



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: June 16, 2016

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

RECOMMENDATION

Conduct a public hearing and make a recommendation to the City Council on proposed amendments to the Zoning Code to reduce the buffer from licensed child care centers for marijuana retail sales. The Planning Commission and Houghton Community Council may make a joint recommendation to the City Council, or each body may draft a separate recommendation to Council.

BACKGROUND DISCUSSION

The Kirkland City Council has expressed interest in allowing greater flexibility in the location of retail marijuana operations, and 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 restricted uses to marijuana retailers. The scope of Kirkland's study of Zoning Code amendments is limited to buffer reductions from child care centers, and 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).

On May 12, 2016, the Planning Commission and Houghton Community Council held a joint study session on the proposed amendments to reduce the buffer from licensed child care centers for marijuana retailers. Background information on the City's regulations governing the retail sale of marijuana, the status of existing licenses for the sale of marijuana, and the recent legislation was provided in the May 12th [meeting packet](#).

Responses to requests for additional information

At the study session, the Houghton Community Council and Planning Commission requested additional information on several topics. This information is provided below.

- **Definition of "child care center"**

Pursuant to WAC 170-295-0010: " 'Child care center' means the same as a 'child day care center' or facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours." The proposed amendment contains a reference to this definition (see page 5).

- **Buffer distances required for liquor licenses**

The Washington State Liquor and Cannabis Board (WSLCB) staff report that buffer distances are not mandated but notice is provided and the following actions are taken by the WSLCB, in its approach to implementation of [RCW 66.24.010\(9\)\(a\)](#):

Upon notifying a tax-supported school, church or public institution of a proposed liquor store within 500 feet:

- If school responds with an objection, it is automatically denied.
- If a church responds with an objection, it is not always denied, but would go through a threshold decision.
- If there is no response, the WSLCB will move forward with the licensing application.

- **Rationale for recent legislation allowing for buffer reductions**

The City of Kirkland was active in asking the legislature to provide flexibility in buffer distances after finding that relatively few locations were eligible for siting retail stores in the city, even after community discussions, public hearings and zoning changes to allow retail use in light industrial zones. Representatives from the Kirkland City Council testified at committee hearings in support of flexibility in the law to solve problems in siting retail stores. In 2015, among the City of Kirkland's top legislative priorities was to:

- *Support giving cities flexibility to help site marijuana retail facilities and support sharing marijuana revenue with cities that allow marijuana retail facilities in order to address public safety and other local impacts.*

In late 2013, the WSLCB established the initial rules and regulations for licensing producers, distributors and retailers. The WSLCB used federal guidelines when determining buffer distances. In the process, consistent with Initiative 502, the WSLCB created buffers that were more stringent than those imposed by federal law for the distribution of controlled substances. While federal law requires that a distance of 1,000 feet be maintained from schools, playgrounds and public housing facilities, it establishes a distance of 100 feet from youth centers, pools and arcades. Attachment 1 contains

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additional information regarding House Bill 2136, signed into law on June 30, 2015, which provided comprehensive marijuana market reforms to Washington's recreational marijuana law, including the local flexibility to reduce the 1,000 foot buffer from certain uses.

- **Buffer reduction activities in other jurisdictions**

Staff is aware of the following buffer reductions in other jurisdictions to date:

- **Redmond:** Adopted buffer reductions on (effective June 18, 2016) to **100 feet** for all uses (recreation center, child care center, public park, public transit center, library or game arcade) other than elementary or secondary schools or playgrounds.
- **Electric City and George, WA:** Adopted buffer reductions to **100 feet** for parks, rec/community centers, libraries, child care centers, game arcades and public transit centers.
- **Seattle:** Adopted buffer reductions of **250 feet** (Downtown Mixed Residential and Downtown Mixed Commercial zones) and **500 feet** (all other zones) for child care centers, game arcades, libraries, public parks, public transit centers and recreation centers or facilities.
- **Olympia:** Implemented interim zoning changes of **500 feet** from all restricted entities other than schools.

Updated information

The staff memo provided for the study session noted that three of the City's four allocations for marijuana retailers had been granted by the WSLCB. Since that time, all four licenses have been issued. As discussed in that memo, two retailers are in operation in the Totem Lake area. The permit application for a third, to be located at 11834 NE 90th Street if all conditions are met, remains in development review. The fourth retail business licensed by the WSLCB would not be allowed at the proposed location under current City of Kirkland regulations, since the site would need to 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 some limited retail use among those permitted through reasonable use provisions.

The maps indicating eligible parcels at varying buffer distances are included in Attachment 2. Note that maps for the southern half of the city do not include buffer distances of 800, 600 and 200 feet since there were no additional parcels identified as eligible at these distances. The maps for the northern half of the city have been updated since the study session to eliminate three parcels in the Kingsgate area that were found to be ineligible upon closer review.

The table (below) summarizing parcels eligible for marijuana retail businesses has also been updated to reflect the change to parcels in the Kingsgate area.

Area	Eligible Parcels					
	Buffer Distance from Licensed Child Care (in feet)					
	1,000	800	600	400	200	100
North Kirkland	58	68	82	90	123	130
South Kirkland ¹	19	19	19	21	21	25
Total Eligible Parcels	77	87	101	111	144	155
Within Houghton	1	1	1	3	3	7

Options to Reduce Buffer Distance

At the study session in May, the Houghton Community Council and the Planning Commission directed staff to provide the following two options for consideration at the public hearing:

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.

Factors to consider might include the locations of the newly eligible parcels. 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, and two additional parcels would become eligible in the Yarrow Bay Business District. At the 100 and 200-foot buffer distances, additional parcels become available in the business districts of Juanita, Totem Lake, North Rose Hill and Yarrow Bay.

Staff recommendation: Staff recommends that the buffer distance be reduced to 100 feet from licensed child 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 Child 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 development standards for these uses are provided. The buffer restrictions are not addressed within zoning regulations, but rather are contained within the state rules and legislation.

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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".

Staff recommendation: Staff recommends the following text amendment to the Zoning Code to establish the buffer reduction within Kirkland:

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

Except as otherwise provided in this Section, the distance requirements of RCW 69.51.331(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 69.51.331(8)(b), no portion of the property on which a state-licensed marijuana retailer is located may be licensed by the Washington State Liquor and Cannabis Board within 100 feet of the perimeter of the grounds of a licensed child care center. For the purpose of this Section, "child care center" shall have the definition set forth in WAC 170-295-0010.

There was some discussion at the study session in May suggesting that the definition for "Child Care Center" should be incorporated into the Kirkland Zoning Code (KZC). Legal guidance suggests that instead, the reference to the applicable RCW (Revised Code of Washington) section be provided within the text establishing the buffer from child care centers. Since the licensing of child care centers is performed by the State, this approach is appropriate. Otherwise, if the State were to change its definition, the definition in the KZC would become outdated.

PUBLIC INVOLVEMENT

The proposed amendments have been discussed at the joint study session of the Planning Commission and Houghton Community Council held on May 12, 2015. Staff also provided a briefing to the Kirkland Alliance of Neighborhoods at its June 8th meeting.

Public notice has been 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](#).

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- 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 to date.

Eleven comment letters have been received by the date of this memo, and are included in Attachment 3.

NEXT STEPS

Following the public hearing, the Planning Commission and Houghton Community Council will deliberate and forward a combined or two separate recommendations to the City Council. The Council is tentatively scheduled to take action on the proposed amendments on August 16th.

Attachments:

1. HB 2136 – Information
2. Eligible Parcel Maps – North Kirkland and South Kirkland
3. Comment Letters



House Bill 2136: Comprehensive marijuana market reforms

House Bill (HB) 2136 is the Legislature's first effort to amend Washington's recreational marijuana law. Among its numerous provisions, HB 2136 restructures the recreational marijuana tax structure, provides for local revenue sharing and flexibility, and clarifies many of the provisions of the original law. HB 2136 was signed into law by Governor Jay Inslee on June 30, 2015.

Taxation

Restructures the marijuana excise tax by collapsing it into one 37% excise tax collected at the final retail point of sale of marijuana products.

Establishes a sales tax exemption for qualifying medical marijuana patients. (This is an exemption for the state and local sales tax but does not include an exemption from the marijuana excise tax.)

Local Flexibility

Allows for local flexibility to reduce the current 1,000 foot buffer. Cities can adopt a buffer of between 100 and 1,000 feet from certain uses. The 1,000 foot buffer is still required for schools and playgrounds.

Other provisions

- Renames the Liquor Control Board to the Liquor and Cannabis Board.
- Clarifies "public place" in provisions that prohibit the consumption of marijuana in a public place.
- Modifies marijuana retailer signage requirements to no more than two signs no larger than 1,600 square inches.
- Allows a marijuana business to use a common carrier to transport marijuana if the carrier is licensed by the LCB.
- Subjects medical marijuana cooperatives created by SB 5052 to buffer distances similar to marijuana licensees.

