ORDINANCE NO. 2770

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ADOPTING BY REFERENCE AMENDMENTS TO THE CENTRAL ISSAQUAH DEVELOPMENT AND DESIGN STANDARDS AND ISSAQUAH MUNICIPAL CODE INCLUDING DEFINING A BICYCLE PARKING STATION AND IDENTIFYING WHERE THIS USE IS PERMITTED; AND AMENDING MARIJUANA REGULATIONS TO ADDRESS RECENT STATE LAW; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Issaquah Administration developed proposed amendments to the Central Issaquah Development and Design Standards and Issaquah Municipal Code in order to define a bicycle parking station and allow the same as a permitted use, to add a non-motorized map and clarify community space and the conceptual Green Necklace by combining two maps, add light rail and associated facilities as a permitted use, and to revise the City’s marijuana regulations in order to address recent changes in state law; and

WHEREAS, environmental review was done on the proposed amendments and a Determination of Nonsignificance (DNS) for a non-project action was issued on March 17, 2016 for these amendments, and required notice to the State of Washington was sent on March 17, 2016; and

WHEREAS, the comment period and appeal period for the DNS expired on March 31, 2016; and

WHEREAS, pursuant to legal notice published in The Issaquah Press on March 10, 2016, the Planning Policy Commission held a public hearing to consider the proposed amendments on March 24, 2016; and
WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, after completing the public hearing, the Planning Policy Commission decided to recommend adoption of the proposed amendments with modifications, specifically with lesser buffers for marijuana-related uses than were recommended by the City of Issaquah Administration and that are currently provided in the Issaquah Municipal Code; and

WHEREAS, the Planning Policy Commission adopted findings (Exhibit A) in support of its recommendation on March 24, 2016 and thereafter forwarded its recommendation to the City Council; and

WHEREAS, the City of Issaquah Administration continues to recommend that the current buffers for marijuana-related uses be retained, and has recommended in addition that, although the Administration strongly supports adding light rail as a permitted use, no action be taken on the proposed amendments relating to the Regional Light Rail System until the potential alignments for light rail in Issaquah are better defined; and

WHEREAS, the Issaquah City Council’s Land and Shore Committee considered the recommendations of both the Planning Policy Commission and the City of Issaquah Administration at a meeting on May 5, 2016 and June 2, 2016, and, after reviewing both recommendations decided to: 1) defer the amendments to add a nonmotorized map that is consistent with the Comprehensive Plan and clarifying Community Space and the Conceptual Green Necklace by combining the two maps; 2) approve amendments to add bicycle parking stations as a permitted use; and 3) adopt the Administration’s recommendation regarding marijuana regulations without the modifications recommended by
the Planning and Policy Commission except with a reduced buffer between marijuana retail stores, and to add a cap of two stores regardless of state store allocations; and

WHEREAS, the Issaquah City Council has considered the recommendations of the Council Land and Shore Committee, the Planning Policy Commission, and the City of Issaquah Administration, and has determined to take the actions set forth in this ordinance.

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

Section 1. Bicycle Parking Station. The Issaquah Municipal Code, including IMC 18.02.200 Definitions and IMC 18.06.130 Table of Permitted Land Uses are hereby amended as set forth in Exhibit B, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 2. Marijuana. The Issaquah Municipal Code, including IMC 18.02 Definitions, 18.04 Procedures, IMC 18.06 Establishment of Zoning Districts, IMC 18.07 Required Development and Design Standards, IMC 1.36.030 Enforcement, IMC 5.20 Coin-operated Amusement Devices, IMC 9.25.060 Parks and playfields – Alcoholic beverages prohibited, and Central Issaquah Development and Design Standards Chapter 4 Zoning Districts, Uses and Standards Summary are hereby amended to address recent State Law, and to read as set forth on Exhibit C, which is attached hereto and incorporated herein by reference as if set forth in full. The amendments adopted are those recommended by the City of Issaquah Administration and do not include the modifications to the buffers recommended by the Planning Policy Commission except to include a reduced buffer between marijuana retail stores, and to add a cap of two retail marijuana stores regardless of state store allocations.
Section 3. Adoption of Findings. In support of the actions taken in this ordinance, the Issaquah City Council adopts the March 24, 2016 Findings of the Planning Policy Commission, except as follows:

A. In the Findings related to Amendment 1, references to Regional Light Rail are stricken and the following sentence is added and adopted by the City Council: Action on the proposed amendments would define Regional Light Rail and specify where the same is a permitted use should be deferred until such time discussions between the City of Issaquah and Sound Transit on possible alignments for Regional Light Rail are completed and such alignments are better defined.

