



**CITY OF BLACK DIAMOND
PLANNING COMMISSION AGENDA
SPECIAL MEETING
AUGUST 20, 2024**

Council Chambers, 25510 Lawson St., Black Diamond

THIS IS OFFERED AS A HYBRID MEETING AND MAY BE ATTENDED IN PERSON AT THE ABOVE NOTED ADDRESS OR BY JOINING VIRTUAL/TELEPHONICALLY. CALL IN AND JOINING INFORMATION FOLLOWS:

Zoom link to join meeting:

<https://zoom.us/j/4254157187?pwd=RE9OV0VoU1RFc3psSHdjem9mMk9hdz09>

Meeting ID: 425 415 7187

Password: PC

Telephone dial in options:

+1 206 337 9723 US (Seattle)

+1 253 215 8782 US (Tacoma)

Meeting ID: 425 415 7187

Password: 941820

6:00 P.M. - CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

PUBLIC COMMENTS: Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

UNFINISHED BUSINESS:

- 1) Draft Marijuana Regulations

PUBLIC COMMENTS:

ADJOURNMENT:



CITY OF BLACK DIAMOND

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MEMO TO: Planning Commissioners
FROM: Mona Davis, Community Development Director
DATE: August 13, 2024
SUBJECT: Marijuana – Proposed Code Amendment

I appreciate the Commissioners holding a special meeting this month on August 20th to review the draft Marijuana regulations ahead of scheduling a public hearing in September.

To provide a brief recap, Council began discussions on 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 6, 2023. 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 15, 2023 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 sited 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, a 100-foot buffer was depicted around these areas for discussion purposes. 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 (i.e., near parks, community centers, libraries, childcare centers), except for proximity to schools and playgrounds.

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.



The Planning Commission Chair provided a letter of recommendation on September 22, 2023 to the Council, which was provided at the October 19, 2023 council meeting. A public hearing was held on October 19th with deliberations and possible action conducted at the November 2nd Council meeting. Ordinance 23-1198 was adopted on December 4, 2023 to repeal Chapters 20.04 and 20.08 of the BDMC regarding marijuana prohibitions effective January 1, 2025.

Staff have provided draft marijuana regulations in your packet for the August 20, 2024 special meeting and anticipate a public hearing on September 10, 2024 with a recommendation to Council by September 24, 2024.

We have incorporated the following recommendations identified by Planning Commission:

- Updated zoning matrix and applicable zoning chapters
- Updated Permitted uses with 1,000-foot buffers and designated CUP for less than 1,000-foot buffers
- Referenced additional security measures outlined in WAC 314-55-083
- Referenced needed submittal checklists to address security and siting requirements as part of land use and building permit reviews

At this meeting, staff will be seeking additional feedback on the size limitations of retail buildings within Neighborhood Center and whether the City should limit the size of production facilities based on the three Tiers in the draft code language.

Staff look forward to further discussion with you on August 20th at the next special meeting.

Chapter 18.20 Zoning Use Matrix

18.20.010 Zoning use matrix.

- A. The zoning use matrix below combines the uses permitted in all zones within the city. For further information on each zone, see the zone-specific chapters in Chapters 18.30—18.44.
- B. The table lists the zones in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted.
- C. If the letter "P" appears in the box, the use is permitted outright subject to the provisions of this title. If the letter "C" appears in the box, the use is conditional and is only allowed with a conditional use permit. If the box contains a number, the corresponding footnote further specifies the conditions applicable to the use in the zone.

