

ORDINANCE NO. 1395

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON ESTABLISHING REGULATIONS AND ZONING CONTROLS FOR MEDICAL CANNABIS COLLECTIVE GARDENS, ADDING NEW SECTIONS 9.44.150, 9.44.160, 9.44.170 AND 9.44.180, AMENDING SECTIONS 16.21.020, 16.T.06 DIVISION A, 16.27.020, 16.39.020, 16.40.020 AND 16.42.020 AND APPROVING A SUMMARY FOR PUBLICATION.

THE CITY COUNCIL OF THE CITY OF LACEY HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

1. Federal law, since 1970, has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment.
2. The voters of the State of Washington approved Initiative 692 (codified as RCW 69.51A in November 1998).
3. The intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law,"(RCW 69.51A.005), however, specifying that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes" (RCW 69.51A.020).
4. In 2011 the Washington State Legislature passed RCW 69.51A.085, which permits qualifying patients "to create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use," provided no more than ten qualifying patients participate, a collective garden does not contain more than 15 plants per patient up to a total of 45 plants per garden, and the garden does not contain more than 24 ounces of useable cannabis per patient and up to a total of 72 ounces of useable cannabis per garden.
5. RCW 69.51A.060(1) provides that it is a class 3 civil infraction to display medical cannabis in a manner or place which is open to view of the general public, which would include growing plants.
6. RCW 69.51A.140 grants authority to local jurisdictions to regulate medical cannabis collective gardens.
7. As part of the process for the adoption of zoning regulations, the land use impacts of collective gardens must be identified.

8. Because the land use impacts of growing marijuana in quantities allowed by the State of Washington have been experienced in other jurisdictions, the City of Lacey may look to the experiences of other cities and counties in adopting zoning regulations for collective gardens.

9. Section 69.51A.130 exempts cities and their officers and employees from civil or criminal liability for actions taken in good faith under Chapter 69.51A and within the scope of their assigned duties and in carrying out such duties, law enforcement needs to be able to readily distinguish plants growing in compliance with the laws versus those that are not.

10. State law allows for medical cannabis collective gardens as defined herein, but does not allow dispensaries.

11. An effective way to carryout the intent of state law in allowing collective gardens but disallowing dispensaries is to prohibit a rotating membership base in a collective garden and require membership in one collective garden for at least 30 days prior to joining another collective garden.

12. The City Council previously adopted interim regulations for the regulation of medical cannabis collective gardens and referred such interim regulations to the Lacey Planning Commission for review and recommendation all pursuant to the terms of Ordinance No. 1383 as amended by Ordinance 1389.

13. The Planning Commission has reviewed the terms of such Ordinances and has recommended to the City Council that those regulations be maintained with the understanding that after the next legislative session, the City will undertake a review of such regulations and the City Council is in agreement with such recommendations.

14. The action of the City in passing this Ordinance is taken in good faith as that term is defined in RCW Chapter 69.51A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. There is hereby added to the Lacey Municipal Code new sections reading as follows:

9.44.150 Definitions.

For purposes of regulating medical cannabis collective gardens as authorized by state law and this ordinance, the following definitions shall be used:

(A) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber

produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

(B) "Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

(C) "Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

(D) "Collective Garden" means those gardens authorized under Section 403 of ESSSB 5073, which means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

(E) "Indoors" means within a fully enclosed and secure structure that complies with the International Building Code as adopted by Chapter 14.04 of the Lacey Municipal Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" by 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

(F) "Legal parcel" means a parcel of land for which one legal title exists.

(G) "Medical use of cannabis" means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

(H) "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

(I) "Person" means an individual or an entity.

(J) "Personally identifiable information" means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

(K) "Plant" means an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

(L) "Process" means to handle or process cannabis in preparation for medical use.

(M) "Produce" means to plant, grow, or harvest cannabis for medical use.

