

## LAKE FOREST PARK CITY COUNCIL

### **Agenda Item Cover Sheet** **Meeting Date:** February 26, 2015

<b><u>Title</u></b>	Public Hearing and Discussion of Ordinance 1095 regarding Recreational Marijuana Regulations	
<b><u>Originating Department</u></b>	Planning & Building; Executive	
<b><u>Contact Person</u></b>	Planning & Building: Stephen Bennett, Director Executive: Pete Rose, City Administrator	
<b><u>Attachments</u></b>	1. Draft Ordinance 1095	
<b>Work Session</b>	<b>Ordinances &amp; Resolutions</b>	<b>Council Action or Discussion</b>
<b>January 22 Work Session</b>	<b>February 26</b>	<b>January 22 Regular Meeting</b>

**Executive Summary:** This is a written briefing for the Public Hearing and an action item to introduce the proposed ordinance for the Regular Meeting. The hearing is required because the ordinance changes zoning regulations. It is also a good opportunity for the City Council to hear how citizens feel about the Lake Forest Park approach to implementing this state law. The City Council should determine any changes it may desire in the regulations based on the public hearing and Council deliberations. In the regular meeting, there is an action item to introduce the draft ordinance. It has been the custom of this Council to just acknowledge introduction agenda “touch” without a formal vote. If there are changes to the ordinance that are more restrictive than those in the draft sent to the Department of Commerce, direct the staff to send the proposed regulations to the Department of Commerce for the required 60-day review (for GMA compliance) of zoning regulations.

**Background:** A state-regulated recreational marijuana policy was adopted by way of initiative by the voters in November of 2012. Licensing and regulation was assigned to the State Liquor Control Board (LCB). The LCB spent 2013 determining licensing regulations. In early 2014, the State Attorney General determined that the initiative did not pre-empt local zoning authority. Early case law indicated that local zoning would be considered, but bans for failure to align with federal law were questionable. Outright bans are still being tested in court. With this legal guidance, the Council approved three successive 6-month moratoria, including work plans to position the City to come out of moratorium.

The second moratorium was focused on three zoning issues: the Burke Gilman Trail; the Neighborhood Business Zone; and the impact on the vision behind the new Southern Gateway zoning. The Planning Commission completed its work but not enough time was left for staff review and analysis or development of regulations. In addition, there was insufficient time for the SEPA process and state agency review. As a result, the Council adopted a third moratorium with a direction to finish the work within the 6-month time frame.

The Planning Commission considered its review with a filter of the state liquor industry and made recommendations largely based on whether liquor establishments would be allowed in the zone or required a protective buffer. As a result, it recommended no new general zoning regulations, but expressed a specific concern about the protective buffer around the planned park in the Southern Gateway development called "12 Degrees North". The Administration took a different view of the zoning regulations focused on taking advantage of a legally defensible opportunity given to the City that was specific to recreational marijuana without regard to past state regulation of liquor controls.

As a result, the staff position was that the LCB got it wrong with regard to not allowing consideration of the Burke Gilman Trail for the protective buffer due to its use and its designation in the Lake Forest Park (LFP) Comprehensive Plan as a Recreation Facility/Park. This is based on its use as a recreation facility and its use by youth as access through LFP to Log Boom Park, and in LFP to Lyon Creek Resource Park, the private park at the Civic Club and the private park at the Sheridan Beach Club. These facilities draw thousands of youth to them during the year. Also, the staff position was that the current binding site plan at the 12 Degree North property was a clear indication that a park will be there in the near future that zoning regulations should be developed to affirm it as a current park. Indeed, staff/legal provided three options for identifying an imminent park that should have protection, and concluded that all three should be put into code. Legal review of the NB zone did not at that time provide a rational basis for adopting a zoning regulation that would ban state-regulated recreational marijuana businesses in that zone. Therefore, the attached draft regulations allow it.

Councilmember amendments made during the January 22<sup>nd</sup> meeting are reflected in the current draft of recreational marijuana regulations contained in Ordinance \_\_\_\_\_. Generally, those changes included removing 'marijuana growing and processing' from the proposed change to the permitted use list of the BN district and adding proposal that includes 'retail marijuana sales' in the permitted use list in the SG Corridor district. The ordinance also includes a number of recitals to establish on the record the Council's reasoning for using local regulatory authority to supplement the LCB rules.

