

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Public Hearing - Ordinance repealing Marijuana Prohibitions – Title 20, Chapter 20.04 and Chapter 20.08	Agenda Date: October 19, 2023 AB23-XXX	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev – Mona Davis	
	Finance – May Miller/Xavier Mason	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Scott Hanis	
Cost Impact (see also Fiscal Note):	Court – Tawnya Parks	
Fund Source: --All Funds		
Timeline:		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Staff memo, Planning Commission Recommendation, Map		
SUMMARY STATEMENT: Council directed the Planning Commission to hold one or more public hearings to receive testimony, conduct deliberations, and make recommendations to the Council by October 15 th on five issues outlined in Resolution No. 23-1555 related to the potential of allowing cannabis retail, production, processing, and/or research businesses to be cited in the City limits. The Planning Commission Chair has provided a letter of recommendation dated September 22 nd to the City Council, which is attached in the packet materials.		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Hold a public hearing at the regular Council meeting on October 19, 2023; deliberations and Council action is expected at the November 2, 2023 regular Council meeting.		
RECOMMENDED ACTION: Public Hearing only.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
October 19, 2023		



CITY OF BLACK DIAMOND

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MEMO TO: City Council

FROM: Mona Davis, Community Development Director

DATE: October 4, 2023

SUBJECT: Marijuana regulations and Planning Commission recommendations

Council recently discussed the marijuana regulations and potentially lifting the prohibitions outlined in BDMC Title 20, Chapters 20.04 and 20.08 at a regular Council meeting on July 6th. CM Page presented information around a recent social equity program where the state was looking to issue additional licenses and proposed that Council pass a resolution referring further zoning and land use analysis to the Planning Commission on a relatively short turnaround.

Councilmembers proposed to keep the scope relatively narrow and requested the Planning Commission hold one or more public hearings to receive testimony, conduct deliberations, and make recommendations to the Council by October 15th on five issues outlined in Resolution No. 23-1555 related to the potential of allowing cannabis retail, production, processing, and/or research businesses to be cited in the City limits.

A localized map was prepared to depict buffer requirements from cannabis operations where facilities cannot be within 1,000 feet of schools, playgrounds, childcare centers, public parks, and the library. Additionally, there's a 100-foot buffer depicted around these areas for that visual assistance. State Law requires certain buffer zones and restrictions from various land uses; however, cities can opt to reduce the 1,000-foot buffers down to 100 feet in some cases, except for proximity to schools and playgrounds. Some cities have changed their buffer requirements down to 500 feet (from the 1,000-feet) for proximity to certain land uses like libraries, public parks, and childcare centers. Some have gone down as low as 100' for parks, community centers, libraries, or childcare centers.

The Planning Commissioners reviewed each question outlined in the resolution at the regular August meeting, and then held a public hearing at the September regular meeting to gather public input prior to deliberation. In response to several questions and concerns that were discussed during the August meeting, Commander Martinez (Black Diamond Police Department) provided a brief presentation after the public hearing to help answer the Commissioner's questions. CM Page and CM Douglas also attended the public hearing.

The Planning Commission Chair has provided a letter of recommendation dated September 22nd to the City Council, which is attached in the packet materials.



At the recommendation of the Planning & Community Services Committee, a public hearing will be held at the next regular Council meeting on October 19th with deliberations and action expected at the November 2nd regular Council meeting.

RESOLUTION NO. 23-1555

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, REFERRING ZONING AND LAND USE ANALYSIS FOR POTENTIAL CANNABIS RETAIL, PRODUCTION, PROCESSING, AND RESEARCH SITES TO THE PLANNING COMMISSION.

WHEREAS, the Black Diamond City Council has determined that it should analyze whether it would be in the City's best interest to repeal the prohibition in the Municipal Code on the siting of cannabis businesses within the City; and

WHEREAS, before the Council can make an informed decision on whether to allow cannabis business establishments in the City, it is important to understand the related land use implications—including what zoning districts would be best suited for cannabis businesses, and whether any additional zones should be created where cannabis businesses would be a permitted and/or condition use; and

WHEREAS, the Planning Commission is authorized under the Municipal Code to hold hearings, receive testimony, and make recommendations to the City Council on matters concerning zoning, land use, and development regulations, and other such matters as the City Council may direct from time to time;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby requests that the Planning Commission hold one or more public hearings, receive testimony, conduct deliberations, and make recommendations to the City Council on the following issues related to the potential for allowing cannabis retail, production, processing, and/or research businesses to be sited within the City of Black Diamond:

1. Which of the City's current zoning districts would be best suited for the siting of cannabis retail, production, processing, and/or research uses, either as a permitted or conditional use;
2. Whether any additional zones should be created where cannabis retail, production, processing, and/or research would be a permitted and/or conditional use;
3. Whether any additional review criteria should be adopted by ordinance and applied by City Staff when considering cannabis retail, production, processing, and/or research as a conditional use within a specified zone; and
4. Whether the buffers established in state law regarding placement of cannabis-related businesses near certain other types of establishments should be reduced or expanded.

