CITY OF MAPLE VALLEY, WASHINGTON
ORDINANCE NO. O-16-601

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, RELATING TO ESTABLISHING INTERIM REGULATIONS RELATED TO RETAIL MARIJUANA PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, under the authority of RCW 35A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six month intervals thereafter; and

WHEREAS, the State of Washington authorized the siting of two marijuana retail facilities within the city limits of Maple Valley; and

WHEREAS, one of the businesses has been in operation within the city limits for several months and the second business is in the process of opening; and

WHEREAS, the municipal code prohibits land uses that are prohibited by federal law;

WHEREAS, the siting of two state-licensed marijuana retail facilities within the city limits is inconsistent with the prohibition in the municipal code; and

WHEREAS, the City Council acknowledges that the voters of the State of Washington as well as those of Maple Valley voted to approve the retail sale of marijuana to adults 21 and over consistent with Washington State Initiative 502; and

WHEREAS, the City Council wishes to address and remediate this inconsistency;

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

Section 1. Findings of Fact. The "Whereas" clauses above shall constitute findings of fact in support of the need to adopt the interim municipal code amendments hereafter set forth and incorporated herein.

Section 2. Section 18.30.010 of the Maple Valley Municipal Code (MVMC) entitled "Establishment of uses – Prohibited uses,", is hereby amended to read as follows (new text is shown in underline; deleted text is show in ~~strikethrough~~):

18.30.010 Establishment of uses – Prohibited uses.

A. The use of property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A use that will operate for less than 60 days may be considered a temporary use, and be subject to the requirements of MVMC 18.30.015 pertaining to temporary uses. All applicable requirements of this code, or other applicable State or federal requirements, shall govern a use located in the City of Maple Valley.

B. Any land use that violates a City ordinance, or the City municipal code, and/or State law, and/or federal law is strictly prohibited; except, pursuant to Washington State Initiative 502, two Washington State Liquor and Cannabis Board licensed marijuana retail facilities shall be authorized to operate within the city limits even though inconsistent with federal law. .

~~C. Pursuant to RCW 69.51A.140(1) cities have discretion to adopt zoning for a collective garden. A collective garden use authorized under RCW 69.51A.085 is strictly prohibited in any zoning district in the City of Maple Valley.~~

~~D. Pursuant to the Washington Governor's veto of all provisions relevant to medical marijuana/medical cannabis dispensaries in ESSB 5073, Chapter 181, Laws of 2011 (partial veto) such dispensaries are strictly prohibited in any zoning district in the City of Maple Valley, the reference to "licensed dispensers" in RCW 69.51A.140(1) notwithstanding.~~

Section 3. Section 5.35.120 of the Maple Valley Municipal Code (MVMC) entitled "Notice of noncompliance – Revocation – Final Action," is hereby amended to read as follows (new text is shown in underline; deleted text is show in ~~strikethrough~~)

5.35.120 Notice of noncompliance – Revocation – Final action.

A pending application for renewal under this chapter shall be deemed in compliance with this chapter unless the applicant is notified by the City of Maple Valley in writing that said application may not be granted because of noncompliance with the provisions of this chapter, any other City code or ordinance, or State or federal law; except, pursuant to Washington State Initiative 502, two Washington State Liquor and Cannabis Board licensed marijuana retail facilities shall be authorized to operate within the city limits even though inconsistent with federal law. . In the event such notice is given, the applicant shall have 30 days from the date of such notice to comply with any section violated under this chapter prior to final action upon said application for renewal unless an extension for compliance is granted by the City Manager or his/her designee.

Section 4. Effective Period of Interim Development Regulations. This ordinance amending the City's municipal code shall be effective immediately and shall continue in effect for a period of six months, until March 27, 2017, unless earlier repealed, renewed, or modified by the City Council as provided by State law.

Section 5. Hearing. In accordance with the requirements of State law, a public hearing on these interim regulations shall be scheduled within 60 days of enactment of this ordinance.

Section 6. Severability. If any section, sentence, or phrase of this ordinance should be declared 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, or phrase of this ordinance.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THIS 26th DAY OF SEPTEMBER, 2016.

Sean P. Kelly, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

Date of Publication: October 4, 2016
Effective Date: September 26, 2016