Revenue Sharing

HB 2136 provides revenue sharing with cities and counties. The revenue sharing is set up as follows:

2015-2017:

- At least \$12 million is to be provided for distribution to cities and counties in the budget that is adopted for 2015-2017. Of that \$12 million, \$6 million shall be distributed in FY 2016 and \$6 million in FY 2017.
- In 2015-2017 counties will receive 60% and cities 40%. Distributions will be based on the taxable sales of the jurisdiction. For cities, only jurisdictions containing retail sales will receive funding.

2017-2019 and beyond:

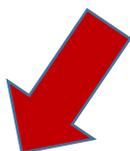
Once the state's General Fund has received \$25 million in marijuana excise tax revenue, then 30%, or up to a maximum of \$20 million per year, will be distributed to cities and counties.

- 30% must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of this revenue distribution based on the proportional share of the total revenues generated from the licensed marijuana retailers physically located in each jurisdiction.
- 70% must be distributed to counties, cities, and towns on a per capita basis. Counties must receive 60% of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.
- The total share of marijuana excise tax revenues distributed to counties and cities may not exceed \$15 million in fiscal years 2018 and 2019 and \$20 million per fiscal year thereafter.



House Bill 2136: Comprehensive marijuana market reforms

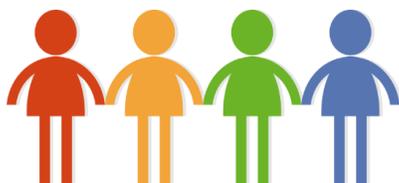
2017 and beyond - Marijuana Revenue Distributions



70%



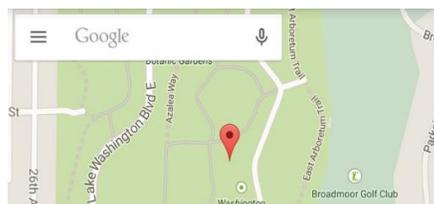
30%



60%
Counties



40%
Cities



**Based on physical retail location
& total revenues generated**
Money shall be distributed based on a
proportional share of the total revenues generated
in the individual jurisdiction

Per-capita basis
Based on the total proportional population

FINAL BILL REPORT

2E2SHB 2136

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Synopsis as Enacted

Brief Description: Concerning comprehensive marijuana market reforms to ensure a well-regulated and taxed marijuana market in Washington state.

Sponsors: House Committee on Appropriations (originally sponsored by Representative Carlyle).

House Committee on Finance
House Committee on Appropriations
Senate Committee on Ways & Means

Background:

Overview of Initiative 502.

Initiative 502 (I-502) was a ballot measure approved by Washington voters in November 2012 that: (1) legalized the production, processing, possession and personal use of marijuana; (2) created a framework for a regulatory scheme to be further developed by the Liquor and Cannabis Board (LCB) through its rule-making authority; and (3) revised criminal laws to accommodate such legalization.

Initiative 502 contained the following provisions:

- legalizing the personal use and possession of up to 1 ounce of marijuana, as well as specified products directly related to such marijuana use;
- licensing and regulating marijuana production, distribution, and retailing;
- designating the LCB as the regulatory entity responsible for the implementation of the initiative, including continuing oversight over the commercial practices and conduct of licensed marijuana producers, processors, and retailers;
- providing the LCB with rule-making authority with respect to the development of the requisite regulatory scheme;
- implementing excise taxes on marijuana production, processing, and retailing;
- creating a dedicated marijuana fund for the collection and distribution of marijuana-related tax revenues;
- removing provisions containing criminal or civil penalties for marijuana-related activities authorized by I-502; and
- amending driving under the influence laws to include specific provisions pertaining to driving under the influence of marijuana.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Federal Response to Marijuana Legalization by the States.

Washington is one of at least 23 states that have passed legislation allowing the use of marijuana for medicinal purposes and one of four states that allow its recreational use. These activities, however, remain illegal under federal law.

In August of 2013, the United States Department of Justice issued a formal enforcement policy memorandum in response to the legalization of recreational marijuana in the states of Washington and Colorado. In this memorandum, federal prosecutors were instructed to focus investigative and prosecutorial resources related to marijuana on specific enforcement priorities to prevent:

- the distribution of marijuana to minors;
- marijuana sales revenue from being directed to criminal enterprises;
- marijuana from being diverted from states where it is legal to states where it is illegal;
- state-authorized marijuana activity from being used as a cover for trafficking other illegal drugs or other illegal activity;
- violence and the use of firearms in the production and distribution of marijuana;
- drugged driving and other marijuana-related public health consequences;
- the growth of marijuana on public lands; and
- marijuana possession or use on federal property.

With respect to state laws that authorize marijuana production, distribution, and sales, the memorandum states that when these activities are conducted in compliance with strong and effective regulatory and enforcement systems there is a reduced threat to federal priorities. In such instances, the memorandum asserts that state and local law enforcement should be the primary means of regulation. The memorandum, however, affirms continuing federal authority to challenge state regulatory systems and to bring individual enforcement actions in cases in which state regulatory efforts are inadequate.

Licensing of Marijuana Producers, Processors, and Retailers.

The LCB issues three categories of commercial marijuana licenses: (1) the marijuana producer's license entitles the holder to produce marijuana for sale at wholesale to licensed marijuana processors or other producers; (2) the marijuana processor's license entitles the holder to process, package, and label marijuana for sale at wholesale to marijuana retailers and other processors; and (3) the marijuana retailer's license entitles the holder to sell marijuana products at retail prices in retail outlets.

Marijuana Research License.

In addition to the marijuana producer, processor, and retail licenses, there is a marijuana research license allowing holders to produce, process, possess, and deliver marijuana for the purposes of:

- testing chemical potency and composition;
- conducting clinical investigations of marijuana-derived drug products;
- conducting research on the efficacy and safety of marijuana use as medical treatment;
- and
- conducting genomic and agricultural research.

The University of Washington and Washington State University may also conduct marijuana research. The Life Sciences Discovery Fund Authority (LSDF Authority) is required to

review all applications for marijuana research licenses. A portion of license fees go into the Life Sciences Discovery Fund (LSDF).

Residency Requirements for Marijuana Business License Applicants.

In order to apply for a marijuana producer, processor, or retailer license, a prospective licensee must establish state residency at least three months prior to the submission of the application.

Transport and Delivery of Marijuana by Third-Party Carriers.

Transportation or delivery of marijuana and processed marijuana products may be done only by the employees of a licensed producer, processor, or retailer. Other transportation or trucking services may not be used for this purpose.

Taxation of Marijuana Producers, Processors, and Retailers.

An excise tax of 25 percent of the sale price must be paid by each of the three categories of licensees at each step of the production, processing, and marketing process:

- producers pay a tax of 25 percent of the wholesale price of the marijuana sold to processors or to other producers;
- processors pay a tax of 25 percent of the wholesale price of the useable marijuana or marijuana-infused products sold to retailers or to other processors; and
- retailers pay a tax of 25 percent of the retail price of the useable marijuana or marijuana-infused products sold to the consumer.

There are no provisions explicitly addressing the taxation of retail sales of medical cannabis by collective gardens or medical cannabis dispensaries.

Sales and Use Tax.

Retail sales taxes are imposed on retail sales of most articles of tangible personal property, digital products, and some services. A retail sale is a sale to the final consumer or end user of the property, digital product, or service. If retail sales taxes were not collected when the user acquired the property, digital products, or services, then use taxes apply to the value of property, digital product, or service, when used in this state. The state, most cities, and all counties levy retail sales and use taxes. The state sales and use tax rate is 6.5 percent; local sales and use tax rates vary from 0.5 percent to 3.1 percent, depending on the location.

Dedicated Marijuana Fund.

Initiative 502 created a Dedicated Marijuana Fund, deposited with the State Treasurer that consists of moneys derived from marijuana excise taxes, license fees, penalties, forfeitures, and all other moneys, income, or revenue received by the LCB from marijuana-related activities.

Proceeds from the fund must be distributed every three months by the LCB to specified public entities and in amounts established in statute. Among the distributions is \$5 million annually for the LCB to administer the legal marijuana system.

Allowable Uses by the Division of Behavioral Health and Recovery.

The Department of Social and Health Services' Division of Behavioral Health and Recovery (DBHR) may use marijuana revenues for specific programs, specifically for implementation

and maintenance of programs aimed at prevention or reduction of maladaptive substance use, substance abuse, or substance dependence for middle school and high school students.

Life Sciences Discovery Fund.

The LSDF was created to promote life science research in Washington. The LSDF may receive tobacco settlement strategic contribution payments and leverage these state contribution payments by providing grant opportunities to support life sciences research and development.

