



**CITY OF KIRKLAND**  
**Planning and Building Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3600  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**Date:** August 31, 2016

**To:** Kurt Triplett, City Manager

**From:** Dorian Collins, Senior Planner, AICP  
Eric Shields, 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**

Review [packet](#) prepared for City Council consideration for the August 16, 2016 agenda. At its meeting on August 16<sup>th</sup>, the Council passed a motion to continue this item to the next meeting of the City Council in which all seven councilmembers would be available to participate.

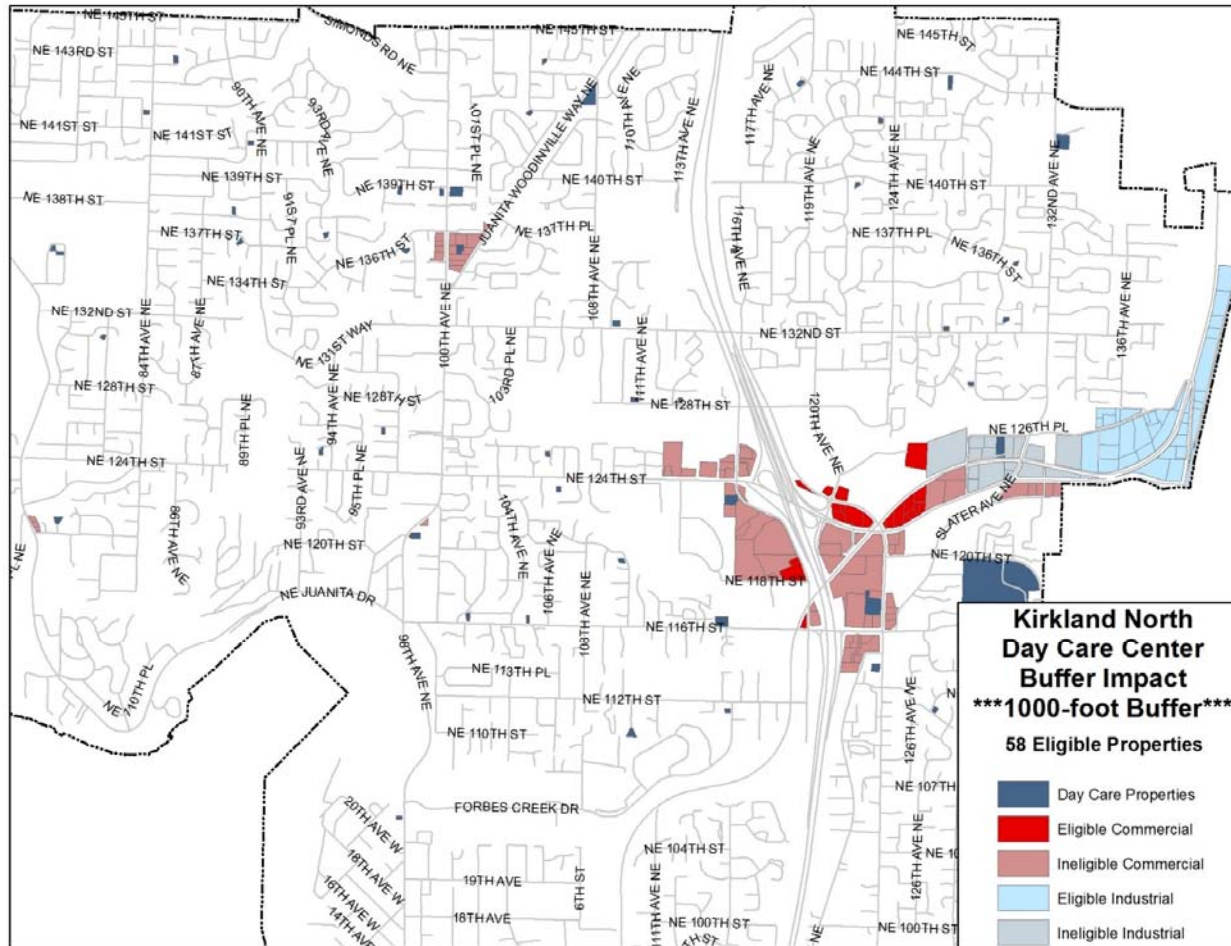
Adopt enclosed Ordinance 4528, consistent with the recommendation of the Planning Commission and Houghton Community Council. As noted in the materials prepared for the August 16<sup>th</sup> Council meeting, the Ordinance includes a revision from the text recommended by the Planning Commission that would cause the amendments to not be effective within Houghton.

Attachment:

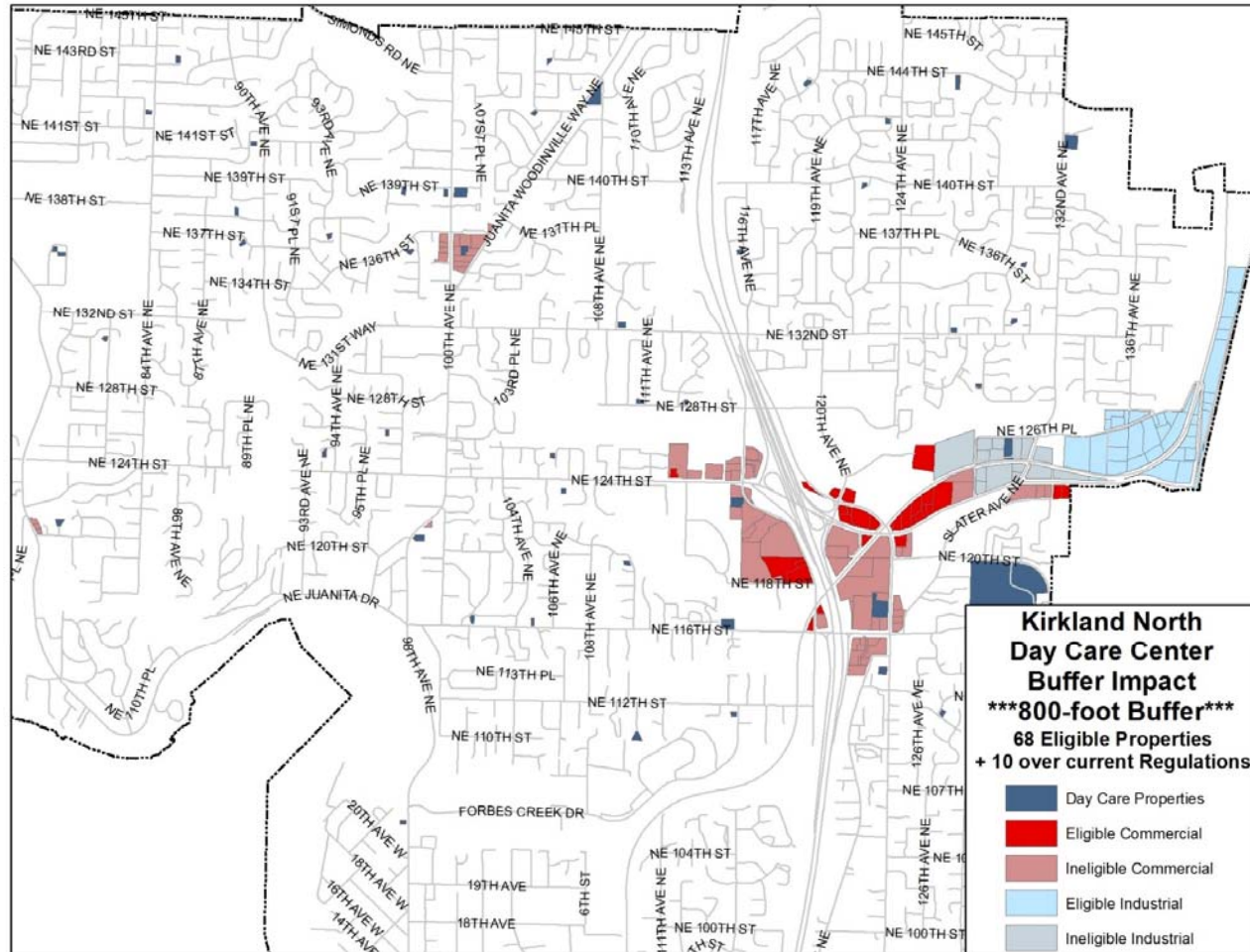
1. Maps of eligible parcels by distance from restricted uses
2. Comments received after the public hearing

