ORDINANCE NO. 2715

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, REGULATING RECREATIONAL MARIJUANA FACILITIES; ADDING NEW DEFINITIONS TO CHAPTER 18.02; ADDING A NEW SECTION 18.07.512 PROVIDING FOR THE REGULATION OF RECREATIONAL MARIJUANA FACILITIES, REQUIRING SEPARATION AND SECURITY; AMENDING THE TABLE OF USES IN SECTION 18.06.130 TO RESTRICT THE LOCATION OF RECREATIONAL MARIJUANA FACILITIES; REVISING A FOOTNOTE TO THE TABLE IN SECTION 18.04.100-3 TO CONTAIN A REFERENCE TO RECREATIONAL MARIJUANA FACILITIES; ADDING A NEW SUBSECTION K TO SECTION 18.04.400 TO REQUIRE A LEVEL 2 REVIEW FOR RECREATIONAL MARIJUANA FACILITIES; AMENDING SECTION 18.07.470 TO PROHIBIT RECREATIONAL MARIJUANA FACILITIES AS HOME OCCUPATIONS; AMENDING CHAPTER 18.19A CENTRAL ISSAQUAH DEVELOPMENT AND DESIGN STANDARDS TO RESTRICT THE LOCATION OF RECREATIONAL MARIJUANA FACILITIES IN THE CENTRAL ISSAQUAH AREA; REPEALING THE MORATORIUM ESTABLISHED BY ORDINANCES 2686 AND 2708; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Initiative Measure 502 ("I-502"), approved by the voters of the State of Washington on November 6, 2012, legalized the possession of certain amounts of marijuana and provided for the establishment of a state-licensed system for marijuana similar to that for hard liquor, and

WHEREAS, the production, growth, processing, and delivery of marijuana as allowed by the Revised Code of Washington and the Washington Administrative Code present issues of public safety for surrounding properties as well as for the property on which recreational marijuana facilities are located. Furthermore, the location of such facilities near
schools, day care facilities and other lawful uses presents issues relating to the public welfare and the protection of minors, and

WHEREAS, the Washington State Liquor Control Board adopted rules governing the licensing and operation of marijuana producers, processors, and retailers on October 16, 2013, and

WHEREAS, under article XI, section 11 of the Washington Constitution, cities may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws, and

WHEREAS, the Washington State Attorney General issued an opinion, AGO 2014 No. 2, which opined that I-502 does not preempt counties, cities, and towns from banning marijuana producers, processors, and retailers within their jurisdiction. Furthermore, the opinion states that local ordinances that do not expressly ban state-licensed marijuana licensees from operating within the jurisdiction but make such operation impractical are valid if they properly exercise the local jurisdiction's police power, and

WHEREAS, the public review process for the proposed amendments included a Planning Policy Commission (PPC) Public Hearing on July 25, 2013, to: 1) review the proposed amendments, and 2) take public comments on the proposed amendments. Required notice to the State of Washington was sent on June 28, 2013. Legal notice of the PPC Public Hearing was published in the Issaquah Press on July 10, 2013. PPC made their recommendation to the City Council on all the amendments, after hearing comments from the public and closing the public hearing, and

WHEREAS, a Determination of Nonsignificance was issued for the proposed amendments on July 24, 2013, and
WHEREAS, the PPC has prepared written Findings of Fact, dated July 25, 2013, a copy of which is labeled Exhibit B to this Ordinance, and

WHEREAS, on September 3, 2014, the Issaquah City Council held a public hearing and all who wished to speak were accorded the opportunity to do so. Following the public hearing the City Council enacted a six month moratorium on the licensing, establishment, maintenance, or continuation of recreational marijuana facilities by Ordinance 2686 pending further review by the City Council of specific issues related to recreational marijuana facilities, and

WHEREAS, the City Administration continued to work on draft regulations governing the location and operation of marijuana producers, processors, and retailers but required additional time to respond to the Council’s requests for additional information, and

WHEREAS, the Council also desired additional time to solicit public input on the proposed recreational marijuana regulations including more public outreach and televised meetings, and

WHEREAS, the Council held a public hearing on February 18, 2014, and all who wished to speak were afforded an opportunity to do so. Following the public hearing the City Council adopted a four month extension of the moratorium enacted by Ordinance 2686 by Ordinance 2708, and

WHEREAS, the City Council directed the Administration to provide information about additional topics related to recreational marijuana facilities including the ability of the City to enact regulations more strict than state law, a more complete overview of Initiative 502 and its broad implications for this state and its citizens, the relationship of medical marijuana laws and regulations to recreational marijuana laws and regulations, and separation of recreational
marijuana facilities from each other, and

WHEREAS, the City Council also desired additional time to solicit public input on the proposed recreational marijuana regulations including more public outreach and televised meetings, and

WHEREAS, the City Council has provided additional opportunity for public input, and

WHEREAS, the City Council has considered the proposed amendments to regulate recreational marijuana facilities, and

WHEREAS, the City Council desires to regulate recreational marijuana facilities as provided herein, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Amendments. For all the sections below, when a complete section is amended, that section shall read as set forth in the attached Exhibit A. When only a subsection is amended, the subsection shall read as amended in the attached Exhibit A, and subsections not listed or amended in the attached Exhibit A shall remain in effect in their current form.

Section 2. Definitions. Chapter 18.02 IMC containing definitions is amended as set forth in Exhibit A1, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 3. Procedures. Chapter 18.04 IMC containing procedures is amended as set forth in Exhibit A2, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 4. Permitted Uses. The table of permitted uses in IMC 18.06.130 is
hereby amended as set forth in Exhibit A3, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 5. Home Occupations. IMC 18.07.470 is hereby amended as set forth in Exhibit A4, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 6. Development Standards. A new section 18.07.512 is established as set forth in Exhibit A5, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 7. Collective Gardens. IMC 18.07.515 is hereby amended as set forth in Exhibit A6, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 8. Central Issaquah Development and Design Standards – Procedures. Chapter 3 of the Central Issaquah Development and Design Standards is hereby amended as set forth in Exhibit A7, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 9. Central Issaquah Development and Design Standards – Zoning. Chapter 4 of the Central Issaquah Development and Design Standards is hereby amended as set forth in Exhibit A8, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional 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 11. Repeal of Ordinance 2686 and 2708. Ordinance 2686, passed by the City Council on September 3, 2013, and Ordinance 2708, passed by the City Council on
February 18, 2014, are hereby repealed.

Section 12. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 2nd day of June, 2014.

Approved by the Mayor of the City of Issaquah the 2nd day of June, 2014.