The LSDF is managed by the LSDF Authority, governed by a board consisting of legislators and persons appointed by the Governor. The LSDF Authority solicits and reviews grant applications.

Marijuana Retailer Signage and Product Display Requirements.

Marijuana retailers may not display any signage except for one sign, no more than 1,600 square inches, identifying the business by its name. Retailers also must ensure that no marijuana products are visible from a public right-of-way.

Marijuana Product Advertising Limitations.

Marijuana retailers are subject to specified restrictions regarding the advertising of marijuana and marijuana-based products. Included in these regulations is a blanket prohibition barring any advertising:

- within 1,000 feet of school grounds, playgrounds, recreation centers, child care centers, public parks, libraries, or specified types of game arcades;
- on or in a public transit vehicle or public transit shelter; or
- on publicly owned property.

A licensee who violates any of these advertising prohibitions is subject to a \$1,000 fine for each violation.

Buffer Distances Around Marijuana Businesses.

The LCB may not issue a license to any prospective producer, processor, or retailer whose business premises are located within 1,000 feet of the perimeter of the grounds:

- an elementary or secondary school;
- a playground;
- a recreation center or facility;
- a child care center;
- a public park;
- a public transit center;
- a library; or
- any game arcade, admission to which is not restricted to persons 21 years of age or older.

Federal law imposes additional penalties on the distribution of controlled substances within 1,000 feet of an elementary or secondary school, college, playground, or public housing facility. The same federal penalties are imposed for distribution within 100 feet of a youth center, swimming pool, or video arcade.

Medical Marijuana Cooperatives.

Effective July 1, 2016, four-member medical marijuana cooperatives are permitted. Up to four patients or designated providers may participate in a cooperative to share responsibility for the production and processing of marijuana for the medical use of its members. The location of the cooperative must be registered with the LCB and is only permitted if it is at least one mile away from a marijuana retailer. The registration must include each member's name and copies of each member's recognition cards. Only registered members may participate in the cooperative or obtain marijuana from the cooperative. If a member leaves the cooperative, no new member may join for 60 days after the LCB has been notified of the change in membership. All members of the cooperative must provide labor; financial compensation is not permitted. Marijuana grown at a cooperative is only for the medical use of its members and may not be sold or donated to another. Minors may not participate in cooperatives. The LCB must develop a seed to sale traceability system to track all marijuana grown by the cooperative.

Public Use of Marijuana.

It is unlawful to consume or open a package containing marijuana or marijuana products in view of the general public.

Regulation of Marijuana Businesses by Local Governments.

Many cities and counties throughout the state have enacted ordinances that prohibit the siting of licensed marijuana producers, processors, and retailers within their borders.

Approximately 105 cities and 11 counties in Washington have enacted such a prohibition or moratorium. Other cities and counties have enacted special zoning ordinances limiting the location of recreational marijuana businesses to certain areas or have proposed special licensing requirements.

These actions by Washington cities and counties have given rise to litigation regarding whether or not local governments are preempted from enacting local ordinances that have the effect of preventing or interfering with the siting of state-licensed marijuana businesses authorized under I-502. Courts in Clark County, the City of Fife, the City of Wenatchee, and elsewhere have ruled that state law does not preempt such actions by local governments. In January 2014, the Washington State Attorney General published a formal opinion stating that state law does not preempt local ordinances that impose bans or moratoria regarding the siting of marijuana producers, processors, and retailers.

Mandatory Minimum Sentence for Misdemeanor Violations.

Any person convicted of a misdemeanor violation of the Controlled Substances Act must receive a minimum 24-hour prison sentence and a fine of at least \$250 or \$500 for a second violation. The sentence and fine may be deferred or suspended in certain circumstances.

Synthetic Cannabinoids and Bath Salts: Schedule I of the Controlled Substances Act.

Cathinones and methcathinones are stimulants with methamphetamine-like effects. Cathinones may cause hallucinations, agitation, and serious cardiac symptoms. Cathinone derivatives are commonly known as "bath salts."

Synthetic cannabinoids are drugs that target the same brain receptors that interact with the tetrahydrocannabinol present in marijuana that produces a psychoactive effect. Synthetic cannabinoids are often called "spice" or "K2," after popular brands of the substances.

The Pharmacy Quality Assurance Commission addresses the evolving chemistry of illegal controlled substances by classifying or reclassifying new compounds under its rule-making authority.

Cathinones and methcathinones are listed on Schedule I of the Controlled Substances Act, meaning they have no accepted medical value, have a high potential for abuse, and lack accepted safety for use in medical treatment under supervision.

The manufacture, delivery, or possession of a Schedule I controlled substance is a class B felony, punishable by either up to 10 years in prison, a fine of up to \$20,000, or both, plus an additional \$1,000 fine.

Summary:

Intent and Tax Preference Performance Statement.

The Legislature declares that its intent and a tax preference performance statement is included for the authorized sales and use tax exemption for qualified patients. The Department of Revenue (DOR) must provide a specific tax reporting line for marijuana retailers to include the amount of exempt sales on their tax return.

Marijuana Research Licensees.

One half of the issuance fee for each marijuana research license is directed to the LSDF. The University of Washington and Washington State University may contract with entities licensed by a federally recognized Indian tribe to conduct marijuana research without approval by the LSDF Authority.

Residency Requirement for Marijuana Business License Applicants.

The duration of the residency requirement for a marijuana business license applicant is increased from three months to six months.

Transport and Delivery of Marijuana by Third Party Carriers.

A licensed marijuana producer, processor, researcher, or retailer may use the services of a common carrier to physically transport or deliver marijuana and marijuana products between licensed entities within the state. The common carrier must be licensed by the LCB and may only transport marijuana between other licensed marijuana businesses. Employees of a licensed common carrier who are involved in the transportation of marijuana or marijuana products must be at least 21 years old.

An employee of a common carrier may not use or carry a firearm while transporting marijuana, unless:

- the LCB explicitly authorizes the carrying or use of firearms by the employee;
- the employee has a private security guard license; and
- the employee is otherwise in full compliance with LCB regulations.

The LCB must establish rules creating an annual licensing procedure for a common carrier who seeking to offer marijuana transportation services. The rules must:

- establish criteria for the approval or denial of a license application;
- provide minimum qualifications for any employee authorized to drive or operate the transportation or delivery vehicle;
- address the safety of the employees transporting or delivering the products, including issues relating to the carrying of firearms by the employees;
- address the security of the products being transported, including a system of electronically tracking all products at both the point of pickup and the point of delivery; and
- set reasonable fees for the application and licensing process.

Taxation of Marijuana Producers, Processors, and Retailers.

The 25 percent marijuana excise taxes payable by marijuana producers and processors, respectively, are eliminated. The 25 percent marijuana excise tax on retailers is modified by specifically imposing the tax on the buyer of any marijuana product subject to the excise tax. The rate is changed to 37 percent and applies to the final retail price of marijuana products subject to the tax. This retail marijuana excise tax is designated as a trust fund tax. Trust fund taxes are those taxes collected from the buyer and held in trust by the seller until remitted to the state agency that administers the tax.

This tax is in addition to state retail sales and use tax and must be separately itemized on the sales receipt provided to consumers. The displayed shelf price must illustrate the final price to the consumer, including the marijuana excise tax, but need not include the general retail sales tax.

The LCB may collect and administer the marijuana excise tax. Licensees who have been issued a notice of unpaid marijuana excise taxes may request an adjudicative proceeding.

A sales and use tax exemption for qualifying patients is allowed for patients with a medical cannabis authorization card. Designated providers of qualifying patients are also exempt from retail sales tax when purchasing for a qualifying patient.

Bundled Transactions and Conditional Sales.

Marijuana producers and processors may not require the purchase of non-marijuana products or services as a condition precedent to the purchase of marijuana or marijuana products.

Licensed marijuana retailers must collect the marijuana excise tax on the entire sales price of bundled transactions, unless the retailer maintains records that may be used to determine the true value of the marijuana product sold in the bundled transaction.

Dedicated Marijuana Account.

The Dedicated Marijuana Fund is renamed the Dedicated Marijuana Account. Monies in the Dedicated Marijuana Account must be appropriated before the distributions may be made.

Distribution of Marijuana Excise Tax Revenue.

A portion of marijuana excise tax revenues deposited into the State General Fund is shared with counties and cities. Starting no earlier than fiscal year 2018, distributions to local

jurisdictions may not occur until \$25 million of marijuana tax revenues has been deposited into the State General Fund, at which point 30 percent of the previous fiscal year's marijuana-related State General Fund revenues will be distributed to eligible counties and cities in four installments. Thirty percent of the local distribution must be disbursed to counties, cities, and towns based on the amount of marijuana excise tax revenues attributable to licensed marijuana retailers located within a county, city, or town. The remaining 70 percent must be disbursed based on population, with counties receiving 60 percent of this allocation and cities and towns sharing the remaining 40 percent. Local jurisdiction distributions may not exceed \$15 million per fiscal year for the 2017-2019 biennium and \$20 million per fiscal year thereafter.

