



CITY OF KIRKLAND

Planning and Building Department
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MEMORANDUM

To: Planning Commission
Houghton Community Council

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

Date: May 5, 2016

Subject: **Zoning Code Amendment – Buffers from Marijuana Retail Uses
File No. CAM16-00961**

RECOMMENDATION

Review the options presented for reductions to the 1,000-foot buffer from licensed day care uses for retail marijuana sales businesses. Draft code amendments will be presented at a public hearing, tentatively scheduled for June 23rd.

BACKGROUND DISCUSSION

In March of 2015, the Kirkland City Council adopted regulations for marijuana retailing, production and processing (see [Marijuana License Information](#)). The City's regulations are in addition to the regulations that the Washington State Liquor and Cannabis Board (WSLCB) implemented following the approval of Initiative 502 by Washington voters in 2012. I-502 and subsequent rules adopted by the WSLCB govern three types of marijuana related business and operations: retail (the commercial sale of marijuana products); processing (the preparation and packaging of marijuana) and production (the growing or cultivation of marijuana). The amendments being discussed below only address the retail sales.

Locations that are eligible for marijuana sales in Kirkland are shown in bright red and bright light blue on this [map](#). In order to be eligible for marijuana sales, a property must meet the required distances from restricted entities (elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries or game arcades). Kirkland's regulations prohibit marijuana sales in the Market Street Corridor Zones 1 and 2, and allow sales in some light industrial areas: Totem Lake Zones 7B and 9A, and the LIT zone. In the LIT zones, marijuana sales are only allowed where at least 50 percent of the zone is bounded by commercial zones. Attachment 1 contains zoning maps for the city. Further, Kirkland regulations prohibit marijuana sales on properties abutting designated school walk

routes (Attachment 2) and regulate odor pertaining to marijuana processing and production businesses.

The city of Kirkland has been granted a total of four retail store allocations by the Washington State Liquor and Cannabis Board. There are two retail marijuana businesses operating in Kirkland at this time, both in the Totem Lake area:

- Higher Leaf Marijuana Boutique, 12525 Willows Rd. NE, Suite 10
- Mary Jane, 13513 NE 126th Place, Suite C

One additional license from the Washington State Liquor and Cannabis Board has been granted for "Kush", which is in the site development and approval phase. If all conditions are met, the business will operate at 11834 NE 90th Street. A fourth business (Seminoff/Schlau) has applied for a license to operate a retail store at 8734 120th Avenue NE. At this time, a retail use would not be allowed at the proposed fourth location, since the site would be developed under the "reasonable use" provisions of the Zoning Code which do not allow for retail use. Amendments to the critical areas regulations that are currently under review may include revisions that would include retail use among those permitted through reasonable use provisions. If both the Kush and Seminoff/Schlau businesses are successful in receiving approval, there will be no remaining licenses available for marijuana retailing within the city.

Study of Changes to Buffer Restrictions

Initially, Initiative 502 and the WSLCB's adopted rules prohibited licensing recreational marijuana businesses within 1,000 feet of the restricted entities noted above. However, recent legislation now allows local governments to adjust the buffer zone for marijuana businesses by local ordinance to 100 feet around all entities, with the exception of elementary and secondary schools and public playgrounds. Marijuana retail businesses are still required to be at least 1000' from public schools and playgrounds) as determined by the WSLCB.

At its meeting in February of this year, the City Council Planning and Economic Development (PED) committee discussed the revised legislation. The committee directed staff to draft revisions to zoning regulations with the scope to be limited to focus on buffers from day care uses in order to keep the task within a manageable timeframe. There is interest on the part of the Council to allow some more flexibility on the location of retail operations. This task was included in the adopted Planning Work Program, scheduled for spring/early summer of 2016.

The maps included in Attachments 3 and 4 indicate the locations of licensed day care businesses within the City of Kirkland (dark blue parcels). The maps divide the city into "Kirkland North" (Attachment 3) and "Kirkland South" (Attachment 4). To keep the maps simple for the purposes of evaluating possible changes to buffer distances from licensed day care uses only, all of the other restricted entities (school walk routes, schools, transit centers, and parks, etc.) are not shown on the maps. Under the current study, there are no proposals to reduce the buffers from any of these other entities to less than the existing 1,000 foot restriction. These

buffers are “in the background”, so while not shown on the maps, they are all in effect and any parcels indicated to be eligible for marijuana retail uses lie more than 1,000 feet from these uses.

According to this analysis, a reduction in the buffer distance from licensed day care businesses from the current 1,000 foot restriction to the minimum of 100 feet allowed under State law could double the number of parcels eligible for marijuana retail sales within commercial and industrial areas (see table below). Some conclusions from the mapping analysis include:

- The newly eligible parcels are largely located within the Totem Lake Business District’s commercial and industrial areas.
- Within the northern half of the city, the greatest increase in eligible parcels occurs between the 400-foot buffer and the 200-foot buffer, when 34 additional parcels become eligible. The new parcels are predominately located in Totem Lake, although several additional parcels become eligible in the North Rose Hill Business District, Kingsgate and Juanita as well.
- Within the southern half of the city, the greatest increase in eligible parcels occurs between the 400-foot buffer and the 100-foot buffer, when four additional parcels become eligible, all within the Yarrow Bay Business District.

Area	Eligible Parcels					
	Buffer Distance from Licensed Day Care (in feet)					
	1,000	800	600	400	200	100
North Kirkland	58	68	82	92	126	133
South Kirkland¹	19	-	-	21	-	25
Total Eligible Parcels	77	68	82	113	126	158
<i>Within Houghton</i>	1	-	-	3	-	7

¹ Values for buffer distances of 200, 600 and 800 feet were not mapped since no additional parcels become eligible at these distances.