cc: CAM16-00961  
Planning Commission

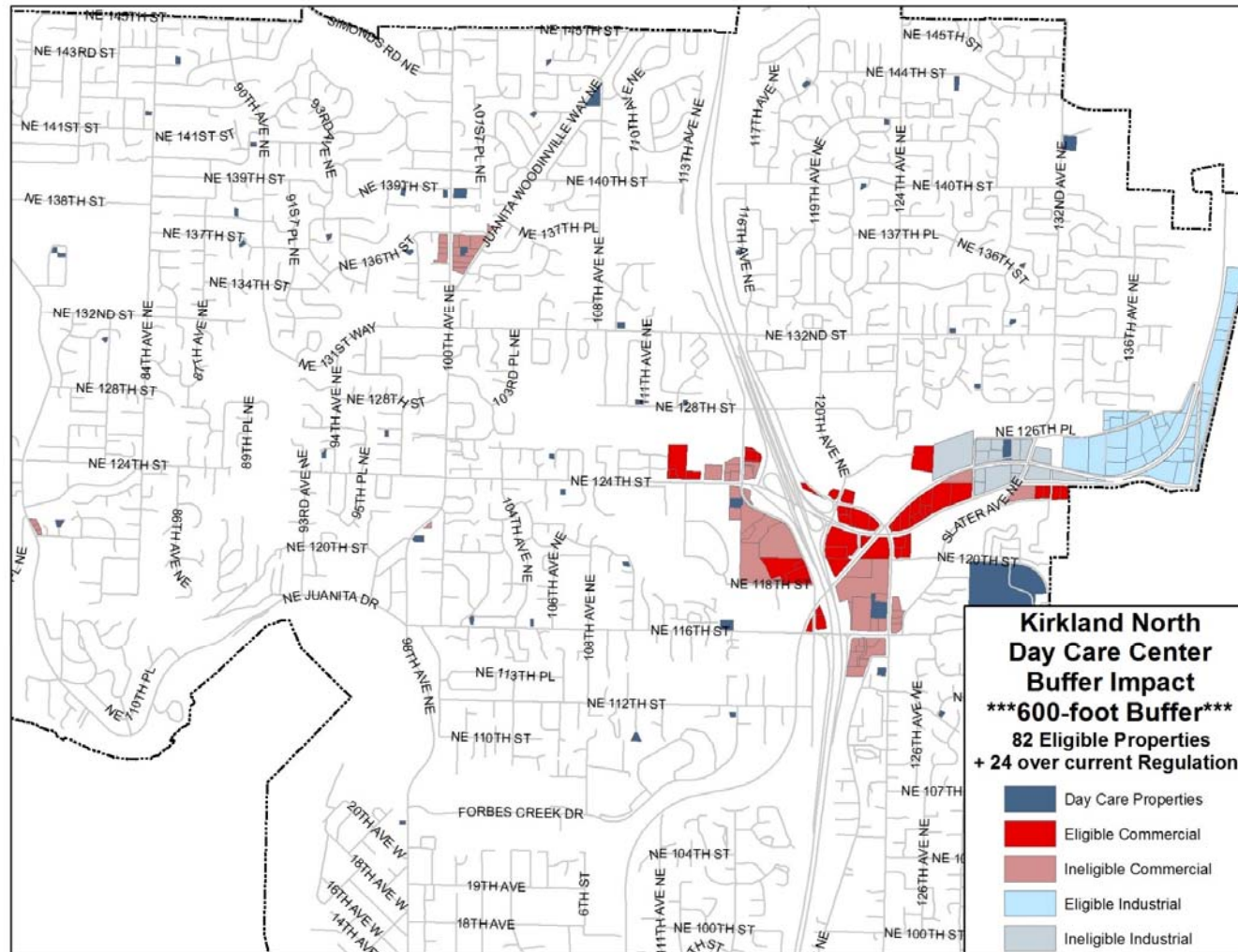
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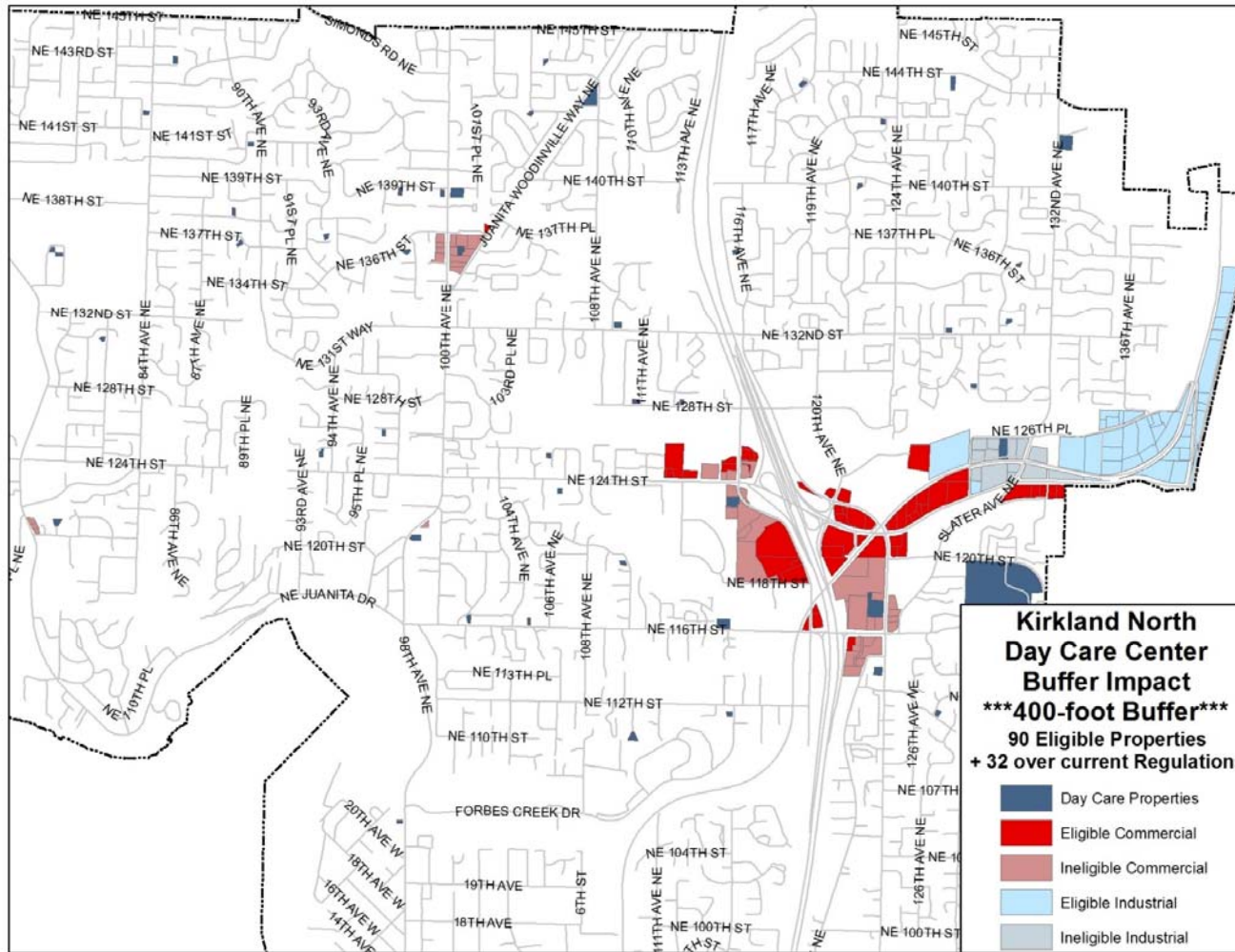


