Item No. 3(c)
May12, 2014

CITY COUNCIL STUDY SESSION ITEM

SUBJECT
Public hearing on Ordinance No. 6156 amending Ordinance 6133 B-1, regulating recreational marijuana uses, to include a new separation requirement for recreational marijuana retail outlets.

FISCAL IMPACT
The fiscal impact of amending Ordinance No. 6133 B-1 is anticipated to be minimal. The state has allocated only four marijuana retail outlet licenses for Bellevue, so current budget authority will be able to address any unanticipated incremental cost increase. At this time, no material costs are expected.

STAFF CONTACTS

Lori Riordan, City Attorney	452-7220
City Attorney's Office	
Carol Helland, Land Use Division Director	452-2724
Catherine A. Drews, Legal Planner	452-6134
Development Services Department	

POLICY CONSIDERATION
Holding a public hearing on the amendment to Ordinance No. 6133 B-1 does not pose any policy issues. This public hearing will provide the public an opportunity to comment on the amendment. A copy of Ordinance No. 6133B-1 is included as Attachment A and Ordinance No. 6156 is included as attachment B.

DIRECTION NEEDED FROM COUNCIL

____ Action
_X_ Discussion
_X_ Information

INTRODUCTION
The Growth Management Act (GMA) authorizes jurisdictions to implement interim zoning controls for periods of up to six months, using the process allowed under the Act. The process requires the City to hold a public hearing within 60 days of its adoption of an interim zoning control.[1] Council extended Ordinance No. 6133 B-1, which imposes interim regulations for recreational marijuana uses, for an additional six-month period on March 17, 2014 by adopting Ordinance No. 6156. During the public hearing, Council amended Ordinance No. 6133 B-1 to require that marijuana retail outlets be located no closer than 1,000 feet to another marijuana retail outlet. The notice, however, for the March 17 public hearing did not anticipate this action, so another public hearing is required within 60-days of adoption of Ordinance 6156 to provide

[1] RCW 36.70A.390.

the public with an opportunity to comment on the amendment. The May 12 public hearing satisfies this requirement.

BACKGROUND

Washington voters approved Initiative 502 (I-502) legalizing the possession of limited amounts of marijuana on November 6, 2012. I-502 became effective on December 6, 2012, and is codified into Chapter 69.50 RCW, the state Uniformed Controlled Substances Act. The Washington State Liquor Control Board (LCB) is the agency tasked with developing and implementing regulations for recreational marijuana producers, processors, and retailers. The LCB published draft rules in the fall of 2013.

At the July 15, 2013 Study Session, staff sought and received direction to develop recommendations for an emergency interim zoning ordinance implementing land use regulations for recreational marijuana producers, processors, and retailers. Based on the LCB's schedule, there was insufficient time for the City to pursue enactment of permanent zoning regulations using the process generally employed under the Land Use Code of delegating consideration of proposed zoning to the Planning Commission for a public hearing and subsequent recommendation to Council. Instead of this process, the City used the emergency ordinance and interim zoning control processes allowed under the GMA.

On October 7, 2013, staff presented recommendations to Council in preparation for adoption of an emergency ordinance implementing an interim zoning control. In response to the draft rules and to ensure that the City had appropriate zoning established for recreational marijuana uses, on October 21, 2013, the City Council adopted Ordinance No. 6133 B-1. This ordinance implemented an emergency interim zoning control regulating the location of recreational marijuana uses and providing performance standards intended to address impacts related to the operation of recreational marijuana uses. On December 2, 2013, Council held the required public hearing and extended the emergency interim zoning control beyond the initial 60-day period for a period of six months as allowed under the GMA. The Council also adopted the planning principles proposed by staff. Council again extended Ordinance No. 6133 B-1 for an additional six-month period after holding a public hearing on March 17. During this public hearing, Council amended Ordinance No. 6133 B-1 to require that marijuana retail outlets be located no closer than 1,000 feet to another marijuana retail outlet. The purpose of the amendment was to prevent the retail outlets from being clustered in one area.

The LCB has begun issuing licenses for recreational marijuana producers and processors. As of May 5, 2014, the LCB has not issued any recreational marijuana licenses for operations in Bellevue. LCB issued a Conditional Approval Letter to a recreational marijuana producer in Bellevue on May 2, 2104. The letter is the precursor to issuance of a state license and provides a list of steps the licensee must accomplish to receive its state license.

