



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, AICP, Planning Director
Paul Stewart, AICP, Deputy Planning Director

Date: June 6, 2014

Subject: Norkirk Marijuana Retail Sales - Interim Zoning Regulations (File PLN 13-01363)

RECOMMENDATION

It is recommended that the Council conducts a public hearing regarding zoning locations of retail sales of recreational marijuana and then decides:

- 1) Whether to make no change to the existing interim regulations which currently allow retail sale of recreational marijuana in the Light Industrial Technology (LIT) zones (except as prohibited by state regulations); or
- 2) Whether to approve one of the attached ordinances. The ordinance marked "**Option 1**" would amend interim regulations pertaining to the retail sale of recreational marijuana by authorizing sales only in Light Industrial Technology (LIT) zones where at least 50 percent of the boundary of the zone is adjacent to commercial zones. The ordinance marked "**Option 2**" would revise the interim regulations to remove all LIT zones as zones where retail sale of recreational marijuana is allowed.

Either of the attached ordinances would amend Ordinance O-4439 enacted by the Council in March 2014. The interim regulations, as amended, would still only be in effect until September 2014. At that time, the Council may renew the interim regulations after a public hearing is held and findings of fact are made.

BACKGROUND DISCUSSION

Council Direction

On June 3, 2014, the City Council discussed the concerns of Norkirk residents about the potential for retail marijuana sales in the LIT zone in the Norkirk Neighborhood. The primary concerns expressed were that single family residences share the same streets as the LIT zone and are in much closer proximity to the LIT businesses than in other LIT zones. Residents were concerned that marijuana retail stores would be regional draws and highlighted the potential impacts of traffic and crime in the area. The Council directed staff to review options for prohibiting retail marijuana sales in the Norkirk LIT zone, while maintaining as many other sites as possible. The Council expressed a preference for options such as expanding school walk routes or establishing residential buffers. However, as discussed further in this memorandum, staff has concluded that expanding school walk routes is not a prudent option and more time is needed to fully analyze the policy implications of residential buffers. The Council also directed

staff to confirm with the Washington State Liquor Control Board (WSLCB) whether the presence of the dance studio on the south side of 7th Avenue would trigger the Initiative 502 requirement for a 1,000 foot separation from recreation centers.

Dance Studio

Staff discussed the dance studio question with WSLCB staff and was told that the dance studio would not require a buffer under Initiative 502. The reason stated was that the business does not primarily cater to children. An email message from the Kim Gabbard, WSLCB Supervisor, is included as Attachment 1. On the telephone, Ms. Gabbard was unequivocal about this decision and stated that the decision was confirmed with the manager of the marijuana licensing program. The WSLCB, not the City of Kirkland, makes the final decision.

School Walk Routes Option

Staff conducted a site review of the Norkirk LIT and concluded that the option of designating additional school walk routes would not result in the most direct and safe walk routes for children. The school walk route now designated on 7th Avenue is intended as a route for children in the southern part of the Highlands neighborhood to walk to west and then north to Peter Kirk Elementary School and Kirkland Middle School. The current route intends for children to cross the Cross Kirkland Corridor (CKC) where NE 87th Street turns into 7th Avenue, use the sidewalk on 7th Avenue to reach 6th Street, then walk north on 6th Street to the schools. There are sidewalks throughout the current route. Potentially redirecting children through the LIT area is problematic for three reasons. First, there are few sidewalks on 8th Street, 8th Avenue or 9th Avenue. Second, the activities in the LIT zone along 8th Street, 8th Avenue and 9th Avenue have a great deal of truck traffic which is not controlled at individual driveways. And third, with the removal of the railroad tracks and improvement of the CKC for walking and biking, the CKC provides a much more direct and safe route to both Peter Kirk Elementary and Kirkland Middle School from the Highlands. The conclusion reached was that extending the school walk routes to other streets in the Norkirk LIT would not meet the purpose of the school walk routes, which is to designate streets that provide safe access for children walking or biking to school.

Residential Buffer

Staff has not had time to fully explore the option of a residential buffer. Even so, there are two potential problems. First, the buffer would have to be of a significant width (over 430 feet) to preclude marijuana sales on 8th and 9th Avenues, the two streets that connect between the LIT and RS (single family residential). In addition, the creation of a buffer would certainly affect other areas where light industrial and commercial zones abut residential zones. This would most likely limit retail sites in other areas which is not consistent with Council direction. But as noted above, a full analysis of such effects has not been conducted.