The draft zoning regulations were submitted for the required state agency review with the Department of Commerce on January 30<sup>th</sup>. The WAC gives Commerce 60 days to complete its review. Since this proposed code amendment is related to land use, a SEPA threshold determination (DNS – Determination of Non-significance) was issued by the Planning Director by February 26. The SEPA comment/appeal period for that determination is 21 days and will run concurrently with the GMA compliance review. Council should be careful to assure that it will not consider more restrictive final regulations than the draft sent to Commerce, as the legal argument could be made that a second review is needed. Even if Commerce took the full 60 days for its review, there is still time to approve an ordinance before the moratorium ends on April 24, 2015.

The impact of the current draft regulations when combined with an overlay of the protective buffers is that it would be possible for state-regulated marijuana businesses to be located in two areas of the City. One is in the SG Corridor zone which has an area west of SR 522, between the highway and the east boundary of the Acacia Cemetery that are not impacted by any protective buffers. There are approximately 7 commercially

zoned parcels there. The other is in the NB zone at the northeast tip of LFP, at the intersection of 15<sup>th</sup> Ave. and 195<sup>th</sup> Street, a single parcel. Another policy impact is that by allowing marijuana businesses, it removes one of the potential barriers in some proposed state legislation that would share state marijuana excise tax with cities. Some legislation would not share revenue in cities that have banned or are in moratorium, based on the principle that legal recreational marijuana is the law of the state and local governments should cooperate with the state in making it available.

**Recommendation:**

- Consider public comments provided at hearing and review draft regulations contained in Ordinance 1095. No action is recommended at this meeting since the Department of Commerce 60-day review and SEPA comment periods are still underway.

**Alternatives:**

- Add/revise Council-amended local regulations after public hearing

**Financial Impact:** There is limited financial impact. The only tax allowed on marijuana sales is the excise tax, receipts of which are currently limited to the state. A state-regulated recreational marijuana store in LFP would presumably require a business license and the payroll would be subject to the local B&O tax.

ORDINANCE NO. 1095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, ADOPTING OFFICIAL ZONING CONTROLS REGARDING RECREATIONAL MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, Washington voters approved Initiative 502 (I-502) on November 6, 2012. In relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products for persons age 21 and older, and directed the Washington State Liquor Control Board (LCB) to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers by December 31, 2013; and

**WHEREAS**, the LCB rules became effective on November 16, 2013, and the LCB began accepting license applications for recreational marijuana beginning November 18, 2013. Applicants are required to identify a business location with their application submittals; and

**WHEREAS**, on October 24, 2013, the City Council of the City of Lake Forest Park, Washington, by authority of RCW 35A.63.220, adopted Ordinance 1063 establishing a moratorium on the establishment, location, operation, licensing, maintenance or continuation of marijuana producers, processors and retailers pursuant to Washington State Initiative 502 or any other laws of the state of Washington; and

**WHEREAS**, the City extended the moratorium for six months by Ordinance 1076 and Ordinance 1084 in order to investigate potential secondary effects, obtain regulatory clarity and guidance from the Washington courts, and determine whether any or all of the regulations would be the subject of a federal challenge; and

**WHEREAS**, the City Council deems it to be in the public interest to establish regulations advising the public where recreational marijuana producers, processors, and retail uses may be located in the City of Lake Forest Park; and

**WHEREAS**, the establishment or licensing of recreational marijuana uses may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

**WHEREAS**, marijuana is still classified as a schedule I controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

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3       **WHEREAS**, the City of Lake Forest Park’s Planning Commission studied this  
4 matter during study sessions open to the public on August 19, 2014; September 2,  
5 2014; September 16, 2014; October 7, 2014; October 21, 2014. The Planning  
6 Commission forwarded a recommendation to the City Council on October 21, 2014; and  
7

8       **WHEREAS**, the City Council the City Council considered the Planning  
9 Commission’s recommendation and further considered this issue on October 9, 2014;  
10 October 23, 2014; and January 22, 2015. The City Council held a public hearing on  
11 February 26, 2015; and  
12

13       **WHEREAS**, the City issued a SEPA Determination of Non-Significance for the  
14 proposed regulation of marijuana retail, processing and production on \_\_\_\_\_, 2015;  
15 and  
16

17       **WHEREAS**, in accord with the requirement set forth in RCW 36.70A.106, the  
18 City provided the Washington State Department of Commerce notice of the City’s intent  
19 to adopt the proposed regulations on marijuana retail, processing and production on  
20 January 30, 2015; and  
21