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Accessory uses per BDMC 18.50	P	P	P	P	P		P	P	P
Adult oriented business per BDMC 18.60							C	C	
Agricultural stands for sales of produce/ plants grown onsite	P	P							
Agricultural uses	p ¹³	p ¹³							
Any expansion of light manufacturing spaces that existed before 6/27/2009				C					
Automobile fueling stations				C	P				
Automobile wrecking yards								C	
Bed and breakfasts	C	C	C	C					
Business support services							p ¹⁵	p ¹⁶	
Childcare, including nursery schools and day care centers	p ¹² / C ¹⁰	p ¹² / C ¹⁰	p ¹² / C ¹⁰			C	P		
Drive through facilities				C	P				
Entertainment/ cultural facilities				p ⁹	P	P	C		
Essential public facilities				C	C		C	C	C
General office				p ⁸		P	p ¹⁸	p ¹⁷	
Group Homes			C						
Heavy Industry								P	
Home Occupations per BDMC 18.54	P	P	P						

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Hotels/motels/ visitor lodging					P				
Hybrid wholesale/ retail establishments					C				
Light manufacturing							p ^{1, 19}	P	
Major institutions					C	C	C	C	C
<u>Marijuana processing and/or production facilities per BDMC 18.62</u>							<u>p²¹/</u> <u>C²²</u>	<u>p²¹/</u> <u>C²²</u>	
<u>Marijuana research</u>							<u>P</u>	<u>P</u>	
<u>Marijuana retail establishments per BDMC 18.62</u>				<u>p²¹/</u> <u>C²²</u>	<u>p²¹/</u> <u>C²²</u>		P	P	
Mini storage facilities					C				
Office activities							p ¹		
Other or related uses									P
Parking structures (not associated with primary use)						C	C		
Parks							C		P
Personal and professional services				p ⁷	P	P			
Pet daycare					P				
Pet stores				p ²⁰					
Private clubs, fraternal lodges and similar						C			
Private schools, K-12	C	C	C				P	P	
Public uses/facilities	C	C	C	C	P	P ² /C	C	P	P
Religious Institutions	C ¹¹	C ¹¹	C ¹¹	C	P	C	C		
Research and development							p ¹	P	
Residential									
Accessory dwelling units per BDMC 18.56	P	P	P						
Caretakers quarters									P
Cottage housing			P						
Duplexes	C ¹⁴	C ¹⁴							
Elderly housing			C						
Manufacture home park			C						
Manufactured housing per BDMC 18.90	P	P	P						
Mixed use				p ⁴	p ⁵	p ⁵			
Multi-family up to 6 units			P						
Single family structures	P	P	P						

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Senior housing			C	C		C			
Retail				p ⁶	p ³	P			
Technology, biotechnology, and medical equipment							P		
Temporary uses per BDMC 18.52	P	P	P	P	P		P	P	P
Utilities, above ground	C	C	C	C	C	C	C	P	C
Utilities, below ground	P	P	P	P	P	P	P	P	P
Veterinary clinics				p ²⁰	P				
Warehousing / distribution								P	
Wholesaling							P	P	

- ¹ That do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution.
- ² Permitted limited to general administrative offices, otherwise a conditional use.
- ³ Including uses involving outdoor product display or storage.
- ⁴ In attached structures if included as an element of mixed-use site development or on upper floors of a mixed-use structure.
- ⁵ Either in separate buildings or on the upper floors of a mixed-use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- ⁶ Supermarket and grocery stores limited to forty thousand square feet, typical neighborhood retail uses limited to ten thousand square feet per individual use and one building not to exceed one hundred thousand square feet excludes drive throughs and gas stations.
- ⁷ Personal services provided primarily to neighborhood residents limited to four thousand square feet per business.
- ⁸ Limited to four thousand square feet per business and excluding drive throughs.
- ⁹ Limited to five thousand square feet or capacity of not more than 100 patrons per business, whichever is greater and excluding drive-throughs.
- ¹⁰ For more than twelve children.
- ¹¹ Not to exceed ten thousand square feet.
- ¹² Up to twelve children.
- ¹³ Including farms, nurseries, and community gardens/ pea patches. Greenhouses, storage sheds, and similar buildings accessory to such uses are also permitted.
- ¹⁴ Provided the minimum lot size is 1.5 times that required for a single-family structure; only one duplex shall be permitted per lot; the lot shall not be within three hundred feet of any other lot containing a duplex or multi-family structures or constitute more than ten percent of the dwelling units in a single block; subject to design standards.