Restricting Sales within the LIT Zone

Because of the problems discussed above, staff has concluded that for an interim regulation, the best option would be to outright restrict marijuana retail sales in some or all of the LIT zones. Under the buffer restrictions of Initiative 502 and the limitations of the current Kirkland interim regulations, there are only three areas zoned LIT that are currently available for marijuana sales: a portion of the Norkirk LIT zone, a small area between the CKC and Kirkland Avenue south of Central Way, and the LIT zone on Rose Hill located on 122nd Avenue NE south of NE 90th Street (see Attachment 2). Three primary options were considered as discussed below. Staff recommends Options 1 or 2 which are reflected in the proposed interim ordinances. If the Council prefers a different approach, changes may be made to the one of

the proposed ordinances to reflect Council's preference.

1. Allow retail marijuana sales only in LIT zones that are substantially bounded by commercial zones (**Option 1 Ordinance**). This option would continue to allow marijuana sales in those LIT zones where 50% of the boundary of the zone is adjacent to commercial zones where retail sales are already allowed. The option addresses the impacts of traffic and neighborhood character. LIT retail sales would only be allowed near areas that are primarily commercial in nature and which already experience significant retail traffic. Effectively, this would allow marijuana sales only in the Rose Hill LIT zone (see Attachment 3). Attachment 4 shows the contiguous commercial boundaries for the LIT Zones in Norkirk and Everest.
2. Eliminate all LIT zones as locations for retail sales (**Option 2 Ordinance**). This option would prohibit marijuana sales in all areas zoned LIT. Retail sales as a general category were not allowed in the LIT zone until the Council adopted the interim regulations. This option would restore the original prohibition on stand-alone retail sales.
3. Restrict retail sales only in the Norkirk LIT zone simply by geographic description. This option would continue to allow marijuana sales in all LIT zones except the LIT zone in the Norkirk Neighborhood. This would keep the potential for retail sales in the Rose Hill LIT and in the area between the CKC and Kirkland Avenue south of Central Way. However, the primary policy basis for this would need to be articulated to be defensible, so an ordinance implementing this option was not included.

Emergency Declaration

Should the Council desire that the amended interim regulations take effect immediately, a declaration of emergency could be added by amendment. This would require that five members of the Council vote to approve the final ordinance.

SEPA Compliance

The adoption of interim regulations is subject to compliance with the State Environmental Policy Act (SEPA). A SEPA Addendum was issued on June 10, 2014.

Other Issues

Public comments to the City Council have also raised concerns beyond location, most notably the impacts of traffic and the potential for marijuana sales to attract crime. These are understandable concerns and staff will investigate them in more detail when we prepare for the final zoning regulations.

Attachments:

