



**City Planning - I-502 Marijuana Regulation  
SEPA#013-16**

**Yakima Planning Commission  
Open Record Public Hearing  
June 16, 2016**

**EXHIBIT LIST**

Applicant: City of Yakima, Planning Division  
File Numbers: SEPA#013-16  
Site Address: Citywide  
Staff Contact: Jeff Peters, Supervising Planner

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**CITY OF YAKIMA PLANNING COMMISSION  
FINDINGS OF FACT, AND RECOMMENDATION**

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

**June 16, 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

Findings of Fact by the City of Yakima Planning Commission regarding an amendments to the City's Urban Area Zoning Ordinance, YMC Title 15: I-502 Marijuana Recreational Marijuana Producers & Processors

**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 its adopted 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

Findings of Fact by the City of Yakima Planning Commission regarding an amendments to the City's Urban Area Zoning Ordinance, YMC Title 15: I-502 Marijuana Recreational Marijuana Producers & Processors

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 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 testimony, 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 was 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, 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 and deliberation reviewed and revised staff's recommended amendments; and those proposed revisions were approved by staff; and

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that, in making the hereinabove recommendation, that 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.

Findings of Fact by the City of Yakima Planning Commission regarding an amendments to the City's Urban Area Zoning Ordinance, YMC Title 15: 1-502 Marijuana Recreational Marijuana Producers & Processors

2. The Commission held the required public hearing on June 16, 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 land 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 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.
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 \_\_\_ to \_\_\_ 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 revision date of June 16, 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 unanimous vote.

Scott Clark, Chairman  
Yakima Planning Commission

Date

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**ORDINANCE NO. 2016-**

**AN ORDINANCE**

relating to land use and zoning, allowing 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 Local Business District (B-2), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), and Regional Development District (RD); prohibiting recreational marijuana producers, processors, researchers and retailers 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.

**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

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**WHEREAS**, the Planning Commission has 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; and,

**WHEREAS**, the City Council finds 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. Repealer.** Ord. No. 2012-003 and Ord. No. 2014-001, are hereby REPEALED.

**Section 2. Repealer.** Section 15.01.035—Illegal Uses Prohibited, is hereby REPEALED.

**Section 3.** Section 15.04.030—Table of Permitted Land Uses—of the Yakima Urban Area Zoning Ordinance is hereby amended to add as separate entities “marijuana production”, “marijuana processing”, and “marijuana research” as a Class 1 permitted use in the Light Industrial (M-1) and a Class 1 permitted use in the Heavy Industrial (M-2), and to add the following new note \*\*:

\*\* See YMC 15.09.220 for general development requirements for marijuana uses.

The “marijuana production” use shall be placed alphabetically in the use chart immediately below the “Agriculture—Commercial” listing. The “marijuana processing” use shall be placed directly below the “Manufacturing” listing. The “marijuana research” use shall be placed directly below the “Manufacturing” listing.

**Section 4.** 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) 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 5.** Section 15.09.220 shall be added to the Yakima Municipal Code to read as follows:

15.09.220 Marijuana Uses

A. Purpose. The purpose of this section is to regulate marijuana producers, processors, and retailers regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and performance standards. Further, the purpose of

this section is to regulate neighborhood cooperatives as allowed by 2E2SHB 2136, as now written or hereafter codified. Marijuana producers, processors and retailers, as well as neighborhood cooperatives shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law.

B. Definitions. The following definitions are specific to marijuana uses and shall have the following meanings:

1. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC.

2. "Director" means the Director of the City of Yakima Community Development Director or his or her designee.

3. "Elementary School" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

4. "Game Arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

5. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

6. "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

7. "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

8. "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

9. "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

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10. "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

11. "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

12. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government. Playgrounds also mean those portions of trail systems which contain playground equipment, such as those playground equipment areas on the Yakima Greenway.

13. "Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

14. "Public Transit Center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

15. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

16. "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

17. "Secondary School" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

C. Marijuana producers, processors, researchers and retailers must comply with all requirements of Chapter 69.50 and 69.51A RCW, chapter 314-55 WAC, now or as hereafter amended, and all applicable City of Yakima ordinances, standards, and codes, including the requirement to obtain a City of Yakima business license. Applicants for a City business license shall first obtain the necessary Washington State Liquor and Cannabis Board license.

D. Limitations on Locations: Producers, Processors, Researchers and Retailers. The following limitations shall apply to all marijuana producers, processors, researchers and retailers, in addition to the limitations outlined in YMC 15.04.030, unless stated otherwise:

1. A marijuana producer, retailer, researcher or processor shall not be located within 1,000 feet of the perimeter of the grounds of the following uses, or any use included in Chapter 314-55 now or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- c. Recreation center or facility;

- d. Child care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries; and
- h. Any game arcade, as defined herein.

2. No marijuana producer, processor, researcher or retailer shall be allowed to locate within any residential zone of the City of Yakima.

3. All separation requirements shall be measured as the shortest straightline distance from the property line of the proposed building/business location of a marijuana producer, marijuana processor, marijuana researcher or marijuana retailer to the property line of the entities listed in subsection (D)(1) above.

E. Structure Requirements.

1. All marijuana processors, marijuana producers, marijuana researchers and marijuana retailers shall operate in a permanent structure designed to comply with the City Building Code.

2. No marijuana retailer shall not operate out of a mobile structure, nor shall there be any exterior or drive-thru sales.

3. No marijuana retailer shall be located within any other business, and may only be located in buildings with other uses if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.

F. Neighborhood Cooperatives. Qualifying patients or designate dproviders may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of the members of the cooperative, pursuant to Part X: Medical Use of Marijuana of 2E2SHB 2136, and as codified in 69.51A.250 RCW. Neighborhood cooperatives shall follow all statutes, regulations and rules instituted by the legislature or Washington State Liquor and Cannabis Board, as well as the provisions outlined herein.

G. Limitations on Locations—Neighborhood Cooperatives. The following limitations shall apply to all neighborhood cooperatives:

1. A neighborhood cooperative shall not be located within 1,000 feet of the perimeter of the grounds of the following uses, or any use included in Chapter 314-55 now or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- c. Recreation center or facility;
- d. Child care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries; and
- h. Any game arcade, as defined herein.

2. No cooperative may be located within one mile of a marijuana retailer.
3. All neighborhood cooperatives shall be located within the domicile of one of the participants in the cooperative.

H. Odor.

1. All odor shall be contained in marijuana retailers so that it cannot be detected by a person with a normal sense of smell from any abutting use or property. In the event odor is escaping the building and can be detected from abutting uses or properties, then the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

2. All odor shall be contained in neighborhood cooperatives so that it cannot be detected by a person with a normal sense of smell from any abutting use or property. In the event odor is escaping the building and can be detected from abutting uses or properties, then the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

3. Marijuana production, processing and researching facilities shall be ventilated so that odor from the marijuana and/or marijuana activities occurring in the facility cannot be detected by a person with a normal sense of smell from any adjoining use or property. In the event odor can be detected from any adjoining use or property, then the facility shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor. If the ventilation equipment is not installed, or the odor persists, the City may choose to suspend the facility's business license until the odor issues are addressed in a manner acceptable to the City.

**Section 4. 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 5. 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 \_\_\_\_\_ day of July, 2016.

\_\_\_\_\_  
Avina Gutiérrez, Mayor

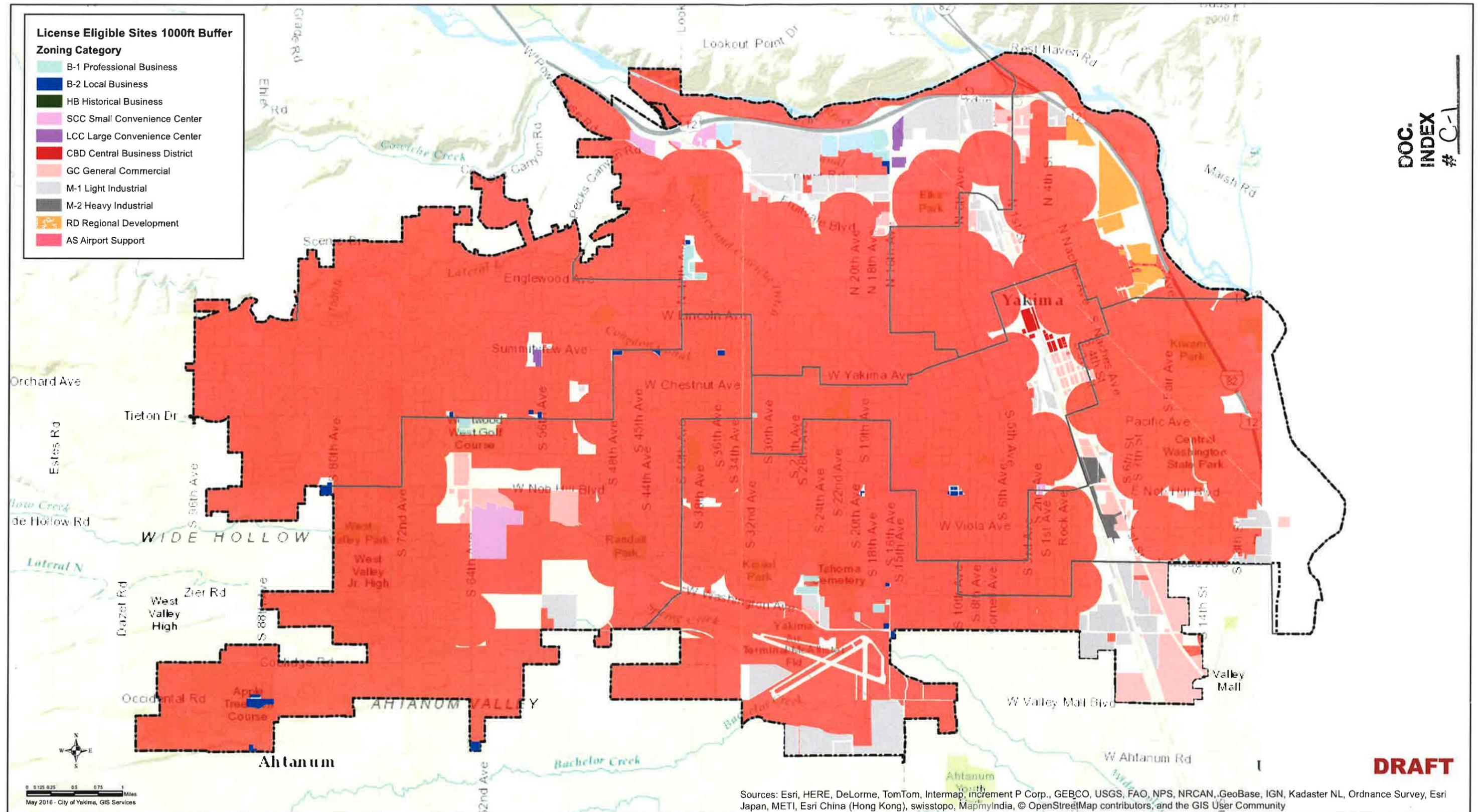
ATTEST:

\_\_\_\_\_  
City Clerk

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_





This map identifies existing parcels within the City of Yakima that are affected by the restrictions of the State of Washington's rules related to Licenses for Marijuana retail, manufacturing and processing operations as specified in RCW 69.50.331. In addition, this map also excluded (but did not buffer by 1000 feet) properties that were zoned residential or owned by the City of Yakima, or other government agencies. The map also identified existing parcels that qualified. In the cases where the 1000 foot buffer was applied, if a portion of the parcel was impacted by the buffer, the entire parcel was included. Approximately 878 parcels were identified that met the criteria of the State Law

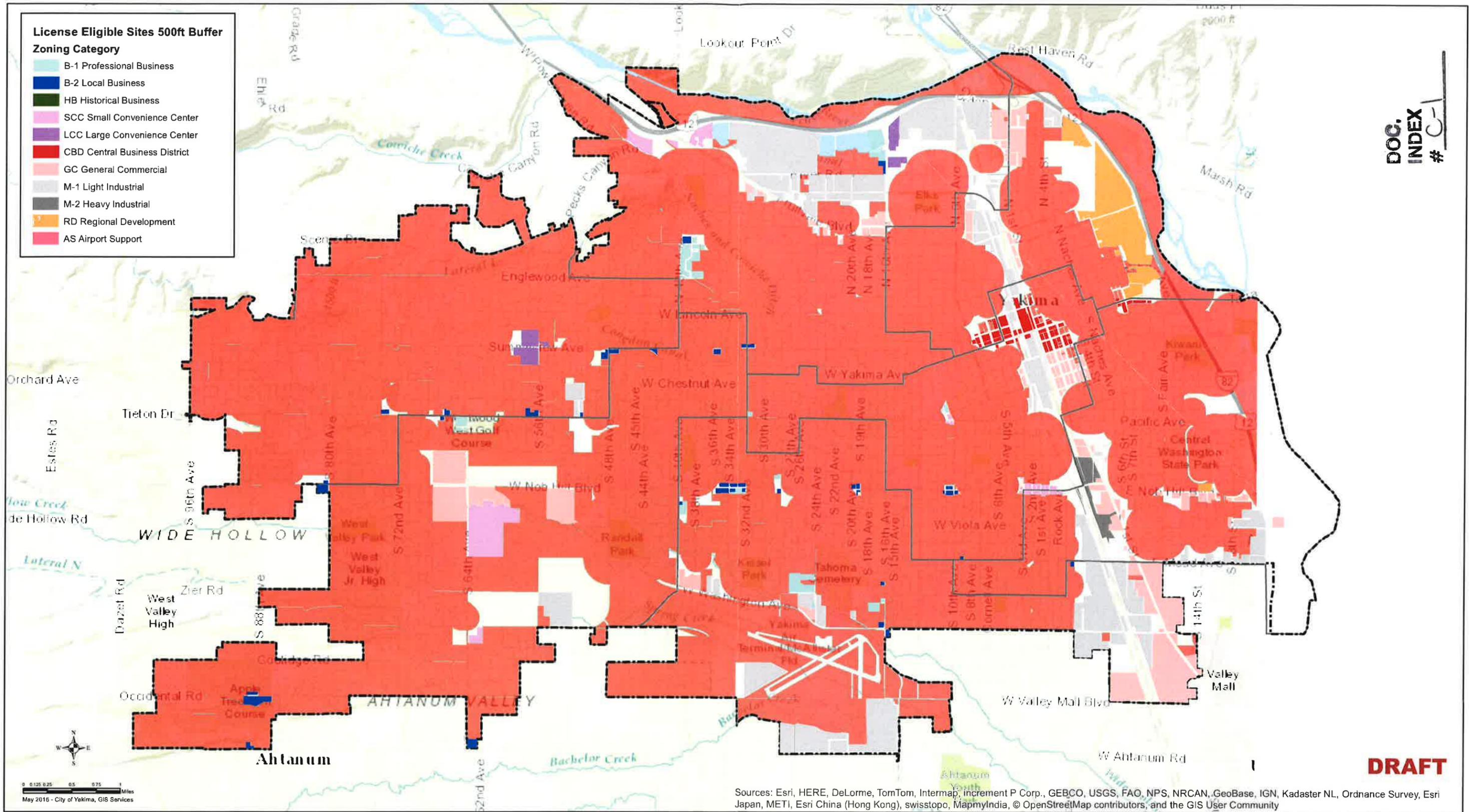
**RCW 69.50.331 Application for license.**

8(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

**Marijuana Restricted Areas - Option 1 Zoning Detail**

- Restricted Areas 1000ft Buffer
- Yakima City Limits
- Yakima Council Districts

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

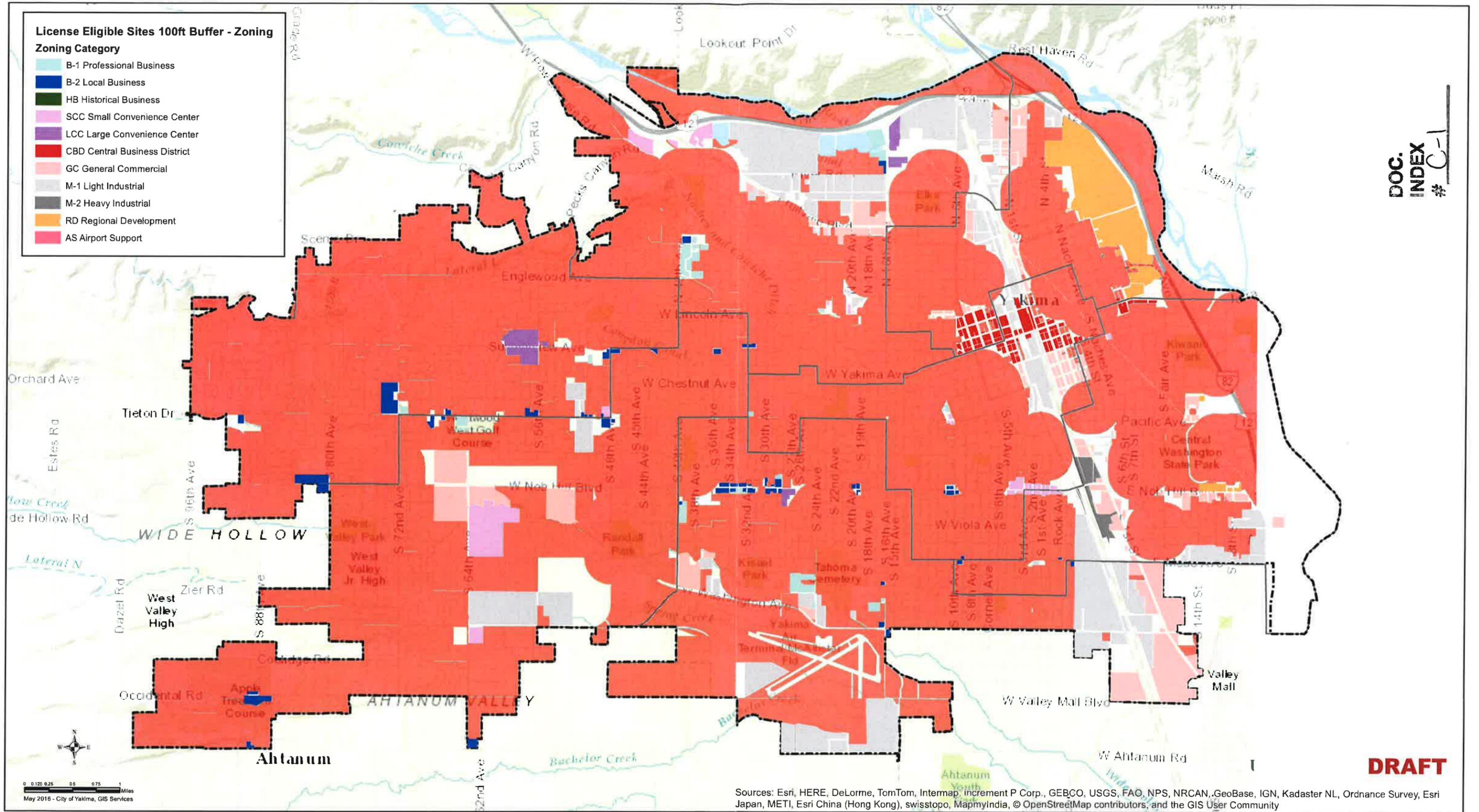
This map presents a modification to Option 1 Map by reducing the buffer to 500' around child care centers, arcades, transit center, libraries and recreation centers. The map maintains the required 1000' around schools and parks/playgrounds. These modifications are allowed by changes to the State of Washington's rules related to Licenses for Marijuana retail, manufacturing and processing operations as specified in RCW 69.50.331. In addition, this map also excluded (but did not buffer by 1000 feet) properties that were zoned residential or owned by the City of Yakima, or other government agencies. In the cases where the buffer occurs, if a portion of the parcel was impacted by the buffer, the entire parcel was included. Approximately 1402 parcels were identified that met the criteria of the State Law.

