



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3600
www.kirklandwa.gov

MEMORANDUM

Date: August 9, 2016

To: Kurt Triplett, City Manager

From: Dorian Collins, Senior Planner, AICP
Paul Stewart, Deputy Director, AICP

Subject: Planning Commission Recommendation to adopt amendments to the Kirkland Zoning Code, Buffers from Marijuana Retail Uses - Chapter 115, File CAM16-00961

RECOMMENDATION

Adopt enclosed Ordinance 4528, consistent with the recommendation of the Planning Commission and Houghton Community Council (Exhibit A). The Ordinance includes a revision from the text recommended by the Planning Commission that would cause the amendments to not be effective within Houghton.

BACKGROUND DISCUSSION

The Kirkland City Council has expressed interest in allowing greater flexibility in the location of retail marijuana businesses. The Council placed this topic on the Planning Work Program last December following the passage of legislation authorizing local jurisdictions to reduce the buffer from marijuana retailers to restricted uses.

The proposed code amendments include the addition of a new section to Chapter 115 of the Zoning Code that would establish a buffer distance of no less than 600 feet between marijuana retailers and child care centers (see map, Attachment 1). The minimum buffer distance from all other restricted uses (minimum 1,000 feet) would not be affected by these amendments. The amendments are included within the body of the Ordinance.

The Planning Commission and Houghton Community Council (HCC) considered the proposed amendments to the Zoning Code at a joint public hearing on June 23, 2016 ([meeting packet](#)). The Planning Commission recommended approval of the amendments, but the Houghton Community Council did not support any change to buffer distances from marijuana retailers.

At the Council's August 16th meeting, Eric Laliberte will present an overview of the Planning Commission's recommendation on the code amendments. The Planning Commission's recommendation is to reduce the minimum buffer from marijuana retailers to child care centers from 1,000 feet to 600 feet. The recommendation is discussed in Exhibit A.

Staff Recommendation to Incorporate HCC Direction

Since the HCC did not support any reductions in the buffer distances, and the Planning Commission's proposed amendment would likely not result in additional eligible sites for marijuana retailers within the Houghton area, staff recommends that the proposed amendments be written so as not to be effective within Houghton. Ordinance 4528 is drafted to incorporate this change from the Planning Commission's recommendation:

Section 115.155: Marijuana Retail Business – Buffer Requirements from Licensed Child Care Centers (not effective within the Houghton Community Municipal Corporation).

Except as otherwise provided in this Section, the distance requirements of RCW 69.50.331(8)(a) (as it now exists or may subsequently be amended) shall apply to state liquor and cannabis board licensing of all marijuana producers, processors, retailers and research premises. Pursuant to RCW 69.50.331(8)(b), the Washington State Liquor and Cannabis Board may issue a license for a marijuana retail premises located within 1,000 feet of the perimeter of the grounds of a child care center, but no portion of the property on which a state-licensed marijuana retailer is located may be within 600 feet of the perimeter of the grounds of a child care center. For the purpose of this Section, "child care center" shall have the definition set forth in WAC 170-295-0010. This section shall not be effective within the Houghton Community Municipal Corporation.

SEPA COMPLIANCE

An addendum to the Determination of Non-Significance dated March 13, 2014 concerning interim zoning regulations allowing for the interim retail sale of recreational marijuana in various zones and the prohibition of retail sales in other zones, was issued for the proposed amendments on June 9, 2016.

CRITERIA FOR AMENDING THE ZONING CODE

Chapter 135 of the Zoning Code contains four criteria for amending the text of the Zoning Code:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interests of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed amendments that would reduce the buffer between marijuana retailers and child care centers are consistent with the Comprehensive Plan. Policy ED-2.4 calls for the City to "provide a regulatory environment that is predictable, fair, responsive and timely". The policy supports a regulatory environment that allows for flexibility without sacrificing community standards. A buffer of

at least 100 feet, or 600 feet under the Planning Commission's recommendation, would be retained between the uses. The proposed amendments support the public health, safety and welfare of the community, and are in the best interests of the residents in the City of Kirkland because they implement the policies of the Comprehensive Plan, and provide expanded eligible sites for the City's four licenses for marijuana retailers, a use supported by the majority of Kirkland voters.

PUBLIC PROCESS

The proposed amendments were discussed at the joint study session of the Planning Commission and Houghton Community Council held on May 12, 2016, and at the joint public hearing held on June 23, 2016. Staff also provided a briefing to the Kirkland Alliance of Neighborhoods at its June 8th meeting.