Subject to appropriation, at least \$6 million must be appropriated per fiscal year for fiscal years 2016 and 2017 to local governments for marijuana enforcement. The monies must be distributed under a formula based on retail sales within local jurisdictions. If the \$12 million is not appropriated in the operating budget, this requirement is null and void and local governments will not receive the additional funding.

Allowable Uses by the Division of Behavioral Health and Recovery.

The types of programs that the DBHR may support using the revenue distributed under I-502 are expanded to include the development and evaluation of programs and practices aimed at prevention or reduction of maladaptive substance use among middle and high school students. The DBHR may also use marijuana tax funds for evidence-based or research-based programs and requires that these programs be deemed cost-beneficial by September 1, 2020.

Marijuana Retailer Signage and Product Display Requirements.

Marijuana retailers may only display two signs for purposes of identifying the business. Signs must be permanently attached to a building and must be no larger than 1,600 square inches. No sign may be posted within 1,000 feet of an elementary or secondary school or a playground. Marijuana retailers are no longer required to ensure that product in the store is not visible from a public right-of-way.

Signage Requirements for Prospective Licensees.

Applicants for a marijuana producer, processor, researcher, or retailer license must conspicuously display a sign on the outside of the premises to be licensed notifying the public of the application. The LCB must adopt rules to implement siting requirements for the size of the sign and the text thereon, the content of the sign, and any other requirements necessary to ensure that the sign provides adequate notice to the public. The LCB must provide the sign to the applicant, but may charge a fee.

A local jurisdiction may require additional notice by an applicant to any of the following entities located within 1,000 feet of the premises to be licensed:

- elementary and secondary schools;
- playgrounds;
- public parks;
- recreation centers;
- child care centers;
- churches;
- libraries;

- public transit centers; and
- game arcades admitting persons under 21 years old.

Buffer Distances Around Marijuana Businesses.

The legislative authority of a county, city, or town may reduce the buffer requirements for licensed marijuana businesses from 1,000 feet to 100 feet from recreation centers, child care centers, public parks, public transit centers, libraries, and certain game arcades (the 1,000-foot buffer requirement for schools and playgrounds is maintained). In order to reduce the buffer requirement, a county, city, or town must pass an ordinance declaring that the reduction will not negatively impact the jurisdiction's law enforcement efforts, public safety, or public health. The LCB may license businesses located in compliance with such an ordinance.

Location of Medical Marijuana Cooperatives.

Medical marijuana cooperatives may not be located within one mile of a licensed marijuana retailer or within 1,000 feet of a school, playground, public transit center, recreation center, child care center, public park, library, or certain game arcades. If the cooperative is located in a city, county, or town that has enacted a smaller buffer zone for marijuana retailers, the cooperative may be located in areas not restricted by the ordinance.

Public Use of Marijuana.

Consuming marijuana or marijuana products, or opening a package containing marijuana or marijuana products, in a public place or in view of the general public is prohibited. "Public place" includes, among other locations, streets, school facilities, public buildings, restaurants, public parks, and other areas to which the public has an unrestricted right of access. A violation is a class 3 civil infraction, punishable by a fine of \$50, plus applicable local fines.

Regulation of Marijuana Businesses by Local Governments.

Cities, counties, and towns may prohibit marijuana production and processing in areas zoned primarily for residential or rural use with a minimum lot size of five acres or smaller.

Mandatory Minimum Sentence Repealed.

The mandatory minimum criminal penalties for misdemeanor violations of the Controlled Substances Act are repealed.

Synthetic Cannabinoids and Bath Salts

Synthetic cannabinoids are added to Schedule I of the Controlled Substances Act.

Any person who manufactures, sells, or distributes cathinones, methcathinones, or synthetic cannabinoids commits a violation of the Consumer Protection Act.

A person who manufactures, sells, or distributes synthetic cannabinoids, cathinones, or methcathinones must pay a fine between \$10,000 and \$500,000, in addition to other criminal and civil penalties. However, if the person receiving the drug is a minor under 18 years old and at least two years younger than the person violating the law, the minimum fine is increased to \$25,000. Courts may not suspend or defer the fine unless the violator is indigent.

Changes to Marijuana-Related Definitions in the Controlled Substances Act.

The term "marijuana concentrates" in the Controlled Substances Act is redefined to include all concentrates having a tetrahydrocannabinol (THC) concentration greater than 10 percent.

The definition of "marijuana-infused products" in the Controlled Substances Act is revised to reduce the maximum allowable THC concentration in the products from 60 percent to 10 percent.

Cannabis-Based Beauty Aids.

Cannabis health and beauty aids are exempt from all regulations in the Controlled Substances Act pertaining to marijuana, marijuana concentrates, or marijuana-infused products.

"Cannabis health and beauty aid" means a product containing parts of the cannabis plant that:

- is intended for use only as a topical application to enhance appearance;
- contains a THC concentration of no more than 0.3 percent;
- does not cross the blood-brain barrier; and
- is not intended for ingestion by humans or animals.

The LCB is granted expanded rule-making authority over cannabis health and beauty aids.

Marijuana Vending Machines and Drive-Throughs.

Marijuana retailers may not operate a vending machine or a drive-through facility for sale of marijuana or marijuana products.

Marijuana Clubs.

It is a class C felony to operate a business for the purpose of allowing customers to keep or consume marijuana on-site.

Votes on Final Passage:

House 67 28

First Special Session

House 70 25

Second Special Session

House 59 38

Senate 36 7

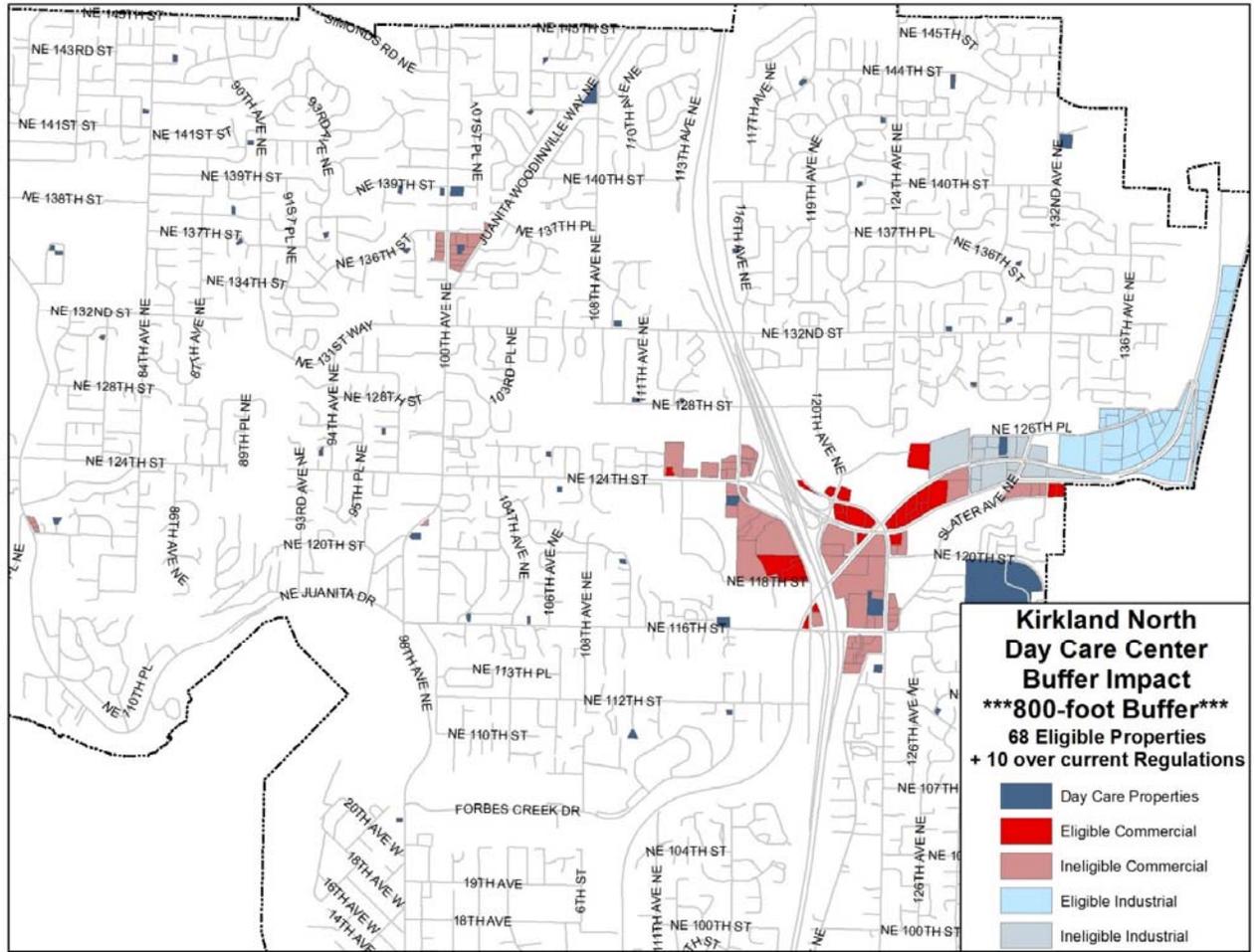
Effective: July 1, 2015

July 24, 2015 (Sections 302, 503, 901, 1204, and 1701)