(N) "Qualifying patient" means a person who:

(a) Is a patient of a health care professional;

(b) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;

(e) Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and

(f) Is otherwise in compliance with the terms and condition established in RCW 69.51A.

The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this ordinance and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

(O) "School" means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional

institution of higher learning, including a community or junior college, college or university.

(P) "Terminal or debilitating medical condition" means:

(1) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(2) Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or

(3) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(4) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(5) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(6) Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(7) Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(Q) "THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

(R) "Useable cannabis" means dried flowers of the *Cannabis* plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

(S) "Valid documentation" means:

(1) A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis;

(2) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and

(3) In the case of a designated provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.

(T) "Youth-oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This term shall not include a day care or preschool facility or bus stops.

9.44.160 Zoning Regulations.

All medical cannabis collective gardens shall be subject to the following zoning regulations:

A. Location and Distance Restrictions.

- (1) No Collective Garden shall be permitted outdoors;
- (2) No Collective Garden shall be located within One Thousand (1000) feet of schools and youth-oriented facilities, as measured from edge of property line to edge of property line;
- (3) No Collective Garden shall be located within Five Hundred (500) feet of another permitted collective garden;
- (4) No Collective Garden shall be located in a manner that will allow the cannabis plants to be visible by the public.

B. Ownership and Limitation on Numbers. No more than one Collective Garden may be located on a legal parcel of land, and the parcel must be owned or leased to one of the members of the Collective Garden. A qualifying patient can not be a member of more than one Collective Garden, and must be a member of one Collective Garden for at least thirty (30) days before transferring their membership to another Collective Garden. Each Collective Garden must maintain records of its membership demonstrating compliance with the provisions of this subsection. Such records shall be maintained and be subject to inspection by the City for no less than three years.

C. Allowed Zones Districts. Medical Cannabis Collective Gardens, as defined herein, shall be allowed in the Agricultural, Light Industrial, Industrial, General Commercial, Light Industrial/Commercial Districts and Central Business Districts 4 and 5 of the City and in no other locations.

9.44.170 Collective Garden Permit Required.

In order to site and operate a Collective Garden, the owner or lessee of the property must obtain approval from the City for a Collective Garden Permit. This requires the submission of a complete application.

A. Collective Garden Land Use Permit Application. A complete application for a Collective Garden Land Use Permit shall include:

1. A statement acknowledging that the permit applied for will be issued in conformance with the laws of the State of Washington and this Ordinance and that such issuance does not confer upon the members of the Collective Garden immunity from prosecution under federal law;
2. The location of the parcel where the Collective Garden will be located, by street address and tax parcel number;
3. Either the owner of the property shall sign the application, or the person signing it must demonstrate that they have permission to sign the application on behalf of the owner;
4. A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of the members and protect the premises from theft;
5. Payment of a fee which shall be established by Resolution of the City Council, provided, however, but prior to such action, the permit fee shall be \$100.00.

B. Collective Garden Land Use Permit Procedure; Appeals.

1. Upon receipt of a complete application, the City Code Enforcement Officer or designee shall schedule with the applicant an inspection or inspections of the premises to insure compliance with this ordinance. If the applicant is in compliance with this ordinance, the Code Enforcement Officer or designee shall issue a Collective Garden Land Use Permit.
2. The issuance of a Collective Garden Land Use Permit shall not be deemed as approval or permission from the City of Lacey to engage in any activity deemed illegal under any applicable law, nor shall it constitute a determination by the City that the manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of and use of cannabis engaged in by the licensee or permittee is either legal or illegal under state or federal law.
3. Appeal of the Code Enforcement Officer's decision must be submitted to the City Clerk in writing no later than ten (10) business days following such Officer's decision.

4. Administrative appeals shall be heard by the Community Development Director of the City whose decision upon such appeal shall be final.

