x</td>
</tr>
<tr>
<td>Toy &amp; Hobby Stores</td>
<td>x</td>
</tr>
<tr>
<td>Truck Service Stations &amp; Shops</td>
<td>x</td>
</tr>
<tr>
<td>Waste Material Processing &amp; Junk Handling (*)</td>
<td>x</td>
</tr>
</tbody>
</table>

**TRANSPORTATION**

| Electric Vehicle- Level 1 & 2 Charging Stations(3) | I(2) | I(2) | I(2) | I(2) | 1 | 1 | 1 | 1 |
| Electric Vehicle- Level 3 Charging Station(4) | x | x | x | 1(2) | 1 | 1 | 1 | 1 |
| Electric Vehicle- Battery Exchange Station(5) | x | x | x | x | 1 | 1 | 1 | 1 |
| Bus Terminals | x | x | x | x | 1 | 1 | 1 | x |
| Transportation Brokerage Offices: Without Truck Parking | x | x | x | x | 1 | 1 | 1 | x |
| Transportation Brokerage Offices: With Truck Parking | x | x | x | x | 1 | 1 | 1 | 1 |

NOTES:  
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.  
2. (*) refers to definition in Chapter 20.06.  
3. See Chapter 20.156. Level 1 and 2 charging permitted in aquifer recharge areas and in other critical areas when serving an existing use.  
4. See Chapter 20.156. Allowed only as accessory to a principal outright permitted use or permitted conditional use.  
5. See Chapter 20.156. The term "rapid" is used interchangeably with Level 3 and fast charging. Only "electric vehicle charging stations-restricted" as defined in Chapter 20.156.
<table>
<thead>
<tr>
<th>TABLE OF PERMITTED LAND USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USES - TRANSPORTATION (Continued)</td>
<td>R-60</td>
</tr>
<tr>
<td>Air, Rail, Truck Terminals (Short Term Storage,</td>
<td>x</td>
</tr>
<tr>
<td>Office, etc.) (other than regional transportation facilities)</td>
<td></td>
</tr>
<tr>
<td>Railroad Switch Yards, Maintenance &amp; Repair</td>
<td>x</td>
</tr>
<tr>
<td>Facilities, etc. (other than regional transportation facilities)</td>
<td></td>
</tr>
<tr>
<td>Taxicab Terminals, Maintenance &amp; Dispatching</td>
<td>x</td>
</tr>
<tr>
<td>Centers, etc.</td>
<td></td>
</tr>
<tr>
<td>UTILITIES</td>
<td></td>
</tr>
<tr>
<td>Power Generating Facilities</td>
<td>x</td>
</tr>
<tr>
<td>Local Utility Service Systems</td>
<td>3</td>
</tr>
<tr>
<td>Regional Transmission Systems</td>
<td>3</td>
</tr>
<tr>
<td>Wireless Communication Facilities and related</td>
<td>x</td>
</tr>
<tr>
<td>structures (3)</td>
<td></td>
</tr>
<tr>
<td>Large Satellite Dish Antennas (3)</td>
<td>2</td>
</tr>
<tr>
<td>WHOLESALE TRADE-/STORAGE</td>
<td></td>
</tr>
<tr>
<td>Warehouses (*)</td>
<td>x</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>x</td>
</tr>
<tr>
<td>Storage Facilities, Bulk (*)</td>
<td>x</td>
</tr>
<tr>
<td>Commercial (*)</td>
<td>x</td>
</tr>
<tr>
<td>Residential Mini-Storage (*) (4)</td>
<td>x</td>
</tr>
</tbody>
</table>

NOTES:
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition 20.06.
3. Subject to specific regulations provided in Chapter 20.170.
4. No sales, storage of commercial goods, repair facilities, offices light manufacturing or other uses shall be permitted in residential mini-storage facilities.