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- ¹⁵ Such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent of the total project gross floor area and a five thousand square feet maximum for any individual use.
- ¹⁶ Including eating establishments primarily serving the immediate work force. The total gross floor area of such uses is not to exceed twenty percent of the total district area and a five thousand square feet maximum for any individual use.
- ¹⁷ Associated with primary manufacturing use.
- ¹⁸ Including call centers and other customer service communication centers.
- ¹⁹ Provided all production and storage activity is conducted indoors.
- ²⁰ No boarding of dogs or outdoor kennels allowed.
- ²¹ With one-thousand-foot buffer as provided in Chapter 18.62.
- ²² With buffer reduction as provided in Chapter 18.62.

Chapter 18.36 NEIGHBORHOOD CENTER—NC

18.36.020 Permitted uses.

A. Retail. Only the following uses are allowed:

1. Supermarket and grocery stores: Limited to not more than forty thousand square feet gross floor area.

2. Marijuana retail establishments with one-thousand-foot buffer as provided in Chapter 18.62: Limited to not more than ten thousand square feet.

~~2-3.~~ All other typical neighborhood retail uses: Limited to not more than ten thousand square feet gross area for each individual use, whether in a separate building or combined with other uses in one building, not to exceed one hundred thousand square feet gross floor area in total; and excluding drive-through facilities and automobile fueling stations.

- B.** Personal services provided primarily to neighborhood residents: Limited to not more than four thousand square feet gross floor area per business.
- C.** General offices: Limited to not more than four thousand square feet gross floor area per business and excluding drive-through facilities.
- D.** Entertainment/culture: Limited to not more than five thousand square feet gross floor area or capacity of not more than one hundred patrons per business, whichever is greater, and excluding drive-through facilities.
- E.** Residential uses in attached structures if included as an element of mixed use site development or on upper floors of a mixed use structure.
- F.** Utilities, below ground.
- G.** Existing light manufacturing uses, provided no expansion is allowed.
- H.** Veterinary clinics and pet stores; no boarding of dogs or outdoor kennels allowed.
- I.** Other or Related Uses:

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1. Accessory uses and structures as provided in Chapter 18.50.
 2. Temporary uses as provided in Chapter 18.52.

18.36.030 Conditional uses.

The following uses may be allowed by Conditional Use Permit in accordance with BDMC Chapters 18.08 and 18.12:

- A. Bed and breakfasts;
- B. Religious institutions;
- C. Drive-through facilities, maximum one per property;
- D. Essential public facilities;
- E. Utilities, aboveground;
- F. Public uses/facilities;
- G. Senior housing;
- H. Automobile fueling stations; ~~and~~
- I. Any expansion of the space, volume or facilities of any light manufacturing use that existed before June 27, 2009. ~~Any, provided that any~~ such expansion must be contained within the same lot as the existing use; ~~and~~
- J. Marijuana retail establishments with buffer reduction as provided in Chapter 18.62.

Chapter 18.38 COMMUNITY COMMERCIAL DISTRICT—CC

18.38.020 Permitted uses.

- A. Retail, including automobile fueling stations ~~and~~, uses involving outdoor product display or storage, and marijuana retail establishments with one-thousand-foot buffer as provided in Chapter 18.62.
- B. Personal and professional services.
- C. Entertainment/cultural.
- D. Religious institutions.
- E. Drive through facilities, including automobile fueling stations.
- F. Hotels, motels, and other visitor lodging.
- G. Residential, if developed as an element of mixed use site development, either in separate buildings or on the upper floors of a mixed use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- H. Veterinary clinics and pet daycare.
- I. Public uses/facilities.
- J. Utilities, below ground.
- K. Other or related uses:
 1. Accessory uses and structures as provided Chapter 18.50; and

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2. Temporary uses as provided in Chapter 18.52.

