

# 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

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BELLEVUE CITY COUNCIL

PUBLIC HEARING

OCTOBER 17, 2016

PRESENTERS: TRISNA TANUS, CATHERINE DREWS, REILLY PITTMAN

# Tonight's Topics

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

# Study Session Recap

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

# Open Item after Study Session

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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

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- 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?

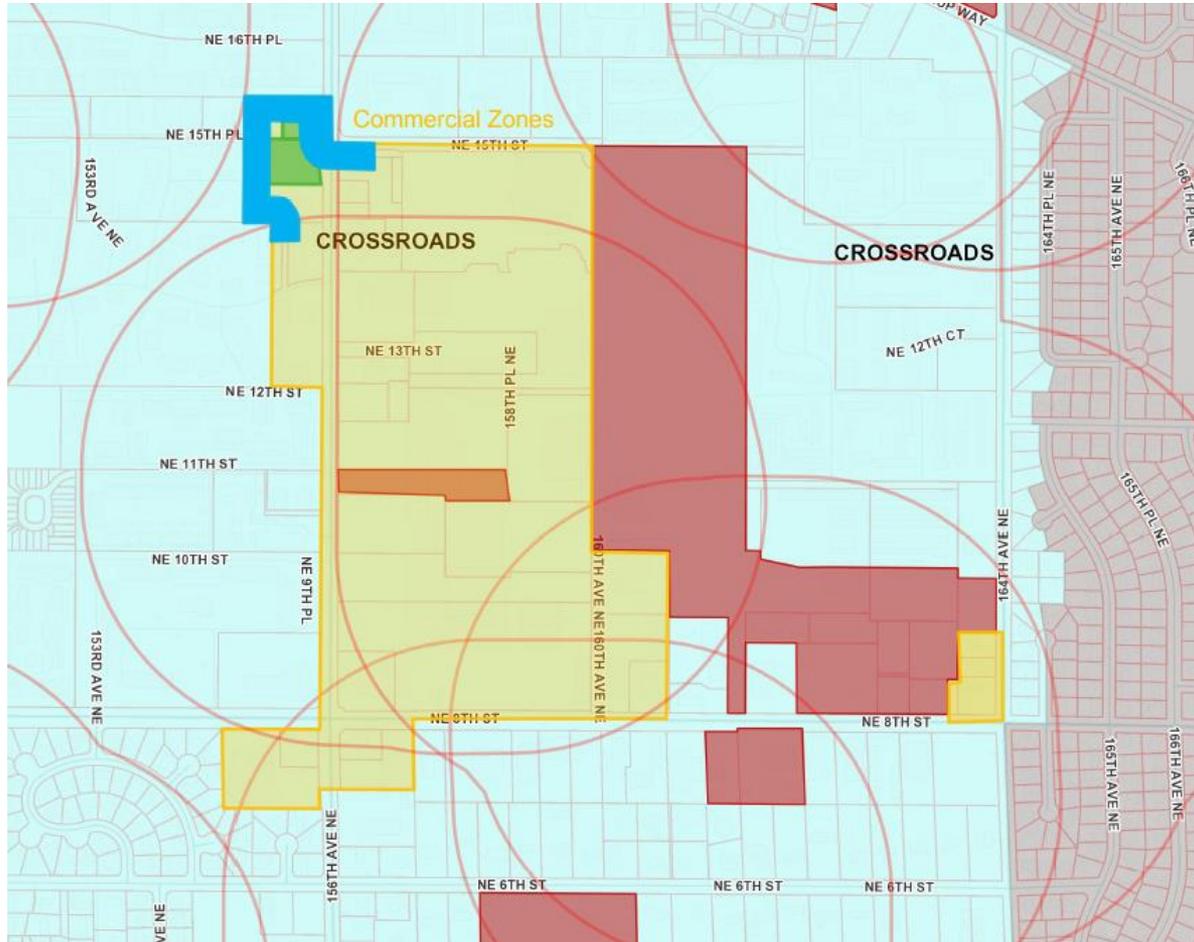
**a. Can 6 stores be accommodated city-wide?**

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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?

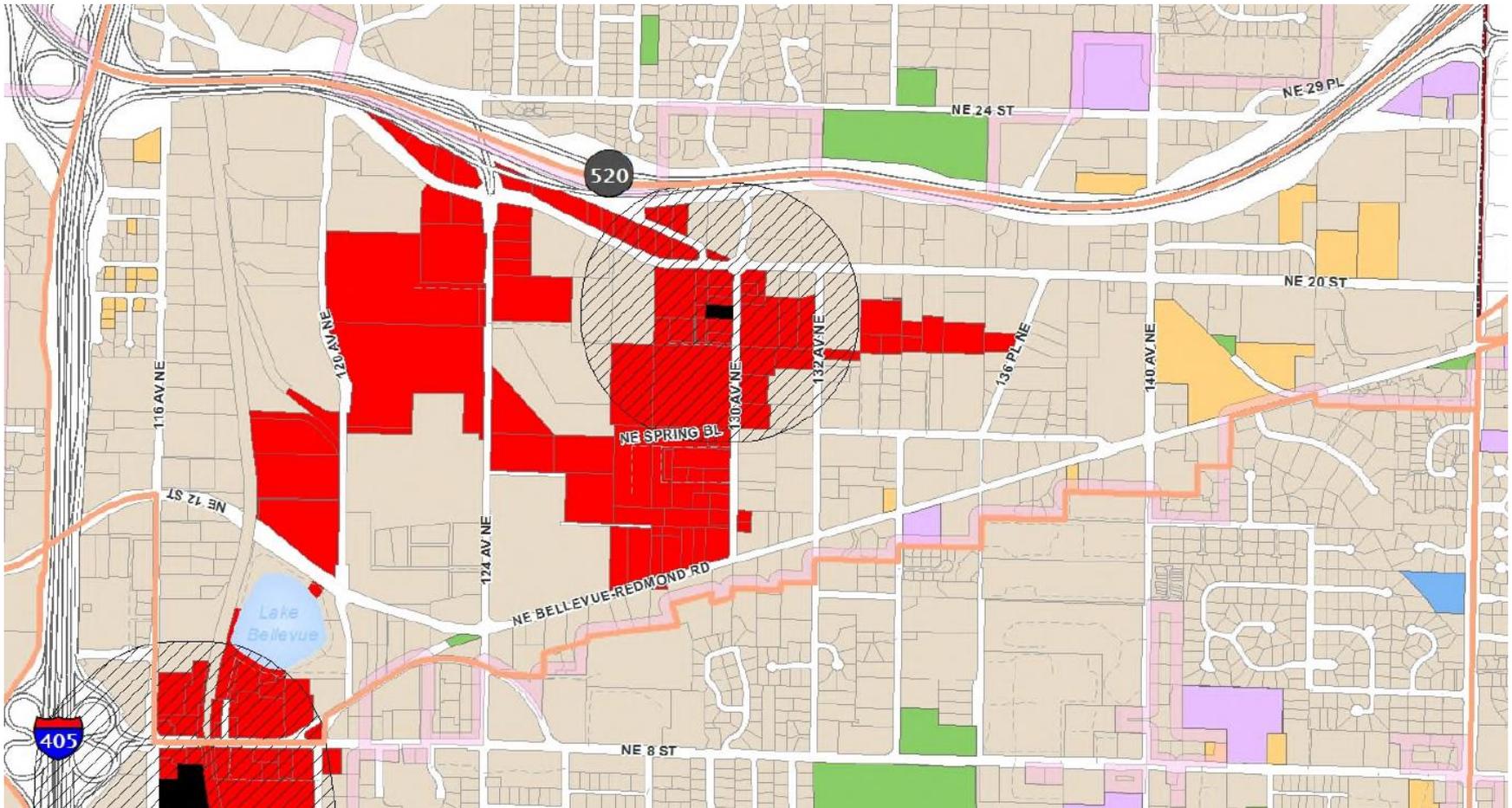
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Yes, BelRed can accommodate an additional store.

- *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>
<b>Bel-Red</b>	<b>930</b>	<b>930</b>	<b>100%</b>
Crossroads	254	999	25%
<b>Downtown</b>	<b>413</b>	<b>413</b>	<b>100%</b>
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?

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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.*



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

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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.*



# Option 1

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## 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

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## 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

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# Council Direction

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**Should permanent regulations be prepared for November 7<sup>th</sup> 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

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

- 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

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- 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?

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# Additional Information

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## Separation Requirements

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- 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

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- 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

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- 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.