



## King County

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March 17, 2021

Rick Garza  
Director  
Washington State Liquor and Cannabis Board  
1025 Union Ave. SE  
Olympia, WA 98504

Dear Mr. Garza:

We write today regarding the “at-large” marijuana license allocation district in King County created by the Washington State Liquor and Cannabis Board (WSLCB).

We want to acknowledge the enormous task WSLCB undertook to stand up this new line of business and regulation across the state. It was a complex undertaking and your agency should be commended for its work to implement this voter-approved initiative. We would appreciate an opportunity to engage in a conversation about how rules and policies related to retail store license allocation can be revised.

In King County, we have heard clearly from urban unincorporated area residents of North Highline (White Center) and West Hill (Skyway) that they feel overburdened by the large number of marijuana retail stores in their community. These are two of the most diverse communities in King County (see Attachment A). In response, King County adopted legislation creating appropriate buffers and caps on the number of stores. We now seek to work with the WSLCB to right-size the retail store licenses allocated to urban unincorporated King County.

WSLCB created an “at large” district that included 22 cities and the urban unincorporated portions of King County and allocated 22 licenses to this district. However, many cities within

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the district banned the use or did not end up with potential retail sites available to such a use, presumably due to state or local buffers. Partly because of the pressure this situation creates, 14 of the 22 “at-large” licenses are sited in urban unincorporated King County, a disproportionate amount compared to the number of cities and vast geographic expanse of the “at large” district.

Urban unincorporated King County communities are different from cities. They are geographically isolated islands surrounded by cities or located in areas adjacent to the urban growth boundary. The Growth Management Act (GMA) envisions them annexing into the cities they border once they urbanize, because cities were designed to provide urban level services, and counties were designed to provide regional services and local services to rural areas.

Most of these islands have been claimed as a Potential Annexation Area (PAA) by a neighboring city; however, there are currently no city annexation timelines. Cities have told the Legislature they need significant financial assistance to complete this transfer. So, these neighborhoods are *stranded*, waiting to be annexed so they can receive urban level services they need and deserve.

King County’s Equity and Social Justice (ESJ) Strategic Plan seeks to improve on the County’s Determinants of Equity – the conditions in which people live, work, play and thrive. Equal opportunity and access in these areas is necessary for all people to achieve their full potential regardless of race, income, or language spoken – namely, child and youth development, economic development and jobs, environment and climate, health and human services, housing, information and technology, the justice system, and transportation and mobility. The legal marijuana industry is intertwined and impacts, to varying degrees, with nearly all these topics.

The WSLCB introduced pro-equity legislation in 2020 (HB 2870), titled “Allowing additional marijuana retail licenses for social equity purposes,” which focused on disproportionately impacted residents in areas of high poverty with high rates of participation in income-based federal or state programs; populations suffering from high rates of unemployment; and individuals most adversely impacted by the enforcement of marijuana related laws. The legislation created a task force on social equity in marijuana charged, in part, to make recommendations to the WSLCB regarding policies that will facilitate development of a marijuana social equity program.

This is a conversation King County welcomes, but the conversation should consider an appropriate balance on community impacts as well – especially impacts to communities with these same attributes, like the urban unincorporated areas of King County, where marijuana retailers have clustered. These areas have high ESJ scores (4.5 out of 5) as determined by King County methodology (explained below). Comparatively, the “at-large” cities that have prohibited or taken no action on marijuana uses have a median ESJ score of 2.33, below the County average.

The King County Department of Natural Resources and Parks developed an ESJ score to identify areas with high percentages of vulnerable populations. It is made up of three components, taken from the 2011-2015 American Communities Survey. These are: Percentage of people of color,

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percentage of people speaking English as a second language, and median income. The three components are combined into a weighted score from 1 to 5. Each component is given equal weight in the weighted score, which is applied at the level of the census tract, a multi-block geographic area with an approximate population of 5,000. King County contains 398 census tracts.

The discrepancy between these scores raises the question of whether state and local regulations have disproportionately allowed marijuana retailers in high-ESJ-score communities, or if retailers have chosen, for any reason, to locate in these areas, or some combination of these two.

Another factor to be considered when considering equity issues, and in the case of a clustering of marijuana retail stores, is that of the impacts to youth. According to the [Behavioral Risk Factor Surveillance System](#) (BRFSS, supported by Washington State Department of Health, Center for Health Statistics, Centers for Disease Control and Prevention Cooperative Agreement), about 11 percent of adults in King County report using marijuana in the past 30 days (2009-2013 average). Groups with rates higher than this include:

- Young adults (18-24): 19 percent
  - American Indian/Alaska Native youth (26 percent)
  - African American youth (23 percent)
  - Youth of multiple race/ethnicities (21 percent)
  - Native Hawaiian Pacific Islander youth (24 percent)
- Low income adults: those with income at less than \$15,000/year: 23 percent
- Adults with incomes between \$15,000 and \$24,999: 15 percent
- Adults with incomes between \$35,000 and \$49,000: 8 percent

Public Health – Seattle & King County reviewed evidence from two recent studies regarding the association between marijuana retail density and marijuana use. Everson, Dilley, Maher et al <sup>1</sup> conducted an analysis of the relationship between retail density and proximity and adult marijuana use using BRFSS survey responses and zip codes with Washington data from 2009-2016. They found that retail density grew over this time. They also found that both proximity and geospatial density (they used the distance to the nearest 5 retailers as the crow flies) were associated with use. In other words, the closer or denser retail access, the higher the incidence of reported use. Very close proximity (less than .8 miles) was associated with frequent use.

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<sup>1</sup> Fiala, S. MPH, Dilley, J. PhD, Firth, C. MPH, and Maher, J. PhD. “*Exposure to Marijuana Marketing After Legalization of Retail Sales: Oregonians’ Experiences*”. Oregon: AJPH Research, 2016.

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An Oregon study by Paschall and Grube <sup>2</sup> looking at student data collected on school health surveys through 2018 found that marijuana retail density (measured as retailers per roadway mile) in the county where a student attended school was associated with increased use.


Related are the numerous longitudinal studies that have demonstrated the correlation of liquor density to youth problem behaviors, with a liquor density being disproportionately located and having higher negative impact on low-income and BIPOC communities.

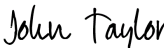
King County feels the unique nature of its urban unincorporated areas awaiting annexation, with high ESJ scores in many cases, along with the banning of use by many cities in the “at-large” district, and the disproportionate impacts on youth living in areas with a high concentration of retail stores call for WSLCB’s reconsideration of the county’s inclusion in the “at-large” marijuana license allocation. We submit that a separate category that can thoughtfully account for the unique nature of urban unincorporated area islands and right-size license allocation is a good approach to consider. We welcome a discussion with you about this topic, and we ask that you please share a copy of this letter with your equity task force members currently discussing these very topics as a part of their work to develop recommendations per House Bill 2870.

We look forward to a conversation with you about this important issue. A member of our County staff, Karen Ann Meyering, will reach out to WSLCB staff in the near future to follow up on this letter. She can be reached at: 206-263-9697, in the meantime.

Thank you in advance for your consideration, and your work on these important public policy and service delivery issues. We look forward to talking with you and your staff.

Sincerely,

DocuSigned by:  
  
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Patty Hayes, Director  
Public Health – Seattle & King County

DocuSigned by:  
  
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John Taylor, Director  
King County Department of Local Services

Enclosure

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<sup>2</sup> Paschall, M. PhD, Grube, J. PhD, “Recreational Marijuana Availability in Oregon and Use Among Adolescents”. Oregon: American Journal of Preventative Medicine, 2019.

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cc: April Putney, Chief of Staff, King County Executive Office  
Lauren Smith, Director, Regional Planning, King County Executive's Office  
Jim Chan, Director, Permitting Division, King County Department of Local Services  
Celia Jackson, State Relations Director, King County Executive's Office  
Ingrid Ulrey, Regional Health Administrator, King County Public Health  
Chris Thompson, Director of Legislative Relations, WSLCB  
Christy Curwick Hoff, Manager, Governor's Interagency Council on Health Disparities,  
Washington State Board of Health

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Attachment A:

Demographics of the areas of urban unincorporated King county where we have seen marijuana retail stores cluster, namely the North Highline and West Hill Potential Annexation Area (PAAs):

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Jurisdiction	King County	White Center (North Highline PAA)	Seattle	Skyway (West Hill PAA)	Renton
<b>Population</b>	2.1 M	18,600	700,000	17,000	100,000
<b>Ethnicity</b>	<b>(2016 #'s)</b>				
Hispanic/Latino	9.34%	24.00%	6.60%	8.00%	12.40%
White	67.20%	36.00%	69.50%	29.00%	51%
African American	6.15%	13.00%	7.90%	27.00%	10.20%
Asian	15.98%	15.00%	13.80%	29.00%	23.20%
Pacific Island	0.78%	4.00%	0.40%	1%	1.50%
Native American, Other	3.84%	1.00%	0.40%		0.60%
<b>Economic</b>					
Average Household Income	\$106,800	\$44,200	\$70,000	\$57,000	\$67,000
Pct of Pop Below Poverty	10.70%	16.20%	13.00%	14%	11.90%
<b>Education</b>					
% High School Grad	92.50%	78.00%	93.90%	83.00%	90.00%
% college graduate	49.10%	15.00%	60.40%	26%	35%
<b>Language</b>					
% Pop Foreign Born	21.60%	30.00%	18.00%	32%	28%
Pct speak language other than English @ home	26.50%	42.20%	21.70%	59.80%	35%

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\*2016 US Census Data

\*King County Assessors' LocalScape – 2016

\* Numbers rounded