18.38.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.38.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Major institutions;
- B. Essential public facilities;
- C. Utilities, aboveground;
- D. Hybrid wholesale/retail establishments;~~and~~
- E. Mini storage facilities;~~;~~ and
- F. Marijuana retail establishments with buffer reduction as provided in Chapter 18.62.

Chapter 18.42 BUSINESS/INDUSTRIAL PARK—B/IP

18.42.020 Permitted uses.

- A. Office, research and technology and light manufacturing activities that do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution;
- B. General office, including call centers and other customer service communication centers;
- C. Research and development;
- D. Technology, biotechnology and medical equipment;
- E. Light manufacturing, providing all production and storage activity is conducted indoors;
- F. Wholesaling;
- G. Business support services, such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent of the total project gross floor area and a five thousand gross square feet maximum for any individual use;
- H. Child care, including nursery schools and day care centers, when integrated within a development;
- I. Utilities, below ground;
- J. Private schools;~~and~~
- K. Marijuana processing and/or production facilities with one-thousand-foot buffer as provided in Chapter 18.62;
- L. Marijuana research authorized by RCW 69.50.372; and

~~K-M.~~ Other uses:

1. Accessory uses as provided in Chapter 18.50.
2. Temporary uses as provided in Chapter 18.52.

18.42.030 Conditional uses.

The following uses may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Religious institutions;
- C. Essential public facilities including secure community transition facilities;
- D. Major institutions;
- E. Parks and open space whether public and private;
- F. Public uses/facilities;
- G. Utilities, aboveground;
- H. Entertainment/culture facilities;
- I. Parking structures not associated with a primary, permitted use-; and
- J. Marijuana processing and/or production facilities with buffer reduction as provided in Chapter 18.62.

Chapter 18.44 INDUSTRIAL DISTRICT—I

18.44.020 Permitted uses.

- A. Heavy industry.
- B. Light manufacturing.
- C. Research and development.
- D. General office associated with a primary manufacturing use.
- E. Wholesaling.
- F. Warehousing and distribution.
- G. Business support services including eating establishments primarily serving the immediate work force; the total gross floor area of such uses shall not exceed twenty percent of the total district area and a five thousand gross square feet maximum area for any individual use.
- H. Utilities.
- I. Public uses/facilities.
- J. Private schools.
- K. Marijuana processing and/or production facilities with one-thousand-foot buffer as provided in Chapter 18.62.
- L. Marijuana research authorized by RCW 69.50.372.
- ~~K-M.~~ Other uses:
 - 1. Accessory uses as provided in Chapter 18.50; and
 - 2. Temporary uses as provided in Chapter 18.52.

18.44.030 Conditional uses.

The following uses may be allowed by conditional use permit in accordance with the requirements of Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Major institution;
- C. Essential public facilities;
- D. Automobile wrecking yards; and
- E. Marijuana processing and/or production facilities with buffer reduction as provided in Chapter 18.62.

Chapter 18.62 MARIJUANA REGULATIONS

18.62.010 Findings and Purpose.

- A. The purpose of this Chapter is to establish where recreational marijuana producers, processors, and retail establishments may locate in the City, and to describe the restrictions upon such uses. In addition to compliance with this Chapter, every recreational marijuana processor, producer, and retailer shall obtain a City business license under Chapter 2.58 of the Black Diamond Municipal Code.
- B. No part of this Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state statutory or common law prohibiting or otherwise regulating the acquisition, possession, manufacture, sale, or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. This Chapter's intention is to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

18.62.020 Location Criteria for Recreational Marijuana Uses.

- A. No recreational marijuana producer, processor, or retail establishment may locate within one thousand feet of any of the following:
 - 1. Elementary or secondary school;
 - 2. Playground;
 - 3. Recreation center or facility;
 - 4. Child care center;
 - 5. Early Learning and Development Program;
 - 6. Public park;
 - 7. Public transit center;
 - 8. Library; or

9. Any game arcade (where admission is not restricted to persons twenty-one years of age or older).

B. The one-thousand-foot distance between a marijuana producer, processor, or retail establishment described above may be reduced to no lower than one hundred feet by obtaining a Conditional Use Permit, except that the distance between elementary and secondary schools and playgrounds shall remain one thousand feet.