APPROVED:

FRED BUTLER, MAYOR

ATTEST.AUTHENTICATED:
CHRISTINE EGGERS, CITY CLERK

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY:

BY Wane Bandefar

PUBLISHED: 6/11/2014
EFFECTIVE DATE: 6/16/2014
ORDINANCE NO. 2715 / AB 6705
Table 1: Exhibit A to Ordinance

<table>
<thead>
<tr>
<th>Exhibit A1</th>
<th>Chapter 18.02 IMC Definitions</th>
<th>Pg. 1-2</th>
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<tbody>
<tr>
<td>Exhibit A2</td>
<td>Chapter 18.04 IMC Procedures</td>
<td>Pg. 2-3</td>
</tr>
<tr>
<td>Exhibit A3</td>
<td>IMC 18.06.130 Table of Permitted Land Uses</td>
<td>Pg. 3-6</td>
</tr>
<tr>
<td>Exhibit A4</td>
<td>IMC 18.07.470 Home Occupations</td>
<td>Pg. 7</td>
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<tr>
<td>Exhibit A5</td>
<td>New IMC 18.07.512 Recreational Marijuana Facilities</td>
<td>Pg. 7-8</td>
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<tr>
<td>Exhibit A6</td>
<td>IMC 18.07.515 Collective Gardens</td>
<td>Pg. 8-9</td>
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<tr>
<td>Exhibit A7</td>
<td>Central Issaquah Development Standards, Chapter 3 - Procedures</td>
<td>Pg. 9-10</td>
</tr>
<tr>
<td>Exhibit A8</td>
<td>Central Issaquah Development Standards, Chapter 4 - Zoning</td>
<td>Pg. 11-12</td>
</tr>
</tbody>
</table>

Exhibit A1 – Chapter 18.02 IMC Definitions

Summary: Add definitions to the Land Use Code to support regulations on recreational marijuana facilities. Several definitions were added to the Land Use Code in 2011 by Ordinance 2633 regarding Collective Gardens; some of these are being revised due to I-502.

18.02.050 Definitions – C
Campground: No change
Cannabis: See Marijuana.
No further changes to section.

18.02.140 Definitions – L
Laboratory facility to Levels of review: No changes.
License, marijuana: A license issued by the Washington State Liquor Control Board to a person or entity to produce, process, or retail (sell) marijuana.
Licensee, marijuana: Any person or entity that holds a marijuana license, or any person or entity who is a true party of interest in a marijuana license, as outlined in WAC 314-55-035.
No further changes to section.

18.02.150 Definitions – M
Mailing service to Manufacturing light: No changes.
Marijuana: All parts of the plant cannabis, whether growing or not; 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.
Marijuana processor: A person or entity licensed by the Washington State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
Marijuana producer: A person or entity licensed by the Washington State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
Marijuana-infused products: Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.
Marijuana retailer: A person or entity licensed by the Washington State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.
Marijuana, usable: See Cannabis, usable.
No further changes to section.
18.02.200 Definitions – R
Rapid charging station to Recreational area/recreation facility: No changes.
Recreational marijuana facility: Any facility used by a marijuana processor, marijuana producer, or marijuana retailer and is operated under the provisions of Chapter 314-55 WAC. Medical marijuana collective gardens or any other facility established under the provisions of Chapter 69.51A RCW Medical Cannabis are not recreational marijuana facilities.
No further changes to section.

18.02.220 Definitions – T
Tandem parking to Transmission line: No changes.
Transit center; public: Sheltered waiting areas located where several bus 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. This definition includes, but is not limited to, Issaquah Transit Center, located at 1050 17th Avenue NW, and Issaquah Highlands Park and Ride, located at 1755 Highlands Drive NE.
No further changes to section.

Exhibit A2 – Chapter 18.04 IMC Procedures
Summary: Specify that Level 2 Review applies in all cases for recreational marijuana facilities.

Exhibit A2a – IMC Table 18.04.100-3 Change of Use – Levels of Review
Summary: State that recreational marijuana facilities are specified uses that are exempt from the Change of Use – Levels of Review table.

Table 18.04.100-3: Change of Use – Levels of Review

<table>
<thead>
<tr>
<th>Previous Use – Level of Review</th>
<th>Proposed Use – Level of Review from Table of Permitted Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Level 0</td>
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<tr>
<td>Level 0</td>
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<td>Level 1</td>
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<td>Level 2</td>
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<tr>
<td>Level 3</td>
<td>0</td>
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</tbody>
</table>

Change of Use: The intent of the review process for a Change of Use is to: 1) recognize that there is typically a lesser impact in a Change of Use than in new construction; and 2) require a higher Level of Review, as permitted in IMC 18.04.220(F), Option for Review Level Changes, in the individual cases where this is not the case.

1 Community Facilities Zone: Changes of Use in the Community Facilities zones are reviewed as listed in IMC 18.06.130, Table of Permitted Land Uses, regardless of the previous use.
2 Changes of Use shall be processed through the Level of Review listed in this table, regardless of the parcel size or street frontage.

Exhibit A2b – IMC 18.04.400 Thresholds – Level 2
Summary: Specify that Level 2 Review is required for recreational marijuana facilities regardless of location or project size.

18.04.400 Thresholds – Level 2
Level 2 Review is required of the following development proposals or uses:
No changes to subsections A through J.
K. **Recreational Marijuana Facilities**: Level 2 Review is required for recreational marijuana facilities including marijuana producers, processors, and/or retailers regardless of their street location or parcel size including parcels greater than fifteen (15) acres.

L. **Collective Gardens**: Level 2 Review is required for collective gardens regardless of their street location or parcel size including parcels greater than fifteen (15) acres.

M. **Community Facilities Zone**: Level 2 Review is required for those development proposals or uses located within a Community Facilities zone which have been designated as Level 2 on the Table of Permitted Land Uses (Chapter 18.06 IMC). All projects within the Community Facilities zone require a project review meeting with notification to all City departments.

N. **Other Activities**: Other activities as determined by this chapter or the Planning Director/Manager.

### Exhibit A3 – IMC 18.06.130 Table of Permitted Land Uses

**Summary:**

Add Marijuana Producer and Marijuana Processor as permitted uses in the Intensive Commercial (IC) zoning district, subject to Level 2 Review. These would be shown under the “Industrial/Intensive Commercial” heading, and a reference would be provided from the “Agriculture/Resource” heading for Marijuana Producer (i.e. a grower). Note that while outdoor marijuana production is allowed under Liquor Control Board rules, the proposed amendments here would restrict growing to indoors only *(see Exhibit B4)*.

Add Marijuana Retailer as a permitted use in the Professional Office (PO), Retail (R), and Intensive Commercial (IC) zoning districts, subject to Level 2 Review. This use would be shown under the “Retail/Service” heading.

