

April 6, 2015

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public hearing and action on proposed Ordinance No. 6222 extending interim zoning controls, adopted by Ordinance No. 6133 B-1 as amended and extended by Ordinance No. 6156, regulating recreational marijuana uses.

FISCAL IMPACT

The fiscal impact of extending the interim zoning controls regulating recreational marijuana uses for an additional six-month period is anticipated to be minimal. Due to the small number of permits expected, current budget authority will be able to address any unanticipated incremental cost increase. At this time, no material costs are expected.

STAFF CONTACTS

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POLICY CONSIDERATION

An interim zoning ordinance (Ordinance No. 6133 B-1 as amended by Ordinance No. 6156) regulating recreational marijuana is in effect and will expire by its terms on April 21, 2015. The policy issue posed is whether the City Council should extend the interim zoning ordinance for another six-month period (until October 21, 2015) by adopting the proposed ordinance, which is included as Attachment E to this memorandum, to provide sufficient time to consider amendments to the recreational and medical marijuana programs under consideration by the Legislature in 2015?

DIRECTION NEEDED FROM COUNCIL

___ Action
X Discussion
___ Information

BACKGROUND

Council adopted Ordinance No. 6133 B-1 (Attachment A) as an emergency measure to ensure Bellevue had established appropriate land use districts and performance standards for recreational marijuana producers, processors, and retailers before the Washington State Liquor Control Board (LCB) began issuing licenses for these uses.

Ordinance No. 6133 B-1 accomplished several things:

- Established appropriate land use zones for each recreational marijuana use;
- Implemented separation standards between recreational uses and medical cannabis collective gardens;
- Required security measures beyond those required by the LCB; and
- Imposed requirements to control marijuana odor.

The provisions of Ordinance No. 6133 B-1 were subsequently extended and amended by Ordinance No. 6156, adopted by Council on March 17, 2014 (Attachment B). Ordinance No. 6156 implemented a 1,000-foot separation requirement between recreational marijuana retail uses. Because of scheduling

considerations in 2014, the Council again extended the interim regulations on October 13, 2014, by adopting Ordinance No. 6180 (Attachment C). Council held the public hearing required under the Growth Management Act on December 8, 2014.

Shortly after the December 8, 2014 public hearing, the Washington State Legislature commenced the 2015 legislative session. It quickly became apparent that the Legislature would consider reconciling the unregulated medical marijuana system with the highly-regulated recreational marijuana program. This was demonstrated by the numerous bills introduced on both subjects. Consequently, staff recommends the Council consider extending the interim regulations and waiting to adopt permanent regulations for recreational marijuana until the 2015 legislative session adjourns on April 26, 2015. This will allow staff to amend the permanent regulations (if necessary) to reflect all relevant state amendments, including reconciling the collective garden provisions.

The interim regulations will expire by their own terms, without further action by the Council, on April 21, 2015. Under the GMA, the City may renew the interim zoning ordinance for additional six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal. RCW 36.70A.390. The proposed Ordinance and the public hearing scheduled on tonight's agenda satisfy these requirements.

Status of Permanent Regulations

Staff introduced the Planning Commission's recommendation for permanent regulations to the Council during its November 10, 2014, Study Session. Council scheduling considerations, however, have necessitated delaying consideration of the permanent regulations. Work underway in the state legislature warrants delaying consideration of the permanent regulations until the Legislature adjourns in late April.

At the conclusion of the 2015 legislative session, staff is prepared to finalize the permanent regulations for the Council's consideration. Please note that depending on the scope of any recommended revisions to the Planning Commission's recommendation, it may be necessary to return to the Planning Commission for additional policy discussion and recommendation. This work likely could be completed before the interim regulations would expire on October 21, 2015.

EFFECTIVE DATE

If approved, the Ordinance becomes effective on April 21, 2015.

ALTERNATIVES

1. Hold the public hearing and adopt proposed Ordinance No. 6222 renewing Ordinance No. 6133 B-1, as amended by Ordinance No. 6156, for an additional six-month period; or
2. Do not adopt proposed Ordinance No. 6222, and allow the existing interim zoning ordinance to expire on April 21; or
3. Provide alternative direction to staff.

RECOMMENDATION

Option 1. Hold the public hearing and extend the interim zoning ordinance for an additional six months by adopting the proposed Ordinance.

MOTIONS

1. Move to open the public hearing for comments on renewing the interim zoning ordinance regulating recreational marijuana uses.
2. Move to close the public hearing and the record on the interim zoning ordinance.
3. Move to adopt Ordinance No. 6222.

ATTACHMENTS

- A. Ordinance No. 6133 B-1
- B. Ordinance No. 6156
- C. Ordinance No. 6180
- D. Affidavit of Publication
- E. Proposed Ordinance No. 6222

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A