Options to Reduce Buffer Distance

Staff has identified three approaches for consideration in reducing the required buffer distance from licensed day care uses to marijuana retail sales businesses:

1. Reduce the required buffer from 1,000 feet to 100 feet.

2. Reduce the required buffer to a distance between the current 1,000-foot minimum and the minimum of 100 feet allowed by the new legislation. For example, at a buffer distance of 600 feet, all new eligible parcels would be located within the Totem Lake Business District. With a buffer reduction to 400 feet, one additional parcel would become eligible in the North Rose Hill Business District, one in Juanita and one in Kingsgate. At the 100 and 200-foot buffer distances, additional parcels become available in each of these areas, and four additional parcels become eligible in Yarrow Bay.
3. Reduce the required buffer in commercial areas to a distance greater than 100 feet, but reduce the required buffer in industrial areas to 100 feet. Although an existing licensed day care use is located north of the CKC in the eastern Totem Lake light industrial area, day care uses are no longer allowed in this zone, so a minimal buffer may be appropriate.

Staff recommendation: Staff recommends that the buffer distance be reduced to 100 feet from licensed day care uses. Since Kirkland has a maximum retail store allocation of 4 licenses, the addition of eligible parcels will not result in more retail stores, but will provide more options and flexibility for the few businesses looking for locations within the city.

Approach to Zoning Code Amendment for a Reduced Buffer from Licensed Day Care Uses

Kirkland's regulations governing marijuana sales are located within the Zoning Code. The regulations specify the zones where retailing, production and processing are allowed, and provided development standards for these uses. The buffer restrictions are not addressed within zoning regulations, but rather are contained within the state rules and legislation.

Staff recommends that the changes to the buffer distance standard be codified through an amendment to Chapter 115 of the Zoning Code. Chapter 115 contains "Miscellaneous Use Development and Performance Standards".

