DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Division
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NOTIFICATION OF THE YAKIMA PLANNING COMMISSION'S RECOMMENDATION TO THE YAKIMA CITY COUNCIL
June 22, 2016

On June 20, 2016, the City of Yakima Planning Commission rendered their written recommendation regarding **I-502 Marijuana Regulation (SEPA#013-16).**

An open record public hearing was held on June 16, 2016 regarding this matter. After taking public comment, the public testimony was closed on June 16th but the meeting was continued to June 20, 2016 for the Planning Commission's deliberation. A copy of the Planning Commission's Findings and Recommendation is enclosed.

The Planning Commission's Recommendation will be considered by the Yakima City Council in a public hearing on July 5, 2016. For further information or assistance you may contact Supervising Planner Jeff Peters at (509) 575-6163 or at jeff.peters@yakimawa.gov.

Jeff Peters

Jeff Peters
Supervising Planner

Date of Mailing: **June 22, 2016**
Enclosures: Planning Commission's Recommendation

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CITY OF YAKIMA PLANNING COMMISSION FINDINGS OF FACT, AND RECOMMENDATION

Zoning Text Amendments to the City's Urban Area Zoning Ordinance Regarding I-502 Recreational Marijuana Regulations

June 20, 2016

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 to Council; and

WHEREAS, pursuant to RCW 36.70A.130(1) the City is required to take legislative action to review and revise its comprehensive plan and development regulations in accordance with the Growth Management Act; and

WHEREAS, pursuant to RCW 36.70A.020, goals are set forth to guide the development and adoption of comprehensive plans and adoption of development regulations; and

WHEREAS, on May 27, 2016, the City submitted a draft amendment to its Urban Area Zoning Ordinance that proposes to establish regulations for allowing recreational marijuana producers and processors and marijuana retailers in appropriate zoning districts within the City, and accompanying State Environmental Policy Act (SEPA) Checklist, and

WHEREAS, pursuant to RCW 36.70A, and YMC 15.23.020, the YPC is authorized to make a recommendation to the Council, for their review, consideration, and adoption of development regulation amendments; and

WHEREAS, pursuant to City Ordinance #2004-14 and RCW 36.70A.130 (2) the City followed it's adopted a public participation program, which included the following:

1. Twenty days of public comment starting May 27, 2016, and ending on June 16, 2016;
2. Posting on the City of Yakima's web site of the draft amendments on May 27, 2016; and
3. Published notice in a local newspaper of general circulation, and issued a press release to local media on May 27, 2016; and

WHEREAS, pursuant to RCW 36.70A.106 notice of all amendments to the City's development regulations were sent to the Washington State Department of Commerce prior to the amendments being considered for adoption; and

WHEREAS, on May 24, 2016, the City of Yakima Planning Commission held a study session regarding the I-502 legislation and potential land use controls related to marijuana producers and processors. At the conclusion of the study session, the Planning Commission directed the City of Yakima Planning and Legal departments to create a draft ordinance which allowed recreational marijuana producers and processors as a permitted use in the Light Industrial (M-1) and Heavy Industrial (M-2) zones; allowing recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development District (RD), and Airport Support District (AS); prohibiting recreational marijuana uses in all other zones; adopting the state statutory buffer zones

for recreational marijuana uses and neighborhood cooperatives; and adopting other restrictions on the locations of these recreational marijuana uses, and repealing YMC Section 15.01.035.; and

WHEREAS, on June 1, 2016, the City of Yakima Planning Commission held a public meeting to review the draft ordinance, take public comment, and review additional information requested by the Commission; and

WHEREAS, at the conclusion of its June 1, 2016, meeting the City of Yakima Planning Commission directed staff to revise the draft ordinance to remove the AS, and SCC zones as permitted zoning districts, add the B-2 zoning district, and the Planning Commission requested additional zoning/buffer maps to determine appropriate buffers for both marijuana retail and processors from sensitive land uses; and advised staff to add provisions including restricting retailers from using drive-thru or mobile units, odor, and marijuana research facilities; and

