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Liquor & Cannabis Law

Check Your Local Zoning and Land-Use Ordinances

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The Washington State Liquor and Cannabis Board ("WSLCB") recently issued a declaratory order (Order No. 01-2017) finding that the WSLCB is not required to determine that an applicant for a marijuana license is in compliance with all local zoning and land use ordinances prior to granting a license for a marijuana business. Accordingly, applicants and licensees should continue to check with their local jurisdiction to understand the jurisdiction's zoning and land use regulations. Absent such confirmation, it is possible that an applicant could receive a marijuana license from WSCLB but not be able to operate in its WSLCB-approved location due to a local jurisdiction's zoning or land use ordinances.

In its request for a declaratory order, Kittitas County requested that the WSLCB determine whether the WSLCB may only issue a marijuana license when the application and/or location complies with local zoning and land use requirements. In its declaratory order, the WSLCB stated that it is not required to confirm whether an applicant or licensee complies with local land use or zoning ordinances. The WSLCB reasoned that if it denied a licensed based solely on a local ordinance, the WSLCB would effectively be in the position of interpreting and defending the local ordinance, which could be a form of enforcement outside of its scope of authority. WSLCB explained that it is simply not in the best position to determine whether land use or zoning ordinances apply to a particular license applicant.WSLCB further clarified that even if it issues a marijuana license, a local jurisdiction may still apply its local ordinances to deny a licensee a business license or other permit required to operate its marijuana business. Finally, WSLCB also relied on the fact that it gives notice to local jurisdictions if it grants a license over the objection of a local authority. This notice allows the local jurisdiction to contact the applicant/licensee directly about possible conflicts with local ordinances.

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Posted in Land Use Law, Zoning

Tagged as jurisdiction's zoning and land use regulations, local zoning and land use ordinances, marijuana license, Washington State Liquor and Cannabis Board, WSLCB

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