

ORDINANCE NO. 15-18

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING THE
CITY'S GENERAL REQUIREMENTS FOR MARIJUANA
FACILITIES TO LIMIT THE NUMBER OF PARCELS USED FOR
PRODUCING AND PROCESSING MARIJUANA; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the state legalized recreational and medical marijuana use in the State of Washington under Chapters 69.50 RCW and 69.51a RCW, and Chapter 314 WAC; and

WHEREAS, the City established companion regulations through adoption of Ordinance No. 22-15 (BMC 19.35) clarifying definitions and adding extra limitations concerning recreational and medical marijuana retail, production and processing; and

WHEREAS, BMC 19.35 was adopted to regulate the City's marijuana facilities; and

WHEREAS the City contains three sites on which producing and processing marijuana occur; and

WHEREAS the City contains two sites on which selling marijuana occur; and

WHEREAS the City desires to maintain its commercial sites for retail and other uses that provide the City with a tax base; and

WHEREAS marijuana producing and processing facilities do not pay taxes on sales of their products; and

WHEREAS the City desires to prevent additional facilities from locating within the City; and

WHEREAS the City desires to limit the number of parcels on which marijuana facilities are located; and

WHEREAS the City passed Ordinance 04-18 on March 27, 2018, that placed a moratorium on the establishment of any more marijuana processing or producing sites in the City until such time the Planning Commission could review the topic and offer a recommendation; and

WHEREAS, a determination of non-significance was issued August 15, 2018, in accordance with the State Environmental Policy Act; and

WHEREAS, the request for expedited review was received August 7, 2018, by the Washington State Department of Commerce of the proposed change in development regulations under Material Identification Number (MID#) 25165; and

WHEREAS, the City was granted expedited review on August 22, 2018, from Washington State Department of Commerce of the proposed change in development regulations; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on September 10, 2018; and

WHEREAS, the Planning Commission considered documents and comments, and issues a recommendation to the City Council to approve the proposed ordinance;

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

Section 1. Ordinance 14-18 is hereby repealed.

Section 2. A new subsection is added to BMC 19.35.040 to read as follows:

19.35.040(12) Marijuana research facilities are disallowed in all zones.

Section 3. Section 19.35.060 of the Buckley Municipal Code is amended to read as follows:

19.35.060 Recreational retail.

(1) Retail facilities shall have a separation distance of 3,000 feet, measured from the perimeter of the individual state-licensed marijuana retail store.

(2) The limit on parcels used for retail marijuana facilities shall be two.

(3) A boundary line adjustment shall not be allowed to enlarge the parcel.

Section 4. Section 19.35.070 of the Buckley Municipal Code is amended to read as follows:

19.35.070 Marijuana producing.

(1) Industrial hemp producing and processing shall be considered an agricultural crop and be exempt from the City's marijuana regulations.

(2) Outdoor marijuana production is not allowed.

(3) Production in a residential zone shall have the following performance standards:

(a) A barrier buffer (BMC 19.29.060(2)) and may use a secondary agricultural crop outside the facility;

(b) A minimum lot size of two and one-half acres; and

(c) Structural setbacks of 50 feet from each property line.

(d) Processing may be co-located with producing facilities.

(4) The limit on parcels used for marijuana processing shall be three.

(5) A boundary line adjustment shall not be allowed to enlarge the parcel.

Section 5. BMC 19.35.080 is amended as follows:

19.35.080 Marijuana processing.

(1) Extraction of oils from the marijuana plant is to be done by nonvolatile methods, such as closed loop systems or carbon dioxide.

(2) Processing in a residential zone shall have the following performance standards:

(a) A barrier buffer (BMC 19.29.060(2)) and may use a secondary agricultural crop outside the facility;

(b) A minimum lot size of two and one-half acres; and

(c) Structural setbacks of 50 feet from each property line.

(d) Producing may be co-located with processing facilities.

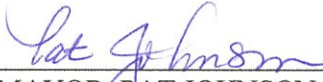
(3) The limit on parcels used for marijuana processing shall be three, provided that drying, packaging, and labeling marijuana grown on site shall not for this section be considered "processing."

(4) A boundary line adjustment shall not be allowed to enlarge the parcel.

Section 6. That this ordinance shall be transmitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.

Section 7. If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are to be declared severable.

APPROVED by the Buckley City Council this 9th day of October, 2018.


MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:


CITY CLERK, TREVA PERCIVAL

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

BY 