C. The distances described above shall be computed by direct measurement as stated in WAC 314-55-050(10) as follows:

The distance shall be measured as the shortest straight-line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to persons age twenty-one years of age and older.

D. No recreational marijuana producer, processor, or retailer may locate within any residential or residential/commercial mixed-use building in the City. This includes home occupations.

18.62.030 Performance Standards

A. All performance standards of licensed premises shall comply with the requirements of WAC 314-55-075, WAC 314-55-077, and WAC 314-55-079 (and all applicable rules and regulations promulgated thereunder).

B. Producers and production facilities.

1. A marijuana producer license allows the licensee to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

2. The maximum amount of space for marijuana production is limited to two million square feet state-wide. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

a. Tier 1 - Less than two thousand square feet;

b. Tier 2 – Two thousand square feet to 9,999 square feet; and

c. Tier 3 – Ten thousand square feet to thirty thousand square feet. (Tier 3 production premises are prohibited in Black Diamond pursuant to this chapter).

3. Outdoor production shall not be allowed in an open or cleared ground or field; rather outdoor production shall be fully enclosed in a non-rigid greenhouse or other structure.

4. Outdoor producers must meet the security requirements described in WAC 314-55-083, which shall be confirmed for compliance by the City prior to issuance of a business licenses.

C. Processors and processing facilities.

1. A marijuana processor license allows the licensee to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. A marijuana processor is allowed to blend tested usable marijuana from multiple lots into a single

package for sale to a marijuana retail licensee providing the label requirements for each lot uses in the blend are met and the percentage by weight if each lot is also included on the label.

2. A processor shall meet the requirements as set forth in WAC 314.55.077.

3. A processor building footprint shall not exceed ten thousand square feet in size and all activities of said use shall be conducted indoors.

D. Retailers and retail establishments.

1. A marijuana retailer license allows the licensee to sell only usable marijuana, marijuana-infused products, and marijuana paraphernalia in retail establishments to persons twenty-one years of age and older.

2. Marijuana extracts, such as hash, hash oil, shatter, and wax can be infused in products sold in a marijuana retail establishment, but RCW 69.50.354 does not allow the sale of extracts that are not infused in products. A marijuana extract does not meet the definition of a marijuana-infused product per RCW 69.50.101.

3. Internet sales and delivery of product is prohibited.

4. No sampling or consuming of marijuana, marijuana-infused products, or marijuana paraphernalia shall occur on premises of licensed retail establishments.

18.62.040 Business License Required.

A. A valid, current license is required from the Washington State Liquor Control Board for operation of any recreational marijuana producer, processor, or retail establishment.

B. A business license is required from the City for operation of any recreational marijuana producer, processor, or retail establishment.

18.62.050 Signs and Advertising.

All signage and advertising for a recreational marijuana producer, processor, or retail establishment shall comply with all applicable provisions of the Black Diamond Municipal Code and WAC 314-55-155 (and all applicable rules and regulations promulgated thereunder).

18.62.060 Security Requirements.

A. Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules and regulations promulgated thereunder).

B. The City may require producers, processors, or retail establishments to install additional security features, including but not limited to security gates over windows and/or doors, bollards, and additional site lighting to deter criminal activity. This will be evaluated at site plan review and/or building permit review.

18.62.070 No City Liability - Indemnification.

A. By accepting a permit issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a permit issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana business that is the subject of the license.

18.62.080 Adoption by Reference.

The City hereby adopts WAC 314-55 by reference, as well as RCW 69.50.101.

18.62.090 Definitions.

A. The City adopts the definitions in WAC 314-55-010 and RCW 69.50.101, except the following may be used interchangeably:

1. "Cannabis" and "marijuana;" and
2. "Retail outlet" and "retail establishment."