Section 8: Walla Walla Municipal Code chapter 20.173 is hereby added as follows:

20.173.010 Purpose.

The purpose of this chapter is to address initiative 502 passed by Washington voters at the November 6, 2012 general election (Laws of 2013, ch. 3) and Chapter 69.51A of the Revised Code of Washington by identifying land use zones and establishing regulations relating to locations where marijuana processing facilities, marijuana production facilities, marijuana retail outlets, and similar facilities are not prohibited in the City of Walla Walla. Nothing herein shall be construed as authority to violate any United States law. Affirmative terminology used in this chapter regarding permitting, licensing, authorization, and similar terms, shall not be construed as approval, support, endorsement, or encouragement of the activities therein addressed. Such terms shall instead be construed only to describe circumstances under which there is conditional absence of local prohibition. The City of Walla Walla does not hereby intend to aid, abet, counsel, command, induce or procure any offense against the United States. The City of Walla Walla also does not hereby intend to conspire with any marijuana producer, processor, or retailer to commit -15-
any offense against the United States. The purpose of this chapter is to establish local laws which protect public health, safety, and welfare to the greatest extent allowed by a Washington state law that cannot be reconciled with United States law. Nothing herein shall be construed to supersede United States law prohibiting the possession, use, manufacture, or sale of marijuana.

20.173.020 Definitions.

For purposes of this Code, the following definitions are established:

A. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four (24) hours licensed by the Washington state department of early learning under chapter 170-295 WAC.

B. "Collective garden" means a garden created or participated in by qualifying patients under chapter 69.51A RCW for the purpose of producing, processing, transporting, and delivering cannabis for medical use. Any garden containing more plants than may be cumulatively possessed under RCW 69.51A.040(1)(a) by number of qualifying patients and designated providers under chapter 69.51A RCW actually residing permanently at that garden's location shall be considered a collective garden.

C. "Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

D. "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where person under twenty-one years of age are not restricted.

E. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

F. "Marijuana processing facility" means any building, facility or location used to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

G. "Marijuana production facility" means any building, facility or location used to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

H. "Marijuana retail outlet" means any building, facility or location used to sell useable marijuana and marijuana-infused products to the public.

I. "Medical cannabis dispensary" means any building, facility or location that dispenses cannabis for medical use to qualifying patients and designated providers under chapter 69.51A RCW.

J. "Medical cannabis processing facility" means any building, facility or location that processes cannabis leaves and flowers into oils, foods, extracts, resins, lotions, drinks, and other forms of infused cannabis products for medical use under chapter 69.51A RCW.

K. "Medical cannabis production facility" means any building, facility or location that is used to farm, grow, plant, or produce cannabis for use by medical cannabis dispensaries and medical cannabis processors under chapter 69.51A RCW.

L. "Perimeter" means the property lines that enclose an area.
M. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

N. "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

O. "Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

P. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

Q. "Secondary school" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

20.173.030 Uses conditionally permitted by zone.

This table determines the Level of Review by which applications for various types of collective gardens, marijuana processors, producers, and retailers, and medical marijuana dispensaries, processors, and producers will be processed. If a zone is not listed in the table, uses are not permitted in that zone. If a listed zone contains the symbol "X" in a cell corresponding to a particular type of use, that type of use is not permitted in that zone.

All uses listed in this table are conditional uses. The conditional use process is found in Chapter 20.216. The "Level III" review process is found in Chapter 20.26. Uses listed as Level III review process will go through site plan review automatically. Level III uses must meet the requirements of this chapter in addition to all other requirements of this Code that may apply.