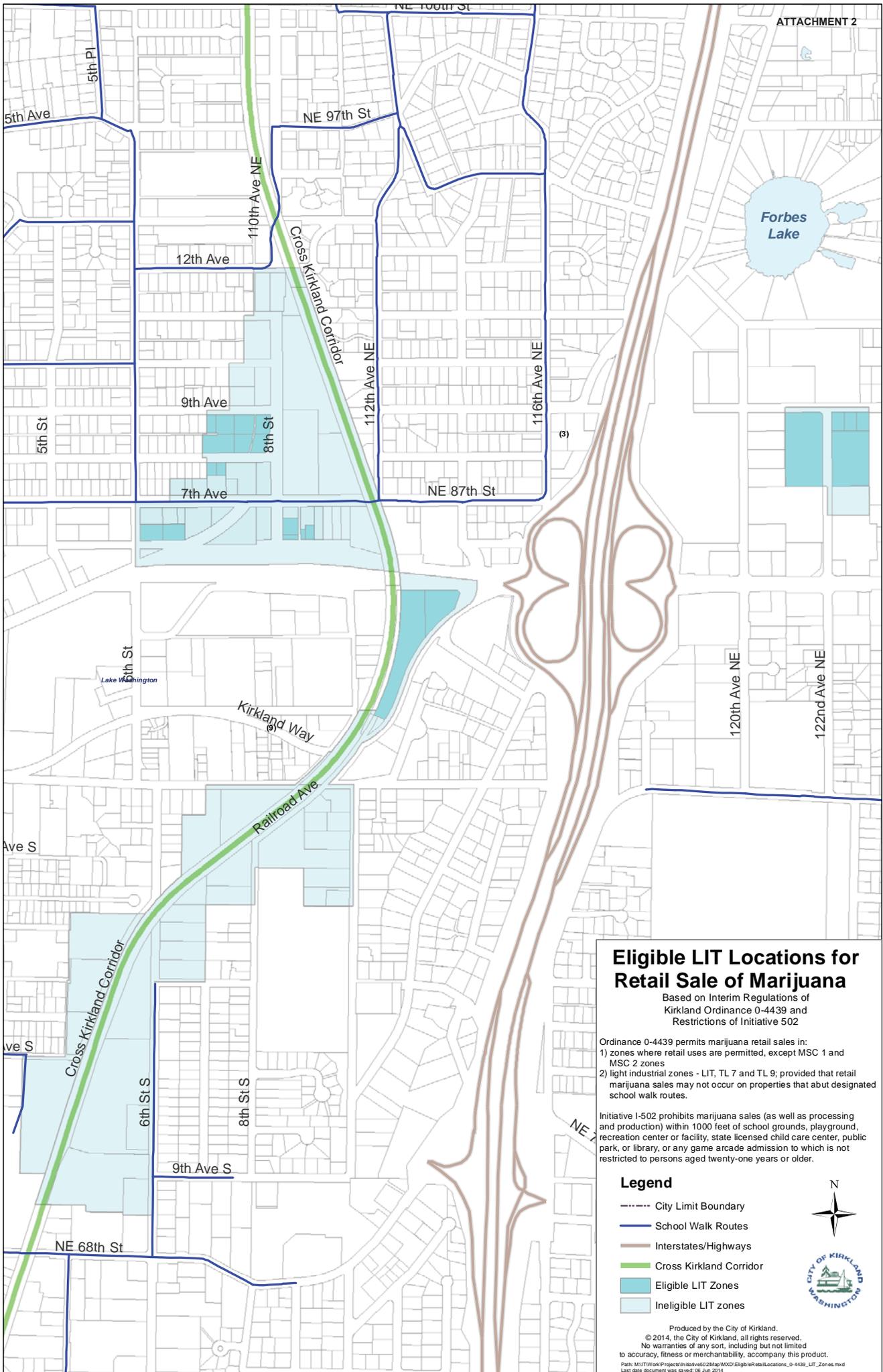
- Attachment 1: Email from the WSLCB
- Attachment 2: Map of Eligible LIT zones
- Attachment 3: Map of Rose Hill LIT zone
- Attachment 4: Map of Norkirk and Everest LIT zones
- Interim Regulations Ordinance Option #1
- Interim Regulations Ordinance Option #2

Angela Martin

From: Gabbard, Kimberly (LCB) <KIG@liq.wa.gov>
Sent: Thursday, June 05, 2014 4:02 PM
To: Eric Shields
Subject: Dance Studio

Eric, regarding our conversation on dance studio in question. Myself and the MJ Manager reviewed this web site and the organization . It was determined that it would not be considered a recreational facility. It advertises for adults and children. The manager or owner disagreed, however I informed her that it would not be considered a restricted area. The dance studio advertises for adult dance classes almost every night during the week. Kim

Kim Gabbard
Marijuana Supervisor
Licensing and Regulation Division
360-664-1629



Forbes Lake

Lake Washington

Eligible LIT Locations for Retail Sale of Marijuana

Based on Interim Regulations of Kirkland Ordinance 0-4439 and Restrictions of Initiative 502