Public notice was provided in several ways for the study of the proposed amendments and for the public hearing:

- Publication of the hearing notice in the newspaper, posting on official notification boards and posting on the City's website (notice requirements of KZC Chapter 160 for Process IV review).
- Direct mailing of the hearing notice to residents and property owners within 300 feet of the proposed 100-foot buffer from existing licensed child care centers where new parcels would become eligible as a result of the buffer reduction (approximately 6,400 postcards).
- Posting on the [Marijuana Webpage](#).
- Emailed notice to parties of record for the City's earlier study process/public hearing for the adoption of KZC amendments related to the retail, production and processing of marijuana (File number CAM14-02374).
- Emailed notice to all neighborhood groups (includes chairs and vice chairs for all neighborhood groups and representatives of KAN (Kirkland Alliance of Neighborhoods)).
- Emailed notice to all those who had submitted comments prior to distribution of the hearing packet.

Attachment:

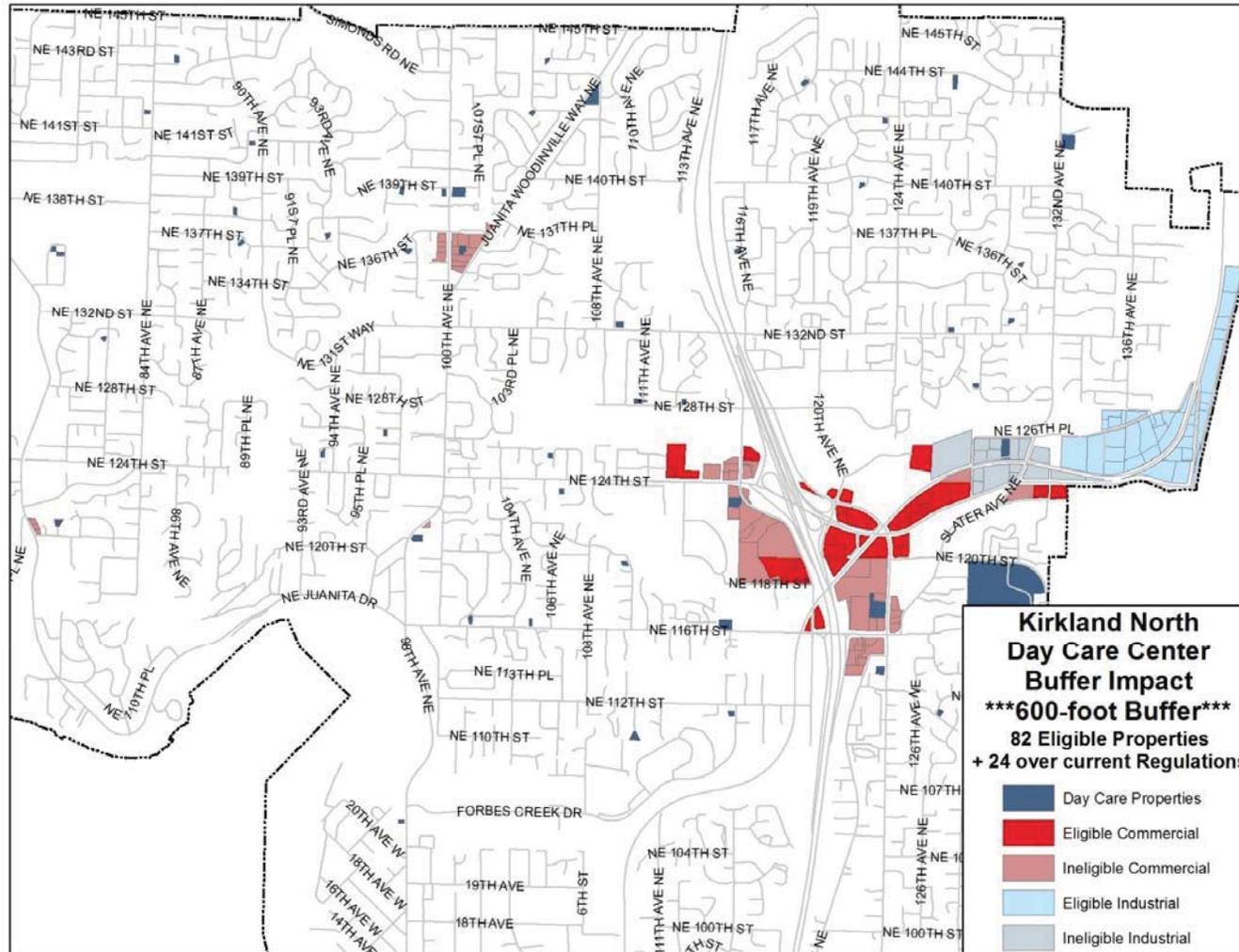
1. Map: Eligible Parcels with 600' Buffer

Exhibit:

- A. Planning Commission recommendation, dated July 25, 2016

cc: CAM16-00961
Planning Commission

600
Foot
Buffer





CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3600
www.kirklandwa.gov

MEMORANDUM

Date: July 25, 2016

To: Kirkland City Council

From: Eric Laliberte, Chair, Kirkland Planning Commission

Subject: Planning Commission Recommendation to Adopt Zoning Code Amendments –
Buffers from Marijuana Retail Uses, File CAM16-00961

INTRODUCTION

We are pleased to submit the recommended amendments to the Kirkland Zoning Code for consideration by the City Council.