Table 20.173.030 - 1

Marijuana related uses: Zoning and Required Review Levels

<table>
<thead>
<tr>
<th></th>
<th>Central Commercial</th>
<th>Highway Commercial</th>
<th>Light Industrial Commercial</th>
<th>Heavy Industrial</th>
<th>Airport Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collective garden</td>
<td>X</td>
<td>Level III</td>
<td>Level III</td>
<td>X</td>
<td>Level III</td>
</tr>
<tr>
<td>Marijuana processing facility</td>
<td>X</td>
<td>X</td>
<td>Level III</td>
<td>Level III</td>
<td>X</td>
</tr>
<tr>
<td>Medical cannabis processing facility</td>
<td>X</td>
<td>X</td>
<td>Level III</td>
<td>Level III</td>
<td>X</td>
</tr>
<tr>
<td>Marijuana production facility</td>
<td>X</td>
<td>Level III</td>
<td>Level III</td>
<td>X</td>
<td>Level III</td>
</tr>
<tr>
<td>Medical cannabis production facility</td>
<td>X</td>
<td>Level III</td>
<td>Level III</td>
<td>X</td>
<td>Level III</td>
</tr>
<tr>
<td>Marijuana retail outlet</td>
<td>X</td>
<td>Level III</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Medical cannabis dispensary</td>
<td>X</td>
<td>Level III</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

The uses that may be conditionally allowed in zones identified in the foregoing table are restricted to those zones and may not be allowed in other zones as a non-conforming situation, or by rezone, variance, special use permit, special exception, or any other type of license or authorization, of any kind whatsoever. Collective gardens, marijuana processing facilities, medical cannabis processing facilities, marijuana production facilities, medical cannabis production facilities, marijuana retail outlets, and medical cannabis dispensaries are not allowed in public reserve zones, residential zones, or the central commercial zone.

20.173.035 Rezones prohibited.

No property located in a zoning district where collective gardens, marijuana processing facilities, medical cannabis processing facilities, marijuana production facilities, medical cannabis production facilities, marijuana retail outlets, and medical cannabis dispensaries are prohibited may be rezoned to a zoning classification in which such uses might be conditionally allowed.

20.173.040 Buffer zones.

No collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary may be located within one thousand feet (1000') of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade. The distance shall be measured as the shortest straight line distance from the property line of the garden, facility, outlet, or dispensary to the property line of the elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade. The foregoing are continuing requirements in order to maintain a permit.

20.173.045 Land divisions prohibited.

No property located within one thousand feet (1000') of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public
park, public transit center, library, or any game arcade may be divided or adjusted by subdivision, preliminary or final plat, short plat, boundary adjustment, binding site plan, planned unit development, or development authorization, permit, or other method, of any kind whatsoever, for the purpose of creating a lot or lots lying outside such one thousand foot (1000') buffer zone.

20.173.050 State license required.

A. Collective gardens.
   1. No person or entity may create or participate in a collective garden in the City of Walla Walla unless that person or entity holds a valid marijuana producer license issued by the state liquor control board.
   2. No person or entity may apply for a collective garden permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

B. Marijuana processing facilities.
   1. No person or entity may own or operate a marijuana processing facility in the City of Walla Walla unless that person or entity holds a valid marijuana processor license issued by the state liquor control board.
   2. No person or entity may apply for a marijuana processing facility permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

C. Medical cannabis processing facilities.
   1. No person or entity may own or operate a medical cannabis processing facility in the City of Walla Walla unless that person or entity holds a valid marijuana processor license issued by the state liquor control board.
   2. No person or entity may apply for a medical cannabis processing facility permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

D. Marijuana production facilities.
   1. No person or entity may own or operate a marijuana production facility in the City of Walla Walla unless that person or entity holds a valid marijuana producer license issued by the state liquor control board.
   2. No person or entity may apply for a marijuana production facility permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

E. Medical cannabis production facilities.
   1. No person or entity may own or operate a medical cannabis production facility in the City of Walla Walla unless that person or entity holds a valid marijuana producer license issued by the state liquor control board.
2. No person or entity may apply for a medical cannabis production facility permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

F. Marijuana retail outlets.
   1. No person or entity may own or operate a marijuana retail outlet in the City of Walla Walla unless that person or entity holds a valid marijuana retailer license issued by the state liquor control board.
   2. No person or entity may apply for a marijuana retail outlet permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

G. Medical cannabis dispensaries.
   1. No person or entity may own or operate a medical cannabis dispensary in the City of Walla Walla unless that person or entity holds a valid marijuana retailer license issued by the state liquor control board.
   2. No person or entity may apply for a medical cannabis dispensary permit, receive a permit, or hold a permit unless the City of Walla Walla is provided with written confirmation by the state liquor control board that it intends to issue a license to the person or entity upon satisfaction of specified conditions.

