

Introduced: 2/20/24
Adopted: 2/20/24

CODE

**CITY OF REDMOND
ORDINANCE NO. 3157**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND ZONING CODE SECTION 21.08.340 HOME BUSINESS, TO PROVIDE CONFORMANCE WITH STATE LEGISLATIVE UPDATES REPLACING THE TERM MARIJUANA WITH THE TERM CANNABIS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on July 6, 2022, the Washington State Liquor and Cannabis Board approved a rule-making order (CR 103) regarding implementation of Second Substitute House Bill 1210 - Replacing "Marijuana" with "Cannabis."; and

WHEREAS, this permanent rulemaking replaces the term "marijuana" with "cannabis" throughout the rules of the Liquor and Cannabis Board in Title 314 of the Washington Administrative Code (WAC); and

WHEREAS, the legislature's intent was to make technical changes to replace the term "marijuana" with "cannabis" throughout the Revised Code of Washington (RCW); and

WHEREAS, the City will amend the Redmond Municipal Code (RMC) for consistency, reflecting the replacement of "marijuana" with the term "cannabis;" and

WHEREAS, state agencies received 60-day notice of the proposed amendments on August 18, 2023; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared, and a Determination of Non-significance was issued on August 1, 2023, for the proposed amendments; and

WHEREAS, the Technical Committee reviewed and approved the proposed amendments and on August 30, 2023, made a recommendation for approval of the amendments to the Planning Commission; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on September 27, 2023, to receive public comment, and held the public hearing open through October 25, 2023, to receive additional written comment; and

WHEREAS, the Planning Commission received testimony from four individuals regarding the proposed amendments and requested resolution of the issues to be reflected in the Commission's issues matrix, approved by the Commission on October 25, 2023; and

WHEREAS, upon completion of the public hearing the Planning Commission issued findings, conclusions, and recommendations in a report to the Redmond City Council dated November 1, 2023; and

WHEREAS, the City Council held public meetings on December 5, 2023; January 16, 2024; January 23, 2024; and February 20, 2024, to consider the proposed amendments and the Planning Commission's recommendation; and

WHEREAS, notice of City Council action on this proposed amendment was provided on January 30, 2024; and

WHEREAS, the City Council desires to adopt the amendments set forth in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Classification. The amendments set forth by this ordinance are of a general and permanent nature and shall become a part of the Redmond Zoning Code.

Section 2. Findings and Conclusions. In support of the proposed amendments to the Redmond Zoning Code, the City Council hereby adopts the findings and conclusions contained in the

Planning Commission Report dated November 1, 2023, including all related attachments and exhibits.

Section 3. Amendments to Redmond Zoning Code (RZC)

Section 21.08.340 Home Business. The provisions of RZC Section 21.08.340, paragraph C. Requirements., subsection 14. Marijuana-related Home Businesses. are hereby amended to read as follows:

RZC 21.08.340 Home Business.

...

C. Requirements. The following standards shall apply to all home businesses. An applicant wishing to apply for a business license for a home business must demonstrate compliance with these standards prior to obtaining a business license.

...

14. [~~MARIJUANA~~] Cannabis-related Home Businesses. No [~~MARIJUANA~~] cannabis production, [~~MARIJUANA~~] cannabis processing or [~~MARIJUANA~~] cannabis retail sales shall be allowed as a home business.

Section 4. Amendments to Redmond Zoning Code (RZC)

Chapter 21.41 Marijuana-Related Uses. The provisions of RZC Chapter 21.41 Marijuana-Related Uses are hereby amended to read as follows:

RZC 21.41 [~~MARIJUANA~~] Cannabis-Related Uses.

21.41.010 Relationship to Federal Law.

The production, processing, and retailing of [~~MARIJUANA~~] cannabis is and remains illegal under federal law. Nothing in this chapter or as provided elsewhere in the RZC or RMC authorizes or permits any person or entity to circumvent or violate federal law.

21.41.020 Collective Gardens.

- A. On May 21, 2015, the Washington State Supreme Court, in Cannabis Action Coalition v. City of Kent, 183 Wn.2d 219 (2015), held that consistent with former RCW 69.51A.140 (Chapter 181, Laws of 2011), cities may adopt zoning regulations regarding collective gardens including regulations which prohibit collective gardens.
- B. During the 2015 Regular Session, the Washington State Legislature passed the Cannabis Patient Protection

Act, 2SSB 5052 (Chapter 70, Laws of 2015) which, among other things, deleted RCW 69.51A.085, which authorizes collective gardens, effective July 1, 2016. Therefore, as of July 1, 2016, the state law authorizing collective gardens will no longer exist.

C. Consistent with state law, collective gardens are not allowed within the city.

21.41.030 State License.

No [MARIJUANA] cannabis processor, [MARIJUANA] cannabis producer, or [MARIJUANA] cannabis retailer shall locate in the city without a valid license issued by the Washington State Liquor and Cannabis Control Board, and must at all times conform with state law and city regulations. In the event any city regulation conflicts with state law or state regulations, the more restrictive provision shall prevail.

21.41.040 Location; Buffers.

A. [MARIJUANA] Cannabis production, [MARIJUANA] cannabis processing, and [MARIJUANA] cannabis retail

uses are allowed uses within the city where in compliance with state law and regulation and this chapter.

B. No [MARIJUANA] cannabis producer or [MARIJUANA] cannabis processor shall locate within 1,000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the following uses in existence at the date of application to the City and as defined in WAC 314-55-010 as of the date of adoption of this chapter:

1. Elementary or secondary school,
2. Playground,
3. Recreation center or facility,
4. Child care center,
5. Public park,
6. Public transit center,
7. Library, or
8. Game arcade.

C. No [MARIJUANA] cannabis retailer shall locate within 1,000 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the following uses in existence at the date of application to the City and as defined in

WAC 314-55-010 as of the date of adoption of this chapter:

1. Elementary or secondary school, or
2. Playground.

D. No [~~MARIJUANA~~] cannabis retailer shall locate within 100 feet, measured in the manner set forth in WAC 314-55-050(10), from any of the following uses in existence at the date of application to the City and as defined in WAC 314-55-010 as of the date of adoption of this chapter:

1. Recreation center or facility,
2. Child care center,
3. Public park,
4. Public transit center,
5. Library, or
6. Game arcade.

21.41.050 Structural Requirements.

All [~~MARIJUANA~~] cannabis processors, [~~MARIJUANA~~] cannabis producers, and [~~MARIJUANA~~] cannabis retailers

must operate in a permanent structure designed to comply with the City Building Code.

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 of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 20th day of February,
2024.

CITY OF REDMOND

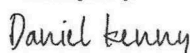

ANGELA BIRNEY, MAYOR

ATTEST:


CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

DocuSigned by:

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DANIEL P. KENNY, CITY ATTORNEY

FILED WITH THE CITY CLERK: February 6, 2024
PASSED BY THE CITY COUNCIL: February 20, 2024
SIGNED BY THE MAYOR: February 23, 2024
PUBLISHED: February 26, 2024
EFFECTIVE DATE: March 2, 2024
ORDINANCE NO. 3157

YES: ANDERSON, FIELDS, FORSYTHE, KRITZER, NUEVACAMINA, SALAHUDDIN,
STUART

NO: NONE