

ORDINANCE NO. 3968

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING RECREATIONAL MARIJUANA PRODUCERS AS A PERMITTED USE IN THE CG AND CG2 ZONES; ALLOWING RECREATIONAL MARIJUANA PROCESSORS AS A PERMITTED USE IN THE CG AND CG2 ZONES; ALLOWING RECREATIONAL MARIJUANA RETAIL OUTLETS AS A PERMITTED USE IN THE BC, BD, BN, CG AND CG2 ZONES WITHIN SPECIFIED COMPREHENSIVE PLAN DESIGNATIONS; PROHIBITING RECREATIONAL MARIJUANA USES IN ALL OTHER ZONES, AND ADOPTING OTHER RESTRICTIONS ON THE LOCATIONS OF THESE RECREATIONAL MARIJUANA USES.

WHEREAS, In November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, the regulatory scheme in I-502 required the LCB to adopt rules before December of 2013 to address the methods for producing, processing and packaging of recreational marijuana, to establish security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements and method of transport of product throughout the state, taxing of marijuana-related activities, creation of a dedicated fund is created, consisting of marijuana excise taxes, license fees, penalties and other income; and

WHEREAS, on September 4, 2013, the LCB issued proposed new regulations, which: prohibit the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses; require criminal history background checks for licensees; establish qualifications for licensees; limit the amount of space available for recreational marijuana production; allow marijuana to take place indoors in a fully enclosed, secure facility or outdoors enclosed by a physical barrier with an 8 foot high fence; limit the average inventory on the licensed premises at any time; limit the number of retailers within counties and cities within the counties based on estimated consumption and population data; establish insurance requirements for licensees; describe the security requirements; require employees to wear badges; require alarm and surveillance systems on the licensed premises; require that licensees track marijuana from seed to sale; establish the manner in which free samples of marijuana may be provided; prohibit the sale of soil amendments, fertilizers and other crop production aids; identify transportation requirements, sign requirements, and recordkeeping requirements; identify a mechanism for enforcement of violations, including the failure to pay taxes; specify marijuana infused product serving sizes, maximum number of servings and limitations on transactions; identify marijuana waste disposal restrictions; describe the process for quality assurance testing, extraction and the requirements for packaging and labeling; describe advertising limitations; explain the process for licensing suspension, revocation and penalties for violations; and

WHEREAS, according to the Revised Proposed Rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB has adopted final Rules and begun to accept license applications; and

WHEREAS, on August 20, 2013, the City adopted Ordinance 3938 establishing a moratorium on the acceptance of all permit or business license applications for marijuana-related business activities; and

WHEREAS, on February 4, 2014, the City adopted Ordinance 3960, which extended the moratorium established in Ordinance 3938 by three additional months; and

WHEREAS, the Development Services Director sent a copy of a draft Ordinance to the Washington State Department of Commerce, pursuant to RCW 36.70A.106; and

WHEREAS, on February 12, 2014, the Planning Board held a public hearing on a draft Ordinance, and completed its recommendation to the City Council; and

WHEREAS, on April 1, 2014, the City Council held a public hearing and considered the Planning Board's recommended ordinance during its regular meeting; and

WHEREAS, given the small number of retail stores allocated by the State Liquor Control Board to the city (a maximum of two), the City Council desires to designate retail commercial zones that are the most visible and accessible to the traveling public; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 3938, adopted on August 20, 2013, and Ordinance No. 3960, adopted on February 4, 2014 are hereby repealed.

Section 2. A new chapter 17.110 is hereby added to the Edmonds Community Development Code, which shall read as follows:

**CHAPTER 17.110
RECREATIONAL MARIJUANA**

- 17.110.010 Findings and Purpose.**
- 17.110.020 Definitions.**
- 17.110.030 Recreational Marijuana Uses Allowed.**
- 17.110.040 Signs and Advertising.**
- 17.110.050 Visibility of Activities; Control of Emissions and Odor.**

- 17.110.010 Findings and Purpose.**

A. The purpose of this Chapter is to establish where marijuana producers, processors and retail outlets may locate in the City, and to describe the restrictions upon such uses. In addition to compliance with this Chapter, every marijuana processor, producer and retail outlet shall obtain a City business license.

B. Nothing in this Chapter shall be construed to supersede Washington state law prohibiting 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. Nothing in this Chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein.

17.110.020 Definitions. The City adopts the definitions in WAC 314-55-010 and RCW 69.50.101 to apply throughout this Chapter, particularly including, but not limited to, the definitions of marijuana producer, marijuana processor, and marijuana retailer contained in RCW 69.50.101.

17.110.030 Recreational Marijuana Uses Permitted only in the following specified zones.

A. Marijuana producers are permitted in the CG and CG2 zones, and are not permitted in any other zone.

B. Marijuana processors are permitted in the CG and CG2 zones, and are not permitted in any other zone.

C. Marijuana retailers are permitted only in the BC, BD, BN, CG and CG2 zones that lie within the boundaries of the following areas designated on the city's Comprehensive Plan Map:

- The Downtown/Waterfront Activity Center
- The Medical/Highway 99 Activity Center
- The Westgate Community Commercial Area
- The Five Corners Neighborhood Commercial Area
- The Perrinville Neighborhood Commercial Area
- The Highway 99 Corridor
- The Edmonds Way Corridor

Marijuana retailers are not permitted in any other zone or Comprehensive Plan area not listed above.

D. No marijuana producer, processor or retailer may locate within any residentially zoned district or within any residential unit in the City.

E. Medical marijuana facilities, including but not limited to dispensaries, access points, collective gardens, and any other facility that manufactures, produces, processes, dispenses, distributes, sells, or provides marijuana without a valid license from the Washington State Liquor Control Board, are not permitted anywhere within the City of Edmonds.

17.110.040 Signs and Advertising.

A. All signage and advertising for a recreational marijuana processor, producer or retail outlet shall comply with the applicable provisions of the City Code, the Sign Code, Zoning Code and WAC 314-55-155 (and all applicable rules and regulations promulgated thereunder).

17.110.050. Visibility of Activities; Control of Emissions.

A. Other than signage and advertising, all activities of the recreational marijuana business, including, but not limited to, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of the public view.

B. No marijuana, marijuana products or marijuana paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the recreational marijuana business must be in effect at all times. In the event that any odors, dust, fluids or other substances exit a recreational marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for the immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Section 3. Adoption by Reference. The City hereby adopts WAC 314-55-010 through WAC 314-55-540 by reference, as well as RCW 69.50.101. Pursuant to RCW 35A.12.140 (for code cities), a copy of these rules and the statute adopted by reference has been on file in the office of the city clerk for use and examination by the public. A copy of these rules and statutes has also been on file while this ordinance has been under consideration by the council and after adoption.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 5. Effective Date. This ordinance shall be effective five days after publication of an approved summary, which shall consist of the title.

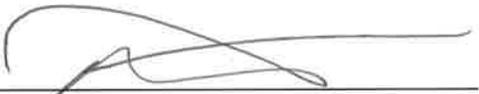
PASSED by the Edmonds City Council this 22nd day of April, 2014.

MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:

CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JEFF TARADAY

FILED WITH THE CITY CLERK:	April 18, 2014
PASSED BY THE CITY COUNCIL:	April 22, 2014
PUBLISHED:	April 27, 2014
EFFECTIVE DATE:	May 2, 2014
ORDINANCE NO.	3968

SUMMARY OF ORDINANCE NO. 3968

of the City of Edmonds, Washington

On the 22nd day of April, 2014, the City Council of the City of Edmonds, passed Ordinance No. 3968. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING RECREATIONAL MARIJUANA PRODUCERS AS A PERMITTED USE IN THE CG AND CG2 ZONES; ALLOWING RECREATIONAL MARIJUANA PROCESSORS AS A PERMITTED USE IN THE CG AND CG2 ZONES; ALLOWING RECREATIONAL MARIJUANA RETAIL OUTLETS AS A PERMITTED USE IN THE BC, BD, BN, CG AND CG2 ZONES WITHIN SPECIFIED COMPREHENSIVE PLAN DESIGNATIONS; PROHIBITING RECREATIONAL MARIJUANA USES IN ALL OTHER ZONES, AND ADOPTING OTHER RESTRICTIONS ON THE LOCATIONS OF THESE RECREATIONAL MARIJUANA USES.

The full text of this Ordinance will be mailed upon request.

DATED this 23rd day of April, 2014.

CITY CLERK, SCOTT PASSEY

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Teresa Snyder being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH558443 ORD 3968-3969 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/27/2014 and ending on 04/27/2014 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$46.44.

Teresa Snyder

Subscribed and sworn before me on this 28 day of April, 2014.

Susan L. Stoltz

Notary Public in and for the State of Washington.

City of Edmonds - LEGAL ADS | 14101416
SCOTT PASSEY
ORD 3968-3969

* SUSAN L. STOLTZ *
STATE OF WASHINGTON
NOTARY --♦-- PUBLIC
My Commission Expires 12-20-2017

ORDINANCE SUMMARIES
of the City of Edmonds, Washington
On the 22nd Day of April, 2014, the City Council of the City of Edmonds, Washington, passed the following Ordinances. The summaries consisting of titles are provided as follows:
ORDINANCE NO. 3968
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING RECREATIONAL MARIJUANA PRODUCERS AS A PERMITTED USE IN THE CG AND CG2 ZONES; ALLOWING RECREATIONAL MARIJUANA PROCESSORS AS A PERMITTED USE IN THE CG AND CG2 ZONES; ALLOWING RECREATIONAL MARIJUANA RETAIL OUTLETS AS A PERMITTED USE IN THE BC, BD, BN, CG AND CG2 ZONES WITHIN SPECIFIED COMPREHENSIVE PLAN DESIGNATIONS; PROHIBITING RECREATIONAL MARIJUANA USES IN ALL OTHER ZONES, AND ADOPTING OTHER RESTRICTIONS ON THE LOCATIONS OF THESE RECREATIONAL MARIJUANA USES.
ORDINANCE NO. 3969
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW CHAPTER OF THE EDMONDS CITY CODE RELATED TO THE CITY'S MONITORING OF STATE ISSUED MARIJUANA LICENSES.
The full text of any Ordinance will be mailed upon request. Dated this 23rd Day of April, 2014.
CITY CLERK, SCOTT PASSEY
Published: April 27, 2014.