9.44.180 Prohibition Against Other Methods of Medical Cannabis Dispensing, Delivery or Distribution.

It shall be unlawful to dispense, deliver or distribute medical cannabis as such terms are defined in RCW 69.50.101 by any means other than one qualifying patient and one qualified provider in accordance with state law or through a Collective Medical Cannabis Garden as specified by state law and the regulations set forth in this chapter. Such prohibition includes the dispensing, delivery or distribution of medical cannabis by gift, sale or any other means whatsoever.

Section 2. Section 16.21.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.21.020 Permitted uses.

A. Specific types permitted in the agricultural district:

1. Production of crops and livestock including but not limited to the following:
 - a. All horticultural crops including tree farms, green houses and nurseries;
 - b. Livestock production including grazing, dairying, poultry and egg production, and riding stables;
 - c. Limited processing and packaging of produce and animal products, including slaughtering, limited to crops and animals produced on the premises;
 - d. Medical Cannabis Collective Gardens pursuant to the terms of LMC 9.44.140 – 9.44.180.
2. Single-family structures, not exceeding one per five acres.

B. Other or related uses:

1. Accessory buildings or structures clearly related to the basic use of the premises such as storage of personal property, vehicles, equipment and supplies;
2. Stands or sheds for the sale of agricultural products produced on the premises;
3. Mobile homes for persons related to or employed in the agricultural pursuits of the premises;

4. Accessory residential dwelling as defined in Section 16.06.055;
5. Home occupations as provided in Chapter 16.69 of this title.

Section 3. Table 16-T-06 Division A of the Lacey Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto.

Section 4. Section 16.27.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.27.020 Permitted uses.

A. Specific types of uses permitted in this district are those commercial activities which are more dependent on direct vehicular access than the activities permitted in other districts, including the following:

1. Retail and Commercial establishments such as:
 - a. Food stores and drug (variety) stores;
 - b. Building, hardware, and garden materials;
 - c. Auto supply stores;
 - d. Gasoline service stations;
 - e. Liquor stores;
 - f. Used good retail stores;
 - g. Sporting goods and related stores;
 - h. Books and stationery, video, and art supply stores;
 - i. Hobby toy and game shops;
 - j. Photographic and electronics stores;
 - k. Fabric stores;
 - l. Florists;
 - m. Pet shops;
 - n. Bulk retail stores;
 - o. Personal services;

- p. Professional and business services;
- q. Banks and financial offices;
- r. Greenhouses and garden materials;
- s. Other similar retail, professional and business uses as approved by the site plan review committee.

2. Sales and/or servicing of:

- a. Appliances and home furnishings,
- b. Automotive equipment,
- c. Boats and marine equipment,
- d. Building contractors, including plumbing, electrical, etc.,
- e. Campers, mobile homes and trailers,
- f. Car washes and service stations,
- g. Farm equipment and supplies,
- h. Lumber yards and hardware,
- i. Laundry and dry cleaning, both commercial and self-service;

3. Eating and drinking places, including drive-ins;

4. Commercial recreation, such as:

- a. Personal amusement or recreation establishments such as those featuring mechanical or electronic games, games of skill such as billiards, bowling, table tennis, and the like, and

- b. Drive-in theaters;

5. Recycling centers for the collection and temporary storage of materials; provided, that the storage and collection operation is conducted within an enclosed building having a maximum gross floor area of four thousand square feet. All recycling centers must be reviewed and approved prior to operation by the site plan review committee;

6. Recreational vehicle parks subject to the following standards:

- a. The minimum lot size requirement shall be two acres, and a minimum recreational vehicle site of one thousand square feet in area,

b. No structure or recreational vehicle site shall be closer than twenty-five feet to any property line. The area created by such setback shall be used for landscaping to screen the recreational vehicles from adjoining properties,

c. Permitted improvements include restroom facilities; picnicking areas; boating; fishing; swimming; outdoor games and activities, including miniature golf courses or any mechanical amusement device; and other uses customarily incidental to the operation of the park,

d. Facilities for storage and disposal of trash and garbage in a sanitary manner shall be provided in each park;