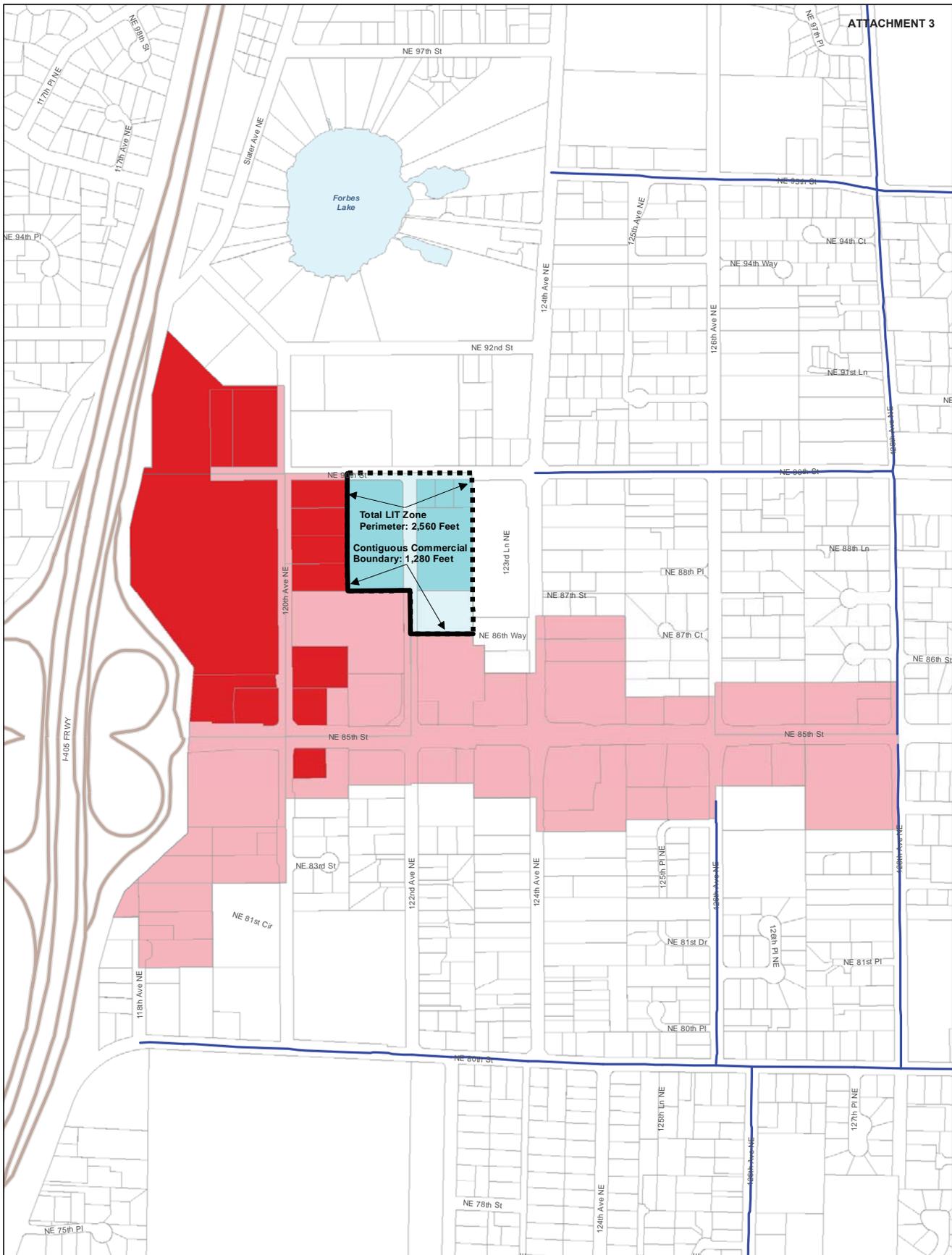
- Ordinance 0-4439 permits marijuana retail sales in:
- 1) zones where retail uses are permitted, except MSC 1 and MSC 2 zones
 - 2) light industrial zones - LIT, TL 7 and TL 9; provided that retail marijuana sales may not occur on properties that abut designated school walk routes.

Initiative 1-502 prohibits marijuana sales (as well as processing and production) within 1000 feet of school grounds, playground, recreation center or facility, state licensed child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

Legend

- City Limit Boundary
- School Walk Routes
- Interstates/Highways
- Cross Kirkland Corridor
- Eligible LIT Zones
- Ineligible LIT zones





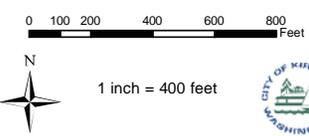
Ordinance 0-4439 permits marijuana retail sales in:
 1) zones where retail uses are permitted, except MSC 1 and MSC 2 zones
 2) light industrial zones - LIT, TL 7 and TL 9; provided that retail marijuana sales may not occur on properties that abut designated school walk routes.

Initiative I-502 prohibits marijuana sales (as well as processing and production) within 1000 feet of school grounds, playground, recreation center or facility, state licensed child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

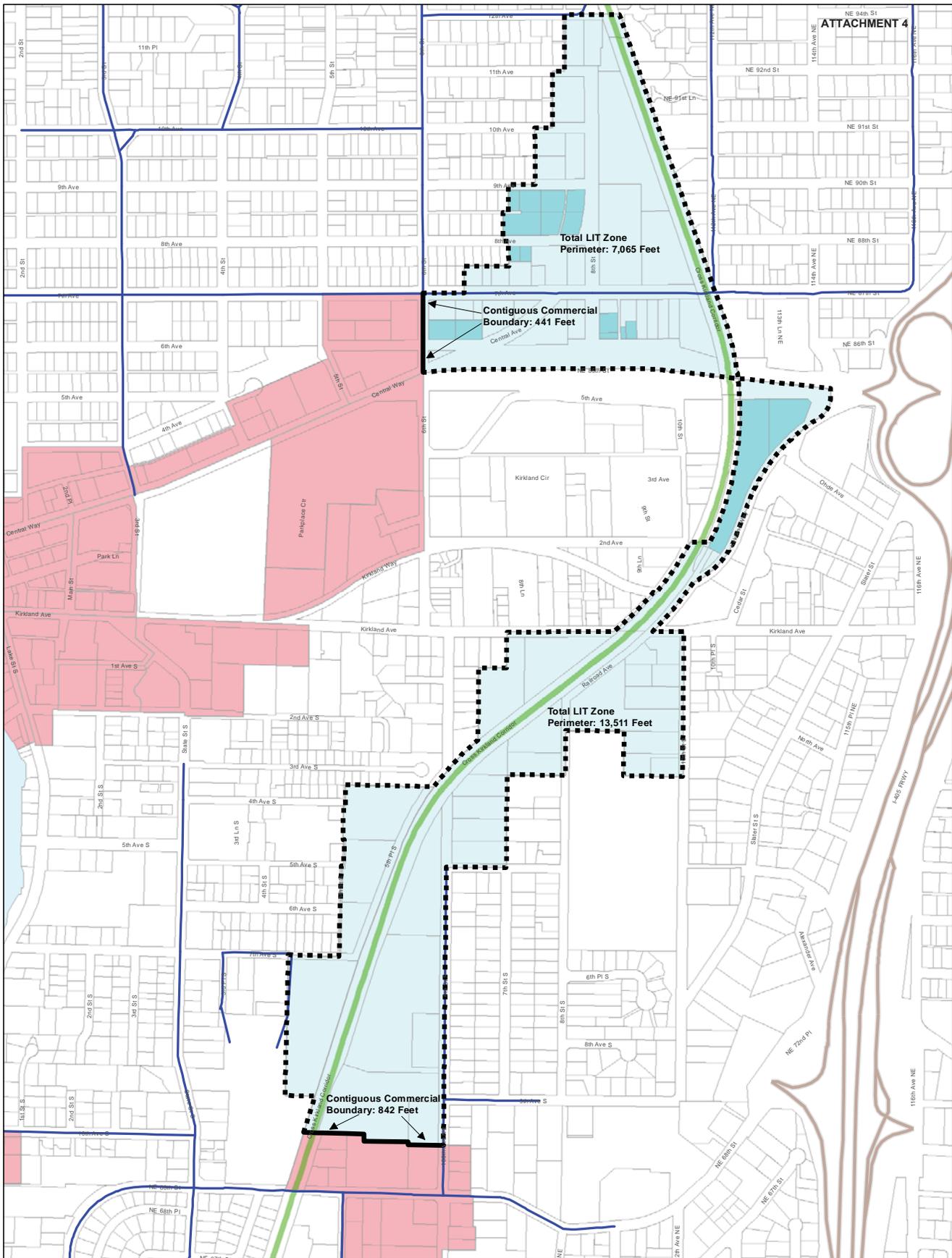
Contiguous Boundaries For Commercial and LIT Zones Rose Hill

Commercial/Industrial Areas Illustrating LIT Zones with at least 50% of the perimeter contiguous to Commercial Zones as described in Amendment to Interim Ordinance 0-4439

- Legend**
- Contiguous Commercial/LIT Boundary
 - Non-Contiguous LIT Zone Perimeter
 - School Walk Routes
 - Interstates/Highways
- Eligible Retail Areas**
- Commercial
 - Industrial
- Eligible Zones with I-502 Restrictions**
- Commercial
 - Industrial



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Ordinance 0-4439 permits marijuana retail sales in:
 1) zones where retail uses are permitted, except MSC 1 and MSC 2 zones
 2) light industrial zones - LIT, TL 7 and TL 9; provided that retail marijuana sales may not occur on properties that abut designated school walk routes.

Initiative I-502 prohibits marijuana sales (as well as processing and production) within 1000 feet of school grounds, playground, recreation center or facility, state licensed child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

Contiguous Boundaries For Commercial and LIT Zones Norkirk/Moss Bay/Everest

Commercial/Industrial Areas Illustrating LIT Zones with less than 50% of the perimeter contiguous to Commercial Zones as described in Amendment to Interim Ordinance 0-4439



1 inch = 500 feet



Legend

- Contiguous Commercial/LIT Boundary
- Non-Contiguous LIT Zone Perimeter
- School Walk Routes
- Interstates/Highways
- Eligible Retail Areas**
- Commercial
- Industrial
- Eligible Zones with I-502 Restrictions**
- Commercial
- Industrial

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Option – 1

ORDINANCE O-4446

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, AMENDING ORDINANCE O-4439, ADOPTING INTERIM ZONING REGULATIONS REGARDING THE RETAIL SALE OF RECREATIONAL MARIJUANA, INCLUDING LOCATIONAL RESTRICTIONS, PROVIDING FOR SEVERABILITY, AND APPROVING A PUBLICATION SUMMARY.

WHEREAS, Initiative 502 (I-502) approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana; and

WHEREAS, the Washington State Liquor Control Board has adopted rules pertaining to the licensing of marijuana producers, processors, and retailers and has accepted applications, and is beginning to issue licenses for these marijuana businesses; and

WHEREAS, the State Liquor Control Board has determined that two state licenses for the retail sale of recreational marijuana may be issued for the City of Kirkland; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued a formal opinion which concluded that I-502 does not prevent local governments from regulating or banning marijuana businesses; and

WHEREAS, following a public hearing on March 18, 2014, the City Council passed Ordinance O-4439 adopting interim zoning regulations regarding the retail sale of recreational marijuana; and

WHEREAS, the City Council has continued to review how to reconcile the needs of the residents and businesses of Kirkland with respect to the retail sale of recreational marijuana, with Initiative 502, and the rules promulgated by the Washington State Liquor Control Board; and

WHEREAS, the City Council believes that health, safety, and welfare of the community is best served by imposing interim regulations with reasonable limitations to avoid locating recreational marijuana retail outlets next to incompatible uses, while permanent Zoning Code amendments are considered; and

WHEREAS, on June 17, 2014, the City Council conducted a public hearing to take public testimony on the adoption of interim zoning regulations; and

WHEREAS, on June 10, 2014, a State Environmental Policy Act addendum was issued on this proposed ordinance; and

WHEREAS, the Council now desires to supplement the interim zoning regulations for the retail sale of recreational marijuana by amending Ordinance O-4439; and

WHEREAS, the City has the authority to enact interim zoning regulations under RCW 35A.63.220 and RCW 36.70A.390;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Findings. The recitals set forth above are incorporated as findings of fact in support of the interim regulations imposed by this ordinance. The City Council further finds as follows:

a. The City Council wishes to exercise its police power authority granted under article XI, section 11 of the Washington Constitution to promote public safety, health, and welfare, but expressly disclaims any intent to exercise authority over marijuana uses in way that would conflict with the federal Controlled Substances Act;

b. It is the intent of these interim zoning regulations to ensure that marijuana retail outlets are not located where the use could cause inappropriate off-site impacts;

c. The Market Street Corridor (MSC) MSC 1 and MSC 2 zones are in close proximity to a Kirkland School Walk Route developed with a crosswalk and flashing beacon;

d. Allowing recreational marijuana uses in Light Industrial Technology (LIT) zones primarily adjoining commercial zones lessens the potential for traffic conflicts with residential neighborhoods;

e. The City Council desires to create regulations that address the particular needs of the residents and businesses of Kirkland and coordinate with Initiative 502 and the rules promulgated by the Washington State Liquor Control Board regarding recreational marijuana;

f. Under these interim regulations there remain other potential sites within the City where the zoning would permit retail marijuana outlets and the properties appear to be located more than 1,000 feet from public parks, elementary and secondary schools, child care centers, and public transit centers, the minimum criteria of the State Liquor Control Board; and

g. The City Council has also determined that City staff shall draft permanent Zoning Code amendments for referral to the Planning Commission for review, public hearing, and recommendation by the Planning Commission.

Section 2. Amendment. Ordinance O-4439 is amended as shown in Section 3 below.

Section 3. Interim Zoning Regulations.

a. Except as prohibited in subsections (b) and (c) below, marijuana retail outlets licensed by the Washington State Liquor Control Board and fully conforming to state law may locate in the following use zones:

1. Use zones where Retail Establishments are allowed;
2. Light Industrial Technology (LIT) zones determined by the City as having at least 50 percent of the boundaries of such zone adjoining commercial zones; and
3. Totem Lake (TL) TL 7 and TL 9 zones.

b. No marijuana retail outlet may locate in the Market Street Corridor (MSC) MSC 1 and MSC 2 zones.

c. Marijuana retail outlets shall not locate on any site abutting a street or public right of way that includes a Kirkland School Walk Route as shown on Exhibit 1.

d. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

e. In addition to the security requirements promulgated by the Washington State Liquor Control Board in Washington Administrative Code (WAC) Chapter 315-55, during non-business hours, all useable marijuana, marijuana-infused product, and cash on the premises of a marijuana retail outlet shall be stored in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached to the structure. Useable marijuana products that must be refrigerated or frozen may be stored in a locked refrigerator or freezer, provided the refrigerator or freezer is affixed to the building structure.

f. These interim zoning regulations shall be enforced using the procedures and penalties for violations of the Zoning Code established under Kirkland Municipal Code Chapter 1.12, "Code Enforcement."

Section 4. Definitions. As used in this ordinance, the following terms have the meanings set forth below:

a. "Marijuana" means 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, 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 plan which is incapable of germination.

b. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

c. "Marijuana retailer" means a person licensed by the State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.

d. "Retail outlet" means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

e. "Kirkland school walk routes" means the school walk routes adopted by the City Council based upon the walk routes identified by the Lake Washington School District within a one-mile radius of all public elementary schools in the City.

f. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

Section 5. Duration. The interim zoning regulations adopted by this Ordinance shall be in effect for a period of six months from the effective date of Ordinance O-4439 and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Kirkland City Council.

Section 6. Work Plan. The City staff is directed to draft permanent Zoning Code amendments. The proposed amendments shall be referred to the Kirkland Planning Commission for review, public hearing, and recommendation for inclusion in the Kirkland Zoning Code.

Section 7. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Ordinance shall be in force and effect five days after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this __ day of _____, 2014.

Option – 1

O-4446

Signed in authentication thereof this ____ day of _____, 2014.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

Option – 2

ORDINANCE O-4446

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, AMENDING ORDINANCE O-4439, ADOPTING INTERIM ZONING REGULATIONS REGARDING THE RETAIL SALE OF RECREATIONAL MARIJUANA, INCLUDING LOCATIONAL RESTRICTIONS, PROVIDING FOR SEVERABILITY, AND APPROVING A PUBLICATION SUMMARY.

WHEREAS, Initiative 502 (I-502) approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana; and

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WHEREAS, the State Liquor Control Board has determined that two state licenses for the retail sale of recreational marijuana may be issued for the City of Kirkland; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued a formal opinion which concluded that I-502 does not prevent local governments from regulating or banning marijuana businesses; and

WHEREAS, following a public hearing on March 18, 2014, the City Council passed Ordinance O-4439 adopting interim zoning regulations regarding the retail sale of recreational marijuana; and

WHEREAS, the City Council has continued to review how to reconcile the needs of the residents and businesses of Kirkland with respect to the retail sale of recreational marijuana, with Initiative 502, and the rules promulgated by the Washington State Liquor Control Board; and

WHEREAS, the City Council believes that health, safety, and welfare of the community is best served by imposing interim regulations with reasonable limitations to avoid locating recreational marijuana retail outlets next to incompatible uses, while permanent Zoning Code amendments are considered; and

WHEREAS, on June 17, 2014, the City Council conducted a public hearing to take public testimony on the adoption of interim zoning regulations; and

WHEREAS, on June 10, 2014, a State Environmental Policy Act addendum was issued on this proposed ordinance; and

WHEREAS, the Council now desires to supplement the interim zoning regulations for the retail sale of recreational marijuana by amending Ordinance O-4439; and