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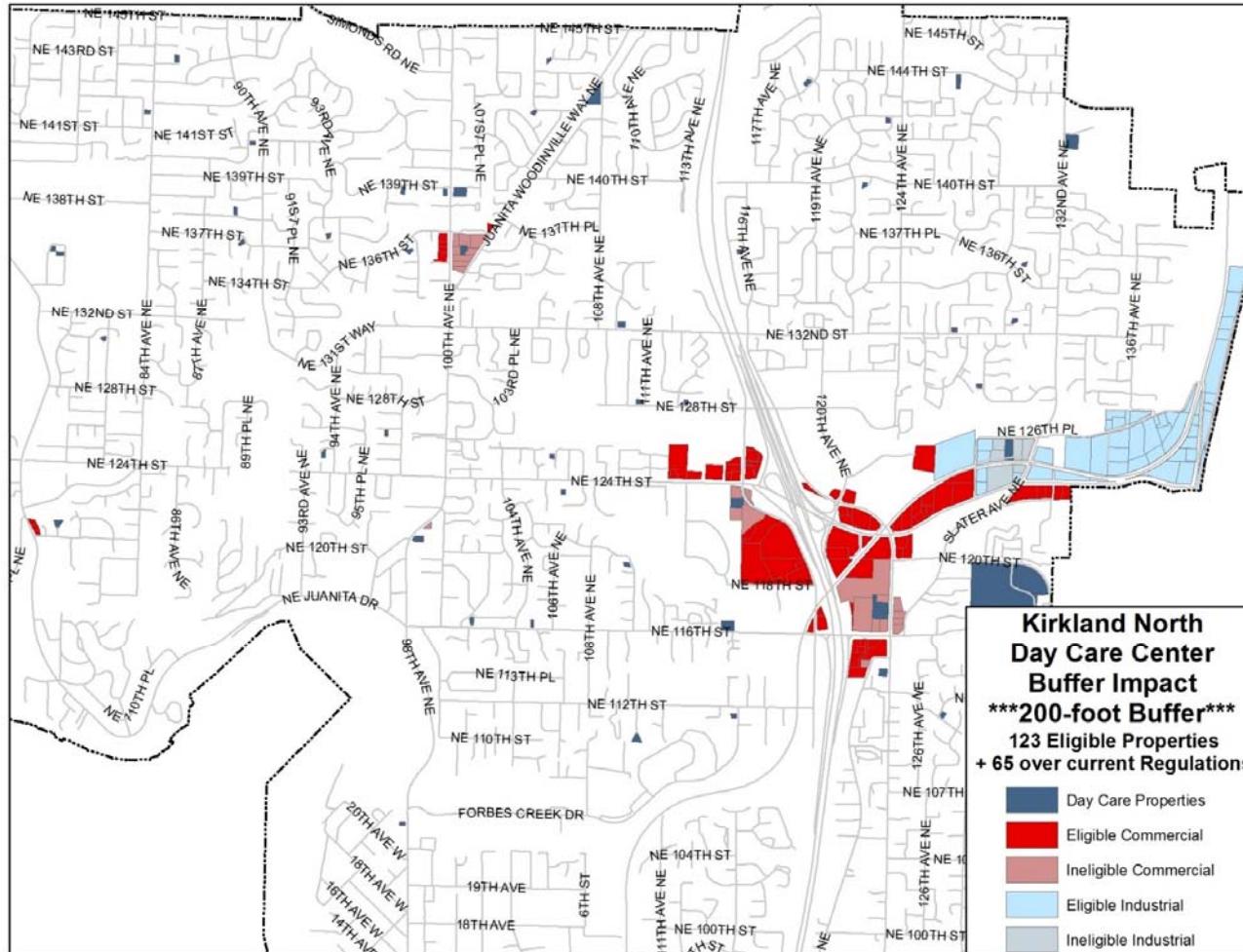