H. The foregoing are continuing requirements in order to maintain a permit.

20.173.055 Conditional use permits required.

A. Collective gardens.
   1. No person or entity may create or participate in a collective garden in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of Walla Walla.
   2. No conditional use permit issued by the City of Walla Walla for a collective garden shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to create or participate in a collective garden. It is a violation of federal law to create or participate in a collective marijuana garden. A conditional use permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent creation or participation in a collective garden if the conditions of the permit and all other state and local requirements are satisfied.

B. Marijuana processing facilities.
   1. No person or entity may own or operate a marijuana processing facility in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of Walla Walla.
   2. No conditional use permit issued by the City of Walla Walla for a marijuana processing facility shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to own or operate a marijuana processing facility. It is a violation of federal law to own or operate a marijuana processing facility. A conditional use
permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent ownership or operation of a marijuana processing facility if the conditions of the permit and all other state and local requirements are satisfied.

C. Medical cannabis processing facilities.
   1. No person or entity may own or operate a medical cannabis processing facility in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of Walla Walla.
   2. No conditional use permit issued by the City of Walla Walla for a medical cannabis processing facility shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to own or operate a medical cannabis processing facility. It is a violation of federal law to own or operate a medical cannabis processing facility. A conditional use permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent ownership or operation of a medical cannabis processing facility if the conditions of the permit and all other state and local requirements are satisfied.

D. Marijuana production facilities.
   1. No person or entity may own or operate a marijuana production facility in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of Walla Walla.
   2. No conditional use permit issued by the City of Walla Walla for a marijuana production facility shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to own or operate a marijuana production facility. It is a violation of federal law to own or operate a marijuana production facility. A conditional use permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent ownership or operation of a marijuana production facility if the conditions of the permit and all other state and local requirements are satisfied.

E. Medical cannabis production facilities.
   1. No person or entity may own or operate a medical cannabis production facility in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of Walla Walla.
   2. No conditional use permit issued by the City of Walla Walla for a medical cannabis production facility shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to own or operate a medical cannabis production facility. It is a violation of federal law to own or operate a medical cannabis production facility. A conditional use permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent ownership or operation of a medical cannabis production facility if the conditions of the permit and all other state and local requirements are satisfied.

F. Marijuana retail outlets.
   1. No person or entity may own or operate a marijuana retail outlet in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of
Walla Walla.

2. No conditional use permit issued by the City of Walla Walla for a marijuana retail outlet shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to own or operate a marijuana retail outlet. It is a violation of federal law to own or operate a marijuana retail outlet. A conditional use permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent ownership or operation of a marijuana retail outlet if the conditions of the permit and all other state and local requirements are satisfied.

G. Medical cannabis dispensaries.

1. No person or entity may own or operate a medical cannabis dispensary in the City of Walla Walla unless that person or entity holds a valid conditional use permit issued by the City of Walla Walla.

2. No conditional use permit issued by the City of Walla Walla for a medical cannabis dispensary shall be construed as authorization or approval by the City of Walla Walla or any local official for the recipient of the permit to own or operate a medical cannabis dispensary. It is a violation of federal law to own or operate a medical cannabis dispensary. A conditional use permit constitutes only a determination by the city and its local officials of the circumstances under which they will not commence enforcement proceedings to prevent ownership or operation of a medical cannabis dispensary if the conditions of the permit and all other state and local requirements are satisfied.

20.173.056 Total number of conditional use permits limited.

No more than a maximum total of two (2) conditional use permits may be issued for marijuana retail outlets and medical cannabis dispensaries in the City of Walla Walla regardless of the number of applicants. These are not separate limits. For purposes of this limitation, marijuana retail outlets and medical cannabis dispensaries are deemed to be equivalent to each other. No application for a marijuana retail outlet or a medical cannabis dispensary may be approved during any period when two (2) conditional use permits, in any combination, are already in effect.