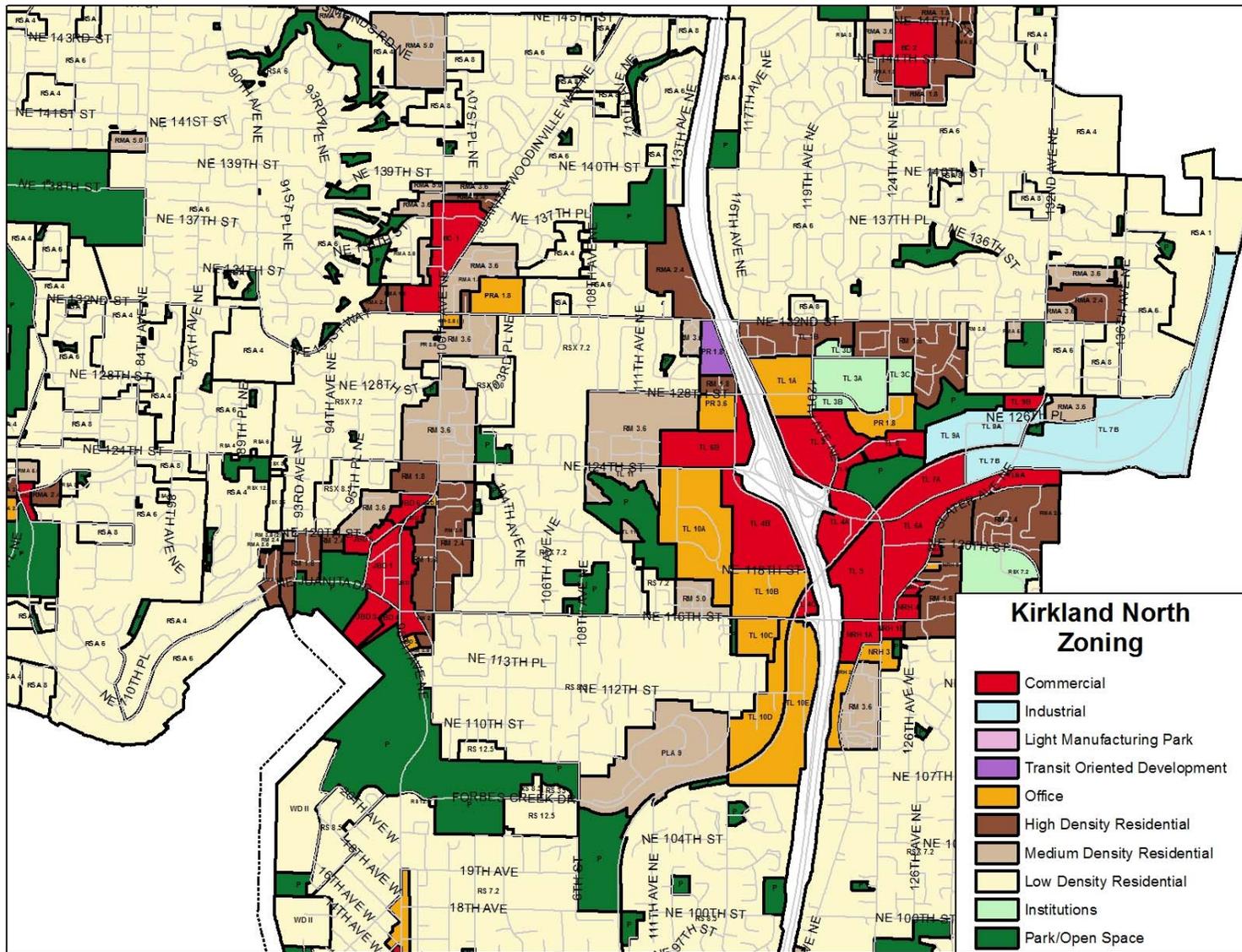
NEXT STEPS

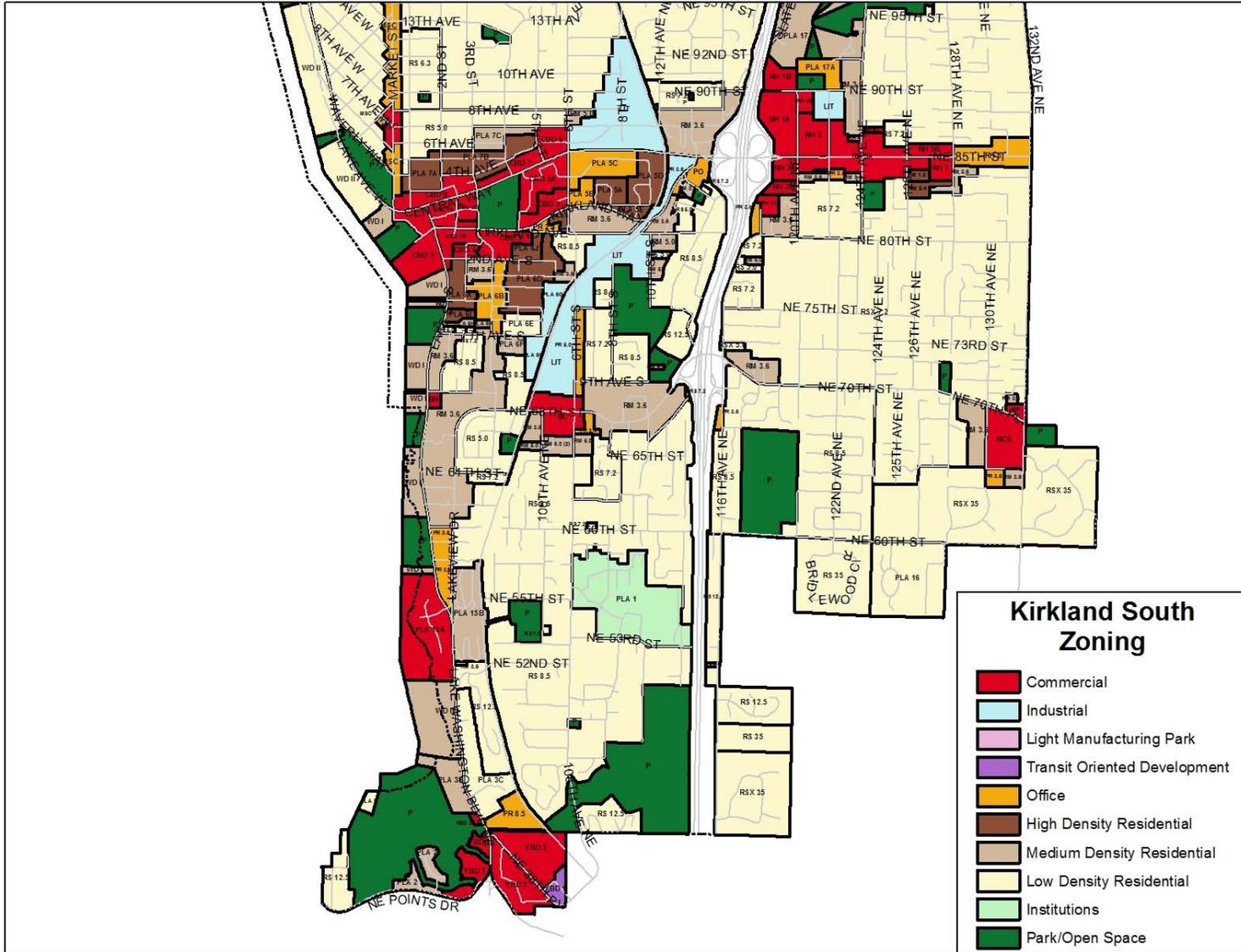
Following direction from the Planning Commission and the Houghton Community Council on May 12th, staff will prepare draft Zoning Code amendments for consideration at a public hearing on this topic in June. The Planning Commission recommendation will be forwarded to the City Council for action in July. The ordinance shall be effective following approval/disapproval of the Houghton Community Council in July or August.