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

ORDINANCE NO. 23-1198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REPEALING CHAPTERS 20.04 AND 20.08 OF THE BLACK DIAMOND MUNICIPAL CODE REGARDING MARIJUANA PROHIBITIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2015, pursuant to Ordinance No. 1047, the City Council adopted Chapter 20.08 of the Black Diamond Municipal Code (BDMC), which, among other things, prohibited the ownership, operation, or siting of any business within the City of Black Diamond that produces, processes, or sells recreational marijuana; the use of any land or structure in the City of Black Diamond to cultivate marijuana; and the leasing or rental of any premises for marijuana retail, processing, or production operations; and further prohibited the City from issuing any business licenses for recreational marijuana businesses; and

WHEREAS, in 2015, pursuant to Ordinance No. 1048, the City Council adopted Chapter 20.04 of the BDMC, which, among other things, prohibited medical marijuana dispensaries and collective gardens within the City of Black Diamond, as well as the lease or rental of any premises to be used for a medical marijuana dispensary or collective garden in the City of Black Diamond; and

WHEREAS, upon review of the experiences of other municipalities in the region who have allowed the siting and operation of cannabis retail businesses within their jurisdictions, the City Council has concluded that the prohibition on the siting and operation of retail cannabis businesses in Black Diamond should be lifted; and

WHEREAS, the City Council's consideration of whether to lift the prohibition on retail cannabis businesses in Black Diamond reflects, in part, the Council's objectives of increasing sales tax collections and other potential cannabis-related revenue sources available to the City, as well as creating local jobs and employment opportunities; and

WHEREAS, the City Council desires to ensure that the potential siting and operation of cannabis-related businesses in the City will be subject to thoughtful and well-planned regulations, which may require the City to adopt updated zoning, licensing, and public safety measures; and

WHEREAS, the City Council recognizes that the City's Comprehensive Plan and development regulations are currently under review as part of the major periodic update that is required to be completed by the end of 2024, and this ongoing review of land use, economic development, and other policies and regulations would be an opportune time

to analyze and incorporate potential updates to govern cannabis businesses that may in the future be located within Black Diamond; and

WHEREAS, the City Council is mindful of public concerns about the risk of exposing minors to cannabis-related products, which under state law are lawful only for adult consumption, and further desires to support drug education and addiction-prevention efforts in the local community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 20.04 BDMC Repealed. Chapter 20.04 of the Black Diamond Municipal Code, Medical Marijuana Prohibited, as adopted by Ordinance No. 1048, is hereby repealed in its entirety, effective as of the date set forth in Section 5, below.

Section 2. Chapter 20.08 BDMC Repealed. Chapter 20.08 of the Black Diamond Municipal Code, Prohibition on Recreational Marijuana, as adopted by Ordinance No. 1047, is hereby repealed in its entirety, effective as of the date set forth in Section 5, below.

Section 3. Use of Cannabis-Related Tax Revenue for Drug Education. The City Council hereby declares its intent that a portion of any tax revenues derived by the City from businesses or transactions regulated by the Liquor and Cannabis Board shall be appropriated to support drug education and addiction-prevention programs in local schools and/or other local or regional organizations promoting awareness, education, and addiction-prevention, rehabilitation, and recovery efforts.

Section 4. Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is declared unconstitutional or otherwise invalid for any reason, or if any portion of this Ordinance is pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force at 12:01 a.m. on January 1, 2025.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A SPECIAL MEETING THEREOF ON THE 4TH DAY OF DECEMBER, 2023.

CITY OF BLACK DIAMOND



Carol Benson, Mayor

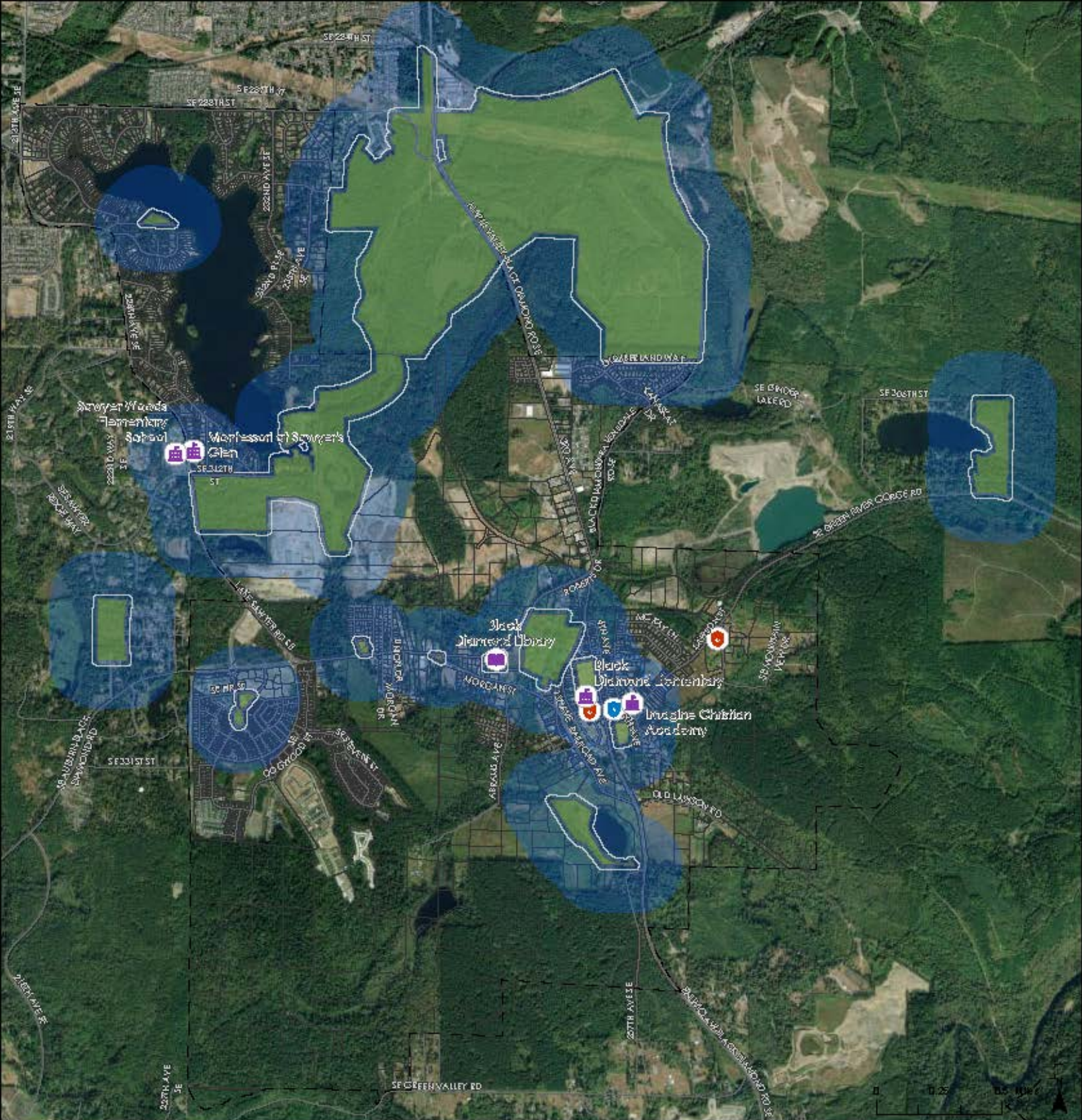
Attest:


Brenda L. Martinez, City Clerk

Approved as to form:

David Linehan, City Attorney

Filed with the City Clerk: 12/5/23
Passed by the City Council: 12/4/23
Ordinance No. 23-1198
Date of Publication: 12/13/23
Effective Date: January 1, 2025



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