**RCW 69.50.331 Application for license.**

8(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

**Marijuana Restricted Areas - Option 2 Zoning Detail**

- Restricted Areas 500ft Buffer
- Yakima City Limits
- Yakima Council Districts



This map presents a modification to Option 1 Map by reducing the buffer to 100' around child care centers, arcades, transit center, libraries and recreation centers. The map maintains the required 1000' around schools and parks/playgrounds. These modifications are allowed by changes to the State of Washington's rules related to Licenses for Marijuana retail, manufacturing and processing operations as specified in RCW 69.50.331. In addition, this map also excluded (but did not buffer by 1000 feet) properties that were zoned residential or owned by the City of Yakima, or other government agencies. In the cases where a buffer occurs, if a portion of the parcel was impacted by the buffer, the entire parcel was included. Approximately 1776 parcels were identified that met the criteria of the State Law.

**RCW 69.50.331 Application for license.**

8(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

**Marijuana Restricted Areas - Option 3 Zoning Detail**

- Restricted Areas 100ft Buffer
- Yakima City Limits
- Yakima Council Districts





**LAND USE APPLICATION**

**CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901**  
**PHONE: (509) 575-6183 FAX: (509) 575-6105**

**INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.**

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of several parts. PART I - GENERAL INFORMATION, PART II – SUPPLEMENTAL APPLICATION, and PART III – CERTIFICATION are on this page. PART II, III, and IV contain additional information specific to your proposal and MUST be attached to this page to complete the application.

**PART I – GENERAL INFORMATION**

1. Applicant's Information:	Name:	City of Yakima Planning Department						
	Mailing Address:	129 North Second Street						
	City:	Yakima	St:	WA	Zip:	98901	Phone :	(509) 575-6183
	E-Mail:							
2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input checked="" type="checkbox"/> Other: Local Government			
3. Property Owner's Information (If other than Applicant):	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone :	( )
	E-Mail:							

4. Subject Property's Assessor's Parcel Number(s):

5. Legal Description of Property. (if lengthy, please attach it on a separate document)  
 N/A

6. Property Address: N/A

7. Property's Existing Zoning:  
 SR  R-1  R-2  R-3  B-1  B-2  HB  SCC  LCC  CBD  GC  AS  RD  M-1  M-2

8. Type Of Application: (Check All That Apply)

<input type="checkbox"/> Administrative Adjustment	<input checked="" type="checkbox"/> Environmental Checklist (SEPA Review)	<input type="checkbox"/> Easement Release
<input type="checkbox"/> Type (1) Review	<input type="checkbox"/> Right-of-Way Vacation	<input type="checkbox"/> Rezone
<input type="checkbox"/> Type (2) Review	<input type="checkbox"/> Transportation Concurrency	<input type="checkbox"/> Shoreline
<input type="checkbox"/> Type (3) Review	<input type="checkbox"/> Non-Conforming Use/Structure	<input type="checkbox"/> Critical Areas Review
<input type="checkbox"/> Preliminary Short Plat	<input type="checkbox"/> Appeal to HE / City Council	<input type="checkbox"/> Variance
<input type="checkbox"/> Final Short Plat	<input type="checkbox"/> Interpretation by Hearing Examiner	<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> Short Plat Amendment	<input type="checkbox"/> Modification	<input type="checkbox"/> Overlay District
<input type="checkbox"/> Preliminary Long Plat	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Binding Site Plan
<input type="checkbox"/> Final Long Plat	<input type="checkbox"/> Comprehensive Plan Text or Map Amendment	<input type="checkbox"/> Planned Development
<input type="checkbox"/> Plat Alteration –Long Plat	<input type="checkbox"/> Short Plat Exemption: _____	<input checked="" type="checkbox"/> Other: <u>Zoning Ordinance Amendment</u>

**PART II – SUPPLEMENTAL APPLICATION – SEPA CHECKLIST**

9. Environmental Checklist (see attached forms)

**PART III – CERTIFICATION**

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

City of Yakima Planning Dept.  
 Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Jeff Peters: Jeff Peters Supervising Planner  
 Applicant's Signature \_\_\_\_\_ Date 5-27-16

FILE/APPLICATION(S)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:
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**DOC. INDEX**  
**# D-1**



# ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

YAKIMA MUNICIPAL CODE CHAPTER 6.88

## PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

### A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable):** City of Yakima Urban Area Zoning Ordinance I-502 Marijuana Amendment.

2. **Applicant's Name & Phone:** City of Yakima Planning Department, 509-575-6183.

3. **Applicant's Address:** 129 North Second Street, Yakima, WA 98901.

4. **Contact Person & Phone:** Jeff Peters at (509) 575-6163

5. **Agency Requesting Checklist:** City of Yakima

6. **Proposed Timing Or Schedule (Including Phasing, If Applicable):** None

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:** Not at this time.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:** None.

**A. BACKGROUND INFORMATION (To be completed by the applicant.)**

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:** This ordinance has the potential to both limit and permit both state licensed I-502 marijuana facilities, and proposed marijuana facilities within the City of Yakima city limits.

10. **List any government approvals or permits that will be needed for your proposal, if known:** SEPA determination, City of Yakima Planning Commission Public Hearing, and City Council Approval.

10. **Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.):**

This proposal includes an amendment to the City of Yakima's Urban Area Zoning Ordinance adding new land uses and regulations to YMC Ch. 15.04 Table 4-1 Permitted Land Uses, and Ch. 15.09 Special Development Standards relating to I-502 Marijuana Uses. The draft ordinance more specifically proposes language to:

1. Repeal the City's ban on marijuana uses YMC § 15.01.035,;
2. Adopt the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives, or as otherwise proposed to be reduced or increased by the Yakima City Planning Commission;
3. Amend YMC 15.04 Table 4-1 Permitted Uses to permit:
  - a. Recreational marijuana producers as a Class (1) Permitted Use in the Light Industrial (M-1), and Heavy Industrial (M-2) zoning districts;
  - b. Recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development (RD) zoning districts, and Airport Service Districts (AS); and
  - c. Prohibit recreational marijuana production, processing or retailing in all other zoning districts; and
4. Amend YMC Ch. 15.09 Special Development Standards to include or make reference to all required definitions, provisions, or regulations provided for in state law, and all other land use or licensing controls/regulations/provisions developed by the City of Yakima Planning Commission.

The draft ordinance has been created to provide a framework which encompasses all applicable state laws regarding I-502 legislation and uses, and is the starting point for further development of land use controls by the City of Yakima Planning Commission.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist: City limits.**

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
<b>1. Earth</b>	
a. <b>General description of the site (✓ one):</b>	
<input checked="" type="checkbox"/> flat <input checked="" type="checkbox"/> rolling <input checked="" type="checkbox"/> hilly <input checked="" type="checkbox"/> steep slopes <input checked="" type="checkbox"/> mountainous <input checked="" type="checkbox"/> other	
b. <b>What is the steepest slope on the site (approximate percent slope)?</b> N/A.	
c. <b>What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.</b>  See United States Department of Agriculture Soil Conservation Service <u>Soil Survey of Yakima County Area Washington.</u>	
d. <b>Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</b>  See United States Department of Agriculture Soil Conservation Service <u>Soil Survey of Yakima County Area Washington.</u>	
e. <b>Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.</b> None	
f. <b>Could erosion occur as a result of clearing, construction, or use? If so, generally describe.</b>  N/A	
g. <b>About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</b> N/A	
h. <b>Proposed measures to reduce or control erosion, or other impacts to the earth, if any:</b> N/A	
<b>2. Air</b>	
a. <b>What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.</b> The proposal is to develop regulations for I-502 marijuana business and is considered a non-project action which would not produce emissions to the air. However, the draft ordinance upon completion of public comment and review, could be amended to include regulations which limit emission from marijuana producers and processors.	
b. <b>Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.</b> N/A	

c. Proposed measures to reduce or control emissions or other impacts to air, if any:	
<b>3. Water</b>	
a. Surface Water	
<b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b>	<b>Space Reserved for Agency Comments</b>
1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. N/A	
2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A	
3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A	
4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No	
5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A	
6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A	
b. Ground Water	
1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. N/A	
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A	

c. <b>Water Runoff (including stormwater)</b>						Space Reserved for Agency Comments
<b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b>						
1. <b>Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</b> N/A						
2. <b>Could waste materials enter ground or surface waters? If so, generally describe.</b> N/A						
3. <b>Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.</b> N/A						
d. <b>Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:</b> N/A						
<b>4. Plants</b>						
a. <b>Check (✓) types of vegetation found on the site:</b>						
Deciduous Tree:	<input checked="" type="checkbox"/> Alder	<input checked="" type="checkbox"/> Maple	<input checked="" type="checkbox"/> Aspen		<input checked="" type="checkbox"/> Other	
Evergreen Green:	<input checked="" type="checkbox"/> Fir	<input checked="" type="checkbox"/> Cedar	<input checked="" type="checkbox"/> Pine		<input checked="" type="checkbox"/> Other	
	<input checked="" type="checkbox"/> Shrubs	<input checked="" type="checkbox"/> Grass	<input checked="" type="checkbox"/> Pasture	<input checked="" type="checkbox"/> Crop Or Grain	<input checked="" type="checkbox"/> Orchards, vineyards, or other permanent crops	
Wet Soil Plants:	<input checked="" type="checkbox"/> Cattail	<input checked="" type="checkbox"/> Buttercup	<input checked="" type="checkbox"/> Bullrush	<input checked="" type="checkbox"/> Skunk Cabbage	<input checked="" type="checkbox"/> Other	
Water Plants:	<input checked="" type="checkbox"/> Milfoil	<input checked="" type="checkbox"/> Eelgrass	<input checked="" type="checkbox"/> Water Lily		<input checked="" type="checkbox"/> Other	
<input checked="" type="checkbox"/> Other types of vegetation						
b. <b>What kind and amount of vegetation will be removed or altered?</b> None						
c. <b>List threatened or endangered species known to be on or near the site.</b> There are minor amounts of threatened or endangered species known to live in or around the city limits of Yakima, however this proposal does not involve any change to the land or habitat, and is considered non-project.						
d. <b>Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:</b> N/A						
e. <b>List all noxious weeds and invasive species known to be on or near the site.</b> N/A						
<b>5. Animals</b>						

<p>a. <b>List any birds or other animals which have been observed on or near the site or are known to be on or near the site.</b>  <i>Examples include:</i>  <i>birds: hawk, heron, eagle, songbirds, other:</i>  <i>mammals: deer, bear, elk, beaver, other:</i>  <i>fish: bass, salmon, trout, herring, shellfish, other _____</i></p> <p>N/A</p>	
<p>b. <b>List any threatened or endangered species known to be on or near the site.</b>  There are minor amounts of threatened or endangered species know to live in or around the city limits of Yakima, however this proposal does not involve any change to the land or habitat, and is considered non-project.</p>	
<p><b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b></p>	<p><b>Space Reserved for Agency Comments</b></p>
<p>c. <b>Is the site part of a migration route? If so, explain.</b>  Migratory birds may utilize property within the City limits; however this proposal does not involve any change to the land or habitat, and is considered non-project.</p>	
<p>d. <b>Proposed measures to preserve or enhance wildlife, if any:</b>  N/A</p>	
<p>e. <b>List any invasive animal species known to be on or near the site.</b>  N/A</p>	
<p><b>6. Energy and Natural Resources</b></p>	
<p>a. <b>What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.</b>  This proposal is to develop regulations for I-502 marijuana business and is considered a non-project action. However, the draft ordinance upon completion of public comment and review, could be amended to include regulations which limit or permit various forms of energy consumption for I-502 producers and processors.</p>	
<p>b. <b>Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</b>  N/A</p>	
<p>c. <b>What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:</b>  This proposal is to develop regulations for I-502 marijuana business and is considered a non-project action. However, the draft ordinance upon completion of public comment and review, could be amended to include regulations which require energy conservation for I-502 producers and processors.</p>	
<p><b>7. Environmental Health</b></p>	
<p>a. <b>Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.</b>  This proposal is to develop regulations for I-502 marijuana business and is considered a non-project action. The draft ordinance upon completion of public comment and review may contain regulations which address environmental health hazards as identified above.</p>	
<p>1. <b>Describe any known or possible contamination at the site from present or past uses.</b>  N/A</p>	

<p>2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. N/A</p>	
<p>3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. N/A</p>	
<p>4. Describe special emergency services that might be required. N/A</p>	
<p>5. Proposed measures to reduce or control environmental health hazards, if any: N/A</p>	
<p><b>b. Noise</b></p>	
<p>1. What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)? N/A</p>	
<p><b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b></p>	
<p>2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.  This proposal is a non-project action.</p>	<p><b>Space Reserved for Agency Comments</b></p>
<p>3. Proposed measures to reduce or control noise impacts, if any: N/A</p>	
<p><b>8. Land and Shoreline Use</b></p>	
<p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.  N/A</p>	
<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?  N/A</p> <p>1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:  N/A</p>	

c. Describe any structures on the site. N/A	
d. Will any structures be demolished? If so, what? N/A	
e. What is the current zoning classification of the site? N/A	
f. What is the current comprehensive plan designation of the site? N/A	
g. If applicable, what is the current shoreline master program designation of the site? N/A	
h. Has any part of the site been classified as a critical area by the city or county? If so, specify. N/A	
i. Approximately how many people would reside or work in the completed project? N/A	
j. Approximately how many people would the completed project displace? N/A	
<b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b>	<b>Space Reserved for Agency Comments</b>
k. Proposed measures to avoid or reduce displacement impacts, if any. N/A	
l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  The City's I-502 Marijuana regulations are intended to comply with state law and address any additional environmental impacts that may result from permitting the uses within the identified zoning districts.	
m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:  The City's I-502 Marijuana regulations are intended to comply with state law and address any additional environmental impacts that may result from permitting the uses within the identified zoning districts.	
<b>9. Housing</b>	
a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. N/A	

<p>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A</p>	
<p>c. Proposed measures to reduce or control housing impacts, if any: N/A</p>	
<b>10. Aesthetics</b>	
<p>a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A</p>	
<p>b. What views in the immediate vicinity would be altered or obstructed? N/A</p>	
<p>c. Proposed measures to reduce or control aesthetic impacts, if any: The City's draft I-502 marijuana regulations may include provisions to ensure that uses are compatible with their surroundings in terms of aesthetic impacts.</p>	
<b>11. Light and Glare</b>	
<p>a. What type of light or glare will the proposal produce? What time of day would it mainly occur? N/A</p>	
<p>b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A</p>	
<p>c. What existing off-site sources of light or glare may affect your proposal? N/A</p>	
<p>d. Proposed measures to reduce or control light and glare impacts, if any: N/A</p>	
<b>12. Recreation</b>	
<b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b>	
<p>a. What designated and informal recreational opportunities are in the immediate vicinity? N/A</p>	<b>Space Reserved for Agency Comments</b>
<p>b. Would the proposed project displace any existing recreational uses? If so, describe. N/A</p>	
<p>c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A</p>	
<b>13. Historic and Cultural Preservation</b>	
<p>a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. N/A</p>	

<p>b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A</p>	
<p>c. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A</p>	
<p><b>14. Transportation</b></p>	
<p>a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. N/A</p>	
<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A</p>	
<p>c. How many parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A</p>	
<p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). N/A</p>	
<p>e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A</p>	
<p><b>B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)</b></p>	<p><b>Space Reserved for Agency Comments</b></p>
<p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? N/A</p>	
<p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe: N/A</p>	

