

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1368

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, EXTENDING A MORATORIUM ON THE ESTABLISHMENT, SITING, LOCATION, PERMITTING, LICENSING OR OPERATION OF MARIJUANA CULTIVATION, PRODUCTION OF MARIJUANA DERIVATIVES, AND THE SALE OF MARIJUANA OR MARIJUANA DERIVATIVES OR ANY OTHER ACTIVITIES ASSERTED TO BE AUTHORIZED OR ACTUALLY AUTHORIZED UNDER WASHINGTON STATE INITIATIVE NO. 502 OR ANY OTHER LAWS OF THE STATE OF WASHINGTON AND SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM, ADOPTING A WORK PLAN, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Initiative Measure No. 502 (I-502), approved by the voters of Washington state on November 6, 2012, purports to legalize the production, sale and use of marijuana products purchased from State licensed stores for adults age twenty-one (21) and over; and

WHEREAS, on August 13, 2013, the City Council adopted Ordinance 1347, effective August 18, 2013, imposing in Section 2 a six month moratorium on the establishment, siting, location, operation, licensing or maintenance of facilities, structures, businesses or any other activities involving the production, sale and use of marijuana and marijuana products asserted to be authorized or actually authorized under Washington State Initiative No. 502 or any other laws of the State of Washington, collectively referred to as "marijuana uses," and

WHEREAS, the six month moratorium on marijuana uses established in Ordinance 1347 will expire February 17, 2014, and

WHEREAS, Ordinance 1347 in Section 7 established a work program, among other things, to develop appropriate land use regulations relating to marijuana uses; and

WHEREAS, the Planning Commission has diligently pursued the work program, but as of this date has not completed the work program nor made its recommendation on appropriate regulations relating to marijuana uses; and

WHEREAS, at this point in time, the City of Stanwood does not have specific regulations addressing marijuana uses, other than the requirement for a general business license; and

WHEREAS, RCW 36.70A.390 authorizes the City Council to extend a moratorium for one or more periods of up to six months if a public hearing on the

proposal is held within at least sixty days of its adoption and a work plan is developed for related studies providing for the six-month moratoria period; and

WHEREAS, the City Council desires to extend the six month moratorium on marijuana uses established in Ordinance 1347 in order to permit the Planning Commission to complete the work program and make its recommendation to City Council, and

WHEREAS, extending the moratorium established in Ordinance 1347 will provide the City with additional time to review and amend its public health, safety and welfare requirements and zoning and land use regulations related to the establishment of facilities producing, processing and retailing recreational marijuana as authorized by I-502; and

WHEREAS, a public hearing will be held on February 27, 2014 before the Stanwood City Council on the extension of the moratorium imposed by Ordinance 1347, and

WHEREAS, the City Council adopts the findings of fact as set forth in Ordinance 1347 and adopted foregoing as additional findings of facts justifying the adoption of this ordinance;

NOW THEREFORE, the City Council of the City of Stanwood, Washington do ordain as follows:

Section 1. Preliminary Findings.

The recitals and findings set forth in Ordinance 1347 and the recitals and findings set forth above are hereby adopted as the City Council preliminary findings in support of the moratorium imposed by this ordinance in compliance with RCW 36.70A.390 and RCW 35.63.200. The City Council may in its discretion adopt additional findings at the conclusion of the public hearing referenced in Section 6 below.

Section 2. Moratorium Extended.

Pursuant to Washington State law, the City Council hereby extends the moratorium established in Ordinance 1347 for an additional six month period, commencing immediately upon the expiration of the moratorium established in Ordinance 1347. All other provisions of Ordinance 1347 are hereby incorporated by reference as if set forth at length.

Section 3. Effective Period for Moratorium.

The moratorium set forth in this ordinance shall be in effect for a period of six (6) months from the day next following the date of the expiration of the moratorium established in Ordinance 1347 on February 17, 2014, and shall expire August 17, 2014.

Section 4. Public Hearing.

The City Council will hold a public hearing at the regular City Council meeting of February 27, 2014 at 7 p.m. or as soon thereafter as the business of the City Council

shall permit and which date is no more than sixty (60) days after the date of adoption herein in order to take public testimony and to consider adopting further findings.

Section 5. Work Program.

The City Planning Commission is hereby authorized and directed to continue its work program to address issues as set forth in Section 7 or Ordinance 1347.

Section 6. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 7. Effective Date.

This Ordinance shall become affective five (5) days following passage and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor this 30th day of January, 2014.

CITY OF STANWOOD

By Leonard Kelley
Leonard Kelley, Mayor

ATTEST:

By Greg Thrasher
Greg Thrasher, City Clerk

Approved as to form:

By Grant Weed
Grant Weed, City Attorney

Date of Publication February 6, 2014

Effective Date February 11, 2014