Planning Commission Report

To: City Council

From: Planning Commission

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Date: April 9, 2014

File Number: LAND-2013-02108, PROJ-2013-00954, SEPA-2014-00132

Title: Amend Redmond Zoning Code (RZC) Chapter 21.41-Marijuana Related Uses

Planning Commission Recommendation: Approval

Recommended Action: Adopt amendments to the Redmond Zoning Code as shown in *Attachment A.* In addition, the Planning Commission recommends that the City Council put the review of locations within Redmond for possible marijuana retailing uses on Redmond's 2014-2015 docket for Comprehensive Plan and Zoning Code amendments in order to identify properties or locations for which zoning could be changed to allow marijuana retail use.

Summary:

The City of Redmond is proposing amendments to the Redmond Zoning Code, Chapter 21.41 –Marijuana Related Uses. With the current interim regulations set to expire on September 2, 2014, the Planning Commission recommends the adoption of permanent regulations to allow marijuana and marijuana-related uses in all zones throughout the City that are compliant with WAC 314-55 and local land use zoning regulations.

In addition, the Planning Commission recommends that all marijuana and marijuana-related uses be conducted in permanent structures that comply with the City's building code (*Attachment A*).

The Planning Commission also recommends that the City Council put the review of locations within Redmond for possible marijuana retailing uses on Redmond's 2014-2015 docket for Comprehensive Plan and Zoning Code amendments in order to identify properties or locations for which zoning could be changed to allow marijuana retail use.

As part of the process to identify and prepare this package of proposed amendments, the Planning Commission reviewed Washington State's required buffers (as outlined in WAC 314-55) as well as the Technical Committee Report, dated January 31 2014. (*Attachment E*)

Reasons the Proposal should be Adopted:

The recommended amendments to the Redmond Zoning Code should be adopted in order to:

- Adopt permanent regulations to allow marijuana and marijuana-related uses in all zones throughout the City that are compliant with WAC 314-55 and local land use zoning regulations.

- Require that all marijuana processing, producing, and retail be conducted in a permanent structure.

  While WAC 314-55 requires that marijuana production must take place within a fully enclosed facility, it stops short of requiring the same for processing and retail. Adding this regulation will prevent all marijuana and marijuana-related uses within the City, from being conducted in less secure temporary/mobile type structures.

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. Public Hearing Date

The Planning Commission held a public hearing on February 26, 2014.

b. Notice

The public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas that are distributed to various members of the public and various agencies, and posted on the City's web site. Additionally, notice was sent via email to all persons of record.

In addition, City staff held three Office Hour sessions. These sessions provided opportunities for individuals to receive information and submit their comments/concerns on marijuana-related uses within the city. Sessions were held on January 29, 30 and February 4, 2014 at various times (9:30-12pm, 2:00-4:30 pm, and 5:30 to 8:00 pm). Notices for the Office Hour sessions were posted on Twitter, RCTV, Redmond.gov, and the Redmond Reporter. An email was also sent out to each person of record.

For those who couldn't attend the Office Hour sessions, City staff also provided an email address and phone number so that they could submit their questions and comments on the subject as well.

A FAQ page was posted on Redmond.gov along with a map showing potential locations for marijuana-related uses. Information was also posted on the City's neighborhood Facebook pages.

2. *Public Comments*

Two individuals, Aaron Kendrick and Jenny Carbon Rickman, testified orally as part of the public hearing that they are interested in operating marijuana related businesses in Redmond. Both parties stated their concerns regarding the postponement of any actions/recommendations by the Planning Commission. They stated that applying for a marijuana license (from the State) is time sensitive, and it would be helpful for any prospective business owner to know and understand the City of Redmond's intentions going forward. *(Attachment B).*

Planning Commission also received three items of written testimony: (*Attachment C)* Traci Pierce, Superintendent of the Lake Washington School District recommended expanding the State's buffers as defined in WAC 314-55 in order to protect children as they travel to and from school. Barbara Dickson, a Redmond resident requested that marijuana be banned entirely. A local business owner, Sarkis Johnsen asked that the City not add additional restrictions that could potentially make it more difficult to open and operate a marijuana-related business.

Recommended Conclusions

1. *Key Issues Discussed by the Planning Commission*

The majority of the Commission expressed concern that the result of the combination of the buffers in I-502 coupled with existing uses and the City's existing zoning is that retail sales of marijuana would not be permitted in Redmond. They questioned whether that was appropriate. Commissioners also observed that the expanded buffers under the staff recommended alternative would limit marijuana business opportunities further in comparison to the buffers established as part of I-502 and several Commissioners expressed concern about that potential limit.

The Commission questioned the rationale for the Technical Committee's recommended expansions to the buffers established in WAC 314-55. As each of the Technical Committee's recommendations was discussed, a separate motion was put on the floor, and voted on. By a majority vote on each of the issues, the Commissioners decided not to recommend the Technical Committee's expanded buffers to WAC 314-55.

The Planning Commission agreed that allowance for marijuana-related uses in the City of Redmond should be as broad as legally possible. A motion was passed 6-0 recommending that marijuana uses compliant with WAC 314-55 and local zoning regulations be made permanent as soon as possible.

Similarly, the Planning Commission agreed that collective gardens should be allowed throughout the City as long as compliant with state law (RCW 69.51A.085) and within a permanent structure.

The Planning Commission majority recommends that the City Council put the review of locations within Redmond for possible marijuana retailing uses on Redmond's 2014-2015 docket for Comprehensive Plan and Zoning Code amendments in order to identify properties or locations for which zoning could be changed to allow marijuana retail use. These Commissioners believed it was important for there to be at least one location for marijuana retailing in Redmond and expressed interest in discussing this topic as part of the Commission's work plan. One Commissioner did not support this motion.

(See also: Issue Matrix, *Attachment D*)

2. *Recommended Conclusions of the Technical Committee*

The recommended conclusions, as found in the Technical Committee Report, are attached. (*Attachment E)*.

3. *Planning Commission Recommendation*

The Planning Commission approved a motion to recommend allowing marijuana related businesses in the City of Redmond in accordance with the restrictions identified in WAC 314-55; to require that all marijuana related businesses be conducted in permanent structures; and to adopt these recommendations as permanent regulations as soon as possible (motion passed by a vote of 6-0, March 12, 2014). In addition, the Planning Commission majority recommended that analysis be undertaken to identify locations within the City for which the zoning could be changed to allow the retail sales of marijuana and requested that this topic be placed on the 2014-2015 Comprehensive Plan amendment docket (motion passed by a vote of 5-1, March 12, 2014).

List of Attachments

Attachment A: **Recommended Amendments to Redmond Zoning Code**

Attachment B: **Minutes for February 26, 2014 Planning Commission Meeting**

Attachment C: **Written Testimony**

Attachment D: **Issues Matrix**

Attachment E: **Technical Committee Report with Exhibits**

- **Exhibit A:** SEPA Threshold Determination
- **Exhibit B:** Proposed Regulations for "Alternative 2"
- **Exhibit C:** "Alternative 2" Zoning Map
- **Exhibit D:** Public Hearing Notice

Attachment F: **Updated Maps for I-502 and I-502 with "Alternative 2" Enhancements**

Robert G. Odle, Planning Director — Date: 4/4/14

~~Franz Wiechers-Gregory~~, Planning Commission Chairperson — Date: 4-9-14

Scott S. Biethan Acting

Approved for Council Agenda — John Marchione, Mayor — Date: 4/15/14

ATTACHMENT A

Planning Commission
Recommended Amendments to Redmond Zoning Code

1. ***Add new chapter 21.41 to the Redmond Zoning Code***:

RZC 21.41 MARIJUANA-RELATED USES

21.41.010 Relationship to federal law. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing in this chapter or as provided elsewhere in the RZC or RMC authorizes or permits any person or entity to circumvent or violate federal law.

21.41.020 Collective gardens. No Washington State Liquor Control Board license is required for collective gardens. A collective garden must meet all requirements under RCW 69.51A.085, including but not limited to limitations on the number of members, number of plants, amount of useable marijuana on site, maintenance of each member's valid documentation of qualifying patient status.

21.41.030 State license. No marijuana processor, marijuana producer, or marijuana retailer shall locate in the city without a valid license issued by the Washington State Liquor Control Board, and must at all times conform with state law and city regulations. In the event any city regulation conflicts with state law or state regulations, the more restrictive provision shall prevail.

21.41.040 Location; buffers.

A. Marijuana production, marijuana processing and marijuana retail uses are allowed uses within the City where in compliance with state law and regulation and this chapter.

B. No marijuana producer, marijuana processor, or marijuana retailer shall locate within 1000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the existing uses as defined in WAC 314-55-010:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Public park;
5. Public transit center;
6. Library; or
7. Game arcade.

21.41.050 Structural requirements.

All collective gardens, marijuana processors, marijuana producers and marijuana retailers must operate in a permanent structure designed to comply with the City Building Code.

2. ***Add new definitions under chapter 21.78 of the Redmond Zoning Code***:

Collective Garden. A facility, use, or location at which qualifying patients grow, produce, process, transport, or deliver marijuana for medical use, as provided in RCW 69.51A.085. A location utilized solely for the purpose of distributing marijuana shall not be considered a collective garden.

Marijuana. All parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana-Infused Products. Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include usable marijuana.

Marijuana Processing. Processing of marijuana by a marijuana processor into useable marijuana and marijuana-infused products, including the packaging and labeling of useable marijuana and marijuana-infused products for sale in retail outlets, and sale of useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Processor. A person licensed by the state liquor control board 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.

Marijuana Producer. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Marijuana Production. Production of marijuana by a marijuana producer to sell at wholesale to marijuana processors and other marijuana producers.

Marijuana Retail Sales. The sale of usable marijuana and marijuana-infused products by a marijuana retailer in a retail outlet.

Marijuana Retailer. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Retail Outlet. A location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.

THC Concentration. The percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant cannabis, or per volume or weight of marijuana product.

Useable Marijuana. Dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

REDMOND PLANNING COMMISSION
MINUTES

February 26, 2014

COMMISSIONERS PRESENT: Chairman Franz Wiechers-Gregory, Commissioners Chandorkar, Murray, O'Hara, Sanders and Miller

COMMISSIONERS EXCUSED: Biethan

STAFF PRESENT: Kim Dietz, City of Redmond Planning Department; Jeff Churchill, City of Redmond Planning Department; Sarah Stiteler, City of Redmond Planning Department; Alaric Bien, City of Redmond Planning Department; Cameron Zapata, City of Redmond Planning Department; Deborah Farris, Redmond Planning Department; Angela Summerfield, Redmond City Attorney

RECORDING SECRETARY: Lady of Letters, Inc.

CALL TO ORDER
The meeting was called to order at 7:00 p.m. by Chairman Gregory in the Council Chambers at City Hall.

APPROVAL OF THE AGENDA:
There were no changes to the agenda.

ITEMS FROM THE AUDIENCE:
There were no items from the audience.

Public Hearing and Study Session, Proposed Zoning Code Amendment Relating to the Possible Production, Processing and Retailing of Cannabis Products in Redmond as now permitted by WAC Chapter 314-55, staffed by Alaric Bien, Deborah Farris, and Cameron Zapata, City of Redmond Planning Department.

Chairman Gregory opened the public hearing. Ms. Farris reviewed with the Commission that I-502 was approved by public vote in 2012, allowing for use of recreational marijuana in the state of Washington. I-502 decriminalizes the adult use of marijuana, which is intended to allow law enforcement to focus on violent crimes. It should generate revenue for the state and is intended to reduce the involvement of illegal drug cartels in the State of Washington. The Liquor Control Board (LCB) is governing the rules relating to the production, processing, and retail sale of recreational marijuana. These rules are codified in Chapter 314-55 in the Washington Administrative Code. These proposed amendments will cover land use, not the personal use of marijuana.

The LCB grants licenses for the production and sale of marijuana. There is a maximum of two retail outlets allowed in Redmond under I-502, though there is no limit to producers

reviewed these materials and noted there was a letter dealing with the topic of Southeast Redmond.

Aaron Kendziorek spoke to the Commission as the first person to testify in the public hearing. He lives at 12340 NE 115thPlace. He represents a business that would like to produce and process marijuana in Redmond, but that does not appear to be happening anytime soon. He wanted to know if there was an intention for marijuana to be banned in Redmond. Mr. Kendziorek said he would place his business based on how accepting a local government is with regard to marijuana. He said he interned with the LCB over the past year and helped implement some of the I-502 rules now in place.

Jenny Carbon Rickman next spoke to the Commission. She lives at 17511 NE 38th Court in Redmond. She is applying to run a retail marijuana store in Redmond. She has reached an impasse, in that she wants to apply for the lottery to get a retail license, and stated that she thinks Redmond does not want to allow for any retail marijuana space. She wanted to know if Redmond wanted to uphold the law established by I-502 or somehow slow that process. She was also curious about how she might move ahead with renting a property that would be appropriate for a retail store. She would be flexible with regard to her location. She noted that she had a 30-day window to make her marijuana business application with the state complete. She said that she has a background that is clear from criminal activities and is completely ready for her business to open, and also disappointed that her business interests were not better represented at this meeting.

Commissioner Miller asked Ms. Rickman if her proposed business would be in the areas where the City would allow marijuana processing. She said she would be willing to locate in those areas, but right now, she is well aware there are no locations allowed for retail sales of marijuana. Commissioner Miller said the City Council may, in the future consider changing some zoning laws to allow for retail sales of marijuana in some of the marijuana processing areas. Commissioner Murray did not know what the timeline was with regard to making a change of that nature, but was doubtful it would be within Ms. Rickman's 30-day window.