<p>h. Proposed measures to reduce or control transportation impacts, if any: N/A</p>	
<p><b>15. Public Services</b></p>	
<p>a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe: N/A</p>	
<p>b. Proposed measures to reduce or control direct impacts on public services, if any. N/A</p>	
<p><b>16. Utilities</b></p>	
<p>a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other <u>N/A</u></p>	
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. N/A</p>	
<p><b>C. SIGNATURE (To be completed by the applicant.)</b></p>	
<p>The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.</p>	
<p><i>Jeff Peters</i></p>	<p>5/27/16</p>
<p>Property Owner or Agent Signature</p>	<p>Date Submitted</p>
<p><i>Jeff Peters</i></p>	<p><i>Supervising Planner City of Yakima</i></p>
<p>Name of Signee</p>	<p>Position and Agency/Organization</p>
<p><b>PLEASE COMPLETE SECTION "D" ON THE NEXT PAGE IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW</b></p>	

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions)	Space Reserved For Agency Comments
<p>Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.</p>	
<p><b>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?</b></p> <p>The proposed I-502 marijuana regulations at present do not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise. However, as it is know that marijuana producer and processing facilities both produce discharge of process water, and emissions to the air, additional restriction and land use controls are likely to be developed.</p>	
<p><b>Proposed measures to avoid or reduce such increases are:</b>  Proposed measures to reduce the above effects of marijuana producers and processors on the environment will likely be developed based upon the input from SEPA agencies during the public comment period.</p>	
<p><b>2. How would the proposal be likely to affect plants, animals, fish, or marine life?</b></p> <p>The proposed zoning changes will not affect plants, animals, fish, or marine life as all the proposed changes will not change any existing environmental regulations.</p> <p><b>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</b>  As the proposal will not affect any of the above animal life, no measures to protect or conserve plant and animal life have been proposed.</p>	
<p><b>3. How would the proposal be likely to deplete energy or natural resources?</b></p> <p>The proposed zoning amendments do not involve regulations dealing with energy or natural resources.</p> <p><b>Proposed measures to protect or conserve energy and natural resources are:</b>  None proposed.</p>	
<p><b>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</b></p> <p>The proposed zoning amendments do not propose any change to regulations for environmentally sensitive areas or areas designated for governmental protection.</p> <p><b>Proposed measures to protect such resources or to avoid or reduce impacts are:</b>  None proposed.</p>	
<p><b>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</b></p> <p>The proposed zoning amendments do not propose any change to regulations for shoreline uses.</p> <p><b>Proposed measures to avoid or reduce shoreline and land use impacts are:</b>  None proposed.</p>	
<p><b>6. How would the proposal be likely to increase demands on transportation or public services and utilities?</b></p> <p>The proposed zoning amendments do not propose any change to regulations for public transportation, and upon completion of environmental review contain additional regulation for marijuana producers and processors to discharge to the City's Industrial Waste Line may be formulated.</p>	

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions)	Space Reserved For Agency Comments
<p>Proposed measures to reduce or respond to such demand(s) are: None proposed.</p>	
<p>7. <b>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</b> The proposed zoning amendments will not conflict with any local or state laws, or requirements for the protection of the environment, and have been drafted to contain all provisions and restrictions of state law regarding I-502 marijuana uses. Any additions or subtractions from the draft ordinance will likewise conform to state law. Marijuana continues to be listed as an illegal substance under the federal substance control act, however, the USDOJ, in letter form, indicated that the federal government would respect the determination of the citizens of Washington to legalize marijuana for recreational purposes (under most circumstances).</p>	

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# D-1



**Maxey, Lisa**

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**From:** Kari Hanson <dwolly@cet.com>  
**Sent:** Saturday, June 11, 2016 8:37 PM  
**To:** Ask Planning  
**Subject:** Retail Marijuana Sales in Yakima

I am very concerned about the fact that the city is going to allow retail marijuana sales. While I understand the ban has been repealed, I would like to voice my opinion about where they should be located. If sales are going to be allowed, they should be kept away from areas where children congregate and away from residential neighborhoods. Let's limit our children's exposure when they are vulnerable and impressionable.

1. Please increase the buffer around elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries and any game arcade to 2000 feet.
2. Please include churches in the 2000 ft. buffer.
3. Please prohibit retail stores from being located in residential neighborhoods.

Thank you for your consideration.

Sincerely:

Kari Hanson

## Maxey, Lisa

---

**From:** Davenport, Joan  
**Sent:** Monday, June 13, 2016 9:20 AM  
**To:** Peters, Jeff; Maxey, Lisa; Ibarra, Rosalinda  
**Subject:** FW: Recreational Marijuana Businesses

[Another comment for our public hearing...](#)

Joan

**From:** Price, Cally  
**Sent:** Monday, June 13, 2016 9:09 AM  
**To:** Gutierrez, Avina; Gutierrez, Dulce; Mendez, Carmen; Cousens, Holly; Coffey, Kathy; Lover, Bill; Adkison, Maureen  
**Cc:** Cutter, Jeff; Kunkler, Mark; Davenport, Joan; Watkins, Sara  
**Subject:** FW: Recreational Marijuana Businesses

[Message received regarding marijuana](#)

Cally Price  
Assistant to the City Manager  
City Manager, Mayor, and Council Office

**From:** Beehler, Randy  
**Sent:** Monday, June 13, 2016 9:04 AM  
**To:** Price, Cally  
**Subject:** FW: Recreational Marijuana Businesses

[Please pass along the e-mail below to the City Council.](#)

**Randy Beehler**  
Communications & Public Affairs Director  
City of Yakima, Wa.  
Cell – 509-901-1142

**From:** Patty Walker [<mailto:prisc00@hotmail.com>]  
**Sent:** Friday, June 10, 2016 5:00 PM  
**To:** Beehler, Randy  
**Subject:** Recreational Marijuana Businesses

Mr. Beehler:

My family resides within the City limits of Yakima. We are concerned with the prospect of lifting the 1,000 feet of locations involving minors to have a recreational marijuana business.

We did not want to have these businesses in Yakima, or the State of Washington. It was passed into law, and the City of Yakima lifted the ban on such businesses just recently. Please consider the impact this would have on young people if they could go 100 feet from their school and purchase marijuana. Do not allow the 1,000 ban to be changed.

Thank you for considering our comment.

Priscilla J. Walker  
4 N 86th Avenue  
Yakima WA 98908

\* Message re: I-502 Marijuana Regulation  
received from City Manager's Office

**Maxey, Lisa**

---

**From:** Davenport, Joan  
**Sent:** Friday, June 10, 2016 10:09 AM  
**To:** Peters, Jeff; Maxey, Lisa; Ibarra, Rosalinda  
**Subject:** FW: message on voicemail for Council

fyi

**From:** Price, Cally  
**Sent:** Friday, June 10, 2016 9:09 AM  
**To:** Gutierrez, Avina; Gutierrez, Dulce; Mendez, Carmen; Cousens, Holly; Coffey, Kathy; Lover, Bill; Adkison, Maureen  
**Cc:** Cutter, Jeff; Watkins, Sara; Kunkler, Mark; Davenport, Joan  
**Subject:** message on voicemail for Council

"Hi. I would like the council to consider not moving g the marijuana shop boundaries from 1000 to 100. That is absolutely going next door so guess what...the 1000 foot should stay."

Cally Price  
Assistant to the City Manager  
City Manager, Mayor, and Council Office  
129 North 2<sup>nd</sup> Street  
Yakima, WA 98901  
Phone: 509-575-6040  
Fax: 509-576-6335  
[www.yakimawa.gov](http://www.yakimawa.gov)



**Maxey, Lisa**

---

**From:** Karen Allen <mizall8273@gmail.com>  
**Sent:** Thursday, June 09, 2016 8:59 PM  
**To:** Ask Planning  
**Subject:** marijuana sale site

To the Planning Commission members,

As a resident of Yakima, a retired elementary teacher, and a grandmother whose three grandchildren attended Nob Hill Elementary School, I am alarmed that one of the proposed sites for the sale of Marijuana, under consideration by the Planning Commission, is so close to that school, and bordering on the residential neighborhood that serves these families. I realize there are reasons for excluding other potential locations, as well, but certainly special consideration must be given to excluding sites that so conveniently provide kids with unhealthy messages, and parents with "one more thing" to worry about.

I hope you will consider this letter of concern.

Sincerely,

Karen Allen  
(509) 972-8988

**Maxey, Lisa**

---

**From:** Lynnette Whitney <lynnette.erin47@gmail.com>  
**Sent:** Friday, June 03, 2016 9:06 AM  
**To:** Ask Planning  
**Subject:** Keep the Buffer!

I have been working with a group of concerned parents and community members regarding the repeal of the ban on marijuana sales in the city of Yakima. We submitted 550 signatures to the city council asking them not to repeal the ban on marijuana sales. Since the ban was repealed, I am now asking you to listen to those voices and put in good restrictions on where marijuana will be sold in order to protect our community.

I have children attending an elementary school in Yakima and we first became concerned when we read in the paper that there might be a retail shop just a few blocks from our school. That made us concerned, not just about our school, but about having the presence of marijuana sales near any of the schools or areas that children frequent in Yakima.

I am asking that you maintain or increase the current state guidelines of a 1000 foot buffer around schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries and arcades. I am asking that you not decrease the buffer in any way. There are plenty of areas left in Yakima where these retail stores can be located without being near these areas.

If you decrease the buffers, it may allow retail marijuana in the vicinity of Nob Hill Elementary, McClure Elementary, Whitney Elementary, Wilson Middle School and Eisenhower High School. Children walking to and from school would pass it each day. I

Please protect our kids and our neighborhoods.

Thank you for taking the time to listen to the concerns of the residents of Yakima.

Sincerely,  
Lynnette Whitney

**Maxey, Lisa**

---

**From:** Elizabeth Hallock <ehallock.law@gmail.com>  
**Sent:** Thursday, June 02, 2016 10:39 AM  
**To:** Ask Planning  
**Subject:** City Golf course/502

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

LCB considers the city golf course a park.  
We tried to put an app there; it is considered a state restricted entity.  
Liz

Sent from my Verizon Wireless 4G LTE smartphone

## Maxey, Lisa

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**From:** Hasan Tahat <hasan@yrcaa.org>  
**Sent:** Tuesday, May 31, 2016 8:51 AM  
**To:** Peters, Jeff  
**Cc:** Maxey, Lisa  
**Subject:** RE: Notice of Application, Public Hearing, and DNS - I-502 Marijuana Regulation - SEPA#013-16

Dear Jeff:

Thank you for providing the Yakima Regional Clean Air Agency (YRCAA) the opportunity to review and comment on SEPA#013-16.

Following review, YRCAA has the following comment(s):

1. Indoor and processing facilities may require a New Source Review (NSR) Prior to the start of construction or operation. Applicants are encourage to contact our office early on during the planning stage; and
2. Contractors doing demolition, excavation, clearing, construction, or landscaping work must file a Dust Control Plan with YRCAA, prior to the start of any work.

Thank you for the opportunity to connect with the county's continued support in protecting the air quality in Yakima County.

Best regards,

Hasan M. Tahat, Ph.D.  
Engineering and Planning Division Supervisor  
Yakima Regional Clean Air Agency  
Tel: (509) 834-2050 ext. 105  
Fax: (509) 834-2060  
E-mail: [hasan@yrcaa.org](mailto:hasan@yrcaa.org)

*The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited.*

**From:** Maxey, Lisa [mailto:Lisa.Maxey@YAKIMAWA.GOV]

**Sent:** Friday, May 27, 2016 11:03 AM

**To:** Brown, Michael; Crockett, Ken; Daily Sun News - Bob Story; Ibarra, Rosalinda; KAPP TV News; KBBO-KRSE Radio - manager; KCJT TV News; KDNA Radio; KEPR TV News; KIMA TV News; KIMA TV News - Crystal Bui; KIT/KATS/DMVW/KFFM - Lance Tormey; KNDO TV News; KUNS-TV Univision; KVEW TV News; Lozano, Bonnie; NWCN News; NWPR - Anna King; Randy Luvaas - Yakima Business Times; Reed C. Pell; Tu Decides - Albert Torres; Yakima Herald Republic - Craig Troianello; Yakima Herald Republic - Mai Hoang; Yakima Herald Republic - Mark Morey; Yakima Herald Republic - Mike Faulk; Yakima Herald Republic Newspaper; Yakima Valley Business Times; Yakima Valley Business Times - George Finch; Beehler, Randy; Belles, Carolyn; Brown, David; Caruso, Joe; Cutter, Jeff; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Futrell, Kevin; Kallevig, Dana; Kunkler, Mark; Layman, Randy; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Riddle, Dan; Rizzi, Dominic; Schafer, Scott; Shane, Mike; Soptich, Mark; Zammarchi, Loretta; Alyn, Kaarre; Beehler, Randy; Bill & Linda Beerman; City of Union Gap; City of Union Gap; Claar Tee, Sonya; CWHBA Joe Walsh (E-mail); Danielle Surkatty; David Gaudette; David Kearby - Associated General Contractors of WA; Davido, Sean; Dianna Woods; Doug Carey; Evodio Reyes; Farmworker Housing Marty Miller (E-mail); James Carmody; Ken Camarata - AIA; Crockett, Ken; Luz Bazan Gutierrez - RCDR; Mike & Cindy Noble; Mike Dooley - Wilbert Precast; Mike Shinn; Peters, Jeff; Phil Hoge; Price, Cally; Ralph Call; Robert Lockhart; Ron Pelson (ron@traditionaldesignsinc.com); Sandy Lloyd; Smith, Valerie; Steve Erickson; Steve S; Terrence Danysh; Terry Keenhan; Thomas Carroll; Walt Panta; Al

Rose; Alfred A. Rose (silvrfx40@bmi.net); Gavin Keefe; Gutierrez, Avina; Patricia Byers; Peter Marinace; Scott Clark; Watkins, Sara; William Cook (cook.w@charter.net); Ahtanum Irrigation District - Beth Ann Brulotte; Cascade Natural Gas - Jim Robinson; Cawley, Marc; Chamber of Commerce; Department of Commerce (CTED) - Review Team; Department of Ecology - SEPA Register; Department of Ecology -CRO Coordinator; Department of Fish and Wildlife - Eric Bartrand; Department of Fish and Wildlife - Scott Downes; Department of Natural Resources; Department of Social & Health Services - Jeanne Rodriguez; Dept Archaeology & Historic Preservation - SEPA Review; Desgrosellier, Bob; Energy Facility Site Evaluation Council - Stephen Posner; Nob Hill Water - Bob Irving; Peterson, Robert; US Army Corps of Engineers - Deborah J Knaub; West Valley School District - Angela Watts; WSDOT - Carter Timmerman; WSDOT - Paul Gonseth; WSDOT - Rick Holmstrom; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama-Klickitat Fisheries - John Marvin; Yakima County Commissioners; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning Director - Lynn Deitrick; Yakima County Public Services Director, Vern Redifer; Yakima Greenway Foundation - Al Brown; Hasan Tahat; Yakima Valley Conference of Governments - Joseph Calhoun; Yakima Valley Conference of Governments - Shawn Conrad; Yakima Valley Museum - John A. Baule; Yakima Waste Systems - Keith Kovalenko

**Cc:** Peters, Jeff

**Subject:** Notice of Application, Public Hearing, and DNS - I-502 Marijuana Regulation - SEPA#013-16

Attached is a Notice of Application, Public Hearing, and Determination of Non-Significance (DNS) regarding the above-entitled project. If you have any questions about this proposal please contact assigned planner Jeff Peters at (509) 575-6163 or by email at [jeff.peters@yakimawa.gov](mailto:jeff.peters@yakimawa.gov). Thank you!

***Lisa Maxey***

**Department Assistant II**

City of Yakima Planning Division

(509) 576-6669 ~ [Lisa.Maxey@yakimawa.gov](mailto:Lisa.Maxey@yakimawa.gov)

129 N. 2nd St. Yakima, WA 98901

**Maxey, Lisa**

---

**From:** Jenny Mattson <jennymattson.jm@gmail.com>  
**Sent:** Monday, May 30, 2016 1:31 PM  
**To:** Ask Planning  
**Subject:** Zoning for marijuana businesses  
**Attachments:** 20160525\_132522~2.jpg; 20160525\_132651.jpg

Hello,

I am writing to express concern I hope the Planning Commission will consider when making determinations for marijuana business locations.

One of the proposed sites on Nob Hill Blvd, the former Casa Mia, is located near a densely residential area. Pictures included are from the street side and behind the parking lot. Many of the units are multi-family dwellings (duplex and triplex).

A minimum buffer zone from Nob Hill Elementary is insufficient as it doesn't address the significant number of children that live and must commute by foot, car, or bus right by that location in order to get to school every day. Exposure and promotion of marijuana (still illegal under federal law) makes it that much more difficult for parents and schools trying to impart how children need to make healthy choices. Please consider strictly regulating that such businesses cannot be located in residential areas or where minors must commute in order to get to school.

Thank you for your consideration,

--  
Jenny Mattson, MS, LMHC  
(509) 966-2632

This message is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt for disclosure under applicable law. If you are not the intended addressee nor authorized to receive for the addressee, you are hereby notified that you may not use, copy or distribute this message to anyone. If you have received this message in error, please immediately advise the sender.



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STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
www.commerce.wa.gov

May 31, 2016

Jeff Peters  
Supervising Planner  
City of Yakima  
129 North 2nd Street  
Yakima, Washington 98901

Dear Mr. Peters:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**City of Yakima - Proposed ordinance to establish zoning controls for I-502 Marijuana uses. These materials were received on May 31, 2016 and processed with the material ID # 22463. Expedited Review is requested under RCW 36.70A.106(3)(b).**

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce may deny expedited review and the standard 60-day review period will end on July 30, 2016. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than June 14, 2016. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team  
Growth Management Services

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division

Joan Davenport, AICP, Director

129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

ask.planning@yakimawa.gov • www.yakimawa.gov/services/planning

**City of Yakima Planning Commission**

**PUBLIC HEARING**

City Hall Council Chambers

Thursday June 16, 2016

5:30 p.m. - 8:00 p.m.