Note that the Retail zoning district remains an established zoning district but is not presently in use on the Zoning Map. Also note that Marijuana Retailer uses would also be allowed in the Urban Core (UC), Mixed Use (MU), Destination Retail (DR), and Intensive Commercial (IC) zoning districts in the Central Issaquah Area.

Recreational Marijuana Facilities would not be allowed in the CBD zone because the entire zone is within 1,000 feet of various uses requiring a buffer, and because such uses would be incompatible in Olde Town.

*See following pages.*
# Permitted Land Uses

## 18.06.130 Table of Permitted Land Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>ZONING DISTRICTS</th>
<th>MIN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CONSERVANCY/RECREATION</td>
<td>RESIDENTIAL</td>
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<tr>
<td></td>
<td>C-Rec</td>
<td>C-Res</td>
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<tr>
<td>AGRICULTURE/RESOURCE</td>
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<tr>
<td>Botanical Gardens, Arboretum</td>
<td></td>
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<tr>
<td>Collective Garden</td>
<td></td>
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<tr>
<td>Commercial or Public Greenhouses</td>
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<tr>
<td>Christmas Tree or Produce Stands, Vendors, Seasonal:</td>
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<tr>
<td>Temporary</td>
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<tr>
<td>Crop Production, Livestock, Orchards</td>
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<td>Natural Resources Research</td>
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<td>Hatchery, Fish/Fish Preserve</td>
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<td>Hobby Farm</td>
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<td>Horse Stables/Boarding/Riding Schools</td>
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<td>Horticulture: Tree Farm</td>
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<tr>
<td>Kennel, Commercial/Boarding</td>
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<tr>
<td>Marijuana Producer (recreational)</td>
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<tr>
<td>Trailhead</td>
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<tr>
<td>Veterinary Hospital/Clinic</td>
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<tr>
<td>Unclassified Ag or Resource Use</td>
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<td>MINERAL RESOURCE'</td>
<td>SIC #</td>
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<tr>
<td>Mineral Extracting</td>
<td>10,12,14</td>
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<tr>
<td>Asphalt/Concrete Mixing</td>
<td>2951/3271,3273</td>
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<tr>
<td>DISTRICT KEY:</td>
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<tr>
<td>C-Rec = Conservancy Recreation</td>
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<td>C-Res = Conservancy Residential</td>
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<tr>
<td>SF-D = Single Family Duplex (7.26 or 14.52 du/acre)</td>
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<tr>
<td>SF-SL = Single Family Small Lot (7.26 du/acre)</td>
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<td>SF-E = Single Family Suburban Estates (1.24 du/acre)</td>
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<td>SF-S = Single Family Suburban (4.5 du/acre)</td>
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<tr>
<td>MUR = Mixed Use Residential</td>
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<tr>
<td>MF-M = Multifamily Medium Density (14.52 du/acre)</td>
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<tr>
<td>MF-H = Multifamily High Density (29 du/acre)</td>
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<tr>
<td>FOOTNOTES KEY:</td>
<td></td>
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<tr>
<td>1 The mineral resource potential of any property within the City should be realized through predevelopment activities (clearing, grading and site preparation). In this regard, the City's Comprehensive Plan Map &quot;Mineral Resources Lands&quot; designates properties with mineral resource potential to be realized through predevelopment activities.</td>
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<tr>
<td>2 In accordance with IMC 18.04.400(I), permissible mineral resource activities in existence prior to August 2, 1999, are not subject to Level 2 Review.</td>
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<tr>
<td>3 Only as an accessory use to a primary mineral extraction use, or as a continuation of a mineral processing use established prior to August 2, 1999.</td>
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<td>4 Mining, processing and reclamation of any type below the water table is prohibited in Class 1 and 2 CARA. In Class 3 CARA, these activities will be reviewed under development permits.</td>
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<td>5 Outdoor accessory services and/or uses, see IMC 18.07.180, Animals - Veterinary clinics/boarding kennels/pet daycares.</td>
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<tr>
<td>PERMITTED USE &amp; LEVEL OF REVIEW KEY:</td>
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<tr>
<td>0 = Level 0 Review; 1 = Level 1 Review*; 2 = Level 2 Review*; 3 = Level 3 Review, regardless of size/location of parcel; 4 = Level 4 Review; 5 = Level 5 Review; NO NUMBER = NOT PERMITTED</td>
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</table>

*Level 3 Review required if Level 1 or 2 proposal is ≥ three (3) acres and ≤ fifteen (15) acres. Level 3 Review is also required for Level 1 or Level 2 proposals located on Front St., Sunset Way, NW Maple St., Newport Way, Gilman Blvd. (east of SR 900), SR 900, NW Sammamish Rd., East Lake Sammamish Parkway (ELSP), SE 56th Street west to one thousand two hundred (1,200) feet east of ELSP, Issaquah-Fall City Road, Issaquah-Pine Lake Road SE, 228s Avenue SE, SE 43rd Way, West Lake Sammamish Parkway (WLSP), or any street or street segment that abuts and is generally parallel to Interstate 90 (I-90), or the site abuts any of the above identified properties or streets in any manner whatsoever. See Chapter 18.04 IMC for details on levels of review; provided, that this provision shall not apply to property subject to the IMC 18.19.030 Olde Town Design Standards. The level of review designated on the Table of Permitted Land Uses is required for property subject to the Olde Town Design Standards.

*Level 5 Review required if project is > fifteen (15) acres.

Critical Aquifer Recharge Areas/Well Head Protection. Any proposed uses within critical aquifer recharge areas that have the potential to degrade water quality in the CARA may be prohibited, or conditioned as established in IMC 18.10.796, Critical aquifer recharge areas (CARAs), and Chapter 13.29 IMC, Groundwater Quality Protection Standards.
### ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>CONSERVANCY/RECREATION</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>FACILITIES</th>
<th>MIN</th>
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<tr>
<td></td>
<td>C-Rec</td>
<td>C-Res</td>
<td>SF-E</td>
<td>SF-S</td>
<td>SF-D</td>
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<tr>
<td>INDUSTRIAL/INTENSIVE COMMERCIAL (Continued)</td>
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<td>Manufacturing, Light (indoor and 30,000 sq. ft. or less)</td>
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<td>Manufacturing, General</td>
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<td>Machine Shop</td>
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<td>Marijuana Producer or Processor (recreational)</td>
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<td>Printing and Publishing</td>
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<td>Raw Materials Processing (wood, metal, etc.)</td>
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<td>Recycling Center</td>
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<td>Research and Development Lab</td>
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<td>Sand Blasting</td>
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<td>Storage, Outdoor</td>
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<td>Storage, Self (completely enclosed)</td>
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<td>Welding Shop</td>
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<td>Unclassified Industrial/Intensive Use</td>
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</tbody>
</table>