Staff clarified that as part of the process of setting the scope for the annual Comprehensive Plan docket public input is sought. In June, the Planning Commission looks at those proposals and forwards the proposed scope to the City Council. The Council considers the scope of the Comprehensive Plan docket in August. The whole process from proposal to law takes about a year, so any sort of amendment allowing for retail marijuana stores to open would take at least that amount of time. Ms. Rickman said she wanted to send a letter to the state about the zoning dilemma in Redmond. Commissioner O'Hara noted that if Ms. Rickman wanted to open a marijuana store in the near future, she would have to look outside of the City of Redmond. Commissioner Murray said it was not clear if or when the City of Redmond would allow for a retail marijuana store in City limits. He thanked Ms. Rickman for asking the questions she did. Gregory closed the oral portion of the public hearing. The written portion will remain open.

Chairman Gregory opened the study session. The first issue was if a fourth alternative should be proposed for Council's consideration. Commissioner Murray believed the answer to that question was no, given the lengthy process just discussed about establishing retail marijuana sales in Redmond. He would like to focus the Commission's discussion on the enhanced buffers presented by staff rather than discuss rezoning. Commissioner Miller said he did not want the Commission to impede the public will, and wanted to offer another alternative to the City Council. He did not know if it was appropriate for the Commission to essentially say a person cannot establish a retail marijuana location in Redmond, in that the state law allows for it.

Commissioner Miller liked the idea about establishing buffers around daycares, but said there was a consistency issue regarding marijuana, especially with regard to alcohol. Even if a business owner has to go through an 12-18month process to change the Comprehensive Plan and create an allowance for a marijuana business, Commissioner Miller wanted business owners to know that was a possibility. He wanted the City to consider a change in zoning to allow for retail marijuana sales in the areas where marijuana production is allowed. Staff noted that such a change could be considered as part of the Comprehensive Plan Amendment docket for 2014-2015 startign this spring by the Commission, and then the Commission could forward that request for a change in zoning to the Council. Commissioner O'Hara said this discussion should be held at that time , not at this meeting. Chairman Gregory said this issue could still be forwarded by the Commission to the Council now rather than later. Ms. Stiteler said this issue could be placed in the Planning Commission report to Council on this topic. Also, the Commission can initiate an amendment to the Comprehensive Plan. Overall, there are multiple ways the Commission can act.

Commissioner Miller asked why marijuana retail operations could not be opened in Redmond. Staff members said they used the buffers established by I-502 and overlaid them on the City's zoning map. With that overlay, retail spaces were not possible based on current zoning. Staff noted that any space for marijuana businesses that would be left would be in manufacturing zones, where retail is not allowed other than accessory uses to a manufacturing business. Commissioner Murray noted that manufacturing has to be separate from retail in the I-502 model. He recommended that the Commission should not add a fourth alternative, but wanted to convey to City Council that the Commission would like to consider a Comprehensive Plan amendment to change a manufacturing zone to allow for a retail marijuana business. Chairman Gregory said he would support that approach of letting the Council know that the Commission would like to consider a rezone allowing for retail marijuana sales.

Commissioner Chandorkar would like to find a way to implement the will of the people, and did not want to prevent marijuana sales. Staff noted that a Comprehensive Plan amendment was just one option for the Commission in terms of changing the City's approach to retail marijuana. Chairman Gregory said additional buffers proposed by staff could create very small areas for any type of marijuana business, retail or otherwise. Chairman Gregory asked if this issue could be closed, and asked staff to draft some language to reflect the discussion above. Commissioner O'Hara saw that there were some

complicated issues as to where a marijuana business could be in relation to areas very near the City of Redmond's border with Bellevue. Staff said that border was taken into account and other cities were considered when the map was drawn up. Commissioner Chandorkar asked if this issue should be tabled until the state legislature offered more clarification, possibly in 2015.

Staff asked the Commission to look through the issues matrix and the three alternatives presented by staff to move the meeting forward. Chairman Gregory asked staff to draft some language on the zoning alternatives for the next meeting. He moved to the second issue about promoting healthy lifestyles. Commissioner Chandorkar said he was happy to close that issue, based on the prior conversation.

Issue 3 originated with Commissioner Sanders, who said it was answered to her satisfaction. Chairman Gregory closed Issue 3. Issue 4 was also an issue connected to Commissioner Sanders and presented a question about the maps and buffers used by staff. Commissioner Sanders said she was fine with closing this issue. Commissioner Chandorkar asked what happened when a licensed daycare moved into an area within 1,000 feet of a retail marijuana business. Staff responded that the marijuana business, if it was there first, would not be forced to close. Commissioner Chandorkar noted that there was a letter from the Lake Washington School District on this issue of buffering. He asked if the buffer applied to schools only or to school walking routes. Commissioner Murray noted that this was part of the reasoning behind the enhanced buffer option.

Commissioner Chandorkar noted that legal sales of marijuana could never happen with the current proposal. Staff said, to answer this concern, that the Commission could remove the 1,000-foot buffer around the residential zones. The school district would likely support that the 1,000-foot buffer would stay in place. Commissioner Chandorkar asked that this issue be added to the issues matrix. Chairman Gregory said it was difficult to tell where kids would walk, and such a walking path would be difficult to control.

Commissioner Murray said this was a blending of land use issues with a commentary on societal values. Parts of I-502 indicate that buffers are helping protect children from marijuana, much like buffers for pornography or liquor stores. But it appeared hypocritical to him to allow for other adult-related products to be within 1,000 feet of a school, but not marijuana. He said such marijuana buffers are not found in Europe, for example. Chairman Gregory wanted to look further into the idea of singling out marijuana as an adult substance, and staff said this would be added as an issue. Staff reiterated that there are three distinct alternatives for the Commission to consider as well as knowing what the state will allow.

Chairman Gregory asked if the Commission should delay its decision based on how the state legislature acts. Commissioner Sanders asked about the third option, the moratorium, and what the City would allow. Staff noted that the City already has a moratorium on collective gardens and all marijuana uses which will remain in place until September 2, 2014. That moratorium is almost two years old. Most moratoriums last six months to a year. Staff would like to get an ordinance on the books before the state acts.

It is possible that the Commission could get a report to the City Council sometime in the summer on the topic of marijuana, before the moratorium is lifted. Chairman Gregory closed Issue 5.

Issue 6 asked if the Commission should recommend adding a 1,000-foot separation to the I-502 buffers between marijuana-related businesses. Commissioner Sanders asked why such businesses would be separated. Staff said the idea was to prevent concentrations of marijuana uses and possible negative consequences. I-502 does not require any separation between individual businesses, but does say that production and retail marijuana sales cannot be under the same roof. Commissioner Murray noted that the City allows alcohol production and retail to be right next to each other, but such is not the case for marijuana. Commissioner Sanders would like the separation to be part of the discussion comparing other buffers that separate other businesses. She asked about how other cities have dealt with marijuana and if that should be part of the discussion. She noted that marijuana was still federally illegal.

Commissioner Sanders supported having enclosed facilities for production of marijuana, and that such facilities would be in permanent structures. Staff noted that state law has structural requirements for marijuana businesses, and there are separate ordinances in certain cities for medical marijuana facilities. Commissioner Sanders wanted to prevent having a mobile marijuana retail operation. Staff explained the difference between the medical marijuana and I-502 systems to the Commission. Commissioner Chandorkar wanted more information on those two systems. Staff noted that the only marijuana activity allowed in the City under I-502 would be processing, not growing (production) or retail sales. Staff added the topic of establishing a permanent structure for marijuana processing to the issues matrix. Staff noted that collective gardens in Redmond producing medical marijuana must be in a permanent structure compliant with City building codes.

Commissioner Miller asked about the maximum number of marijuana businesses that would be allowed in Redmond by type. Staff said two retail businesses could be allowed. There are no caps on anything else except for statewide limits. Within the entire state, the total marijuana production cannot exceed two million square feet of canopy. Chairman Gregory closed this discussion and called for a recess.

Study Session, Southeast Redmond Neighborhood Plan Update, staffed by Kim Dietz and Jeff Churchill, City of Redmond Planning Department.

Chairman Gregory began with Issue E2, which was originally brought up by Commissioner Murray. Commissioner Murray said his question was answered, but he asked again what affordable housing really is. Mr. Churchill noted that currently, the City has inclusionary zoning that requires 10% of housing to be affordable to people earning 80% or less than area median income. This is a standard across most of the City. Commissioner Murray noted as to how it was difficult, on a family wage job, to afford to live in Redmond if a person could not get one of those 10% housing units. Chairman Gregory closed this issue.

Commissioner Murray also spoke to Issue F2. He said his question was answered, but he said he doubted Lake WashingtonInstitute of Technology would be successful without public transportation. Chairman Gregory closed this issue. Commissioner Chandorkar asked about issue A1, in connection to a letter received by a Ms. Stevens, as noted earlier in the meeting. The Commission tabled this point for a moment.

Chairman Gregory next brought up Issue K3, which originated at the joint meeting with City Council. Mr. Churchill said there was not a lot of additional detail other than the Technical Report. Commissioner Murray said the City is not taking away from the possibility of allowing industrial businesses to relocate or attract new business. If anything, the Commission is reducing business park zoning acreage by only 16 acres. Thus, this issue should not limit the City's ability to attract business or reduce economic activity, in Commissioner Murray's opinion. Chairman Gregory closed this issue. Commissioner Sanders asked about the Northeast Design District in theneighborhood. Staff explained these districts are proposed as places that would attract employment and support a transition between residential area of Woodbridge and the industrial businesses to the north. Staff said these districts would support a variety of business types and would use performance zoning. Site design and landscaping would be used to support buffering and the transition between the differentkinds of uses.

Commissioner Miller asked about the phrases *high comfort pedestrian facilities* and *significantly sized* vegetation. Staff noted that the pedestrian facility is an area that allows for slower vehicle traffic at a neighborhood scale that would allow for a family to walk through, for example. The vegetation would help with the buffering between an area like this and the surrounding business zones. Commissioner Miller did not think a larger pedestrian facility would be a good buffer between zones. Staff said the facility would be woonerf-like and would divert larger vehicle traffic.

Commissioner Sanders wanted to learn more about performance zoning and how it impacted Issue K3. Commissioner Chandorkar clarified that a *design district* is a land use designation in Redmond that is used for large sites with special characteristics. The Gateway Design District, for example, is a special zone that is focused on large-scale retail in a way that no other zoning districts do. Issue K3 was left open by Chairman Gregory.

Issue L1 still drew some concern from Commissioner Sanders. Commissioner Miller asked about pedestrian facilities and vegetation along street edges, and if this meant that travel lanes would have to be narrowed. Staff said that would indeed happen in some cases, and some diagrams would be includedin subsequent material for the Commission's review. Commissioner Sanders asked to see some graphics before closing this issue.

Commissioner Chandorkar moved back to Issue A1, and Ms. Stevens' letter, as mentioned above. The letter raised questions about employment capacity in the northern sub-area. Commissioner Chandorkar asked about the mobility of freight or manufacturing-related vehicles in that geographic area. He wanted to make sure that that mobility issue was noted properly.

Mr. Churchill asked if the Commission could consider Section I, starting with Issue I1, as there were some guests at the meeting who wanted to hear more about this section. The Technical Committee recommended against extending the overlay discussed in this section, and Commissioner Murray wanted to know why. Mr. Churchill said the idea was it would be better to evaluate zoning regulations in manufacturing parks for the zone as a whole. The CAC looked at the character of that area under discussion and felt it had more of a manufacturing character. A review of MP zoning happened in 2009, led by Ms. Stiteler. The City made some changes to the use table for the manufacturing park zone as a result of that study. Staff would seek OneRedmond's involvement in future study of MP zoning.

Commissioner Sanders asked for a clarification of the relationship between OneRedmond and the City of Redmond. Mr. Churchill said the City is a partner in OneRedmond, which is a non-profit organization dedicated to community and economic development in the City. Commissioner Sanders was concerned that the City and OneRedmond seem to have an exclusionary relationship, in that the language says the City would consult with OneRedmond, but does not mention other groups. Commissioner Murray said that relationship should not be exclusionary, and noted that other groups would be able to provide input into development.

Commissioner Chandorkar asked about Issue I2, and confirmed that it dealt with some property next to the cemetery in SE Redmond. He asked if there was a technical reason why this could not be a manufacturing park (MP) overlay. Staff's opinion said this was not the same situation as where the MP overlay exists currently. The City has a policy of maintaining MP zoned land for those kinds of uses, and overlays are the exceptions. Those exceptions require good reasons. Establishing an overlay in this area noted in Issue I2 could erode the availability of the land for manufacturing uses if other uses came in. Commissioner Chandorkar asked to keep this issue open. Chairman Gregory noted that there was a property owner trying to plan for economic activity at his business based on this overlay discussion. He was interested in studying the issue more and if it affected the Commission's overall vision for the City. Commissioner Chandorkar did not want to prevent a business owner from doing business for reasons that appear soft to him. Staff showed the Commission a map of the current overlays in the City.

Ms. Dietz asked if there was other information the Commission needed going forward on this topic. Commissioner Chandorkar wanted to figure out how a region was suitable for an MP overlay and why another region was not, beyond traffic issues. He was not comfortable that he knew all the issues at stake in this decision. Chairman Gregory said if there were some adjoining parcels involved and this area could indeed be suited for an overlay. He asked to keep this issue open. Commissioner Murray said the Commission should review the Technical Committee Report on this topic before moving forward. Mr. Churchill said part of Issues I1 and I2 deal with the question allowing commercial development along Redmond Way going south and east from where the MP overlay ends. This could add perspective for Commission members on the overlay issue. Commissioner

Sanders would like to know why the MP zone jumps across 180th. Staff will look into that issue.