YPC Members:

Chairman Scott Clark, Vice-Chair Patricia Byers,  
Al Rose, Bill Cook, Peter Marinace, Gavin Keefe

Council Liaison: Mayor Avina Gutiérrez

City Planning Staff:

Joan Davenport (Community Development Director/Planning Manager); Jeff Peters (Supervising Planner); Valerie Smith (Senior Planner); Trevor Martin (Associate Planner); Eric Crowell (Assistant Planner); Rosalinda Ibarra (Administrative Assistant); and Lisa Maxey (Department Assistant)

Agenda

- I. Call to Order
- II. Roll Call
- III. Staff Announcements
- IV. Approval of Meeting Minutes of June 1, 2016 and June 8, 2016
- V. Public Hearing - I-502 Marijuana Regulation (SEPA#013-16)
- VI. Other Business
- VII. Adjourn

Next Meeting: June 22, 2016



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DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division

Joan Davenport, AICP, Director

129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

ask.planning@yakimawa.gov • www.yakimawa.gov/services/planning

**City of Yakima Planning Commission**

**STUDY SESSION**

**City Hall Council Chambers**

**Wednesday June 8, 2016**

**3:00 p.m. – 5:00 p.m.**

**YPC Members:**

**Chairman Scott Clark, Vice-Chair Patricia Byers,  
Al Rose, Bill Cook, Peter Marinace, Gavin Keefe**

**Council Liaison: Mayor Avina Gutiérrez**

**City Planning Staff:**

**Joan Davenport (Community Development Director/Planning Manager); Jeff Peters (Supervising Planner); Valerie Smith (Senior Planner); Trevor Martin (Associate Planner); Eric Crowell (Assistant Planner); Rosalinda Ibarra (Administrative Assistant); and Lisa Maxey (Department Assistant)**

**Agenda**

- I. Call to Order
- II. Roll Call
- III. Staff Announcements
- IV. Audience Participation
- V. Approval of Meeting Minutes of June 1, 2016
- VI. Continued Study Session on I-502 Marijuana Regulation
- VII. Public Comment on I-502 Marijuana Regulation
- VIII. Other Business
- IX. Adjourn

**Next Meeting: June 16, 2016 (Special Meeting – Public Hearing @5:30 p.m.)**



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DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Division

Joan Davenport, AICP, Director  
129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

ask.planning@yakimawa.gov • www.yakimawa.gov/services/planning

**City of Yakima Planning Commission  
SPECIAL STUDY SESSION**

**City Hall Council Chambers  
Wednesday June 1, 2016  
3:00 p.m. - 5:00 p.m.**

**YPC Members:**

**Chairman Scott Clark, Vice-Chair Patricia Byers,  
Al Rose, Bill Cook, Peter Marinace, Gavin Keefe**

**Council Liaison: Mayor Avina Gutiérrez**

**City Planning Staff:**

**Joan Davenport (Community Development Director/Planning Manager); Jeff Peters  
(Supervising Planner); Valerie Smith (Senior Planner); Trevor Martin (Associate Planner);  
Eric Crowell (Assistant Planner); Rosalinda Ibarra (Administrative Assistant); and Lisa  
Maxey (Department Assistant)**

**Agenda**

- I. Call to Order
- II. Roll Call
- III. Staff Announcements
- IV. Audience Participation
- V. Approval of Meeting Minutes of May 11, 2016, May 24, 2016, and May 25, 2016
- VI. Continued Study Session on I-502 Marijuana Regulation
- VII. Public Comment on I-502 Marijuana Regulation
- VIII. Other Business
- IX. Adjourn

Next Meeting: June 8, 2016



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# F-3



**AFFIDAVIT OF MAILING**

STATE OF WASHINGTON

CITY OF YAKIMA

**RE: SEPA#013-16**

**I-502 Marijuana Regulation**

**Citywide**

I, Lisa Maxey, as an employee of the Yakima City Planning Division, have dispatched through the United States Mails, a **Notice of Application, YPC Public Hearing & DNS**. A true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant and all property owners of record within a radius of 300 feet of subject property, that said property owners are individually listed on the mailing list retained by the Planning Division, and that said notices were mailed by me on the 27<sup>th</sup> day of May, 2016.

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.



Lisa Maxey  
Department Assistant II

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<p>Ahtanum Irrigation District Beth Ann Brulotte, Executive Assistant 10705-B Gilbert Road Yakima, WA 98903-9203 <a href="mailto:bethb@ahtanum.net">bethb@ahtanum.net</a></p>	<p>Cascade Natural Gas Jim Robinson, Field Facilitator 701 South 1st Ave Yakima, WA 98902 <a href="mailto:Jim.robinson@cngc.com">Jim.robinson@cngc.com</a></p>	<p>Chamber of Commerce 10 North 9th Street Yakima, WA 98901 <a href="mailto:chamber@yakima.org">chamber@yakima.org</a></p>
<p>Department of Commerce Growth Management Services, P.O. Box 42525 Olympia, WA 98504-2525 <a href="mailto:reviewteam@commerce.wa.gov">reviewteam@commerce.wa.gov</a></p>	<p>Department of Ecology Annie Szvetcz, SEPA Policy Lead P.O. Box 47703 Olympia, WA 98504-7703 <a href="mailto:separegister@ecy.wa.gov">separegister@ecy.wa.gov</a></p>	<p>Department of Ecology Gwen Clear 1250 West Alder Street Union Gap, WA 98903 <a href="mailto:crosepacoordinator@ecy.wa.gov">crosepacoordinator@ecy.wa.gov</a></p>
<p>Department of Fish and Wildlife Eric Bartrand 1701 South 24th Ave Yakima, WA 98902 <a href="mailto:Eric.Bartrand@dfw.wa.gov">Eric.Bartrand@dfw.wa.gov</a> <a href="mailto:Scott.Downes@dfw.wa.gov">Scott.Downes@dfw.wa.gov</a></p>	<p>Department of Natural Resources SEPA Center PO Box 47015 Olympia, WA 98504 <a href="mailto:sepacenter@dnr.wa.gov">sepacenter@dnr.wa.gov</a></p>	<p>Department of Social &amp; Health Services Jeanne Rodriguez P.O. Box 45848 Olympia, WA 98504 <a href="mailto:Jeanne.rodriguez@dshs.wa.gov">Jeanne.rodriguez@dshs.wa.gov</a></p>
<p>Dept of Archaeology &amp; Historic Preservation Greg Griffith or Gretchen Kaehler, Deputy State Historic Preservation Officer P.O. Box 48343 Olympia, WA 98504-8343 <a href="mailto:dahp.separeview@dahp.wa.gov">dahp.separeview@dahp.wa.gov</a></p>	<p>Energy Facility Site Evaluation Council -EFSEC Stephen Posner, SEPA Officer PO Box 43172 Olympia, WA 98504-3172 <a href="mailto:sposner@utc.wa.gov">sposner@utc.wa.gov</a></p>	<p>Engineering Division Dana Kallevig and Debbie Cook, City Engineer 129 N 2nd Street Yakima, WA 98901 <a href="mailto:dana.kallevig@yakimawa.gov">dana.kallevig@yakimawa.gov</a> <a href="mailto:debbie.cook@yakimawa.gov">debbie.cook@yakimawa.gov</a></p>
<p>Nob Hill Water Association <i>Bob Irving</i> Nick Rogers, Engineering Technician 6111 Tieton Drive Yakima, WA 98908 <i>bobnick@nobhillwater.org</i></p>	<p>Office of Rural and Farm Worker Housing Marty Miller 1400 Summitview Ave, Ste# 203 Yakima, WA 98902 <a href="mailto:Martym2@orfh.org">Martym2@orfh.org</a></p>	<p>U.S. Army Corps of Engineers, Regulatory Branch Deborah Knaub, Project Manager P.O. Box 3755 Seattle, WA 98124-3755 <a href="mailto:Deborah.J.Knaub@usace.army.mil">Deborah.J.Knaub@usace.army.mil</a></p>
<p>Wastewater Division Marc Cawley or Dana Kallevig 2220 East Viola Ave Yakima, WA 98901 <a href="mailto:marc.cawley@yakimawa.gov">marc.cawley@yakimawa.gov</a> <a href="mailto:dana.kallevig@yakimawa.gov">dana.kallevig@yakimawa.gov</a></p>	<p>West Valley School District Angela Watts, Asst. Supt. Of Business &amp; Operations 8902 Zier Road Yakima, WA 98908-9299 <a href="mailto:wattsa@wvsd208.org">wattsa@wvsd208.org</a></p>	<p>WSDOT Paul Gonseth, Planning Engineer 2809 Rudkin Road Union Gap, WA 98903 <a href="mailto:gonsetp@wsdot.gov">gonsetp@wsdot.gov</a></p>
<p>WSDOT Rick Holmstrom, Development Services 2809 Rudkin Road Union Gap, WA 98903 <a href="mailto:holmstr@wsdot.wa.gov">holmstr@wsdot.wa.gov</a></p>	<p>WSDOT, Aviation Division Carter Timmerman 7702 Terminal St SW Tumwater, WA 98501 <a href="mailto:timmerc@wsdot.wa.gov">timmerc@wsdot.wa.gov</a></p>	<p><del>Yakama Bureau of Indian Affairs Steve Wangemann, Deputy Superintendent for Trust Services P.O. Box 632 Toppenish, WA 98948 <a href="mailto:Steve.wangemann@bia.gov">Steve.wangemann@bia.gov</a></del></p>
<p>Yakama Bureau of Indian Affairs Rocco Clark, Environmental Coordinator P.O. Box 632 Toppenish, WA 98948 <a href="mailto:Rocco.clark@bia.gov">Rocco.clark@bia.gov</a></p>	<p>Yakama-Klickitat Fisheries Project John Marvin 760 Pence Road Yakima, WA 98909 <a href="mailto:jmarvin@yakama.com">jmarvin@yakama.com</a></p>	<p>Yakima Air Terminal Robert Peterson, Airport Asst Manager 2400 West Washington Ave Yakima, WA 98903 <a href="mailto:robert.peterson@yakimawa.gov">robert.peterson@yakimawa.gov</a></p>
<p>Yakima County Commissioners <a href="mailto:Commissioners.web@co.yakima.wa.us">Commissioners.web@co.yakima.wa.us</a></p>	<p>Yakima County Health District Ryan Ibach, Director of Environmental Health 1210 Ahtanum Ridge Dr Ste#200 Union Gap, WA 98903 <a href="mailto:yhd@co.yakima.wa.us">yhd@co.yakima.wa.us</a> <a href="mailto:ryan.ibach@co.yakima.wa.us">ryan.ibach@co.yakima.wa.us</a></p>	<p>Yakima County Public Services Lynn Deitrick, Planning Director 128 North 2nd Street, 4th Floor Yakima, WA 98901 <a href="mailto:Lynn.Deitrick@co.yakima.wa.us">Lynn.Deitrick@co.yakima.wa.us</a></p>
<p>Yakima County Public Services Vern Redifer, Public Services Director 128 North 2nd Street, 4th Floor Yakima, WA 98901 <a href="mailto:Vern.redifer@co.yakima.wa.us">Vern.redifer@co.yakima.wa.us</a></p>	<p>Yakima Greenway Foundation Al Brown, Executive Director 111 South 18th Street Yakima, WA 98901 <a href="mailto:al@yakimagreenway.org">al@yakimagreenway.org</a></p>	<p>Yakima Regional Clean Air Agency Hasan Tahat, Engineering &amp; Planning Supervisor 329 North 1st Street Yakima, WA 98901 <a href="mailto:hasan@yrcaa.org">hasan@yrcaa.org</a></p>
<p>Yakima Valley Conference of Governments Shawn Conrad and Joseph Calhoun, Planner 311 North 4th Street, Ste# 202 Yakima, WA 98901 <a href="mailto:conrads@yvcog.org">conrads@yvcog.org</a> <a href="mailto:calhounj@yvcog.org">calhounj@yvcog.org</a></p>	<p>Yakima Valley Museum John A. Baule, Director 2105 Tieton Drive Yakima, WA 98902 <a href="mailto:john@yakimavalleymuseum.org">john@yakimavalleymuseum.org</a></p>	<p>Yakima Waste Systems Keith Kovalenko, District Manager 2812 1/2 Terrace Heights Dr. Yakima, WA 98901 <a href="mailto:keithk@wasteconnections.com">keithk@wasteconnections.com</a></p>

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Century Link Manager 8 South 2nd Ave, Rm#304 Yakima, WA 98902	Charter Communications Kevin Chilcote 1005 North 16th Ave Yakima, WA 98902	City of Union Gap David Spurlock, Development Director P.O. Box 3008 Union Gap, WA 98903
Department of Agriculture Kelly McLain P.O. Box 42560 Olympia, WA 98504	Environmental Protection Agency NEPA Review Unit 1200 6th Ave. MS 623 Seattle, WA 98101	Federal Aviation Administration 2200 W. Washington Ave Yakima, WA 98903
Federal Aviation Administration, Seattle Airports District Office Cayla Morgan, Airport Planner 1601 Lind Ave SW Renton, WA 98055-4056	Governor's Office of Indian Affairs PO Box 40909 Olympia, WA 98504	Pacific Power Mike Paulson 500 North Keys Rd Yakima, WA 98901
Soil Conservation District Ray Wondercheck 1606 Perry Street, Ste. F Yakima, WA 98902	Trolleys Paul Edmondson 313 North 3rd Street Yakima, WA 98901	United States Postal Service Jeff McKee 205 W Washington Ave Yakima, WA 98903
WA State Attorney General's Office 1433 Lakeside Court, Ste# 102 Yakima, WA 98902	WA State Dept of Health, Office of Drinking Water Christine Collins 16201 E Indiana Ave, Ste# 1500 Spokane Valley, WA 99216	Yakama Bureau of Indian Affairs Superintendent P.O. Box 632 Toppenish, WA 98948
Yakama Indian Nation Johnson Meninick, Cultural Resources Program P.O. Box 151 Toppenish, WA 98948	Yakama Indian Nation Ruth Jim, Yakima Tribal Council P.O. Box 151 Toppenish, WA 98948	Yakama Nation Environmental Management Program Kristina Proszek, Environmental Review Coordinator P.O. Box 151 Toppenish, WA 98948
Yakima School District Dr. Jack Irion, Superintendent 104 North 4th Ave Yakima, WA 98902	Yakima Valley Canal Co Robert Smoot 1640 Garretson Lane Yakima, WA 98908	Yakima-Tieton Irrigation District Sandra Hull 470 Camp 4 Rd Yakima, WA 98908
Cascade Natural Gas 8113 W Grandridge Blvd Kennewick, WA 99336		

\\Apollo\Shared\Planning\Assignments-Planning\LABELS and FORMS\SEPA REVIEWING AGENCIES \_updated 05.16.16 - Form List.docx

**Type of Notice:** Notice of Application, Public Hearing, + DNS

**File Number:** SEPA #013-16

**Date of Mailing:** 5/27/16

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Parties of Record – I-502 Marijuana Regulation – SEPA#013-16

Stefanie Thompson 703 S 38th Ave #9 Yakima, WA 98902	Walt Ranta 5 S 32nd Ave Yakima, WA 98902	Eric Larson 7202 W Nob Hill Blvd Yakima, WA 98908 <a href="mailto:clarson1918@hotmail.com">clarson1918@hotmail.com</a>
Lynnette Whitney <a href="mailto:lynnette.erin47@gmail.com">lynnette.erin47@gmail.com</a>	Mark Hummel <a href="mailto:hummelm06@gmail.com">hummelm06@gmail.com</a>	Jeffrey D McPhee 131 McPhee Road Naches, WA 98937 <a href="mailto:jeffrey.mcs.yakima@icloud.com">jeffrey.mcs.yakima@icloud.com</a>
Scott Clark 732 Summitview Ave, #608 Yakima WA 98902 <a href="mailto:sclark@stelzerclark.com">sclark@stelzerclark.com</a>	Alfred A. Rose 1006 Westbrook Place Yakima, WA 98908 <a href="mailto:Silvrfx40@bmi.net">Silvrfx40@bmi.net</a> <a href="mailto:aar7040@gmail.com">aar7040@gmail.com</a>	William Cook 7701 Graystone Court Yakima, WA 98908 <a href="mailto:Cook.w@charter.net">Cook.w@charter.net</a>
Patricia Byers 1530 Suncrest Way Yakima, WA 98902 <a href="mailto:Patbyers907@msn.com">Patbyers907@msn.com</a>	Peter Marinace 1526 S. 67th Avenue Yakima, WA 98908 <a href="mailto:PMarinace@bannerbank.com">PMarinace@bannerbank.com</a>	Gavin Keefe 415 N. 44th Avenue Yakima, WA 98908 <a href="mailto:gavinkeefe@gmail.com">gavinkeefe@gmail.com</a>