**FOOTNOTES:**

1. See Design Criteria Checklist for screening requirements.
2. Permitted as an accessory use only in the Community Facilities zone.
4. Only permitted on the ground floor within a mixed use building if over one thousand five hundred (1,500) sq. ft. Total nonresidential uses in a mixed use building shall not exceed fifty percent (50%) of gross floor area with no individual use over four thousand (4,000) sq. ft. Buildings in existence prior to November 1, 2006, are not subject to mixed use or scale restrictions, but may not be expanded where scale/size limits are exceeded.
5. Outdoor accessory services and/or uses prohibited, see IMC 18.07.180, Animals – Veterinary clinics/boarding kennels/pet daycares.
6. Outdoor accessory services and/or uses, see IMC 18.07.180, Animals – Veterinary clinics/boarding kennels/pet daycares.
7. See IMC 18.07.515, Collective gardens, for additional requirements. Level 2 Review applies regardless of parcel size or street location: see IMC 18.04.400, Thresholds – Level 2.
8. See IMC 18.07.512 Recreational Marijuana for additional requirements. Level 2 Review applies regardless of parcel size or street location; see IMC 18.04.400, Thresholds – Level 2.

**PERMITTED USE & LEVEL OF REVIEW KEY:**
0 = Level 0 Review; 1 = Level 1 Review*; 2 = Level 2 Review*; 3 = Level 3 Review, regardless of size/location of parcel; 4 = Level 4 Review; 5 = Level 5 Review; NO NUMBER = NOT PERMITTED
*Level 3 Review required if Level 1 or 2 proposal is greater than three (3) acres and less than fifteen (15) acres. Level 3 Review is also required for Level 1 or Level 2 proposals located on Front St., Sunset Way, NW Maple St., Newport Way, Gilman Blvd. (east of SR 900), SR 900, NW Sumamish Rd., East Lake Sammamish Parkway (ELSP), SE 56th Street west to one thousand (1,000) feet east of ELSP, Issaquah-Fall City Road, Issaquah-Pine Lake Road SE, 228th Avenue SE, SE 43rd Way, West Lake Sammamish Parkway (WLSP) or any street or street segment that abuts and is generally parallel to Interstate 90 (I-90), or the site abuts I-90; see Chapter 18.04 IMC for details on levels of review; provided, that this provision shall not apply to property subject to the IMC 18.19.030 Olde Town Design Standards. The level of review designated on the Table of Permitted Land Uses is required for property subject to the Olde Town Design Standards.

*Level 5 Review required if project is greater than fifteen (15) acres.

Critical Aquifer Recharge Areas/Wellhead Protection. Any proposed uses within critical aquifer recharge areas that have the potential to degrade water quality in the CARA may be prohibited, or conditioned as established in IMC 18.10.796, Critical aquifer recharge areas (CARAs), and Chapter 13.29 IMC, Groundwater Quality Protection Standards.
ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>CONSERVANCY/RECREATION</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>FACILITIES</th>
<th>MIN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-Rec</td>
<td>C-Res</td>
<td>SF-E</td>
<td>SF-S</td>
<td>SF-D</td>
</tr>
<tr>
<td>RETAIL/SERVICE (Continued)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundermat</td>
<td></td>
<td></td>
<td>2</td>
<td>3⁹</td>
<td>2</td>
</tr>
<tr>
<td>Locksmith</td>
<td></td>
<td></td>
<td>2</td>
<td>3⁹</td>
<td>2</td>
</tr>
<tr>
<td>Mailing Service</td>
<td></td>
<td></td>
<td>2</td>
<td>3⁹</td>
<td>1</td>
</tr>
<tr>
<td>Marijuana Retailer (recreational)⁸</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Grooming Services: including Barber Shop, BeautyShop, Hair Salon, Nail Salon and Tanning Salon</td>
<td></td>
<td></td>
<td>2</td>
<td>2⁷</td>
<td>2⁷</td>
</tr>
<tr>
<td>Pet Day Care/Pet Shop</td>
<td></td>
<td></td>
<td>2⁷</td>
<td>2⁶</td>
<td>2⁶</td>
</tr>
<tr>
<td>Plant Nursery: w/ or w/o Outdoor Storage¹</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Rental Equipment Shop w/o Outdoor Storage</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Studio/Gallery: (includes art, photos, pottery, and videoproduction studios and associated retail)</td>
<td></td>
<td></td>
<td>2</td>
<td>3⁹</td>
<td>1</td>
</tr>
</tbody>
</table>

Unclassified Retail/Service Use: See Procedure for Unclassified Uses at IMC 18.06.050(B)(3)

DISTRICT KEY:
- C-Rec = Conservancy Recreation
- SF-D = Single Family Duplex (7.26 or 14.52 du/acre)
- PO = Professional Office
- CF = Community Facilities
- SF-Res = Conservancy Residential
- SF-SL = Single Family Small Lot (7.26 du/acre)
- R = Retail Commercial
- CF - OS = Open Space
- SF-E = Single Family Suburban Estates (1.24 du/acre)
- MUR = Mixed Use Residential
- CBD = Cultural and Business District
- CF - R = Recreation
- SF-D = Single Family Suburban (4.5 du/acre)
- M = Mineral Resource
- MF-M = Multifamily Medium Density (14.52 du/acre)
- IC = Intensive Commercial
- MF-H = Multifamily High Density (29 du/acre)
- CF-F = Facilities
- C-Rec = Conservancy Recreation
- MF-SL: Single Family Small Lot (7 du/acre)

FOOTNOTES KEY:
1. See Design Criteria Checklist for screening requirements.
2. Permitted as an accessory use only in the Community Facilities zone.
3. Only permitted on the ground floor within a mixed use building. Prohibited as a stand-alone use. Total nonresidential uses in a mixed use building shall not exceed fifty percent (50%) of gross floor area with no individual use over four thousand (4,000) sq. ft.
4. Dry cleaning using chlorinated solvents is prohibited in Class 1, 2, and 3 CARA.
5. Outdoor accessory services and/or uses prohibited, see IMC 18.07.180, Animals – Veterinary clinics/boarding kennels/pet daycares.
6. Outdoors accessory services and/or uses, see IMC 18.07.180, Animals – Veterinary clinics/boarding kennels/pet daycares.
7. As a stand-alone use, size may not exceed one-thousand five-hundred (1,500) sq.ft. In a mixed use building, total nonresidential uses in a mixed use building shall not exceed fifty percent (50%) of gross floor area with no individual use over four thousand (4,000) sq. ft.
8. See IMC 18.07.512 Recreational Marijuana for additional requirements. Level 2 Review applies regardless of parcel size or street location; see IMC 18.04.400, Thresholds – Level 2.