The lottery for retail licenses is complete. 19 applications were ranked for Bellevue, which was allocated four licenses. Three of the top four lottery positions are located in areas allowed under the interim zoning regulation. The fourth is located in the Bel-Red Residential land use district and no recreational marijuana uses are allowed in this land use district. The following chart provides basic information on the top four lottery participants:

LCB Lottery Rankings for Bellevue

Trade Name	Location Address	Rank	Allowed in Land Use Zone?	Issue w/Application?
Par 4 Investments	10697 Main St. Ste. B	1	Yes	Doesn't meet 1,000 feet separation requirement from #3
The Novel Tree	1817 130th Ave NE	2	Yes	None
High Society	10600 Main Street	3	Yes	Doesn't meet 1,000 feet separation requirement from #1
Happy Highway	12121 Northrup Way Ste. 205	4	NO	Use not allowed in BR-R

Staff has notified all 19 lottery participants regarding the recently-adopted 1,000 foot separation requirements for retail marijuana outlets. Also, staff notified the first four lottery participants regarding the issues currently known for their proposed locations. These notices were mailed on May 5, 2014. Lottery participants must still go through the LCB's application process before receiving their licenses. Under LCB's rules, the agency must notify the City and allow us an opportunity to provide a recommendation to approve or disapprove of the applicants, the location, or both, based on the criteria in the rules. LCB will not, however, deny a license on the basis of violations of local zoning or other local regulations as they view this as the responsibility of the local jurisdiction. This means that the City will be responsible for enforcing local zoning regulations. LCB has stated it is emphasizing to license applicants that receipt of a state license is not a guarantee to operate in a given location.

ALTERNATIVES

Hold the public hearing on the amendment to Ordinance No. 6133 B-1. No other alternatives exist because the public hearing is required under RCW 36.70.390 to allow the public the opportunity to comment on the amendment imposing a new separation requirement for recreational marijuana retailers.

RECOMMENDATION

Hold the public hearing on the amendment to Ordinance No. 6133 B-1.

MOTIONS

1. Move to open the public hearing for comments on the amendment of Ordinance No. 6133 B-1 requiring marijuana retail outlets be located no closer than 1,000 feet to another marijuana retail outlet.
2. Move to close the public hearing and the record.

EFFECTIVE DATE

N/A

ATTACHMENTS

A. Ordinance No. 6133 B-1
B. Ordinance No. 6156
C. Affidavit of Publication

AVAILABLE IN COUNCIL OFFICE

N/A

ATTACHMENT A

1357-ORD
10/21/13

Option B-1

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6133 B-1

AN ORDINANCE of the City of Bellevue, Washington, adopting interim official zoning controls regarding recreational marijuana producers, processors and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning ordinance and declaring an emergency.

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

WHEREAS, the LCB re-filed its proposed rules regulating recreational marijuana uses on September 4, 2013, and accepted the proposed rules on October 16; and

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

WHEREAS, the LCB allocated four recreational marijuana retail licenses for the City of Bellevue, and there are no limits on the number of recreational marijuana producer and processor licenses to be issued; and

WHEREAS, the City of Bellevue Land Use Code (LUC) prohibits all recreational marijuana producers, processors, and retailers as uses in the City of Bellevue;

WHEREAS, the City Council deems it to be in the public interest to establish interim regulations advising the public where recreational marijuana producers, processors, and retail uses may be located in the City of Bellevue before the application deadline established by the LCB for state licensing for such uses; and

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

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

WHEREAS, On August 29, 2013, the United States Department of Justice, Office of the Attorney General, ("DOJ") released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears to not differentiate application of the guidance between medical cannabis and recreational marijuana; and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, establishment of interim regulations of six months in duration for establishment of recreational marijuana producers, processors, and retailers will prevent substantial change until the land areas and the text of development standards applicable to recreational marijuana uses is reviewed, and any needed revisions are made to city codes; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Interim Regulation Adopted. Recreational marijuana producers, processors, and retailers shall comply with the following provisions:

A. Definitions. For the purposes of this interim regulation only, the definitions provided below and the definitions codified at WAC 314-55-010, now provided or as hereafter amended, shall apply to the provisions of this ordinance.

1. "Director" means the Director of the City of Bellevue's Development Services Department or his designee.
2. "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of

Option B-1

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.