B. In the Findings related to Amendment 2, the Issaquah City Council does not adopt the Planning Policy Commission’s recommendation for clarifying Shared Use Corridors/Routes definition, add a nonmotorized map consistent with the Comprehensive Plan, amend references, and clarify Community Space and the Conceptual Green Necklace by combining the two maps, and opts to defer decision.

C. In the Findings related to Amendment 3, the Issaquah City Council does not adopt the Planning Policy Commission’s recommendation for reducing the buffers for marijuana-related uses. Instead, the Council adds and adopts the following: The City of Issaquah’s existing buffers for marijuana-related uses should be retained with a reduced buffer between marijuana retail stores and a cap of two retail marijuana stores regardless of state store allocations for public safety reasons.

Section 4. Ordinance to be transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.
Section 5. 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 6. 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 20th day of June, 2016.

Approved by the Mayor of the City of Issaquah the 20th day of June, 2016.

FRED BUTLER, MAYOR

ATTEST/AUTHENTICATED:

CHRISTINE L. EGGERS, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

PUBLISHED: June 30, 2016
EFFECTIVE DATE: July 5, 2016
ORDINANCE NO.: 2770 / AB 7150
Exhibits:
A: PPC Findings of Fact and Recommendation
B: Bike Parking Amendments – Issaquah Municipal Code
C: Marijuana Amendments – Central Issaquah Development and Design Standards and Issaquah Municipal Code
IN THE MATTER OF CONSIDERING AMENDMENTS TO THE
ISSAQUAH MUNICIPAL CODE AND CENTRAL ISSAQUAH
DEVELOPMENT AND DESIGN STANDARDS INCLUDING:

1. Regional Light Rail Transit System and Bicycle Parking Station: Amend IMC 18.02.200 Definitions and IMC 18.06.130 Table of Permitted Land Uses and the Central Issaquah Development and Design Standards, Chapter 2 Definitions, Section 2.2 Definitions and Chapter 4 Zoning Districts, Uses and Standards Summary, Table 4.3B Permitted Land Uses, to define a Regional Light Rail Transit System and a Bicycle Parking Station, and identify where these uses and their associated uses are permitted.

2. Central Issaquah Development and Design Standards: Chapter 7 Community Space, Combine Figure 7A Conceptual Green Necklace and Figure 7B, Significant Community Spaces, clarify Shared Use Corridors/Routes definition in Chapter 2 Definitions, Section 2 Definitions, and add a nonmotorized map, consistent with the Comprehensive Plan, and amend references to this map in Chapter 6 Circulation Facilities and Chapter 7 Community Space.


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 Central Issaquah Development and Design Standards and related parts of the Issaquah Municipal Code; and

WHEREAS, this amendment process is consistent with the Comprehensive Plan Economic Vitality Element Goal A: Create a positive economic climate where high-quality businesses and firms choose to locate. Including, “…ensuring that City processes are efficient and predictable...”; and

WHEREAS, environmental review was done on the proposed amendments and a Determination of Nonsignificance for a non-project action was advertised on March 17, 2016 for these amendments. The comment period and appeal period for this decision end on March 31, 2016; and

WHEREAS, the public review process for the proposed amendments included a Planning Policy Commission Public Hearing on March 24, 2016, to: 1) review the proposed Issaquah Municipal Code and Central Issaquah Development and Design Standards amendments, and 2) take public comments on these proposed amendments. Required notice to the State of Washington was sent on March 17, 2016. Legal notice of the Planning Policy Commission public hearing was published in the Issaquah Press on March 10, 2016. The public hearing was
I. FINDINGS OF FACT

PROPOSED AMENDMENT, REVIEW, RATIONALE, AND RECOMMENDATION

-Amendment 1-

Central Issaquah Development and Design Standards and Issaquah Municipal Code:
Regional Light Rail Transit System and Bicycle Parking Station:
Define a Regional Light Rail Transit System and a Bicycle Parking Station, and identify where these uses and their associated uses are permitted. These amendments are needed to insure no barriers to getting these uses into Issaquah.

PROPOSED AMENDMENT: Amendments define a Regional Light Rail Transit System and a Bicycle Parking Station and identify where these uses and their associated uses are permitted.

RATIONALE: The proposed amendments provide clarity to the definition of these uses and where they are permitted within the City.