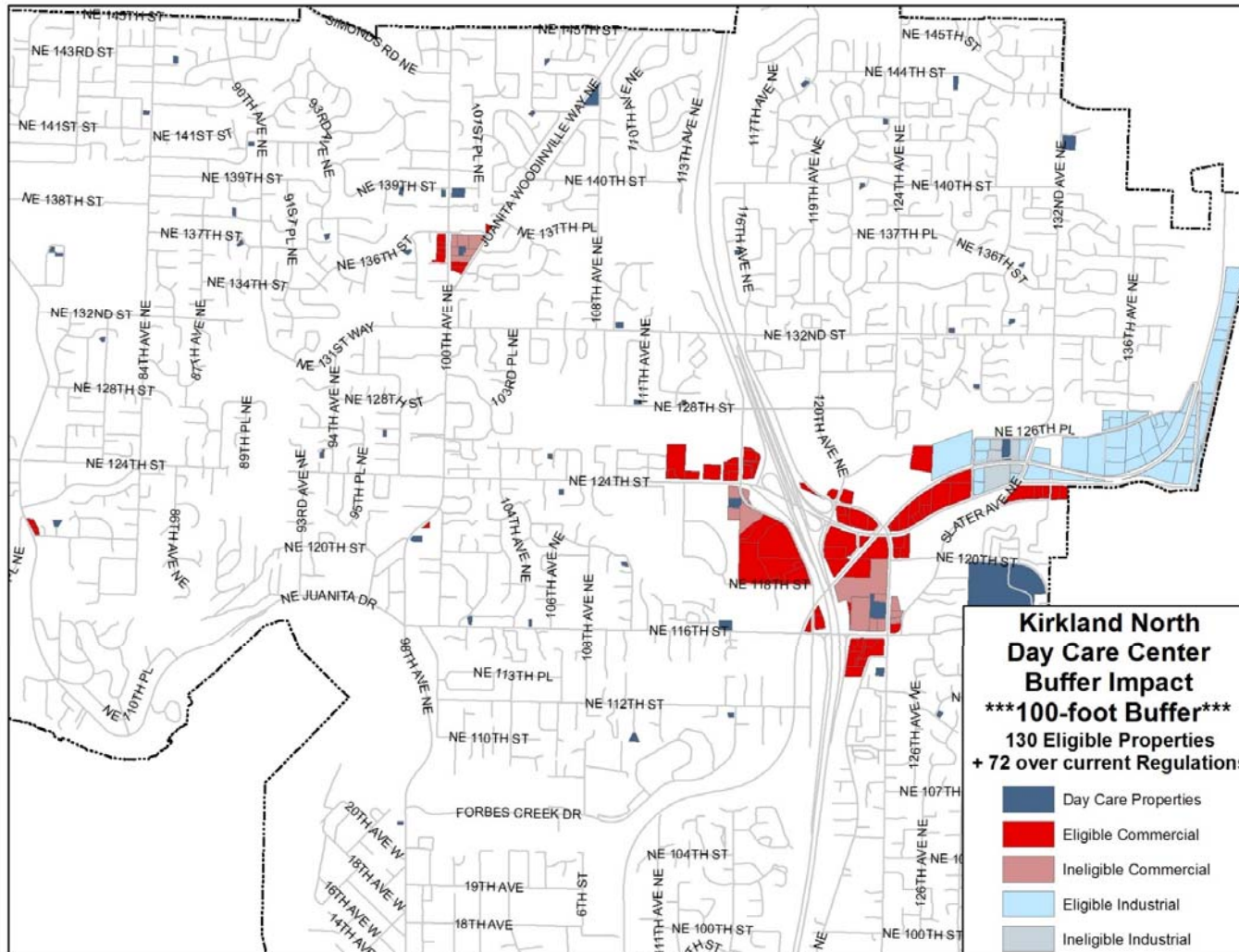
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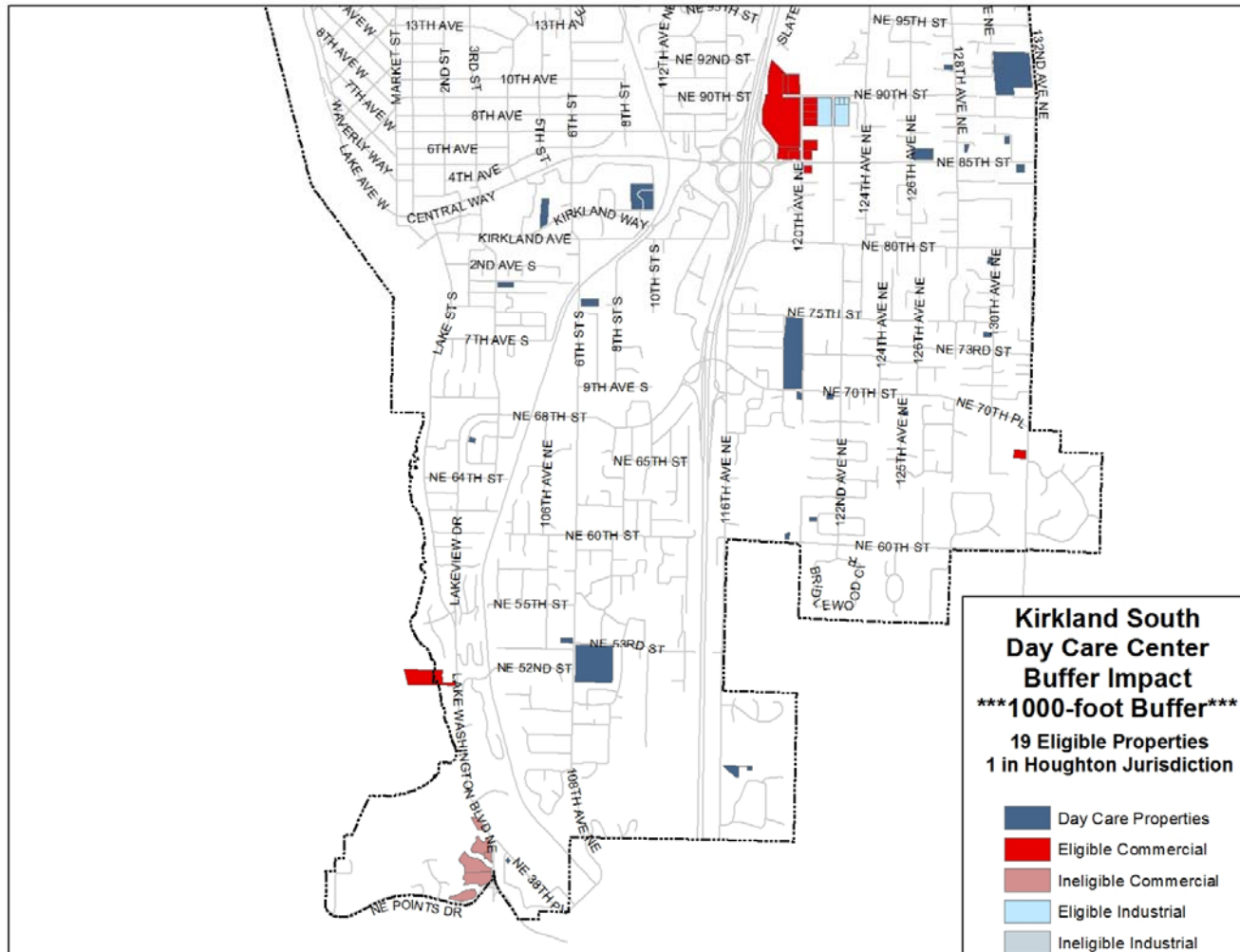
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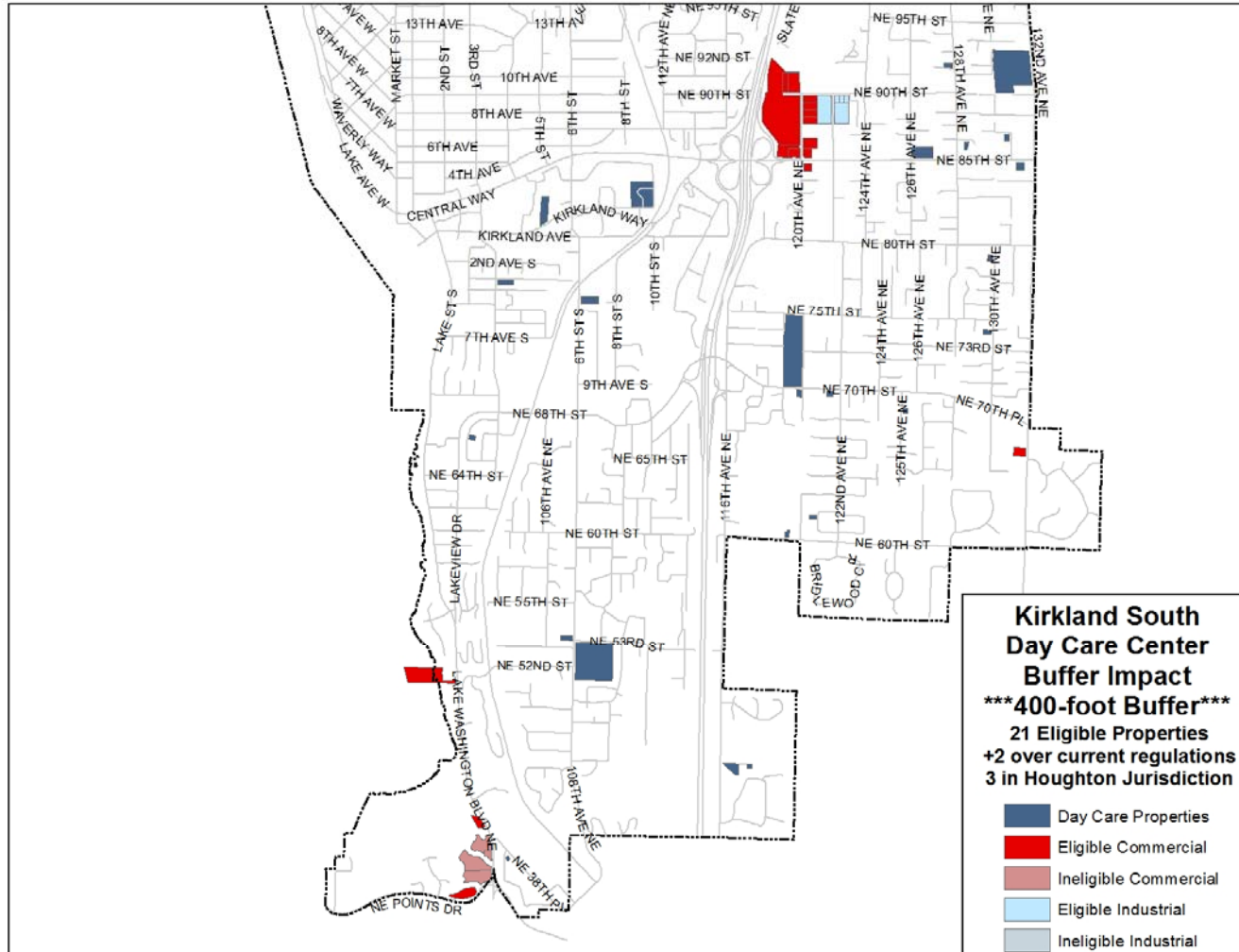


