

Marijuana Permanent Regulations

Limiting the Locations and Quantities of Marijuana Retailers;
Prohibiting Medical Co-ops and Marijuana Research Uses; and
Imposing Civil Penalties and Abatement Measures

BELLEVUE CITY COUNCIL

PUBLIC HEARING

OCTOBER 17, 2016

PRESENTERS: TRISNA TANUS, CATHERINE DREWS, REILLY PITTMAN

Tonight's Topics

- Study Session Recap
- Open Item
- Options for Consideration
- Staff Recommendation

Study Session Recap

- Study Session held on October 3rd
- Interim Ordinance Nos. 6286 and 6296—responded to State marijuana regulations passed in 2015 (effective on July 1st)
- Discussed whether permanent regulations should be brought forward for public hearing and final action

Open Item after Study Session

Interim Ordinance Nos. 6286 and 6296:

- Minimum 100-foot to residential districts
- ***Limit to no more than 1 per subarea—
BelRed, Crossroads, Downtown, Eastgate,
Wilburton, and Factoria—total of 6***
- Prohibit medical marijuana co-ops
- Prohibit marijuana research uses
- Impose civil penalties and abatement

Questions Regarding the Open Item

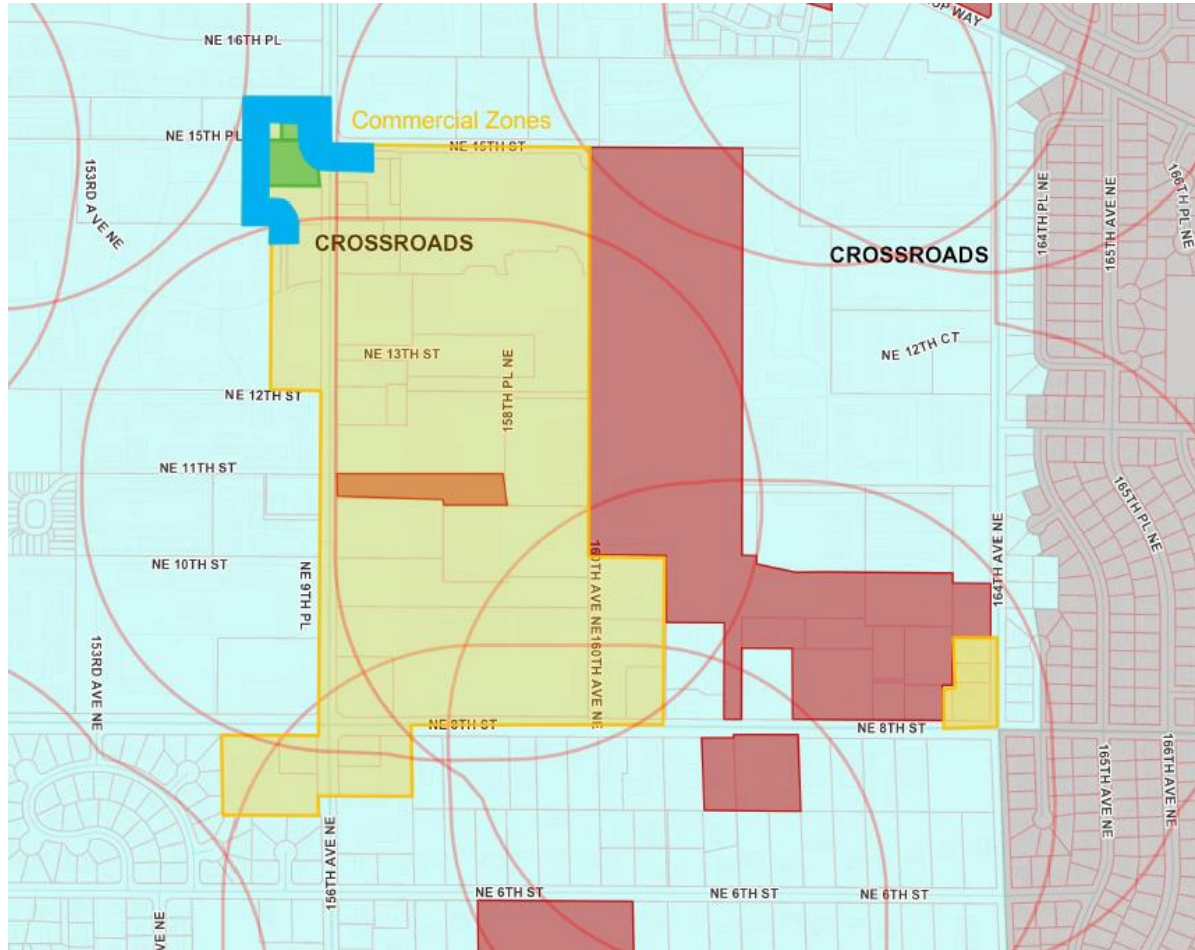
- a. Can 6 stores be accommodated city-wide?
- b. Can an additional store be accommodated in BelRed?
- c. Can a second store be accommodated in Downtown?
- d. Can there be an additional store accommodated in the Medical Institution District?

