



STAFF REPORT
CAMAS MUNICIPAL CODE – RETAIL MARIJUANA

FILE #MC15-06
OCTOBER 20, 2015

To: Mayor Higgins
City Council

Public Hearing: October 26, 2015

From: Phil Bourquin, Community Development Director

Compliance with state agencies: Notice of the public hearing before the City Council was published in the Camas Post Record on October 20, 2015 and posted at City Hall, the Camas Post office and Camas Public Library.

SUMMARY

The City of Camas passed Ordinance# 2712 on October 20, 2014 in response Washington Initiative Measure 502 "I-502". Ordinance #2712 amended Camas Municipal Code Sections 18.03.030 and 18.07.030 by adopting land use and zoning regulations, and establishing prohibitions on the location of marijuana-related facilities. Specifically, under Ordinance #2712 Marijuana Processing and Production were prohibited in all zoning districts throughout the City. Marijuana Retailers were also prohibited in all zoning districts, however, the code established a sunset date of November 30, 2015, on this prohibition in all commercial and industrial designated districts. The record related to Ordinance #2712 can be found online in the Agenda for the October 20, 2014, City Council Meeting at <http://www.cityofcamas.us/index.php/yourgovernment/minuteagenda>.

The purpose of this Staff Report is to revisit the subject of retail marijuana, provide updates related to statewide legislation, trends in the retail marijuana industry and to establish or confirm a City Policy on retail marijuana sales within the City of Camas.

ANALYSIS/FAQ'S

Question: What will happen if the City takes no action to amend the current code related to retail marijuana prior to the sunset date of November 30, 2015?

Answer: If the City takes no further action, on November 1, 2015, retail marijuana would be permitted in all employment zones including the RC, CC, NC, DC, MX, HI, LI, BP, and LI/BP zones subject to the locational and licensing requirements of the State of Washington.

Question: What action is necessary if the City wishes to continue to continue to prohibit Marijuana Retail sales in the City of Camas?

Answer: An Ordinance amending CMC 18.07.030 Table 1 would need to be adopted and effective prior to December 1, 2015 that would repeal sunset date language as follows: Notes: ~~9. This section shall be in effect through October 31, 2015.~~

Question: If the City were to allow retail marijuana stores, what zoning districts would be appropriate?

Answer: In determining what zoning districts are appropriate for a given use, the Camas Municipal provides a summary of the zones and the differing characteristics of each:

18.05.050 - Commercial and industrial zones.

The purpose of the commercial, industrial, and high technology zones are to provide services and employment primarily to residents. These areas are zoned according to the services they provide. As a result, each zone has different characteristics as summarized below:

- A. NC Neighborhood Commercial. This zone provides for the day-to-day needs of the immediate neighborhood. This zone is intended to be small, but fairly numerous throughout the city. Convenience goods (e.g., food, drugs and sundries), along with personal services (e.g., dry cleaning, barbershop or beauty shop), are common goods and services offered.
- B. CC Community Commercial. This zone provides for the goods and services of longer-term consumption, and tend to be higher-priced items than the neighborhood commercial zone district. Typical goods include clothing, hardware and appliance sales. Some professional services are offered, e.g., real estate office or bank. Eating and drinking establishments may also be provided. This zone tends to vary in size, but is larger than the neighborhood commercial zone.
- C. RC Regional Commercial. This zone provides apparel, home furnishings, and general merchandise in depth and variety, as well as providing services for food clusters and some recreational activities. Regional commercial is the largest of the commercial zones and is designed to serve the region or a significant portion of the region's population.
- D. DC Downtown Commercial. This zone is designated as a large community commercial area, providing a large range of goods and services. This area is designed to promote commercial diversification to serve the immediate residential and office uses in the surrounding areas. Compact development is encouraged that is supportive of transit and pedestrian travel, through higher building heights and floor area ratios than those found in other commercial districts.
- E. LI Light Industrial. This zone provides for uses that are more compatible with commercial, residential, or multifamily uses. Typical uses in this zone include assembly and manufacturing of electronic and precision instruments. More intensive industry, e.g., metal fabrication, is excluded.
- F. LI/BP Light Industrial/Business Park. This zone provides for uses such as, offices related to industrial usage, research and development, limited commercial, and associated warehousing uses, including the provision of employee recreation opportunities. Development in campus-like setting with generous landscaping, well-designed buildings and near major traffic corridors is anticipated.
- G. HI Heavy Industrial. This zone provides for a wide range of industrial and manufacturing uses. Types of activities in this zone include assembly, manufacturing, fabrication, processing, bulk handling and storage, research facilities, associated warehousing, and heavy trucking.
- H. MX Mixed Use. This zone provides for a wide range of commercial and residential uses. Compact development is encouraged that is supportive of transit and pedestrian travel.