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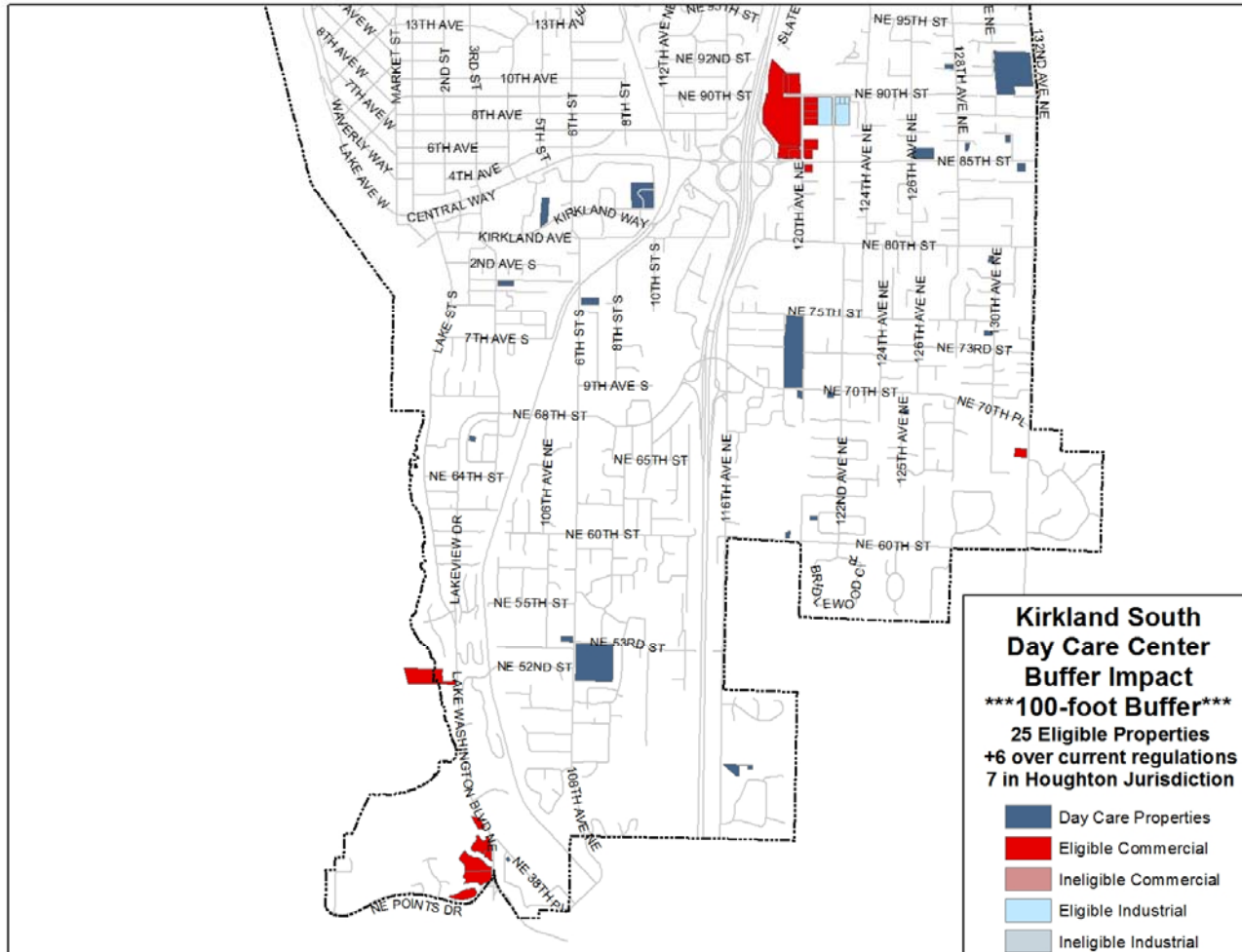