3. "Marijuana processor" means a person licensed by the 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.
4. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
5. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products do not include useable marijuana.
6. "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
7. "Retail outlet" means a location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.
8. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

B. Chapter 314-55 WAC, now or as hereafter amended, shall apply in addition to the provisions of this ordinance.

C. Limitations on Uses. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

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

   a. Elementary or secondary school;
   b. Playgrounds;
   c. Recreation center or facility;
   d. Child care centers;
   e. Public parks;
   f. Public transit centers;

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g. Libraries;
h. Any game arcade or
i. Any medical cannabis collective garden.

2. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30).

3. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.

4. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

D. Marijuana Retail Outlets. For the purposes of this interim ordinance, marijuana retail outlets are considered within the land use classification of "Miscellaneous Retail Trade," and shall comply with all corresponding notes in the use charts for the underlying land use district where the retail outlet is located. Retail outlets shall also comply with the applicable requirements of Chapter 20.25 LUC, Special and Overlay Districts. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor. Retail outlets may only be located in following land use districts:

1. General Commercial (GC);
2. Community Business (CB);
3. Factoria Land Use District 1 (F1);
4. Downtown Office District (DNTN O-1);
5. Downtown Office District (DNTN O-2)
6. Downtown Mixed Use District (DNTN-MU);
7. Downtown Old Bellevue Business District (DNTN-OB);
8. Downtown Office and Limited Business District (DNTN-OLB)
9. Bel-Red Office Residential and Nodes (BR-OR/OR1/OR2)
10. Bel-Red Residential Commercial and Nodes (BR-RC-1, RC-2, RC-3);
11. Bel-Red General Commercial (BR-GC);
12. Bel-Red Commercial Residential (BR-CR);
13. Bel-Red Office Residential Transition (BR-ORT).

E. Signage for Marijuana Retail Outlets. Retail outlets shall comply with WAC 314-55-155(1), now or as hereafter amended. Additionally, signage for retail outlets must undergo design review in those land use districts requiring such review in City of Bellevue Sign Code, Chapter 22B BCC.

F. Marijuana Producers and Processors. For the purposes of this interim ordinance, marijuana producers are considered within the land use

Option B-1

classification "Agricultural Production of Food and Fiber Crops," and marijuana processors are considered within the land use classification "Agricultural production." Marijuana processors and producers shall comply with all corresponding notes in the use charts for the Light Industrial land use district. Marijuana producers and processors shall also comply with the applicable requirements of Chapter 20.25 LUC, Special and Overlay Districts. Marijuana production and processing facilities are allowed only in the Light Industrial land use district and shall comply with the following provisions:

1. Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;
2. Signage for marijuana producers and processors shall comply with the City of Bellevue Sign Code, Chapter 22B of the Bellevue City Code.
3. A screened and secured loading dock, approved by the director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of orders when delivering or transferring marijuana, useable marijuana, and marijuana-infused products.

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

Section 3. Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than December 20, 2013, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

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10/21/13

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Section 5. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Public Emergency. The City Council hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 8. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption by a majority plus one of the City Council.

Passed by the City Council this 21st day of October, 2013 and signed in authentication of its passage this 21st day of October, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published October 24, 2013,

ATTACHMENT B

1380-ORD
04/08/14

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6156

AN ORDINANCE extending Ordinance No. 6133 B-1, adopting interim official zoning controls regarding the regulation of recreational marijuana producers, processors and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; providing for severability; and establishing an effective date.

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

WHEREAS, the LCB re-filed its proposed rules regulating recreational marijuana uses on September 4, 2013, and accepted the proposed rules on October 16; and

WHEREAS, the LCB rules became effective on November 16, 2013, and the LCB began accepting license applications for recreational marijuana uses on November 18, 2013; and

WHEREAS, the LCB allocated four recreational marijuana retail licenses for the City of Bellevue, and there are no limits on the number of recreational marijuana producer and processor licenses to be issued; and

WHEREAS, the City of Bellevue Land Use Code (LUC) prohibits all recreational marijuana producers, processors, and retailers as uses in the City of Bellevue;

WHEREAS, the City Council deems it to be in the public interest to establish interim regulations advising the public where recreational marijuana producers, processors, and retail uses may be located in the City of Bellevue before the application deadline established by the LCB for state licensing for such uses; and

WHEREAS, on October 21, 2013, in response to the licensing schedule published by the Washington State Liquor Control Board, the City Council adopted Ordinance No. 6133 B-1 implementing an emergency interim zoning ordinance regulating the location of recreational marijuana uses and imposing performance criteria intended to mitigate negative impacts arising from operation of recreational marijuana uses; and

