Research Protocol for Mapping 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: Data was collected from December 16, 2013 – September 30, 2014.

b. Dates included in the dataset: Researchers used two hard dates against which to review marijuana-related ordinances (July 1, 2013 and July 1, 2014). Between these two dates, other legislative action may have taken place (e.g., a ban may have changed to a moratorium and then to zoning). So, though the legislative process may not be entirely reflected in the coding, the end result at the second date will be.

c. 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]

d. Search Terms: Marijuana; Marihuana; Cannabis; Collective Garden; I502; I-502


f. 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/ctycodes.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. Marijuana Advisory committee members were consulted and asked for feedback.

WSIPP report: http://www.wsipp.wa.gov/Reports/537

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. Marijuana Advisory committee members were consulted and asked for feedback.
b. Coding Methods:

i. Researcher #1 (primary coder) coded all Moratoria and Bans. Researcher #3 completed 10% of the redundant coding of moratoria and bans, for quality assurance. This Inter-Rater Reliability Review showed 100% agreement.

ii. Researcher #1 and #2 beta coded 10 jurisdictions with zoning ordinances to uncover any language issues, inconsistencies, etc. Both researchers coded outside of LawAtlas using Excel spreadsheet. The researchers met to resolve any differences. Once divergences were resolved, the primary coder entered the final codes into LawAtlas. 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 and Researcher #2 coded the remaining jurisdictions with zoning. Redundant coding for quality assurance was conducted on 10% 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., between July 1, 2013 and July 1, 2014), all applicable provisions were coded into the same record. For instance, if a county passed permanent zoning but also interim zoning 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 question 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 set-backs is a stand-alone question and was 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

- Where rural industrial areas were truly separate zones (not mixed rural/industrial), these were coded as such.

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. Time frame: Researchers used two hard dates against which to review marijuana-related ordinances (July 1, 2013 and July 1, 2014). Between these two dates, other legislative action may have taken place (e.g., a ban may have changed to a moratorium and then to zoning). So, the legislative process may not be entirely reflected in the coding, the end result at the second date will be.

c. 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 LawAtlas™.

d. 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.