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## Dorian Collins

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**From:** Paul Stewart  
**Sent:** Tuesday, August 16, 2016 9:44 AM  
**To:** Dorian Collins  
**Cc:** Eric Shields  
**Subject:** FW: Amendments to the Marijuana Buffer Zones  
**Attachments:** Renton\_Detective\_Jarratt.pdf

FYI

---

**From:** Amy Bolen  
**Sent:** Tuesday, August 16, 2016 9:35 AM  
**To:** Paul Stewart <PStewart@kirklandwa.gov>  
**Subject:** FW: Amendments to the Marijuana Buffer Zones

Paul, just an FYI, this was sent to Council.

**AMY BOLEN**

EXECUTIVE ASSISTANT, CITY MANAGER'S OFFICE  
CITY OF KIRKLAND  
123 5TH AVENUE, KIRKLAND, WA 98033  
P: 425.587.3007  
[ABOLEN@KIRKLANDWA.GOV](mailto:ABOLEN@KIRKLANDWA.GOV)

---

**From:** City Council  
**Sent:** Tuesday, August 16, 2016 9:34 AM  
**To:** Council <[Council@kirklandwa.gov](mailto:Council@kirklandwa.gov)>  
**Cc:** Kurt Triplett <[KTriplett@kirklandwa.gov](mailto:KTriplett@kirklandwa.gov)>; Marilynne Beard <[MB Beard@kirklandwa.gov](mailto:MB Beard@kirklandwa.gov)>; Tracey Dunlap <[TDunlap@kirklandwa.gov](mailto:TDunlap@kirklandwa.gov)>  
**Subject:** FW: Amendments to the Marijuana Buffer Zones

Council, I have acknowledged receipt of the email below, and forwarded to staff.

**AMY BOLEN**

EXECUTIVE ASSISTANT, CITY MANAGER'S OFFICE  
CITY OF KIRKLAND  
123 5TH AVENUE, KIRKLAND, WA 98033  
P: 425.587.3007  
[ABOLEN@KIRKLANDWA.GOV](mailto:ABOLEN@KIRKLANDWA.GOV)

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**From:** Jeff Anderson [<mailto:jeff@TheEverGreenMarket.com>]  
**Sent:** Monday, August 15, 2016 7:25 PM  
**To:** City Council <[citycouncil@kirklandwa.gov](mailto:citycouncil@kirklandwa.gov)>  
**Cc:** Amy Walen <[AWalen@kirklandwa.gov](mailto:AWalen@kirklandwa.gov)>; Jay Arnold <[JArnold@kirklandwa.gov](mailto:JArnold@kirklandwa.gov)>; Shelley Kloba <[SKloba@kirklandwa.gov](mailto:SKloba@kirklandwa.gov)>; Penny Sweet <[PSweet@kirklandwa.gov](mailto:PSweet@kirklandwa.gov)>; Toby Nixon <[TNixon@kirklandwa.gov](mailto:TNixon@kirklandwa.gov)>; Dave Asher <[DAsher@kirklandwa.gov](mailto:DAsher@kirklandwa.gov)>; Doreen Marchione <[DMarchione@kirklandwa.gov](mailto:DMarchione@kirklandwa.gov)>  
**Subject:** Amendments to the Marijuana Buffer Zones

Dear Kirkland City Council-

My name is Jeff Anderson and I am the 4th retail marijuana license holder for the City of Kirkland, under the name of IHPP Corporation. I wanted to send a quick note of apology because I am unable to attend tomorrow's council meeting. In lieu of that, I would like to share a few thoughts that might give you comfort in voting in favor of a reduction in daycare buffer zones to 100 feet. This comes from my perspective of owning and operating a retail business for 23 years combined with 2 years of helping operate cannabis businesses.