22       **WHEREAS**, the City Council has carefully and thoroughly completed its research  
23 and analysis on this issue and desires to adopt appropriate regulations for Lake Forest  
24 Park regarding marijuana retail, processing and production; and where these  
25 regulations differ from those of the LCB it is because the City Council has made a  
26 determination based on facts and circumstances existing in Lake Forest Park; and  
27

28       **WHEREAS**, having considered the record before it, the City Council finds that  
29 within Lake Forest Park, the Burke Gilman trail is used by adults and thousands of  
30 youth as a traditional park area and pathway to other park-like uses and open space.  
31 The City has listed the Burke Gilman trail in its Comprehensive Plan as  
32 Recreation/Open Space. For these reasons, the Burke Gilman trail and the other  
33 Recreations/Open spaces listed in the City’s Comprehensive Plan, will be treated like  
34 parks and be subject to the 1000 foot buffer from marijuana retailers; and  
35

36       **WHEREAS**, having considered the record before it, the City Council finds that  
37 within Lake Forest Park, marijuana processing and production, like other production and  
38 manufacturing uses, are not compatible in Lake Forest Park. Through years of  
39 outreach and public process, the City adopted its current zoning code, within which  
40 production and manufacturing uses are precluded. For the same reasons, marijuana  
41 processing and production are not compatible with other uses in Lake Forest Park and  
42 are prohibited;  
43

44       **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST**  
45 **PARK, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**  
46

1           Section 1. – Preliminary Findings. The recitals and findings set forth above as  
2 well as those previously set forth in Ordinances 1063, 1076, and 1084 are hereby  
3 adopted as the City Council’s findings in support this ordinance.  
4

5           Section 2. – Moratorium Terminated. With the passage of this Ordinance, the  
6 moratorium established by Ordinance 1063 and extended by Ordinances 1076 and  
7 1084 is terminated.  
8

9           Section 3. Chapter 18.08 “Definitions” Amended. Chapter 18.08 “Definitions” is  
10 Amended and reenumerated as follows:  
11

12 . . .

- 13
- 14 18.08.480 Marijuana or Cannabis.
  - 15 18.08.490 Marijuana processor.
  - 16 18.08.500 Marijuana producer.
  - 17 18.08.510 Marijuana retailer.
  - 18 18.08.520 Marijuana-Infused products.
  - 19 18.08.530 Marijuana retail outlet.
  - 20 18.08.540 Marijuana, useable.
  - 21 ~~18.08.480~~550 Motel.
  - 22 ~~18.08.490~~560 Nonconforming building.
  - 23 ~~18.08.500~~570 Nonconforming lot.
  - 24 ~~18.08.540~~580 Nonconforming use.
  - 25 ~~18.08.520~~590 Open space, required.
  - 26 ~~18.08.530~~600 Person.
  - 27 ~~18.08.540~~610 Principal use.
  - 28 ~~18.08.550~~620 Professional offices.
  - 29 ~~18.08.560~~630 Public agency.
  - 30 ~~18.08.570~~640 Public utility.
  - 31 ~~18.08.580~~650 Recreational area or community club house, noncommercial.
  - 32 ~~18.08.590~~660 Recreational area, commercial.
  - 33 ~~18.08.600~~670 Retirement home.
  - 34 ~~18.08.640~~680 Signs.
  - 35 ~~18.08.620~~690 Street.
  - 36 ~~18.08.630~~700 Structural alterations.
  - 37 ~~18.08.640~~710 Substandard lot.
  - 38 ~~18.08.650~~720 Transit park and ride lot.
  - 39 ~~18.08.660~~730 Use.
  - 40 ~~18.08.670~~740 Variance.
  - 41 ~~18.08.680~~750 Veterinary clinic or small animal hospital.
  - 42 ~~18.08.690~~760 Yard.
  - 43 ~~18.08.700~~770 Yard, front.
  - 44 ~~18.08.740~~780 Yard, side.
  - 45 ~~18.08.720~~790 Yard, rear.
  - 46 ~~18.08.730~~800 Zone.

1 . . .

2 18.08.480 Marijuana or Cannabis.

3  
4 “Marijuana” or “Cannabis” means all or part of the plant Cannabis, whether growing or  
5 not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds  
6 thereof; the resin extracted from any part of the plant; and every compound,  
7 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.  
8 The term does not include mature stalks of the plant, fiber produced from the stalks, oil  
9 or cake made from the seeds of the plant, any other compound, manufacture, salt,  
10 derivative, mixture or preparation of the mature stalks (except the resin extracted  
11 therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of  
12 germination.