Commissioner O'Hara asked to close Issue K1, saying that the staff response was adequate. He also asked to close Issue H3, though he remained skeptical of establishing a viable arts community in the area described in this issue. Chairman Gregory asked about Issue L1 and the M issues. Staff noted that section N has only one issue dealing with parks and recreation space. Commissioner Miller asked about the East Lake Sammamish Trail and the Redmond Central Connector and the policy that governs it. Staff noted that the future light rail connection in this area that could help implement this linkage.He said he would like a connection to be made before light rail is extended. Mr. Churchill said the full discussion on Southeast Redmond should be complete by mid-March. He asked for more comments from the Commission on any issues they might have.

Commissioner Chandorkar had some policy language issues regarding intent and that policies must not be prescriptive in nature. He said the Commission should have the ability to change regulations if they do not meet intent. Thus, policy statements have to be broad and allow for modifications if they do not meet intent. With regard to the word *promote*, it was not clear how the City would promote and if that meant offering funding or making it easier for people to change regulations. *Providing opportunities* and *encourage* drew similar concerns from Commissioner Chandorkar. He asked the Commission to look through the language to make sure it was not restrictive and allowed the City to broadly meet intent. Chairman Gregory closed the study session.

REPORTS/SCHEDULING/TOPICS FOR NEXT MEETING(S):

Ms. Stiteler noted that marijuana legislation was an issue the Commission should be working on quickly, in that the City's moratorium on marijuana businesses ends in September. Chairman Gregory said, without action from the state on marijuana, he would like to focus on Southeast Redmond issues. Staff noted that there is a need to have some kind of recommendation on marijuana by this summer, with at least some interim regulations, not a moratorium. This is a budget year, and anything brought up after late summer would probably not be feasible because City Council will be reviewing the proposed budget. Many issues are lined up for Council review this year. Chairman Gregory would like to put off the marijuana discussion until March 19th and focus on Southeast Redmond. Commissioner Chandorkar asked if pushing a marijuana decision to the first part of April would be acceptable within the City Council's schedule. Staff asked that the Commission to make a recommendation by March 26, if possible. Commissioner Chandorkar and Chairman Gregory said that keeping the schedule as is would be acceptable.

ADJOURNMENT:

MOTION by Commissioner Murray to adjourn. MOTION seconded by Commissioner O'Hara. MOTION approved unanimously (6-0). Chairman Gregory adjourned the meeting at approximately 9:30 p.m.

Minutes Approved On: Planning Commission Chair

4/16/14

ATTACHMENT C

Jodi L. Daub

From: Dickson Barbara <bjhdickson@yahoo.com>
Sent: Thursday, February 06, 2014 11:37 AM
To: Alaric Bien
Subject: Fw: marijuana comments

Perhaps you should choose an L from Alaric and not a ONE for your email. I wonder how many other people sent in stuff that NEVER got to you. Looking at the paper again, I can't tell the difference and could/would only assume it was an L.

Fw: Marijuana Regulations (please acknowledge that this email is attached to public records on this issue.)

- Dickson Barbara
-
- Feb 1 at 2:22 PM

To

- albien@redmond.gov

Still no acknowledgment of recieving this email, PLEASE ACKNOWLEDGE.

----- Forwarded Message -----
From: Dickson Barbara <bjhdickson@yahoo.com>
To: "albien@redmond.gov" <albien@redmond.gov>
Sent: Saturday, January 18, 2014 2:34 PM
Subject: Marijuana Regulations (please acknowledge that this email is attached to public records on this issue.)

1st of all, Marijuana is an illegal drug, federal law!

But since no one is enforcing that law, I believe Redmond should not allow marijuana sales/use in the city.

Why?
!. When I was in one house, renting a room, the people next to me smoked marijuana. Since I am allergic to smoke in general, marijuana gives me a severe HEADACHE. Therefore, to protect my air, I had to close my windows in severe heat as the smell/smoke was coming from their window to mine. (At least let apartments/landlords ban smoking of any type in their buildings to protect tenants health/air quality.)

2. When I first moved here, late 70s, there was smoking in all public parks of marijuana and horrid for the hydro races. The crime/fighting was awful in these parks! When the hydros became more family friendly, what a difference. (I have seen many TV shots of marijuana smoking in parks since this marijuana law was passed! It doesn't seem to stay in one's home/four walls.)

3. I am afraid to move into anything with adjoining walls. People fall asleep smoking, that must get worse with marijuana and then FIRES!

4. We are supposed to be a health conscious area, so why would we want smoking of any kind or production/sales of any kind of smokes in our city? Smoking of any kind is bad for your health and as 2nd hand for mine! Also there seems to be more and more cities

banning all smoking in public areas such as parks. I immediately noticed the difference swimming in a smoke free private pool area as opposed to a public beach park with smoking.

5. Often I think, while driving, about how many people are impaired by drinking, lack of sleep, texting, perscription drugs and now I should add legal? marijuana to that?

I was young in the 70's, I know. Smoking marijuana will not just stay in private unattached homes. Please ban it from Redmond totally.

----- Forwarded Message -----
From: Alaric Bien <a1bien@REDMOND.GOV>
To: "bjhdickson@yahoo.com" <bjhdickson@yahoo.com>
Sent: Thursday, February 6, 2014 11:04 AM
Subject: marijuana comments

Received you voice mail wanting to state your position for the public record. I'm sorry that you never received acknowledgement when you sent in email – twice. What email address did you sent it to? If you can please resend in reply to this email I will make sure that it is officially recorded.

Sorry for the inconvenience and thank you for sharing your opinion with the city.

Alaric Bien
Senior Planner, Human Services
City of Redmond
425.556.2458

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Lake Washington
School District

Dr. Traci Pierce - Superintendent

Board of Directors
Jackie Pendergrass - President
Nancy Bernard - Vice President
Siri Bliesner - Director
Mark Stuart - Director
Christopher Carlson - Director

L.E. Scarr Resource Center
Mail: P.O. Box 97039
Redmond, WA 98073-9739

16250 N.E. 74th Street
Redmond, WA 98052

Office: (425) 936-1257
Fax: (425) 861-7765

February 18, 2014

Cathy Beam, Project Planner
City of Redmond Planning Department
Redmond City Hall
15670 NE 85th Street
Redmond, WA 98052

SUBMITTED VIA EMAIL: cbeam@redmond.gov

RE: SEPA-2014-00132 - Amendments to RZC Chapter 21.41

Dear Ms. Beam:

The Lake Washington School District submits these comments regarding the above-referenced Determination of Nonsignificance.

While we appreciate that the City's proposed zoning regulations incorporate Initiative 502's prohibition on the location of recreational marijuana uses within 1,000 feet of a school, the City should consider expanding this buffer requirement to further address public health and safety. As you know, the District provides public education to the City's residents in 10 schools located within the City of Redmond. Many of our students walk or bike to neighborhood schools. The proposed regulations, even with the minimum buffer requirement, would permit the location of recreational marijuana uses near or on such student travel routes. In some cases, this would make the 1,000 foot buffer restriction meaningless. As such, the City should consider expanding this minimum buffer in order to protect students as they travel to and from school.

We appreciate the opportunity to comment. Please let us know if you have any questions.

Sincerely,

Traci Pierce, Superintendent
Lake Washington School District

cc: Janene Fogard, Deputy Superintendent
Forrest Miller, Director of Support Services

Jodi L. Daub

From: Sarkis Johnsen <sarkis@ftiforms.com>
Sent: Tuesday, March 11, 2014 8:53 AM
To: Alaric Bien
Subject: RE: My Comments for the 2/26-14 Planning commision

Alaric,

Thank you for reviewing and forwarding my comments. Yes as **currently** zoned was definitely clearly portrayed in the video, as well as that it takes some time if any zoning was to be changed. I am working on a more long term strategy than most of those putting in applications I guess. I already have a successful business so do not need this for income. I don't mind investing now for something 2-3 years down the road. My goal is just to be able to procure one of the licenses issued by the state for Redmond for retail if at all possible, I do not mind paying the yearly fee just to hang onto it for a few years to see if things change within Redmond and a retail location can come to fruition. I again thank you for all your time.

Thank You,

Sarkis Johnsen
The FTI Group
(800) 367-6122
(800) 367-6124
www.ftiforms.com

From: Alaric Bien [mailto:a1bien@REDMOND.GOV]
Sent: Monday, March 10, 2014 5:26 PM
To: Sarkis Johnsen
Subject: RE: My Comments for the 2/26-14 Planning commision

Thank you for taking the time to put down your thoughts and concerns around this issue. I will make sure your email is seen by the Planning Commission and gets into the public record as well.

I don't know if it came across in the video, but I just wanted to clarify that even without making any changes to the restrictions imposed by the state (i.e. no marijuana retail within 1,000 feet of schools, parks, libraries, etc.), there are no areas within Redmond that are currently zoned for retail where this would be allowed. The commission's discussion of additional restrictions would only affect potential processing enterprises.

You can see the materials and agenda for Wednesday evening's study session at
http://www.redmond.gov/cms/one.aspx?portalId=169&pageId=118586

It will also be streamed lived at www.redmond.gov/RCTV if you are not able to attend in person. Please let me know if you have any other questions and thank you for your interest in this issue.

Alaric Bien
Senior Planner, Human Services
City of Redmond
425.556.2458

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From: Sarkis Johnsen [mailto:sarkis@ftiforms.com]
Sent: Monday, March 10, 2014 1:39 PM
To: Alaric Bien
Subject: RE: My Comments for the 2/26-14 Planning commision

Alaric,

Thank you for allowing me some extra time to review the video and submit comments after the fact. My comments are below:

My name is Sarkis Johnsen, and along with my Father Bob Diamond we run a small family business(The FTI group) off of 148th Ave and Willows Road In Redmond.
We are in the print industry and hold numerous patents to security measures that prevent fraud in relation to physical documents, we specialize in checks and medical forms and market our products all across the US and Canada.

We have decided to try and diversify with the new I- 502 law and do something of a more renewable nature that will continue to be viable after Print quits being a productive business. Watching the marijuana industry that is obviously taking off in Colorado where it has been implemented, and also having grown up in this area and realizing just how prevalent marijuana already is locally (demand) even before I-502 was passed, we all felt this was a good business opportunity worth pursuing.

I have a few points I would like to make in reference to Redmond's implementation of I-502:

1. The voters of Washington have already voted decidedly they want legal access to marijuana- and in this context the state has developed guidelines to protect the citizens while allowing access and business opportunity, the planning commission appears to be ignoring the voters desire for a legal means of procuring marijuana by placing extra burdens upon any prospective business owner, and by not opening up any retail zones, while simultaneously adding extra legislation beyond the state guidelines. I would ask where exactly these extra guidelines came from, and is there any research or study that points to an approach such as has been adopted working? My opinion as a member of the public is there is already a lot of marijuana out there in circulation including in Redmond, it's not stopping anyone from possessing it in the area, only from being able to purchase in a legal manner- So thereby you will encourage the local black market to continue as well as deprive the state and city of possible tax revenue.

2. The proposed business opportunities in relation to I-502 developed by the planning commission for Redmond are in reality almost non –existent. It seems like no one on the planning commission is a local business owner that rents warehouse space in Redmond (I do) I will advise you that it's more expensive here than many other locations. Probably mostly due to the high tech industry in our area (in my own complex Play Networks has been after our office/warehouse space for a while now). Since the state is not limiting the production/processing licenses in any one jurisdiction, any prospective owner with any business sense at all, will **not** be producing/processing in Redmond period. The producers and processors will end up going to where the rents are less. The product they are selling has a price that is

regulated in cost and quantity, meaning one of the only way's to insure profitability will be by making sure that said businesses costs are as low as possible. One of the biggest costs beyond labor is rent (especially here). That is why I believe retail is really the only true business opportunity in regards to marijuana that will work in Redmond and why we decided to focus our efforts there. That is also why I believe Redmond should start the process of altering current retail zoning to create these 2 retail locations as specified by the state.

3. The state believes there should be retail access in Redmond as they established with the provision for 2 retail outlets.

4. If there is any precedence, study or example of these further restrictions being put into place by the commission being either necessary or effective- I would greatly appreciate those sources. I would also appreciate a summary on how these guidelines were developed, and what expertise drawn upon in the process.

I will close with my personal thoughts on the Planning Commission's Agenda in regards to I-502.

As a local citizen and entrepreneur, I am highly disappointed that the planning commission has not come up with any real opportunity for a legitimate business owner to pursue in relation to I-502, even while other local jurisdictions jump at the chance to let their community of business owners get a head start. I feel that that the voters desires, are being ignored with the commission preventing both access and opportunity. I believe the Planning commission should help transition in this new law as voted for by the people and not to stand in its way or make it harder for business to take advantage of this new industry or hinder citizens access a desired legal product.

In watching the video of the last planning commission meeting on 2/26/14 I was impressed upon by the fact that some of the people in the planning process do not appear very informed about marijuana on a recreational or business level- One member even admitted he couldn't even pronounce Cannabis. The state already put together a panel of experts to come up with the current regulations provided through I-502- Does the Redmond planning commission have more direct experience with marijuana regulation or sales that it should override the suggestions established by the state and any experts they tapped for development of the new I-502 law? If so where does this local expertise come from?

I thank you for your time, and consideration of my comments.