7. Child day care centers as provided in Chapter 16.65.

8. Urban agricultural uses as provided for and limited under Chapter 16.21.

9. Medical Cannabis Collective Gardens pursuant to the terms of LMC 9.44.140 – 9.44.180.

B. Similar or related uses permitted as follows:

1. Distributive business establishments such as wholesaling, warehousing, including for example:

a. Mail order warehouses,

b. Automotive parts wholesalers,

c. Hotels and motels, and

d. Transient facilities for short-term stay (e.g., overnight, two weeks) of recreational vehicles.

2. Other, unlisted, similar or related uses, and criteria for determination of similarity or relatedness, as follows:

a. Uses similar to, or related to, those listed in subsection 16.27.020(A) are permitted upon a finding of the enforcing officer and/or the site plan review committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan.

b. The criteria for such finding of similarity shall include but not be limited to the following:

(1) That the proposed use is appropriate in this district,

(2) That the development standards for permitted uses can be met by the proposed use,

(3) That the public need is served by the proposed use.

C. Conditional uses may be permitted as provided for in Chapter 16.66 of this title.

As a conditional use the city may consider administrative offices or other facilities of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent retail uses, enhances the retail environment and will not adversely impact the city's economic development strategies for the zone.

D. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

Section 5. Section 16.39.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.39.020 Permitted uses.

A. The uses allowed in this district are limited to those necessary for a healthy and vibrant employment zone that promote manufacturing job generation or commercial development and occupying a building with a footprint no larger than a total of 200,000 square feet in size. A use must meet the intent of the zone as stated in section 16.39.010 and be described in the following portions of this subsection in order to be permitted. Types of uses permitted in the Light Industrial/Commercial district subject to satisfying the intent of the zone, may include:

1. Light industrial activities involving the manufacture, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community. Such goods or products may include, but are not limited to:

- a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies,
- b. Electrical and electronic equipment or products,

2. Light industrial activities involving the assembly of manufactured products and processing of materials. Such products may include, but are not limited to:

- a. Sheet metal, cans, cable,
- b. Cloth, paper,
- c. Commercial bakery goods,
- d. Cosmetics,

e. Dairy products, and other agricultural commodity and processing, except slaughtering, and except where such activities generate nuisance characteristics likely to impact surrounding property,

f. Scientific, medical and precision instruments and equipment;

3. Other uses:

a. Warehousing and distribution facilities and storage of equipment, commodities and products,

b. Laundry and dry cleaning plants,

c. Mineral extraction subject to Chapter 16.45 of the Lacey Municipal Code,

d. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g. plant cafeteria, recreation area),

e. Mail carrier services that predominantly utilize smaller trucks, such as US Mail facilities, United Parcel Service, Federal Express and other similar services.

f. Urban agricultural uses as provided for and limited under Chapter 16.21.

g. Medical Cannabis Collective Gardens pursuant to the terms of LMC 9.44.140 – 9.44.180.

4. Existing buildings that have a footprint larger than 200,000 square feet shall be considered in compliance with this section based upon mitigation under previous approvals.

B. General commercial uses that are compatible with adjacent uses in this zone and sometimes considered heavier commercial uses that may not be compatible with uses in other zones including:

1. Building material sales, lumber yards, hardware and garden materials;

2. Auto supply stores;

3. Car washes and gas and service stations;

4. Automotive repair;

5. Used good retail stores;

6. Wholesale sales;

7. General retail sales;

8. Automobile sales;
9. Servicing of equipment;
10. Building contractors and staging for contracting business provided all equipment stored outside is effectively screened from adjacent properties and road right of way.
11. Campers, trailers and manufactured home sales;
12. Boat and marine equipment sales;
13. Farm equipment supplies;
14. Eating and drinking establishments;
15. Commercial recreation;
16. Recycling;
17. Business, professional and personal services (e.g. banks, accounting services, barber shops);
18. Motels;
19. Taxidermy;
20. Veterinary clinics (limited to small animals);
21. General retail activity;
22. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises;
23. Firefighter's sleeping quarters in fire houses.