The proposed amendments are presented below.

BACKGROUND

House Bill 2136, passed in June of 2015, made several amendments to Washington's recreational marijuana law. Among the amendments were new provisions to provide flexibility to local governments to reduce the current 1,000 foot buffer from certain uses, through adopting regulations that establish a buffer of between 100 and 1,000 feet from any of the restricted uses other than schools and playgrounds.

The Kirkland City Council placed the topic of reductions to buffer distances on the Planning Commission's work program for study, and limited the study to possible changes to the buffer from marijuana retailers to child care center uses.

The Planning Commission and Houghton Community Council (HCC) held a joint study session on May 12, 2016 to provide direction to staff in scoping draft amendments for a public hearing. The meeting packet can be viewed [here](#).

The Planning Commission and the HCC also held a joint public hearing on June 23, 2016. The Planning Commission voted to recommend approval of the proposed amendments. The Houghton Community Council, however, voted to reject any modifications to the existing buffer distances. The materials prepared for the public hearing can be viewed [here](#).

We received several written comments (Attachment 1), and heard comments from three speakers at the public hearing regarding changes to the buffer distance. Two of the speakers represented the marijuana retailers currently operating in Kirkland. One expressed support for the buffer reductions, and the other was opposed to any changes. The third speaker discussed her support

for a cap on the number of retail stores, possibly imposed by the City in addition to the maximum established by the State. We also listened to the concerns of the HCC during their deliberations. The HCC passed a motion to reject any modifications to the existing buffers, stating the following concerns:

- Reliable knowledge of impacts from marijuana retailers is not yet available (traffic, parking, etc.)
- Existing marijuana retailers have made investments based on existing regulations and it would be inappropriate to make changes until they have been given time to begin to recover their investment.
- Child care centers under the state definition may accommodate children up to 12 years of age, and should therefore not be treated differently from elementary schools which accommodate children of similar ages.
- No urgency to act now, since the City's maximum of four licenses have already been issued.

We reviewed and considered all correspondence and public comment on the proposed amendments, as well as the comments made by the HCC. The Planning Commission determined that we were generally comfortable with some reduction in the buffer distance, and concluded that we supported a reduction in the buffer from child care centers to 600 feet. With a buffer of 600 feet, approximately 24 additional parcels would become eligible for marijuana retail use (see [public hearing materials](#), pages 4 (table) and 21 (map)). All of the newly eligible parcels would be located within the northern half of the city. While we had some discussion about whether or not a cap should be placed on the number of marijuana retailers to be allowed in Kirkland, we eventually concluded not to recommend that the City limit the number of retail businesses to be allowed in Kirkland at this time.

The proposed amendments would be included in a new section to be added to Chapter 115 of the Kirkland Zoning Code:

115.155: Marijuana Retail Business – Buffer Requirements from Licensed Child Care Centers

Except as otherwise provided in this Section, the distance requirements of RCW 69.50.331(8)(a) (as it now exists or may subsequently be amended) shall apply to state liquor and cannabis board licensing of all marijuana producers, processors, retailers and research premises. Pursuant to RCW 69.50.331(8)(b), the Washington State Liquor and Cannabis Board may issue a license for a marijuana retail premises located within 1,000 feet of the perimeter of the grounds of a child care center, but no portion of the property on which a state-licensed marijuana retailer is located may be within 600 feet of the perimeter of the grounds of a child care center. For the purpose of this Section, "child care center" shall have the definition set forth in WAC 170-295-0010.

Attachment

1. Correspondence

cc: CAM16-00961

Dorian Collins

From: S. Davis <spicker76@yahoo.com>
Sent: Friday, June 17, 2016 3:43 PM
To: Planning Commissioners; City Council; Dorian Collins
Subject: Need to see Bellevue's emergency ordinance for Marijuana retail stores

Follow Up Flag: Flag for follow up
Flag Status: Flagged

HI, I think this is a good step in being conservative in our city. City of Bellevue just made this emergency ordinance. I think Kirkland needs to stop trying to reduce the 1,000 ft buffers. Please talk with the Bellevue officials and get their take on what they have found with how marijuana stores affect a community.