Sarkis Johnsen
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www.ftiforms.com

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Planning Commission Discussion Issues Matrix – Zoning Code Amendment for Marijuana Related Uses

Issue / Commissioner	Discussion Notes	Issue status
1. Should a "4th Alternative" be proposed for Council's consideration? (Murray/Miller)	Staff Comment/Recommendation: If the Planning Commission decides to recommend that the City consider a land use/zoning code amendment for marijuana retail, it will be reflected in the PC report to Council. If the Council supports consideration of this amendment, it can be proposed as part of the 2014-15 Comprehensive Plan Amendment Docket. Public Comment: PC Comments: Some Commissioners expressed an interest in recommending to the City Council that the City consider a land use/zoning code amendment to allow create space for marijuana retail within the City. The Planning Commission will be continuing the discussion of whether or not to consider recommending that a land use/zoning code amendment to allow marijuana retail be considered by City Council. Staff has prepared language that will be included in the Planning Commission Report if Commissioners choose to do so. The issue is open and pending. 3/12/14: The Planning Commission majority decided to include a recommendation that City Council put the review of locations within Redmond for possible marijuana retailing uses on Redmond's 2014-2015 docket for Comprehensive Plan and Zoning Code amendments, in order to identify properties or locations for which zoning could be changed to allow marijuana retail use. This recommendation is included in the Planning Commission Report.	Opened 2/12/14 **Closed** **3/12/14**

Issue / Commissioner	Discussion Notes	Issue status
2. Is the response to question B2a of the Technical Committee Report biased? (Chandorkar)	Staff Comment/Recommendation: Staff has noted the concern and will avoid this reference in the Planning Commission Report. Public Comment: PC Comments: There was some concern that staff's response to the "consistency with the goals, visions, and framework policy of the Comprehensive Plan" in the Technical Report may be subjectively commenting on "healthy lifestyle" as it relates to marijuana uses. The Planning Commission was satisfied that staff noted the concern and will avoid this reference in the Planning Commission Report.	Opened 2/12/14 **Closed** **2/26/14**
3. What is the rationale for allowing "processing" in Manufacturing Parks (MP), Business Parks (BP), Industrial (I), Gateway Design District (GDD), and Overlake (OV) and (OBAT) per the proposed Comprehensive	Staff Comment/Recommendation: Per the Redmond Zoning Code, the definition of "Manufacturing and Wholesale Trade" is: "An establishment that engages in the transformation of raw materials into finished products, in the sale or distribution of those products to persons, firms, or corporations for resale, in the storage of materials or products in a warehouse or similar structure, or in the assembly or fabrication of goods. A manufacturing or wholesale trade establishment does not engage in the retail sale of products to the end consumer." A marijuana processor license allows a licensee to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to a marijuana retailer. As such, a processor/processing business meets the Zoning Code's definition of "Manufacturing and Wholesale Trade" and thus is an allowed use in the zones cited above: MP, BP, I, GDD, OV and OBAT.	Opened 2/12/14

Issue / Commissioner	Discussion Notes	Issue status
Land Use Chart? (Sanders)	Public Comment: PC Comments: The question was answered to the Planning Commission's satisfaction and the issue was closed.	**Closed** **2/26/14**
4. How was the proposed land use chart for marijuana related uses throughout the City, produced? (Sanders)	Staff Comment/Recommendation: The Comprehensive Land Use Chart, RZC 21.04 "General Provisions" is a compilation of the permitted land uses throughout the City. First, staff determined where "general sales or service"; "manufacturing and wholesale trade" and "agriculture" are currently allowed uses. Next, with the exception of residential zones (WA State regulation), if a zone currently allows retail sales, then "marijuana retail sales" was added to the chart under the "general sales or service" category and designated by P. The same procedure was used to determine in which zones marijuana processing and marijuana production would be an allowed use. Public Comment: PC Comments: The question was answered to the Planning Commission's satisfaction and the issue was closed.	Opened 2/12/14 **Closed** **2/26/14**
5. Can the Planning Commission postpone making a	Staff Comment/Recommendation: Planning Commission could opt to table the discussion and postpone making a recommendation to Council until the State legislature votes. If HB 2322 is passed, staff would	Opened 2/12/14

Issue / Commissioner	Discussion Notes	Issue status
recommendation to Council until the State Legislature votes on House Bill 2322? (Chandorkar)	need to revisit and amend the current proposed language and land use charts. The State is expected to vote on the HB sometime in April, which would give the Planning Commission time to make its recommendations to City Council before the current interim regulations expire on September 2, 2014. Staff recommends not postponing making a recommendation to City Council because the legal context for land use regulations related to marijuana processing, production and retail could continue to change. The City Council has the option to refer a topic back to Planning Commission for further discussion and recommendation as needed. 2/26/14: The City Attorney advised against postponement at this time. Information was also provided regarding HB 2322's failure to make it out of committee in the State Legislature. The Planning Commission did not decide whether to postpone or move forward with making a recommendation to City Council. This issue is still open and pending. Public Comments: Two citizens (who are interested in operating a marijuana related business in Redmond) spoke to the Commission at the 2/26/14 public hearing. Both parties stated their concerns regarding the postponement of any actions/recommendations. These citizens stated that applying for a marijuana license (from the State) is time sensitive, and it would be helpful for any prospective business owner to know and understand the City of Redmond's intentions moving forward. PC Comments: 3/12/14: The Planning Commission decided *not* to postpone making their recommendations to City Council.	**Closed 3/12/14**
6. Should Planning Commission recommend adding a 1,000 ft.	Staff Comment/Recommendation: Requiring that marijuana related businesses be separated by 1,000 ft. will prevent concentrations of marijuana related uses in any one area in the City. This would help to avoid	Opened 2/12/14

Issue / Commissioner	Discussion Notes	Issue status
separation (to the I-502 buffers) between marijuana related businesses? (Sanders/all)	concentrations of these uses in specific locations within the City. Public Comments: PC Comments: 2/26/14: Commission did not complete their discussion of a 1,000-ft. separation between marijuana related businesses. This issue is still open and pending. 3/12/14: The Planning Commission voted 6-0 not to recommend a 1,000 ft. separation between marijuana-related businesses. The Commission recommended that marijuana-related uses in the City should be a broad as legally possible providing that the marijuana uses are compliant with WAC 314-55 and local zoning regulations.	**Closed 3/12/14**
7. Should language be added to the proposed regulations that would require that all processing be conducted in a permanent structure? (Sanders)	Staff Comment/Recommendation: WAC 314-55 requires that marijuana *production* must take place within a fully enclosed secure indoor facility, but does not appear to require the same for processing. The City Attorney will provide example language for such a requirement for processing businesses to discuss further with the Planning Commission. Public Comments: PC Comments: 3/12/14: Language requiring that all marijuana and marijuana-related uses be conducted in permanent structures that comply with the City's building codes has been added to the recommended regulations.	Opened 2/26/14 **Closed 3/12/14**
8. Are there liquor stores that are	Staff Comments/Recommendation:	Opened

Issue / Commissioner	Discussion Notes	Issue status
within 1,000 ft. of residential zones and child care centers? (Murray)	Yes. Within Redmond, there are stores located within 1,000 ft. of residential zones and/or child care centers that sell liquor, wine, and beer. The State has not imposed these same restrictions on businesses that sell alcohol. Retail establishments selling alcohol in Redmond must only meet land use zoning regulations. <u>Public Comments:</u> <u>PC Comments:</u> <u>3/12/14:</u> The question as to why the State has not imposed these same restrictions on businesses that sell alcohol was addressed by the City attorney and answered to the Planning Commission's satisfaction. The issue was closed.	2/26/14 **<u>Closed</u>** **<u>3/12/14</u>**

Attachment E

Memorandum

To: Planning Commission

From: Rob Odle, Planning Director, 425-556-2417, rodle@redmond.gov
Deborah Farris, 425-556-2465, dfarris@redmond.gov
Alaric Bien, Senior Planner, a1bien@redmond.gov, 425-556-2458
Cameron Zapata, cazapata@redmond.gov, 425- 556-2480

Date: January 31, 2014

Subject: **Marijuana Related Amendments to the Redmond Zoning Code**

BACKGROUND

The current interim marijuana-related regulations (RZC 21-41) expire on March 2, 2014. City Council will be holding a public hearing on February 4, 2014. If the ordinance is passed, the interim regulations will be extended for an additional six months.

With the goal of adopting new marijuana-related regulations before the interim regulation expire, staff has already begun preparing amendments to RZC 21-41 in order to establish local zoning regulations and buffers, as well as clarifying (and adding) definitions related to marijuana uses for production, processing, and retailing for all zones within the City.

Three "alternatives" are being proposed. "Alternative 1" bans all marijuana related uses in all zones throughout the City, "Alternative 2" combines State required buffers and local zoning regulations, and "Alternative 3" provides the option of adopting either "Alternative 1" or "Alternative 2" as interim regulations.

PREPARATION FOR THE FEBRUARY 12th STUDY SESSION

Please review the enclosed Technical Committee Report and exhibits. In addition to the proposed amended regulatory language for Alternative 2 (Exhibit B), staff has also included a color coded map (Exhibit C) that illustrates where marijuana related uses would be allowed if Alternative 2 is adopted. Staff asks that the Commission identify any questions and issues for discussion for the February 12, 2014 meeting.

REVIEW SCHEDULE

The Commission will hold its first study session on these proposals on February 12, 2014 with the public hearing and second study session on February 26, 2014. Please contact Deborah Farris with questions or concerns.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

On November 30, 1998, the voters approved Initiative 692 which allowed the possession of medical marijuana for qualifying patients. This was subsequently codified in state statute. During the 2011 legislative session, the Legislature passed a bill which included the legalization of medical marijuana production, processing, and dispensing facilities. Subsequent to passage of the bill, the Governor vetoed many portions of the bill including those portions dealing with dispensaries; however, one portion dealing with collective gardens was not vetoed. Collective gardens allow qualifying patients or their designee to grow, transport, and deliver marijuana for medical use. This portion of the legislation became law on July 22, 2011.

This law also allowed for jurisdictions to adopt zoning requirements for collective garden facilities, but left many issues unresolved. Before Redmond moved to adopt any regulations for these facilities, it was appropriate to get clarity at the state level and to study the potential types of regulations that would have been needed.

On August 16, 2011, the City Council unanimously enacted a moratorium on the location, establishment, licensing, and permitting of medical marijuana or cannabis collective gardens. This was extended on February 7, 2012 and again on July 31, 2012 as the State had not enacted their final regulations. In the interim, staff continued to research the potential impact of collective garden facilities.

Initiative 502 was passed by the voters of the State of Washington, on November 6, 2012, thus providing a framework under which marijuana producers, processors and retailers can become licensed by the State of Washington. Under Initiative 502, the Washington State Liquor Control Board was tasked with the responsibility to adopt regulations governing the licensing and operation of marijuana producers, processors, and retailers.

On February 19, 2013, the City Council adopted interim land use regulations prohibiting medical cannabis collective gardens in all zoning districts of the city and prohibiting the location of other marijuana-related facilities and use. This allowed time for the continued study of issues in the siting of all marijuana facilities and as well as allowing time for the adoption of regulations at the state level. The State was delayed in issuing their final regulations and the interim city regulations were extended for six months so that any ordinances considered by the City of Redmond would be consistent with what was enacted by the State.

The State adopted its final regulations on marijuana licenses, application process, requirements, and reporting (WAC 314-55) on October 16, 2013. In late October 2013, the Chair of the Liquor Control Board requested an opinion from the State Attorney General's office on whether local jurisdictions can prohibit marijuana related facilities outright and if they can expand the buffer zones locally.

The State accepted license applications from potential marijuana producers, processors and retailers between November 18 and December 20, 2013. There are currently 12 businesses that have applied to the State for marijuana licenses within the City of Redmond.

During the last several months, staff has been monitoring the proposed rules, studying the effects of marijuana production, processing and retailing on communities, determining zones within the city where such activities may be allowed and consulting with the City Attorney. A General Land Use Application and Zoning Amendment Application have been initialized. The City of Redmond issued a SEPA Determination of Non-Significance (DNS). Staff held open office hours on January 29, and 30, and again on February 4, 2014 to answer questions and receive comments on the issue from the public. Staff will provide information gathered at these open houses to the Planning Commission at the study session scheduled for February 12, 2014.

On January 16, 2014, State Attorney General Ferguson released his legal opinion which stated that Initiative 502 was not intended to preempt a local authority from banning and/or regulating marijuana businesses within their jurisdiction.

The current interim regulations expire on March 2, 2014. City Council will be holding a public hearing on February 4, 2014. If the ordinance is passed, the interim regulations will be extended for six months. This extension will provide the City time to review and adopt the proposed amended regulations before the current interim regulations expire.

If permanent regulations are adopted before the expiration of the six month extension, these regulations could be enacted without delay and the extension would cease to be in effect at that time. If there was sufficient reason to extend the interim regulations again, the Council must make that determination before the extended interim regulations expire.

II. RECOMMENDATION

Staff identified three alternatives for regulating marijuana-related uses in the City of Redmond.

- "Alternative 1" is the most conservative approach, banning all marijuana related uses in all zones throughout the City. This alternative takes into account the State Attorney General's opinion that Initiative 502 was not intended to

preempt a local authority from banning marijuana businesses within their jurisdiction.

- "Alternative 2" combines State required buffers and local zoning regulations. This alternative provides the City with an opportunity to allow some marijuana related uses, while also being required to meet the City's goals, visions, and framework policies. If adopted, there would be no available parcels for retail and/or production, however; processing would still be allowed in a few remaining parcels. Please refer to "Alternative 2 Zoning Map" (Exhibit C). This alternative takes into account the State Attorney General's opinion that Initiative 502 was not intended to preempt a local authority from regulating marijuana businesses within their jurisdiction.

- "Alternative 3" provides the option of adopting either "Alternative 1" or "Alternative 2" as interim regulations. This alternative allows some marijuana related uses in the City, while also providing Council the opportunity to take a "wait and see" approach before making the regulations permanent at some later date.

The Technical Committee recommends amending the Redmond Zoning Code as shown in "Alternative 2" as this alternative provides the City with an opportunity to allow some marijuana related uses, while also being able to achieve and maintain the City's goals, visions, and land use policies.

Alternative 1:

Alternative 1 prohibits the production, processing and retailing of all marijuana and marijuana-related uses within the City of Redmond.

The legalization of marijuana production, processing and retailing under Initiative 502 allows for such activities within Washington State. Because the production, processing, and retailing of marijuana has never been allowed within the United States before 2014, there is no information on the effect on public safety.