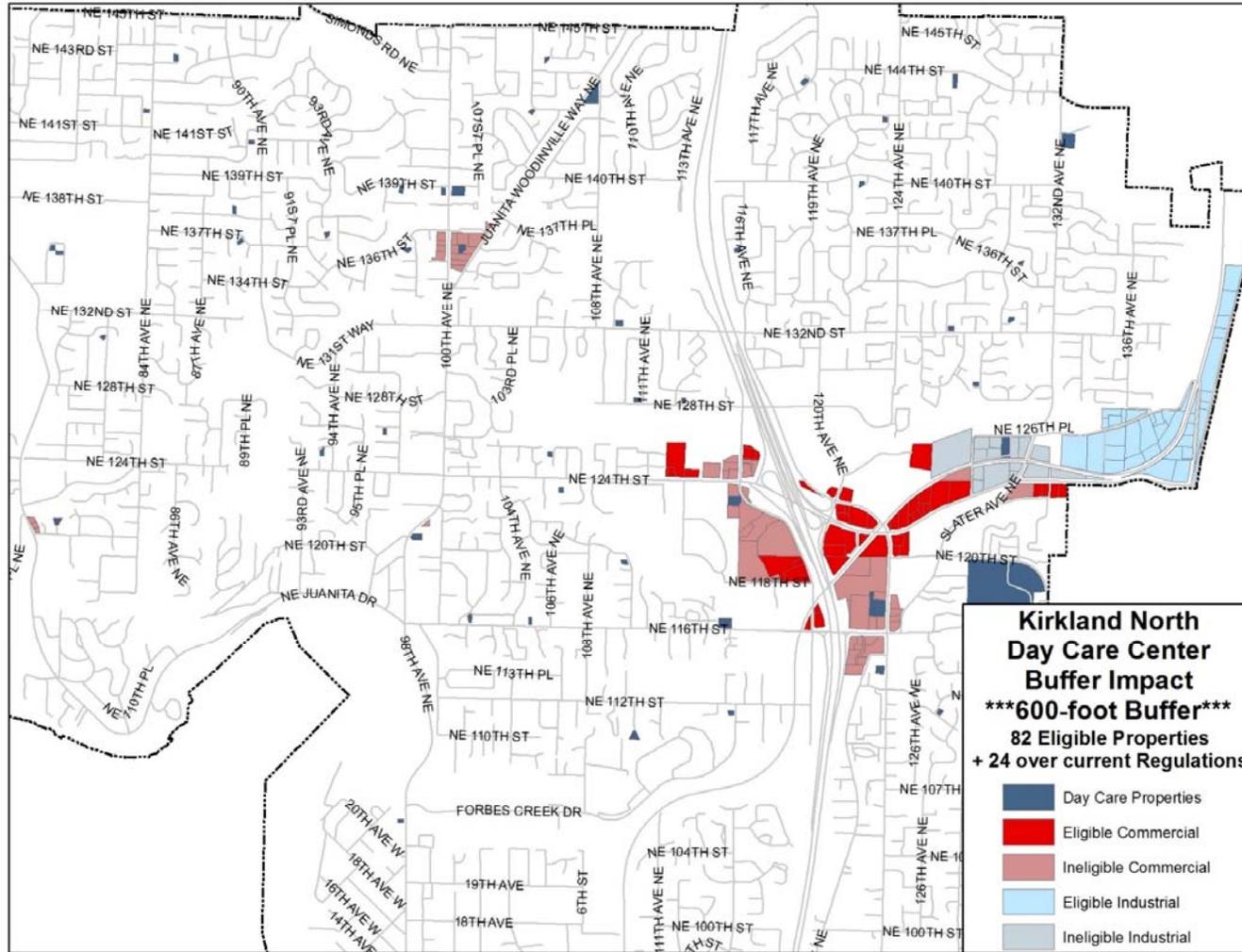
October 1, 2015 (Section 501, 502, 504, and 505)

July 1, 2016 (Sections 203 and 1001)