13  
14 18.08.490 Marijuana processor.

15  
16 “Marijuana processor” means a person licensed by the state liquor control board to  
17 process marijuana into useable marijuana and marijuana-infused products, package  
18 and label useable marijuana and marijuana-infused products for sale in retail outlets,  
19 and sell useable marijuana and marijuana-infused products at wholesale to marijuana  
20 retailers.

21  
22 18.08.500 Marijuana producer.

23  
24 “Marijuana producer” means a person licensed by the state liquor control board to  
25 produce and sell at wholesale to marijuana processors and other marijuana producers.

26  
27 18.08.510 Marijuana retailer.

28  
29 “Marijuana retailer” means a person licensed by the state liquor control board to sell  
30 useable marijuana and marijuana-infused products in a retail outlet.

31  
32 18.08.520 Marijuana-Infused products.

33  
34 “Marijuana-Infused products” means products that contain marijuana or marijuana  
35 extracts and are intended to human use. The term “marijuana-infused products” does  
36 not include useable marijuana.

37  
38 18.08.530 Marijuana retail outlet.

39  
40 “Marijuana retail outlet” means a location licensed by the state liquor control board for  
41 the retail sale of useable marijuana and marijuana infused products.

42  
43 18.08.540 Marijuana, useable.

44  
45 “Useable marijuana” means dried marijuana flowers. The term “useable marijuana”  
46 does not include marijuana-infused products.

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18.08.480550 Motel.

“Motel” means one or more buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located next to each unit, all for the temporary use by automobile tourists or transients, and the word includes tourist courts, motor courts, automobile courts, automobile camps and motor lodges. A unit in a motel having kitchen facilities constitutes a dwelling unit and shall be subject to all of the provisions and requirements of this title governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple- dwelling zone.

18.08.490560 Nonconforming building.

“Nonconforming building” means a legally established building or structure which does not conform in its construction, area, yard requirements or height to the restrictions of the land use zone in which it is classified in this title.

18.08.500570 Nonconforming lot.

“Nonconforming lot” means a legally established lot or parcel of land which does not conform to the regulations of the land use zone in which it is classified by this title.

18.08.540580 Nonconforming use.

“Nonconforming use” means a legally established use which does not conform to the regulations of the land use zone in which it is classified by this title.

18.08.520590 Open space, required.

“Required open space” means a portion of the area of a lot or building site, other than required yards, which area is required by this title, as set forth in the different classifications contained herein, to be maintained between buildings, between wings of a building as common area to be available for use by the persons specified in a multiple- lot subdivision, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Open spaces are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky, except for specific permitted uses and structures.

18.08.530600 Person.

“Person” means and includes an individual, firm, partnership, association or corporation, governmental agency or political subdivision.

18.08.540610 Principal use.



1  
2 “Principal use” means the primary or predominant use to which the property is or may  
3 be devoted, and to which all other uses on the premises are accessory.  
4

5 18.08.~~550~~620 Professional offices.  
6

7 “Professional offices” means an office maintained and used as a place of business by  
8 individuals in licensed professions and other generally recognized professions which  
9 utilize training or knowledge in the mental disciplines as distinguished from occupations  
10 primarily oriented to manual skills or the handling of commodities.  
11

12 18.08.~~560~~630 Public agency.  
13

14 “Public agency” means any agency, political subdivision, or unit of local government of  
15 this state including but not limited to municipal corporations, special purpose districts,  
16 and local service districts; any agency of the state of Washington, the United States or  
17 any state thereof; or any Indian tribe recognized as such by the federal government.  
18

19 18.08.~~570~~640 Public utility.  
20

21 “Public utility” means a private business organization such as a public service  
22 corporation performing some public service and subject to special governmental  
23 regulations, or a governmental agency performing similar public services, the services  
24 by either of which are paid for directly by the recipients thereof. Such services shall  
25 include, but are not limited to, water supply, electric power, gas and transportation for  
26 persons and freight.  
27

28 18.08.~~580~~650 Recreational area or community club house, noncommercial.  
29