a. Can 6 stores be accommodated city-wide?

No, only 5 stores can be accommodated as Crossroads cannot accommodate a store.

- *No potential for marijuana retail store in Crossroads due to land use (Crossroads Park) and required separation distances (1,000-foot to sensitive facilities and 100-foot to residential districts).*
- *Must look to other subareas to accommodate 6 stores city-wide.*

Modification option a eliminates Crossroads location.



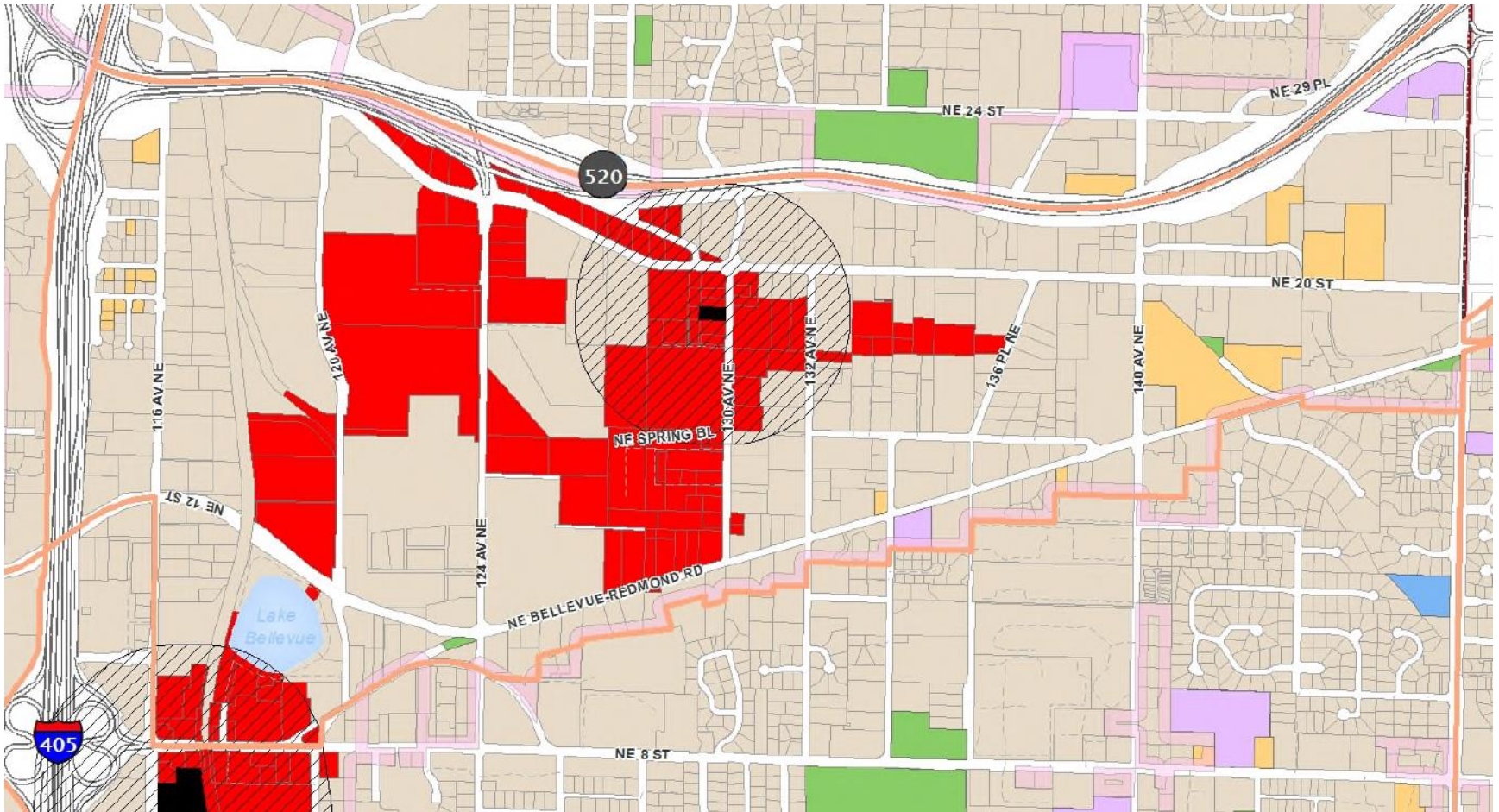
b. Can an additional store be accommodated in BelRed?