- 1) **Cannabis customers are safe and friendly** - they really just want to come to the store, get suggestions, buy their product and leave. Customers have proven to be respectful of the nearby neighborhoods and businesses.
- 2) **Stores are safe and under close surveillance at all times** - Many stores (including the ones that I have helped open) have extra layers of security to safeguard the contents of the store, minimize cash on-hand, keep employees safe. A stellar example of this is in Renton where our cameras were helpful in capturing a robbery suspect from a nearby business (see attachment).
- 3) **Communication with local governments** - from the planning department to mayors to law enforcement, communication between a marijuana retailer and city governments is crucial. We have communicated fully with both the cities of Renton and Auburn and commit to do the same in Kirkland.
- 4) **Available retail space is limited or non-existent** - with 1000' daycare buffers, there are no available spaces that will comfortably allow for a large enough retail environment with adequate parking. Reducing the buffer zone to 100' will open up more retail possibilities and may prevent further clustering of cannabis stores.
- 5) **Competitors may not want a buffer reduction** - other cannabis retailers will not want to see a buffer reduction and may speak out against it. This is because they have existing leases and don't want to move to a different or better location. In reducing the buffer, the net effect will be for businesses to locate where it is most economically viable and where it meets the needs of the community.

To summarize, I believe that reducing the daycare buffers to 100 feet assists with setting up the City of Kirkland for long-term success. It will provide adequate retail possibilities and minimize the possibility for clustering. Perhaps most importantly, spreading out the cannabis retailers will allow for optimal service to the community.

Thank you for your consideration and again my apologies for not attending the meeting. I am always ready and willing to answer any questions you may have - 425-765-2935.

Sincerely,

Jeff Anderson



## follow up

TJ Tracie Jarratt <TJarratt@Rentonwa.gov>  
7/26/2016  
Jeff Anderson ▾

👉 ↻ Reply all | ▾

Old mail

Hi Jeff!

I hope the summer is treating you well! I just wanted to follow up with you about an incident you helped us with around New Years? This was the incident where a \$4k bracelet was stolen from the pawn store. Well because of your assistance in capturing the getaway vehicle on tape (even w/o a license plate) it helped us to link MULTIPLE robberies and thefts together to a pair of thieving brothers. I know I was pestering to get the video sooner than later so it would not be overwritten so I do again thank you for your help! Many times these investigations are not solved quickly but when we have all the pieces...even small video clips like the one you provided to Officer Morgan it seals the deal for us in the end.

This footage helped us link robberies and thefts between Renton, Tukwila, Kent and Seattle. So, thank you.

I assume business is booming! I hope it continues for you.

Thanks again!

Tracie

Detective T. Jarratt  
[1055 S. Grady Way](#)  
[Renton, Wa 98057](#)  
425-430-7526  
[Monday-Thursday 8:30AM-6:30PM](#)



 Reply all |   Delete  Junk |  



Advisory: Please be advised the City of Renton is required to comply with the Public Disclosure Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

**To:** Amy Walen <[AWalen@kirklandwa.gov](mailto:AWalen@kirklandwa.gov)>; Jay Arnold <[JArnold@kirklandwa.gov](mailto:JArnold@kirklandwa.gov)>; Shelley Kloba <[SKloba@kirklandwa.gov](mailto:SKloba@kirklandwa.gov)>; Penny Sweet <[PSweet@kirklandwa.gov](mailto:PSweet@kirklandwa.gov)>; Toby Nixon <[TNixon@kirklandwa.gov](mailto:TNixon@kirklandwa.gov)>; Dave Asher <[DAsher@kirklandwa.gov](mailto:DAsher@kirklandwa.gov)>; 'dmarchione@kirklandwa.gov'; City Council <[citycouncil@kirklandwa.gov](mailto:citycouncil@kirklandwa.gov)>  
**Cc:** 'Arne Nelson' <[arne@theevergreenmarket.com](mailto:arne@theevergreenmarket.com)>  
**Subject:** Concerning 100 foot set back for cannabis stores

Dear Kirkland City Council,

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

I am writing to advocate that the City Council vote to adopt the 100 foot buffer for cannabis retail stores. The voters of Kirkland expressed their will to have reasonable access to Retail and Medical cannabis. Supporting the 100 ft buffer amendments goes some distance to supporting the voice of the voter by remedying the exceptionally onerous task of finding retail locations in the city.

### **Who am I?**

I am a 54 year married father of 2 daughters with 21 years in the software and technology business holding senior management and executive roles. I am currently a partner in two retail cannabis stores.

### **My Story:**

I sought to place a cannabis retail store in Kirkland. I unsuccessfully invested six months of effort to find a retail location in Kirkland and here is my story. I started by making a map of every possible location in the city that was approved under current City of Kirkland zoning. I then contacted nearly 100% of the approved locations. This was a very time consuming effort requiring many months and many trips to meet with property owners. Often property owners were interesting in leasing to a retail cannabis store but were prevented due to their commercial real estate loans being financed by one of the nationally chartered banks, (Wells Fargo, Chase, B of A, US Bank, etc).

The nationally chartered banks will not allow a property owner to lease to a cannabis retail owner for fear of losing their national charter. In the last three months three Credit Unions in Washington have started making CRE loans so there is some evidence that progress underway, but this will take time to have any effect.

After 6 months I was not able to find a single retail property that met the City of Kirkland zoning and LCB requirements. I am also not in the position to spend \$2-5 million to purchase a retail property and CRE loans are not available.

### **A Effective Ban in Kirkland:**

Of the four LCB awarded retail licenses in Kirkland, two have opened in remote business parks, a third resorted to having to purchase a property and the fourth has yet to open. The combination of the LCB buffers and the current City of Kirkland zoning works together to impose an effective ban on opening a cannabis store in Kirkland and subverts the will of the voters.

### **Lessons:**

As a partner in two retail cannabis stores in Auburn and Renton for nearly two years, I have learned some lessons and perspective. I hope these are useful:

1. Customers:

The customers of cannabis stores represent a cross section of society. The customers come from every socio-economic background, every age group from 21-90, every race, every gender, and every occupation. They are our friends, our relatives our co-workers and our neighbors. They deserve to be treated with decency and respect and have local, convenient and comfortable places to shop.

2. Voters voting:

In Bellevue, from publically accessible State of Washington data, Bellevue retail cannabis stores had over 37,000 purchases in the month of July, over 445,000 transactions a year. That is a high volume of voters voting with their most precious resources, their dollars and their time.

3. Property values:

The property owners of our locations have experienced increases in their property values due to the increase in foot traffic and the average purchase value of \$43 of our customers. The property owners have the ability to raise rents to prospective tenants, resulting increased value of their property. What retail store would not want to be near a 1000+ customers a day spending \$43?

### **Summary:**

Reducing the buffers to 100 feet will not fix the problem of finding retail space for cannabis stores, but it will go some distance to opening up additional inventory.

Thank you for your consideration.