PERMITTED USE & LEVEL OF REVIEW KEY:
- 0 = Level 0 Review; 1 = Level 1 Review; 2 = Level 2 Review; 3 = Level 3 Review, regardless of size/location of parcel; 4 = Level 4 Review; 5 = Level 5 Review; NO NUMBER = NOT PERMITTED
- Level 3 Review required if Level 1 or 2 proposal is ≥ three (3) acres and < fifteen (15) acres. Level 3 Review is also required for Level 1 or Level 2 proposals located on Front St., Sunset Way, NW Maple St., Newport Way, Gilman Blvd. (east of SR 500), SR 990, NW Sammamish Rd., East Lake Sammamish Parkway (ELSP), SE 56th Street west to one thousand two hundred (1,200) feet east of ELSP, Issaquah-Fall City Road, Issaquah-Pine Lake Road SE, 228th Avenue SE, SE 43rd Way, West Lake Sammamish Parkway (WSP) or any street or street segment that abuts and is generally parallel to Interstate 90 (I-90), or the site abuts I-90; see Chapter 18.04 IMC for details on levels of review, provided, that this provision shall not apply to property subject to the IMC 18.19.030 Olde Town Design Standards. The level of review designated on the Table of Permitted Land Uses is required for property subject to the Olde Town Design Standards.
- Level 3 Review required if project is > fifteen (15) acres. Critical Aquifer Recharge Areas/Well Head Protection. Any proposed uses within critical aquifer recharge areas that have the potential to degrade water quality in the CARA may be prohibited, or conditioned as established in IMC 18.10.796, Critical aquifer recharge areas (CARAs), and Chapter 13.29 IMC, Groundwater Quality Protection Standards.
Exhibit A4 – IMC 18.07.470 Home Occupations

Summary: State that Recreational Marijuana Facilities are specifically prohibited as home occupations. Note that the LCB will not issue a license to an applicant seeking to operate out of a private residence due to access/inspection requirements of I-502 and state rules.

No changes to subsections A through D.

E. **Home Occupations Not Permitted**: The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations; are otherwise incompatible with residential areas; and impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home occupations:
   1. Repair, building, or servicing of vehicles or boats;
   2. Antique shop or gift shop;
   3. Veterinary clinic or hospital;
   4. Painting of vehicles, trailers or boats;
   5. Large appliance repair including stoves, refrigerators, washers and dryers;
   6. Machine and sheet metal shops;
   7. Martial arts school; dance or aerobics studio;
   8. Small engine repair;
   9. Recreational marijuana facilities;
   10. Uses which may include hazardous chemicals or other items which may potentially be hazardous to the surrounding area.

**No further changes to section.**

Exhibit A5 – IMC 18.07.512 Recreational Marijuana Facilities

Summary: Add a new section with standards and requirements for Recreational Marijuana Facilities. The requirements would be similar to those for medical marijuana collective gardens except where state law differs.

18.07.512 Recreational Marijuana Facilities

A. **Purpose**: The purpose of this section is to minimize the impacts of recreational marijuana facilities on surrounding properties and ensure public safety while providing for appropriate siting of recreational marijuana facilities licensed in accordance with state law.

B. **General Requirements**: Recreational marijuana facilities shall:
   1. Be entirely within a permanent enclosed structure with a roof. The structure shall comply with the City of Issaquah building codes and any other applicable codes;
   2. Be the primary use at a location. Recreational marijuana facilities are not allowed as an accessory use or as a home occupation (see IMC 18.06.130 Table of Permitted Land Uses, and IMC 18.07.470 Home occupations);
   3. Be operated by persons or entities holding a valid marijuana license from the Washington State Liquor Control Board issued under Chapter 314-55 WAC and any other applicable state laws and regulations.
   4. Obtain a City Business License;
   5. Ensure that no horticulture production, processing or delivery of marijuana shall be visible to the public;
   6. Comply with any and all requirements of the Washington State Liquor Control Board; and
   7. Allow inspection of the site and facilities by City personnel including law enforcement for compliance with all applicable permits and licenses at any time during regular business hours.

C. **Separation Requirements**:
   1. Only one (1) recreational marijuana facility is allowed in a single tenant space, except a marijuana licensee holding both marijuana producer and marijuana processor licenses may locate their combined operation in a single tenant space;
   2. No recreational marijuana facility shall be permitted within one thousand (1,000) feet of any other recreational marijuana facility.
3. A recreational marijuana facility shall not locate in the same tenant space as a medical marijuana collective garden;
4. No recreational marijuana facility shall be permitted within one thousand (1,000) feet of any use specified in RCW 69.50.331 and WAC 314-55-050, including the following:
   a. Elementary or secondary school;
   b. Playground;
   c. Recreation center or facility;
   d. Child care center
   e. Public park;
   f. Public transit center;
   g. Library;
   h. Game arcade where admission is not restricted to persons age twenty-one (21) and over.
The distance shall be measured as the shortest straight line distance from the property line of the licensed premises to the property line of a use listed above, or as otherwise provided in Chapter 314-55 WAC, and
5. If a use listed in subsection 4, above, locates within 1,000 (one-thousand) feet of a recreational marijuana facility after the recreational marijuana facility is lawfully established, such use shall not benefit from the separation requirements of this subsection. A recreational marijuana facility is lawfully located under the Issaquah Municipal Code if it has located within the City in accordance with the requirements of this section.
D. Application Requirements: An application for a recreational marijuana facility shall include the following information in addition to the application requirements for a Level 2 Administrative Site Development Permit (ASDP):
   1. The application shall be made by:
      a. A marijuana licensee; or
      b. An applicant for a marijuana license.
The application shall include a copy of the license or a copy of the license application. A permit shall not be issued for a recreational marijuana facility unless the applicant is a marijuana licensee;
   2. A map drawn to scale showing that the proposed recreational marijuana facility is at least one-thousand (1,000) feet from all uses specified in RCW 69.50.331 and WAC 314-55-050. A survey prepared by a surveyor licensed in the state of Washington may be required by the Director; and
   3. The applicant shall submit a copy of the operating plan required by the Washington State Liquor Control Board as part of the license application.
E. Signage: All signage shall comply with the requirements specified in WAC 314-55-155 Advertising, Chapter 18.12 IMC Signs, and Chapter 18.19A IMC Central Issaquah Development and Design Standards, as applicable.
F. Security Requirements: A recreational marijuana facility shall:
   1. Have installed, prior to issuance of a business license, an operational security system that is monitored twenty-four (24) hours a day;
   2. Have installed, prior to issuance of a business license, an operational security camera system which retains recordings from all installed cameras for a period of not less than sixty (60) days;
   3. Have installed, prior to issuance of a business license, any other security system as required by WAC 314-55-083;
   4. Comply with the crime prevention through environmental design (CPTED) regulations in Appendix 2 of Chapter 18.07 IMC, Required Development and Design Standards, to the extent possible as determined by the Director; and
   5. Comply with all other provisions in WAC 314-55-083.