Yes, BelRed can accommodate an additional store.

- *BelRed is 100% commercial zoned.*
- *Highest capacity to accommodate stores.*

<i>Subarea</i>	<i>Commercial Zone (acres)</i>	<i>Total Area (acres)</i>	<i>Commercial Percentage</i>
Bel-Red	930	930	100%
Crossroads	254	999	25%
Downtown	413	413	100%
Eastgate	499	1,351	37%
Wilburton	303	1,495	20%
Factoria	181	2,165	8%

Modification option b allows for up to 2 stores in BelRed

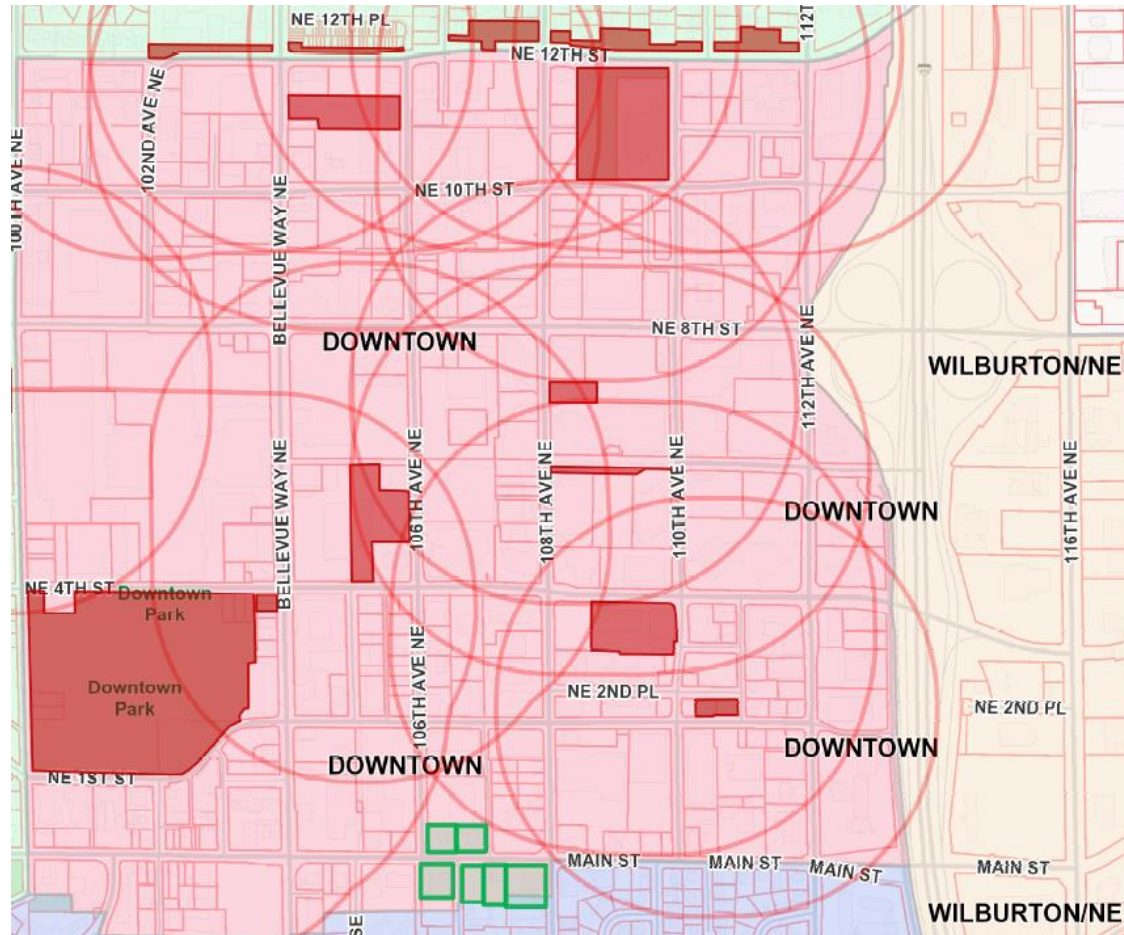


c. Can a second store be accommodated in Downtown?

Not at this time.

- *2 stores are not possible now, but map is only a snapshot in time.*
- *Current sensitive facilities and required separation have constrained potential sites.*
- *Downtown is 100% commercial zoned.*
- *An additional store in the Downtown subarea would increase flexibility as land uses change.*