WHEREAS, under the Growth Management Act (GMA), the City was required to hold a public hearing within 60 days of adopting Ordinance No. 6133 B-1, which public hearing was held on December 2, 2013, to receive public comment and extend Ordinance No. 6133 B-1 for a six-month period; and

WHEREAS, Ordinance No. 6133 B-1 will, by its own terms, expire on April 21, 2014, unless the City Council extends the ordinance as allowed by law; and

WHEREAS, on January 13, 2014 the Washington State Legislature convened and is considering several bills related to regulating recreational marijuana and reconciling medical cannabis with the recreational marijuana regulatory structure; and

WHEREAS, on January 14, 2014, the Washington State Attorney General issued its opinion (AGO No. 2014) that I-502 does not preempt counties, cities, and towns from banning recreational marijuana within their jurisdictions and 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 the properly exercise the local jurisdiction's police power; and

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

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

WHEREAS, On August 29, 2013, the United States Department of Justice, Office of the Attorney General, ("DOJ") released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears to not differentiate application of the guidance between medical cannabis and recreational marijuana; and

WHEREAS, the extension of interim regulations of six months in duration for establishment of recreational marijuana producers, processors, and retailers will prevent substantial change until the land areas and the text of development standards applicable to recreational marijuana uses is reviewed, and any needed revisions are made to city codes; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all its residents, as well as a compelling interest in ensuring that the goals and policies contained within the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorizes cities to adopt interim zoning ordinances provided the City Council holds a public hearing on the interim zoning ordinance within 60 days of the commencement of the ordinance; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 further authorizes Washington cities to extend interim zoning ordinances for additional periods of up to six months following a public hearing and adoption of findings of fact; and

WHEREAS, pursuant to BCC 22.02.050 and WAC 197-11-800(19), the adoption of this ordinance is exempt from environmental review under the State Environmental Policy Act; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Extension of Interim Zoning Ordinance. Ordinance No. 6133 B-1 is hereby extended for an additional six-month period, unless repealed, extended or modified by the City Council after subsequent public hearing and the entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 2. Section 1.C of Ordinance 6133 B-1 shall be amended as follows:

C. Limitations on Uses. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

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

    a. Elementary or secondary school;
    b. Playgrounds;
    c. Recreation center or facility;
    d. Child care centers;
    e. Public parks;
    f. Public transit centers;
    g. Libraries;
    h. Any game arcade or
    i. Any medical cannabis collective garden.

2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.

3. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30).

4. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.

5. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

Section 3. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Findings of Fact. The findings contained in this ordinance are hereby adopted as findings of facts to justify extending Ordinance No. 6133 B-1 imposing the interim zoning ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in force on April 21, 2014.

Passed by the City Council this 17th day of March, 2014 and signed in authentication of its passage this 14th day of April, 2014.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Lacey Hatch, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

ATTACHMENT C

The Seattle Times

City of Bellevue, City Clerk
Kelly Wilson
PO Box 90012

Bellevue, WA 98009

Re: Advertiser Account # 100791

Ad #: 427923

Agency Account #: 0

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	04/28/14

814994

Agent MAUREEN E DUGGAN Signature Maureen E Duggan

Subscribed and sworn to before me on April 29 2014
DATE

Christina C. McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Christina C. McKenna

CHRISTINA C. MCKENNA
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES

The Seattle Times

Re: Advertiser Account # 100791

Ad #: 427923

Agency Account #: 0

Agency Name:

AD TEXT

CITY OF BELLEVUE
CITY COUNCIL
PUBLIC HEARING NOTICE
Interim Official Controls Regulating Recreational Marijuana Uses
Rules of Procedure are available at the City Clerk's Office

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing during its 6:00 pm Extended Study Session meeting on Monday, May 12, 2014, in the Council Conference Room (1E-113) in Bellevue City Hall, 450 110th Ave NE, Bellevue, to consider amendments to Ordinance No. 6156 requiring recreational marijuana retail outlets be located no closer than 1,000 feet to another recreational marijuana retail outlet. As authorized under the Growth Management Act (GMA), on October 21, 2013, the Bellevue City Council adopted Ordinance No. 6133 B-1 adopting an official interim zoning control regulating the location of recreational marijuana producers, processors, and retailers and providing operation and performance criteria to protect neighborhoods from the impacts related to the operation of recreational marijuana uses. On December 2, 2013 the City Council held a public hearing as required under the GMA, after which the Council affirmed that Ordinance No. 6133 B-1 would remain in effect for an initial period of six months, until April 21, 2014, while the City drafts, considers, holds hearings, and adopts permanent regulations. The GMA allows cities to renew the interim official control for one or more six-month periods if a subsequent public hearing is held. On March 17, 2014, the Bellevue City Council extended the interim control by adopting Ordinance No. 6156, which Council amended by motion and vote to impose the new separation requirement. The purpose of the May 12, 2014 public hearing is to provide an opportunity to take written and oral comments regarding the 1,000 separation requirement between recreational marijuana retail outlets.