Exhibit A6 - IMC 18.07.515 Collective Gardens

Summary: Clarify that a medical marijuana collective garden may not co-locate with a recreational marijuana facility, per Washington Liquor Control Board rules.

18.07.515 Collective gardens
No changes to subsections A through C.
D. **Separation Requirements:**

1. No collective garden shall be permitted within one thousand (1,000) feet of any other collective garden.
2. Only one (1) collective garden is permitted on any one site.
3. A collective garden shall not occupy the same tenant space as a recreational marijuana facility (see IMC 18.07.512, Recreational marijuana facilities).
4. The growing functions of a collective garden shall be separated from where the cannabis or cannabis products are processed and delivered to the qualified patients of a collective garden by at least one thousand (1,000) feet.
5. No collective garden shall be permitted within one thousand (1,000) feet of any community center or school.
6. No collective garden shall be permitted within five hundred (500) feet of any park, preschool, or day care.
7. **Measurement:** The measurement shall be taken in a straight line from the point on the property line of the uses specified in this section closest to the collective garden to the nearest physical point of the tenant space or structure housing a collective garden.
8. A use specified in this subsection shall not benefit from the separation requirements of this subsection if the use chooses to locate within the required separation distance from a lawfully located collective garden. A collective garden is lawfully located if it has located within the City in accordance with the requirements of this section.

*No changes to rest of section.*

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**Exhibit A7 – Central Issaquah Development Standards, Chapter 3 - Procedures**

**Summary:** Refers to 18.04.100-3: Change of Use – Levels of Review that specifies that recreational marijuana facilities are specified uses that are exempt from the Change of Use – Levels of Review table.

**Table 3.2-1: Levels of Review**

*The Levels of Review may change based on the Criteria in Section 3.3, Options for Changes to Levels of Review.*

<table>
<thead>
<tr>
<th>Level of Review</th>
<th>Decision-Maker</th>
<th>Permit Examples</th>
</tr>
</thead>
</table>
| Level 0        | DSD Director or Designee | - Level 0 Permits as listed on Table of Permitted Land Uses, Table 4.3B  
- Building Permits, Mechanical Permits  
- Changes of Use to Existing Development: ¹  
  - Change of Land Use Category  
  - Change of Building Occupancy Category,  
  - Change of Tenant and/or Tenant Improvements,  
- Home Occupations (see IMC 18.07.470)  
- Amendments and Revisions to Approved Permits (See IMC 18.04.320)  
- Fences, decks, patios (See IMC 18.04.110 and 120)  
- Public Works Permit, Utility Permit, Clearing & Grading Permit & TESC reviews including Minor Clearing, Grading, Filling Actions with and without critical areas, Minor Paving, Landscape Permits, etc.  
- Unclassified Use Interpretation by Director  
- Nonconforming Situations (see IMC 18.08)  
- Signs (including new, remodel, or expansion of business, refacing, approved sign packages, other minor signs)  
- Business Licenses, Special Events Permits, Garden Safety Licenses |
| Level 1          | DSD Director or Designee | • Level 1 Permits as listed on Table of Permitted Land Uses, including Administrative Site Development Permits (ASDP)  
|                 |                          | • Lot Line Adjustments and/or Lot Line Consolidations  
|                 |                          | • Others as determined by Director  |
| Level 2          | DSD Director or Designee | • Level 2 Permits as listed on Table of Permitted Land Uses, including Administrative Site Development Permits (ASDP)  
|                 |                          | • Administrative Adjustment of Standards (AAS) – (see Chapter 1.0)  
|                 |                          | • Nonconforming Situations (see IMC 18.08)  
|                 |                          | • Shoreline Substantial Development Permits, Shoreline Variances, Shoreline Conditional Use Permits  
|                 |                          | • Short Subdivisions (Short Plats)  
|                 |                          | • Minor Amendments to Master Site Plans and Project Rezones  
|                 |                          | • Others as determined by Director  |
| Level 3          | Commission              | • Level 3 Permits as listed on Table of Permitted Land Uses, including Site Development Permits (SDP)  
|                 |                          | • Others as determined by Director  |
| Level 4,5,6      |                          | See Land Use Code, IMC 18.04  |

1 See IMC 18.04.100-3 Changes of Use – Levels of Review footnote #2 for additional requirements.
**Exhibit A8 – Central Issaquah Development Standards, Chapter 4 - Zoning**

**Summary:** Add that Marijuana Retailer uses would also be allowed in the Urban Core (UC), Mixed Use (MU), and Destination Retail (DR) zoning districts in the Central Issaquah Area.

### Table 4.3B Permitted Land Uses

<table>
<thead>
<tr>
<th>LAND USES 1</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mixed Use Residential (MUR)</td>
</tr>
<tr>
<td><strong>AGRICULTURE/RESOURCE</strong></td>
<td></td>
</tr>
<tr>
<td>Botanical Gardens, Arboretum</td>
<td>P</td>
</tr>
<tr>
<td>Collective Garden, Veterinary Hospital/ Clinic</td>
<td></td>
</tr>
<tr>
<td>Commercial or Public Greenhouses</td>
<td></td>
</tr>
<tr>
<td>Christmas Tree or Produce Stands, Vendors, Seasonal: Temporary</td>
<td></td>
</tr>
<tr>
<td>Kennel, Commercial/Boarding 2</td>
<td>P</td>
</tr>
<tr>
<td>Marijuana Producer (recreational)</td>
<td></td>
</tr>
<tr>
<td>Trailhead</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** NO PROPOSED CHANGES from RESIDENTIAL 3 through HOTEL/LODGING

### INDUSTRIAL/INTENSIVE COMMERCIAL

<table>
<thead>
<tr>
<th>LAND USES 1</th>
<th>ZONING DISTRICTS</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Mixed Use Residential (MUR)</td>
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<tr>
<td>Adult Entertainment Facilities 18</td>
<td></td>
</tr>
<tr>
<td>Agricultural Food Processing and Storage; Boat Building, Sales and Repair; Clothing Fabrication</td>
<td></td>
</tr>
<tr>
<td>Building Material: Storage and Sales</td>
<td>P 15</td>
</tr>
<tr>
<td>Canning, Bottling, Preserving and Packaging of Foods and/or Beverages</td>
<td>P</td>
</tr>
<tr>
<td>Contractor/Trade Office (with accessory shop and no outdoor storage)</td>
<td>P 15</td>
</tr>
<tr>
<td>Creamery, Dairy or Bottling Plant</td>
<td></td>
</tr>
<tr>
<td>Distribution Center/Warehouse/Shipping</td>
<td>P 15</td>
</tr>
<tr>
<td>Feed Store and Agricultural Supply 2</td>
<td></td>
</tr>
<tr>
<td>Hazardous Waste Storage w/o Treatment Facilities; Heliport/ Helipad/Helistop</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, Light (indoor and 30,000 sq. ft. or less); Coffee Roaster; Metal Fabricator/ Metal Work (indoor)</td>
<td></td>
</tr>
</tbody>
</table>

Exhibit A to Ordinance
Page 11 of 12
### Table 4.3B Permitted Land Uses

<table>
<thead>
<tr>
<th>LAND USES ¹</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mixed Use Residential (MUR)</td>
</tr>
<tr>
<td>Flex Commercial Space/ Flex Space</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing, General; Machine Shop; Storage, Outdoor; Raw Materials Processing (wood, metal, etc.); Recycling Center; Sand Blasting; Welding Shop; Light Industrial</td>
<td></td>
</tr>
<tr>
<td>Marijuana Producer or Processor (recreational) ¹⁰</td>
<td>P2</td>
</tr>
<tr>
<td>Printing and Publishing; Research and Development Lab</td>
<td>P</td>
</tr>
<tr>
<td>Rental Equipment Shop</td>
<td></td>
</tr>
<tr>
<td>Storage, Self (completely enclosed) ²⁰</td>
<td>P* (only as accessory to a permitted use)</td>
</tr>
</tbody>
</table>

**Note:** NO PROPOSED CHANGES from MEDICAL through RETAIL/SERVICE

### RETAIL/SERVICE – Specific Land Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Operation</td>
<td>See Residential – Single Family</td>
</tr>
<tr>
<td>Day Care Center; Dry Cleaning and Pressing Shop; Laundromat</td>
<td>P</td>
</tr>
<tr>
<td>Feed Store and Agricultural Supply; Plant Nursery w/ or w/o Outdoor Storage</td>
<td>P</td>
</tr>
<tr>
<td>Flower Stand</td>
<td>See Accessory &amp; Temporary</td>
</tr>
<tr>
<td>Marijuana Retailer (recreational) ¹⁰</td>
<td></td>
</tr>
<tr>
<td>Pet Day Care/Pet Shop ²</td>
<td>P</td>
</tr>
</tbody>
</table>

**Unclassified Use - See Procedure for Unclassified Uses, Chapter 4.2.A.3**

**Footnotes.**

1. No changes to footnotes 1-9.
2. See IMC 18.07.512 Recreational Marijuana for additional requirements.
3. No changes to rest of footnotes.
Exhibit B to Ordinance: Findings of Fact - Recreational Marijuana Facilities

Land Use Code Amendments Findings of Fact
CITY OF ISSAQUAH
PLANNING POLICY COMMISSION

IN THE MATTER OF CONSIDERING AMENDMENTS TO THE LAND USE CODE INCLUDING:

1. Recreational Marijuana Facilities
   a) Chapter 18.02 IMC Definitions
   b) Chapter 18.04 IMC Procedures
   c) IMC 18.06.130 Table of Permitted Land Uses
   d) IMC 18.07.470 Home Occupations
   e) IMC 18.07.512 Recreational Marijuana Facilities
   f) IMC 18.07.515 Collective Gardens
   g) Chapter 18.19A IMC Central Issaquah Development and Design Standards Chapter 3.0 Procedures
   h) Chapter 18.19A IMC Central Issaquah Development and Design Standards Chapter 4.0 Zoning

WHEREAS, Initiative Measure 502 (I-502), approved by the voters of the State of Washington on November 6, 2012, legalized the possession of certain amounts of marijuana and provided for the establishment of a state-licensed system for marijuana similar to that for hard alcohol; and

WHEREAS, I-502 allows for the licensing of marijuana producers, marijuana processors, and marijuana retailers ("marijuana facilities") by the Washington Liquor Control Board; and

WHEREAS, I-502 specifies that marijuana facilities must be at least 1,000 (one-thousand) feet away from elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries, or game arcades; and

WHEREAS, I-502 charged the Washington Liquor Control Board with adopting rules to implement and enforce I-502; and

WHEREAS, the Washington Liquor Control Board proposed initial draft rules on May 16, 2013, and sought public comment from stakeholders including local governments; and

WHEREAS, the Washington Liquor Control Board proposed official draft rules on July 3, 2013, after receiving feedback on the initial draft rules; and

WHEREAS, the Washington Liquor Control Board anticipates adopting rules on August 14, 2013, with an effective date of September 14, 2013; and

WHEREAS, the production, growth, processing, and delivery of marijuana as allowed by the Revised Code of Washington and the Washington Administrative Code present issues of public safety for surrounding properties as well as for the property on which marijuana facilities are located; and

WHEREAS, the definition of marijuana producers in I-502 indicate that a marijuana producer is an agricultural use; and
WHEREAS, the definition of marijuana processors in I-502 indicate that a marijuana processor is an intensive commercial use; and

WHEREAS, the definition of marijuana retailers in I-502 indicate that a marijuana retailer is a retail use; and

WHEREAS, the City of Issaquah Comprehensive Plan specifies that lands within the Issaquah Creek and Tibbetts Creek basins be considered for small-scale agricultural use provided that conflicts are minimized among uses; and

WHEREAS, the City of Issaquah has established two zoning districts, Conservancy/Residential (C-Res) and Single Family – Suburban Estates (SF-E), which allow agricultural uses; and

WHEREAS, the C-Res and SF-E zoning districts are residential zones whose primary purpose is to provide housing near urban services and these two zones are established in areas both within the Issaquah and Tibbetts Creek basins and other than the Issaquah Creek and Tibbetts Creek basins; and

WHEREAS, agricultural uses are not compatible in all areas where the C-Res and SF-E zoning districts; and

WHEREAS, the Washington Liquor Control Board’s proposed rules would also allow production of marijuana indoors in addition to outdoors; and

WHEREAS, the City of Issaquah has established several zoning districts which are suitable for intensive commercial uses, commercial uses, and retail uses; and

WHEREAS, the Washington Liquor Control Board does not enforce local rules, regulations, and codes including zoning ordinances; and

WHEREAS, pursuant to requirements of the Growth Management Act {RCW 36.70A.130 Comprehensive Plans—Review—Amendments}; and the Issaquah Land Use Code IMC 18.04.100-2 Levels of Review; IMC 18.04.670 Land Use Code Amendments; and IMC 18.04 Appendix: Level 6 Review Land Use Code Amendments, the Planning Policy Commission (PPC) reviewed the proposed amendments to the Issaquah Land Use Code and related parts of the Issaquah Municipal Code; and

WHEREAS, this amendment process is consistent with the Comprehensive Plan Objective EV-5 Regulatory Reform and Policy EV-5.1.1 regarding updates to development regulations. Specifically, Objective EV-5 states that the City should ensure that the development review and permit process is clear, predictable and certain. In addition, Policy EV-5.1.1 states that the Land Use Code should be updated to be consistent with the City's land use goals and policies; and

WHEREAS, environmental review was done on the proposed amendments and a Determination of Nonsignificance for a non-project action was advertised on July 24, 2013, for these amendments. The comment period for this decision ends on August 7, 2013, and the appeal period ends on August 21, 2013; and

WHEREAS, the public review process for the proposed amendments included a PPC Public Hearing on July 25, 2013, to: 1) review the proposed amendments, and 2) take public comments on the proposed amendments. Required notice to the State of Washington was sent on June 28, 2013. Legal notice of the PPC public hearing was published in the Issaquah Press on July 10, 2013. The public hearing
was held on July 25, 2013. PPC made their recommendation to City Council on all the amendments, after hearing comments from the public and closing the public hearing; and

WHEREAS, all persons desiring to comment on the proposed amendments were given a full and complete opportunity to be heard and no letters commenting on the proposed amendments were received prior to the Public Hearing; and

THEREFORE, the PPC is now satisfied that these proposed amendments are sufficiently considered, and hereby makes and enters the following:

I. FINDINGS OF FACT
PROPOSED AMENDMENT, REVIEW, RATIONALE, AND RECOMMENDATION

- Amendment 1 -

Recreational Marijuana Facilities
a) Chapter 18.02 IMC Definitions
b) Chapter 18.04 IMC Procedures
c) IMC 18.06.130 Table of Permitted Land Uses
d) IMC 18.07.470 Home Occupations
e) IMC 18.07.512 Recreational Marijuana Facilities
f) IMC 18.07.515 Collective Gardens
g) Chapter 18.19A IMC Central Issaquah Development and Design Standards Chapter 3.0 Procedures
h) Chapter 18.19A IMC Central Issaquah Development and Design Standards Chapter 4.0 Zoning

PROPOSED AMENDMENT: Establish regulations for Recreational Marijuana Facilities consistent with the regulations established by the Washington State Liquor Control Board in the Washington Administrative Code and consistent with state law including Initiative Measure 502.

RATIONALE: The voters of the state of Washington approved Initiative Measure 502 in November 2012. I-502 legalized the possession of certain amounts of marijuana and provided for the establishment of a state-licensed system for marijuana similar to that for hard alcohol. Furthermore, I-502 allows for the licensing of marijuana producers, marijuana processors, and marijuana retailers (“marijuana facilities”) by the Washington Liquor Control Board. I-502 specifies that marijuana facilities must be at least 1,000 (one-thousand) feet away from elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries, or game arcades. Because the production, growth, processing, and retailing of marijuana presents issues of public safety for surrounding properties as well as for the property on which the marijuana facility is located, enacting local regulations to regulate recreational marijuana facilities is appropriate. The proposed amendments will minimize the impacts of recreational marijuana facilities upon surrounding properties, ensure public safety, and maintain compatibility with other land uses and services within the City by providing for reasonable restrictions on the locations of recreational marijuana facilities and ensure appropriate review of proposed recreational marijuana facilities is done by the City prior to approval of any permit.

RECOMMENDATION: On July 25, 2013, PPC recommended that Amendment 1, for the establishment of regulations for Recreational Marijuana Facilities consistent with the regulations established by the Washington State Liquor Control Board, be approved as an amendment to the Land Use Code.

II. REASONS FOR ACTION
Having made the Findings set forth above, the PPC makes the following conclusions:
Recreational Marijuana Facilities are inconsistent with residential uses and therefore should be prohibited in such zones and not allowed as an accessory use or home occupation.

The state enabling legislation for medical marijuana and for recreational marijuana is substantially different. Co-locating Recreational Marijuana Facilities with medical marijuana facilities will make enforcement more difficult and may lead to confusion by the public.

Although the Liquor Control Board allows outdoor grow and production facilities, in an urban setting such as Issaquah, such outdoor operations will be seen from adjoining property and screening is not practical in most situations. In addition while production of marijuana is an agricultural use, the only zoning districts within the City which are appropriate for agricultural use are residential zones that are established in areas which are both appropriate and not appropriate for agriculture. Therefore, grow and production facilities should be indoors only.

Environmental review was done on the proposed amendments and a Determination of Nonsignificance for a non-project action was advertised on July 24, 2013, for these amendments. The comment period for this decision ends on August 7, 2013, and the appeal period ends on August 21, 2013.

The proposed Recreational Marijuana Amendments were reviewed through a Level 6 Review process as required by IMC 18.04.100-2 Levels of Review. The PPC is responsible for reviewing and making a recommendation to City Council on Land Use Code Amendments and related Municipal Code Amendments.

PPC determined that the proposed Land Use Code Amendment is consistent with:
1. Requirements of the Growth Management Act {RCW 36.70A.130 Comprehensive Plans — Review — Amendments}
2. Issaquah Comprehensive Plan
3. Issaquah Land Use Code {Chapter 4, 18.04.100-2 Levels of Review}

III. ACTION TAKEN

It is for these reasons that the Issaquah Planning Policy Commission decided to recommend approval of the Land Use Code Amendment regarding establishing regulations for Recreational Marijuana Facilities consistent with the regulations established by the Washington State Liquor Control Board as submitted to the City Council.

Chair, Issaquah Planning Policy Commission  
Date Signed
DISTRIBUTION SCHEDULE
City of Issaquah

Ordinance No. 2715

AB 6705

Subject: I-502 Recreational Marijuana Regulations

Date passed by City Council: 6/2/2014
Signed by Mayor: 6/2/2014
Signed by City Clerk: 6/2/2014
Date posted (Lobby)*: 6/9/2014
Date(s) published (normally by title only): 6/11/2014
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- Code Publishing Website: 6/9/2014
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Reviewed by City Clerk: Date: 6/2/2014

Megan Gregor
Date: 5/08/14

* If ordinance includes exhibits – label the last page of the ordinance, stating exhibits are on file with the City Clerk.