<http://www.codepublishing.com/WA/Bellevue/ords/Ord-6286.pdf>

Please think of the future of our community and the impacts on our youth,
Susan Davis spicker76@yahoo.com Have a GREAT day! :)

Dorian Collins

From: Kirstin Larson <kirstinlarsen@hotmail.com>
Sent: Sunday, June 19, 2016 12:12 PM
To: Dorian Collins; Dave Asher; Amy Walen; Toby Nixon; Shelley Kloba; Penny Sweet; Jay Arnold; Doreen Marchione
Subject: FW: Marijuana Zoning Code Amendments Notice of Hearing - CAM16-00961

Follow Up Flag: Flag for follow up
Flag Status: Flagged

City Council & Planning Commission,

Thank you for your thoughtful consideration around reducing the buffers between daycare centers and marijuana retailers. Your willingness to gather input is much appreciated, as it is tricky to balance the needs of homeowners, existing businesses, and new businesses. I would love to be at the meeting on Thursday, but will be out of the country. A few thoughts I would like to share.

First, I am contacted regularly by citizens across municipalities about marijuana retailing and processing in their neighborhoods—most recently by a group of neighbors in Redmond. I share this with you because it seems that although voters did approve marijuana to be sold legally in our state, **no one wants to live near a retailer or processor**. This is mostly due to concerns about crime, parking, traffic, etc.

Most agree that if cannabis were to be dispensed more ubiquitously by pharmacies, grocery, etc. this would be less of an issue. But while distribution is still restricted to a few locations, neighbors welcome cannabis shops as they would welcome a fast-food drive-thru. They are not enthusiastic. I cannot be an advocate for every neighborhood in every town, but I have deep empathy for those who find a high traffic retailer wanting to set up shop next to their home. I hope the planning commission looks carefully the placement of your proposed new MJ retailers and their proximity to houses and apartments.

Second, I recognize the desire to open more locations. I would propose a compromise position of a 500 foot buffer for daycares. It seems that requiring a 500 foot distance would mean that a retailer could be located in the same strip mall, but far enough away from a day care center that they are not fighting for the same parking spaces and not mixing clientele. I reached out to the existing cannabis shops in Kirkland and found that indeed, there are parking requirements that far exceed regular retail. All of the tenants near Higher Leaf have moved out because there was not enough parking to serve their needs. If I owned a day care, I would be also worried that any closer proximity to a marijuana retailer would affect my ability to attract customers. A 500-foot buffer allows more MJ retailing opportunities, but protects existing businesses.

Again, thank you for the opportunity to provide input, and for talking a measured approach to rollout. Although my neighborhood in particular still feels “on guard” about this issue, my hope is that by compromising on some of the buffers, MJ business can roll out in places where they will be welcomed rather than protested.

Sincerely,

Kirstin Larson, 1835 9th Street W, Kirkland, WA 98033 kirstinlarson@Hotmail.com

From: aamartin@kirklandwa.gov
To: DCollins@kirklandwa.gov
Subject: Marijuana Zoning Code Amendments Notice of Hearing - CAM16-00961
Date: Thu, 2 Jun 2016 16:12:17 +0000

PROPOSAL: The City of Kirkland is studying possible amendments to the Zoning Code to reduce the distance between the property of a licensed marijuana retail business and a licensed child care center. A public hearing to consider potential changes to the buffer requirements will be held jointly by the Planning Commission and Houghton Community Council at **7:00 p.m. on June 23, 2016** in the Council Chambers at 123 5th Avenue.

This study is in response to recent legislation that allows local governments to adjust the buffer zone for marijuana retail businesses by local ordinance to no less than 100 feet around all entities, with the exception of elementary and secondary schools and public playgrounds. The scope of Kirkland's study does not include reductions to buffers from any of the other restricted entities (recreation centers or facilities, public parks, public transit centers, libraries, game arcades, playgrounds and elementary or secondary schools). There is interest on the part of the City Council to allow some more flexibility in the location of retail operations, and the Council placed this topic for study on the Planning Work Program last December. Kirkland has a total allotment of four marijuana retail licenses from the Washington State Liquor and Cannabis Board. Changes to the buffer regulations would not result in more retail stores, but could provide more options and flexibility for businesses looking for locations within the city.

PUBLIC COMMENT: During the hearing, anyone may speak or submit written comments. Before the hearing, written comments may be submitted to the Planning Commission/Houghton Community Council in care of Dorian Collins of the Planning and Building Department, 123 5th Avenue, Kirkland, WA 98033 or to dcollins@kirklandwa.gov. Please indicate your name, mailing address and e-mail address and refer to **File No. CAM16-00961**.