In-House Distribution E-mail List		
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Carolyn Belles	Code Administration	<a href="mailto:Carolyn.Belles@yakimawa.gov">Carolyn.Belles@yakimawa.gov</a>
Glenn Denman	Code Administration	<a href="mailto:Glenn.Denman@yakimawa.gov">Glenn.Denman@yakimawa.gov</a>
Joe Caruso	Code Administration	<a href="mailto:Joe.Caruso@yakimawa.gov">Joe.Caruso@yakimawa.gov</a>
Suzanne DeBusschere	Code Administration	<a href="mailto:Suzanne.Debusschere@yakimawa.gov">Suzanne.Debusschere@yakimawa.gov</a>
Dan Riddle	Engineering	<a href="mailto:Dan.Riddle@yakimawa.gov">Dan.Riddle@yakimawa.gov</a>
Mike Shane	Engineering	<a href="mailto:Mike.Shane@yakimawa.gov">Mike.Shane@yakimawa.gov</a>
Mark Soptich	Fire Dept	<a href="mailto:Mark.Soptich@yakimawa.gov">Mark.Soptich@yakimawa.gov</a>
Jeff Cutter	Legal Dept	<a href="mailto:Jeff.Cutter@yakimawa.gov">Jeff.Cutter@yakimawa.gov</a>
Mark Kunkler	Legal Dept	<a href="mailto:Mark.Kunkler@yakimawa.gov">Mark.Kunkler@yakimawa.gov</a>
Archie Matthews	ONDS	<a href="mailto:Archie.Matthews@yakimawa.gov">Archie.Matthews@yakimawa.gov</a>
Joan Davenport	Planning	<a href="mailto:Joan.Davenport@yakimawa.gov">Joan.Davenport@yakimawa.gov</a>
Chief Rizzi	Police Department	<a href="mailto:Dominic.Rizzi@yakimawa.gov">Dominic.Rizzi@yakimawa.gov</a>
Scott Schafer	Public Works Dept	<a href="mailto:Scott.Schafer@yakimawa.gov">Scott.Schafer@yakimawa.gov</a>
Loretta Zammarchi	Refuse Division	<a href="mailto:Loretta.Zammarchi@yakimawa.gov">Loretta.Zammarchi@yakimawa.gov</a>
Randy Layman	Refuse Division	<a href="mailto:Randy.Layman@yakimawa.gov">Randy.Layman@yakimawa.gov</a>
Kevin Futrell	Transit Division	<a href="mailto:Kevin.Futrell@yakimawa.gov">Kevin.Futrell@yakimawa.gov</a>
James Dean	Utilities	<a href="mailto:James.Dean@yakimawa.gov">James.Dean@yakimawa.gov</a>
Dana Kallevig	Wastewater	<a href="mailto:Dana.Kallevig@yakimawa.gov">Dana.Kallevig@yakimawa.gov</a>
Randy Meloy	Wastewater	<a href="mailto:Randy.Meloy@yakimawa.gov">Randy.Meloy@yakimawa.gov</a>
<b>For the Record/File</b>		
<b>Binder Copy</b>		Revised 05/2016

Type of Notice: Notice of Application, Public Hearing + DNS

File Number: SEPA #013-16

Date of Mailing: 5/27/16

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## Maxey, Lisa

---

**From:** Maxey, Lisa  
**Sent:** Friday, May 27, 2016 11:03 AM  
**To:** Brown, Michael; Crockett, Ken; Daily Sun News - Bob Story; Ibarra, Rosalinda; KAPP TV News; KBBO-KRSE Radio - manager; KCJT TV News; KDNA Radio; KEPR TV News; KIMA TV News; KIMA TV News - Crystal Bui; KIT/KATS/DMVW/KFFM - Lance Tormey; KNDO TV News; KUNS-TV Univision; KVEW TV News; Lozano, Bonnie; NWCN News; NWPR - Anna King; Randy Luvaas - Yakima Business Times; Reed C. Pell; Tu Decides - Albert Torres; Yakima Herald Republic - Craig Troianello; Yakima Herald Republic - Mai Hoang; Yakima Herald Republic - Mark Morey; Yakima Herald Republic - Mike Faulk; Yakima Herald Republic Newspaper; Yakima Valley Business Times; Yakima Valley Business Times - George Finch; Beehler, Randy; Belles, Carolyn; Brown, David; Caruso, Joe; Cutter, Jeff; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Futrell, Kevin; Kallevig, Dana; Kunkler, Mark; Layman, Randy; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Riddle, Dan; Rizzi, Dominic; Schafer, Scott; Shane, Mike; Soptich, Mark; Zammarchi, Loretta; Allyn, Kaarre; Beehler, Randy; Bill & Linda Beerman; City of Union Gap; City of Union Gap; Claar Tee, Sonya; CWHBA Joe Walsh (E-mail); Danielle Surkatty; David Gaudette; David Kearby - Associated General Contractors of WA; Davido, Sean; Dianna Woods; Doug Carey; Evodio Reyes; Farmworker Housing Marty Miller (E-mail); James Carmody; Ken Camarata - AIA; Crockett, Ken; Luz Bazan Gutierrez - RCDR; Mike & Cindy Noble; Mike Dooley - Wilbert Precast; Mike Shinn; Peters, Jeff; Phil Hoge; Price, Cally; Ralph Call; Robert Lockhart; Ron Pelson (ron@traditionaldesignsinc.com); Sandy Lloyd; Smith, Valerie; Steve Erickson; Steve S; Terrence Danysh; Terry Keenhan; Thomas Carroll; Walt Ranta; Al Rose; Alfred A. Rose (silvr40@bmi.net); Gavin Keefe; Gutierrez, Avina; Patricia Byers; Peter Marinace; Scott Clark; Watkins, Sara; William Cook (cook.w@charter.net); Ahtanum Irrigation District - Beth Ann Brulotte; Cascade Natural Gas - Jim Robinson; Cawley, Marc; Chamber of Commerce; Department of Commerce (CTED) - Review Team; Department of Ecology - SEPA Register; Department of Ecology - CRO Coordinator; Department of Fish and Wildlife - Eric Bertrand; Department of Fish and Wildlife - Scott Downes; Department of Natural Resources; Department of Social & Health Services - Jeanne Rodriguez; Dept Archaeology & Historic Preservation - SEPA Review; Desgrosellier, Bob; Energy Facility Site Evaluation Council - Stephen Posner; Nob Hill Water - Bob Irving; Peterson, Robert; US Army Corps of Engineers - Deborah J Knaub; West Valley School District - Angela Watts; WSDOT - Carter Timmerman; WSDOT - Paul Gonseth; WSDOT - Rick Holmstrom; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama-Klickitat Fisheries - John Marvin; Yakima County Commissioners; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning Director - Lynn Deitrick; Yakima County Public Services Director, Vern Redifer; Yakima Greenway Foundation - Al Brown; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima Valley Conference of Governments - Joseph Calhoun; Yakima Valley Conference of Governments - Shawn Conrad; Yakima Valley Museum - John A. Baule; Yakima Waste Systems - Keith Kovalenko  
**Cc:** Peters, Jeff  
**Subject:** Notice of Application, Public Hearing, and DNS - I-502 Marijuana Regulation - SEPA# 013-16  
**Attachments:** NOTICE OF APPLICATION, PUBLIC HEARING & DNS - I-502 Marijuana Regulation - SEPA.pdf

Attached is a Notice of Application, Public Hearing, and Determination of Non-Significance (DNS) regarding the above-entitled project. If you have any questions about this proposal please contact assigned planner Jeff Peters at (509) 575-

6163 or by email at [jeff.peters@yakimawa.gov](mailto:jeff.peters@yakimawa.gov). Thank you!

***Lisa Maxey***

**Department Assistant II**

City of Yakima Planning Division

(509) 576-6669 ~ [Lisa.Maxey@yakimawa.gov](mailto:Lisa.Maxey@yakimawa.gov)

129 N. 2nd St. Yakima, WA 98901

# YAKIMA HERALD REPUBLIC

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## -Ad Proof-

**This is the proof of your ad scheduled to run on the dates indicated below.  
Please proof read notice carefully to check spelling and run dates,  
if you need to make changes**

<b>Date:</b>	05/26/16
<b>Account #:</b>	110358
<b>Company Name:</b>	CITY OF YAKIMA PLANNING
<b>Contact:</b>	ROSALINDA IBARRA
<b>Address:</b>	129 N 2ND STREET YAKIMA, WA 98901-2720
<b>Telephone:</b>	(509) 575-6164
<b>Fax:</b>	

<b>Account Rep:</b>	Simon Sizer
<b>Phone #</b>	(509) 577-7740
<b>Email:</b>	ssizer@yakimaherald.com
<b>Ad ID:</b>	649495
<b>Start:</b>	05/27/16
<b>Stop:</b>	05/27/16
<b>Total Cost:</b>	\$277.40
<b>Lines:</b>	152.0
<b># of Inserts:</b>	1
<b>Ad Class:</b>	6021

<b>Run Dates:</b>	
Yakima Herald-Republic	05/27/16

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# F-2a

**CITY OF YAKIMA  
NOTICE OF APPLICATION, PUBLIC HEARING AND  
DETERMINATION OF NON-SIGNIFICANCE**

**DATE:** May 27, 2016: **TO:** SEPA Reviewing Agencies, and Interested Parties: **FROM:** Joan Davenport, Community Development Manager: **SUBJECT:** **Notice of Application, Public Hearing and Determination of Non-Significance: NOTICE OF APPLICATION: Project Location:** Citywide: **Project Applicant:** City of Yakima, Planning Division: **File Numbers:** SEPA #013-16: **Date of Application:** May 27, 2016: **Date of Determination of Completeness:** May 27, 2016: **PROJECT DESCRIPTION:** The City of Yakima Planning Department is proposing an amendment to the City of Yakima's Urban Area Zoning Ordinance adding new land uses and regulations to YMC Ch. 15.04 Table 4-1 Permitted Land Uses, and Ch. 15.09 Special Development Standards relating to I-502 Marijuana Uses. The draft ordinance more specifically proposes language to: 1) Repeal the City's ban on marijuana uses YMC § 15.01.035; 2) Adopt the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives, or as otherwise proposed to be reduced or increased by the Yakima City Planning Commission; 3) Amend YMC 15.04 Table 4-1 Permitted Uses to permit: A) Recreational marijuana producers as a Class (1) Permitted Use in the Light Industrial (M-1), and Heavy Industrial (M-2) zoning districts; B) Recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development (RD) zoning districts, and Airport Service Districts (AS); and C) Prohibit recreational marijuana uses in all other zoning districts; and 4) Amend YMC Ch. 15.09 Special Development Standards to include or make reference to all required definitions, provisions, or regulations provided for in state law, and all other land use or licensing controls/regulations/provisions developed by the City of Yakima Planning Commission.: The draft ordinance has been created to provide a framework which encompasses all applicable state laws regarding I-502 legislation and uses, and is the starting point for further development of land use controls by the City of Yakima Planning Commission. (See Environmental Checklist SEPA#013-16 for further description and explanation online at: <https://www.yakimawa.gov/services/planning/502-information-proposed-land-use-amendments/>): **ENVIRONMENTAL REVIEW:** The City of Yakima has reviewed the proposed project for probable adverse environmental impacts, and has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). The information relied upon in reaching this determination is available to the public upon request at the City of Yakima Planning Division. This DNS is issued under WAC § 197-11-340(2); and the lead agency will not act on this proposal for 20 days from the date of this notice.: Joan Davenport, AICP, SEPA Responsible Official, (509) 575-6183, 129 N. 2nd Street, Yakima, WA 98901; Date: May 27, 2016: REQUEST FOR WRITTEN COMMENTS: Agencies, tribes, and the public are encouraged to review and comment on the proposed application. All written comments received by **June 16, 2016**, will be considered prior issuance of the final threshold determination. Please send written comments to: Joan Davenport, AICP, Community Development Manager; City of Yakima, Department of Community Development; 129 North 2nd Street, Yakima, Washington 98901, or by email to [ask.planning@yakimawa.gov](mailto:ask.planning@yakimawa.gov): **NOTICE OF DECISION:** Decisions and future notices will be sent to anyone who submits comments on this application or request additional notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington. If you have any question on this proposal, please call Jeff Peters, Supervising Planner at (509) 575-6163 or e-mail at [jeff.peters@yakimawa.gov](mailto:jeff.peters@yakimawa.gov): **NOTICE OF PUBLIC HEARING** This application will require two public hearings; one before the City of Yakima Planning Commission to be followed by a public hearing before the Yakima City Council. The public hearing before the City of Yakima Planning Commission has been scheduled for **June, 16, 2016**, beginning at **5:30 pm**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.**

(649495) May 27, 2016

Courtesy of Yakima Herald-Republic

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## CITY OF YAKIMA

## NOTICE OF APPLICATION, PUBLIC HEARING AND DETERMINATION OF NON-SIGNIFICANCE

**DATE:** May 27, 2016: **TO:** SEPA Reviewing Agencies, and Interested Parties: **FROM:** Joan Davenport, Community Development Manager: **SUBJECT:** Notice of Application, Public Hearing and Determination of Non-Significance: **NOTICE OF APPLICATION:** **Project Location:** Citywide: **Project Applicant:** City of Yakima, Planning Division: **File Numbers:** SEPA #013-16: **Date of Application:** May 27, 2016: **Date of Determination of Completeness:** May 27, 2016: **PROJECT DESCRIPTION:** The City of Yakima Planning Department is proposing an amendment to the City of Yakima's Urban Area Zoning Ordinance adding new land uses and regulations to YMC Ch. 15.04 Table 4-1 Permitted Land Uses, and Ch. 15.09 Special Development Standards relating to I-502 Marijuana Uses. The draft ordinance more specifically proposes language to: 1) Repeal the City's ban on marijuana uses YMC § 15.01.035; 2) Adopt the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives, or as otherwise proposed to be reduced or increased by the Yakima City Planning Commission; 3) Amend YMC 15.04 Table 4-1 Permitted Uses to permit: A) Recreational marijuana producers as a Class (1) Permitted Use in the Light Industrial (M-1), and Heavy Industrial (M-2) zoning districts; B) Recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development (RD) zoning districts, and Airport Service Districts (AS); and C) Prohibit recreational marijuana uses in all other zoning districts; and 4) Amend YMC Ch. 15.09 Special Development Standards to include or make reference to all required definitions, provisions, or regulations provided for in state law, and all other land use or licensing controls/regulations/provisions developed by the City of Yakima Planning Commission.: The draft ordinance has been created to provide a framework which encompasses all applicable state laws regarding I-502 legislation and uses, and is the starting point for further development of land use controls by the City of Yakima Planning Commission. (See Environmental Checklist SEPA#013-16 for further description and explanation online at: <https://www.yakimawa.gov/services/planning/502-information-proposed-land-use-amendments/>): **ENVIRONMENTAL REVIEW:** The City of Yakima has reviewed the proposed project for probable adverse environmental impacts, and has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). The information relied upon in reaching this determination is available to the public upon request at the City of Yakima Planning Division. This DNS is issued under WAC § 197-11-340(2); and the lead agency will not act on this proposal for 20 days from the date of this notice.: Joan Davenport, AICP, SEPA Responsible Official, (509) 575-6183, 129 N. 2nd Street, Yakima, WA 98901: **Date:** **May 27, 2016:** **REQUEST FOR WRITTEN COMMENTS:** Agencies, tribes, and the public are encouraged to review and comment on the proposed application. All written comments received by **June 16, 2016**, will be considered prior issuance of the final threshold determination. Please send written comments to: Joan Davenport, AICP, Community Development Manager; City of Yakima, Department of Community Development; 129 North 2nd Street, Yakima, Washington 98901, or by email to [ask.planning@yakimawa.gov](mailto:ask.planning@yakimawa.gov): **NOTICE OF DECISION:** Decisions and future notices will be sent to anyone who submits comments on this application or request additional notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington. If you have any question on this proposal, please call Jeff Peters, Supervising Planner at (509) 575-6163 or e-mail at [jeff.peters@yakimawa.gov](mailto:jeff.peters@yakimawa.gov): **NOTICE OF PUBLIC HEARING** This application will require two public hearings; one before the City of Yakima Planning Commission to be followed by a public hearing before the Yakima City Council. The public hearing before the City of Yakima Planning Commission has been scheduled for **June, 16, 2016**, beginning at **5:30 pm**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.**



DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Division

Joan Davenport, AICP, Director  
129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

ask.planning@yakimawa.gov • www.yakimawa.gov/services/planning

**CITY OF YAKIMA  
NOTICE OF APPLICATION, PUBLIC HEARING AND DETERMINATION OF NON-  
SIGNIFICANCE**

**DATE:** May 27, 2016  
**TO:** SEPA Reviewing Agencies, and Interested Parties  
**FROM:** Joan Davenport, Community Development Manager  
**SUBJECT:** Notice of Application, Public Hearing and Determination of Non-Significance

**NOTICE OF APPLICATION**

**Project Location:** Citywide.  
**Project Applicant:** City of Yakima, Planning Division  
**File Numbers:** SEPA #013-16  
**Date of Application:** May 27, 2016  
**Date of Determination of Completeness:** May 27, 2016

**PROJECT DESCRIPTION**

The City of Yakima Planning Department is proposing an amendment to the City of Yakima's Urban Area Zoning Ordinance adding new land uses and regulations to YMC Ch. 15.04 Table 4-1 Permitted Land Uses, and Ch. 15.09 Special Development Standards relating to I-502 Marijuana Uses. The draft ordinance more specifically proposes language to:

1. Repeal the City's ban on marijuana uses YMC § 15.01.035,;
2. Adopt the state statutory buffer zones for recreational marijuana uses and neighborhood cooperatives, or as otherwise proposed to be reduced or increased by the Yakima City Planning Commission;
3. Amend YMC 15.04 Table 4-1 Permitted Uses to permit:
  - a. Recreational marijuana producers as a Class (1) Permitted Use in the Light Industrial (M-1), and Heavy Industrial (M-2) zoning districts;
  - b. Recreational marijuana retailers in the Small Convenience Center (SCC), Large Convenience Center (LCC), Central Business District (CBD), General Commercial (GC), Regional Development (RD) zoning districts, and Airport Service Districts (AS); and
  - c. Prohibit recreational marijuana uses in all other zoning districts; and
4. Amend YMC Ch. 15.09 Special Development Standards to include or make reference to all required definitions, provisions, or regulations provided for in state

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law, and all other land use or licensing controls/regulations/provisions developed by the City of Yakima Planning Commission.