20.173.060 General requirements.

A. Collective gardens, marijuana production facilities, and medical cannabis production facilities must satisfy all of the requirements for marijuana production under regulations and rules promulgated by the state liquor control board.

B. Marijuana processing facilities and medical cannabis production facilities must satisfy all of the requirements for marijuana processing under regulations and rules promulgated by the state liquor control board.

C. Marijuana retail outlets and medical cannabis dispensaries must satisfy all of the requirements for marijuana retailers under regulations and rules promulgated by the state liquor control board.

D. The foregoing are continuing requirements in order to maintain a permit.
20.173.70 Production facility requirements.

A. Collective gardens, marijuana production facilities, and medical cannabis production facilities must be either:
   1. Fully enclosed secure indoor facilities or greenhouses with rigid walls, roofs, and doors; or
   2. Non-rigid greenhouses enclosed by a secure physical barrier, or other structures enclosed by a secure physical barrier which satisfy the security requirements of Chapter 314-55 WAC.
B. The foregoing are continuing requirements in order to maintain a permit.
C. No outdoor production shall be allowed.

20.173.080 Processing facility requirements.

Marijuana processing facilities and medical cannabis production facilities must be fully enclosed secure indoor facilities. The foregoing is a continuing requirement in order to maintain a permit.

20.173.090 Outlet and dispensary requirements.

A. Marijuana retail outlets and medical cannabis dispensaries must be fully enclosed secure indoor facilities.
B. Marijuana retail outlets and medical cannabis dispensaries shall not display any signage in a window, on a door, or on the outside of the premises of any retail outlet or dispensary that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred (1600) square inches identifying the retail outlet by the licensee's business or trade name. Signs must also meet all other requirements of City of Walla Walla sign regulations; provided that signage limitations and restrictions established by this section or rules and regulations promulgated by the state liquor control board shall supersede less restrictive city sign regulations.
C. Marijuana retail outlets and medical cannabis dispensaries shall not display useable marijuana or marijuana infused products in a manner that is visible to the general public from a public right-of-way.
D. The foregoing are continuing requirements in order to maintain a permit.

20.173.095 General facility requirements.

The following requirements apply to all facilities used or intended to be used for or as collective gardens, marijuana production facilities, medical cannabis production facilities, marijuana processing facilities, medical cannabis processing facilities, marijuana retail outlets, or medical cannabis dispensaries:
A. No outdoor facilities are allowed;
B. No temporary structures are allowed;
C. Facilities may be located only in buildings and structures that are mounted or permanently affixed to a foundation;
D. Facilities may not be located in storage containers, cargo trailers, or other vessels previously used or designed for use in the packing, shipping, movement or transportation of freight, articles, goods or commodities;
E. Facilities may not be located in motor vehicles; and
F. Facilities must be connected to approved water and sewerage systems and provide on-site restrooms.

20.173.100 Permit revocation.

A. Mandatory revocation.
   A permit for a collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary shall be revoked whenever:
   1. The location of the collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary no longer satisfies buffer zone requirements.
   2. The owner or operator of the collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary no longer holds a valid license from the state liquor control board.
   4. Any person or entity has failed to provide complete and accurate information on an application.
B. Discretionary revocation.
   A permit for a collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary may be revoked whenever a permit holder fails to satisfy any permit condition other than one requiring mandatory revocation.
C. Hearing.
   Permit holders shall be given an opportunity for a hearing with the Walla Walla Hearing Examiner before a permit is revoked. Failure to appear at a scheduled hearing shall waive any hearing and constitute grounds for entry of a default order of revocation.