WHEREAS, at its June 8, 2016, meeting the City of Yakima Planning Commission took additional public comment, and determined that no buffers should be required from churches, that the State 1,000 ft. buffers for separation of marijuana facilities from sensitive land uses were adequate, and no additional regulations or controls were necessary to allow marijuana land uses within the City of Yakima; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) WAC 197-11 and YMC 6.88, the City retained its Determination of Non-significance (DNS) on the proposed zoning ordinance amendments on June 16, 2016, prior to the Planning Commission's public hearing, and

WHEREAS, an open record public hearing regarding the proposed text amendments occurred on June 16, 2016, where all persons desiring to comment on the proposed amendments were given a full and complete opportunity to be heard; and

WHEREAS, the Commission, following public comment, deliberated, reviewed and revised the draft Planning Commission Findings, and accompanying ordinance as follows:

1. The zoning districts of Light Industrial (M-1) and Heavy Industrial (M-2) zones are proposed to be allowed for producing, researching and processing as Class (1) Uses;
2. Recreational marijuana retailers are proposed to be permitted as Class (1) Uses in the Local Business District (B-2), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), and Regional Development District (RD);
3. Recreational marijuana producers, processors, researchers and retailers in all other zones would be prohibited;

4. The state statutory (1,000 ft.) buffer zones for recreational marijuana uses and neighborhood cooperatives are proposed to be retained; and
5. Individual public notice provisions administered by the LCB Board were added for protected uses including churches for proposed marijuana uses within 1,000 feet of a proposed facility, as allowed by the 2015 Legislation; and

WHEREAS, the Commission continued the public meeting to June 20, 2016, at 3:30 P.M. to review the final version of the revised ordinance and findings;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Yakima that, in making the herein above recommendation, these proposed amendments to the YMC Title 15 Yakima Urban Area Zoning Ordinance have been sufficiently considered, and the Commission hereby enters the following Finding of Fact:

FINDINGS OF FACT

1. Pursuant to the provisions of Chapters 36.70 and 36.70B RCW the Commission has the legal authority to make a recommendation concerning the adoption of official controls that implement comprehensive plans.

2. The Commission held the required public hearing on June 16 and 20th, 2016, where the Commission considered the proposed ordinance and suggested various changes to the draft ordinance which were incorporated and approved.

3. The Commission finds that the proposed amendments will have the following benefits:
    a. City acceptance of marijuana uses which were approved by voters of Washington State through Initiative 502;
    b. Increased access to marijuana for patients with medical needs;
    c. Development of zoning controls which both allow for the protection of sensitive land uses such as schools, playgrounds, and childcare centers, while also allowing new forms of retail and manufacturing uses within the City of Yakima; and
    d. Utilization of a previous non-allowed state revenue source.

4. The Commission finds that the City provided timely public participation in consideration of the proposed amendments, consistent with RCW 36.70A.140, WAC 365-195-600, and its adopted Public Participation Program Guidelines.

5. The Commission considered public testimony related to the proposed amendments and written comments received on or before the date of the public hearing.

6. The Commission concurs with the retention of Determination of Non-significance (DNS) that was issued on June 16, 2016, for the proposed amendments.

7. The Commission member's present voted four in favor and zero opposed to recommend approval of the amendments as set forth in Attachment "A".

8. The Commission's recommendation is consistent with and implements the City's Comprehensive Plan goals and policies.

RECOMMENDATION

It is for the above reasons that the Commission recommends that Council adopt the attached Amendments to the City's YMC Title 15 Yakima Urban Area Zoning Ordinance with a proposed revision date of July 5, 2016.

Motion

Based upon the findings outlined above, it was moved and seconded that the City of Yakima Planning Commission recommends **APPROVAL** of the submitted Zoning Ordinance amendments. The motion was carried by a vote of four in favor and zero opposed.

Scott Clark, Chairman
Yakima Planning Commission

Date

6/22/2016