RECOMMENDATION: On March 24, 2016, PPC recommended that Amendment 1, regarding the Regional Light Rail Transit System and a Bicycle Parking Station, be approved as an amendment to the Issaquah Municipal Code and Central Issaquah Development and Design Standards.

-Amendment 2-

Central Issaquah Development and Design Standards:
Combine Figure 7A Conceptual Green Necklace and Figure 7B, Significant Community Spaces, clarify Shared Use Corridors/Routes definition, add a nonmotorized map consistent with the Comprehensive Plan and amend references to this map in Chapter 6 Circulation Facilities and Chapter 7 Community Space.

PROPOSED AMENDMENT: Clarify Shared Use Corridors/Routes, the Green Necklace and Significant Community Spaces and add a nonmotorized map consistent with the Comprehensive Plan.

RATIONALE: This proposed amendment is intended to clarify shared use corridors, the Green Necklace and Significant Community Spaces, in addition to adding a nonmotorized map that is consistent with the Comprehensive Plan.

RECOMMENDATION: On March 24, 2016, PPC recommended that Amendment 2, regarding clarification of shared use corridors, the Green Necklace and Significant Community Spaces, and the addition of a nonmotorized map that is consistent with the Comprehensive Plan, be approved as an amendment to the Central Issaquah Development and Design Standards.

-Amendment 3-

Central Issaquah Development and Design Standards and Issaquah Municipal Code
Marijuana: Amend regulations to address recent State Law.

RATIONALE: The proposed amendments address recent State Law.

RECOMMENDATION: On March 24, 2016, PPC recommended that Amendment 3, regarding Marijuana, be approved as an amendment to the Central Issaquah Development and Design Standards and Issaquah Municipal Code, including the 1,000 foot buffers from those uses specified in RCW 69.50.331 and WAC 314.55.050 for Elementary or Secondary schools and playgrounds. However, PPC is recommending buffers from recreational marijuana facilities that are smaller than those recommended by the Administration, as follows:

a) 500 feet from recreation center or facility, child care center, public park, library and game arcade where admission is not restricted to persons age 21 and over;

b) 500 feet from another recreational marijuana facility; and

c) 100 feet from a public transit center.

II. REASONS FOR ACTION

Having made the Findings set forth above, the PPC makes the following conclusions:

-1-

Environmental review was done on the proposed amendments and a Determination of Nonsignificance for a non-project action was advertised on March 17, 2016 for these amendments. The comment period and appeal period for this decision end on March 31, 2016.

-2-

The proposed Central Issaquah Development and Design Standards and Issaquah Municipal Code Amendments were reviewed through a Level 6 Review process as required by IMC 18.04.100-2 Levels of Review. The Planning Policy Commission is responsible for reviewing and making a recommendation to City Council on Central Issaquah Development and Design Standards and Issaquah Municipal Code Amendments.

-3-

Planning Policy Commission determined that the proposed Central Issaquah Development and Design Standards and Issaquah Municipal Code Amendments are 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 Central Issaquah Development and Design Standards and Issaquah Municipal Code Amendments as submitted to the City Council, with the exception of buffers from recreational marijuana facilities that are smaller than those recommended by the Administration, as follows:

a) 500 feet from recreation center or facility, child care center, public park, library and game arcade where admission is not restricted to persons age 21 and over;

b) 500 feet from another recreational marijuana facility; and

c) 100 feet from a public transit center.

March 24, 2016
Chair, Issaquah Planning Policy Commission
Date Signed
Hi Trish,

Happy spring! I hope you are doing well. I was reviewing the proposed Land Use Code amendments and had an idea regarding non-motorized routes. This might have been better brought up in the Comprehensive Plan or Walk + Roll Strategy stages, so pardon me if I am late to the game!

My idea is to include all of East Lake Sammamish Parkway and Front Street on the map of Intended Regional Routes. Again, I have to confess ignorance on what an Intended Regional Route is defined, but I know from my own experience that Front Street/Issaquah-Hobart Road is a critical path for regional bike riding, much more so than SR-900. The map in the PPC package shows SR-900 as an Intended Regional Route, but I believe Front Street/Issaquah-Hobart Road is the preferred route for regional bicyclists, as evidenced by the Issaquah area bike map from the Cascade Bicycle Club, which I have attached an copied below.

Is this something that can be considered by the PPC in their discussion on Thursday?

