

November 7, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinance amending the Land Use Code regulating recreational marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses; amending sections 20.10.440, 20.25A.015, 20.20.535, and 20.25D.070; repealing Ordinance Nos. 6286 and 6296; and establishing an effective date.

FISCAL IMPACT

The fiscal impact of the recommended regulations is generally anticipated to be minimal.

STAFF CONTACTS

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POLICY CONSIDERATION

1. Should the City amend the Land Use Code (LUC) by adopting regulations to:
 - a. Prohibit all marijuana retailers from locating within 100 feet of single family and multi-family residential land use districts (R-1 – R-30);
 - b. Limit marijuana retailers to no more than one within Crossroads, Downtown, Eastgate, Wilburton, and Factoria subareas; and no more than two within the BelRed subarea; except that up to one additional marijuana retailer shall be permitted in excess of the subarea limits provided above if located within either the Medical Institution (MI) or BelRed Medical Office-1 (BR-MO-1) districts of the BelRed and Wilburton subareas; up to no more than six city-wide; and
 - c. Prohibit medical marijuana cooperatives as authorized under RCW 69.51A.260 and marijuana research uses as authorized under RCW 69.50.372?
- Refer to Attachment A.

BACKGROUND

Interim Ordinance Nos. 6286 and 6296 were adopted in May and June of 2016, respectively. Interim Ordinance No. 6286 required a 100-foot separation distance from marijuana retailer to residential land use districts (R-1 – R-30), and allowed no more than one marijuana retailer within each of these subareas: BelRed, Crossroads, Downtown, Eastgate, Wilburton, and Factoria. Interim Ordinance No. 6296 prohibited medical marijuana cooperatives and marijuana research uses, and imposed civil

penalties and abatement procedures for violation of certain medical marijuana provisions pursuant to RCW 69.51A.260.

As the interim ordinances are set to expire as early as November 9, 2016, Council held a study session on October 3, 2016 to consider adoption of permanent regulations consistent with provisions in the interim ordinances. At the conclusion of the study session, Council requested staff to bring back for the public hearing additional information regarding one section of Interim Ordinance No. 6286, related to the limitation of one marijuana retailer per each of the six listed subareas.

At the public hearing, staff provided two options. Option 1 was to adopt regulations identical to the interim ordinances. Option 2 was to adopt regulations with modifications to the above referenced section of Interim Ordinance No. 6286, with the remaining provisions identical to the interim ordinances. Staff presented four modification options for Option 2:

- A. Eliminate the Crossroads subarea for marijuana retail use;
- B. Limit marijuana retailers to no more than two in four modification options;
- C. Limit marijuana retailers to no more than two in Downtown subarea; and
- D. Allow for one additional marijuana retail store within either the Medical Institution (MI) or BelRed Medical Office-1 (BR-MO-1) in the BelRed and Wilburton subareas.

At the conclusion of Council's discussion following the public hearing, Council directed staff to prepare an ordinance consistent with Option No. 2 with modification options B and D, and to cap the number of marijuana retailers to no more than six city-wide. Staff has completed preparation of this ordinance amending the Land Use Code consistent with Council's direction. This ordinance is attached hereto as Attachment A. Amendments to the Bellevue City Code are presented separately.

DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of the proposal to them, are discussed below:

- A. The amendment is consistent with the Comprehensive Plan; and
Finding: The proposed amendments are consistent with the Comprehensive Plan's land use vision that Bellevue grow in a manner that enhances the livability of the community, while maintaining the elements that residents cherish; land use goal to maintain and strengthen the vitality and character of Bellevue's neighborhoods and focus development activity in Downtown and other commercial and residential centers; economic development goal to support a strong local economy with opportunities for all to prosper consistent with a high quality of life and a sustainable natural environment; and neighborhoods goal to maintain and enhance the high quality of life in Bellevue's distinctive neighborhoods.

Further, the amendments are consistent with the Comprehensive Plan's land use policy to maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's codes (LU-11) and to support neighborhood efforts to maintain and enhance their character and appearance (LU-13); economic development policy to maintain a business climate that supports the retention and expansion of the city's economic base (ED-1), to promote local businesses and locally-produced goods and services (ED-2), develop and maintain regulations that allow for continued economic growth while respecting the environment

and quality of life of city neighborhoods (ED-3), and work with the business community and residential interests to promote community interests and to address differences in a manner that minimizes conflict (ED-9); and housing policy to protect residential areas from illegal land use activities through enforcement of city codes (HO-8).

B. The amendment enhances the public health, safety or welfare; and

Finding: The proposed amendments concerning marijuana uses will ensure that public health, safety, and welfare are protected by appropriately balancing the will of the residents, the needs of medical patients, protection of neighborhoods, and the overall community and stakeholder interests.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue

Finding: The amendments are not contrary to the interests of citizens and property owners as they will ensure that Bellevue's land use code is responsive to recent changes in state law while remaining consistent with the land use policy regarding marijuana use that was studied and recommended by the Planning Commission and approved by the City Council.

EFFECTIVE DATE

If approved, Ordinance No. 6316 become effective on November 17, 2016.

OPTIONS

1. Adopt Ordinance amending the Land Use Code regulating recreational marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses; amending sections 20.10.440, 20.25A.015, 20.20.535, and 20.25D.070; repealing Ordinance Nos. 6286 and 6296; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Ordinance No. 6316 amending the Land Use Code regulating recreational marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses; amending sections 20.10.440, 20.25A.015, 20.20.535, and 20.25D.070; repealing Ordinance Nos. 6286 and 6296; and establishing an effective date.

ATTACHMENTS

Proposed Ordinance No. 6316

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A