

**ORDINANCE NO. 2016-018**

**AN ORDINANCE** relating to land use and zoning, amending Yakima Municipal Code to add the Small Convenience Center (SCC) to the list of allowed zones wherein marijuana retailers may operate, as outlined in the Table of Permitted Land Uses found in Section 15.04.030.

**WHEREAS**, in November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (now Liquor and Cannabis Board—both collectively referred to as “LCB”) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

**WHEREAS**, the LCB has adopted since I-502’s effective date, numerous rules and a regulatory scheme to address the methods of producing, processing and packaging of recreational marijuana, security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements and methods of transport of product throughout the state, taxing, license fees, penalties and other necessary regulations for marijuana related businesses; and

**WHEREAS**, on January 17, 2012, the City Council of the City of Yakima enacted Ordinance No. 2012-003, which provided that no use that is illegal under local, state or federal law shall be allowed in any zone of the city, and applying such regulation to medical marijuana dispensaries and collective gardens; and

**WHEREAS**, on October 8, 2013, the City Council of the City of Yakima enacted Ordinance No. 2013-048, which adopted and imposed a moratorium on the production, processing and retail sales of marijuana within the City of Yakima; and

**WHEREAS**, on January 21, 2014, the City Council of the City of Yakima enacted Ordinance No. 2014-001, which prohibited the production, processing and/or retail outlets and sales of marijuana in all zones of the city, and terminated the moratorium imposed on October 8, 2013; and

**WHEREAS**, in 2015, the Washington State Legislature combined the medical marijuana and recreational marijuana systems into one recreational marijuana system, added neighborhood cooperatives, and banned collective gardens in 2E2SHB 2136; and,

**WHEREAS**, on May 17, 2016, the City Council of the City of Yakima voted in favor of repealing the ban on recreational marijuana producing, processing and distributing in Yakima and sent the zoning issues to the Planning Commission for review through the Planning Commission procedures and to provide a recommendation within 90 days to Council; and

**WHEREAS**, the Planning Commission held and conducted an open record public hearing on June 16, 2016, with special meetings on June 1, 2016, June 8, 2016 and June 16, 2016, all pursuant to required notice and applicable procedures of the City of Yakima, and has adopted findings of fact and conclusions of law in support of its recommendation for adoption of zoning provisions outlined herein, which Findings of Fact and Conclusions of Law are of record and incorporated herein by reference; and

**WHEREAS**, the City Council has held and conducted a public hearing on July 5, 2016, and considered the recommendation of the Planning Commission, the record herein, and all evidence and testimony presented;

**WHEREAS**, the City Council adopted Ordinance 2016-008 on July 5, 2016, which outlined the regulations for marijuana producers, processors, researchers and retailers in the City of Yakima, and that ordinance became effective on or about August 8, 2016;

**WHEREAS**, on August 16, 2016, Councilmember Cousens requested that two issues regarding marijuana regulation be placed back in front of the Council: whether to include in home family day cares as child care centers under the ordinance; and whether to add the Small Convenience Center to the list of approved zones for marijuana retailers;

**WHEREAS**, the City Council, on September 6, 2016, set two public hearings: one regarding adding the family home day care centers to the definition of "child care centers" which would result in a 1,000 foot buffer between family home day cares licensed by the Department of Early Learning and a marijuana entity; and one regarding adding the Small Convenience Center to the list of approved zones for marijuana retailers;

**WHEREAS**, on September 20, 2016, the City Council held a public hearing and took public comment on whether to amend the zoning code to add the Small Convenience Center (SCC) to the list of zones where marijuana retailers may locate; and

**WHEREAS**, the City Council of the City of Yakima hereby makes the following Findings of Fact to supplement those made by the Planning Commission:

#### FINDINGS OF FACT

Adding the Small Convenience Center (SCC) zone to the list of zones wherein marijuana retailers may locate is appropriate.

1. There is a need for additional possible locations for safe access to retail marijuana, both medical and recreational.
2. Small Convenience Centers are often found on bus routes allowing for easier access for those who need marijuana for medicinal purposes.
3. Marijuana retailers may bring additional customers and growth to SCC areas.
4. Adding the SCC zone allows for more areas, throughout the City, for safe access to marijuana.
5. Adding the SCC zone allows for the marijuana retail industry to work in a free market, as marijuana retailers would be allowed in all commercial districts of the City other than B-1, which is a professional office zone.
6. Adding the SCC zone will provide for more flexibility in locations and economic development expansion.

**WHEREAS**, the City Council makes the foregoing findings of fact, and determines that approval of such amendments is in the best interests of the residents of the City of Yakima and will promote the general health, safety and welfare; now, therefore

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** Section 15.04-030—Table of Permitted Land Uses—of the Yakima Urban Area Zoning Ordinance is hereby amended to add “marijuana retail” as a Class 1 permitted use in the following land use districts: Local Business District (B-2), Small Convenience Center (SCC), Large Convenience Center (LCC), General Commercial (GC), Central Business District (CBD) and Regional Development District (RD); and to reference note \*\*.

The “marijuana retail” use shall be placed alphabetically in the use chart immediately below the “Retail, Trade and Service” listing.

**Section 2.** Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 3.** Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL** signed and approved this 4<sup>th</sup> day of October, 2016.

  
Kathy Coffey, Mayor

ATTEST:

  
Sonya Claar Tee, City Clerk



Publication Date: October 7, 2016

Effective Date: November 6, 2016