5. Such other and related land-use issues as the Community Development Director finds would be helpful to the City Council in analyzing the foregoing issues and the potential siting of cannabis retail, producing, processing, and/or research businesses in the City.

Section 2. The City Council asks that the Planning Commission complete its analysis of the above issues and report back to Council with its recommendations no later than October 15, 2023.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6TH DAY OF JULY, 2023.**

CITY OF BLACK DIAMOND



Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk



City of Black Diamond **PLANNING COMMISSION**

September 22, 2023

Mayor Carol Benson,
Councilmember Tamie Deady,
Councilmember Brad Douglass,
Councilmember Therron Smith,
Councilmember Leih Mulvihill,
Councilmember Kristina de Leon,
Councilmember Nathan Jones,
Councilmember Debbie Page

RE: Resolution No. 23-1555

Dear Mayor and Council,

On behalf of the Black Diamond Planning Commission, I am submitting our recommendations for Resolution No. 23-1555. The Planning Commission was asked to review the marijuana prohibitions outlined in Title 20 of the Black Diamond Municipal Code regulations. The City Council proposed to keep the scope relatively narrow and to focus on five issues outlined in Resolution No. 23-1555 related to the potential of allowing cannabis retail, production, processing, and/or research businesses to be cited in the City limits.

At the August 8th Planning Commission meeting Director Davis reported that the City Council had asked the Planning Commission to review the Marijuana Regulations and to bring back a recommendation at the October City Council meeting. At his meeting Director Davis gave an extensive background summary and provided documents relating to the current zoning map and information regarding setbacks.

The Planning Commission held a Public Hearing on September 12, 2023, to hear testimony and gather public input on the items that were submitted. This meeting was attended by six of the seven members of the Planning Commission. At this meeting there was no public comments regarding the topic. After the public hearing, the Planning Commission deliberated on the five issues outlined in Resolution No. 23-1555.

COMMISSIONERS

John Olson	Chair
Carol Morgan	V. Chair
Kelley Sauskojus	POSN 1
Steve Jensen	POSN 2
Knut Syverson	POSN 3
Pam McCain	POSN 4
Darcey Petersen	POSN 5



City of Black Diamond **PLANNING COMMISSION**

Item #1

Which of the City's current zoning districts would be best suited for the siting of cannabis retail, production, processing, and/or research uses, either as a permitted or conditional use.

The Planning Commission recommends that cannabis retail be restricted to Community Commercial and Neighborhood Commercial. The production/processing/research aspect to be restricted to Business Industrial and Industrial.

Item #2

Whether any additional zones should be created where cannabis retail, production, processing, and/or research would be a permitted and/or conditional use.

The Planning Commission does not recommend additional zones to be created at this time.

Item #3

Whether any additional review criteria should be adopted by ordinance and applied by City Staff when considering cannabis retail, production, processing, and/or research as a conditional use within a specified zone.

The Planning Commission recommends additional review criteria to be included such as lighting, indoor and outdoor employee safety, indoor and outdoor security, looking at the maximum amount of cash which can be onsite, and working with an on-site security company to provide an assessment before any operations could take place

Item #4

Whether the buffers established in state law regarding placement of cannabis-related business near certain other types of establishments should be reduced or expanded.

The Planning Commission recommends keeping the 1,000' buffer on all zones and requiring a conditional use permit to reduce the buffer below 1000' feet.

Item #5

Such other and related land-use issues as the Community Development Director finds would be helpful to the City Council in analyzing the foregoing issues and the potential siting of cannabis retail, producing, processing, and/or research businesses in the City.