Meetings are wheelchair accessible. American Sign Language (ASL) Interpretation is available upon request. Please phone 425-452-7810 or 711 (TDD Relay Service) by 5:00 p.m. on Thursday, May 8 if you require ASL Interpretation services. Assisted Listening Devices are also available upon request.

Comments: Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009, or the Director of the Development Services Department at the same address before the public hearing, or by submitting written comments or making oral comments to the City Council at the hearing. All written comments received by the City Clerk or Director will be transmitted to the City Council no later than the date of the public hearing. Written comments will also be accepted and may be mailed or e-mailed to Catherine Drews, Legal Planner, Development Services Department, City of Bellevue, P. O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to cdrews@bellevuewa.gov. Comments must be received by 5:00 pm. on May 12, 2014.

Applicant Contact: Catherine Drews, City of Bellevue Development Services Department, 425-452-6134.
Questions relating to the public hearing process: Myrna Basich, City Clerk, 425-452-2733.

City Council Extended Study Session Monday, May 12, 2014, Meeting starts at 6:00 PM Bellevue City Hall, Council Conference Room (1E-113), 450 110th Avenue NE, Bellevue, WA. Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.

/s/ Myrna L. Basich, City Clerk
Dated this 28th day of April, 2014.

$149.94

For Seattle Times publication on April 28, 2014

CITY OF BELLEVUE
CITY COUNCIL
PUBLIC HEARING NOTICE
Interim Official Controls Regulating Recreational Marijuana Uses

Rules of Procedure are available at the City Clerk's Office

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing during its 6:00 pm Extended Study Session meeting on **Monday, May 12, 2014,** in the Council Conference Room (1E-113) in Bellevue City Hall, 450 110th Ave NE, Bellevue, to consider amendments to Ordinance No. 6156 requiring recreational marijuana retail outlets be located no closer than 1,000 feet to another recreational marijuana retail outlet. As authorized under the Growth Management Act (GMA), on October 21, 2013, the Bellevue City Council adopted Ordinance No. 6133 B-1 adopting an official interim zoning control regulating the location of recreational marijuana producers, processors, and retailers and providing operation and performance criteria to protect neighborhoods from the impacts related to the operation of recreational marijuana uses. On December 2, 2013 the City Council held a public hearing as required under the GMA, after which the Council affirmed that Ordinance No. 6133 B-1 would remain in effect for an initial period of six months, until April 21, 2014, while the City drafts, considers, holds hearings, and adopts permanent regulations. The GMA allows cities to renew the interim official control for one or more six-month periods if a subsequent public hearing is held. On March 17, 2014, the Bellevue City Council extended the interim control by adopting Ordinance No. 6156, which Council amended by motion and vote to impose the new separation requirement. The purpose of the May 12, 2014 public hearing is to provide an opportunity to take written and oral comments regarding the 1,000 separation requirement between recreational marijuana retail outlets.

Meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone 425-452-7810 or 711 (TDD Relay Service) by 5:00 p.m. on Thursday, May 8 if you require ASL interpretation services. Assisted Listening Devices are also available upon request.

Comments: Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009, or the Director of the Development Services Department at the same address before the public hearing, or by submitting written comments or making oral comments to the City Council at the hearing. All written comments received by the City Clerk or Director will be transmitted to the City Council no later than the date of the public hearing. Written comments will also be accepted and may be mailed or e-mailed to Catherine Drews, Legal Planner, Development Services Department, City of Bellevue, P. O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to cdrews@bellevuewa.gov. Comments must be received by 5:00 pm. on May 12, 2014.

Applicant Contact: Catherine Drews, City of Bellevue Development Services Department, 425-452-6134.
Questions relating to the public hearing process: Myrna Basich, City Clerk, 425-452-2733.

City Council Extended Study Session
Monday, May 12, 2014, Meeting starts at 6:00 PM
Bellevue City Hall, Council Conference Room (1E-113)
450 110th Avenue NE, Bellevue, WA

Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.

Myrna L Basich

Myrna L. Basich, City Clerk

Dated this 22nd day of April, 2014.