

Cannabis Business Blog

Metropolitan King County Council Votes to End Moratorium on Accepting or Issuing Permits for Marijuana Growers, Processors, and Retailers in Unincorporated Areas of the County

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The Metropolitan King County Council voted on July 25th to end the [moratorium](#) on accepting or issuing permits for marijuana growers, processors, and retailers in unincorporated areas of the county. Additionally, per the council's [news release](#), legislation was approved which:

- Limits growing, production, and processing facilities in the rural areas to zones with lots of 10 acres or larger.
- Because Vashon has its own land-use restrictions, it is exempt from the rural limits.
- Approves studies on potential retail and processing in specific locations.
- Requires the County Executive to identify 10 new retail stores in neighborhood business zones.
- Requires separation between retailers (1,000 feet) in areas where multiple shops already exist.

Washington law regulates the buffer zone requirements for licensed marijuana premises and their proximity to locations of sensitive use, namely, elementary or secondary schools; playgrounds; recreational centers or facilities; child care centers; public parks; public transit centers; libraries; or game arcades admitting minors. RCW 69.50.331(8). Washington state law

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though does not regulate the distance of licensed marijuana premises from one another. Therefore, the now-required 1,000 foot between retail stores is more restrictive than mandated at the state level. For an interesting read regarding the discretion of cities, counties, and towns to control such distance requirements, please see our previous [blog post](#).

Interestingly, in *The Seattle Times'* coverage story, it was reported that “the state has allocated 22 additional retail stores to the unincorporated areas. The state has issued 23 producer, or farming, licenses in unincorporated King County. In contrast, 22 have been licensed in Seattle and eight in other King County cities.”

Warning Regarding Federal Law: The possession, distribution, and manufacturing of marijuana is illegal under federal law, regardless of state law which may, in some jurisdictions, decriminalize such activity under certain circumstances. Penalties for violating federal drug laws are very serious. For example, a conviction on a charge of conspiracy to sell drugs carries a mandatory minimum prison term of five years for a first offense and, depending on the quantity of marijuana involved, the fine for such a conviction could be as high as \$10 million. In addition, the federal government may seize, and seek the civil forfeiture of, the real or personal property used to facilitate the sale of marijuana as well as the money or other proceeds from the sale. Although the U.S. Department of Justice (DOJ) recently rescinded its guidance regarding prioritization of criminal prosecutions of individuals and entities operating in compliance with effective state regulatory systems, DOJ left in place long standing guidance to federal prosecutors regarding how to exercise this discretion. Individuals and companies are cautioned to consult with experienced attorneys regarding their exposure to potential criminal prosecution before establishing business operations in reliance upon the passage of state laws which may decriminalize such activity. Federal authority to prosecute violations of federal law as crimes or through seizures and forfeiture actions is not diminished by state law. Indeed, due to the federal government's jurisdiction over interstate commerce, when businesses provide services to marijuana producers, processors or distributors located in multiple states, they potentially face a higher level of scrutiny from federal authorities than do their customers with local operations.

Tags: accepting permits, buffer zone requirements, County Executive, growing facilities, issuing permits, King County, land-use restrictions, licensed marijuana premises, locations of sensitive use, marijuana growers, marijuana processors, marijuana retailers, Metropolitan King County, moratorium, neighborhood business zones, new retail stores, processing facilities, production facilities, rural areas, rural limits, unincorporated areas, Vashon