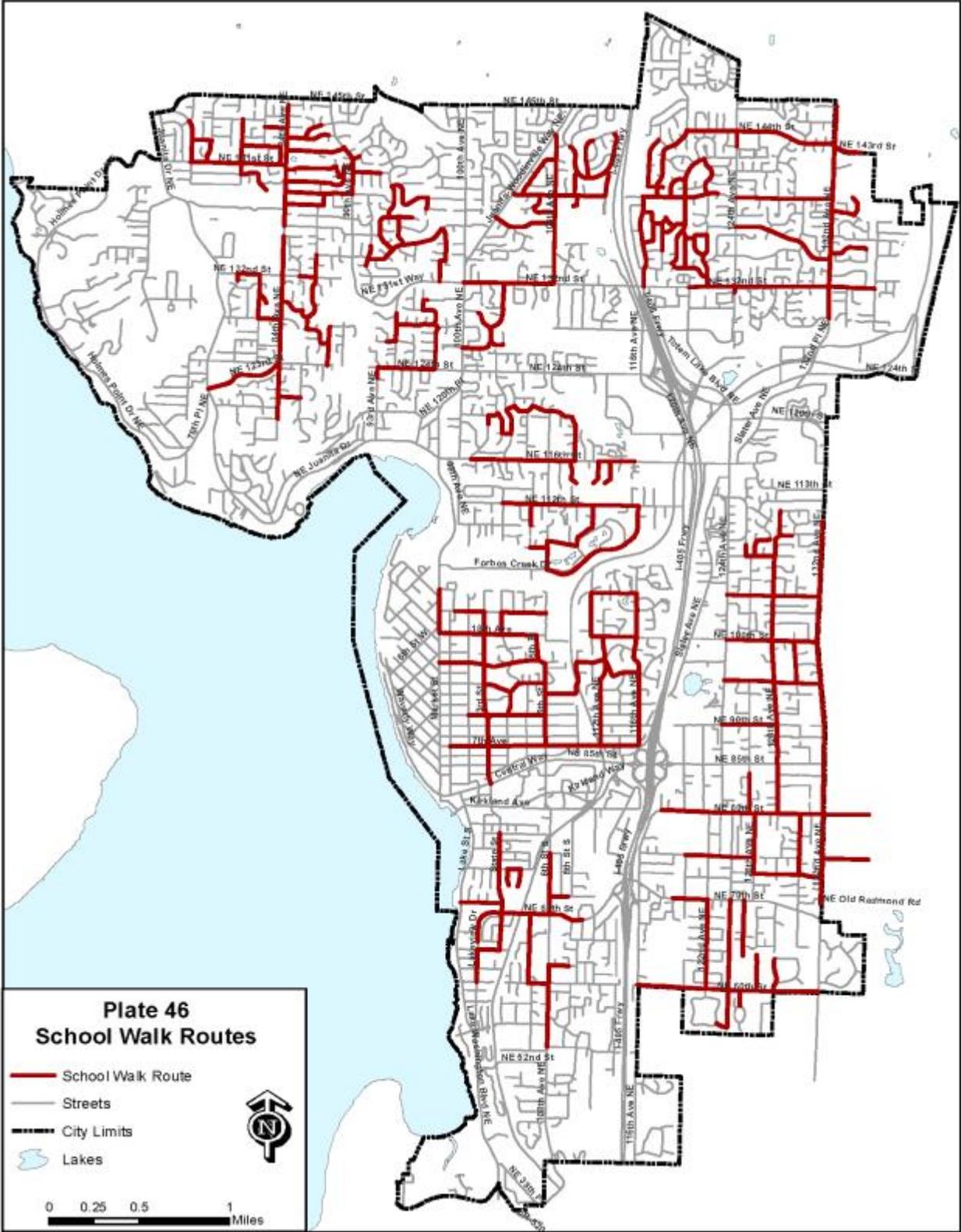
Notice of the public hearing will be provided on the City's webpage which provides information about [marijuana licensing](#). Notice will also be provided directly to the neighborhood associations, KAN, the Chamber of Commerce and the newspaper.

Attachments:

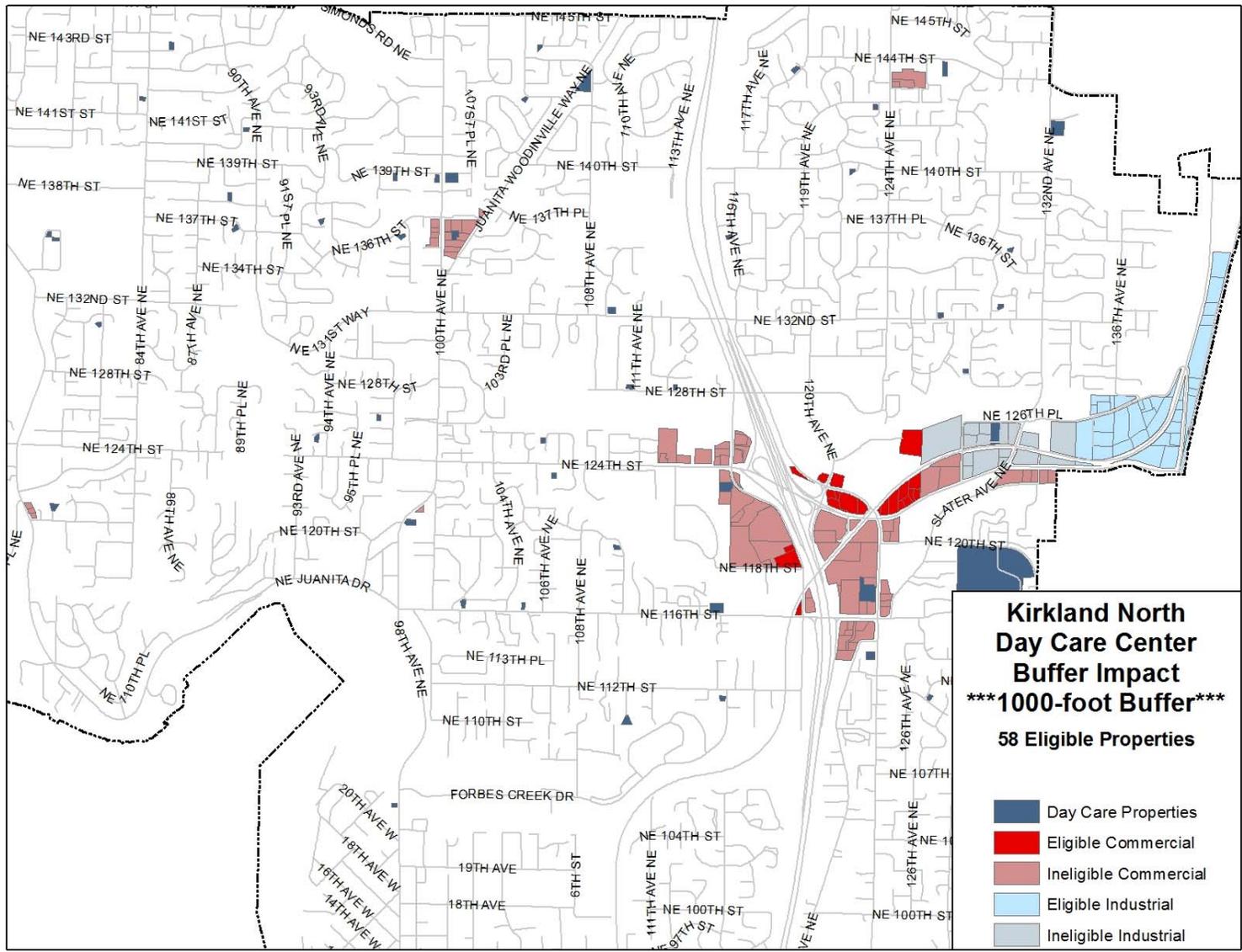
1. Zoning Maps
2. Designated School Walk Routes - Map
3. Eligible Parcel Map – North Kirkland
4. Eligible Parcel Map – South Kirkland



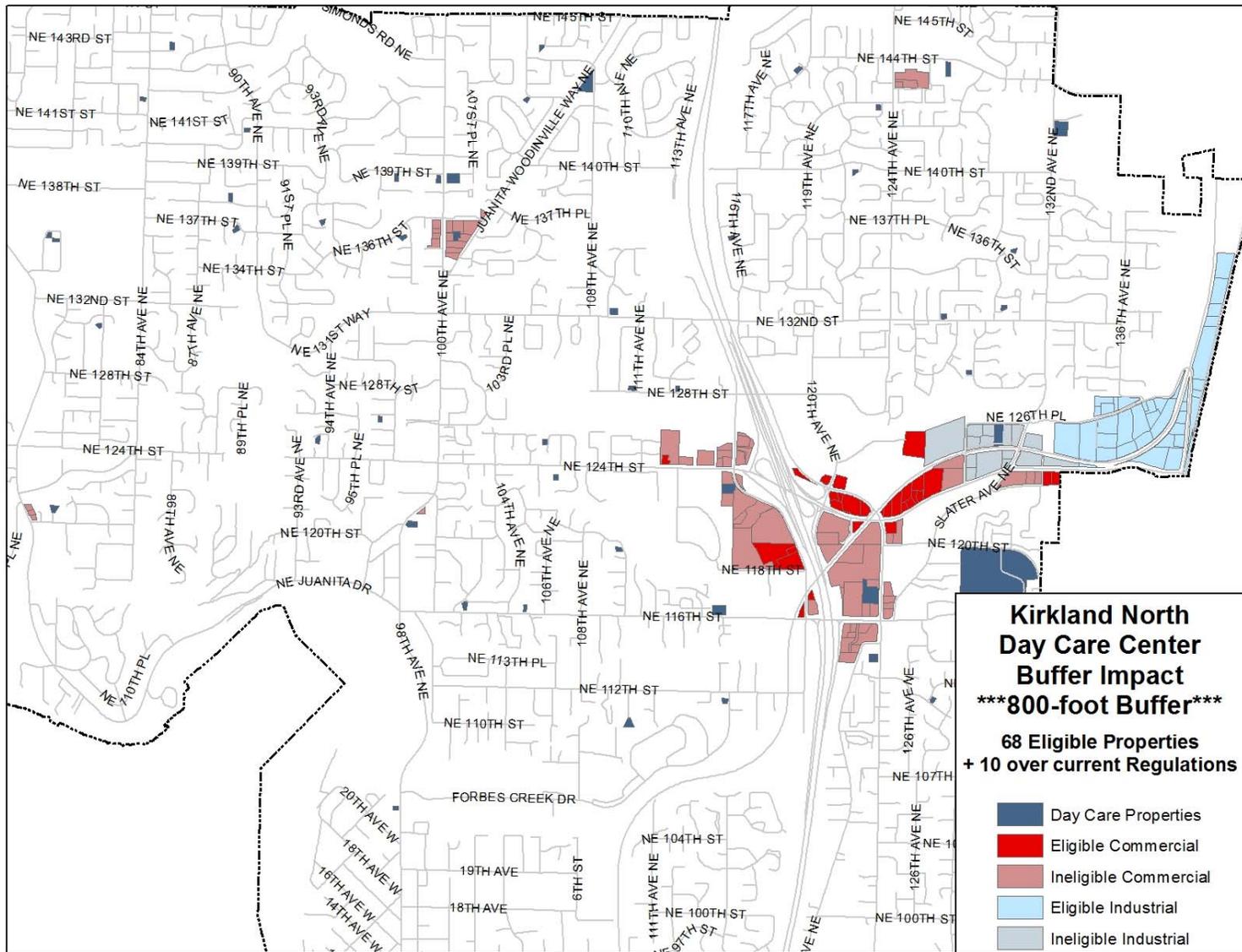




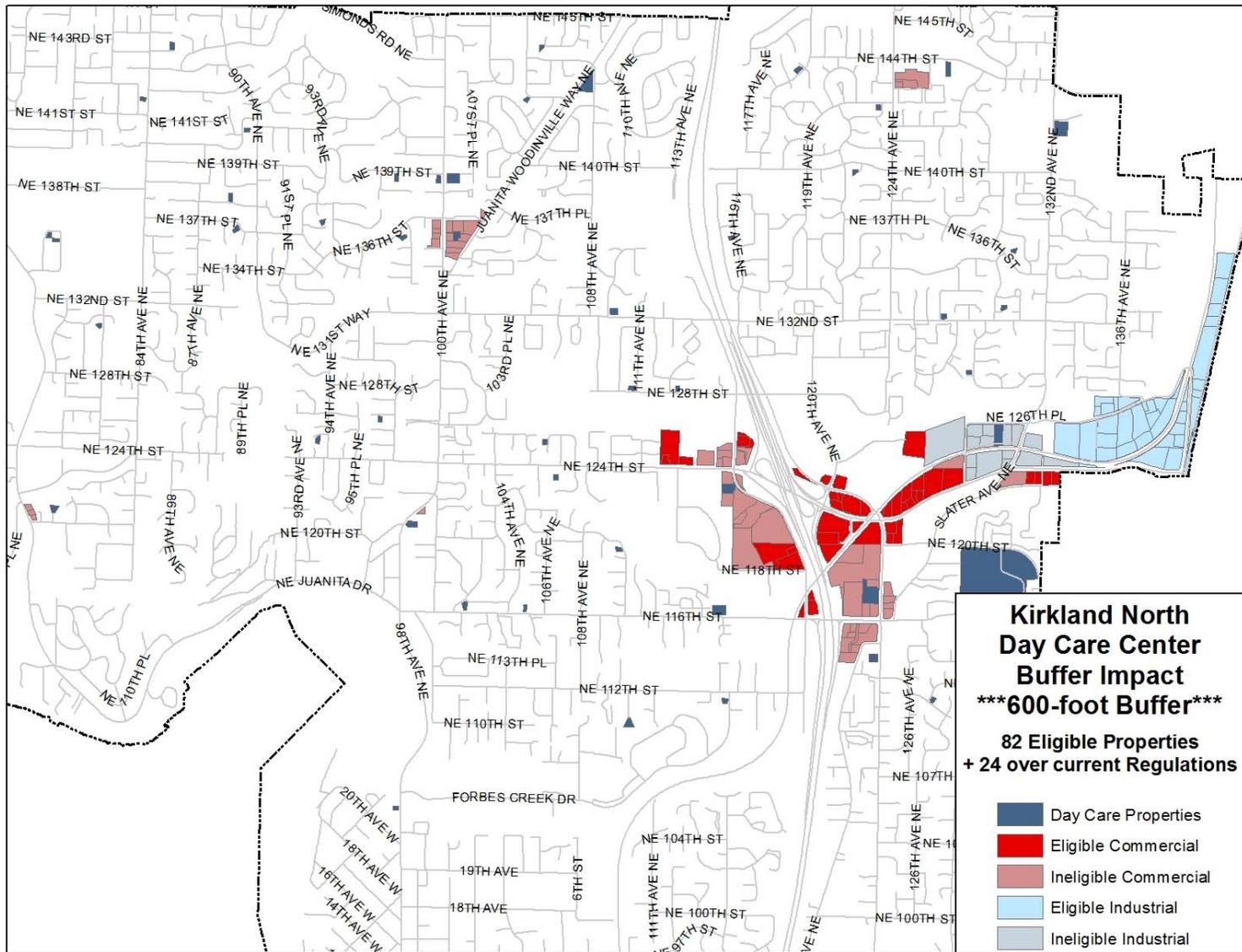
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