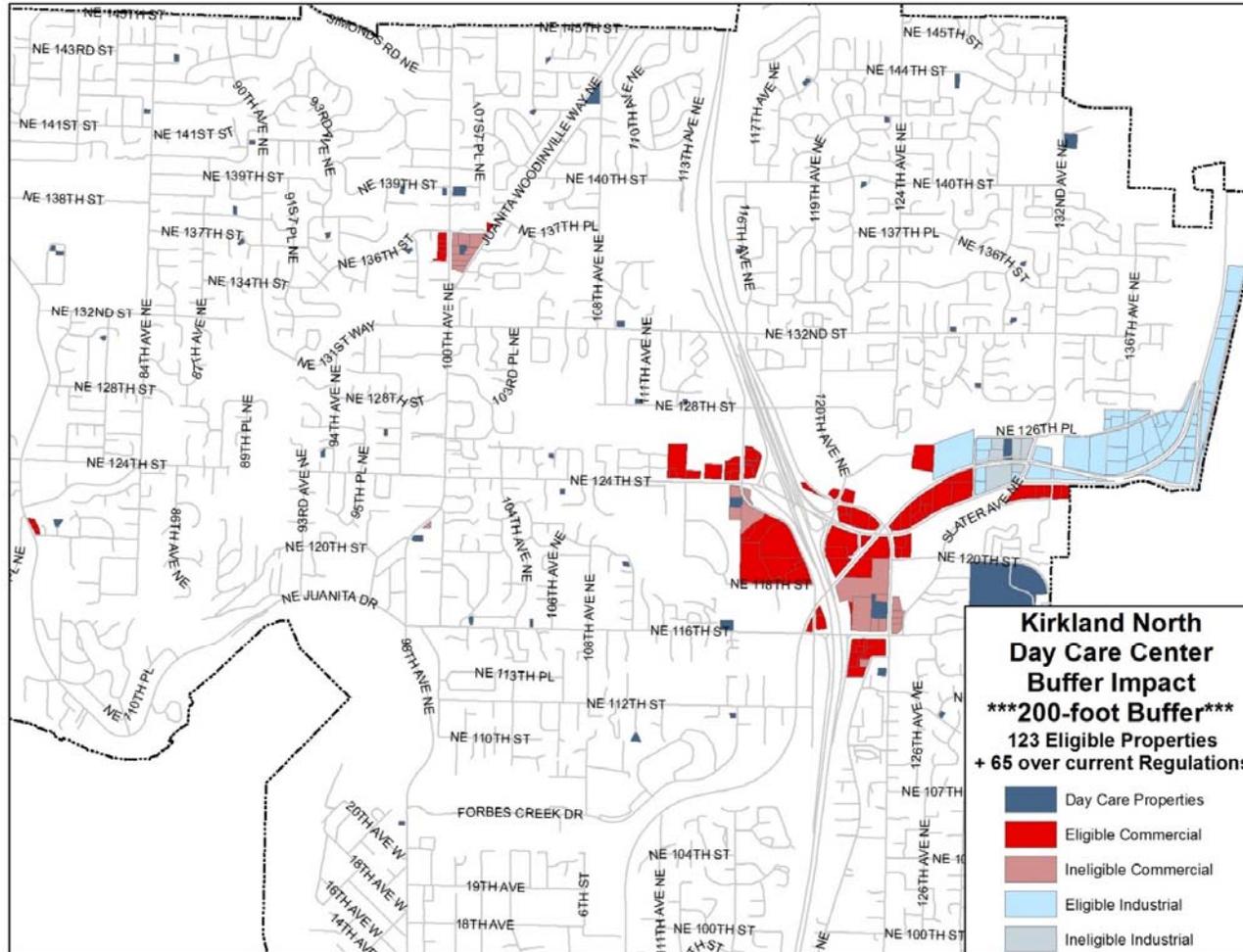
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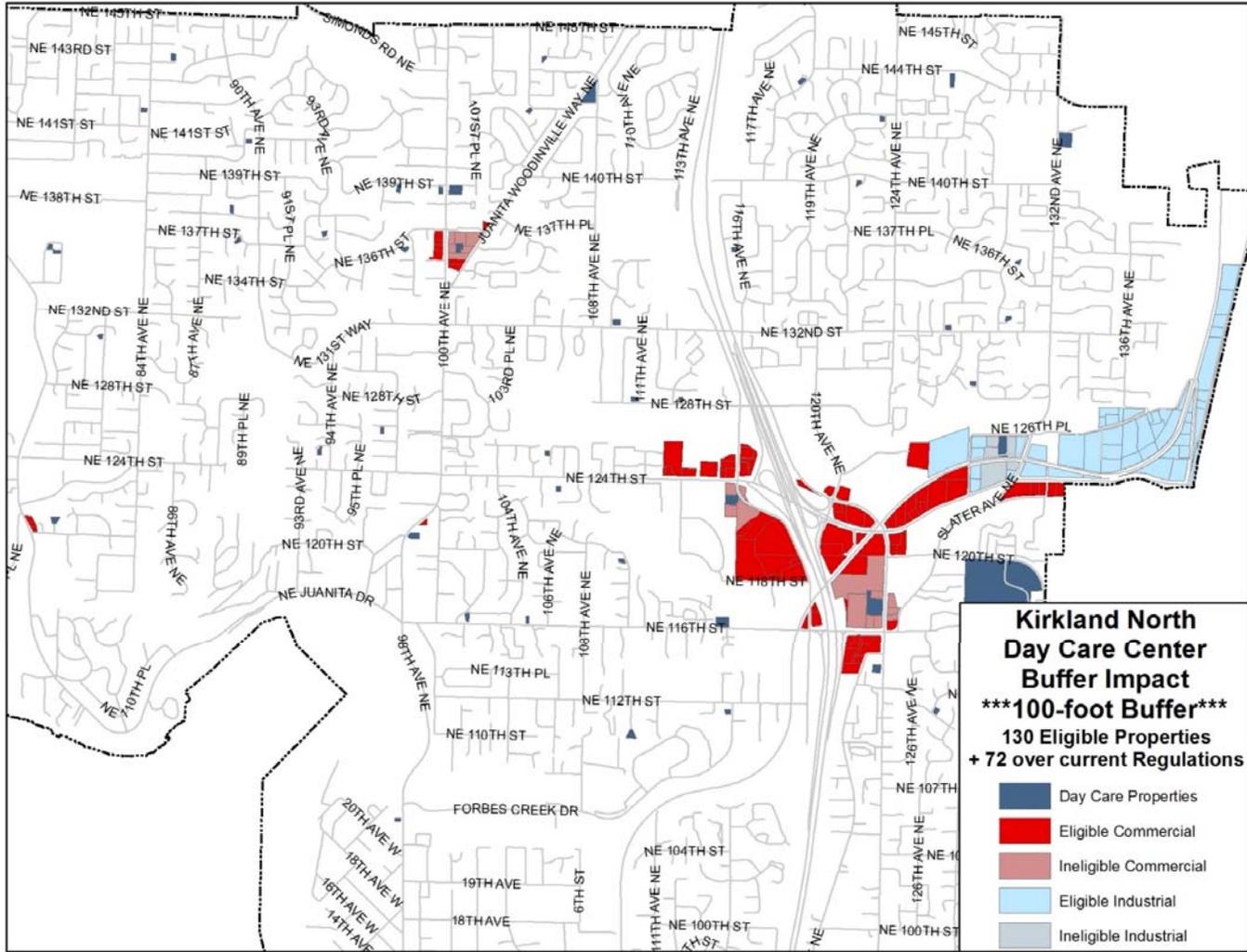
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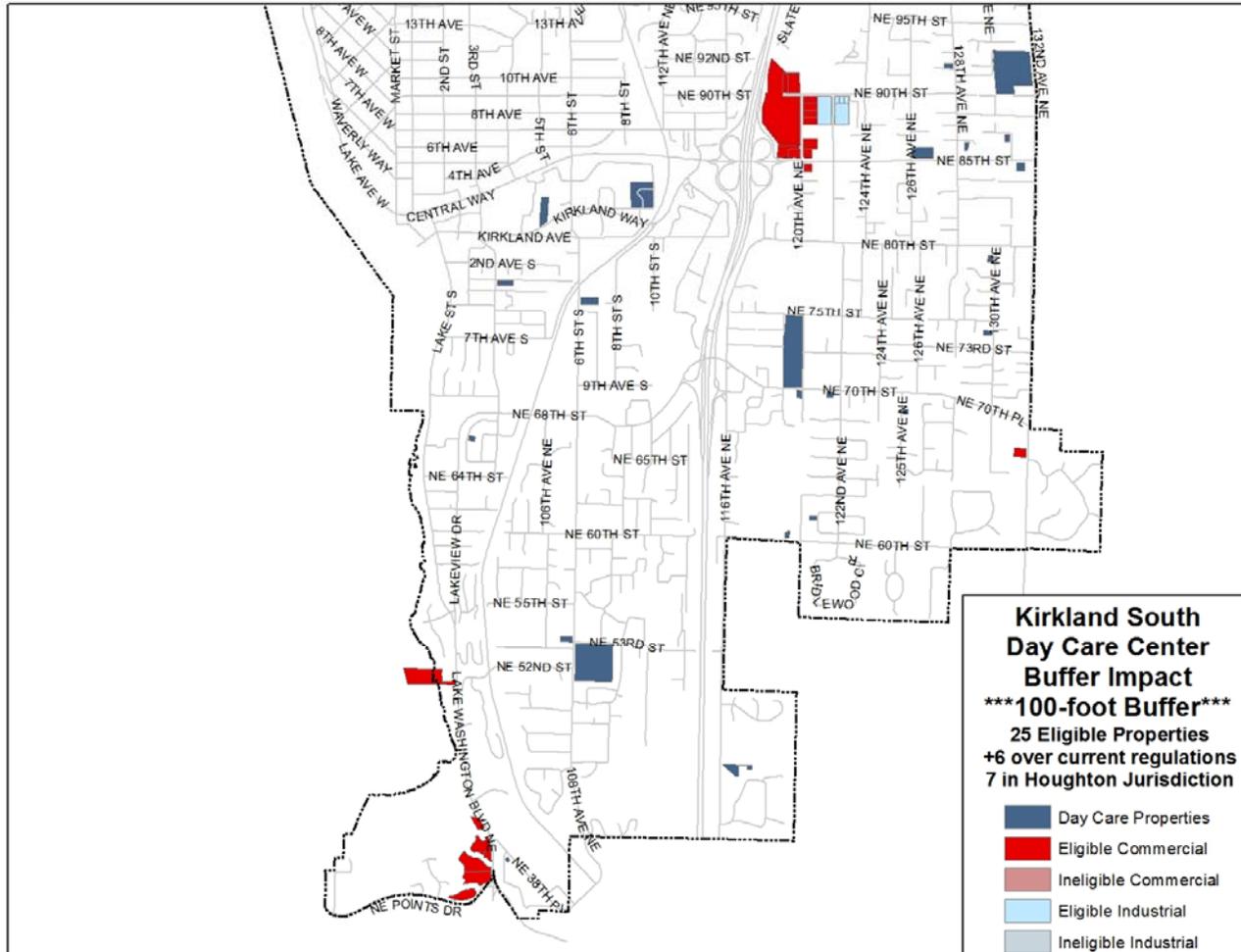
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Dorian Collins

From: Wayne Seminoff <wayne@isomedia.com>
Sent: Friday, May 13, 2016 9:16 AM
To: Dorian Collins
Subject: RE: Materials for Planning Commission Meeting Tonight

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

To Dorian Collins and Board members,

After attending last night's meeting I became aware of several inaccuracies communicated by the Board.

1. That adding double the amount of potential store locations for marijuana is unnecessary because there are enough sites now.
2. That there is no need to add more potential sites
3. That everything is fine as it is.

To counter these items, right now there are not any viable locations available for stores in Kirkland! You must keep in mind that McDonalds, Taco Time and all nationally owned gas stations, etc. will never lease to Marijuana stores. Additionally, any location that has a loan on it through a Federally certified major bank, like B of A, Wells Fargo, Chase, etc. cannot legally be allowed to have a marijuana tenant. Given these 2 facts, 95% of all potential sites are eliminated.

So that adding 100 plus new locations really only adds 1 or 2 in actuality.

That being the case to mail out notices to all the residents surrounding all the new potential sites is a complete waste of time due to the fact that in actual reality no stores can be located in sites with loans or national chains. Virtually all sites have loans through federal chartered banks. So the mailing will only cause an up roar that is complete unjustified.

Also, the city needs better dispersion of stores, to meet the needs of the customers, both elderly and over 21 that want to purchase products but due to lack of stores in their neighborhoods cannot buy them. And remember that Marijuana has healed several maladies of the elderly and in some cases even some cancers.

So the best serve the residents of Kirkland, going to the 100' setback is best, and only adds 1 or 2 more locations in reality.

Thanks,

Wayne Seminoff

From: Dorian Collins [mailto:DCollins@kirklandwa.gov]
Sent: Thursday, May 12, 2016 7:28 PM
To: 'wayne@isomedia.com' <wayne@isomedia.com>
Subject: Materials for Planning Commission Meeting Tonight

Dorian Collins

From: S. Davis <spicker76@yahoo.com>
Sent: Wednesday, May 18, 2016 7:22 PM
To: Dorian Collins; Kurt Triplett; Kari Page; City Council
Subject: Marijuana stores close to daycares, park, and other public places potential city changes to 100 ft

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

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

Dorian Collins

From: sonya winters <winters.sonya@yahoo.com>
Sent: Wednesday, May 18, 2016 6:31 PM
To: Dorian Collins; PlanningInfo; City Council
Subject: Undeliverable: Buffer reduction of marijuana stores from 1,000 ft to 100 ft

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

To whom it may concern. I am against this change. The original 502 law voted for over 3 yrs ago stated 1,000 ft from these sensitive entities. Now you want to reduce to 100 ft. I would not have voted for 502 if I knew a pot shop could be w/i a 100 ft of a public library, park w/o a playground, daycare, etc. There is enough 1,000 ft buffer zoning to put pot shops. If the applicant does not have the business funds to secure one of these many Kirkland locations w/ a 1,000 ft buffer then they should not try open a marijuana business.

The people voted for 502 with 1,000 ft if you change to 100 ft there should be a vote in the city of Kirkland. I will do my best to rally the residents to oppose this new buffer change.

and the person updating the page at <http://www.kirklandwa.gov/Residents/Community/I502.htm>

NEEDS TO UPDATE THE BOTTOM OF THE PAGE AS THE CURRENT LAST UPDATED DATE IS OCT 27, 2015 WHICH I NOT ACCURATE, KEEP THE RESIDENTS INFORMED

Sonya.

Dear City Council. I am against this change. The original 502 law voted for over 3 yrs ago stated 1,000 ft from these sensitive entities. Now you want to reduce to 100 ft. I would not have voted for 502 if I knew a pot shop could be w/i a 100 ft of a public library, park w/o a playground, daycare, etc. There is enough 1,000 ft buffer zoning to put pot shops. If the applicant does not have the business funds to secure one of these many Kirkland locations w/ a 1,000 ft buffer then they should not try open a marijuana business.

The people voted for 502 with 1,000 ft if you change to 100 ft there should be a vote in the city of Kirkland. I will do my best to rally the residents to oppose this new buffer change.

and your website person needs to update the bottom of this page as last updated date shows Oct 2015.

Sonya.

Dorian Collins

From: Dorian Collins
Sent: Tuesday, June 14, 2016 2:48 PM
To: Dorian Collins
Subject: FW: Marijuana buffer zone

From: rick thomas [<mailto:rthomas47@hotmail.com>]
Sent: Saturday, May 28, 2016 1:58 PM
To: City Council <citycouncil@kirklandwa.gov>
Subject: Marijuana buffer zone

Dear Sir or Madam,

I read in the May 27, 2016 edition of the Kirkland Reporter newspaper that the Kirkland City Council is considering changes to the marijuana retail law that would shrink the buffer zone “around day cares from 1,000 feet to 100 feet”. Really? There is no valid reason to do this.

Since the city is allowed by state law to host 4 retail marijuana businesses and has already approved 3, only 1 more business is allowed. So...that 1 business owner can't find a single location in all of Kirkland to locate? I find that hard to believe. This sounds suspiciously like a law being passed to benefit one person/entity or business (maybe the “grand-fathered” Caribbean Casino in Totem Lake? There's a child care center right across the street and the 1,000 foot buffer would rule them out) or...maybe the strip mall owner where the dentist, laundry and donut shop are just down the street from the day care center?

The buffer zone change is just what it looks like: a bait and switch—one that makes citizens SO cynical of government. The original law was passed 52-48% with all sorts of assurances that safety of the populace (especially youngsters) was paramount. A percentage of the tax money collected was to go to addiction prevention programs—that hasn't happened as the state legislature diverted that money to the general fund. Now, this proposal to shrink buffer zones—another modification from the original intent of the law.

Is it any wonder why Washington state citizens don't want to impose an income tax on incomes over \$250,000 to fund education? If it were ever passed, politicians would immediately begin their attempts to modify it to apply to an ever greater number of people. They know from the examples cited above that their “elected representatives”, once elected, will not represent them anymore.

So...stop the bait and switch routine; kill the proposal to shrink the buffer zones. The promise and intent of the original law should be kept!

Rick Thomas
Kirkland, WA

Dorian Collins

From: Andrew Honig <andyhonig@gmail.com>
Sent: Wednesday, June 01, 2016 8:18 PM
To: Amy Walen; Penny Sweet; Jay Arnold; Shelley Kloba; Toby Nixon; Dave Asher; Doreen Marchione; Planning Commissioners; Dorian Collins; Eric Shields
Subject: Retail Marijuana and Buffers

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

Dear Council Members,

First of all let me say I appreciate all work and time that the council and city planner's office have spent on retail marijuana.

My name is Andy Honig and I'm the owner of Higher Leaf Marijuana Boutique in Kirkland, I've met all of you at least once although you may not remember me. I've seen that Kirkland is considering reducing the buffers for daycares from the current 1,000 ft to 100 ft. I strongly urge the council to take a more cautious approach and see how the market develops considering the immense amount of uncertainty and change already in the retail marijuana market. Given that all 4 Kirkland marijuana licenses have been issued to addresses that are legal under current rules there should be no urgency to change the rules. Furthermore many of these licensees have made significant investments on locations under the current rules. The marijuana market in Kirkland is less than 2 years old, and there's significant changes coming with the addition and two new stores and rule changes that take effect July 1st. The proposed zoning changes adds significant uncertainty to a business that already contains more than any other industry right now.

I worked closely with the city and community early on to find a location and I made a significant investment in that location. My location is out of the way, but that's ok when all the locations are out of the way. Even the locations near Costco are out of the way unless you're actually going to Costco. By changing the rules, I'll be forced to change locations and certainly won't recoup the original investment I made to open a store in Kirkland. If I stay in my current location while other stores move on the main corridor of 124th, I'll surely get crushed.

When the Council settled on the current rules, they were given a decision of whether to continue to adopt temporary rules or to make the existing rules permanent, they elected to make the rules permanent. This was slightly over a year ago (On March 3rd of last year). I, perhaps foolishly, took this as an indication that I would have at least a few years to recoup investments made under the rules at the time. I'm new to local government and this certainly could have been a mistake on my part. I have 22 employees and I provide them with living wages and health insurance. I think this zoning change represents an existential risk for my business and I urge the City Council to leave the rules as they are now, at least for enough time to see how the upcoming major changes affect the market.

Thank you for taking the time to consider my position. As always I'm available should you have any questions about the operations or challenges of my business.

Sincerely,

Andrew Honig

Dorian Collins

From: Dan Kennedy <kennedyresponsible@gmail.com>
Sent: Friday, June 03, 2016 10:30 AM
To: Dorian Collins
Subject: RE: File No. CAM16-00961

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

I am opposed to offering "more flexibility" for locating marijuana businesses. I would suggest we wait a couple more years to determine the real impact these stores may have on neighborhoods. There is no need to rush. Kirkland seems dedicated to maintaining good neighborhoods and this is really uncharacteristic of Kirkland.

Dan Kennedy

Dorian Collins

From: Ib odderson <ibodderson@hotmail.com>
Sent: Thursday, June 09, 2016 11:00 PM
To: Dorian Collins
Subject: Marijuana zoning

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

A big NO to reduce the distance to 100 ft.

Really, what are you thinking. Keep this junk away from my children!

Who is really supporting this idea?

Where is the logic thinking?

Do you want these shops next to your house?

Ib Odderson

Dorian Collins

From: sharon@hempfest.org
Sent: Tuesday, June 14, 2016 9:56 AM
To: Dorian Collins
Cc: City Council
Subject: cannabis buffer zones

Dear Kirkland City Council,

I am for reducing the buffer zone for 502 businesses to 100'. Allowing safe, legal access to cannabis is important especially with the medical cannabis restrictions that are about to take place on July 1. I am a mother. My son is 17. Like all mom's I do not want my son smoking anything or drinking alcohol. Cannabis use by teenagers has been on the decrease. A lot of marijuana laws have changed over the past five years, but rates of teen marijuana use have not.

"Legalization helps educate children about cannabis. Many young people recognize that marijuana is less harmful than alcohol and other drugs. But they also understand that it is not okay for them to use it. For decades, teens had an artificially high perception of risk that stemmed from exaggerations and scare tactics. Now that there is more information out there and it's not limited to horror stories and propaganda, they are developing a more realistic view. The goal of marijuana education should not be to increase teens' perception of risk. It should be to increase teens' understanding of marijuana.