Modification option c allows for up to 2 stores in Downtown

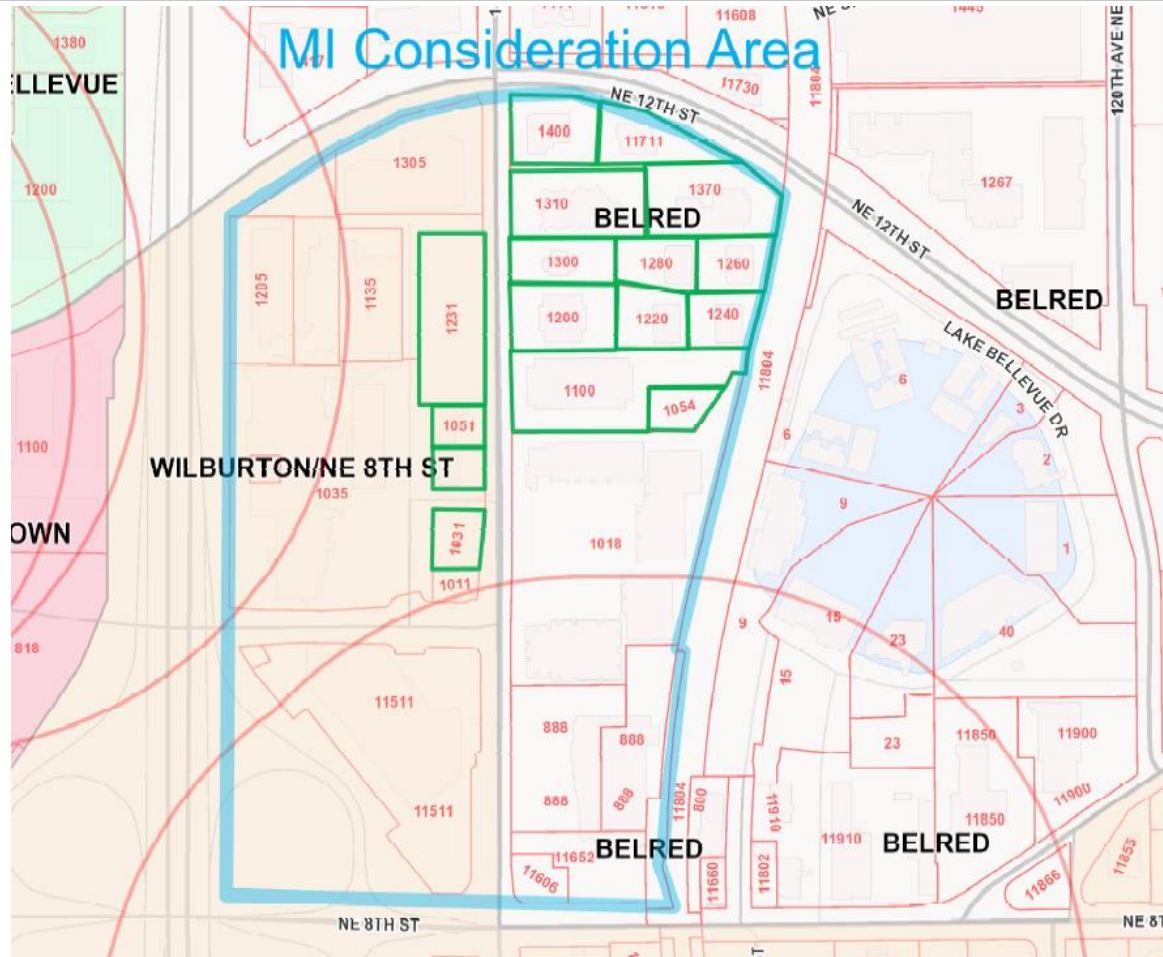


d. Can there be an additional store accommodated in the Medical Institution District?

Yes, the MI District of BelRed and Wilburton can accommodate an additional store.

- *Consistent with state's interest in addressing the medical cannabis market.*
- *Consistent with medical-related uses in this area.*
- *Additional parcels become available to accommodate a marijuana retail store.*

Modification option d allows a store in the MI or BR-MO-1 of BelRed and Wilburton subareas



Option 1

Identical to Interim Ordinance No. 6286

- Limit 1 store per subarea;
- Total of 6 in Bellevue
- Effectively only 5 stores could be permitted at this time

Option 2

With modification options:

- a. Eliminate Crossroads
- b. Allow 2 stores in BelRed
- c. Allow 2 stores in Downtown
- d. Allow a store in the MI/BR-MO-1 district

Public Hearing

Council Direction

Should permanent regulations be prepared for November 7th that advance:

- Option 1—identical to interim ordinances
- Option 2—with modification option(s):
 - a. Eliminate Crossroads
 - b. Allow 2 stores in BelRed
 - c. Allow 2 stores in Downtown
 - d. Allow a store in the MI/BR-MO-1 district

Staff Recommendation

Direct Staff to bring forward Option 2—with modification options a, b, c, and d—for final action on November 7th

- Consistent with approved policy—balanced approach
- Provides for availability and access to stores
- Consistent with prior decision to allow 6 total stores city-wide