WHEREAS, the City has the authority to enact interim zoning regulations under RCW 35A.63.220 and RCW 36.70A.390;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Findings. The recitals set forth above are incorporated as findings of fact in support of the interim regulations imposed by this ordinance. The City Council further finds as follows:

a. The City Council wishes to exercise its police power authority granted under article XI, section 11 of the Washington Constitution to promote public safety, health, and welfare, but expressly disclaims any intent to exercise authority over marijuana uses in way that would conflict with the federal Controlled Substances Act;

b. It is the intent of these interim zoning regulations to ensure that marijuana retail outlets are not located where the use could cause inappropriate off-site impacts;

c. The Market Street Corridor (MSC) MSC 1 and MSC 2 zones are in close proximity to a Kirkland School Walk Route developed with a crosswalk and flashing beacon;

d. Prohibiting recreational marijuana uses in Light Industrial Technology (LIT) zones lessens the potential for traffic conflicts with residential neighborhoods;

e. The City Council desires to create regulations that address the particular needs of the residents and businesses of Kirkland and coordinate with Initiative 502 and the rules promulgated by the Washington State Liquor Control Board regarding recreational marijuana;

f. Under these interim regulations there remain other potential sites within the City where the zoning would permit retail marijuana outlets and the properties appear to be located more than 1,000 feet from public parks, elementary and secondary schools, child care centers, and public transit centers, the minimum criteria of the State Liquor Control Board; and

g. The City Council has also determined that City staff shall draft permanent Zoning Code amendments for referral to the Planning Commission for review, public hearing, and recommendation by the Planning Commission.

Section 2. Amendment. Ordinance O-4439 is amended as shown in Section 3 below.

Section 3. Interim Zoning Regulations.

a. Except as prohibited in subsections (b) and (c) below, marijuana retail outlets licensed by the Washington State Liquor Control Board and fully conforming to state law may locate in the following use zones:

1. Use zones where Retail Establishments are allowed;
2. ~~Light Industrial Technology (LIT) zones;~~ and
- ~~2-3.~~ Totem Lake (TL) TL 7 and TL 9 zones.

b. No marijuana retail outlet may locate in the Market Street Corridor (MSC) MSC 1 and MSC 2 zones.

c. Marijuana retail outlets shall not locate on any site abutting a street or public right of way that includes a Kirkland School Walk Route as shown on Exhibit 1.

d. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

e. In addition to the security requirements promulgated by the Washington State Liquor Control Board in Washington Administrative Code (WAC) Chapter 315-55, during non-business hours, all useable marijuana, marijuana-infused product, and cash on the premises of a marijuana retail outlet shall be stored in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached to the structure. Useable marijuana products that must be refrigerated or frozen may be stored in a locked refrigerator or freezer, provided the refrigerator or freezer is affixed to the building structure.

f. These interim zoning regulations shall be enforced using the procedures and penalties for violations of the Zoning Code established under Kirkland Municipal Code Chapter 1.12, "Code Enforcement."

Section 4. Definitions. As used in this ordinance, the following terms have the meanings set forth below:

a. "Marijuana" means 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, 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.

b. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

c. "Marijuana retailer" means a person licensed by the State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.

d. "Retail outlet" means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

e. "Kirkland school walk routes" means the school walk routes adopted by the City Council based upon the walk routes identified by the Lake Washington School District within a one-mile radius of all public elementary schools in the City.

f. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

Section 5. Duration. The interim zoning regulations adopted by this Ordinance shall be in effect for a period of six months from the effective date of Ordinance O-4439 and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Kirkland City Council.

Section 6. Work Plan. The City staff is directed to draft permanent Zoning Code amendments. The proposed amendments shall be referred to the Kirkland Planning Commission for review, public hearing, and recommendation for inclusion in the Kirkland Zoning Code.

Section 7. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Ordinance shall be in force and effect five days after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this __ day of _____, 2014.

Option – 2

O-4446

Signed in authentication thereof this ____ day of _____, 2014.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4446

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, AMENDING ORDINANCE O-4439, ADOPTING INTERIM ZONING REGULATIONS REGARDING THE RETAIL SALE OF RECREATIONAL MARIJUANA, INCLUDING LOCATIONAL RESTRICTIONS, PROVIDING FOR SEVERABILITY, AND APPROVING A PUBLICATION SUMMARY.

SECTION 1. Adopts findings for the interim regulations.

SECTION 2. Amends Ordinance O-4439.

SECTION 3. Sets forth interim zoning regulations.

SECTION 4. Defines terms used in the ordinance.

SECTION 5. Sets forth the duration of the ordinance.

SECTION 6. Sets forth the work plan.

SECTION 7. Provides a severability clause for the ordinance.

SECTION 8. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2014.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk