TO: Planning Commission
FROM: Ben Shumaker, Planning Director
DATE: December 11th, 2017
SUBJECT: Marijuana-Related Businesses

Introduction
This memo introduces the citizen-requested reduction of buffers separating marijuana-related businesses from sensitive and/or child-intensive land uses. The Planning Commission is asked to take the lead on this issue as similar to other land use issues, however, a Planning Commission recommendation is not required in order for the City Council to enact this change.

Background
Currently, the state will not issue a license for a marijuana-related business for any proposal that is within 1,000’ of a school, playground, recreation center of facility, child care center, public park, public transit center, library, or game arcade where minors are allowed. See Attachment 2 for a discussion of such facilities in Stevenson and Attachment 3 for a map of likely buffer areas.

The existing 1,000’ buffer was required by the state law adopted through Initiative 502 which took effect in 2013. In 2015, the state legislature began allowing municipalities to relax that law. The City may reduce the buffer under RCW 69.50.331(8) from 1,000’ to 100’ for all uses except schools and playgrounds.

Requested Action
The City is being asked to act on its new authority and reduce the buffer by 60% from 1,000’ to 400’ (Attachment 1). The Planning Commission’s guidance on this issue will assist the City Council, should they seek to allow the smaller buffers. Attachment 4 has been prepared based on the City of Shelton’s regulation, and is drafted to 1) maintain the 1,000’ buffer where required, 2) reduce the buffer to 400’ where allowed, and 3) require odor controlling ventilation marijuana production and processing facilities.

Discussion and Decisions
Staff welcomes all comments from the Planning Commission on this issue. Any direction developed will be forwarded to the City Council for their consideration.

Prepared by,

Ben Shumaker

Attachments
1. Citizen Request
2. 2013 Staff Memo RE: Areas Protected under 1-502
3. 2013 Map of Likely Protected Areas
4. Draft Regulatory Text (SMC 5.25)
Monday, November 13, 2017

CITY OF STEVENSON PLANNING COMMITTEE:

RE: Request to reduce the Marijuana License Buffer Zone to 400 feet.

I am asking to the City of Stevenson to consider reducing the buffer zone from 1,000 feet to 400 feet to allow this type of business entity to exist within Stevenson’s City Limits. The building located at 25 NE 2nd street would be a good location for a Licensed Cannabis Store. The public park at the waterfront is 427.3’ from the property line edge.

Distance from Restricted Entities
Per RCW 69.50.331(8) the board shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the following entities.

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 entities listed below:

- Elementary or secondary school;
- Playground;
- Recreation center or facility;
- Child care center;
- Public park;
- Public transit center;
- Library; or
- Any game arcade (where admission is not restricted to persons age twenty-one or older).

https://lcb.wa.gov/mjlicense/distance_from_restricted_entities

Thank you!

Terese Stacy
PO Box 464
Stevenson, WA 98648
360-904-24585
Monday, October 09, 2017

CITY OF STEVENSON PLANNING COMMITTEE:

RE: Request to reduce the Marijuana License Buffer Zone to 300 feet.

Both Carson & North Bonneville are benefiting from a profitable Licensed Marijuana Retail store. I am asking to the City of Stevenson to consider reducing the buffer zone from 1,000 feet to 300 feet to allow this type of business entity to exist within Stevenson’s City Limits. The building located at 25 NE 2nd street would be a good location for a Licensed Cannabis Store. Currently Washington State has allowed local governments the ability to reduce the 1000-foot buffer requirements to 100 feet around all entities except elementary and secondary schools and public playgrounds. The WSLCB requires a signed and dated ordinance from the City of Stevenson planning department confirming a change in the buffer size before a Licensed Cannabis Retail Store can rent retail space.

Distance from Restricted Entities
Per RCW 69.50.331(8) the board shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the following entities. 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 entities listed below:

- Elementary or secondary school;
- Playground;
- Recreation center or facility;
- Child care center;
- Public park;
- Public transit center;
- Library; or
- Any game arcade (where admission is not restricted to persons age twenty-one or older).

https://lcb.wa.gov/mjlicense/distance_from_restricted_entities
Here are some statistics pulled from the i502 data site. I wanted you to have a good picture of what Stevenson might gain in taxes from having a shop in the area.

<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>City</th>
<th>Sep Excise Tax</th>
<th>Total Excise Tax</th>
<th>Sep Retail Sales</th>
<th>Total Retail Sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARGIE'S POT SHOP LLC</td>
<td>KLICKITAT</td>
<td>BINGEN</td>
<td>$48,348</td>
<td>$1,376,166</td>
<td>$130,669</td>
<td>$3,805,359</td>
</tr>
<tr>
<td>BUD HUT</td>
<td>KLICKITAT</td>
<td>LYLE</td>
<td>$31,845</td>
<td>$657,913</td>
<td>$86,067</td>
<td>$1,786,531</td>
</tr>
<tr>
<td>THE CANNABIS CORNER</td>
<td>SKAMANIA</td>
<td>NORTH BONNEVILLE</td>
<td>$30,987</td>
<td>$924,761</td>
<td>$83,748</td>
<td>$2,525,486</td>
</tr>
<tr>
<td>FORBIDDEN CANNABIS CLUB</td>
<td>SKAMANIA</td>
<td>CARSON</td>
<td>$7,458</td>
<td>$7,458</td>
<td>$20,158</td>
<td>$20,158</td>
</tr>
</tbody>
</table>

If we use The Cannabis Corner in North Bonneville as an example, we can gather that this shop has contributed over $30,000 in taxes to Skamania County alone. ($30,306)

- Almost a million dollars ($924,761) from this small shop has been gathered in excise tax and an additional $164,157 in state sales tax has been collected.
- Unfortunately I do not have local tax numbers; however North Bonneville has seen an increase in monthly revenue since the store has opened.
- Not only are significant new tax dollars being generated but the shop has spent upwards of $100,000 in property improvements; generated 6 full-time positions to include benefits; 10 total positions with an average salary of about $30,000/year; and has never had a negative report from LCB inspectors.

Hopefully this is enough information to vote to change the buffer zone from 1,000 feet to 300 feet to allow a cannabis retail store to operate within the City of Stevenson at 25 NE Second Street.

Thank you!

Terese Stacy
PO Box 464
Stevenson, WA 98648
360-904-24585
TO: City Council
FROM: Ben Shumaker, Planning Director
DATE: November 21st, 2013
SUBJECT: Areas Protected under I-502

Introduction
This memo reintroduces the concept and definitions of the Washington State Liquor Control Board related to the 1,000 ft buffer around protected areas and asks the Council to determine whether they believe certain properties in Stevenson qualify as protected areas. This question is being asked by City staff to better communicate with potential applicants. The Liquor Control Board has not been in contact with the City regarding these interpretations, and there is no guarantee that the Council’s determination will be the same as that of the Liquor Control Board. However, this determination could also be used when commenting on applications transferred to the City by the Liquor Control Board.

Important Concepts & Definitions
Initiative 502 contained specific safeguards related to the establishment of marijuana-related businesses and certain public- and youth-oriented areas. The specific language of the initiative as passed by the voters read:

“The state liquor control board shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.”

In order to implement this requirement, the Liquor Control Board has adopted specific definitions of the protected areas. Most of these definitions can be applied to Stevenson with few to no gray areas. However, the following definitions, as codified in WAC 314-55-010, may need additional clarification:

“(16) “Playground” means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

(17) “Public park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.”

Property Determinations
In order to more effectively communicate with potential applicant and the Liquor Control Board, staff would appreciate Council input on the following properties and whether Stevenson would consider them as “playgrounds” or “public parks” under the rules adopted by the State.
Gateway Park

Gateway Park, or Triangle Park, is a 0.12 acre portion of the City-owned right-of-way in front of Main Street Convenience Store at Rock Creek Drive and Second Street. Amenities in the park include benches, bike racks, a bus shelter, an informational kiosk, and landscaping, rock walls, and seasonal decorations designed to soften the western entrance to downtown Stevenson by obscuring the gas pumps of the convenience store.

![Gateway Park images]

DETERMINATION #1—Does the Council believe that this area and its amenities qualify as a “public park” according to the Liquor Control Board's definition?

Courthouse Lawn

The Skamania County Courthouse Lawn is a 1.07 acre site owned by the County at the corner of Second and Russell streets. Amenities on the lawn include street-side benches and drinking fountain, a prominent flagpole, a small picnic area with a monumental petrified log, and several memorials. The lawn is also home to the community’s Christmas Tree lighting, the first choice of political and free-speech demonstrations, a natural amphitheater for high school band performances, and the premier barrel-rolling territory for some of the youngest area residents.

![Courthouse Lawn images]

DETERMINATION #2—Does the Council believe that this area and its amenities qualify as a “playground” or “public park” according to the Liquor Control Board's definition?

Walnut Park

Walnut Park is a 0.19 acre site owned by the City on Second Street between NAPA and Big River Grill. Amenities in the park include landscaping, tables, benches, bike racks, trashcans, interpretive signage, an informational kiosk, an in-pavement dance tutorial, and pavers purchased through community donations.
DETERMINATION #3—Does the Council believe that this area and its amenities qualify as a “playground” or “public park” according to the Liquor Control Board’s definition?

Leavens Street Point

Leavens Street Point is City-owned right-of-way managed by the Port of Skamania County on the Downtown Waterfront between the Tichenor Building and a Port-owned maintenance garage. Amenities in the area include a paved pathway, a memorial bench, and viewpoints and access to the Columbia River.

DETERMINATION #4—Does the Council believe that this area and its amenities qualify as a “public park” according to the Liquor Control Board’s definition?

Stevenson Landing (Russell Street)

Stevenson Landing is a Port-managed tour boat dock located on City-owned right-of-way at the intersection of Russell Street and Cascade Avenue. Amenities in the area include a paved pathway, benches, trashcans, a directional kiosk, a public restroom, interpretive signage, landscaping, and a pier for large tour boats to disembark passengers into Stevenson.

DETERMINATION #5—Does the Council believe that this area and its amenities qualify as a “public park” according to the Liquor Control Board’s definition?

Prepared by:

Ben Shumaker
City of Stevenson
Areas Prohibited from Marijuana Production, Processing, and Distribution (by the Liquor Control Board) Under Measure I-502

DISCLAIMER: This analysis is PRELIMINARY and based on assumptions that may not match the determinations to be established by the Liquor Control Board.

Areas Prohibited:
- Park, School Ground, Play Ground, Library, Child Care, or Recreation Facility
- 1000 Ft Buffer Area

Zoning:
- Commercial (C1)
- Commercial Recreation (CR) (SkaCo)
- Commercial Recreation (CR) (Stev)
- Community Commercial (CC)

Disclaimer:
This map product was prepared by Skamania County and is for informational purposes only. It has not been approved for or is intended for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Updated 12/9/2013 R.Hollatz
Stevenson Critical Areas Code

SMC 5.25  Liquor & Cannabis Regulations


Marijuana uses, businesses, facilities, and operations that do not have a state license pursuant to RCW Title 69 are prohibited within the city of Stevenson. This prohibition includes, but is not limited to, collective gardens, medical dispensaries, and any unlicensed marijuana production, processing, retail, or research business, facility, or operation.


A. Any lot line of property having a state-licensed marijuana producer, processor, retailer, or researcher must be 1,000 feet or more from any lot line of property on which any of the following uses, as defined in WAC 314-55-010, is located: elementary school; secondary school; or playground.

B. Any lot line of property having a state-licensed marijuana producer, processor, retailer, or researcher must be 400 feet or more from any lot line of property on which any of the following uses, as defined in WAC 314-55-010, is located: child care center; game arcade admitting minors; library; public park; public transit center; or recreation center or facility.

SMC 5.25.240  Odor Control for State-Licensed Marijuana Producers and Processors.

Marijuana processing and production businesses must be equipped with a ventilation system that prevents marijuana odors from being detected beyond the premises of the business. Applicants for such businesses must submit, as part of building and mechanical permit applications, a ventilation plan prepared by a licensed mechanical engineer. The ventilation plan shall be reviewed and approved by the City. Any measures that were required for approval must be maintained. Once operation of the business begins, if odors are detected beyond the premises of the building, even with an approved ventilation plan, the facility may be subject to enforcement under this chapter.

SMC 5.25.500  Violations, Enforcement.

In addition to all other remedies available by law, violations of this chapter may be abated as public nuisances pursuant to SMC 8.60 – Public Nuisances.