If the Planning Commission/City Council wishes to allow marijuana retail sales, Staff recommends limiting the use to the Regional Commercial (RC) and Community Commercial (CC) zones based upon the following:

1. The Community Commercial (CC) and Regional Commercial (RC) zones are generally located in proximity to collector or arterial roadways and permit the broadest list of retail uses of the commercial zoning districts. In contrast, the Neighborhood Commercial (NC) Zone is intended to be located to serve immediate neighborhoods and be fairly numerous through out the City. Considering Washington State limits the number of licenses it will issue for marijuana retail stores (currently approximately 1 license per 10,000 population) marijuana retailers would serve a larger geographic area than contemplated by the NC zone. Both the RC and CC zones would provide opportunities that meet the locational requirements for licensing by the state.
2. The Downtown Commercial zone includes the historic downtown area of Camas. While it appears that two blocks, between NE Adams and NE Birch and NE 3rd Avenue and NE 5th could satisfy the licensing requirements of the state, the business owners, tenants and residents of the downtown area have previously expressed a strong opinion against this type of use in the downtown core.
3. Industrial/Mixed Use/Business Park zones. These zones are intended for industry, professional business, or commercial uses that directly service these uses or the residential uses therein.

Question: What are the locational requirements of the State of Washington in issuing a marijuana retailers license and can the City adopt locational requirements that are either more or less restrictive?

Answer: A retail marijuana store must be a minimum 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or game arcade that allows minors to enter. Recent legislation allows local governments to pass an ordinance to allow for a reduction in the 1000-foot buffer requirements to 100 feet around all entities except elementary and secondary schools and public playgrounds. The City may adopt by Ordinance additional locational standards or requirements.

Question: What about medical marijuana sales?

Answer: Under the 2015 State Legislature, medical marijuana sales are essentially consolidated into the marijuana retail licensing requirements and in addition would be subject to any zoning requirements of the imposed upon retail sales of marijuana.

RECOMMENDATION

That Planning Commission conducted a public hearing on September 15, 2015, deliberated, and forwarded on a recommendation to City Council to adopt Option 1 as provided below.

Staff recommends three options for consideration. Option 2 would prohibit the establishment of Retail Marijuana stores in the City of Camas. Options 1 and 3 are affirmative in providing for Marijuana Retail stores, with Option 3 being the more limiting option.

Option 1 (PC Option):

Amend the Camas Municipal Code to allow the retail sales of marijuana in the Community Commercial (CC) and Regional Commercial (RC) zoning districts as shown below.

Amend CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana Producer	X	X	X	X	X	X	X	X	X
Marijuana Retailer ⁹	X	X	X <u>P</u>	X <u>P</u>	X	X	X	X	X

Notes:

~~9. This section shall be in effect through November 30, 2015.~~

Option 2 (No Retail Marijuana Option):

Amend the Camas Municipal Code to simply prohibit the retail sales of marijuana within the City of Camas based upon community values/preferences and the record previously established under Ordinance 2712.

Amend CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

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Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana Producer	X	X	X	X	X	X	X	X	X
Marijuana Retailer ⁹	X	X	X	X	X	X	X	X	X

Notes:

~~9. This section shall be in effect through November 30, 2015.~~

Option 3 (PC Option/Plus):

Amend the Camas Municipal Code to allow the retail sales of marijuana in the Community Commercial (CC) and Regional Commercial (RC) zoning districts as shown below.

Amend CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana Producer	X	X	X	X	X	X	X	X	X
Marijuana Retailer ⁹	X	X	X _P	X _P	X	X	X	X	X

Notes:

~~9. This section shall be in effect through November 30, 2015.~~

9. A) Must be sited a minimum 1000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or game arcade to which is not restricted to persons twenty-one years or older as defined in WAC 314-55-010 on June 20, 2015; B) The business shall post clear signage in a conspicuous location near each public entrance stating the minors may not enter the premises unless accompanied by a parent or legal guardian, and ; C) No Marijuana Retailer subject to this note shall be located within 3 miles of an existing lawfully established Marijuana Retailer. All measurements under (A) and (C) shall be measured from the nearest property line of the property on which the use is proposed to the nearest property line of an existing business utilizing Clark County GIS.