

## Memorandum

**To:** Planning Commission

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**Date:** March 7, 2014

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

### **BACKGROUND**

The Planning Commission held its first study session on proposed marijuana related amendments to the Redmond Zoning Code on February 12, 2014. The purpose of the amendments is to establish local zoning regulations before the current interim regulations expire on September 2, 2014.

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; Alternative 3 provides the option of adopting either Alternative 1 or Alternative 2 as interim regulations.

### **PREPARATION FOR MARCH 12, 2014 STUDY SESSION**

Please review the enclosed issue matrix. The issue matrix has been updated to reflect the February 26, 2014 public hearing and study session. Staff asks that the Commission identify any additional questions for discussion at the March 12, 2014 study session.

In this memo, staff has included an outline to assist the Planning Commission in their deliberation of the alternatives.

### **Alternative 1**

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

The Planning Commission has the option of recommending that all marijuana and marijuana-related uses be permanently banned within the City of Redmond.

If the Planning Commission recommends Alternative 1 then:

1. All marijuana and marijuana-related uses would be permanently banned in all zones throughout the City.
2. An ordinance would be drafted amending the current interim regulations.

## **Alternative 2**

### **Alternative 2 identifies two possible options.**

The Planning Commission has the option of recommending that marijuana and marijuana-related uses be allowed within Redmond. The Planning Commission may also recommend implementing State-mandated I-502 buffers **WITH** additional protections added by the City to the State-mandated I-502 buffers.

If the Planning Commission recommends Alternative 2 with only State mandated I-502 buffers, then:

- Marijuana and marijuana related used would be allowed within the City of Redmond.
  - All marijuana and marijuana-related uses would be subject to State-mandated I-502 buffers.
  - All marijuana and marijuana-related uses would be subject to the City’s current land use regulations (per the comprehensive land use chart).
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The Commission may also recommend that **any or all** of the following protections be *overlaid* on top of the State-mandated I-502 buffers:

- Banning marijuana and marijuana-related uses in all residential zones.
  - Requiring a 1,000-ft. buffer around all residential zones.
  - Requiring a 1,000-ft. separation between marijuana related businesses.
  - Modifying the WAC definition of “child care centers” to include unlicensed child care (i.e. preschools).
  - Banning marijuana production and collective gardens in BCDD 1 & 2.
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## **Alternative 3:**

### **Alternative 3 provides the option of adopting either Alternative 1 or Alternative 2 as interim regulations.**

The Planning Commission also has the option of recommending Alternative 3. This means that either Alternative 1 **OR** Alternative 2 could be adopted as interim regulations.

If the Planning Commission recommends Alternative 3 then:

1. Marijuana and marijuana-related uses could be banned on an interim basis (length of time TBD).
2. Marijuana could be allowed per the State-mandated I-502 buffers (only) on an interim basis (length of time TBD).

3. Marijuana could be allowed per the State-mandated I-502 buffers with any combination of the additional protections on an interim basis (length of time TBD).

### **ADDITIONAL ITEMS**

1. Per the Commission's request, staff has prepared regulatory language requiring that collective gardens, processing and marijuana retailers must operate in a permanent structure. If the Commission decides to include this language for City Council review, it may be added to the proposed ordinance and example language follows:

“All collective gardens, marijuana processors and marijuana retailers must operate 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.”

2. In addition, the Planning Commission may determine that it would like to seek direction from the City Council regarding the consideration of areas within the City that are appropriate for retail sales of marijuana. If so, the Commission may request that the City Council ask the Planning Commission to consider the issue as a possible amendment to the Comprehensive Plan and Zoning Code. The City Council may also direct that this inquiry be part of the 2014-2015 Comprehensive Plan Amendment Docket.

### **REVIEW SCHEDULE**

The Commission held its first study session on February 12, 2014 and held a public hearing and second study session on February 26, 2014. An additional study session is scheduled for March 12, 2014 to complete the Planning Commission's recommendation.

Please contact Deborah Farris with questions or concerns.