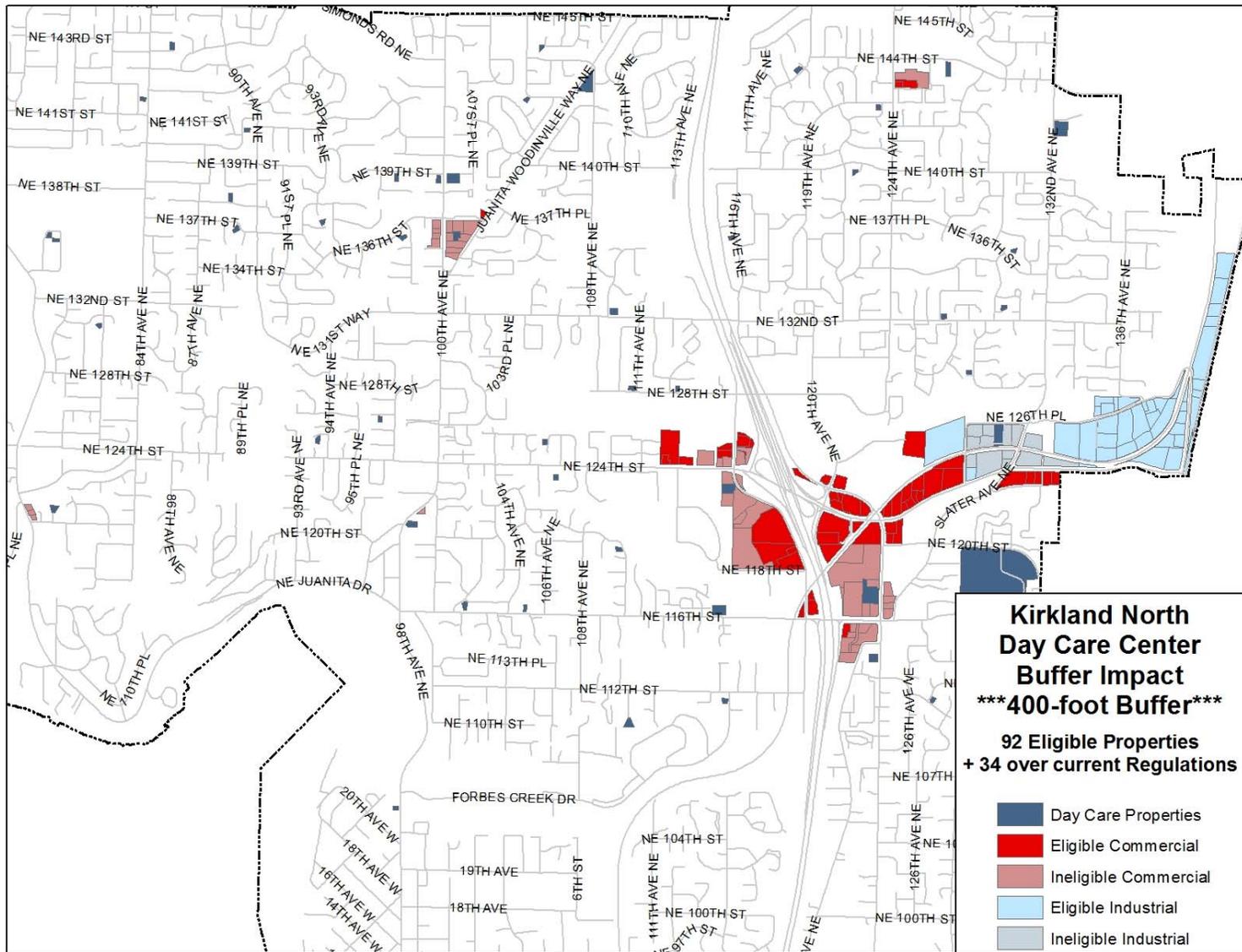
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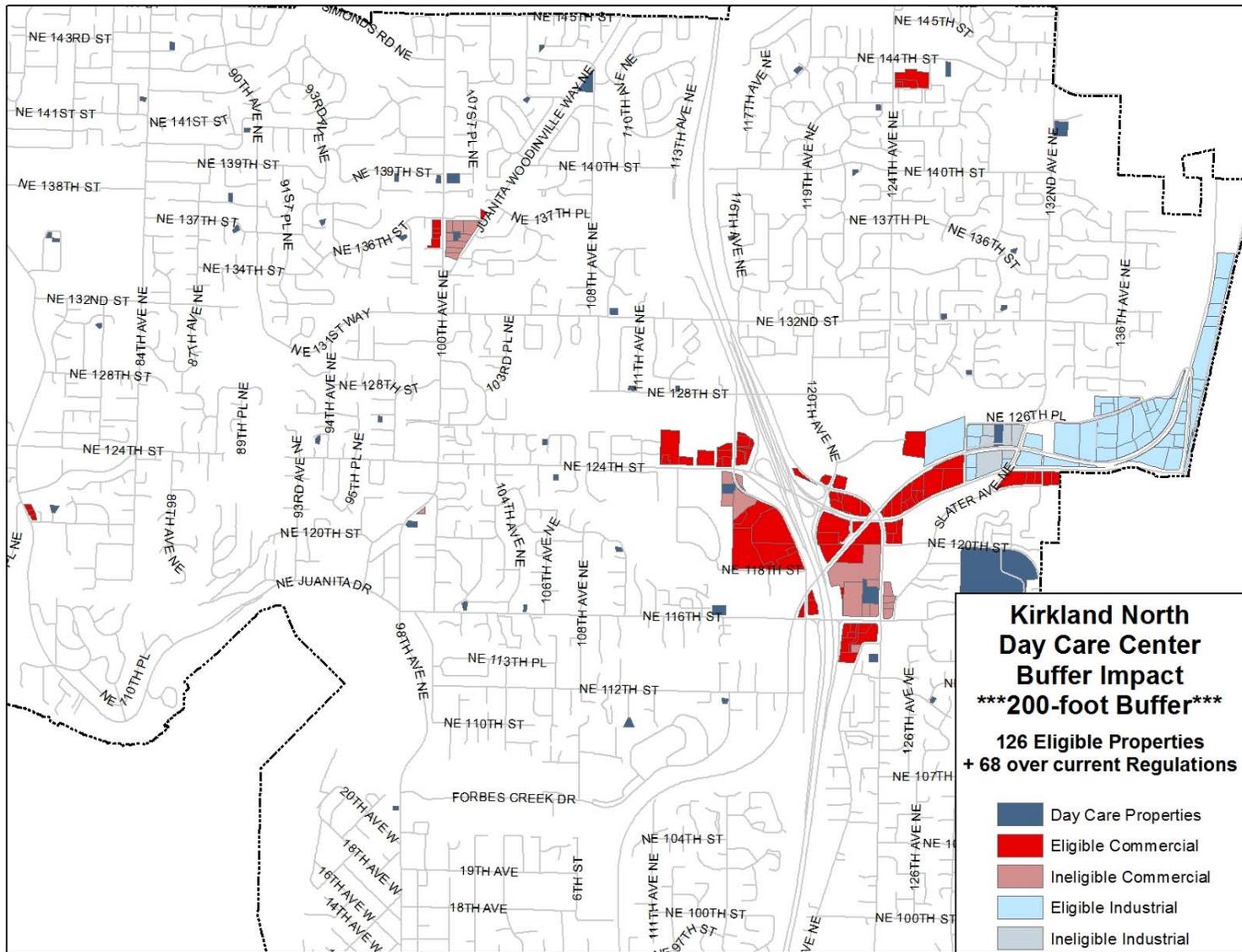
