

**ORDINANCE NO. 2570
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AMENDING TITLE 18 OF THE SUMNER MUNICIPAL CODE, TO SPECIFY THAT MARIJUANA COOPERATIVES AND RELATED LAND USES ARE NOT PERMITTED IN ANY ZONING DISTRICT WITHIN THE CITY OF SUMNER; AND AMENDING CHAPTER 18.04 TO INCLUDE NEW DEFINITIONS RELATED TO MARIJUANA COOPERATIVES; AND AMENDING CHAPTER 18.03 “PROHIBITED USES” IN THE SUMNER MUNICIPAL CODE. TO BE EFFECTIVE FOR A PERIOD OF SIX MONTHS AND SETTING A DATE FOR A PUBLIC HEARING ON THE INTERIM DEVELOPMENT REGULATIONS.

WHEREAS, recent amendments to Chapter 69.51A RCW, relating to the medical use of cannabis, have expanded the scope of certain activities, involving the use of cannabis for medical purposes that are permitted under state law; and

WHEREAS, section 69.51A.250 RCW allows “qualifying patients” to form a marijuana “cooperative” for the purpose of acquiring and supplying resources needed to produce and process marijuana for the medical use of members of the cooperative, subject to certain conditions; and

WHEREAS, section 69.51A.250(3)(c) RCW delegates authority to cities to prohibit marijuana cooperatives through city zoning; and

WHEREAS, the City Council understands that approved medical uses of cannabis may provide relief to patients suffering from debilitating or terminal conditions, but potential secondary impacts from the establishment of facilities for the growth, production, and processing of medical cannabis are not appropriate for any zoning designation within the City; and

WHEREAS, the City Council further understands that while the medical benefits of cannabis have been recognized by the state legislature, cannabis remains a Schedule I controlled substance under the federal Controlled Substances Act (CSA), and possession and use of cannabis is still a violation of federal law. The City Council wishes to exercise the authority granted pursuant to state law in order to clarify that the establishment of marijuana cooperatives will be deemed to be a violation of City zoning ordinances, but the City Council expressly disclaims any intent to exercise authority over marijuana cooperatives in a manner that would directly conflict with the CSA; and

WHEREAS, pursuant to RCW 35A.63.220, the City Council will conduct a public hearing on the interim development regulation contained within this Ordinance and shall adopt findings of fact justifying this action immediately after said public hearing.

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

Section 1. Interim Development Regulation. The following sections, are hereby adopted in the Sumner Municipal Code as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“18.03.020 Prohibited uses.

E. Marijuana cooperatives, as defined in 69.51A.250 RCW, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, and cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after June 20, 2016.

Section 2. Vesting. Vesting of development rights shall occur pursuant to SMC 18.56.190.

Section 3. Duration. This interim development regulation shall be in effect for six (6) months following the effective date of this ordinance.

Section 4. Public Hearing Required. As required by RCW 35A.63.220 and RCW 36.70A.390, within sixty (60) days of the passage of this ordinance, the City Council shall hold a public hearing on this ordinance and shall adopt findings of fact justifying this action immediately after said public hearing. Said hearing shall be 7:00 p.m., Monday, August 15, 2016 in the City Council Chambers at 1104 Maple Street, Sumner, WA. The City Clerk is directed to provide notice of such public hearing as required by law.

Section 5. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the City. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications for short subdivisions to the City in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits, those with previously obtained approvals for development or redevelopment of the type identified as "exempt" may proceed with processing and development, as the case may be.

Section 6. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this ordinance shall control.

Section 7. Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 5, as long as it is approved by a majority plus one of the entire membership of the City Council, as required by RCW 35A.12.130.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington at a regular meeting thereof this 20th day of June, 2016.



David Enslow, Mayor

APPROVED AS TO FORM:



Brett Vinson, City Attorney

ATTEST:



Michelle Converse, CMC City Clerk

First Reading: 6/20/16
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