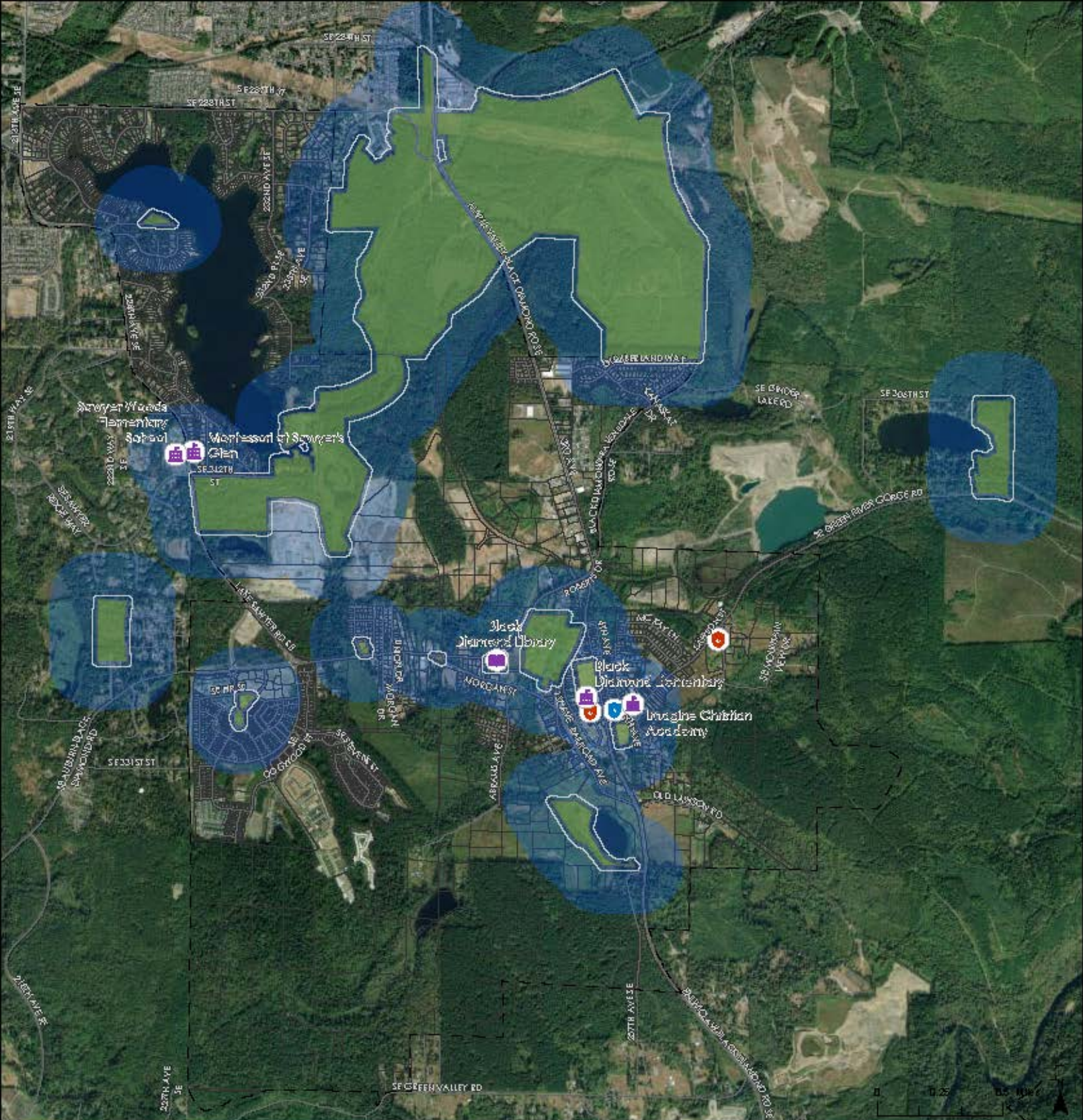
The Planning Commission recommends authorizing the Community Development Director to make decisions on such other and related land-use issues that they find would be helpful to the City Council in analyzing the foregoing issues and the potential siting of cannabis retail, producing, processing, and/or research businesses in the City.

Based on the presentation and information provided by City staff, public comments, and the Commissions deliberations, the Planning Commission officially recommends and transmits the recommendations regarding Resolution No. 23-1555.

Sincerely,

A handwritten signature in black ink, appearing to read "JOHN OLSON".

John Olson
Chair
Black Diamond Planning Commission



Cannabis Restricted Entities in Black Diamond



Per RCW 69.50.331(8), the Washington State Liquor and Cannabis Board shall not issue a new cannabis license if the proposed licensed building is within one thousand feet of the following entities: Elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, game arcade (where admission is not restricted to persons age twenty-one or older). The distance will be measured as the shortest straight line between the property line of the potential location to the property line of the grounds of the restricted entity.

Recent legislation allows local governments to reduce the 1,000 foot buffer to 100 feet around all entities except elementary and secondary schools.

Cannabis Restricted Entities

-  Library
-  School
-  Park

Public Safety Buildings

-  Police Station
-  Fire Station

City Limits

-  Tax Parcel
-  100 Foot Buffer
-  1,000 Foot Buffer