Thank you and have a great day,

Mel
Exhibit A3 – Consistency of Nonmotorized Maps with Comprehensive Plan

Summary: The Comprehensive Plan was amended in June 2015. One of the amendments included an update of the Nonmotorized map to reflect the work done on Central Issaquah and Issaquah’s Walk + Roll Strategy. This ensures the consistency between the recently updated 2015 Comprehensive Plan map and the Central Standards maps. Additionally, the map will be moved from Chapter 7, Community Space to Chapter 6, Circulation Facilities.
From: Connie Marsh
Sent: Wednesday, March 23, 2016 5:10 PM
To: City Council
Cc: Trish Heinonen
Subject: Rail zoning

Hi,

In looking at the proposed addition of zoning for light rail, I disagree with allowing light rail to be sited in our SF zones. If we are to be protecting our neighborhoods this is an inappropriate change.

Thanks,

Connie Marsh
Re: Regional Light Rail Transit System and Associated Facilities

March 24, 2016

Dear Members of the Planning Policy Commission:

The Issaquah Alps Trails Club has been promoting high density development where services exist or can be most efficiently provided since the 1970s.

This pattern and quantity of growth may justify the extension of light rail to Issaquah in the not too distant future. This same growth has resulted in little ground on the valley floor being zoned Community Facilities Open Space or Conservancy Recreation. Lands with these zonings are key to the Green Necklace being the asset the community has been promised for their support of the Central Issaquah Plan. We do not support lands with either of these zonings allowing light rail and/or related facilities as permitted uses.

Light rail in Issaquah will require years of planning, many millions of dollars and significant structures and facilities. Some years in the future rezoning of some lands in the above categories may be justified to facilitate light rail. Validating the need and mitigating the impacts would be best addressed through the rezoning process at that time.

Sincerely,

David Kappler
Vice President, Advocacy
425-652-2753
davidkappler@hotmail.com
Exhibit B: Bike Parking Amendments - Issaquah Municipal Code

Section 1. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.02 Definitions, Section 18.02.040 Definitions–B, is amended to include a new definition, “Bicycle Parking Station”, to read as follows:

Bicycle Parking Station: A temporary building or structure designed for use as a secure bicycle parking facility and for storing bicycle helmets.

Section 2. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.06 Establishment of Zoning Districts, Section 18.06.130 Table of Permitted Land Uses, is amended to include a new item, “Bicycle Parking Station”, under Land Uses, Public/Quasi-Public, to read as follows:

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CONSERVANCY/RECREATION</td>
</tr>
<tr>
<td></td>
<td>C-Rec</td>
</tr>
<tr>
<td>PUBLIC/QUASI-PUBLIC</td>
<td></td>
</tr>
<tr>
<td>Banquet/Meeting/Reception Hall (public or private)</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle Parking Station</td>
<td>0</td>
</tr>
<tr>
<td>Bus, Taxi, Van, Transit Station</td>
<td></td>
</tr>
<tr>
<td>Cemetery and/or Nonaccessory Columbarium¹</td>
<td></td>
</tr>
<tr>
<td>Church/Religious Facility w/ or w/o Accessory Day Care Center</td>
<td>2</td>
</tr>
<tr>
<td>Community Center w/ or w/o Accessory Day Care Center</td>
<td>2</td>
</tr>
<tr>
<td>Day Care Center as Accessory Use to a Public/Quasi-Public Use</td>
<td>2</td>
</tr>
<tr>
<td>Environmental Improvements</td>
<td>1</td>
</tr>
</tbody>
</table>

¹ Nonaccessory Columbarium is only allowed in the ZONING DISTRICTS: MUR, MF-M, MF-H, PO, CBD, R, IC, CF-F, CF-R, CF-OS.
| DISTRICT KEY: | C-Rec = Conservancy Recreation | SF-D = Single Family Duplex (7.26 or 14.52 du/acre)  |
| C-Res = Conservancy Residential | SF-SL = Single Family Small Lot (7.26 du/acre) | MUR = Mixed Use Residential |
| SF-S = Single Family Suburban (4.5 du/acre) | MF-H = Multifamily High Density (29 du/acre) | PO = Professional Office |
| | | CBD = Cultural and Business District |
| | | R = Retail Commercial |
| | | IC = Intensive Commercial |
| | | M = Mineral Resource |
| | | CF = Community Facilities |
| | | CF-OS = Open Space |
| | | CF-R = Recreation |
| | | CF-F = Facilities |

**FOOTNOTES KEY:**
1. Allowed as shared use only.
2. See Design Criteria Checklist for screening requirements.

**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 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, 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, Procedures, for details on levels of review; provided, that this provision shall not apply to property subject to Ordinance 2311, Olde Town Design Standards, as amended by Ordinance 2352. 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.

Nonresidential uses that were permitted and established in the MUR Mixed Use Residential District prior to June 1, 2006, may continue as permitted uses. All subsequent MUR uses shall comply with this table.
Section 1. The Issaquah Municipal Code, Title 5 Business Taxes, Licenses and Regulations, Chapter 5.18 Collective Garden Safety Licenses, is hereby repealed in its entirety.

Section 2. The Issaquah Municipal Code, Title 1 General Provisions, Chapter 1.36 Code Enforcement, Section 1.36.030 (A) Table, is amended to remove the following license fee:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.18.020</td>
<td>Collective garden safety license required</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

Section 3. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.050 Definitions–C, is amended to repeal the definitions of “Collective garden” and “Collective member”, as follows:

**Collective garden:** The growing, production, processing, and/or delivery of cannabis for medical use by up to ten collective members as set forth in Chapter 69.51A RCW and subject to the limitations therein and in this section. Each collective garden shall have no more than forty-five (45) plants and twenty-four (24) ounces of usable cannabis per patient, up to a maximum of seventy-two (72) ounces of usable cannabis on site. As used herein any constituent part of a collective garden shall be considered as a collective garden.

**Collective member:** Up to ten qualifying patients with membership in a single collective garden.

Section 4. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.050 Definitions–C, is amended to add the definition of “Cooperative, Marijuana”, to read as follows:

**Cooperative, Marijuana:** A group of not more than four qualifying patients or Designated Providers growing, producing, and/or processing marijuana for the medicinal use of its members, as provided in RCW 69.51A.250.

Section 5. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.060 Definitions–D, is amended to add the definition of “Designated Provider”, to read as follows:

**Designated Provider:** A person who meets the requirements of RCW 69.51.010(4) and who has been designated by a qualifying patient as that patient’s marijuana provider.

Section 6. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.140 Definitions–L, “License marijuana” is amended to read as follows:

**License, marijuana:** A license issued by the Washington State Liquor Control and Cannabis Board to a person or entity to produce, process, or retail (sell) marijuana.
Section 7. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.150 Definitions–M, “Marijuana processor” is amended to read as follows:

Marijuana processor: A person or entity licensed by the Washington State Liquor Control and Cannabis Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Section 8. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.150 Definitions–M, “Marijuana retailer” is amended to read as follows:

Marijuana retailer: A person or entity licensed by the Washington State Liquor Control and Cannabis Board to sell usable marijuana and marijuana-infused products in a retail outlet.

Section 9. The Issaquah Municipal Code, Title 18 Land Use Code, Section 18.02.150 Definitions–M, is amended to repeal the definition of “Medical marijuana collective garden” as follows:

Medical marijuana collective garden: See Collective garden.

Section 10. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.06 Establishment of Zoning Districts, Section 18.06.130 Table of Permitted Land Uses, “Collective Garden” is amended, under Land Uses, Agriculture/Resource, to read as follows:

<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>C-Rec</td>
<td>C-Res SF-SF-SF-SF-MUR-MF-MF-PO-CBD-R-IC-CF CF-CF CF M</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AGRICULTURE/RESOURCE

Collective Garden Cooperative, Marijuana

See Medical

Section 11. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.06 Establishment of Zoning Districts, Section 18.06.130 Table of Permitted Land Uses, “Collective Garden” is amended, under Land Uses, Medical, to read as follows:
Section 12. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.07 Required Development and Design Standards, Section 18.07.512 Recreational Marijuana Facilities (B), is amended to read as follows:

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 and Cannabis 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 and Cannabis 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.
8. No more than two (2) retail facilities may operate in Issaquah at any time regardless of state allocations of retail marijuana licenses.

Section 13. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.07 Required Development and Design Standards, Section 18.07.512 Recreational Marijuana Facilities (C), is amended to read as follows:
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 (C)(4) of this section locates within one thousand (1,000) 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.

Section 14. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.07 Required Development and Design Standards, Section 18.07.512 Recreational Marijuana Facilities, D. Application Requirements (3), is amended to read as follows:

3. The applicant shall submit a copy of the operating plan required by the Washington State Liquor Control and Cannabis Board as part of the license application.

Section 15. The Issaquah Municipal Code, Title 5 Business Taxes, Licenses and Regulations, Chapter 5.20 Coin-Operated Amusement Devices, Section 5.20.040, is amended to read as follows:

5.20.040 Master license – Required.
No person shall keep, maintain, or operate a coin-operated amusement device as defined in this chapter without first securing a master license,
except that master license shall not be required of any owner or operator of any business operating within the City under a valid State Liquor Control and Cannabis Board license or valid City cabaret license, where the amusement device is owned by such licensee and located on the licensed premises. A master license may be issued upon the approval of the application as provided in this chapter and upon the payment of $150.00 per year to the City Treasurer. A master license shall not be deemed to be an exclusive franchise to operate within the City under this chapter.

Section 16. The Issaquah Municipal Code, Title 9 Criminal Code, Chapter 9.25 Parks, Section 9.25.060, is amended to read as follows:

9.25.060 Parks and playfields – Alcoholic beverages prohibited. It is unlawful for any person to possess or consume alcoholic beverages in any park or playfield owned by the City or utilized by the City pursuant to a lease or agreement. This prohibition shall not apply to premises duly licensed by the State Liquor Control and Cannabis Board nor to persons possessing or consuming alcoholic beverages within the provisions of a banquet permit duly issued by the State Liquor Control and Cannabis Board pursuant to Chapter 66.20 RCW.

Section 17. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.04 Procedures, Table 18.04.100-3: Change of Use - Levels of Review, Footnote (2) is amended to read as follows:

2 Specified Uses: This table does not apply to Changes of Use for a recreational marijuana facility (marijuana producer, processor, and/or retailer), collective garden, adult entertainment facility, or secure community transition facility. These uses are reviewed as listed in IMC 18.06.130, Table of Permitted Land Uses, regardless of the previous use.

Section 18. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.04 Procedures, Section 18.04.400 Thresholds–Level 2 (L-O), is amended to read as follows:

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. Changes in Use: See Table 18.04.100-3.
N. 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.
O. Other Activities: Other activities as determined by this chapter or the Planning Director/Manager.
Section 19. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.07 Required Development and Design Standards, Section 18.07.470 Home occupations (E), is amended to read as follows:

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. Marijuana Cooperatives;
10–11. Uses which may include hazardous chemicals or other items which may potentially be hazardous to the surrounding area.

Section 20. The Issaquah Municipal Code, Title 18 Land Use Code, Chapter 18.07 Required Development and Design Standards, Section 18.07.515 “Collective Gardens”, is hereby repealed in its entirety.

[Note: The remaining sections relate to Central Issaquah Development and Design Standards]

Section 21. The Central Issaquah Development and Design Standards, Development Standards, Chapter 4.0 Zoning Districts, Uses and Standards Summary, Table 4.3B Permitted Land Uses, “Collective Garden” is amended, under Land Uses, Agriculture/Resource, to read as follows:

<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>AGRICULTURE/RESOURCE</td>
<td></td>
</tr>
<tr>
<td>Collective Garden, Veterinary Hospital/ Clinic, Cooperative, Marijuana</td>
<td>See Medical</td>
</tr>
</tbody>
</table>
Section 22. The Central Issaquah Development and Design Standards, Development Standards, Chapter 4.0 Zoning Districts, Uses and Standards Summary, Table 4.3B Permitted Land Uses, “Marijuana Producer” is amended, under Land Uses, Agriculture/Resource, to read as follows:

<table>
<thead>
<tr>
<th>LAND USES ¹</th>
<th>MUR</th>
<th>VR</th>
<th>UC</th>
<th>MU</th>
<th>DR</th>
<th>IC</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURE/RESOURCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Producer (recreational) or Processor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Industrial/Intensive Commercial</td>
</tr>
</tbody>
</table>

Section 23. The Central Issaquah Development and Design Standards, Development Standards, Chapter 4.0 Zoning Districts, Uses and Standards Summary, Table 4.3B Permitted Land Uses, “Collective Garden” is amended, under Medical, to read as follows:

<table>
<thead>
<tr>
<th>LAND USES ¹</th>
<th>MUR</th>
<th>VR</th>
<th>UC</th>
<th>MU</th>
<th>DR</th>
<th>IC</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEDICAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collective Garden Cooperative, Marijuana ²¹</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

²¹ See IMC 18.07.515, Collective Gardens, for additional requirements. Marijuana Cooperatives are prohibited in all zoning districts of the City in accord with RCW 69.51A.250(3).