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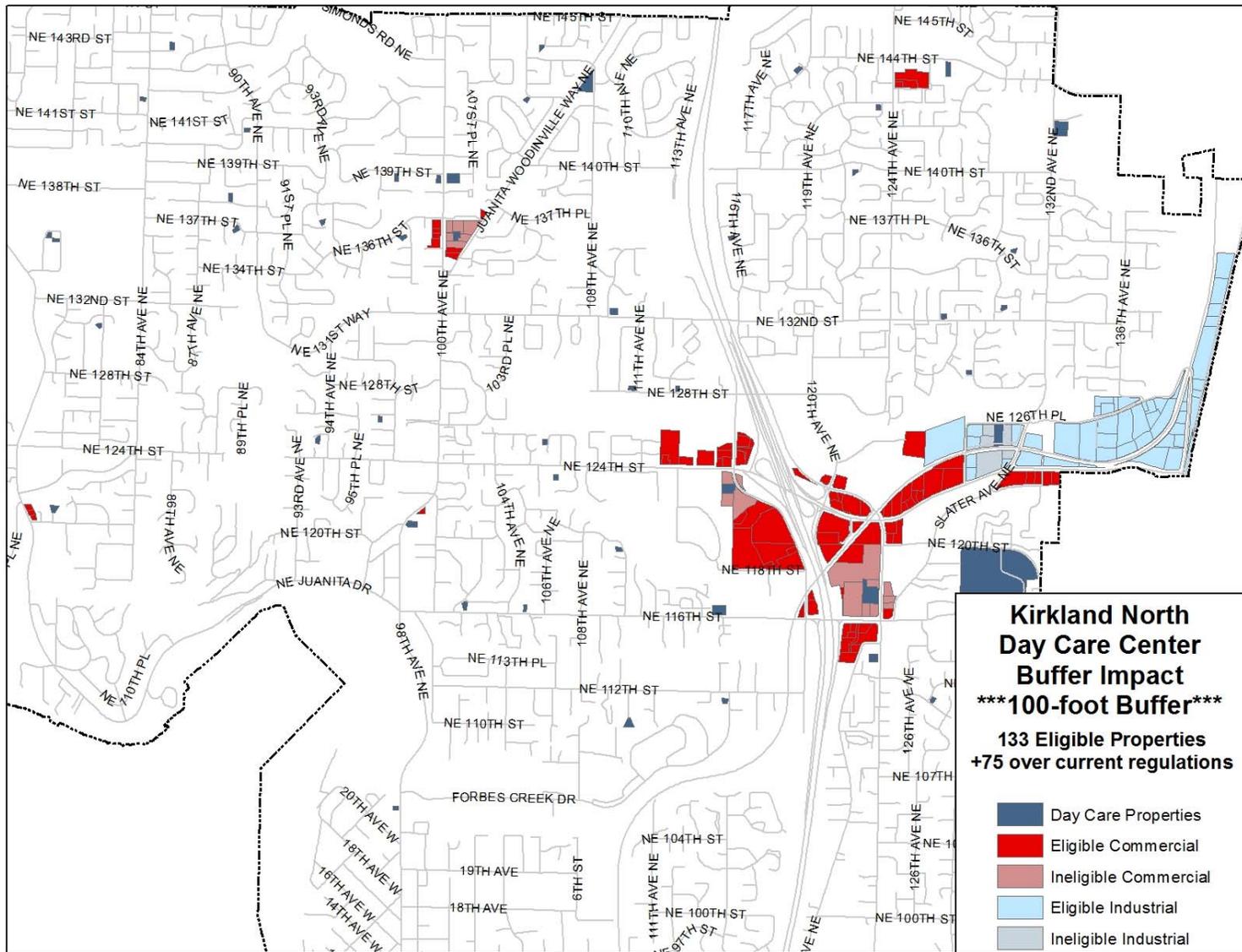