The draft ordinance has been created to provide a framework which encompasses all applicable state laws regarding I-502 legislation and uses, and is the starting point for further development of land use controls by the City of Yakima Planning Commission. (See Environmental Checklist SEPA#013-16 for further description and explanation online at: <https://www.yakimawa.gov/services/planning/502-information-proposed-land-use-amendments/>)

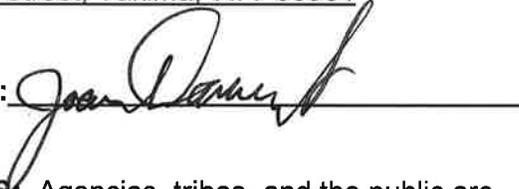
**ENVIRONMENTAL REVIEW**

The City of Yakima has reviewed the proposed project for probable adverse environmental impacts, and has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2) (c). The information relied upon in reaching this determination is available to the public upon request at the City of Yakima Planning Division.

This DNS is issued under WAC § 197-11-340(2); the lead agency will not act on this proposal for 20 days from the date below.

Responsible Official: Joan Davenport, AICP  
Position/Title: SEPA Responsible Official  
Phone: (509) 575-6183  
Address: 129 N. 2<sup>nd</sup> Street, Yakima, WA 98901

Date: May 27, 2016

Signature: 

**REQUEST FOR WRITTEN COMMENTS:** Agencies, tribes, and the public are encouraged to review and comment on the proposed application. All written comments received by **June 16, 2016**, will be considered prior issuance of the final threshold determination. Please send written comments to: Joan Davenport, AICP, Community Development Manager; City of Yakima, Department of Community Development; 129 North 2nd Street, Yakima, Washington 98901; or by email to [ask.planning@yakimawa.gov](mailto:ask.planning@yakimawa.gov).

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal: No impacts identified.

**Required Permits** – None.

**Required Studies** – None.

**Existing Environmental Documents:** SEPA/GMA Integrated Environmental Summary.

**Preliminary determination of the development regulations that will be used for project mitigation and consistency:** N/A

**NOTICE OF DECISION**

Decisions and future notices will be sent to anyone who submits comments on this application or request additional notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington. If you have any question on this proposal, please call Jeff Peters, Supervising Planner at (509) 575-6163 or e-mail at [jeff.peters@yakimawa.gov](mailto:jeff.peters@yakimawa.gov).

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**NOTICE OF PUBLIC HEARING** This application will require two public hearings; one before the City of Yakima Planning Commission to be followed by a public hearing before the Yakima City Council. The public hearing before the City of Yakima Planning Commission has been scheduled for **June, 16, 2016**, beginning at **5:30 pm**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.**

Encl.: SEPA Checklist, Draft Ordinance

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DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Division

Joan Davenport, AICP, Director

129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

ask.planning@yakimawa.gov • www.yakimawa.gov/services/planning

**City of Yakima Planning Commission  
SPECIAL STUDY SESSION**

**City Hall Council Chambers**

**Tuesday May 24, 2016**

**3:00 p.m. - 5:00 p.m.**

**YPC Members:**

**Chairman Scott Clark, Vice-Chair Patricia Byers,  
Al Rose, Bill Cook, Peter Marinace, Gavin Keefe**

**Council Liaison: Mayor Avina Gutiérrez**

**City Planning Staff:**

**Joan Davenport (Community Development Director/Planning Manager); Jeff Peters  
(Supervising Planner); Valerie Smith (Senior Planner); Trevor Martin (Associate Planner);  
Eric Crowell (Assistant Planner); Rosalinda Ibarra (Administrative Assistant); and Lisa  
Maxey (Department Assistant)**

**Agenda**

- I. Call to Order
- II. Roll Call
- III. Introduction of I-502 Marijuana Regulation and Direction from City Council
- IV. Other Business
- V. Adjourn

Next Meeting: May 25, 2016 @ 5:30 p.m.



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# CITY OF YAKIMA

## LEGAL

### DEPARTMENT

200 South Third Street, Yakima, Washington 98901

(509)575-6030 Fax: (509)575-6160

## MEMORANDUM

June 10, 2016

TO: Planning Commission Members

FROM: Sara Watkins, Senior Assistant City Attorney

SUBJECT: Additional Details Regarding Marijuana Uses

Dear Commission Members:

There was a lot of discussion regarding notification of surrounding property owners/users at the last commission meeting. I did some additional research and reached out to other municipal attorneys to get an idea of what other jurisdictions are doing.

1. The state-allowed notification language.

Under the new Legislation: "A city, town, or county may adopt an ordinance requiring individual notice by an applicant for a marijuana producer's, marijuana processor's, marijuana researcher's, or marijuana retailer's license under this chapter, sixty days prior to issuance of the license, to any elementary or secondary school, playground, recreation center or facility, child care center, church, public park, public transit center, library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older, that is within one thousand feet of the perimeter of the grounds of the establishment seeking licensure. The notice must provide the contact information for the liquor and cannabis board where any of the owners or operators of these entities may submit comments or concerns about the proposed business location. For the purposes of this subsection, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith."

Thus, the City is allowed under the new legislation to enact a requirement that all applicants for the state Liquor and Cannabis Board license be required to notify any of the following that are within 1,000 feet of the proposed location:

- a. Elementary or secondary school;
- b. Playground;
- c. Recreation center or facility;
- d. Child care center;
- e. Church;
- f. Public Park;

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- g. Public transit center;
- h. Library; or
- i. Arcade not restricted to persons 21 years old or older.

This is the same list as the buffer zones, with the addition of churches.

2. What the state language does not include.

The state authorized language does not include any other types of uses, such as residences, apartment complexes, other retail establishments, or businesses. I do not believe City could enact more restrictive language requiring notice to all property owners within 1,000 feet of a proposed retailer for purposes of the LCB licensing decision. The LCB has exclusive authority over the decision to issue a state license. In so doing, it is the only entity that can set up rules regarding applications and applicant requirements.

Therefore, the Commission can not recommend increasing notice requirements other than as listed in the 2015 legislation, for the process of obtaining a state license for a marijuana business.

3. Local language.

I inquired with other jurisdictions as to whether they required additional notification during the local licensing process for marijuana businesses.

A number of cities use a Conditional Use Permit requirement for marijuana businesses, which requires additional notice to surrounding properties. For example, Walla Walla uses a heightened level of review to evaluate the following matters through a public hearing in front of the hearing examiner, where the hearing examiner is tasked with determining:

- a. That the use will not endanger the public health or safety if located and developed where proposed, and that the use will not allow conditions which will tend to generate nuisance conditions to adjoining properties;
- b. That the location and character of the use, if developed according to the plan as submitted and approved or conditionally approved, will be compatible and in harmony with the area in which it is to be located;
- c. That Conditional Use Permit approval would be in general conformity with the Walla Walla Urban Area Comprehensive Plan as amended; and
- d. That the use meets all required conditions and specifications set forth in the zone where it proposes to locate.

WWMC 20.16.040; WWMC 20.173.030.

The notice goes out to all adjacent property owners based on ownership records. WWMC 20.14.065(B)(5)(c).

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There is a specific purpose for the notice—the hearing examiner is required to make findings of fact on the four areas listed above, and determine whether it is appropriate to issue a conditional use permit.

Practically speaking, business licenses are granted to businesses that fall under the requirements of the local ordinances. If locating a marijuana retailer in the CBD is a class 1 use, then it is presumed compatible, and as long as it meets the buffer requirements, the license will be issued by staff. The licensing process is set up so that businesses have the confidence that the ordinances will be applied evenly throughout a specific type of business. Unless a heightened review is required, or a conditional use permit process is outlined, allowing public comment on business licenses, after notice, could be problematic.

If the Commission recommends (and Council approves) the language regarding notification at the state license level, then the protected uses, and churches, will be notified if they are within 1,000 feet of the proposed location. The LCB then can use its procedures to review those comments and determine whether a state license should be granted. If the LCB determines based on public comment that a state license will be denied, then the City would not have any authority to issue a business license to the location.

The current proposal has the uses as Class 1 uses.

“Class (1) uses” are those uses set forth and defined in the text and tables of YMC Chapter 15.04 and are considered compatible and are permitted on any site in the district. The administrative official shall review Class (1) uses for compliance with the provisions and standards of this title.

“Class (2) uses” are those uses set forth and defined in the text and tables of YMC Chapter 15.04 and are generally permitted throughout the district. However, site plan review by the administrative official is required in order to ensure compatibility with the intent and character of the district and the objectives of the Yakima urban area comprehensive plan.

Public comment is worthwhile when the public has the opportunity to provide meaningful input on a subject. Here, if a use is a Class 1 use it is presumed compatible. Public comment would not change that language in the zoning code. Without elevating the use to a Class 2 use, or a Type 2 review under a Class 1 use (both of which would require formal public review and comment). In those cases, the Commission should outline the reasons why such heightened review is requested, and what the review will be evaluating (i.e. the four items above in the Walla Walla example). Type 2 review requires notification of adjacent property owners.

Class 1 uses require Type 2 review only in specific circumstances:

Class (1) uses require Type (2) review when:

- A. All or part of the development, except for agricultural buildings, single-family dwellings, and duplexes, is in the floodplain or greenway overlay districts;
- B. All or part of a development is in the airport overlay (AO);

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- C. All or part of a development is in an institutional (IO) or master planned development overlay (PD) and is identified in a development agreement as requiring Class (2) approval;
- D. The proposed use includes hazardous material;
- E. The applicant requests adjustment of one or more of the specific development standards pursuant to YMC 15.10.020; or
- F. All or part of the development requires a development plan and/or master plan.

Therefore, it is likely necessary to make marijuana uses a Class 2 use in the land use chart to require additional notice under a Type 2 review. Notice would then go to adjacent property owners, not to property owners within 1,000 feet of the proposed location, pursuant to the language in YMC's zoning ordinances.

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**CITY OF YAKIMA**  
**LEGAL**  
**DEPARTMENT**

---

200 South Third Street, Yakima, Washington 98901

(509)575-6030 Fax: (509)575-6160

**MEMORANDUM**

June 3, 2016

TO: Planning Commission Members

FROM: Sara Watkins, Senior Assistant City Attorney

SUBJECT: Additional Details Regarding Marijuana Uses

---

Dear Commission Members:

A number of questions arose during the June 1, 2016 Planning Commission meeting regarding various matters concerning marijuana producers, processors and retailers. This memo addresses some of those issues, with citations to the current regulations, charts regarding other jurisdictions' actions, and other references.

1. Can the City create buffers around churches?

I found only one jurisdiction, Covington, which is considering a buffer zone of 1,000 feet around "churches, temples, synagogues, mosques or chapels." The code also allows reduction of that buffer with a conditional use permit. The planning commission report can be found here:

<http://www.covingtonwa.gov/05.05.16%20Planning%20Commission%20Agenda%20Packet.pdf>

In many jurisdictions, the notes from planning commission meetings where comments were taken indicate that commissions found that determining what constitutes a "church" or other place of worship is difficult. In Everett, churches requested to be added to the buffers in recent discussions about reducing buffer distances. The Planning Commission voted 4-2 to not add churches to the buffers. "Councilman Paul Roberts argued that from a land use perspective, it is difficult to regulate churches because the government would have to decide what counts as a church and what doesn't" while other councilmembers argued that "church" had an obvious meaning of a place where people congregate. *Everett Council Passes Permanent Marijuana Business Regs*, HeraldNet, July 5, 2015, <http://www.heraldnet.com/article/20150709/NEWS01/150709210>.

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East Wenatchee also evaluated whether to have a church buffer of some sort, and after discussion, did not move forward to add that buffer zone to its ordinance. <http://www.east-wenatchee.com/Home/ShowDocument?id=3062>

In Tacoma, the Planning Commission evaluated comments which requested a buffer for churches. The Staff comments to this concern was: "Staff note that while this is feasible, it would significantly reduce the areas available for marijuana businesses, and add to the complexity of the review process. There are many categories and types of religious institutions, and staff are not aware of a definitive listing of them." [http://cms.cityoftacoma.org/planning/Marijuana%20Regulations/Marijuana%20PC%20Review%20Packet%20\(12-17-14\).pdf](http://cms.cityoftacoma.org/planning/Marijuana%20Regulations/Marijuana%20PC%20Review%20Packet%20(12-17-14).pdf)

A pastor in Seattle has been calling for an amendment to the state law to add churches and youth centers to the buffer requirements since 2014, but the Legislature did not adopt any changes when it recently revised the law to allow reduction in buffer requirements. See generally, [http://www.breakingchristiannews.com/articles/display\\_art.html?ID=14734](http://www.breakingchristiannews.com/articles/display_art.html?ID=14734).

2. Examples of Jurisdictions, buffers and buffer distances

Below is a chart of a number of jurisdictions that have zoning ordinances in place and their buffers (i.e. are they the state buffers only, or have they added items) and buffer distances, for your review:

Jurisdiction	Buffers other than statutory items	Buffer Distance
Olympia	None	500 feet (other than playgrounds and schools)
Ellensburg	Buffer between stores	750 feet generally (other than playgrounds and schools) 500 feet between retailers
Union Gap	None	1000 feet
Prosser	None	1000 feet
Walla Walla	None	1000 feet
East Wenatchee	None	1000 feet
Moses Lake	None	1000 feet
Shelton	Buffer between stores	500 feet (other than playgrounds and schools) 1000 feet between retailers
George	None	100 feet (other than playgrounds and schools)
Electric City	None	100 feet (other than

		playgrounds and schools)
Seattle	Buffer between stores	<p>1000 feet for playgrounds and schools</p> <p>Any lot line of property having a major marijuana activity that includes the retail sale of marijuana products, except that in Downtown Mixed Residential and Downtown Mixed Commercial zones within that portion of the Downtown Urban Center that is west of Interstate 5, north of Yesler Way, and south of Denny Way major marijuana activity that includes the retail sale of marijuana products must be 250 feet or more, must be 500 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;</p> <p>Any lot line of property having a major marijuana activity that does not include the retail sale of marijuana products must be 250 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game</p>

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		<p>arcade; library; public park; public transit center; or recreation center or facility;</p> <p>No more than two properties with major marijuana activity that includes the retail sale of marijuana products are allowed within 1000 feet of each other; where any lot lines of two properties with existing major marijuana activity that includes the retail sale of marijuana products are located within 1000 feet of each other, any lot line of another property with a new major marijuana activity that includes the retail sale of marijuana products must be 1000 feet or more from the closest lot line of the property containing existing major marijuana activity that includes the retail sale of marijuana products;</p>
Kirkland (at Planning Commission Review Level)	May not be located on any property abutting a street designated as a School Walk Route	1000 feet 100 feet for day cares
Pullman (at Planning Commission Review Level)	None	Considering 500 feet for daycares; 100 feet for others (other than playgrounds and schools)
Issaquah (at Planning Commission Review Level)	Buffer between stores	1000 feet playgrounds/schools 500 feet rec centers, daycares, parks, libraries, arcades

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		100 feet transit centers 1000 feet between retailers
Tacoma (at Planning Commission Review Level)	Correctional centers, court houses, drug rehab centers; buffers between retailers in downtown and outside downtown	1000 feet playgrounds/schools 300 feet correctional centers, courthouses, drug rehab centers 100 feet daycares, arcades, libraries, parks, transit 300 feet from each other downtown 500 feet from each other outside downtown

Jurisdictions have also created buffers from residential zones in various distances. Some also have created regulations that do not allow marijuana uses on lots adjacent to properties used for residential purposes. As was discussed in the last commission meeting, there are areas where this would create difficulties. There is an opportunity to evaluate a different review of individual applicants (i.e. Type 1, 2 or 3), if an applicant wishes to locate adjacent to a residential property if the commission wishes.

### 3. Notice Requirements

Notice requirements for retailers, producers and processors who are seeking a license were briefly discussed at the June 1<sup>st</sup> meeting. The Notice requirements for marijuana licenses are outlined in WAC 314-55-020, and only require notice to local governments, cities, counties and tribal governments. A sign must also be posted on the outside of the premises to be licensed notifying the public. There is no requirement to notify adjacent landowners or landowners within a certain area of the license application or ability to comment on the application.

Under the new Legislation: "A city, town, or county may adopt an ordinance requiring individual notice by an applicant for a marijuana producer's, marijuana processor's, marijuana researcher's, or marijuana retailer's license under this chapter, sixty days prior to issuance of the license, to any elementary or secondary school, playground, recreation center or facility, child care center, church, public park, public transit center, library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older, that is within one thousand feet of the perimeter of the grounds of the establishment seeking licensure. The notice must provide the contact information for the liquor and cannabis board where any of the owners or operators of these entities may submit comments or concerns about the proposed business location. For the purposes of this subsection, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith."

### 4. Restrictions on Hours

Pursuant to law, marijuana retailers may only conduct sales from the hours of 8:00 a.m. to 12:00 a.m. WAC 314-55-147. A couple of jurisdictions have further limited the sale of marijuana, the most restrictive of which limited the hours of sales to 8:00 a.m. to 9:00 p.m.

5. General Rules and Regulations

The general rules and regulations outlined in WAC 314-55-015 apply to all license holders. Some of the general rules address questions and concerns that were raised at our previous meeting.

**314-55-015**

**General information about marijuana licenses.**

(1) A person or entity must meet certain qualifications to receive a marijuana license, which are continuing qualifications in order to maintain the license.