NEXT STEPS: The recommendations of the Planning Commission and Houghton Community Council will be forwarded to the City Council for action at a public meeting. The date of the City Council meeting has not been set. Please visit the [marijuana webpage](#) for updates.

QUESTIONS? Contact project planner, Dorian Collins at (425) 587-3249 or dcollins@kirklandwa.gov.

Angela Martin
Planning & Building Department
Office Specialist
425-587-3237
aamartin@kirklandwa.gov



Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle

Dorian Collins

From: S. Davis <spicker76@yahoo.com>
Sent: Tuesday, June 21, 2016 7:05 AM
To: Dorian Collins
Subject: Re: Marijuana stores close to daycares, park, and other public places potential city changes to 100 ft
Attachments: Agenda MemoBellevue.pdf
Follow Up Flag: Flag for follow up
Flag Status: Flagged

HI The attached memo from Bellevue is spot on- it states "Council adopted Ordinance No. 6286 (Attachment A) as an emergency measure to limit the number of retail marijuana outlets to one per subarea where they are allowed in commercial zones. This will allow the number of businesses to grow in the City at a more reasonable pace while the City studies whether there is in fact any evidence that there is a need or desire amongst its citizens for additional recreational marijuana businesses or medical marijuana access in Bellevue and if these types of businesses have an impact on children. Ordinance No. 6286 also imposes a 100-foot separation requirement between a retail marijuana outlet and residentially-zoned land use districts (R-1 – R-30)."

I think Kirkland needs to take their time, we have the 4 stores licensed, we don't need to be making zoning changes. Let's spend the time on more urgent planning commission concerns like seaplanes at Carillon Point, or over making sure we develop our residential lots in a way that our community is not over crowded.

From: Dorian Collins <DCollins@kirklandwa.gov>
To: 'S. Davis' <spicker76@yahoo.com>
Sent: Thursday, May 26, 2016 11:12 AM
Subject: RE: Marijuana stores close to daycares, park, and other public places potential city changes to 100 ft

Dear Susan,

I followed up with the City Attorney regarding the question you posed regarding the process to ask for an advisory vote, and wanted to pass along his response:

Kirkland does not have an general initiative or referendum procedure by which residents can place a local initiative or referendum on the ballot. Kirkland does have a limited referendum procedure, but it only applies to the adoption or increase of certain types of taxes. See KMC Chapter 5.10. Cities have the option of adopting regulations allowing for local initiatives and referenda under RCW 35A.11.080, but, except for KMC Chapter 5.10, Kirkland has not done so.

There is not a specific procedure for a voter to request a non-binding advisory vote. For example, a concerned citizen could make the request in written correspondence to the Council or during Items from the Audience.

I hope this is helpful. Please let me know if you have any questions.

Thank you,

Dorian

Dorian Collins, AICP

Senior Planner

(425) 587-3249

dcollins@kirklandwa.gov

From: S. Davis [mailto:spicker76@yahoo.com]

Sent: Wednesday, May 18, 2016 7:22 PM

To: Dorian Collins <DCollins@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Kari Page <KPage@kirklandwa.gov>; City Council <citycouncil@kirklandwa.gov>

Subject: Marijuana stores close to daycares, park, and other public places potential city changes to 100 ft

To whom it may concern,

As a 15 year resident to Kirkland with young children, I wanted to take the opportunity to express my concern over the possibility of having pot stores in our neighborhoods.

There were many reasons we decided to purchase a home in Kirkland; safety, security, cleanliness, and city ordinances were among them.

As a resident of Kirkland, I hope that the current laws stay intact such that there are no retail opportunities for cannabis to be sold in our backyards. We have a phenomenal school district that teaches our kids that 'drugs' are detrimental to you as an individual and to society at large. We would have to admit to our own hypocrisy and inconsistency as parents if we allowed cannabis to be sold, even 1,000 steps away.

What's the proper process to initiate/ask for such an advisory vote to be added on this year's Nov . general election ballot?

It would be at minimum cost of the City (if added to general election ballot) and get a truly representative conclusion from the voters on this retail pot shop issue.

I currently do not have to avoid public space like parks and libraries because I know I do not have to explain to my children what does that store sell. Additionally I truly believe that Kirkland has plenty of 1,000 ft buffered parcels that can open the remaining 1 retail marijuana store as I reviewed your current zoning map on the city's website.

I also looked up the sales of the 2 of the 3 licensed retail stores, and actually drove by one of them. They are not busy and it appears they can handle more of a demand if needed. We do not need to reduce this protective distance to get more taxes or improve access for our residents. They have access to 3 stores, and at least 5 more stores w/l 10 miles.