20.173.200 Applications for marijuana facilities - additional requirements.

A. In addition to the information required by Walla Walla Municipal Code section 20.14.050, all applications for conditional use permits for collective gardens, marijuana production facilities,
medical cannabis production facilities, marijuana processing facilities, medical cannabis processing facilities, marijuana retail outlets, and medical cannabis dispensaries must contain the following information:

1. A detailed site plan for the proposed project including:
   a. Property boundaries;
   b. Location of pedestrian access points, driveways, and all other points of ingress/egress points for general and emergency entrance and exit;
   c. Location of buildings and structures, including without limitation, dimensions and construction details, and interior layout;
   d. Location and construction details of greenhouses, including without limitation, dimensions and construction details, and interior layout, and plans for watering systems, ventilation systems, wastewater disposal systems, and solid waste disposal systems;
   e. Location, height and width of any proposed walls, fences, and other property enclosures together with a description of materials to be used to construct such walls, fences, and enclosures;
   f. Landscaping including surface treatment and plan for treatment of dust and weeds;
   g. Detailed lighting plans, including without limitation, the location, type, height, and brightness of all exterior lighting;

2. A stormwater drainage plan;
3. A traffic plan and/or traffic impact analysis;
4. Provisions for on-site restrooms and other sanitary facilities;
5. Provisions for elimination or mitigation of noise, odors, and other impacts to surrounding and nearby properties;
6. Property security arrangements; and
7. Operating plans and all other information required by Chapter 314-55.

B. No application shall be deemed complete or further processed until all of the information required by this section and Walla Walla Municipal Code section 20.14.050 has been provided by the applicant.

20.173.300 Notice of application/hearing.

In addition to notice of application/proposal required by Walla Walla Municipal Code section 20.14.065 and notice of hearing required by Walla Walla Municipal Code section 20.14.085, notice of application/proposal and notice of hearing shall be delivered or mailed to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor, which is within one thousand feet (1000') of the proposal site. The distance shall be measured as the shortest straight line distance from the property line of the proposal site to the property line of the other property.

20.173.700 Permit legends.
All permits and other approvals issued by or on behalf of the City of Walla Walla under this chapter shall bear a legend that is substantially similar to the following:

NOTHING HEREIN AUTHORIZES, CONSPIRES TO COMMIT, AIDS, ABETS, COUNSEL, COMMANDS, INDUCES OR PROCURES ANY OFFENSE AGAINST THE UNITED STATES. THE HOLDER OF THIS PERMIT AND/OR APPROVAL IS EXPRESSLY ADVISED NOT TO VIOLATE FEDERAL LAW. THIS PERMIT AND/OR APPROVAL CONSTITUTES ONLY A DETERMINATION BY THE CITY AND ITS LOCAL OFFICIALS OF THE CIRCUMSTANCES UNDER WHICH THEY WILL NOT COMMENCE LOCAL ENFORCEMENT PROCEEDINGS AGAINST THE HOLDER OF A VALID PERMIT AND/OR APPROVAL IF THE CONDITIONS OF THE PERMIT AND/OR APPROVAL AND ALL OTHER STATE AND LOCAL REQUIREMENTS ARE SATISFIED.

20.173.800 Additional processing fees.

In addition to all other fees that apply, the applicant for a permit for a collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary shall pay an extra fee of two hundred dollars ($200.00) to defray additional costs incurred to process such applications.

20.173.900 Violations.

A. It is unlawful to create or participate in a collective garden located in the central commercial zone, a heavy industrial zone, a public reserve zone, or any residential zone of the City of Walla Walla.
B. It is unlawful to license or permit a collective garden located in the central commercial zone, a heavy industrial zone, a public reserve zone, or any residential zone of the City of Walla Walla.
C. It is unlawful to create or participate in a collective garden without a valid license issued by the state liquor control board and a valid permit issued by the City of Walla Walla.
D. It is unlawful to own or operate a marijuana retail outlet or medical cannabis dispensary located in the central commercial zone, a heavy industrial zone, a public reserve zone, or any residential zone of the City of Walla Walla.
E. It is unlawful to license or permit a marijuana retail outlet or medical cannabis dispensary located in the central commercial zone, a heavy industrial zone, a public reserve zone, or any residential zone of the City of Walla Walla.
F. It is unlawful to own or operate a marijuana processing facility or a medical cannabis processing facility in the central commercial zone, a highway commercial zone, an airport development zone, a public reserve zone, or any residential zone of the City of Walla Walla.
G. It is unlawful to license or permit a marijuana processing facility or a medical cannabis processing facility in the central commercial zone, a highway commercial zone, an airport development zone, a public reserve zone, or any residential zone of the City of Walla Walla.
H. It is unlawful to own or operate a marijuana production facility or a medical cannabis production facility in the central commercial zone, a heavy industrial zone, a public reserve zone, or any residential zone of the City of Walla Walla.
I. It is unlawful to license or permit a marijuana production facility or a medical cannabis production facility in the central commercial zone, a heavy industrial zone, a public reserve zone, or any residential zone of the City of Walla Walla.
J. It is unlawful to own or operate a marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary without a valid license issued by the state liquor control board and a valid permit issued by the City of Walla Walla.
K. It is unlawful to work at a collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary unless the garden, facility, outlet, or dispensary holds both a valid license issued by the state liquor control board and a valid permit issued by the City of Walla Walla.
L. It is unlawful to create, participate in, own, or operate a collective garden, marijuana processing facility, medical cannabis processing facility, marijuana production facility, medical cannabis production facility, marijuana retail outlet, or medical cannabis dispensary that is located within one thousand feet (1000') of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade.
M. Violation of this section shall be a misdemeanor punishable under Walla Walla Municipal Code section 1.24.010.
N. Violation of this section is additionally declared to be a nuisance.

Section 9: The index to any chapter of the Walla Walla Municipal Code in which sections are added or removed or in which section titles are changed herein shall also be amended to reflect such section amendments.

Section 10: The index and captions to any chapter of the Walla Walla Municipal Code which is left empty by the repeal, re-enactment, re-numbering, and re-codification of code sections by this ordinance shall be removed from the Walla Walla Municipal Code and said chapters are hereby reserved.

Section 11: The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 12: If any part of this ordinance is for any reason declared or held to be invalid or unconstitutional by any court or tribunal of competent jurisdiction, such part shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining parts hereof.
Section 13: The City Manager is authorized to adopt policies, regulations, and forms which implement and are consistent with this ordinance.

Section 14: This ordinance shall take effect in the manner provided by law. Immediately upon this ordinance becoming effective, Walla Walla City Ordinance 2013-30 (10/23/2013) and Walla Walla City Ordinance 2014-13 (6/11/2014) are repealed.

Section 15: The Walla Walla City Clerk is directed to publish a copy of a summary and notice of adoption of this ordinance as permitted by section 35A.12.160 of the Revised Code of Washington.

Section 16: Notice is hereby given that any petition requesting Growth Board review of this zoning ordinance must be filed with the Eastern Washington Growth Management Hearings Board within sixty (60) days after publication of this summary and notice of adoption in accordance with Chapter 36.70A of the Revised Code of Washington.

PASSED by the City Council of the City of Walla Walla, Washington, this 22nd day of October, 2014.

Attest:

City Clerk

Approved as to form

City Attorney
SUMMARY AND NOTICE OF ADOPTION OF ORDINANCE  2014-29

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 20 OF THE WALLA WALLA MUNICIPAL CODE REGARDING ZONING AND LAND USE MATTERS TO ADDRESS INITIATIVE 502 AND RELATED REGULATORY MATTERS

The Walla Walla City Council passed Municipal Ordinance 2014-29 at its October 22, 2014 regular meeting which in summary amends Titles 20 of the Walla Walla Municipal Code (the City's zoning code) to implement I-502 regarding the legalization of recreational marijuana in Washington state, to make City development regulations consistent therewith, and to regulate land uses regarding the production, processing, retail sale and dispensing of marijuana.

The full text of Municipal Ordinance 2014-29 will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Notice is hereby given that any petition requesting Growth Board review of Municipal Ordinance 2014-29 must be filed with the Eastern Washington Growth Management Hearings Board within sixty (60) days after publication of this summary and notice of adoption in accordance with Chapter 36.70A of the Revised Code of Washington.

Summary approved as to form

[Signature]

City Attorney