

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

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

### **FISCAL IMPACT**

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

### **STAFF CONTACTS**

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

*City Attorney's Office*

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

*Development Services Department*

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

### **POLICY CONSIDERATION**

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

### **DIRECTION NEEDED FROM COUNCIL**

<u>  X  </u>	Action
<u>  X  </u>	Discussion
<u>  X  </u>	Information

### **BACKGROUND**

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

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

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

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

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

### **ALTERNATIVES**

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

### **RECOMMENDATION**

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

### **MOTIONS**

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

### **EFFECTIVE DATE**

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

### **ATTACHMENTS**

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

### **AVAILABLE IN COUNCIL OFFICE**

N/A