You need to take a survey of the residents feedback like the city of Redmond-

<http://www.redmond.gov/common/pages/UserFile.aspx?fileId=178463>

We can stay with the 1,000 ft buffer- Local governments have broad authority to regulate within their jurisdictions, and nothing in I-502 limits that authority with respect to licensed marijuana businesses. From

<http://www.atg.wa.gov/ago-opinions/whether-statewide-initiative-establishing-system-licensing-marijuana-producers>

To summarize, I am strongly against the potential zoning change in Kirkland. Many of my neighbors share the same feeling. We love Kirkland as our home, and want to keep it as welcoming and safe as before. Please consider our objection seriously and cancel the proposed zoning code change. Plus the original 502 law was a 1,000 ft buffer. I don't think many people with kids (which is many of our residents) would have voted yes for 502 3 yrs ago if the distance was only 100 ft.

Even Bellevue and Redmond have a 1,000 buffer like the original 502 law we voted on, and Bellevue also has a 1,000 ft buffer between stores.

The city of Seattle has a better buffer zone **of 500 ft for retail** - per a recent press release -"Sets a 500-foot minimum distance between state-licensed marijuana premises that include retail sale of marijuana products and child care centers, game arcades, libraries, public parks, public transit centers, or recreation centers or facilities" and "Allows no more than two state-licensed marijuana premises that include retail sale of marijuana products to be located with 1,000 feet of each other (measured by property lines)", "Our proposal will help to ensure that licensed marijuana-related uses will be appropriately located in places where they are compatible with their surroundings, and operating in ways consistent with City and State rules."

Source - <http://www.seattle.gov/dpd/codesrules/changestocode/marijuanazoning/whatwhy/>

Thanks for your consideration and willingness to listen to communal voices, This is indeed more important than a paper bag ban! an don that why don't we require coffee shops and other large fast food restaurants to only use compostable materials and have compost bins for cups, etc in their store (like Taco Time). Just think of all of the busy coffee shops and fast food places in Kirkland using paper cups/plates/bags/napkins that are not compostable or/and do not offer a compost bin to discard the paper coffee cups. These cups go into the landfills just like the plastic bags.

Susan Davis

June 20, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public hearing on Ordinance No. 6286 extending interim zoning controls regulating recreational marijuana uses.

FISCAL IMPACT

The fiscal impact of extending the interim zoning control regulating recreational marijuana uses for an additional six-month period is anticipated to be minimal. Due to the small number of permits expected, and that most if not all available locations in subareas throughout the City contain retail marijuana businesses, current budget authority and permit fees will address incremental cost increases. At this time, no material costs are expected.

STAFF CONTACTS

Lori Riordan, City Attorney	452-7220
Bob Hyde, Deputy City Attorney	452-2033
Catherine Drews, Assistant City Attorney	452-6134

City Attorney's Office

Mike Brennan, Director	452-4113
Carol Helland, Land Use Director	452-2724

Development Services Department

Kate Berens, Deputy City Manager	452-4616
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City Manager's Office

POLICY CONSIDERATION

Should the City Council extend the interim zoning control implemented by Ordinance No. 6286 for a six-month period to allow sufficient time for Council consideration and adoption of permanent regulations before the interim regulations expire on November 9, 2016? Under the Growth Management Act, extension of the interim regulations requires a subsequent public hearing. The public hearing scheduled for June 20 satisfies this requirement.

DIRECTION NEEDED FROM COUNCIL

<input checked="" type="checkbox"/>	Action
<input checked="" type="checkbox"/>	Discussion
<input checked="" type="checkbox"/>	Information

BACKGROUND

At the May 9 Study Session, information was presented to Council regarding the process the Washington State Liquor and Cannabis Board undertook to determine additional marijuana retail license allocations for jurisdictions throughout the state, including Bellevue. Information was also presented regarding the status of current marijuana retail outlets operating in Bellevue, and the potential for additional retailers to locate in commercial zones as allowed under the City's

current code. Citizens have testified at previous study sessions regarding concerns about the impacts of marijuana retailers on children and concerns about the growing number licenses.

Council adopted Ordinance No. 6286 (Attachment A) as an emergency measure to limit the number of retail marijuana outlets to one per subarea where they are allowed in commercial zones. This will allow the number of businesses to grow in the City at a more reasonable pace while the City studies whether there is in fact any evidence that there is a need or desire amongst its citizens for additional recreational marijuana businesses or medical marijuana access in Bellevue and if these types of businesses have an impact on children. Ordinance No. 6286 also imposes a 100-foot separation requirement between a retail marijuana outlet and residentially-zoned land use districts (R-1 – R-30).

Under the Growth Management Act, the City may adopt an interim zoning control without first holding a public hearing; however, a public hearing must be held within 60 days of adoption of the interim zoning control. RCW 36.70A.390. The June 20 public hearing satisfies this requirement.

At the conclusion of the public hearing, Staff seeks direction from Council as to whether this topic necessitates that a public hearing on the permanent regulations be held before the City Council without prior review and recommendation from the Planning Commission, or whether this topic should be forwarded to the Planning Commission together with project principles for its consideration.

ALTERNATIVES

Hold the public hearing regarding extension of the interim zoning controls regulating recreational marijuana uses for a six-month period. (There is no alternative because the public hearing is required under the GMA).

RECOMMENDATION

Hold the public hearing regarding extension of the interim zoning controls regulating recreational marijuana uses for a six-month period.

MOTIONS

1. Move to open the public hearing for comments on renewing the interim zoning ordinance regulating recreational marijuana uses.
2. Move to close the public hearing and the record on the interim zoning ordinance.

EFFECTIVE DATE

Ordinance No. 6286 became effective on May 9, 2016.

ATTACHMENTS

- A. Ordinance No. 6286
- B. Affidavit of Publication

AVAILABLE IN COUNCIL OFFICE

N/A

June 21, 2016

Dear Kirkland City Council,

I am writing in concern of File CAM16-00961: the petition to reduce the distance between a marijuana shop and a childcare center. Personally I am shocked this could be considered a smart decision by the City Council.

This sends a poor message to the Families who reside in Kirkland. To propose this change, it says you care more about the marijuana store and its income for the city than you care for those who take their children to the child care center. What will be compromised next; an elementary school? After all, those children are too young to purchase the product so why does it matter how close it is – and besides, most parents take their children to school. . .

Then perhaps middle school, high school can be compromised with distance; and why not sell it on college campuses? After all, substance abuse isn't a problem there or here. Right?

Locating a marijuana facility close to a child care center? Please Kirkland City Council, Don't Do It! Keep the line drawn at 1000 feet, not 100.

Please listen to the families of Kirkland.

Anita Adams

June 20th, 2016

CORE: Cannabis Organization of Retail Establishments
PO Box 45413
Seattle, WA 98145

Dear Kirkland City Council,

I am writing you on behalf of CORE, the Cannabis Organization of Retail Establishments. We are a non-profit trade association representing the legal, I-502 cannabis retailers in Washington State. We advocate for a stable, sustainable, and above all, safe cannabis industry. We thank the Council for their effort to enable and support the legal and safe access to marijuana in the City of Kirkland.

On the issue of reducing the buffers for daycares, we do not recommend the council proceed without a clear analysis of the impact it will have on the licensees in the city. Cannabis businesses operate in an incredibly onerous and volatile regulatory environment and are much more financially precarious than typical small businesses due to federal and state tax rates 2-4 times higher than other industries. With state regulatory changes already significantly reshaping the industry this year, adding additional changes at the city level could negatively impact the ability of cannabis licensees to effectively operate and plan for the future.

With the existing Kirkland regulations only 15 months old, we ask that you consult with and analyze the impact on the licensees in your jurisdiction before passing changes. Consensus is critical amongst the stakeholders given the outsized impact your actions have due the highly regulated nature of the industry.

Thank you for your consideration on this issue and we look forwards to working with the council to ensure a safe and healthy cannabis industry in both the city of Kirkland and in Washington State.

Sincerely,

A handwritten signature in black ink that reads "Logan Bowers". The signature is written in a cursive, flowing style.

Logan Bowers
Board President, CORE

Dorian Collins

From: Anita Adams <anitaadams10@gmail.com>
Sent: Wednesday, June 22, 2016 3:25 PM
To: Dorian Collins
Subject: Re: File CAM16-00961

Dear Dorian,

Thank you for your response to my letter.

Yes , I would like my letter sent to each of the Kirkland City Council members ASAP.

As you have given me more information of what the law states, I would like to add one more point to my letter: Just because recent legislation allows this reduction by a city ordinance; it states it is not to be reduced around elementary or secondary schools. There are elementary age children dropped off at day care centers as well as preschoolers. Also during the summer break there will be even more children in day care centers. It is not a good choice to allow marijuana retailers closer than 1000 feet to daycare facilities. It is wrong for the families of Kirkland.