(2) All applicants and employees working in each licensed establishment must be at least twenty-one years of age.

(3) Minors restricted signs must be posted at all marijuana licensed premises.

(4) A marijuana license applicant may not exercise any of the privileges of a marijuana license until the board approves the license application.

(5) The board will not approve any marijuana license for a location where law enforcement access, without notice or cause, is limited. This includes a personal residence.

(6) The board will not approve any marijuana license for a location on federal lands.

(7) The board will not approve any marijuana retailer license for a location within another business. More than one license could be located in the same building if each licensee has their own area separated by full walls with their own entrance. Product may not be commingled.

(8) Every marijuana licensee must post and keep posted its license, or licenses, and any additional correspondence containing conditions and restrictions imposed by the board in a conspicuous place on the premises.

(9) In approving a marijuana license, the board reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a marijuana license.

(10) A marijuana processor or retailer licensed by the board shall conduct the processing, storage, and sale of marijuana-infused products using sanitary practices and ensure marijuana-infused edible processing facilities are constructed, kept, and maintained in a clean and sanitary condition in accordance with rules and as prescribed by the Washington state department of agriculture under chapters 16-165 and 16-167 WAC.

(11) Marijuana licensees may not allow the consumption of marijuana or marijuana-infused products on the licensed premises.

Further, I thought it would be helpful to provide the general provisions associated with producers and processors:

**314-55-075**

**What is a marijuana producer license and what are the requirements and fees related to a marijuana producer license?**

(1) A marijuana producer license allows the licensee to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell marijuana plants, seed, and plant tissue culture to other marijuana producer licensees. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

There are three categories as follows:

- (a) Tier 1 – Less than two thousand square feet;
- (b) Tier 2 – Two thousand square feet to ten thousand square feet; and
- (c) Tier 3 – Ten thousand square feet to thirty thousand square feet.

**314-55-077**

**What is a marijuana processor license and what are the requirements and fees related to a marijuana processor license?**

(1) A marijuana processor license allows the licensee to process, dry, cure, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.

The regulations outline some site screening requirements for producers, as well as security requirements and enclosed outdoor productions. Those could be expanded if the commission feels that is appropriate. That could be done on a case-by-case basis through Type 2 review of processors and producers in the M-1 and M-2 districts, or site screening could be required as specified by ordinance. It may be easier, and more effective, to address site screening through

the mitigation methods of a Type 2 review. This would tailor the screening to the location, rather than setting strict rules on site screening for all locations of producers and processors.

6. Marijuana Researchers.

New regulations also added a license called "marijuana researchers." These businesses will be "licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products." RCW 69.50.101. The distance buffers are similar to those for producers, processors and retailers. However, a local jurisdiction can choose to lower the buffer distance to 100 feet for elementary and secondary schools and playgrounds. If that is done, the research facilities must meet heightened security standards, ensure that the facility is inaccessible to the public, ensure that the facility is not in view of the general public, and the facility cannot have any signs or advertising as to the fact that it is a marijuana research facility.

In the draft ordinance provided for your review at the June 8<sup>th</sup> meeting, I have added "Marijuana Researchers" to the ordinance with the same buffer requirements as producers and processors. Marijuana researchers are brand new, and there isn't much information on them from other jurisdictions. The category also does not neatly fit under one of the City's headings, so I placed it in manufacturing, since the research facility has the ability to produce and process the plant for research purposes.

7. Comparisons with alcohol rules.

A. State Regulations: Hours.

Alcohol sales may be conducted from 6:00 a.m. to 2:00 a.m. Marijuana sales may be conducted from 8:00 a.m. to 12:00 a.m.

B. State Regulations: Notification

Both alcohol and marijuana both only require notification to the local city, county, or tribal government of the application for a license.

C. State Regulations: Signs

Signs are heavily regulated in the marijuana regulations. Only two signs are allowed not to exceed 1600 square inches each.

**CITY OF YAKIMA**  
**LEGAL**  
**DEPARTMENT**

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200 South Third Street, Yakima, Washington 98901

(509)575-6030 Fax: (509)575-6160

**MEMORANDUM**

May 23, 2016

TO: Planning Commission members

FROM: Sara Watkins, Sr. Assistant City Attorney

SUBJECT: Marijuana zoning and regulatory provisions: other jurisdictions

---

Dear Commissioners,

I have prepared an overview of some other jurisdictions' regulations of marijuana in their zoning codes. I provide in this memo examples of code sections from a broad spectrum of cities who allow marijuana. If you have any questions, or would like additional information, please let me know.

Sincerely,

Sara Watkins

Sr. Assistant City Attorney

**1. Zoning Provisions for Recreational Marijuana Businesses**

Many cities have passed ordinances that outline in which zones marijuana businesses can operate. If no zoning provisions are enacted and the ban is lifted, the marijuana businesses will be able to operate in any district that currently allows the proposed activity (retail, processor, producer). Some cities have taken this approach, such as Lacey and Maple Valley. The 1,000 feet is measured from property line to property line. The places that are the cause of the buffer are:

1. Elementary and secondary schools;
2. Public parks;
3. Public libraries
4. Child Care Centers;
5. Recreational Centers;
6. Public transit centers;
7. Playgrounds; and,
8. Game arcades open to people under the age of 21. RCW 69.50.331(8).

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State law allows for the 1,000 foot buffer to be reduced to a minimum of 100 feet for all other uses, other than primary or secondary schools and playgrounds. It is not necessary to be "all or nothing" and the buffer could be reduced for one activity, such as public transit centers, but remain at 1,000 feet for the other activities.

Other jurisdictions have supplemented this list by adding buffer zones to specific land uses, and adding buffer zones between marijuana. Some examples:

A. Minimum distance between marijuana businesses.

Some jurisdictions have enacted ordinance language that adds a buffer between marijuana retail businesses. Vancouver requires that no marijuana retail business be located within 300 feet of another marijuana retail business Everett's restriction is 2,500 feet from any other marijuana retailer. Bellevue provides for a 1,000 foot buffer between marijuana retailers. Everett also restricts producers and processors, not allowing them to operate within 1,000 feet of each other.

B. Additional buffer zone requirements.

Jurisdictions have also enacted ordinances that add places to the list of buffer zone requirements. For example:

1. Longview does not allow retail outlets, producers or processors within 250 feet of a residential district or within a mobile home park/trailer park/RV park or within 250 feet of any of those uses.
2. Bellevue specifically states that no producer, processor or retailer shall be located within 1,000 feet of any park mapped in its GIS system.
3. Tacoma states that retailers are not allowed within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, or detoxification facilities.
4. Spokane Valley does not allow producers, processors or retailers within 1,000 feet of vacant undeveloped land owned by school districts, library districts or the City. It also doesn't allow marijuana retailers within 1,000 feet of Centennial Trail or Appleway Trail (the LCB specifically stated that trails were not playgrounds or parks as they defined them in their regulations).
5. Everett does not allow producers or processors to locate within 1,000 feet of any parcel zoned residential.

Many jurisdictions have also specifically stated that no marijuana businesses shall be allowed in any residential zone of the city.

### C. Zoning Restrictions

Many jurisdictions outline the specific zoning areas in which marijuana retailers, producers and processors can locate. If zoning areas are not specified, the outcome is that the businesses will be able to be located in any zone in which their activities fall as long as they meet the buffer requirements.

In many jurisdictions, producers and processors are only allowed in manufacturing, industrial or heavy commercial zones. Some jurisdictions supplement this by allowing production and processing as a conditional use in other zones, such as light industrial. Requiring producers and processors to operate in the M-1 and/or M-2 districts would provide the opportunity to require that such producers and processors connect to the industrial sewer line, which may be advantageous based on the chemicals used and waste produced at these locations.

Some jurisdictions have limited retailers by not allowing retailers in neighborhood business districts.

### 2. Other Building/Use Requirements.

#### A. Requirements concerning the buildings in which the businesses are located.

Some cities have further regulated marijuana businesses through requirements concerning the buildings in which they are located.

Vancouver's ordinance states:

Retail marijuana businesses may not be located within any other businesses, and may only be located in buildings with other uses only if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.

Marijuana businesses shall not be located in a mobile structure.

As stated above, Longview does not allow marijuana businesses in mobile home parks/RV parks or trailer parks.

Tacoma (and other jurisdictions) state that there cannot be a drive-thru or other exterior method of sales, nor can the business conduct off-site sales (some of this is mandated by statute).

Everett does not allow a marijuana retailer on any parcel containing a residential use (so if a building has a storefront and a residence upstairs in a business district, a marijuana retailer could not locate there). It further does not allow a retailer on any parcel that is contiguous to a parcel containing a residential use, except in specific circumstances. Further, Everett outlines the following parking requirements:

Customer parking for marijuana retailers must be on the public street side of the structure in which the marijuana retailer is located and may not be off of or adjacent to an alley. However, staff parking and business deliveries may occur on the alley side of the structure.

Vehicular access to the parking lot for a marijuana retailer shall be from the public street frontage and may not be from an alley. Any property located on a street from which vehicular access to the site from the street is prohibited by the City Engineer shall not be allowed for use as a marijuana retailer.

Bellevue does not allow marijuana retailers as a subordinate or accessory use in any land use district.

Ellensburg does not allow retailers to be housed in a building over 3,000 square feet.

B. Limitations on sight and smell.

The state regulations require the following (WAC 314-55-075):

Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

Many jurisdictions have enacted provisions addressing the sight and smell of marijuana producers, processors and retailers. In general, the city's nuisance ordinances would apply with regards to odor, however, jurisdictions have enacted odor ordinances that require preventative measures.

In Edmonds, the City does not allow any marijuana business to conduct any activities in the public view. This will require fencing and structural requirements to keep grows and activities out of the sight of the general public. Edmonds also does not allow marijuana,

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or drug paraphernalia, to be displayed to be visible from outside the premises. Further, "Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting the recreational marijuana business must be in effect at all times."

Ellensburg requires all production to be indoors.

Bellevue also requires all odor to be contained in a retail outlet so that it "cannot be detected by a person with a normal sense of smell from any abutting use or property." If the smell does become an issue, the retailer "shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor." Bellevue also requires that all marijuana be grown in a structure. Outdoor cultivation is prohibited.

Bellevue also regulates odor and visibility of producers and processors as follows:

Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property.

A screened and secured loading dock, approved by the Director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right-of-way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products.

Tacoma provides that marijuana uses need to be designed to control odors from being detected in a public place, the public right-of-way, or properties of others.

Vancouver requires that all marijuana businesses take place within a fully enclosed secure indoor facility or greenhouse. Further, such businesses are required to incorporate odor control technology and ensure emissions do not exceed clean air agency regulations.

### **3. Neighborhood Cooperatives**

The most recent regulation eliminated medical marijuana collective gardens, and replaced that with medical marijuana neighborhood cooperatives. Pursuant to the legislation, cooperatives may not be located in any of the following areas:

- A. Within 1 mile of a marijuana retailer;
- B. Within the buffer zone restrictions adopted by Council (in the event the buffers are reduced) or 1,000 feet of:

1. Elementary or secondary schools (cannot be reduced)
2. Playgrounds (cannot be reduced)
3. Recreation center or facility
4. Child care center
5. Public park
6. Public Transit Center
7. Library
8. Game arcade that admission is allowed for those under 21.

Neighborhood cooperatives are locations where qualifying patients or designated providers share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of its members. Sharing responsibility does not include only financing the operation, but must provide assistance in growing the plants. The locations must be registered with the LCB, but that registration information is exempt from public disclosure.

Cooperatives must be located "in the domicile" of one of the participants. This means that the cooperatives are located in houses, and residential zoning areas.

The City has the ability, specifically under the law, to prohibit and ban neighborhood cooperatives in their entirety.

# CITY OF YAKIMA

## LEGAL

## DEPARTMENT

200 South Third Street, Yakima, Washington 98901

(509)575-6030 Fax: (509)575-6160

### MEMORANDUM

May 23, 2016

TO: Planning Commission  
Jeff Cutter, Interim City Manager

FROM: Mark Kunkler, Senior Assistant City Attorney

SUBJECT: Planning Issues – Lifting Marijuana Ban

---

On May 17, 2016, the Yakima City Council adopted a Motion to repeal the ban on the production, processing and retail sale of medical and recreational marijuana. The City Council also adopted a second Motion referring the issues to the Planning Commission for a recommendation regarding any underlying zoning or land use regulation that would be put into effect when the marijuana ban is lifted. The following is a discussion of the history of marijuana legislation in the State of Washington as well as some options to consider when identifying possible areas of zoning control.

This Memorandum is premised on the first action of the City Council – the decision to proceed to repeal the existing ban. Therefore, the primary focus will be on possible zoning amendments.

**I. The Legislative Background – Medical Marijuana and Recreational Marijuana.**

In order to understand the available options, it is important to share a bit of the history of medical marijuana and recreational marijuana legislation.

**A. Medical Use of Marijuana Act (MUMA).**

In 1998, the voters of the State of Washington approved Initiative 692 permitting the use of marijuana for medical purposes for qualifying patients. The Medical Use of Marijuana Act was amended in 2007, 2010 and 2011. As summarized by the Legislature's Final Bill Report for SB 5052, this legislation provided:

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In order to qualify for the use of medical marijuana, patients must have a terminal or debilitating medical condition such as cancer, the human immunodeficiency virus, multiple sclerosis, intractable pain, glaucoma, Crohn's disease, hepatitis C, nausea or seizure diseases, or a disease approved by the Medical Quality Assurance Commission, and the diagnosis of this condition must be made by a health care professional. The health care professional who determines that a person would benefit from the medical use of marijuana must provide that patient with valid documentation written on tamper-resistant paper.

Qualifying patients who hold valid documentation may assert an affirmative defense at trial that they are authorized medical marijuana patients. These patients are not currently provided arrest protection.

Patients may grow medical marijuana for themselves or designate a provider to grow on their behalf. Designated providers may only provide marijuana for one patient at a time, must be 18 years of age, and must be designated in writing by the qualifying patient to serve in this capacity. There is no age limit for patients. Qualifying patients and their designated providers may possess no more than 15 marijuana plants and 24 ounces of useable marijuana product.

Up to ten qualifying patients may share responsibility for acquiring and supplying the resources required to produce, process, transport, and deliver marijuana for the medical use of its members. Collective gardens may contain up to 45 plants and 72 ounces of useable marijuana and no marijuana from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden. No provision for the sale of marijuana from a collective garden or for the licensing of collective gardens is made in statute.

No state agency is provided with regulatory oversight of medical marijuana. The Department of Health (DOH) does provide guidance to its licensees who recommend the medical use of marijuana, and is the disciplinary authority for its providers who authorize the medical use of marijuana in violation of the statutory requirements. DOH does not perform investigations until a complaint is made that someone is unlawfully authorizing the medical use of marijuana. There are no statutory licensing or production standards for medical marijuana and there are no provisions for taxation of medical marijuana.

**B. Recreational Marijuana (Initiative 502).**

Initiative 502 ("I-502") was approved by the voters in 2012. I-502 legalized possession of up to one ounce of useable marijuana, up to 16 ounces of marijuana-infused product, up to 72 ounces of liquid marijuana-infused product, and up to seven grams of marijuana concentrates. The new law established a licensing framework, administered by the Washington State

Liquor Control Board (“LCB”), for the licensing of production (growing), processing and retailing of marijuana for recreational purposes.

I-502 directed the LCB to allocate a limited number of retail licenses to each county based on population. The allocation for Yakima County (and certain cities within Yakima County) was established as follows:

Yakima County “At Large” licenses:	6 <sup>1</sup>
Grandview	1
Selah	1
Sunnyside	1
Yakima	5
<hr/>	
TOTAL:	14

To date, Yakima County and each of the cities listed above have adopted bans preventing retailers from locating within their respective jurisdictions. Records of the LCB further reflect that the LCB has received applications from proposed retailers to fill all five of the City of Yakima’s allocation – but

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<sup>1</sup> “At Large” retail licenses are defined at WAC 314-55-081 as follows:

**WAC 314-55-081**

**Who can apply for a marijuana retailer license?**

(1) Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the liquor control board will determine the maximum number of marijuana retail locations per county.

The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county. Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the county that have no retail licenses designated. Once the number of locations per city and at large have been identified, the eligible applicants will be selected by lottery in the event the number of applications exceeds the allotted amount for the cities and county. Any lottery conducted by the board will be witnessed by an independent third party.

(2) The number of marijuana retail licenses determined by the board can be found on the liquor control board web site at [www.liq.wa.gov](http://www.liq.wa.gov).

(3) Any entity and/or principals within any entity are limited to no more than three retail marijuana licenses with no multiple location licensee allowed more than thirty-three percent of the allowed licenses in any county or city....

Thus, cities like Union Gap – which have not been allocated a specific number of retail licenses – may be allowed to use one of the “at large” allocations available to unincorporated Yakima County. This assumes that the city has not adopted a ban or moratorium preventing such use.

these cannot locate in the city because of the city's ban on marijuana production, processing and retailing.

I-502 and the LCB's implementing regulations do not limit the number of marijuana Producers or Processors that may locate in any city or county.

In another key provision, I-502 limited the location of marijuana production, processing and retail businesses. Section 6(8) provided:

The state liquor control board shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(Emphasis added).

### C. 2015 Amendments to Medical Marijuana Laws.

In 2015, the legislature enacted two statutes that amended the laws pertaining to medical marijuana and recreational marijuana. These amendments are discussed in some detail below:

1. **SB 5052.** This bill was adopted and signed into law and summarized in the Final Bill Report as follows:

First, the "Liquor Control Board" name was changed to the "Liquor and Cannabis Board."