The Washington State Attorney General's opinion supports a local jurisdiction's option to ban marijuana and marijuana related businesses. Adopting Alternative 1's conservative approach would provide the City time to collect data on the effects of marijuana production, processing, and retailing and how it relates to public safety.

As the effect on public safety becomes clearer, the City could revisit the issue and determine if zoning should be changed to adopt a permanent prohibition, enact limited restrictions, or allow full access as defined by Chapter 314-55 of the Washington Administrative Code.

Alternative 2:

Alternative 2 limits the production, processing, and retailing of marijuana and marijuana-infused products as specified in Chapter 314-55 of the Washington Administrative Code. Alternative 2 further prohibits marijuana related uses in residential zones, prohibits marijuana related uses from locating within 1,000 feet of any residential zone, prohibits the production of marijuana in the BCDD 1&2 zones, and requires a 1,000 foot separation between marijuana related uses. Alternative 2 also prohibits the marijuana related uses within 1,000 feet of any child care center whether or not licensed by the Washington State Department of Early Learning.

Chapter 314-55 of the Washington Administrative Code prohibits the production, processing, and retailing of marijuana and marijuana-infused products within 1,000 feet of elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries, and game arcades. Alternative 2 would also prohibit these activities in all residential zones as defined in Chapter 21.08 of the Redmond Zoning Code, as well as within 1,000 feet of any residential zone within the City and comparably zoned areas of neighboring jurisdictions.

Alternative 2 clarifies the definition of "child care center" as found in WAC 314-55-050. This alternative includes any entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours, whether licensed by the Washington State Department of Early Learning or not.

Marijuana production, currently treated as crop production, is permitted in residential and BCDD1 &2 per the current zoning regulations. Alternative 2 prohibits marijuana production in residential zones and BCDD1 &2.

By applying all buffers as cited above, there would be no available parcels for retail and/or production. Processing would still be allowed in a few remaining parcels (Exhibit C).

Alternative 3:

Alternative 3 gives Council the option of adopting either Alternative 1 or Alternative 2 as interim regulations.

This alternative allows some marijuana related uses, as identified in Alternative 2, while also providing Council the opportunity to take a "wait and see" approach before making the regulations permanent.

III. PRIMARY ISSUES CONSIDERED

A. ISSUES CONSIDERED AND ALTERNATIVES

Public Safety

While state law allows for marijuana production, processing and retail sales, the research to date on the effect on public safety has been extremely limited.

There has been much anecdotal evidence regarding the negative effect of marijuana dispensaries and production facilities. The California Police Chiefs Association published a white paper on marijuana dispensaries (California Police Chief Association's Task Force on Marijuana Dispensaries, 2009) in which they reported that dispensaries have been burglarized, robbed, and their operators subjected to attacks and even murdered. In addition, they cited drug dealing, sales to minors, loitering, heavy vehicle and foot traffic, increased noise and robberies of customers as negative effects on the community.

Other reports from Denver (Meyer, 2013), Phoenix (Fox 10 News, 2012) and Los Angeles (Romero, 2011) have also suggested increases in crime due to the presence of medical marijuana dispensaries.

Despite such negative publicity, there has only been one peer reviewed study examining the relationship between (medical) marijuana dispensaries and crime (Kepple & Freisthler, 2012) to date. This study found that marijuana dispensaries were no more likely to be victimized by burglars than liquor stores or other commercial entities.

Another study published by the RAND Corporation in 2011 found that crime actually increased in areas where marijuana dispensaries were forced to close. However, this study was later retracted after additional internal review (Jacobson, Chang, Anderson, MacDonald, Blumenthal, & Ashwood, 2011). The review determined the crime data used in the analysis were insufficient to answer the questions targeted by the study.

Analysis of crime statistics by police in Colorado Springs found no evidence suggesting increased rates of crime in and around marijuana dispensaries (Rodgers, 2010). Analyses of data by police in Denver found rates of robbery at medical marijuana dispensaries to be lower than that of banks (Ingold, 2010).

In one small unpublished study which looked at the perception of crime, no evidence was found to support its increase with the establishment of medical marijuana facilities. The findings were consistent within three different Denver neighborhoods of varying socioeconomic status (Scherrer, 2011).

In accordance with Amendment 64 of the state constitution, the State of Colorado began to allow the legal operation of retail marijuana establishments on January 1, 2014. There have

been no statistics yet released regarding the effect of retail marijuana establishments on public safety.

Federal Law

Marijuana is classified as a Schedule I drug and is illegal under the Controlled Substances Act of 1970. Schedule I drugs have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use of the drug or other substance under medical supervision (21 USC § 811).

The Supremacy Clause of the United States Constitution (Article VI, Clause 2), establishes that federal statutes are the highest form of law in the United States. It mandates that states must follow federal law when a conflict arises between federal and state laws.

Alternatives:

With the lack of conclusive evidence on the effects of marijuana production, processing and retailing on public safety, "Alternative 1" prohibits all such activities until further studies are done and more data becomes available.

"Alternative 2" follows the restrictions as outlined in Chapter 314-55 of the Washington Administrative Code but with additional local zoning regulations, enhanced buffers, and the clarification of child care centers.

"Alternative 3"provides the opportunity to adopt either "Alternative 1" or "Alternative 2" as interim regulations.

The Technical Committee recommends amending the Redmond Zoning Code as shown in "Alternative 2" as this alternative provides the City with an opportunity to allow some marijuana related uses, while also being able to achieve and maintain the City's goals, visions, and land use policies.

A. COMPARISON WITH OTHER COMMUNITIES, APPROACHES

Jurisdiction	Status	Limitations on use	Retail outlet, producers and processors	Signage
Bellevue	Zoned	• I-502 1000ft buffers • Restricted in residential zones • Grown in structure-outdoor cultivation is	• Odors to be contained within retail outlet so that the odor cannot be detected by a person with a normal sense of smell from any abutting use or property • If it can be smelled from abutting use or property→	Shall comply with WAC and undergo Bellevue sign review

		prohibited	retailer shall require to include but not limit to ventilation equipment necessary to contain the odor
			• Producers allowed in "Agricultural Production of food and Fiber Crops" and will be considered "Agricultural Production"
			  o Facilities shall be ventilated
			  o Signs shall comply with Bellevue sign code
			  o Screened and secured loading dock approved by the director shall be required
			• Security
			  o Storage of usable marijuana, marijuana, and other infused products and cash shall be stored in a safe or locked cabinet.
			  o Safe/cabinet shall be incorporated in the building structure and securely attached	

Sammamish	Moratorium effective 12/14/2013			
Issaquah	Moratorium effective 10/11/2013 Expires 3/5/2014			
Kirkland	Using I-502 regulations Might have new			

	regulations in a few months			
Kent	Banned (through moratorium-6 months)	• Prohibits establishment, location, operation, maintenance, continuation, permitting or licensing of any producer, processor or retail seller that is licensed in WA		
Pierce Co.	Zoned	• I-502 limitations + any parcel containing mj retail outlet+ religious assembly • No MJ business license applications shall be approved until it is removed from controlled substance list (U.S.C sec 812 (c)	• Permitted through Conditional Use Permit in specific zones • Limited hours 8am-12am • Shall be in detached building containing not additional business activity • Conditional Use permit-only in Employment Center (EC) and Community Employment (CE) and Mixed Use District (MUD) • Production to take place in fully enclosed secure indoor facility or green house • Indoor production limited to 10,000 SF of production space	Shall not exceed 1600 sq inches+ WSLCB
Mukilteo	Zoned 10/21/2013	• One facility per parcel • No facility shall be located in a home • Must be located in permanent structure	• One facility per parcel • No facility shall be located in a home • Must be located in permanent structure • No state license facility shall be located within 1000 feet from the perimeter of another	

		No state license facility shall be located within 1000 feet from the perimeter from where another retailer or collective garden	retailer or collective garden • No production shall be visible from the public • No odors beyond	

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

There is a current prohibition on all uses of marijuana in all zones in the City of Redmond. On February 4, 2014, City Council will consider extending the interim regulations for six months while staff prepares alternatives for marijuana use in the City.

B. COMPLIANCE WITH CRITERIA FOR PLAN AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 and LU-24 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan.

Items 1 through 6 apply to all proposed amendments. Items 7 through 9 apply when proposed amendments concern allowed land uses or densities, such as proposed amendments to the Land Use Plan Map, land use designations, allowed land uses, or zoning map.

The following is an analysis of how "Alterative 2" complies with the requirements for amendments.

1. Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.

The proposed amendment is consistent with the GMA, CTED procedural criteria, VISION 2040, and King County Countywide Planning Policies. The proposal addresses:

- Goal 5 of the GMA: *Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*
  The proposal will support economic development of a new industry while adhering to the principles of the Growth Management Act.

- CTED procedural criteria: the City has complied with state law governing adoption of development regulations.

The proposal addresses the potential negative impacts of this new industry on the community, particularly children, and provides strategies for mitigation for as well as addressing the following policies:

Policy MPP-DP-44: *Incorporate provisions addressing health and well-being into appropriate regional, countywide, and local planning and decision-making processes.*

- Countywide Planning Policy DP-6: *Plan for development patterns that promote public health by providing all residents with opportunities for safe and convenient daily physical activity, social connectivity, and protection from exposure to harmful substances and environments.*

- Countywide Planning Policy DP-7: *Plan for development patterns that promote safe and healthy routes to and from public schools.*

- Countywide Planning Policy DP-36: *Minimize or mitigate potential health impacts of the activities in Manufacturing/Industrial Centers on residential communities, schools, open space, and other public facilities.*

2. Consistency with Redmond's Comprehensive Plan, including the following sections as applicable:

a. Consistency with the goals contained in the Goals, Vision and Framework Policy Element.

"Alternative 2" most directly addresses the following goals:

Provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities.

The proposed amendment, if allowed, will help maintain a healthy lifestyle by limiting access to marijuana and marijuana related products to those over 21 years of age. Furthermore, marijuana related businesses are prohibited from operating within 1,000 feet of where children gather: elementary and secondary schools, playgrounds, recreation centers, both licensed and unlicensed child care centers, public parks, transit centers, libraries, game arcades, and residential areas.

FW-12 *Ensure that the land use pattern accommodates carefully planned levels of development, fits with existing uses, safeguards the environment, reduces sprawl, promotes efficient use and best management practices of land, provides opportunities to improve human health and equitable provision of services and facilities, encourages an appropriate mix of housing and jobs, and helps maintain Redmond's sense of community and character.*

The proposed amendment, if allowed, ensures that all new marijuana related operations must fit with current existing uses and regulations safeguarding the community and the environment.

FW-19 *Maintain a strong and diverse economy and provide a business climate that retains and attracts locally owned companies, as well as internationally recognized corporations.*

The proposed amendment, if allowed, will help maintain a strong and diverse economy by introducing a new type of business into the City with appropriate regulations and restrictions. These regulations will ensure that all current zoning requirements are being met and that negative community impacts are minimized. In addition, the requirement that these marijuana related business be owned by Washington state residents ensures that out of state interests will not benefit from their operations.

b. Consistency with the preferred land use pattern as described in the Land Use Element,

LU-9 *Maintain development regulations to promote compatibility between uses; retain desired neighborhood character.*
Alternative 2, if adopted, will keep any new marijuana related uses in the appropriate zones. It will also help maintain the character of residential zones with the proposed enhanced buffer.

c. **Consistency with Redmond's community character objectives as described in the Community Character/Historic Preservation Element or elsewhere in the Comprehensive Plan.**

The proposed amendment, if allowed, is consistent with two Comprehensive Plan Policies regarding community character:

FW-42 *Retain and attract small- to medium-sized and locally owned businesses in Redmond to offer a variety of goods and services.* Marijuana related businesses may not be owned by out of state interests, and will offer a new product not previously available within the city.

FW-45 *Enhance Redmond as a community that is welcoming, child friendly and safe; supports neighborhoods, families and individuals; and is characterized by diversity, innovation, creativity and vitality.* The prohibition of minors accessing marijuana and marijuana related products and the 1,000 foot limit on proximity of establishments producing, processing and selling these products will maintain Redmond's character as a community that is neighborhood oriented, safe, and child friendly.

3. **Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.**

The zoning code amendment will establish appropriate locations for marijuana-related uses. Staff does not anticipate impacts to the environment as regulations have been prepared and enacted under WAC 314-55 for the disposal of liquids and solids. All related uses for the production and processing of marijuana must comply with all state and local environmental laws.

4. **Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.**

If the proposal is accepted, any and all affected properties are currently served by public utilities and by the City's transportation network. Any potential impacts of additional individual businesses, if allowed, will need to meet all zoning and land use regulations. These criteria are reviewed by Planning, Building, Fire, and Natural Resources before a City of Redmond business license is approved.

5. **Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.**

Businesses: If the proposed amendment allows processing in a particular zone, there would be the potential to bring new economic development.

Residents: The proposed amendment prohibits production, processing and sales of marijuana and marijuana related products in all residential zones throughout the city. Therefore there will be no potential economic impacts for residents other than the general addition of revenue through economic development.

Property owners: If these types of businesses are allowed it may expand opportunities to property owners, however the economic impact is unknown at this time.

City Government: If "Alternative 2" is enacted allowing marijuana processing and retail, the potential general economic impact to City Government would be $92 per full time equivalent employee per business. The minimum license fee any business would pay is $92 which covers the first 1,920 hours worked in the city in a calendar year. Additional State tax revenue has not yet been determined.

6. **For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.**

   Unless permanent regulations are adopted, the current interim regulations (RZC 21.41) will expire on March 2, 2014.

The following items apply when proposed amendments concern allowed land uses or densities, such as proposed amendments to the Land Use Plan Map, land use designations, allowed land uses, or zoning map.