Respectfully,
Anita Adams

Sent from my iPhone

On Jun 22, 2016, at 11:16 AM, Dorian Collins <DCollins@kirklandwa.gov> wrote:

Dear Ms. Adams,

Thank you for your comments. I will add your letter to the materials that will be submitted to the Planning Commission and Houghton Community Council for their review when this topic is considered at the public hearing tomorrow evening (June 23rd). That meeting will be held in the City Council Chambers at 123 5th Avenue, and will begin at 7:00 p.m. Your letter will also be transmitted to the City Council as part of the hearing materials and recommendations from the Planning Commission and Houghton Community Council for their consideration of this topic for final action on August 16th. ***Please let me know if you would like for your letter to be sent to the City Council prior to that time.***

As you may know, the Planning Commission and Houghton Community Council will be considering potential amendments to the Zoning Code to reduce the buffer from licensed child care centers to marijuana retail businesses. This study is in response to recent legislation that allows local governments to adjust the buffer zone for marijuana retail businesses by local ordinance to no less than 100 feet around all entities, with the exception of elementary and secondary schools and public playgrounds. The scope of the study does not include reductions to buffers from any of the other restricted entities (recreation centers or facilities, public parks, public transit centers, libraries, game arcades, playgrounds and elementary or secondary schools).

If you have any questions, please contact me at (425) 587-3249 or dcollins@kirklandwa.gov.

Dorian

Dorian Collins, AICP
Senior Planner

ORDINANCE O-4528

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND AMENDING KIRKLAND ZONING CODE CHAPTER 115.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend Chapter 115 of the
3 Kirkland Zoning Code, as set forth in the report and recommendation of
4 the Planning Commission dated July 25, 2016 and bearing Kirkland
5 Planning and Building Department File No. CAM16-00961; and
6

7 WHEREAS, prior to making the recommendation, the Kirkland
8 Planning Commission, following notice as required by RCW 36.70A.035,
9 on June 23, 2016, held a public hearing, on the amendment proposals
10 and considered the comments received at the hearing; and
11

12 WHEREAS, prior to making the recommendation, the Houghton
13 Community Council, following notice as required by RCW 36.70A.035,
14 on June 23, 2016, held a courtesy hearing at a joint hearing with the
15 Planning Commission, on the amendment proposals and considered the
16 comments received at the hearing; and
17

18 WHEREAS, pursuant to the State Environmental Policy Act
19 (SEPA), there has accompanied the legislative proposal and
20 recommendation through the entire consideration process, a SEPA
21 Addendum to Existing Environmental Documents issued by the
22 responsible official pursuant to WAC 197-11-625; and
23

24 WHEREAS, in regular public meeting the City Council considered
25 the environmental documents received from the responsible official,
26 together with the report and recommendation of the Planning
27 Commission; and
28

29 NOW, THEREFORE, the City Council of the City of Kirkland do
30 ordain as follows:
31

32 Section 1. Chapter 115 of the Kirkland Zoning Code is hereby
33 amended by the addition of a new Section 115.155 to read as follows:
34

35 **115.155: Marijuana Retail Business – Buffer Requirements**
36 **from Licensed Child Care Centers (not effective within the**
37 **Houghton Community Municipal Corporation).**
38

39 Except as otherwise provided in this Section, the distance requirements
40 of RCW 69.50.331(8)(a) (as it now exists or may subsequently be
41 amended) shall apply to state liquor and cannabis board licensing of all
42 marijuana producers, processors, retailers and research premises.
43 Pursuant to RCW 69.50.331(8)(b), the Washington State Liquor and
44 Cannabis Board may issue a license for a marijuana retail premises
45 located within 1,000 feet of the perimeter of the grounds of a child care
46 center, but no portion of the property on which a state-licensed

47 marijuana retailer is located may be within 600 feet of the perimeter of
48 the grounds of a child care center. For the purpose of this Section,
49 "child care center" shall have the definition set forth in WAC 170-295-
50 0010. This section shall not be effective within the Houghton
51 Community Municipal Corporation.
52

53 Section 2. If any section, subsection, sentence, clause, phrase,
54 part or portion of this ordinance, including those parts adopted by
55 reference, is for any reason held to be invalid or unconstitutional by any
56 court of competent jurisdiction, such decision shall not affect the validity
57 of the remaining portions of this ordinance.
58

59 Section 3. This ordinance shall be in full force and effect five
60 days from and after its passage by the Kirkland City Council and
61 publication, as required by law.
62

63 Section 4. A complete copy of this ordinance shall be certified
64 by the City Clerk, who shall then forward the certified copy to the King
65 County Department of Assessments.
66

67 Passed by majority vote of the Kirkland City Council in open
68 meeting this ____ day of _____, 2016.
69

70 Signed in authentication thereof this ____ day of
71 _____, 2016.

DEPUTY MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney