

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1344

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) SECTIONS 17.20.040 “C” DEFINITIONS; 1720.140 “M” DEFINITIONS; ADDING A NEW SECTION 17.100.045 REGARDING CONDITIONS FOR PERMITTING MEDICAL MARIJUANA COLLECTIVE GARDENS; 17.80.120 REGARDING CONDITIONS OF USE PERMITS; 17.30.040 REGARDING ZONING USE PERMITS, ALL CONCERNING REGULATIONS FOR MEDICAL MARIJUANA GARDENS, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR SEVERABILITY.

WHEREAS, Washington State Statute E2SSB 5073 enacted regulations allowing medical marijuana community gardens; and

WHEREAS, Stanwood Municipal Code does not currently address medical marijuana uses; and

WHEREAS, the City Council desires to provide regulations consistent with state law; and

WHEREAS, The City Council referred a work program to the Planning Commission to develop new regulations for medical marijuana gardens; and

WHEREAS, The City Community Development Department submitted a zoning code amendment application (13-ZP0005) on March 12, 2013; and

WHEREAS, staff has drafted amendments to SMC chapter 17, Zoning to establish new regulations for medical marijuana gardens; and

WHEREAS, the Community Development Department issued a determination of non-significance on 2013ZP0004 on March 15, 2013; and

WHEREAS, on March 25, a public hearing was held by the Planning Commission regarding Application 2013ZP0005 and all persons wishing to provide public input concerning the amendment were heard; and

WHEREAS, public notice of the above-referenced public hearing was provided in accordance with and as required by law; and

WHEREAS, the City Council met April 11, 2013 ,April 25, 2013 and May 9, 2013 to consider the proposed zoning text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in regulations; and

WHEREAS, consistent with State law, the City desires to update its development regulations to provide efficient administrative procedures;

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

SECTION 1. The following Findings of Fact and Conclusions are hereby incorporated.

The decision criteria for amending the Chapter 17 zoning are the following (SMC 17.155.090 (2))

(a) The purpose and desired effect of the proposed zoning code amendment is consistent with the Stanwood Municipal Code. The proposed zoning text amendment provides reasonable regulations addressing compatibility of uses, screening, safety standards and other requirements consistent with the city's desire to provide efficient and effective development as stated in the purpose statement in SMC 17.05.010.

(b) There is a positive relationship to the public health, safety and welfare of the community. SMC Title 17 Zoning, as amended promotes the general public welfare by addressing safety, security, screening, buffering regulations intended to allow medical marijuana gardens to locate within the City's commercial districts without creating conflicts with other uses. The administrative conditional use process allows a site by site evaluation of the appropriateness of the use and allows conditioning the use to increase effective integration into the community.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan. The proposed amendment implements the Economic Development Element of the Comprehensive Plan policies by promoting new business development. Goal EDG 1 Promote economic vitality defined as a lively growth oriented business climate that supports a wide range of private and public investments resulting in development and business activity that diversifies the City's tax base and provides both employment and consumer shopping opportunities for city and unincorporated area residents.

SECTION 2. SMC 17.20.040 "C" definitions is hereby amended to read as follows.

"Community garden" means land set aside for collective use for an organization or for the general public to grow produce and/or flowers. No marijuana shall be grown in such gardens.

SECTION 3. SMC 17.20.140 "M" definitions is hereby amended to add

"Marijuana" means all parts of the Cannabis plant whether growing or not.

"Medical marijuana collective garden" means any place, area or garden where qualifying patients share responsibility and engage in the production, processing, and delivery of marijuana for medical use as set forth in chapter 69.514 RCW and subject to the limitations therein.

SECTION 4. New Section SMC 17.100.045 is hereby adopted to read as follows.

17.100.045 Conditions for permitting medical marijuana collective gardens.

The community development director shall make the findings in subsection (1) of this section in addition to the findings in SMC 17.80.120(6) prior to issuing an administrative conditional use permit for medical marijuana collective gardens and shall require the additional standards listed in subsection (2) of this section for these uses.

(1) Findings.

(a) The proposed use will be effectively contained by means of fencing and/or landscaping or a combination of fencing and landscaping.

(b) The proposed development complies with SMC 17.112.040.

(c) The proposed use complies with all required additional standards.

(2) Additional Standards.

Medical marijuana collective garden facilities shall:

(a) Be fully within a permanent structure compliant with the City Building Code and constructed under a building permit from the City regardless of the size or configuration of the structure.

(b) Have no use, production, processing, delivery or display of marijuana visible to the public.

(i) Blocked windows by means of paper, wood, or other similar materials shall not be allowed.

(c) Meet all requirements under E2SSB 5073, including but not limited, to limitations on number of members, number of plants, amount of usable cannabis on site, maintenance of each member's valid documentation of qualifying patient status.

(d) Have an installed and operational security system that is monitored 24 hours

a day.

(e) Restrict hours of operation and/or outdoor activities to increase compatibility with surrounding land uses.

(f) The following separation standards shall be measured in a straight line from property boundary to property boundary.

(i) No medical marijuana collective garden shall be located closer than 1000' from any school, day care, community centers, or other youth oriented facility nor shall such collective gardens be located closer than 1000' from one another.

(3) Time Limit and Renewal.

If all requirements for approval are satisfied, the conditional use permit may be issued for a period of one year only with the opportunity for annual renewal. If continued operation is desired, renewal of the Administrative Conditional Use permit shall be required on an annual basis. The permit shall be conditioned such that the location of a new use triggering the separation standards in section (2)(f) above shall not be grounds for denial of any renewal.

SECTION 5. SMC Section 17.80.120 Conditional use permits is hereby amended to add new (11) read as follows.

(1) - (10) No change.

(11) Additional conditions for medical marijuana collective gardens are set forth in SMC 17.100.045. (Ord. 1294 § 29, 2011; Ord. 1264 § 4, 2010; Ord. 1253 § 19, 2009).

SECTION 6. SMC Section 17.30.040 Zoning use table. is hereby amended to add the following:

“Medical Marijuana Collective Gardens” in the Personal Service Land Use category as an Administrative Conditional Use Permit “ADC” in the following zones:

Mainstreet Business I “MB-I”,
Mainstreet Business II “MB-II”,
General Commercial “GC”, and
Light Industrial “LI”.

SECTION 7. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 8. This Ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor this 9th day of May, 2013.

CITY OF STANWOOD

By Leonard Kelley
Leonard Kelley, Mayor pro tempore

ATTEST:

By Greg Thramer
Greg Thramer, City Clerk

Approved as to form:

By Grant K. Weed
Grant K. Weed, City Attorney

Date of Publication: May 11, 2013