### **ENCLOSURES**

Issue matrix

## Marijuana and Marijuana Related Uses

March 7, 2014

Issue / Commissioner	Discussion Notes	Issue status
<p>1. Should a “4th Alternative” be proposed for Council’s consideration? (Murray/Miller)</p>	<p><u>Staff Comment/Recommendation:</u> 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.</p> <p><u>Public Comment:</u></p> <p><u>PC Comments:</u></p> <p>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.</p> <p>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.</p> <p>The issue is open and pending.</p>	<p><u>Opened</u> 2/12/14</p>
<p>2. Is the response to question B2a of the Technical Committee Report biased?</p>	<p><u>Staff Comment/Recommendation:</u> Staff has noted the concern and will avoid this reference in the Planning Commission Report.</p> <p><u>Public Comment:</u></p>	<p><u>Opened</u> 2/12/14</p>

Issue / Commissioner	Discussion Notes	Issue status
(Chandorkar)	<p><u>PC Comments:</u>            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.</p> <p>The Planning Commission was satisfied that staff noted the concern and will avoid this reference in the Planning Commission Report.</p>	<p><b><u>Closed</u></b>  <b>2/26/14</b></p>
<p>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 Land Use Chart?</p> <p>(Sanders)</p>	<p><u>Staff Comment/Recommendation:</u>            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.”</p> <p>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.</p> <p><u>Public Comment:</u></p> <p><u>PC Comments:</u></p> <p>The question was answered to the Planning Commission’s satisfaction and the issue was closed.</p>	<p><b><u>Opened</u></b>  <b>2/12/14</b></p> <p><b><u>Closed</u></b>  <b>2/26/14</b></p>

<b>Issue / Commissioner</b>	<b>Discussion Notes</b>	<b>Issue status</b>
<p>4. How was the proposed land use chart for marijuana related uses throughout the City, produced?</p> <p>(Sanders)</p>	<p><u>Staff Comment/Recommendation:</u> The Comprehensive Land Use Chart, RZC 21.04 “General Provisions” is a compilation of the permitted land uses throughout the City.</p> <p>First, staff determined where “general sales or service”; “manufacturing and wholesale trade” and “agriculture” are currently allowed uses.</p> <p>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 <u>P</u>. The same procedure was used to determine in which zones marijuana processing and marijuana production would be an allowed use.</p> <p><u>Public Comment:</u></p> <p><u>PC Comments:</u></p> <p>The question was answered to the Planning Commission’s satisfaction and the issue was closed.</p>	<p><u>Opened</u> 2/12/14</p> <p><b><u>Closed</u></b> <b>2/26/14</b></p>
<p>5. Can the Planning Commission postpone making a recommendation to Council until the State Legislature votes on House Bill 2322?</p> <p>(Chandorkar)</p>	<p><u>Staff Comment/Recommendation:</u> 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 need to revisit and amend the current proposed language and land use charts.</p> <p>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.</p> <p>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</p>	<p><u>Opened</u> 2/12/14</p>

Issue / Commissioner	Discussion Notes	Issue status
	<p>continue to change. The City Council has the option to refer a topic back to Planning Commission for further discussion and recommendation as needed.</p> <p><u>2/26/14:</u> 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.</p> <p><u>Public Comments:</u></p> <p>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.</p>	
<p>6. Should Planning Commission recommend adding a 1,000 ft. separation (to the I-502 buffers) between marijuana related businesses?</p> <p>(Sanders/all)</p>	<p><u>Staff Comment/Recommendation:</u> 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 concentrations of these uses in specific locations within the City.</p> <p><u>Public Comments:</u></p> <p><u>PC Comments:</u> 2/26/14: Commission did not complete their discussion of a 1,000-ft. separation between marijuana related businesses.</p> <p>This issue is still open and pending.</p>	<p><u>Opened</u> 2/12/14</p>
<p>7. Should language</p>	<p><u>Staff Comment/Recommendation:</u></p>	<p><u>Opened</u></p>

Issue / Commissioner	Discussion Notes	Issue status
<p>be added to the proposed regulations that would require that all processing be conducted in a permanent structure?</p> <p>(Sanders)</p>	<p>WAC 314-55 requires that marijuana <i>production</i> 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.</p> <p><u>Public Comments:</u></p> <p><u>PC Comments:</u></p>	<p>2/26/14</p>
<p>8. Are there liquor stores that are within 1,000 ft. of residential zones and child care centers?</p> <p>(Murray)</p>	<p><u>Staff Comments/Recommendation:</u></p> <p>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.</p> <p>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.</p> <p><u>Public Comments:</u></p> <p><u>PC Comments:</u></p>	<p><u>Opened</u></p> <p>2/26/14</p>