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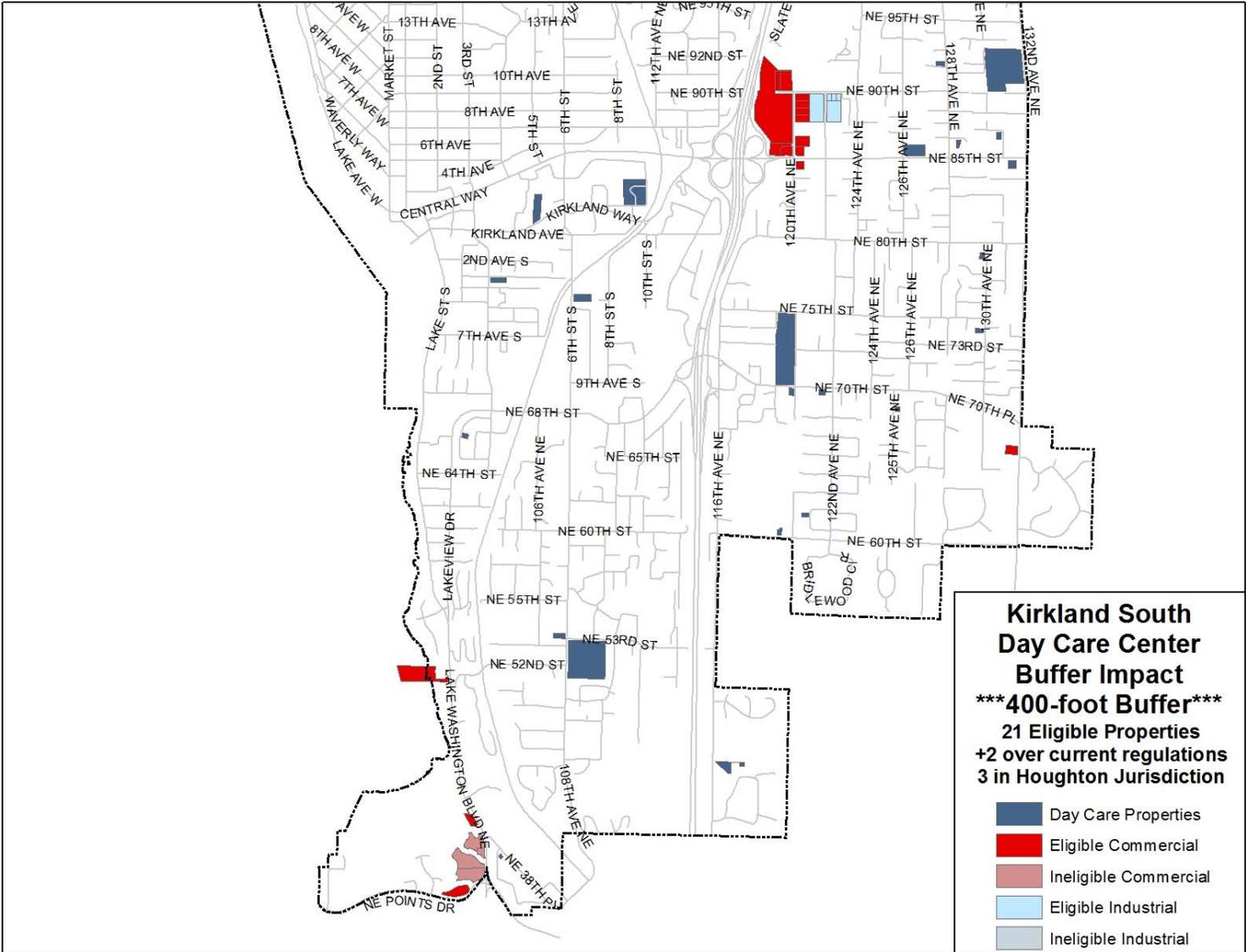
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