

June 20, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on Ordinance 6296 adopting interim official zoning controls prohibiting medical marijuana cooperatives, marijuana research uses imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; setting an effective date; and scheduling a hearing on the maintenance of the interim zoning ordinance.

FISCAL IMPACT

The fiscal impact of the recommended ordinance is generally anticipated to be minimal. Some increased costs related to civil enforcement may be incurred and any increased costs will require tracking to determine what impacts, if any, the civil penalty provisions may have on civil enforcement resources.

STAFF CONTACT

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POLICY CONSIDERATION

Should the City implement an interim official control banning medical marijuana cooperatives, marijuana research uses, and imposing civil penalties and abatement procedures for the growing or processing or keeping of marijuana plants beyond or otherwise not in compliance with RCW 69.51A.260, while the City studies, develops, considers and adopts permanent regulations?

DIRECTION NEEDED FROM COUNCIL

 X Action
 X Discussion
 Information

BACKGROUND

Process Requirements. Allowed uses in the City are governed by the Bellevue Land Use Code (LUC). The LUC is a development regulation as defined by the Growth Management Act (GMA), Chapter 36.70A RCW. Legislative actions relating to the LUC must comply with the process requirements set forth in the GMA. Council's adoption of Ordinance No. 6296 will constitute imposition of an interim official control under the GMA. By using the GMA "interim official control" adoption process, a Planning Commission public hearing is not required; however, under the GMA, the City Council must hold a public hearing within 60 days of adoption of the ordinance. The public hearing scheduled for June 20 satisfies that requirement.

Marijuana Regulation. In 2015, the legislature passed three laws addressing marijuana and impacting Bellevue's marijuana regulations. The amendments included in relevant part: (1) the prohibition of collective gardens (effective July 1, 2016); (2) the authorization of medical marijuana cooperatives (effective July 1, 2016) and marijuana research uses; (3) the reallocation of marijuana retail licenses; and authorizing cities to impose civil penalties and adopt abatement procedures for violations of the medical cannabis act. Staff presented information on these amendments and responded to Council questions at study sessions on May 2 and 9, and June 6.

On May 9, Council adopted Ordinance No. 6286 that implemented an interim zoning control that limited the number of retail marijuana outlets to one per subarea, where the outlets are allowed, and added a 100-foot separation requirement between residential zones (R-1 through R-30) and marijuana retail outlets. Ordinance No. 6286 allows the City time to study whether additional changes are required to its marijuana regulations based on changes to state law and administration and operation of the City's regulations.

During the June 6 Study Session, Council directed staff to prepare an ordinance banning medical marijuana collectives and marijuana research uses, and to impose civil penalties and abatement process for violations of the Medical Cannabis Act (Ch. 69.51A RCW). A copy of proposed Ordinance No. 6296 is included with this memorandum.

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.

EFFECTIVE DATE

If approved, this Ordinance becomes effective June 30, 2016.

OPTIONS

1. Open the public hearing and take action on Ordinance 6296 at the close of the public hearing.
2. Decline to adopt Ordinance 6296 and provide alternate direction to staff.

RECOMMENDATION

Option 1.

MOTIONS

1. Move to open the public hearing for comments of Ordinance 6296 adopting interim official zoning controls prohibiting medical marijuana cooperatives, marijuana research uses; 2) imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; 3) setting an effective date; and 4) scheduling a hearing on the maintenance of the interim zoning ordinance.
2. Move to close the public hearing and the record on Ordinance No. 6296.
3. Move to adopt Ordinance No. 6296.

ATTACHMENTS

Proposed Ordinance No. 6296
Affidavit of Publication

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A