7. **General suitability of the area for the proposed land use or density, taking into account considerations such as adjacent land uses and the surrounding development pattern, and the zoning standards under the potential zoning classifications.**

   "Alternative 2" takes into account and complies with all current zoning regulations and land uses. It requires a 1,000 foot buffer from areas frequented by minors as specified in WAC 324-55. In addition, staff recommends including a 1,000 foot buffer around all residential zones and unlicensed child care centers in the city.

8. **Whether the proposed land use designation, zoning, or uses are compatible with nearby land use designations, zoning or uses. Whether there are opportunities to achieve compatibility with surrounding land uses through design or through separation by topography or buffers.**

The proposed land use designations are compatible with nearby land use designations, zoning and uses. Topography is not applicable. All buffers must be adhered to.

9. If the amendment proposes a change in allowed uses or densities in an area:

This amendment does not change allowed uses or densities in any area.

a. The need and demand for the land uses that would be allowed and whether the change would result in the loss of capacity to accommodate other needed land uses, especially whether the proposed amendment complies with policy HO-16, the City's policy of no-net loss of housing capacity;

Not applicable.

b. Implications of the proposed amendment for the balance between the amount and type of employment in Redmond and the amount and type of housing in Redmond.

Not applicable.

B. COMPLIANCE WITH CRITERIA FOR CODE TEXT AMENDMENTS

RZC 21.76.070(AE) provides that all amendments to the Redmond Zoning Code must be consistent with the Redmond Comprehensive Plan. The following is an analysis of how this proposal complies with the requirements for code text amendments.

1. Consistency with the Redmond Comprehensive Plan

The proposal is consistent with Redmond's Comprehensive Plan goal to:
Provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities.

The proposed amendment, if allowed, will help maintain a healthy lifestyle for our younger residents by limiting access to marijuana and marijuana related products to those over 21 years of age. It will furthermore restrict marijuana related businesses from operating within 1,000 feet of where children gather: elementary and secondary schools, playgrounds, recreation centers, both licensed and unlicensed child care centers, public parks, transit centers, libraries, game arcades, and residential areas.

The proposal is also consistent with the following policies within the Comprehensive Plan:
FW-12 *Ensure that the land use pattern accommodates carefully planned levels of development, fits with existing uses, safeguards the environment, reduces sprawl,*

promotes efficient use and best management practices of land, provides opportunities to improve human health and equitable provision of services and facilities, encourages an appropriate mix of housing and jobs, and helps maintain Redmond's sense of community and character. "*Alternative* 2", if allowed, ensures that all new marijuana related operations must fit with current existing uses and regulations safeguarding the environment.

FW-19 *Maintain a strong and diverse economy and provide a business climate that retains and attracts locally owned companies, as well as internationally recognized corporations.* The proposed amendment, if allowed, will help maintain a strong and diverse economy by introducing a new type of business into the City with appropriate regulations and restrictions. These regulations will ensure that all current zoning requirements are being met and that negative community impacts are minimized. In addition, the requirement that these marijuana related business be owned by Washington state residents ensures that out of state interests will not benefit from their operations.

LU-9 *Maintain development regulations to promote compatibility between uses; retain desired neighborhood character.* Alternative 2, if adopted, will keep any new marijuana related uses in the appropriate zones. It will also help maintain the character of residential zones with the proposed enhanced buffer.

FW-42 *Retain and attract small- to medium-sized and locally owned businesses in Redmond to offer a variety of goods and services.* Marijuana related businesses may not be owned by out of state interests, and will offer a new product not previously available within the city.

FW-45 *Enhance Redmond as a community that is welcoming, child friendly and safe; supports neighborhoods, families and individuals; and is characterized by diversity, innovation, creativity and vitality.* The prohibition of minors accessing marijuana and marijuana related products and the proximity of establishments producing, processing and selling these products will maintain Redmond's character as a community that is neighborhood oriented, safe, and child friendly.

C. RELATIONSHIP TO PENDING AMENDMENTS IN THE 2013-14 COMPREHENSIVE PLAN PACKAGE (if applicable)

There are not any significant relationships between the proposed amendments and pending code or policy amendments as part of the 2013-14 Comprehensive Plan Package.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

Redmond Zoning Code 21.76.050 requires that amendments to the Comprehensive Plan or Zoning Code (except zoning map amendments consistent with the Comprehensive Plan) be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. Washington State Environmental Policy Act (SEPA)

The City of Redmond will issue a Determination of Non-Significance (DNS) SEPA Threshold Determination on February 3, 2014.

D. 60-Day State Agency Review

State agencies were sent 60-day notice of this proposed amendment on January 30, 2014.

E. Public Involvement

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing.

In addition, City staff will hold three Office Hour sessions. These sessions allow opportunities for citizens to receive information and provide comments on marijuana related uses and issues within the city. Sessions were held on different days (January 29, 30 and February 4) and times (9:30-12pm, 2-4:30 pm, 5:30 to 8pm) to give the opportunity for citizens to participate. Notices were posted on, Twitter, RCTV, Redmond.gov, The Redmond Reporter and an email was sent out to persons of record.

City staff has also provided an email address and phone number for those who are unable to attend the Office Hours to submit questions and comments on the subject.

A FAQ page has been posted on Redmond.gov along with a map showing possible sites for marijuana uses.

Citywide and neighborhood Facebook pages

A Planning Commission public hearing is scheduled on February 26, 2014. A public notice was published in The Seattle Times on January 15, 2014 and posted in City Hall

and at the Redmond Regional Library. An article and press releases were published in the Redmond Reporter. Emails were sent to persons of record, egov delivery. Notice was posted on Facebook, Twitter, and the City website.

F. Appeals

RZC 21.76.050.K identifies Redmond Zoning Code amendments as a Type VI permit. Final action is held by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements.

VI. LIST OF EXHIBITS

Alternative 2: Alternative 2 limits the production, processing, and retailing of marijuana and marijuana-infused products as specified in Chapter 314-55 of the Washington Administrative Code. Alternative 2 further prohibits marijuana related uses in residential zones, prohibits marijuana related uses from locating within 1,000 feet of any residential zone, prohibits the production of marijuana in the BCDD 1&2 zones, and requires a 1,000 foot separation between marijuana related uses. Alternative 2 also prohibits the marijuana related uses within 1,000 feet of any child care center whether or not licensed by the Washington State Department of Early Learning.

Exhibit A: SEPA Threshold Determination
Exhibit B: Proposed Regulations for "Alternative 2"
Exhibit C: "Alternative 2" Zoning Map

Robert G. Odle, Director of Planning and Community Development — Date: 1/31/14

Linda De Boldt, Director of Public Works — Date: 2/3/14

Exhibit A

STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE

CityofRedmond
WASHINGTON

For more information about this project visit www.redmond.gov/landuseapps

PROJECT INFORMATION

PROJECT NAME: AMEND RZC CHAPTER 21.41 MARIJUANA-RELATED USES

SEPA File Number: SEPA-2014-00132

Project Description: Amend the Redmond Zoning Code (RZC), Chapter 21.41, to establish and adopt permanent zoning regulations governing the location and operation of marijuana-related uses within the city, consistent with Chapter 314-55 of the Washington Administrative Code (WAC).

PROJECT LOCATION: CITY-WIDE

SITE ADDRESS, IF APPLICABLE: N/A

APPLICANT: DEBORAH FARRIS

LEAD AGENCY: CITY OF REDMOND

THE LEAD AGENCY FOR THIS PROPOSAL HAS DETERMINED THAT THE REQUIREMENTS OF ENVIRONMENTAL ANALYSIS, PROTECTION, AND MITIGATION MEASURES HAVE BEEN ADEQUATELY ADDRESSED THROUGH THE CITY'S REGULATIONS AND COMPREHENSIVE PLAN TOGETHER WITH APPLICABLE STATE AND FEDERAL LAWS.

ADDITIONALLY, THE LEAD AGENCY HAS DETERMINED THAT THE PROPOSAL DOES NOT HAVE A PROBABLE SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT AS DESCRIBED UNDER SEPA

AN ENVIRONMENTAL IMPACT STATEMENT (EIS) IS NOT REQUIRED UNDER RCW 43.21C.030(2)(C). THIS DECISION WAS MADE AFTER REVIEW OF A COMPLETED ENVIRONMENTAL CHECKLIST

CITY CONTACT INFORMATION:

PROJECT PLANNER NAME: CATHY BEAM
PHONE NUMBER: 425-556-2429
EMAIL: CBEAM@REDMOND.GOV

IMPORTANT DATES

COMMENT PERIOD: DEPENDING UPON THE PROPOSAL, A COMMENT PERIOD MAY NOT BE REQUIRED. AN **"X"** IS PLACED NEXT TO THE APPLICABLE COMMENT PERIOD PROVISION.

__ THERE IS NO COMMENT PERIOD FOR THIS DNS. PLEASE SEE BELOW FOR APPEAL PROVISIONS.

"X" THIS DNS IS ISSUED UNDER WAC 197-11-340(2), AND THE LEAD AGENCY WILL NOT MAKE A DECISION ON THIS PROPOSAL FOR 14 DAYS FROM THE DATE BELOW. COMMENTS CAN BE SUBMITTED TO THE PROJECT PLANNER, VIA PHONE, FAX (425)556-2400, EMAIL OR IN PERSON AT THE DEVELOPMENT SERVICES CENTER LOCATED AT 15670 NE 85TH STREET, REDMOND, WA 98052. **COMMENTS MUST BE SUBMITTED BY 02/18/14**

APPEAL PERIOD:

YOU MAY APPEAL THIS DETERMINATION TO THE CITY OF REDMOND PLANNING DEPARTMENT, REDMOND CITY HALL, 15670 NE 85TH STREET, P.O. BOX 97010, REDMOND, WA 98073-9710, **NO LATER THAN 5:00 P.M. ON 03/04/14**, BY SUBMITTING A COMPLETED CITY OF REDMOND APPEAL APPLICATION FORM AVAILABLE ON THE CITY'S WEBSITE AT WWW.REDMOND.GOV OR AT CITY HALL. YOU SHOULD BE PREPARED TO MAKE SPECIFIC FACTUAL OBJECTIONS.

DATE OF DNS ISSUANCE: FEBRUARY 3, 2014

FOR MORE INFORMATION ABOUT THE PROJECT OR SEPA PROCEDURES, PLEASE CONTACT THE PROJECT PLANNER.

RESPONSIBLE OFFICIAL: ROBERT G. ODLE, PLANNING DIRECTOR

Robert G. Odle

RESPONSIBLE OFFICIAL: LINDA E. DEBOLT, PUBLIC WORKS DIRECTOR

Linda E. DeBolt

ADDRESS: 15670 NE 85TH STREET REDMOND, WA 98052

DRAFT
1/31/2014

ZONING CODE AMENDMENT TEXT

Table 21.04.030A. Residential Zones. Categories for marijuana retail sales, marijuana processing and marijuana production/collective gardens are added to Table 21.04.030A of the Comprehensive Allowed Uses Chart as follows:

Table 21.04.030A Comprehensive Allowed Uses Chart: Residential Zones									
***Online Users: Click on District Abbreviation to View Map --> ***	UR	RA5	R1	R3	R4, R5	R6	R8	RIN	R12, R18, R20, R30
General Sales or Service									
Marijuana retail sales									
Manufacturing and Wholesale Trade									
Marijuana processing									
Agriculture									
Marijuana production/collective garden									

Table 21.04.030B. Nonresidential Zones. Categories for marijuana retail sales, marijuana processing and marijuana production/collective gardens are added to Table 21.04.030B of the Comprehensive Allowed Uses Chart as follows:

Table 21.04.030B Comprehensive Allowed Uses Chart: Nonresidential Zones									
Online Users: Click on District Abbreviation to View Map -->	NC-1	NC-2	GC	BP	MP	I	GDD	BCDD1	BCDD2
General Sales or Service									
Marijuana retail sales			P						
Manufacturing and Wholesale Trade									
Marijuana processing				P	P	P	P		
Agriculture									
Marijuana production/collective garden				P	P	P	P		

Table 21.04.030C. Mixed Use Zones. Categories for marijuana retail sales, marijuana processing and marijuana production/collective gardens are added to Table 21.04.030C of the Comprehensive Allowed Uses Chart as follows:

Table 21.04.030C Comprehensive Allowed Uses Chart: Mixed Use Zones						
Online Users: Click on District Abbreviation to View Map -->	OT, AP, TWNC, BC, VV, TR, SMT, TSQ, RVBD	RVT, CTR, EH	OV1, OV2, OV3	OV4	OV5	OBAT
General Sales or Service						
Marijuana retail sales	P	P	P	P	P	
Manufacturing and Wholesale Trade						
Marijuana processing			P	P	P	P
Agriculture						
Marijuana production/collective garden						

Chapter 21.41 Marijuana-Related Uses. A new chapter 21.41--entitled Marijuana-Related Uses--is hereby added to read as follows:

RZC 21.41 MARIJUANA-RELATED USES

21.41.010 Relationship to federal law. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing in this chapter or as provided elsewhere in the RZC or RMC authorizes or permits any person or entity to circumvent or violate federal law.

21.41.020 State license. No marijuana processor, marijuana producer, or marijuana retailer shall locate in the city without a valid license issued by the Washington State Liquor Control Board, and must at all times conform with state law and city regulations. In the event any city regulation conflicts with state law or state regulations, the more restrictive provision shall prevail.

21.41.030 Collective gardens. No Washington State Liquor Control Board license is required for collective gardens. A collective garden must meet the following requirements:

A. A collective garden must be in a permanent structure designed to comply with the City Building Code and constructed under a building permit from the City regardless of the size or configuration of the structure.

B. Outdoor collective gardens are prohibited.

C. No production, processing, or delivery of marijuana may be visible to the public.

D. A collective garden must meet all requirements under RCW 69.51A.085, including but not limited to limitations on the number of members, number of plants, amount of useable marijuana on site, maintenance of each member's valid documentation of qualifying patient status.

E. A collective garden must meet the separation requirements set forth in RZC 21.41.040.

21.41.040 Buffers.

A. No collective garden, marijuana processor, marijuana producer, or marijuana retailer shall locate within 1000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the existing uses as defined in WAC 314-55-010:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Public park;

5. Public transit center;
6. Library; or
7. Game arcade.

B. In addition, no collective garden, marijuana processor, marijuana producer, or marijuana retailer shall locate within 1000 feet, measured in the manner set forth in WAC 314-55-050(10), from the following:

1. Any residential zoning district;

2. Any existing collective garden, state-licensed marijuana processor, marijuana producer or marijuana retailer; or

3. Any child care center that regularly provides child day care or early learning services for a group of children for periods of less than twenty-four hours, whether or not licensed by the Washington State department of early learning under chapter 170-295 WAC.

Chapter 21.78 - Definitions - Amended. The following definitions in chapter 21.78 of the Redmond Zoning Code are amended as follows:

Crop Production. The growing and harvesting of crops, such as grains, vegetables, fruits, trees, flowers, and other ornamental horticulture. Crop Production does not include marijuana production.

General Sales or Services. An establishment engaging in the retail sale, rental, or lease of goods or the provision of services, including but not limited to automobile sales or service; heavy consumer goods sale or service; durable consumer goods or service; the sale or service of other consumer goods, grocery, food and beverage sales; health and personal care services; finance and insurance services; real estate services; professional services; and restaurant and food services. General sales or services does not include hotels, motels, and other accommodation services; mail order or direct sales establishments; membership wholesale/retail warehouses; ~~and~~ packing, crating, and convention and trade show services; and marijuana retail sales.

Home Business. A business activity which results in a product or service and is conducted in whole or in part on a residential premises and is clearly subordinate to use of the premises as a residence. Home Business does not include any activity relating to marijuana.

Manufacturing and Wholesale Trade. An establishment that engages in the transformation of raw materials into finished products, in the sale or distribution of those products to persons, firms, or corporations for resale, in the storage of materials or products in a warehouse or similar structure, or in the assembly or fabrication of goods. A manufacturing or wholesale trade establishment does not engage in the retail sale of products to the end consumer. Manufacturing and wholesale trade does not include any activity relating to marijuana.

Chapter 21.78 - Definitions - New. Section 21.78 of the Redmond Zoning Code is amended to add the following definitions:

Collective Garden. A facility, use, or location at which qualifying patients grow, produce, process, transport, or deliver marijuana for medical use, as provided in RCW 69.51A.085. A location utilized solely for the purpose of distributing marijuana shall not be considered a collective garden.

Marijuana. All parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana-Infused Products. Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include usable marijuana.

Marijuana Processing. Processing of marijuana by a marijuana processor into useable marijuana and marijuana-infused products, including the packaging and labeling of useable marijuana and marijuana-infused products for sale in retail outlets, and sale of useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Processor. A person licensed by the state liquor control board 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.

Marijuana Producer. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Marijuana Production. Production of marijuana by a marijuana producer to sell at wholesale to marijuana processors and other marijuana producers.

Marijuana Retail Sales. The sale of usable marijuana and marijuana-infused products by a marijuana retailer in a retail outlet.

Marijuana Retailer. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Retail Outlet. A location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.

THC Concentration. The percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant cannabis, or per volume or weight of marijuana product.

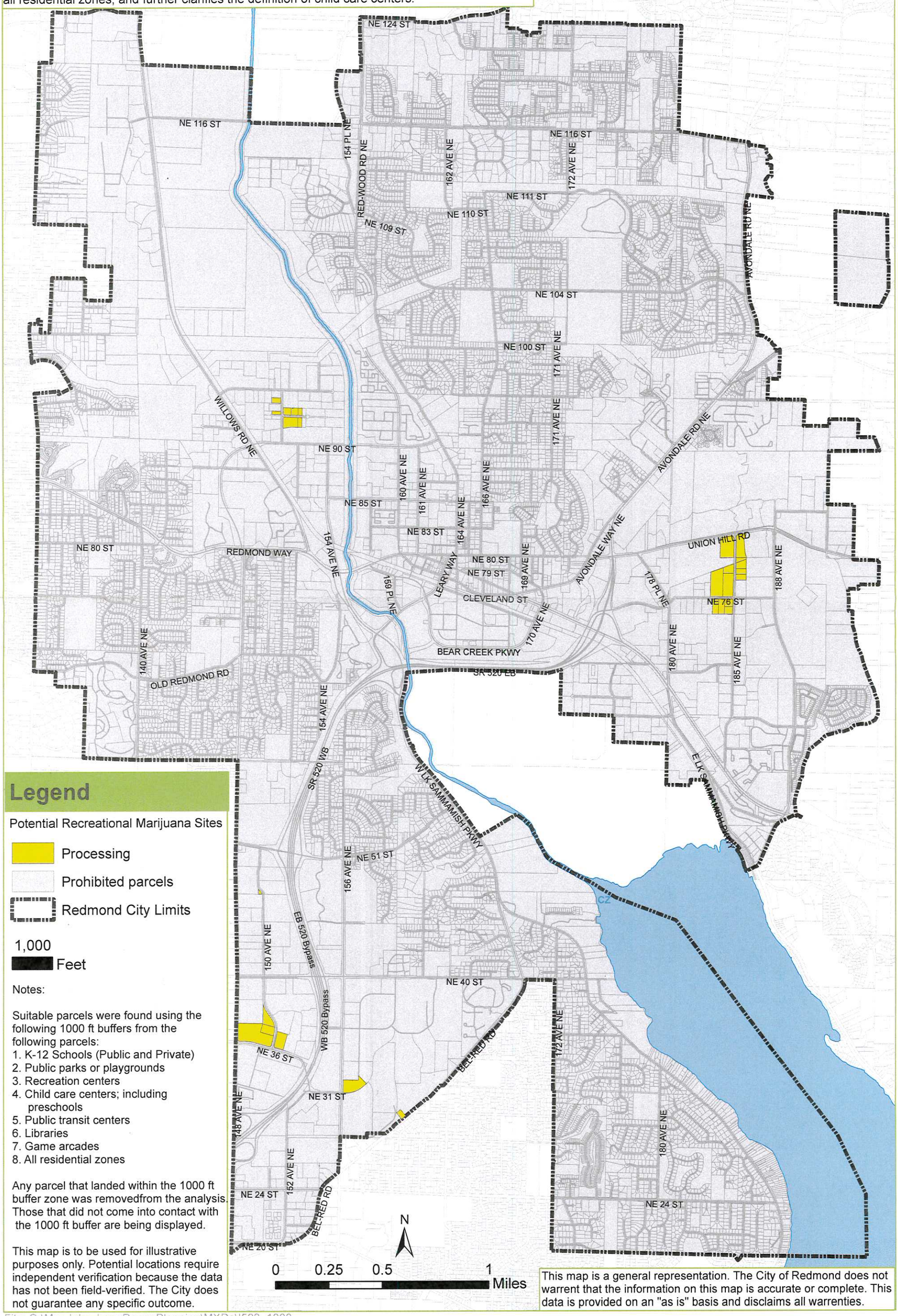
Useable Marijuana. Dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

EXHIBIT C

Potential I-502 Recreational Marijuana Sites- Alternative 2*

For Illustrative Purposes Only

*Alternative 2 limits the production, processing, and retailing of marijuana and marijuana-infused products as specified the WAC 314-55. It prohibits these activities in and within 1,000 feet of all residential zones, and further clarifies the definition of child care centers.



Legend

Potential Recreational Marijuana Sites

- Processing
- Prohibited parcels
- Redmond City Limits

1,000 Feet

Notes:

Suitable parcels were found using the following 1000 ft buffers from the following parcels:

1. K-12 Schools (Public and Private)
2. Public parks or playgrounds
3. Recreation centers
4. Child care centers; including preschools
5. Public transit centers
6. Libraries
7. Game arcades
8. All residential zones

Any parcel that landed within the 1000 ft buffer zone was removedfrom the analysis. Those that did not come into contact with the 1000 ft buffer are being displayed.

This map is to be used for illustrative purposes only. Potential locations require independent verification because the data has not been field-verified. The City does not guarantee any specific outcome.

This map is a general representation. The City of Redmond does not warrent that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warrenties.

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EXHIBIT D

NOTICE OF PUBLIC HEARING
CITY OF REDMOND

Zoning Code Amendment: Adopt Regulations on Marijuana-Related Uses

The City of Redmond Planning Commission will hold a Public Hearing in the **Council Chambers, 15670 NE 85th Street, Redmond, Washington** on February 26, 2014 ***at 7:00 p.m.*** or as soon thereafter as possible, on:

SUBJECT: Amend Redmond Zoning Code, Chapter 21.40 –Marijuana Related Uses

REQUESTED ACTION: Planning Commission recommendation on the proposed Zoning Code amendment.

All persons are invited to comment in person at the hearing, or in writing prior to the hearing, to the Planning Department at City Hall, P.O. Box 97010, Redmond, Washington, 98073-9710. Telephone number: (425) 556-2440, Fax Number: (425) 556-4242, or e-mail planningcommission@redmond.gov. **Contact Deborah Farris (425-556-2465, dfarris@redmond.gov) for more information.**

A copy of the proposal will be available no later than February 6, 2014 from the Planning Department, 4th Floor of City Hall and on the City's web site at www.redmond.gov/planningcommission

If you are hearing or visually impaired, please notify the Planning Department at (425) 556-2440 one week in advance of the hearing in order to be provided assistance.

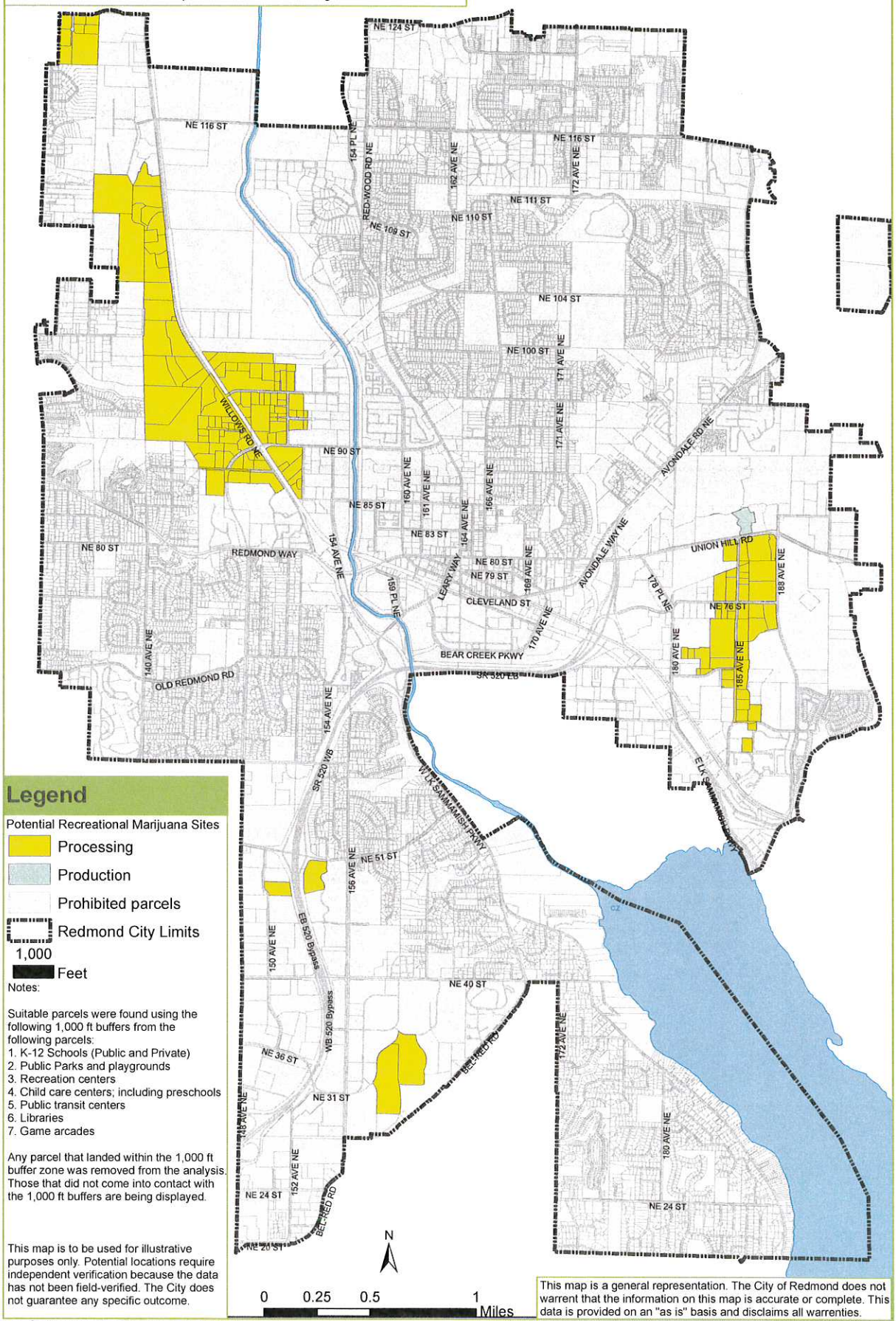
LEGAL NOTICE: February 5, 2014

Exhibit F

Potential I-502 Recreational Marijuana Sites

For Illustrative Purposes Only

This map illustrates the locations which allow marijuana related uses under Initative 502 consistent with Chapter 314-55 of the Washingotn Administrative Code.



