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| STAFF REPORT 2016 LIMITED CODE AMENDMENTS |
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TO: City of Wenatchee Planning Commission
FROM: City of Wenatchee Community and Economic Development Staff
DATE: November 16, 2016

I. REQUESTED ACTION

Adoption of amendments to the Wenatchee City Code (WCC) Title 10 – Zoning
Requested actions include:

- A. Amendments to WCC Chapter 10.48 General Regulations adding a new Section numbered 10.48.290; entitled 'Medical Cannabis'. The General Regulations for Medical Cannabis will prohibit cooperatives in all zoning districts and allow Individual growing, up to a maximum of 15 plants per dwelling unit, indoors.
- B. Addition to the WCC 10.10.020 District Use Chart for Medical Marijuana Cooperative; prohibiting in all zoning districts.

II. ENVIRONMENTAL REVIEW

The City of Wenatchee determined the proposed amendments to the Wenatchee City Code will not have probable significant adverse impacts on the environment and issued a determination of non-significance (DNS) on October 27, 2016 with a public comment period through November 15, 2016.

Notice of the DNS was received by the Department of Ecology on October 27, 2016 and published in the Wenatchee World on November 2, 2016.

III. PUBLIC PROCESS

- The Wenatchee Planning Commission conducted a public workshop to discuss the draft amendments for Medical Cannabis on October 19, 2016.
- The Wenatchee City Council conducted a public workshop to discuss the draft amendments for Medical Cannabis on October 20, 2016.
- The proposed amendments, SEPA checklist and DNS have been posted on the City of Wenatchee website during the public comment and environmental review periods.
- The City of Wenatchee requested expedited review from the Washington State Department of Commerce on October 31, 2016.
- On November 16, 2016, the City of Wenatchee Planning Commission conducted an advertised public hearing on the proposed amendments.

IV. AGENCY AND PUBLIC COMMENTS:

No public comments have been received at this time.

V. PROJECT ANALYSIS

An analysis, summary and recommendations for the proposed zoning code amendment are provided in the suggested findings of fact and conclusions of law below. Please refer to Exhibit I for the complete text of the proposed amendment. ~~Suggested findings of fact and conclusions of law are included at the end of the staff report applicable to the proposals.~~

Staff recommends **approval** of the proposed amendment to WCC Section 10.48 General Regulations and 10.10.020 District Use Chart based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Suggested Findings of Fact:

1. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
2. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
3. The City of Wenatchee Planning Commission held a public workshop on the proposed amendments on October 16, 2016.
4. Copies of the SEPA checklist and determination of non-significance (DNS) were sent to the Department of Ecology SEPA Register on October 27, 2016
5. Notice of the Planning Commission Public Hearing, DNS, and request for comments were published in the Wenatchee World on November 2, 2016.
6. The City of Wenatchee requested expedited review from the Washington State Department of Commerce on October 31, 2016.
7. On November 16, 2016, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
8. The City of Wenatchee Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
9. RCW 69.51A.250(3)(c) authorizes jurisdictions to prohibit medical marijuana cooperatives through zoning.

10. WAC 314-55-410(1)(k) requires outdoor Cooperatives to be secured by a wall or fence at least eight feet in height and conflicts with WCC 10.48.180 that allows a maximum fence height of six feet within residential and mixed use zoning districts.
11. RCW 69.51A.210 and 69.51A.260 allows qualified patients or designated providers to grow medical marijuana plants in tiered quantities, up to a maximum of fifteen plants in his or her domicile.
12. Outdoor growing of medical marijuana has the potential to negatively impact residential neighborhoods from odor and instances of criminal trespass.
13. RCW 69.51A.260(2) states storage or growing of plants may not occur if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.
14. Prohibiting individual growing of medical marijuana outdoors is in harmony with RCW 69.51A.260(2).
15. Access to medical marijuana is available within the Wenatchee area through multiple medically endorsed retail establishments.
- 9.16. Prohibiting outdoor growing of medical marijuana is consistent with the city's prohibition of outdoor commercial marijuana production in all zoning districts.

Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.

Respectfully Submitted,

John Ajax
Senior Planner

EXHIBIT 'I'

General Regulations

10.48.290 – Medical Cannabis

The following regulations shall apply to all zoning districts and overlays.

~~1. The city adopts the definitions found within RCW 69.51A, as now exist or as hereafter amended, by reference, as supplemental and applicable to this section.~~

~~2.1.~~ 2.1. Medical Marijuana Cooperative, RCW 69.51A.250 – prohibited in all zoning districts.

~~3.2.~~ 3.2. Individual Medical Marijuana Growing: Qualifying patients or designated providers may grow up to the amounts authorized in RCW 69.51A.210; provided, no more than fifteen (15) plants may be grown or located inside any one housing unit, even if multiple qualifying patients or designated providers reside in the same housing unit. Outdoor growing shall be prohibited.

10.10.020 District Use Chart

| P = Permitted use P ₁ = Permitted, not to occupy grade level commercial street frontage AU = Accessory use C = Conditional use C ₁ = Permitted, not to occupy grade level commercial street frontage ~ = Prohibited use M = Permitted use in a corridor mixed use project within the MRC overlay | | | | | | | | | | | | | | | | | | |
|--|----------------------|---------------|----|---|---------------------|-----|-----|-----------------------|----|----|----|----|---------------|-----|-----|----|----|-----|
| Uses | Commercial Districts | | | | Mixed Use Districts | | | Residential Districts | | | | | Overlay Zones | | | | | |
| | CBD | NWBD/S WBD | CN | I | WMU | OMU | RMU | RF | RS | RL | RM | RH | HEO | CSO | MRC | IO | PO | RRO |
| Other Uses | | | | | | | | | | | | | | | | | | |
| Medical Marijuana Cooperative (RCW 69.51A.250) | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ | ~ |

DRAFT 11/10/16