Option 2 with modification options a, b, c, and d responds to Council's concerns

- Effectively only 5 stores because no Crossroads—additional store(s) in other subareas is appropriate
- BelRed can accommodate another store—greater flexibility to locate and relocate
- Downtown—100% commercial—future flexibility and more opportunities by zoning
- Medical Institution location responds to land use and medical cannabis market

Questions?

Additional Information

Separation Requirements

- I-502: legalized recreational marijuana use.
- State law: 1,000-foot separation to all sensitive facilities (schools, playgrounds, recreation centers, child care centers, public parks, public transit centers, libraries, and game arcades)
- Council adopted 1,000-foot separation to other stores (Ordinance No. 6253, Aug. 2015)

Separation Requirements—new state law

- The Cannabis Protection Act: allowed jurisdictions to reduce the separation distances to sensitive facilities to 100-feet, except for elementary and secondary schools and playgrounds.
- Interim Ordinance Nos. 6286 and 6296, adopted in May and June 2016, did NOT reduce separation distances.

Process to Change Separation Requirements

- Initiate and direct staff to prepare amendments to the existing Land Use Code.
- Decide to retain or direct the Planning Commission to undertake the processing of the amendments.
- Hold a study session on the proposed amendments.
- Hold public hearing with proper notice.
- Take final action to adopt the amendments.