Legend

Potential Recreational Marijuana Sites

- Processing
- Production
- Prohibited parcels
- Redmond City Limits

1,000 Feet

Notes:

Suitable parcels were found using the following 1,000 ft buffers from the following parcels:

1. K-12 Schools (Public and Private)
2. Public Parks and playgrounds
3. Recreation centers
4. Child care centers; including preschools
5. Public transit centers
6. Libraries
7. Game arcades

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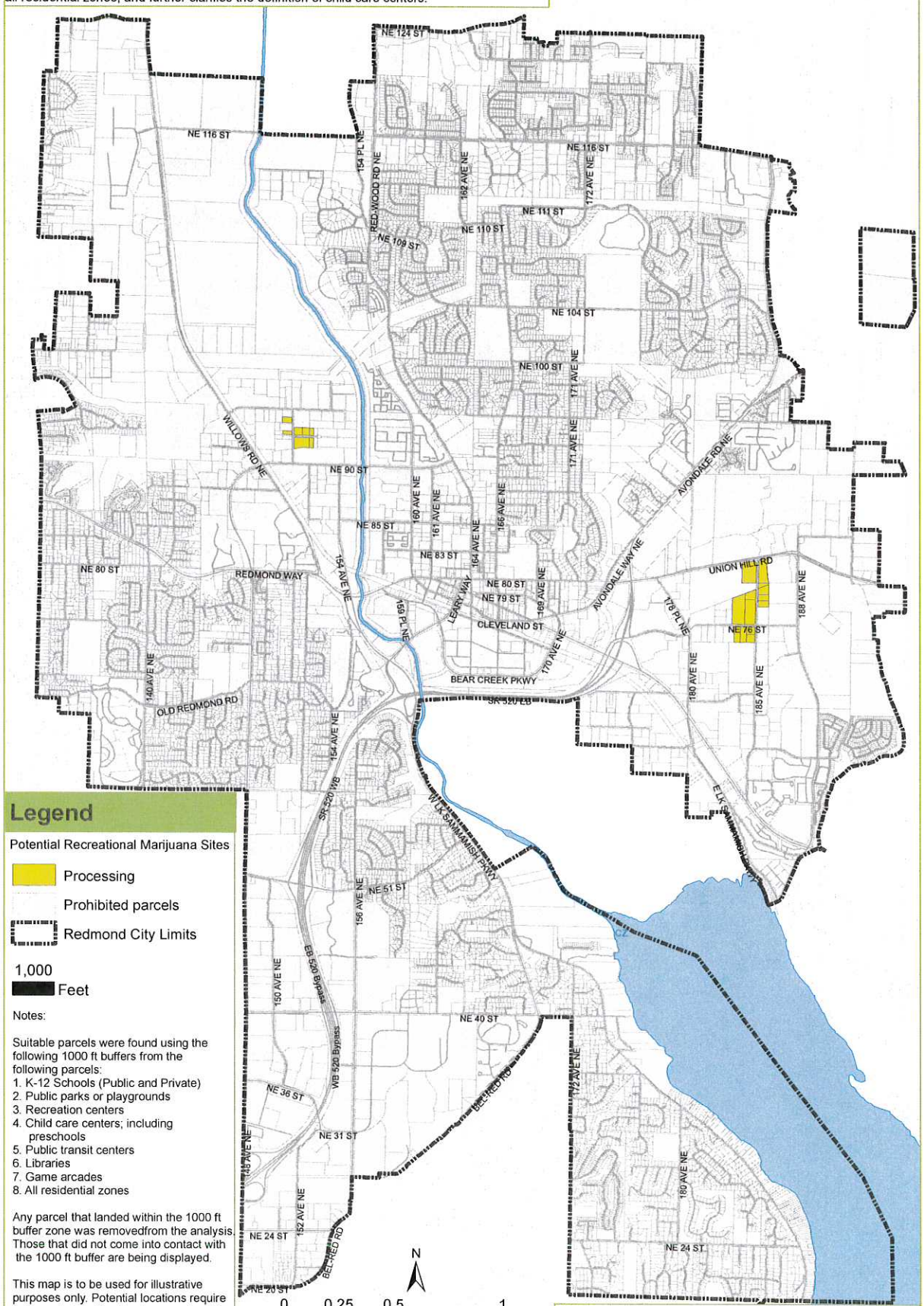
File: O:\Maprjobs_LongRangePlanning\MXDs\I502_WAC

April 16, 2014

Potential I-502 Recreational Marijuana Sites- Alternative 2*

For Illustrative Purposes Only

*Alternative 2 limits the production, processing, and retailing of marijuana and marijuana-infused products as specified the WAC 314-55. It prohibits these activities in and within 1,000 feet of all residential zones, and further clarifies the definition of child care centers.



Legend

Potential Recreational Marijuana Sites

- Processing
- Prohibited parcels
- Redmond City Limits

1,000 Feet

Notes:

Suitable parcels were found using the following 1000 ft buffers from the following parcels:

1. K-12 Schools (Public and Private)
2. Public parks or playgrounds
3. Recreation centers
4. Child care centers; including preschools
5. Public transit centers
6. Libraries
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File: G:\Maps\obs_LongRangePlanning\MXDs\I502_1000

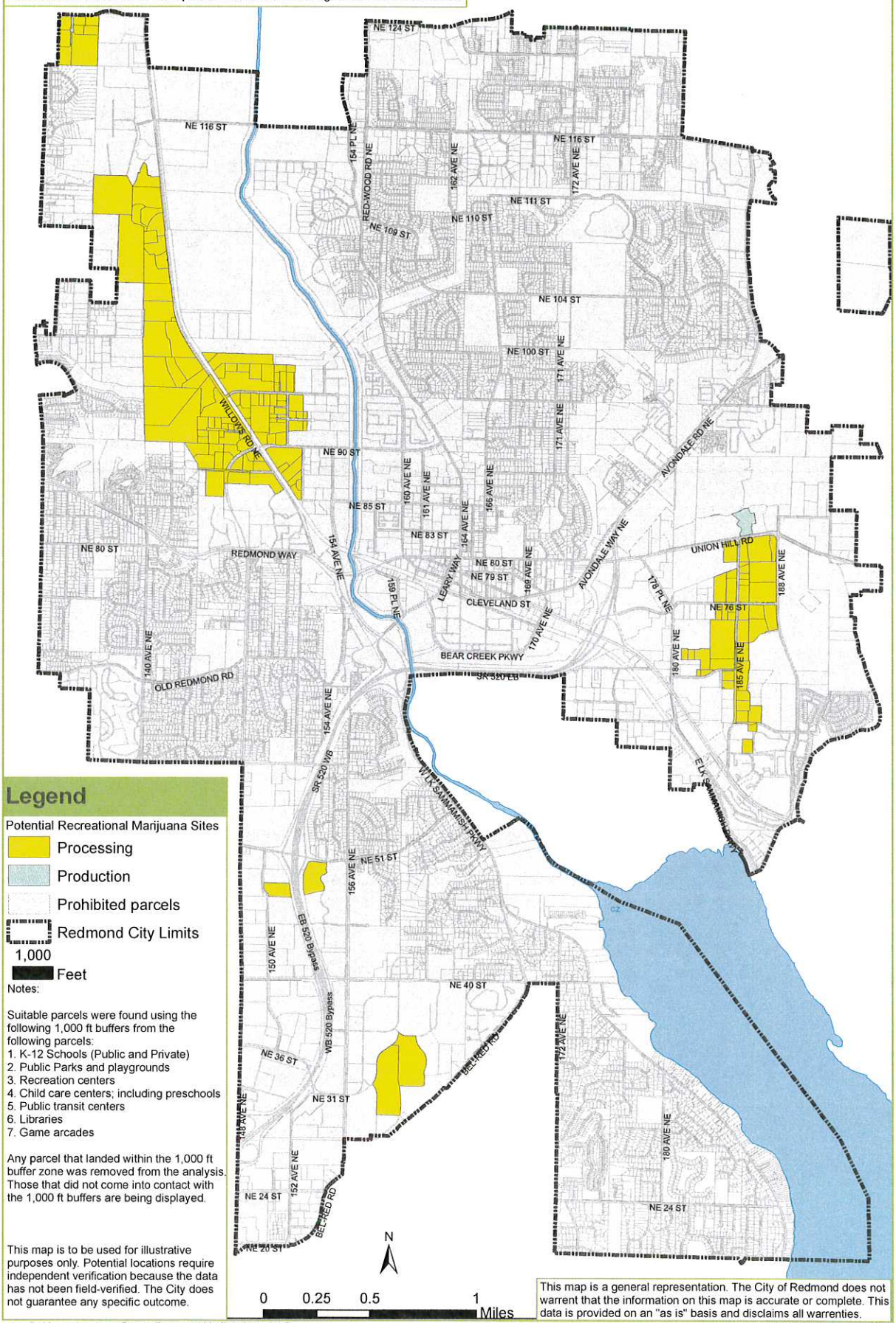
March 10, 2014

ATTACHMENT F

Potential I-502 Recreational Marijuana Sites

For Illustrative Purposes Only

This map illustrates the locations which allow marijuana related uses under Initative 502 consistent with Chapter 314-55 of the Washingotn Administrative Code.



Legend

Potential Recreational Marijuana Sites

- Processing
- Production
- Prohibited parcels
- Redmond City Limits
- 1,000 Feet

Notes:

Suitable parcels were found using the following 1,000 ft buffers from the following parcels:

1. K-12 Schools (Public and Private)
2. Public Parks and playgrounds
3. Recreation centers
4. Child care centers; including preschools
5. Public transit centers
6. Libraries
7. Game arcades

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April 16, 2014

Potential I-502 Recreational Marijuana Sites- Alternative 2*

For Illustrative Purposes Only

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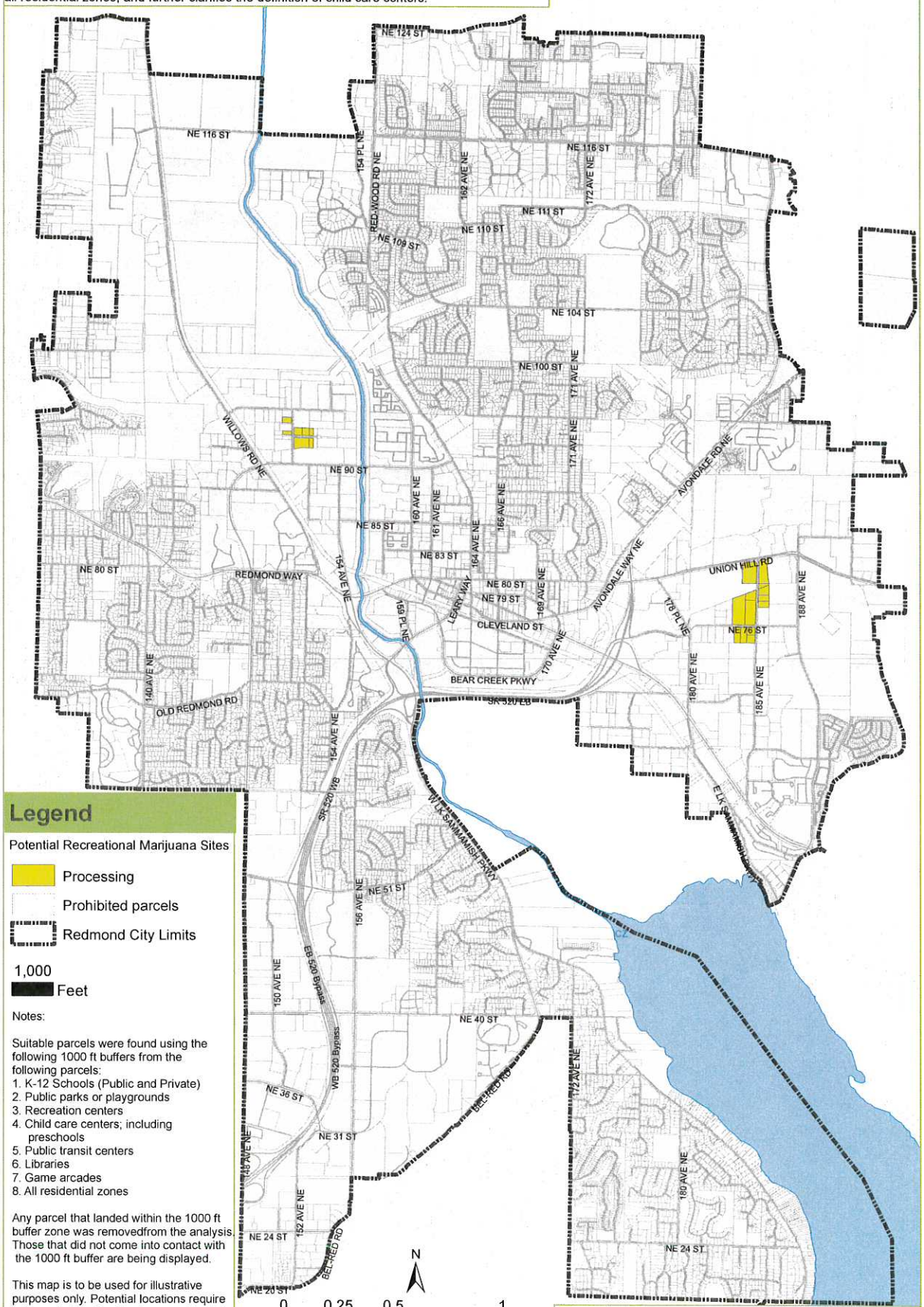

Legend

Potential Recreational Marijuana Sites

- Processing
- Prohibited parcels
- Redmond City Limits

1,000 Feet

Notes:

Suitable parcels were found using the following 1000 ft buffers from the following parcels:

1. K-12 Schools (Public and Private)
2. Public parks or playgrounds
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8. All residential zones

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March 10, 2014