30 “Recreational area or community club house, noncommercial” means an area devoted  
31 to facilities and equipment for recreational purposes, swimming pools, tennis courts,  
32 playgrounds, community club houses and other similar uses maintained and operated  
33 by a nonprofit club or organization whose membership is limited to the residents within  
34 the area.  
35

36 18.08.~~590~~660 Recreational area, commercial.  
37

38 “Commercial recreational area” means an area operated for profit and devoted to  
39 facilities and equipment for recreational purposes, including swimming pools, tennis  
40 courts, playgrounds and other similar uses whether the use of such area is limited to  
41 private membership or whether open to the public upon the payment of a fee.  
42

43 18.08.~~600~~670 Retirement home.  
44

45 “Retirement home” means a building or group of buildings designed for the occupancy  
46 of three or more families, living semi- independently from each other, and containing

1 only sleeping units with common kitchen, dining, and recreation facilities; provided, a  
2 retirement home may contain one or more dwelling units for resident staff only.

3  
4 18.08.640680 Signs.

5  
6 The term “signs” shall be defined as it is in Chapter 18.52 LFPMC.

7  
8 18.08.620690 Street.

9  
10 “Street” means a public or recorded private thoroughfare which affords primary means  
11 of access to abutting property.

12  
13 18.08.630700 Structural alterations.

14  
15 “Structural alterations” means any change in the supporting members of a building or  
16 structure, such as foundations, bearing walls, columns, beams, floor or roof joists,  
17 girders or rafters, or changes in the interior dimensions of the building or structure, or  
18 increase in floor space.

19  
20 18.08.640710 Substandard lot.

21  
22 “Substandard lot” means a lot or parcel of land which has less than the required  
23 minimum area or width as established by the zone in which it is located and provided  
24 that such lot or parcel was of record as a legally created lot on the effective date of the  
25 ordinance codified in this title.

26  
27 18.08.650720 Transit park and ride lot.

28  
29 “Transit park and ride lot” means a parking lot, whether publicly or privately owned,  
30 providing vehicle parking and passenger and vehicular circulation specifically for the  
31 purpose of access to a metropolitan public transportation system as defined in RCW  
32 35.58.020(14).

33  
34 18.08.660730 Use.

35  
36 “Use” means the nature of the occupancy, the type of activity, or the character and form  
37 of improvements to which land is devoted or may be devoted.

38  
39 18.08.670740 Variance.

40 “Variance” means a modification or exception to specific regulations but in accordance  
41 with the intent and purpose of such regulations, including the comprehensive plan,  
42 zoning code, or other applicable land use requirement. Variances shall be allowed upon  
43 meeting the variance criteria contained in Chapter 18.70 LFPMC.

44  
45 18.08.680750 Veterinary clinic or small animal hospital.

1 “Veterinary clinic or small animal hospital” means an establishment in which veterinary  
2 medical services, clipping, bathing and similar services are rendered to dogs, cats and  
3 other small animals and domestic pets, not including kennels.

4  
5 18.08.~~690~~760 Yard.

6  
7 “Yard” means those open spaces on a lot other than a court, that are unoccupied and  
8 unobstructed by buildings, except as otherwise provided in this title.

9  
10 18.08.~~700~~770 Yard, front.

11 “Front yard” means that yard adjacent to the front lot line and which is measured across  
12 the full width of the lot.

13  
14 18.08.~~740~~780 Yard, side.

15  
16 “Side yard” means those yards extending along both side lot lines from the front yard to  
17 the rear yard.

18  
19 18.08.~~720~~790 Yard, rear.

20  
21 “Rear yard” means that yard adjacent to the rear lot line and which is measured across  
22 the full width of the lot.

23  
24 18.08.~~730~~800 Zone.

25  
26 “Zone” means an area accurately defined as to boundaries and location on an official  
27 map and within which area only certain types of land uses are permitted, and within  
28 which other types of land uses are excluded, as set forth in this title.

29  
30 Section 4. Chapter 18.34 “BN Neighborhood Business Amended. Chapter 18.34  
31 “BN Neighborhood Business” is amended to read as follows:

32  
33 18.34.020 Permitted uses.

34  
35 The following uses are permitted in the BN zone, subject to the off-street parking and  
36 landscaping requirements and other general provisions as set forth in this title, except  
37 where modified by this chapter:

38  
39 A. Neighborhood scale businesses involving the retail sales of small merchandise and  
40 convenience foods, general household items or services, specialty shops, auto service  
41 stations limited to two pump islands with two pumps per island, marijuana retailers  
42 licensed by the State of Washington Liquor Control Board to sell useable marijuana and  
43 marijuana-infused products all as defined in Chapter 18.08 LFPMC; and

44 B. Small business offices and uses rendering professional and personal services, such  
45 as real estate or insurance brokerages, professional offices, medical or dental clinics,  
46 day care, and barber or beauty shops; and

1 C. Public utilities.

2 Section 5. Chapter 18.46 SG-C Southern Gateway – Corridor Amended.

3 Chapter 18.46 “SG-C Southern Gateway – Corridor” is amended to read as follows:

4 18.46.010 Purpose.

5  
6 The intent of the SG-C zone is to:

7 A. Encourage neighborhood and community scale residential and commercial uses  
8 which provide services to the local community, a greater range of economic  
9 opportunities, a pleasant residential environment and a focus for the local community.

10 B. Support an active, walkable mixed use center.

11 C. Create an attractive gateway and streetscape character.

12 D. Improve the intersections along Bothell Way and local vehicular and pedestrian  
13 circulation.

14 E. Protect the livability and attractiveness of residential neighborhoods.

15 F. Implement the city’s environmental sustainability objectives. (Ord. 1057 § 2, 2013)

16  
17 18.46.020 Permitted uses – Commercial and nonresidential.

18  
19 The following commercial and nonresidential uses are permitted in the SG-C zone,  
20 subject to other general provisions as set forth in this title, except where modified by this  
21 chapter:

22 A. Retail sales of food and commodities, which involve only incidental and limited  
23 fabrication and assembly. Uses excluded from this zone would include auto service  
24 stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy  
25 equipment, boats, tires and motor vehicles.

26 B. Business offices and uses rendering professional, personal, and instructional  
27 services, such as real estate or insurance brokerages, consultants, medical or dental  
28 clinics, technical training, health clubs, and repair of jewelry, eyeglasses, clothing,  
29 household appliances and tools, or other such similar uses; excluding vehicle or tool  
30 rentals, outdoor pet sales and housing (kennels).

31 C. Marijuana Retailers licensed by the State of Washington Liquor Control Board and  
32 as defined in Chapter 18.08 LFPMC.

33 D. Government and institutional buildings and uses, including but not limited to  
34 police stations, schools, educational facilities, libraries, administrative offices, and other  
35 public service uses that are compatible with the intent of the SG-C zone.

36 E. Day care facilities.

37 F. Public utilities.

38 G. Adult use establishments; provided, however, that the operation of an adult use  
39 establishment shall be prohibited within 660 feet of any residential zone; and provided  
40 further, that adult use establishments shall not be operated concurrently within 660 feet  
41 of, nor within the same structure as, the operation of any other adult use establishment;  
42 and provided further, that no adult use establishment shall be located within 660 feet of  
43 schools, licensed day care centers, public parks, community centers or public libraries  
44 or churches which conduct religious or educational classes for minors. (Ord. 1057 § 2,  
45 2013)

1           Section 6. – Chapter 18.50 Development Standards Amended. Chapter 18.50  
2 “Development Standards” is hereby amended as follows:

3  
4 18.50.130 Collective gardens and dispensaries defined.\*

5  
6 “Collective garden” means the use of property for growing, production, processing,  
7 transportation, and/or delivery of cannabis by qualifying patients for medical use, as set  
8 forth in RCW 69.51A.130(2).

9 \*Code reviser’s note: Section 5 of Ord. No. 1060 provides, “No use that constitutes or  
10 purports to be a collective garden as that term is defined in this ordinance, that was  
11 engaged in that activity prior to the enactment of this ordinance shall be deemed to  
12 have been a legally established use under the provisions of the Lake Forest Park  
13 Municipal Code and that use shall not be entitled to claim legal nonconforming status.”

14  
15 18.50.140 Collective gardens prohibited.

16  
17 A. Collective gardens, as defined in LFPMC 18.50.130, are prohibited in the following  
18 zoning districts:

- 19       1. All residential and mixed use districts, including RS-20, RS-15, RS-10, RS-9.6,  
20       RS-7.2, RM-3600, RM-2400, RM-1800, RM-900, SG-SF, SG-C and SG-T;
- 21       2. All business and/or commercial districts, including BN, CC and TC; and
- 22       3. Any new district established after July 22, 2013.

23 B. Any violation of this section is declared to be a public nuisance per se, and may be  
24 abated by the city attorney under applicable provisions of this code or state law,  
25 including but not limited to the provisions of LFPMC Chapter 1.16 and/or 8.12.

26  
27 18.50.150 Marijuana Processing and Producing prohibited.

28  
29 A. Marijuana processors and marijuana producers, as defined in Chapter 18.08  
30 LFPMC, are prohibited in the following zoning districts:

- 31       1. All residential and mixed use districts, including RS-20, RS-15, RS-10, RS-9.6,  
32       RS-7.2, RM-3600, RM-2400, RM-1800, RM-900, SG-SF, SG-C and SG-T;
- 33       2. All business and/or commercial districts, including BN, CC and TC; and
- 34       3. Any new district established after \_\_\_\_\_ (insert effective date  
35       ordinance).

36 B. Any violation of this section is declared to be a public nuisance per se, and may be  
37 abated by the city attorney under applicable provisions of this code or state law,  
38 including but not limited to the provisions of LFPMC Chapter 1.16 and/or 8.12.

39  
40 18.50.160 Recreational Marijuana Retailers.

41  
42 A. Marijuana retail outlets licensed by the Washington State Liquor Control Board, as  
43 defined in Chapter 18.08 LFPMC, are permitted in the following zoning districts: BN and  
44 SG-C, but are prohibited in all of the zoning districts:

- 45       1. All residential and mixed use districts, including RS-20, RS-15, RS-10, RS-9.6,  
46       RS-7.2, RM-3600, RM-2400, RM-1800, RM-900, SG-SF and SG-T;

- 1        2. All business and/or commercial districts, including CC and TC; and  
2        3. Any new district established after \_\_\_\_\_ (insert effective date  
3        ordinance).

4 B. Chapter 314-55 Washington Administrative Code, now or as may hereafter be  
5 amended, shall apply in addition to the provisions of this chapter.

6 C. Limitations on uses. The following limitations shall apply to all marijuana retailers  
7 unless stated otherwise:

8        1. A marijuana retailer shall not be located within 1,000 feet of the following uses or  
9        any use included in Chapter 314-55 WAC now or as may be hereafter amended:

- 10        a. Elementary or secondary school;  
11        b. Playgrounds;  
12        c. Recreation center or facility;  
13        d. Child care centers;  
14        e. Public parks;  
15        f. Public transit centers;  
16        g. Libraries;  
17        h. Any game arcade; or  
18        i. Any real property with a land use designation of Recreation/Open Space;  
19        j. Any real property designated for park use in an approved binding site plan  
20        under Chapter 18.48 LFPMP;  
21        k. Any real property designated for park use in an approved preliminary plat  
22        under Title 17 LFPMP; and  
23        l. Any real property designated in the Capital Improvement Plan for future park  
24        use.

25  
26 D. Marijuana Retail Outlets. Marijuana odor shall be contained within the retail outlet  
27 so that the odor from marijuana cannot be detected by a person with a normal sense of  
28 smell from any abutting use or property. If marijuana odor can be smelled from any  
29 abutting use or property, the marijuana retailer shall be required to implement  
30 measures, including but not limited to, installation of ventilation equipment necessary to  
31 contain the odor.

32  
33 E. Security. In addition to the security requirements in Chapter 315-55 WAC, during  
34 non-business hours, all recreational marijuana retailers shall store all useable  
35 marijuana, marijuana-infused product, and cash in a safe or in a substantially  
36 constructed and locked cabinet. The safe or cabinet shall be incorporated into the  
37 building structure or securely attached thereto. For useable marijuana products that  
38 must be kept refrigerated or frozen, these products must be stored in a locked  
39 refrigerator or freezer container in a manner approved by the Director, provided the  
40 container is affixed to the building structure.

41 F. Legal Nonconforming Uses. No use that constitutes or purports to be a marijuana  
42 producer, marijuana processor, or marijuana retailer as those terms are defined in this  
43 ordinance, that was engaged in that activity prior to the enactment of this ordinance  
44 shall be deemed to have been a legally established use under the provisions of the  
45 Lake Forest Park Municipal Code and that use shall not be entitled to claim legal  
46 nonconforming status under Chapter 18.66 LFPMP.

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Section 7. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 8. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. – Effective Date. This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** of the Lake Forest Park City Council this 26<sup>th</sup> day of February, 2015, and signed into authentication this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mary Jane Goss, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Evelyn Jahed, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Adams Pratt, Interim City Attorney

Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_