



ORDINANCE NO. 3072

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING FINDINGS OF FACT, EXTENDING INTERIM ZONING CONTROLS FOR PROHIBITION OF MARIJUANA BUSINESSES, FACILITIES, AND LICENSES IN SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL AREAS; PROVIDING A TERM OF SIX MONTHS, PROVIDING FOR A WORK PROGRAM FOR PERMANENT ZONING AND/OR LICENSING CONTROLS, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Lynnwood has the authority to adopt interim zoning controls pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, on November 6, 2012, Initiative-502 was passed by the voters of the State of Washington, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, Initiative 502 prohibits marijuana-related uses within 1,000 feet of the perimeter of certain uses and buildings, such as child care centers, public parks and recreation centers or facilities, but representatives of the Washington State Liquor Control Board (WSCLB) have confirmed that the zoning and business regulations of the local agency will not be a substantive factor in the issuance of licenses relating to marijuana; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, RCW 69.51A.140, enacted as part of Washington's medical cannabis act, delegates authority to cities and towns to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements and business taxes related to marijuana production, processing, and dispensing as exercises of the City's police power and not necessarily limited to medical marijuana-related uses; and

WHEREAS, WAC 314-55-015(5) precludes the issuance of any marijuana license for a location where law enforcement access, without notice or cause, is limited and specifically references personal residences, but does not preclude the issuance of a marijuana license within residential areas; and

WHEREAS, the Lynnwood Municipal Code does not currently have specific provisions addressing of recreational marijuana or medical marijuana; and

WHEREAS, operations associated and resulting from a marijuana-related license can be expected to result in land use and other impacts equal to or greater than other commercial or industrial land uses; and

WHEREAS, direct and indirect impacts generated by marijuana-related businesses or activities may adversely impact sensitive land uses such as single family and multifamily residences, and poses a potential threat to the health, safety, and welfare of the persons and property in the residential area; and

WHEREAS, marijuana production, processing, and retailing uses must be addressed in the City's lands use code and/or business licensing regulations, but the land use and other impacts of these uses are still largely unknown and regulations that the City will need to address them are still uncertain; and

WHEREAS, unless the City acts immediately to address marijuana-related uses within residential areas, such uses may be authorized by the WSLCB to locate and operate within areas of Lynnwood where other commercial and industrial activities are prohibited by Lynnwood's zoning code and business license regulations; and

WHEREAS, on February 24, 2014, following a public hearing and receipt of public testimony, the City Council adopted Ordinance No 3045, which established interim zoning regulations to prohibit operations in the residential zones while the City developed regulations regarding medical and recreational marijuana; and

WHEREAS, Ordinance 3045 will expire on August 24, 2014; and

WHEREAS, additional time is needed by the City to draft regulations that address recreational marijuana and to research and draft regulations regarding medical marijuana; and

WHEREAS, on July 28, 2014, following public notice as required by applicable law, the City Council conducted a public hearing on this matter and all persons wishing to be heard were heard; and

WHEREAS, the City deems it in the public interest to impose interim zoning controls for a period of six months in order to investigate this issue further and to prepare permanent land use and/or business licensing controls in order to protect single family and multifamily neighborhoods from adverse impact;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The City Council adopts the above recitals as findings of fact in support of its action as required by RCW 36.70A.390 and RCW 35A.63.220. The Council may adopt additional findings in the event that additional evidence is presented to the City Council.

Section 2. Interim Zoning Controls. The City hereby extends the following interim zoning controls for the location and establishment of marijuana producers, processors, and retailers and marijuana collective gardens licensed by the State of Washington under Initiative No. 502 and the regulations promulgated thereto:

- A. For the purposes of these interim zoning controls, the definitions contained within RCW 69.50.101 and WAC 314-55-010 shall apply.
- B. Marijuana producers, processors, and retailers and marijuana collective gardens shall not be located in the following land use zones:
 - a. RS-8 – Residential 8400 Sq. Ft.
 - b. RS-7 – Residential 7200 Sq. Ft.
 - c. RS-4 – Residential 4000 Sq. Ft.
 - d. RML – Multiple Residential Low Density.
 - e. RMM – Multiple Residential Medium Density.
 - f. RMH – Multiple Residential High Density.
 - g. MHP – Mobile Home Park Overlay.
- C. Marijuana producers, processors, or retailers and marijuana collective gardens shall not operate as an accessory to a residential use or as a home occupation.

Section 3. No Non-Conforming Uses. No use that constitutes or purports to be a marijuana producer, marijuana processor, retailer or a collective garden, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Lynnwood Municipal Code and that uses shall not be entitled to claim legal non-conforming status.

Section 4. Duration. The interim zoning regulations established herein shall be in effect until six-months from the effective date of this Ordinance (to and through February 24, 2015), and shall automatically expire on that date unless repealed, modified, or extended after subsequent public hearing and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Work Program. The Director of Community Development and/or his designee is hereby authorized and directed to address issues related to marijuana licenses or facilities within single family or multifamily residential areas. The work program should also develop appropriate permanent land use regulations pursuant to the new state law and state licensing requirements for review and recommendation for inclusion in the zoning regulations or other provisions of the Lynnwood Municipal Code. Such regulations shall be presented to the Lynnwood Planning Commission and Lynnwood City Council for consideration and action in due course.

Section 6. Moratoria. The moratoria imposed in Ordinance No. 2998, Ordinance No. 3039, and Ordinance No. 3061, which prohibits the filing and acceptance of land use, business license, or other applications for, and the licensing (including business licensing), establishment, location, operation, maintenance or continuation of marijuana businesses, or any other marijuana activities and operations asserted to be authorized or actually authorized under Initiative 502, and in Ordinance No. 2999, Ordinance No. 3040 and Ordinance No. 3062, which prohibits the filing and acceptance of land use, business license, or other applications for, and the licensing (including business licensing), establishment, location, operation, maintenance or continuation of, any medical cannabis collective garden, is unaffected by the interim zoning regulations adopted in this Ordinance and shall remain in place until expiration.

Section 7. Effective Date. . This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication

Section 8. 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.

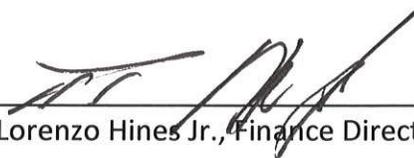
PASSED BY THE CITY COUNCIL, the 28 day of July, 2014, and signed in authentication of its passage this 30th day of July, 2014.

APPROVED:



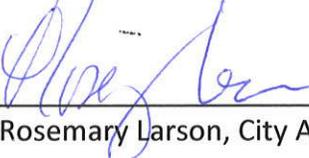
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 07/29/2014
PASSED BY THE CITY COUNCIL: 07/28/2014
PUBLISHED: 08/01/2014
EFFECTIVE DATE: 08/06/2014
ORDINANCE NUMBER: 3072



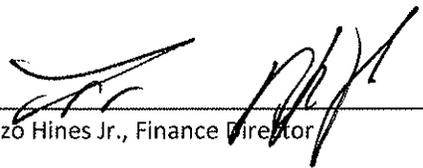
On the, 28th day of July, 2014 the City Council of the City of Lynnwood, Washington, passed ordinance 3072. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3072

AN ORDINANCE AMENDING OF THE CITY OF LYNNWOOD, WASHINGTON ADOPTING FINDINGS OF FACT, EXTENDING INTERIM ZONING CONTROLS FOR PROHIBITION OF MARIJUANA BUSINESSES, FACILITIES, AND LICENSES IN SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL AREAS; PROVIDING A TERM OF SIX MONTHS, PROVIDING FOR A WORK PROGRAM FOR PERMANENT ZONING AND/OR LICENSING CONTROLS, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

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

DATED this 1st day of August, 2014.



Lorenzo Hines Jr., Finance Director



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3072 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE AMENDING OF THE CITY OF LYNNWOOD, WASHINGTON ADOPTING FINDINGS OF FACT, EXTENDING INTERIM ZONING CONTROLS FOR PROHIBITION OF MARIJUANA BUSINESSES, FACILITIES, AND LICENSES IN SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL AREAS; PROVIDING A TERM OF SIX MONTHS, PROVIDING FOR A WORK PROGRAM FOR PERMANENT ZONING AND/OR LICENSING CONTROLS, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

That said ordinance was passed by the Council on July 28, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 1, 2014.



Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington



On the, 28th day of July, 2014 the City Council of the City of Lynnwood, Washington, passed ordinances 3072 through 3076. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3072

AN ORDINANCE AMENDING OF THE CITY OF LYNNWOOD, WASHINGTON ADOPTING FINDINGS OF FACT, EXTENDING INTERIM ZONING CONTROLS FOR PROHIBITION OF MARIJUANA BUSINESSES, FACILITIES, AND LICENSES IN SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL AREAS; PROVIDING A TERM OF SIX MONTHS, PROVIDING FOR A WORK PROGRAM FOR PERMANENT ZONING AND/OR LICENSING CONTROLS, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

ORDINANCE NO. 3073

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR REPLACEMENT OF THE POOL CONTROLLERS; AND AUTHORIZING EXPENDITURES IN THE GENERAL FUND; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3074

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING ADDITIONAL PROJECT FUNDING FOR CONSTRUCTION OF ANCILLARY INFRASTRUCTURE NECESSARY TO THE INTERURBAN TRAIL 208th STREET SW CROSSING IMPROVEMENTS ALONG 208th STREET SW BETWEEN 52nd AVENUE W AND 54th AVENUE W; AND SUPERSEDING ORDINANCE 3059; AND AUTHORIZING EXPENDITURES IN PROJECT FUND 350; AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS, AND REIMBURSEMENTS FROM FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3075

AN ORDINANCE SUPERSEDING ORDINANCE # 3019, WHICH SUPERSEDED #2960, WHICH SUPERSEDED ORDINANCE #2933, WHICH SUPERSEDED ORDINANCE #2784, ESTABLISHING PROJECT FUNDING FOR PROJECT FUND 318, AND PROVIDING FOR SPENDING AUTHORITY, BUDGET APPROPRIATIONS, AND TRANSFERS FROM FUNDS 411, 112, 330, 110, AND GRANTS, FOR THE 204TH STREET SW ROAD IMPROVEMENTS; FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

ORDINANCE NO. 3076

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR REBUILD OF THE TRAFFIC SIGNAL AT 196th STREET SW AND SCRIBER LAKE ROAD; AND SUPERSEDING ORDINANCE 3046, WHICH SUPERSEDED ORDINANCE 2959; AND AUTHORIZING EXPENDITURES IN PROJECT FUND 309; AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS, AND REIMBURSEMENTS FROM FUNDS 199 AND 331; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.
DATED this 1st day of August, 2014.

Lorenzo Hines Jr., Finance Director

Published: August 1, 2014. EDH579079

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Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates 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 579079 Ord. No. 3072, 3073, 3074, 3075, 3076 EDH 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 08/01/2014 and ending on 08/01/2014 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$95.32.

Debra

Subscribed and sworn before me on this

1 day of August
2014.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER
MULTIPLE ORDINANCES

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017