The evidence simply does not support the theory that reduced perceptions of risk result in more use among young people. It's time to stop using teens as a shield to fend off sensible marijuana policy reform efforts." - (<https://www.mpp.org/news/press/ntl-survey-on-teen-marijuana-use-debunks-anti-legalization-theories/>)

We should be more worried about our children in Fred Meyer than having a cannabis store nearby. Fred Meyer sells tobacco, alcohol, & pharmaceuticals which addict and kill millions annually, but we have no problem allowing our kids to run around inside. Why are we so worried about a legal business, following reasonable regulations, which will contribute to our economy and help provide safe & secure access to medical patients who are about to lose the compassionate dispensary system that grew around medical cannabis.

We need access. Let me tell you about two of the many medical patients I know. One has a tumor in her brain that pushes on the nerves that keep her eye open. It's inoperable due to location. Due to this one of her eyes is always pushed closed. She uses cannabis oil to help keep the tumors growth in check, to relieve the pain, and to have as normal of a life as she can. She's stocking up on as much oil as she can afford as at the recreational stores prices are set to a much higher rate than the dispensaries where and they have a 37% tax built into them so while patients are not required to pay sales tax, they still pay this 37% embedded tax. She's terrified how she will survive without the ability to continue to take her oil and may move to Colorado. Another, was born without legs and arms that are not formed correctly. He lives life in a wheel chair. He was on Facebook, humbling himself to not wanting anyone to do anything illegal but he really needed a medicated food item for pain relief and now delivery is illegal.

These are just two stories. Over 200 medical dispensaries have been or are about to be shut down. The most vulnerable in society are the most effected.

Lowong the buffer zone to 100” will help assure that our cities most vulnerable continue to receive support.

I'm proud to call Kirkland my home. I'm proud that we are making our city accessible for cannabis users both recreational & medical.

Thank you!!!

Take Care,

Sharon Whitson
General Manager
Seattle Events, A Non Profit Corporation
Producers of Seattle HEMPFEST® Festival, & Purveyors of HEMPFEST® Central
3220 NE 125th Street
Seattle, Washington 98125
206-36-4HEMP(4367)
hempfest.org



Dorian Collins

From: gbraslaw@frontier.com
Sent: Tuesday, June 14, 2016 10:11 AM
To: Dorian Collins
Subject: Zoning Amendments to reduce distance to marijuana retailer and licensed child care

Please register my discomfort and strong opposition to the reduction of zoning distance between any state licensed marijuana retailer and a licensed child care center. A minimum of 100 feet is quite a reasonable distance to separate these usages as a public policy to prevent unintended contact. Adult land uses have been regulated for many years in our community to reduce conflicts of use and "friction" between different age groups and users, and I see no difference in the application of the established policy and this new regulated land use.

Regards

George Braslaw
Architect
11011 112th Ave. NE
Kirkland, WA 98033

Dorian Collins

From: Shannon McCullough <srmccullough1@hotmail.com>
Sent: Tuesday, June 14, 2016 12:18 PM
To: Dorian Collins
Subject: File No. CAM16-00961

Follow Up Flag: Follow up
Flag Status: Flagged

To what end would we make this change? Why would we want marijuana next door to a Day Care? Clearly someone wants to establish in a location that is currently prohibited for very good reason. I feel it is way more important to retain boundaries that protect our children. Establish the marijuana business elsewhere; we protect our children AND we allow the existence of the marijuana business... sounds like win, win to me.

Shannon McCullough
11205 NE 95th St
Kirkland, WA 98033
425-985-9778



June 15, 2016

Dorian Collins
Senior Planner
City of Kirkland
Via email: dcollins@kirklandwa.gov

Re: Proposed Amendments to Zoning Code for Retail Marijuana

Dear Ms. Collins:

As a homeowner and real estate developer in the City of Kirkland for the past 20 years, I write this letter to provide some personal perspective on the implementation of thoughtful code modifications and strongly urge the City Council to reconsider the current siting strategy for Retail Marijuana establishments that is being proposed.

Before any buffer reductions should be contemplated, a thorough and extensive Parking Study and Traffic Analysis should be done for existing Marijuana Retailers in the cities of Kirkland, Bellevue, and Issaquah. This level of analysis was required by developers such as myself when Mixed-Use Buildings were being proposed within the City of Kirkland. This analysis was based on current uses of similar proposed buildings; thus, this similar standard should be put forth on Marijuana Retailers.

Just recently the City of Redmond took up the issue of Marijuana retail and making amendments to buffers and potential parking requirement. The City of Redmond's Technical Committee analysis result in the its Planning Commission on the proposed Marijuana Retail ordinance recommended 1 parking stall per 100 square gross feet of retail space. This level of parking is appropriate given that a Marijuana Retail store will a regional destination and will attract people from a wide area. These people will drive to the location impacting surrounding businesses and residents.

Unfortunately, the City Council of Redmond did not adopt this recommendation due to their belief that most clients for this retail establishment would walk to it. This was the testimony provided by future Marijuana Retailers. This is an example of what these retailers will state given the limited permitted number of only four marijuana retailers allowed within the City of Kirkland, there is no incentive for future retailers to identify these potential impacts. The limited licenses result in a "gold rush" mentality where the most important goal of a retailer is to stake it's "claim" and offer no mitigation to offset



adverse impacts. Please see the attached PARKING AND TRAFFIC IMPACT DATA EXHIBIT to see the data collected by the City of Redmond on parking and traffic usage by Marijuana Retailer.

Since the State of Washington has chosen to limit the number of retail marijuana retail locations in each city so that use and impacts can be monitored and properly assessed. Many adjacent cities have chosen to not allow retail outlets – thus, amplifying demand in regional cities. This potential meaningful City impact could include, but is not limited to the following: increased traffic congestion, over-flow parking onto streets and abuse to public areas.

The very nature of only allowing four retail outlets in Kirkland should provide sufficient warning to the Council that these first outlets will have associated impacts due to imbalance of supply and demand. Furthermore, this limited number of permits demonstrates that the State of Washington understands that it is undertaking an experiment.

As a resident of Kirkland and a developer of numerous communities and mixed-use buildings, I strongly urge the Council to adopt policies that commensurate with a Destination Retail zone until the impacts of Retail Marijuana are fully understood.

Sincerely,

Eric Campbell
1104 5th Street West
Kirkland, WA 98033
eric@mspgroupllc.com

PARKING AND TRAFFIC IMPACT DATA EXHIBIT

- I. **Preliminary Trip Generation- Colorado.** Preliminary trip generation figures for marijuana stores generated from Colorado where preliminary data is available indicate that trip generation rates are as follows:

	Retail Marijuana	Pharmacy w/ Drive Thru	Specialty Retail
Daily	400	90	44
PM Peak Hour	63	11	5
*All figures are per thousand square feet of building area			

Source: City of Redmond Final Planning Commission Issues Matrix, Page 7

- II. **Higher Leaf Marijuana Boutique Trip Data.** Location at 12525 Willows Rd #60, Kirkland, WA 98052 for dates 1/18/16 through 2/14/16.

- 5-7 customer facing employees during open hours and 3 administrative staff working weekdays 9-5
- 16,628 total transactions
- Average of 595 visits per day (see note 1) and 40 visits per hour (see note 2). Below is data broken down by day of week and hour of day:

<i>Day of Week</i>	<i># of Total Trips</i>
Monday	518
Tuesday	592
Wednesday	522
Thursday	571
Friday	773
Saturday	639
Sunday	551
Average Trips Per Day	595

<i>Hour of Day</i>	<i># of Average Total Trips</i>
9:00-10:00	19
10:00-11:00	29
11:00-12:00	37
12:00-1:00	44
1:00-2:00	47
2:00-3:00	51
3:00-4:00	55
4:00-5:00	64
5:00-6:00	58
6:00-7:00	54
7:00-8:00	49
8:00-9:00	44
9:00-10:00	34
10:00-11:00	9
11:00-12:00am	1
Average Trips Per Hour	40

Notes:

All numbers rounded to nearest whole number. The spike on Tuesday is due to a special every Tuesday (\$8 grams on Tuesdays).

Note 1: Transactions are a measure of customers making payments, which is not perfect measurement of the number of visits, but it's very close. If two customers arrive in the same car and make separate purchases they'll be counted twice. If a customer shows up to tour the place or check for a product we don't have, but doesn't make a purchase then they won't be counted at all. Both of these occurrences are relatively rare and wouldn't affect the outcome by more than 1-2%.

Note 2: The time of the transaction is the customer makes their payment at the end of their visit. The store closes at 10pm most nights and 11pm on Fridays and Saturdays. The transactions after 11pm are customers that arrived before closing on Friday or Saturday, but didn't complete their transaction until after 11pm.

Source: Andy Honig, Higher Leaf