Sincerely,

Arne Nelson



Arne Nelson

M 206-852-7155

[arne@TheEverGreenMarket.com](mailto:arne@TheEverGreenMarket.com)

## Dorian Collins

---

**From:** Paul Stewart  
**Sent:** Tuesday, August 16, 2016 3:07 PM  
**To:** Dorian Collins  
**Cc:** Eric Shields  
**Subject:** FW: Concerning 100 foot set back for cannabis stores  
**Attachments:** TEM Sales floor.jpg; Auburn Sales floor .jpg; Auburn Sales floor North.jpg

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**From:** Amy Bolen  
**Sent:** Tuesday, August 16, 2016 3:02 PM  
**To:** Paul Stewart <PStewart@kirklandwa.gov>  
**Subject:** FW: Concerning 100 foot set back for cannabis stores

Paul, just FYI...

**AMY BOLEN**

EXECUTIVE ASSISTANT, CITY MANAGER'S OFFICE  
CITY OF KIRKLAND  
123 5TH AVENUE, KIRKLAND, WA 98033  
P: 425.587.3007  
[ABOLEN@KIRKLANDWA.GOV](mailto:ABOLEN@KIRKLANDWA.GOV)

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**From:** City Council  
**Sent:** Tuesday, August 16, 2016 3:01 PM  
**To:** Council <[Council@kirklandwa.gov](mailto:Council@kirklandwa.gov)>  
**Cc:** Kurt Triplett <[KTriplett@kirklandwa.gov](mailto:KTriplett@kirklandwa.gov)>; Marilynne Beard <[MB Beard@kirklandwa.gov](mailto:MB Beard@kirklandwa.gov)>; Tracey Dunlap <[TDunlap@kirklandwa.gov](mailto:TDunlap@kirklandwa.gov)>  
**Subject:** FW: Concerning 100 foot set back for cannabis stores

Further response from Arne Nelson.

**AMY BOLEN**

EXECUTIVE ASSISTANT, CITY MANAGER'S OFFICE  
CITY OF KIRKLAND  
123 5TH AVENUE, KIRKLAND, WA 98033  
P: 425.587.3007  
[ABOLEN@KIRKLANDWA.GOV](mailto:ABOLEN@KIRKLANDWA.GOV)

---

**From:** Arne Nelson [<mailto:arne@theevergreenmarket.com>]  
**Sent:** Tuesday, August 16, 2016 2:59 PM  
**To:** Amy Walen <[AWalen@kirklandwa.gov](mailto:AWalen@kirklandwa.gov)>; Jay Arnold <[JArnold@kirklandwa.gov](mailto:JArnold@kirklandwa.gov)>; Shelley Kloba <[SKloba@kirklandwa.gov](mailto:SKloba@kirklandwa.gov)>; Penny Sweet <[PSweet@kirklandwa.gov](mailto:PSweet@kirklandwa.gov)>; Toby Nixon <[TNixon@kirklandwa.gov](mailto:TNixon@kirklandwa.gov)>; Dave Asher <[DAsher@kirklandwa.gov](mailto:DAsher@kirklandwa.gov)>; 'dmarchione@kirklandwa.gov'; City Council <[citycouncil@kirklandwa.gov](mailto:citycouncil@kirklandwa.gov)>  
**Cc:** 'Arne Nelson' <[arne@theevergreenmarket.com](mailto:arne@theevergreenmarket.com)>  
**Subject:** RE: Concerning 100 foot set back for cannabis stores

Dear Kirkland City Council,

I have received responses from you regarding my letter below. A couple of points of clarification.

CRE=Commercial Real Estate, sorry for the acronym.

**100 ft buffer:**

Moving the buffer to 600 feet will not address the problem of zero inventory available for retail cannabis stores. Moving the buffer to 100 ft will improve the problem by allowing a few more, and only a few retail locations to come available.

**The Journey:**

As a City Council you are on a journey. A journey to have a deeper understanding of what the cannabis business is today. The cannabis business today does not fit the stereotype fostered by its predecessor, the Medical Marijuana stores that were shut down on July 1<sup>st</sup> 2016. Cannabis stores today, are vibrant, fun stores where our friends, neighbors, co-workers and relatives come to get educated on products that fit their needs. Please see the attached pictures of stores that I have opened.

Cannabis customers are voters that have the right to be treated with the decency and respect of a comfortable, convenient place to shop. As consumers, do you want to do your shopping in an out of the way, business park?

**Public Safety**

Cannabis stores provide no more public safety risk than liquor stores, grocery store or tobacco stores. Our LCB required security systems 360 degree camera systems, secure storage, security guards, etc are far in excess of drinking establishments where alcohol is consumed. State law prohibits cannabis from being opened or consumed on the premises of cannabis stores, and every action is recorded on hi-def cameras.

Please vote for the 100 foot buffer zone for cannabis retail.

Thank you

Sincerely,

-arne

Arne Nelson  
M 206-852-7155

[arne@TheEverGreenMarket.com](mailto:arne@TheEverGreenMarket.com)

---

**From:** Arne Nelson [<mailto:arne@theevergreenmarket.com>]  
**Sent:** Monday, August 15, 2016 12:26 PM  
**To:** 'awalen@kirklandwa.gov'; 'jarnold@kirklandwa.gov'; 'skloba@kirklandwa.gov'; 'psweet@kirklandwa.gov'; 'tnixon@kirklandwa.gov'; 'dasher@kirklandwa.gov'; 'dmarchione@kirklandwa.gov'; 'citycouncil@kirklandwa.gov'  
**Cc:** 'Arne Nelson'  
**Subject:** Concerning 100 foot set back for cannabis stores

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Thank you for your consideration.

Sincerely,

Arne Nelson

Arne Nelson

M 206-852-7155

[arne@TheEverGreenMarket.com](mailto:arne@TheEverGreenMarket.com)

**Dorian Collins**

---

**From:** Margaret Bull <wisteriouswoman@gmail.com>  
**Sent:** Thursday, August 18, 2016 8:43 PM  
**To:** Dorian Collins  
**Subject:** cannabis

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

Dorian,

I noticed that the cannabis regulation exception is on the agenda. Since the regulation only relates to the currently allowed businesses I don't see any major reason to oppose it. In my mind, it is far more important that the number of cannabis establishments allowed be capped at its current level. I don't want to see this issue continue to come before planning because people want more and more exceptions. As it is, we are going to have to deal with some new sociological problems due to the decriminalizing of cannabis in this state and the promotion of cannabis as a medication. The USFDA has not approved Cannabis as a medication and long range studies have not been done related to the health risks involved with regular use.

Also, I'd like to point out that internationally Cannabis is the correct botanical term for the plant that is often referred to as Marijuana. If the city decides to regulate the use of Cannabis in Kirkland, than I suggest you use a globally accepted term in any documentation of laws related to its use or distribution.

Margaret Bull

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.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney