

**CITY OF MONROE
ORDINANCE NO. 004/2015(SUB)**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 18.70 MMC,
MARIJUANA RELATED USES; PROHIBITING THE
ESTABLISHMENT OF MARIJUANA RELATED USES
WITHIN ALL ZONING DISTRICTS OF THE CITY;
ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR
SEVERABILITY; AND FIXING A TIME WHEN THE SAME
SHALL BECOME EFFECTIVE

WHEREAS, following the passage of Initiative 502 in 2012, the Washington Liquor Control Board is authorized to issue state licenses for marijuana producers, processors and retailers (collectively, "marijuana related uses") in accordance with the regulations set forth at Chapter 69.50 RCW and Chapter 314-55 WAC; and

WHEREAS, Washington municipalities are authorized to adopt and enforce local zoning and land use regulations governing state-licensed marijuana related uses, and the City of Monroe has adopted and codified regulations for such uses at Chapter 18.70 MMC; and

WHEREAS, the City Council desires to amend Chapter 18.70 MMC for the purpose of categorically prohibiting marijuana related uses in all zoning districts of the city.

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

Section 1. Findings. The above recitals, together with the content of Agenda Bill No. 15-172, dated April 21, 2015, are hereby adopted as legislative findings in support of this ordinance. City Council further finds as follows:

- A. The State Attorney General has issued a formal opinion acknowledging and reaffirming municipal zoning authority with respect to state-licensed marijuana uses, including without limitation the authority of municipalities to categorically prohibit such uses outright within their respective jurisdictions.
- B. The Planning Commission held a public hearing on a previous version of this ordinance on February 9, 2015, under which marijuana related uses would be subjected to significant buffering requirements with respect to several categories of locally designated sensitive land uses, in addition to the separation requirements already imposed by Chapter 69.50 RCW and Chapter 314-55 WAC.

- C. The practical effect of such additional buffering requirements, if enacted, would be to severely limit, if not virtually eliminate, the available areas within the City of Monroe in which to lawfully establish a marijuana related land use.
- D. The City Council held a public hearing on this ordinance on April 21, 2015.
- E. The City is authorized by State law, including but not limited to Chapter 35A.11 RCW, Chapter 35A.63 RCW, and Chapter 36.70A RCW to enact local regulations governing the use of land.
- F. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.
- G. All relevant requirements of SEPA have been satisfied with respect to this ordinance.
- H. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review requirements and criteria set forth in Title 18 and Title 21 MMC. In adopting this ordinance, the City considered and was guided by the GMA planning goals set forth at RCW 36.70A.020.
- I. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan and meet the requirements and intent of the MMC.
- J. The regulations set forth in this ordinance are beneficial to the public health, safety and welfare, and are in the public interest.

Section 2. Amendment of MMC 18.70.040. Section 18.70.040 of the Monroe Municipal Code is hereby amended as follows:

18.70.040 Marijuana related uses.

Marijuana processors, marijuana producers, and marijuana retailers, as defined in MMC 18.70.030, are prohibited in the following zoning districts:

- A. All residential zones, including without limitation the R, SR, UR, and MR zoning districts;**
- B. All commercial office zones, including without limitation the GC, SC, DC, PO, MUC, MUNC and mixed use zoning districts;**
- C. All industrial zones, including light and general industrial;**
- D. All public zones, service, and limited open space zones including the limited open space - airport zone; and**
- E. Any new zoning district established after May 3, 2015.**

~~A. THE PRODUCTION, PROCESSING AND RETAILING OF MARIJUANA IS AND REMAINS ILLEGAL UNDER FEDERAL LAW. NOTHING HEREIN OR AS PROVIDED ELSEWHERE IN THE ORDINANCES OF THE CITY OF MONROE IS AN AUTHORIZATION TO CIRCUMVENT FEDERAL LAW OR PROVIDE PERMISSION TO ANY PERSON OR ENTITY TO VIOLATE FEDERAL LAW. ONLY STATE LICENSED MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, AND MARIJUANA RETAILERS MAY LOCATE IN THE CITY OF MONROE AND THEN ONLY PURSUANT TO A LICENSE ISSUED BY THE STATE OF WASHINGTON. THE PURPOSES OF THESE PROVISIONS IS SOLELY TO ACKNOWLEDGE THE ENACTMENT BY WASHINGTON VOTERS OF INITIATIVE 502 AND A STATE LICENSING PROCEDURE AND TO PERMIT TO, BUT ONLY TO, THE EXTENT REQUIRED BY STATE LAW MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, AND MARIJUANA RETAILERS TO OPERATE IN DESIGNATED ZONES OF THE CITY.~~

~~B. MARIJUANA PRODUCERS MAY BE LOCATED ONLY IN THE GENERAL INDUSTRIAL ZONE OF THE CITY. SUCH FACILITIES AND USES MAY BE LOCATED ONLY AT DESIGNATED SITES LICENSED BY THE STATE OF WASHINGTON AND FULLY CONFORMING TO STATE LAW.~~

~~C. MARIJUANA PROCESSORS MAY LOCATE IN LIGHT AND GENERAL INDUSTRIAL ZONES OF THE CITY, BUT ONLY AT DESIGNATED SITES LICENSED BY THE STATE OF WASHINGTON AND FULLY CONFORMING TO STATE LAW.~~

~~D. MARIJUANA RETAILERS MAY LOCATE ONLY IN THE GENERAL COMMERCIAL AND SERVICE COMMERCIAL ZONES, AT DESIGNATED SITES LICENSED BY THE STATE OF WASHINGTON AND FULLY CONFORMING TO STATE LAW.~~

~~E.]In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of Chapter 1.04 MMC.~~

Section 3. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be 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 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 21 day of April, 2015.

1st Reading March 10, 2015
Final Reading: April 21, 2015
Published: April 28, 2015
Effective: May 3, 2015

(SEAL)

CITY OF MONROE, WASHINGTON:



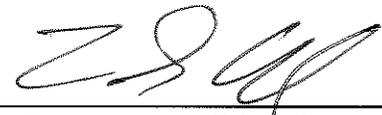
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Smoot, CMC, City Clerk



J. Zachary Lell, City Attorney