C. Similar, related or compatible uses permitted, and criteria for determination of similarity, relatedness or compatibility, include:

1. Uses similar to, or related to, or compatible with those listed or described in Section 16.39.020.A of the Lacey Municipal Code are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan.
2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:

- a. The proposed use is appropriate in this area,
- b. The development standards for permitted uses can be met by the proposed use,
- c. The public need is served by the proposed use.
- d. The use meets expectations of the Comprehensive Land Use Plan, Transportation Plan, and Economic Development Element.

D. Conditional Uses Permitted: Conditional uses may be considered as provided for in Chapter 16.66 of the Lacey Municipal Code, provided all applicable standards necessary to mitigate identified impacts are satisfied.

1. For a conditional or special use to be approved it must be shown that the use would meet the goals of the Comprehensive Land Use Plan, the Transportation Plan, the Economic Development Element, and would promote higher job generation or other significant benefits to the Lacey community.

2. As a conditional use the city may consider administrative offices or other facilities of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent light industrial or commercial uses, enhances the marketability of the light industrial/commercial zone and will not adversely impact the city's economic development strategies for the zone.

E. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 of the Revised Code of Washington.

Section 6. Section 16.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.40.020 Permitted uses.

A. Permitted Uses: Uses allowed within this zone are limited to those necessary for a healthy and vibrant employment zone that promote manufacturing activity and job generation. A use must meet the intent of the zone as stated in section 16.40.010 to be permitted. Types of uses that may be permitted in the light industrial district, subject to satisfying the intent of the zone, may include:

1. Light industrial activities involving the manufacture, assembly, repair, servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community.

Such goods or products may include, but are not limited to:

- a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies,
- b. Electrical and electronic equipment or products;

2. Light industrial activities involving the assembly of manufactured products and processing of materials.

Such products may include, but are not limited to:

- a. Sheet metal, cans, cable,
- b. Cloth, paper,
- c. Commercial bakery goods,
- d. Cosmetics,

e. Dairy products, and other agricultural commodity and processing, except slaughtering, and except where such activities generate nuisance characteristics likely to impact surrounding properties.

- f. Scientific, medical and precision instruments and equipment;

3. Other uses:

a. Warehousing and distribution facilities and storage of equipment, commodities and products,

b. Laundry and dry cleaning plants,

c. Mineral extraction subject to Chapter 16.45 of the Lacey Municipal Code,

d. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises,

e. Firemen's sleeping quarters in fire houses,

f. Urban agricultural uses as provided for and limited under Chapter 16.21;

g. Medical Cannabis Collective Gardens pursuant to the terms of LMC 9.44.140 – 9.44.180.

4. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g., plant cafeteria, recreation area);

5. Mail carrier services that predominantly utilize smaller trucks, such as US Mail facilities, United Parcel Service, Federal Express and other similar services.

6. Buildings in existence prior to January 1, 2010 that have a footprint larger than 500,000 square feet shall be considered in compliance with this section based upon mitigation under previous approvals.

B. Similar Uses: Similar or related uses permitted, and criteria for determination of similarity or relatedness as follows:

1. Uses similar to, or related to, or compatible with those listed or described in Section 16.40.020.A of the Lacey Municipal Code are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan;

2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:

a. The proposed use is appropriate in this area,

b. The development standards for permitted uses can be met by the proposed use,

c. The public need is served by the proposed use.

d. The use meets expectations of the Comprehensive Land Use Plan, Transportation Plan, and Economic Development Element.

C. Conditional Uses Permitted:

1. Conditional uses may be considered as provided for in Chapter 16.66 of the Lacey Municipal Code.

2. For a conditional use to be approved it shall be demonstrated that the use would meet the goals of the Comprehensive Land Use Plan, the Transportation Plan, the Economic Development Element, and would promote job generation or other significant benefits to the Lacey community.