Medical use of marijuana is regulated through the structure provided in Initiative 502. Specific provisions for the medical use of marijuana are included: the terminal or debilitating medical conditions that qualify a patient for the medical use of marijuana must be severe enough to significantly interfere with activities of daily living and must be able to be objectively assessed and evaluated; and qualifying patients continue to be able to grow marijuana for their medical use. A medical marijuana authorization database (database) is created. Qualifying patients and designated providers who do not sign up with the database may grow marijuana for their medical use but are limited to four plants and 6 ounces of useable marijuana and are provided an affirmative defense to charges of violating the law on medical use of marijuana. Qualifying patients and designated providers who do sign up with the database may grow up to 15 plants for their medical use, are provided arrest protection, and may possess three times the amount of marijuana than what is permitted for the recreational user.

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A medical marijuana endorsement to a marijuana retail license is established to be issued by LCB. The endorsement may be issued concurrently with the retail license and medical marijuana–endorsed stores must carry products identified by DOH as beneficial to medical marijuana patients. DOH must also adopt safe handling requirements for all marijuana products to be sold by endorsed stores and must adopt training requirements for retail employees. LCB must reopen the license period for retail stores and allow for additional licenses to be issued to address the needs of the medical market. LCB must establish a merit based system for issuing retail licenses. First priority must be given to applicants that have applied for a marijuana retailer license before July 1, 2014, and who have operated or been employed by a collective garden before November 6, 2012, and second priority to applicants who were operating or employed by a collective garden before November 6, 2012 but who have not previously applied for a marijuana license.

Beginning July 1, 2016 health care professionals who authorize the medical use of marijuana must use an authorization form developed by DOH. The authorization form must include the qualifying patient's or designated provider's name, address, and date of birth; the health care professional's name, address, and license number; the amount of marijuana recommended for the qualifying patient; a telephone number where the authorization can be verified; the dates of issuance and expiration; and a statement that the authorization does not provide protection from arrest unless the patient or provider is also entered into the database. Authorizations are valid for one year for adults and six months for minors.

Minors may be authorized for the medical use of marijuana if the minor's parent or guardian agrees to the authorization. The parent or guardian must have sole control over the minor's marijuana. Minors may not grow marijuana, nor may they purchase from a retailer. However, they may enter the premises of a medical marijuana retailer if they are accompanied by their parent or guardian who is serving as the designated provider. Patients who are between ages 18 and 21 may enter marijuana retail outlets that hold medical marijuana endorsements.

The database is to be administered by a third party under contract with DOH. The database must allow authorizing marijuana retailers with medical marijuana endorsements to enter the qualifying patient or designated provider into the database and, consequently, provide the patient or provider with a recognition card that may be used to confirm the authenticity of the patient or provider. Patients and providers who are entered into the database are provided protection from arrest so long as they are in compliance with the law on the medical use of marijuana. Patients and providers who are entered into the database are permitted the following possession amounts: 3 ounces of useable marijuana, 48 ounces of marijuana-infused product in solid form, 216 ounces of marijuana-infused product in liquid form, 21 grams of marijuana concentrates, and 6 plants. The authorizing health care professional may authorize more than the six plants and 3 ounces of useable marijuana if the patient's medical needs require additional amounts, but no more than 8 ounces of useable marijuana and 15 plants.

No more than 15 plants may be grown in a housing unit, unless the housing unit is the location of a cooperative. No plants may be grown or processed if any portion of the activity may be viewed or smelled from the public or the private property of another housing unit.

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The database is not subject to public disclosure. The database is accessible to only the following groups of people:

The medical marijuana retailer with a medical marijuana endorsement, to add the patient or provider to the database.

Persons authorized to prescribe or dispense controlled substances to access health care information on their patients to provide medical care to their patients.

A qualifying patient or designated provider to request or receive his or her own health care information.

Law enforcement officers who are engaged in a bona fide investigation relating to the use of marijuana.

A marijuana retailer holding a medical marijuana endorsement to confirm the validity of a recognition card.

The Department of Revenue to verify tax exemptions.

The Department of Health to monitor compliance of health care professionals.

It is a class C felony for a person to access the database for an unauthorized purpose or to disclose any information obtained by accessing the database. Funding for the creation and maintenance of the database comes from the Health Professions Account which will be reimbursed from the Dedicated Marijuana Fund.

Qualifying patients and designated providers placed in the database must be issued recognition cards. Recognition cards must include a randomly generated number that will identify the patient or provider, a photograph of the patient or provider, the amount of marijuana for which the patient has been authorized, the effective and expiration dates of the card, the name of the health care professional who authorized the patient or provider, and other security features necessary to ensure its validity. Patients and providers will be charged \$1 for each initial and renewal recognition card issued with proceeds to be deposited into the Health Professions Account.

The provision authorizing collective gardens is repealed, effective July 1, 2016. Four member cooperatives are permitted. Up to four patients or designated providers may participate in a cooperative to share responsibility for the production and processing of marijuana for the medical use of its members. The location of the cooperative must be registered with LCB and is only permitted if it is at least 1 mile away from a marijuana retailer. The registration must include each member's name and copies of each member's recognition cards. Only registered members may participate in the cooperative or obtain marijuana from the cooperative. If a member leaves the cooperative, no new member may join for 60 days after LCB has been notified of the change in membership. All members of the cooperative must provide labor; monetary assistance is not permitted. Marijuana grown at a cooperative is only for the medical use of its members and may not be sold or donated

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to another. Minors may not participate in cooperatives. LCB must develop a seed to sale traceability system to track all marijuana grown by the cooperative.

Licensed marijuana producers may be permitted to increase the amount of their production space if the additional amount is to be used to grow plants identified as appropriate for medical use. Extractions by any person without a license is prohibited. LCB must adopt rules on noncombustible methods of extractions that may be used.

A medical marijuana consultant certificate is established to be issued by DOH. Certificate holders must meet education requirements relating to the medical use of marijuana and the laws and rules implementing the recreational and medical systems. DOH must also make recommendations on whether medical marijuana specialty clinics may be permitted.

LCB may conduct controlled purchase programs in retail outlets, cooperatives, and, until they expire July 1, 2016 in collective gardens to ensure minors are not accessing marijuana. Retailers may conduct in-house controlled purchase programs.

2. **2E2SHB 2136**. Municipal Research & Services Center (MRSC) summarized this legislation as follows:

**Tax Changes and Revenue Sharing**

**Excise tax.** Instead of there being an excise tax of 25% at each of the three different stages (production, processing, and retailing), now there is a single excise tax of 37% imposed at the time of marijuana retail sale. See Section 205 of HB 2136. The excise tax is in addition to the state and local sales tax. Section 101 explains the basic reasoning behind the tax changes: the legislature intends to reform the current tax structure for the regulated legal marijuana system to create price parity with the large medical and illicit markets with the specific objective of increasing the market share of the legal and highly regulated marijuana market.

Beginning in fiscal year 2018, if marijuana excise tax collection exceeds 25 million dollars, 30% of all marijuana excise taxes deposited into the general fund the prior fiscal year will be distributed to local governments as follows:

30% will go to counties, cities, and towns where retailers are located, based on the retail sales from stores within each jurisdiction;

70% will be distributed to counties, cities, and towns on a per capita basis – but only to jurisdictions that do not prohibit the siting of state-licensed producers, processors, or retailers.

See Section 206(2)(g) for the exact wording. The State Treasurer will make the transfers to local governments in four installments, by the last day of each fiscal quarter.

**Sales tax.** The legislation provides a retail sales and use tax exemption for marijuana purchased or obtained for medical use. See Sections 207 and 208.

**Local Funding**

The state budget provides for \$12 million in funding for counties and eligible cities, \$6 million in each fiscal year of the 2015-17 biennium. The funds appropriated in the budget are to be distributed according to a formula set out in Section 1603, based on retail marijuana sales, in four installments by the last day of each fiscal quarter.

**Buffer Zones**

Counties, cities, and towns are granted the authority to reduce the 1000-foot buffer zones required by I-502 (RCW 69.50.331(8)) around certain types of facilities within which licensed marijuana producers, processors, or retailers could not be located. The buffer zones can be reduced to not less than 100 feet from recreation centers or facilities, child care centers, public parks, public transit centers, or game arcades admitting minors. This authority to adjust buffer distances DOES NOT apply to elementary or secondary schools or to playgrounds. See Section 301(8).

Counties, cities and towns can also allow marijuana research facilities to be located not less than 100 feet of all of the above mentioned facilities, INCLUDING elementary or secondary schools, and playgrounds. A marijuana research facility is a newly authorized entity. See SB 5121 (Chapter 71, Laws of 2015).

**Signage for Retail Stores**

Licensed retail marijuana stores are now allowed to have TWO signs instead of the previous limitation to one sign. Each must be no more than 1,600 square inches in size. See Section 203(4).

**Marijuana Use in “Public Places”**

Section 401 clarifies what constitutes a “public place” where marijuana cannot be consumed, by incorporating the definition of “public place” found at RCW 66.04.010(35).

**Transportation of Marijuana**

Licensed producers, processors, and retailers can use common carriers for transport of marijuana, under rules to be adopted by the LCB. See Section 501.

**Public Notice Requirements**

Applicants for marijuana licenses must post a sign, provided by the LCB, on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a marijuana license. The sign must be posted within seven days of submitting an application to the LCB. See Section 801.

Cities, towns, and counties may adopt an ordinance requiring that license applicants provide individual notice of their application to any of the following that

are located within 1,000 feet: elementary or secondary schools, recreation centers or facilities, child care centers, churches, agencies that operate public parks, transit centers, or libraries, and arcades admitting minors. See Section 801. The notice must contain contact information for submitting comments to the LCB. The local government can require that these notices be sent at least 60 days before the license is granted.

**Medical Marijuana Cooperatives**

Section 1001 amends some of the provisions contained in the medical marijuana legislation (2SSB 5052), enacted during the regular legislative session earlier this year, which authorizes the establishment of LCB-certified “cooperatives” in place of collective gardens. This section establishes buffer zones within which cooperatives may not be located and makes it clear that cities, towns, and counties may prohibit cooperatives within their jurisdiction. It will not be effective until July 1, 2016, to coincide with the effective date of the provisions in 2SSB 5052 dealing with cooperatives. See my recent post, Medical Marijuana Reform Legislation Enacted, for information on 2SSB 5052.

**Vending Machines and Drive-Up Windows**

Marijuana retailers may not have marijuana vending machines within their stores, nor may they have drive-up windows. See Section 1301.

**Effective dates**

Most sections of HB 2136 are effective July 1st of this year [2015] – meaning they’re already in effect! The sections now in effect include those involving the tax revisions and the authorized changes to buffer zones. A few sections are effective on July 24, 2015, some on October 1, 2015, and some on July 1, 2016. See Section 1605 for effective dates.

Article, “Final Marijuana Legislation for 2015,” by *Jim Doherty, MRSC*, July 2, 2015.

**II. Options for Local Legislation.**

A city has several options when considering possible land use and regulatory controls concerning the production, processing and retailing of marijuana within its jurisdiction. Here are possible options, to be determined by the City Council:

- A. Background – Existing Marijuana Bans. The City Council amended Title 15 YMC in 2012 and 2014 to ban medical marijuana dispensaries and “collective gardens, and to ban the production, processing and retailing of marijuana within the city limits of the City of Yakima. These bans are currently found at YMC 15.01.035:

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**15.01.035 Illegal uses prohibited.**

A. General. No use that is illegal under local, state or federal law shall be allowed in any zone within the city.

B. Specific Application—Medical Marijuana Dispensaries and Collective Gardens. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating dispensaries of cannabis and/or collective gardens for the production, distribution and dispensing of cannabis for medical uses, all as further defined and set forth in Chapter 69.51A RCW and E2SSB 5073, Laws of 2011 of the State of Washington, such uses are not allowed in any zone within the city. For purposes of this section, “dispensary” means any person, entity, site, location, facility, business, cooperative or collective, whether for profit or not for profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges or gives away cannabis for medicinal or other purposes.

C. Production, Processing and Retailing of Marijuana Prohibited. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating production, processing, retail sale and retail outlets for the sale of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington, and implementing regulations in Chapter 314-55 WAC, as now existing or hereafter amended, such uses are each prohibited and not allowed in any zone within the city. (Ord. 2014-001 § 2, 2014; Ord. 2012-03 § 2, 2012).

B. Repeal Ban. The effect of repeal would leave the location of recreational marijuana production, processing and retail businesses, as well as medical marijuana cooperatives, subject to the statutory and LCB licensing restrictions. Without a local ordinance specifically defining or regulating location of marijuana production, processing, retailing and cooperatives, City Planning staff will apply analogous zoning and land use definitions (such as “retail,” “manufacturing,” “food processing,” etc.) to determine appropriate zoning for each licensee.

Existing state law imposes a 1,000-foot distance restriction from certain listed “sensitive” uses. RCW 69.50.331(8)(a) provides:

(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

For medical marijuana cooperatives, these statutory restrictions apply, as well as some additional restrictions. RCW 69.51A.250 provides in part:

(3) No cooperative may be located in any of the following areas:

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- (a) Within one mile of a marijuana retailer;
- (b) Within the smaller of either:
  - (i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or
  - (ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW 69.50.331(8)<sup>2</sup>; or
- (c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location does not comply with the requirements set forth in subsection (3) of this section.

Pursuant to RCW 69.51A.250(7), “[t]he location of the cooperative must be the domicile of one of the participants.” This means that, without a local ordinance restricting location, a cooperative could be located in a residence, in a residential zoning district.

A straight repeal of the ban without adoption of a separate ordinance defining appropriate zoning and land use controls would also mean that the City elects to forego an opportunity to *reduce* the 1,000-foot distance restrictions if such reductions are deemed appropriate. A straight repeal would also forego an opportunity to amend the City’s zoning code to define the marijuana uses, forego the opportunity to provide for separate provisions stating that violation of controlling state standards would also constitute a violation of the City’s zoning code, and forego the opportunity to designate specific zoning districts or areas where such uses are allowed.

**C. Adopt New Regulations and Land Use Controls to Take Effect Upon Lifting of Ban.** Taking the opportunity to fashion underlying land use and regulatory controls that take effect upon lifting the marijuana ban would enable us to consider the following:

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<sup>2</sup> Per RCW 69.50.331(8), a city may adopt an ordinance prohibiting cooperatives, restricting cooperatives to specific zoning districts, or reducing the 1,000-foot distance restrictions for certain sensitive uses (except for elementary schools, secondary schools and playgrounds – which must retain the 1,000-foot distance requirement).

- **Public Participation.** The amendment process requires at least one open public hearing to be held by the Planning Commission. The Planning Commission typically holds several meetings and study sessions on important items, and invites and encourages public comment and participation. This has been an important source of comment on past issues. Following the meetings, study sessions and public hearing(s), the Planning Commission then makes a recommendation to the City Council. The City Council would then make the final decision, but would also have the benefit of the Planning Commission's recommendation and findings.
- **Lifting Ban without Underlying Zoning.** Simply lifting the ban without considering underlying zoning definitions and regulations would leave the City without specific designation of zoning districts for marijuana production, processing and retailing, and without specific zoning code definitions pertaining to such uses. In such case, the City would be relying on general business zoning, thus conceivably allowing marijuana retail businesses in every zoning district where retail businesses may be allowed (*i.e.*, B-2 Local Business, B-1 Professional Business, HB Historical Business, SCC Small Convenience Center, LCC Large Convenience Center, etc.).
- **Designation of Specific Zoning Districts.** Designating specific zoning districts in which marijuana facilities would be allowable uses. For retail recreational/medical marijuana, these zoning districts could logically include the large business districts (GC General Commercial, CBD Central Business District) as well as the M-1 Light Industrial and M-2 Heavy Industrial zoning districts. Marijuana business uses may not be compatible within other commercial districts such as the HB Historical Business, B-1 Professional Business, B-2 Local Business, etc. Development of specific zoning for marijuana uses could define zoning districts in which such uses are more compatible with neighboring uses.
- **Assigning Industrial Zoning for Marijuana Production and Processing.** For marijuana production and processing, the industrial zoning districts appear to be possible location options. Related to this would be a requirement that production and processing be located so as to be on the City's Industrial Wastewater system.
- **Modification of Buffers.** The recent state law amendments also give the City the ability to adopt an ordinance modifying or reducing the 1,000-foot distance restrictions in certain cases (except for elementary schools,

secondary schools and playgrounds). These reductions, however, can only be implemented through adoption of a City ordinance.

- **Cooperatives.** For cooperatives, the statutes allow several options, including the option to not permit such uses, to establish additional distance requirements, to consider appropriate zoning and other regulation.
- **Local Land Use Definition and Enforcement Provisions.** Development of zoning and land use regulations would also give the City the opportunity to develop/incorporate definitions of the specific marijuana uses, and to clarify enforcement authority by providing that any violation of the local regulations and/or state regulations would also constitute a violation of the zoning code. This would enable the City to locally enforce violations in municipal court.
- **Business Licenses.** Possible development of business license requirements governing such uses. These typically are found in Title 5 YMC, but it is common to develop such regulations in conjunction and coordination with land use regulations found in Title 15 YMC.

The possible amendments described above (with the possible exception of business license regulations) would require an amendment of Title 15 YMC. Under this code (and applicable state law), amendments must be referred to the Planning Commission – which schedules study sessions and public hearing(s) to consider the proposed amendments. The Planning Commission would then make a recommendation to the City Council. The City Council receives the recommendation and makes the final decision. The Council's final decision would then be presented as an ordinance amending the municipal code. The amendments contained in the ordinance can be designed to take effect when the marijuana ban is lifted.

This is a lot of information to wade through, but I hope it is helpful in showing the background and establishing a basis for next steps. As always, if we can answer any questions you may have, please feel free to let us know.