3. As a conditional use the city may consider administrative offices or other facilities of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent light industrial uses, enhances the marketability of the light industrial zone and will not adversely impact the city's economic development strategies for the zone.

D. On-site hazardous waste treatment and storage facilities as an accessory use: On-site hazardous waste treatment and storage facilities may be permitted as an accessory use to any

activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 of the Revised Code of Washington.

Section 7. Section 16.42.020 is hereby amended to read as follows:

16.42.020 Permitted uses.

A. Specific types of uses permitted are those types of industrial activities which can be accomplished within the performance standards established by this title. Any industrial activity for which performance standards are not included in this title shall comply with the standards established by recognized public or quasipublic agencies for the protection of industrial or environmental health. (The standards shall be those in effect at the time that a building permit is issued.)

Examples of permitted uses are as follows:

1. All industrial activities involving the manufacture, assembly, processing, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;
2. The production, sale or bulk storage of materials or products;
3. Warehousing and open storage;
4. Food processing;
5. Fabrication of furniture, appliances.
6. Urban agricultural uses as provided for and limited under Chapter 16.21.

B. Similar or related uses permitted, and criteria for determination of similarity or relatedness, are as follows:

1. Uses similar to, or related to, or compatible with those listed or described in Section 16.42.020.A of the Lacey Municipal Code are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan;
2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,

- c. The public need is served by the proposed use;
3. Eating and drinking places within an industrial building or as an accessory use, and catering primarily to the people working in the area;
 4. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises;
 5. Firemen's sleeping quarters in fire houses.
 6. Medical Cannabis Collective Gardens pursuant to the terms of LMC 9.44.140 – 9.44.180.

C. Conditional uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 9. The Summary attached hereto is hereby approved for publication.


PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 26th day of
July, 2012.

CITY COUNCIL

By: _____

DEPUTY Mayor

Approved as to form:



City Attorney

Attest:



City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1395

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on July 26, 2012, Ordinance No. 1395, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON ESTABLISHING REGULATIONS AND ZONING CONTROLS FOR MEDICAL CANNABIS COLLECTIVE GARDENS, ADDING NEW SECTIONS 9.44.150, 9.44.160, 9.44.170 AND 9.44.180, AMENDING SECTIONS 16.21.020, 16.T.06 DIVISION A, 16.27.020, 16.39.020, 16.40.020 AND 16.42.020 AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance recognizes the recommendations of the Planning Commission and adopts the same provisions regulating medical cannabis collective gardens as have been in place pursuant to the interim regulations adopted by Ordinance No. 1383 as amended by Ordinance No. 1389.
2. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: July 30, 2012.

EXHIBIT A

Table 16T-06

CHART 16.25.020(1)
GENERALIZED LAND USES IN CBD ZONES
Ord. 1380 §2, 2012; Ord. 1355 §5, 2010; Repealed Ord. 1355 §4, 2010;
Amended by Ord. 1131 §9, 2000; Ord. 1098 §20, 1999; Ord. 1080 § 17, 1998

DIVISION A. AGRICULTURE, FORESTRY, AND FISHING

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD 4	CBD 5	CBD 6	CBD 7	SMU
0272	Animal Aquaculture			P		
0742	Veterinary Services for Animal Specialties	P	P			
0781	Landscape Counseling and Planning	P	P	P	P	P
0782	Lawn and Garden Services	C	P	P	P	P
0783	Ornamental Shrub and Tree Services	C	P	P	P	P
	<u>Medical Cannabis Collective Gardens</u>	P	P			
	Noncommercial Forest			P	P	P
	Water Areas			P	P	P
	Open Space, Open Space				P	P
	Open Space, Timber			P	P	
	Open Space, NEC			C	C	