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Woodland, WA. 98674
www.ci.woodland.wa.us

100 Davidson Avenue
FAX: (360) 225-1201

Fire
(360) 225-7076

Police
(360) 225-6965

300 East Scott Avenue
FAX: (360) 225-7467

Public Works
(360) 225-7999

230 Davidson Avenue
FAX: (360) 225-7336

Building
(360) 225-7299

Clerk-Treasurer
(360) 225-8281

Planning
(360) 225-1048

Date: January 30, 2015

RE: A proposed amendment to the Woodland Municipal Code to add permanent regulations banning collective gardens/medical marijuana in all zoning districts within the City of Woodland.

Land Use Application No.: #215-902

Lead Agency: City of Woodland, WA

Summary: The Woodland Planning Commission is proposing changes to the city's code to add a chapter regarding regulations for recreational marijuana. Changes would impact property owners and tenants citywide.

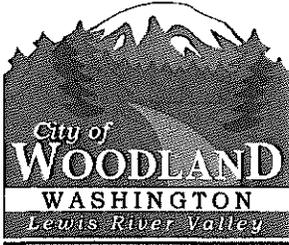
Enclosed Documents for Review: The enclosed Notice of Application, SEPA Determination of Non-Significance, Notice of Public Hearing, draft ordinances and SEPA environmental checklist are submitted for your review and comments. Comments must be submitted to the City Planning Department by **5:00 p.m. on February 19, 2015.**

Public Hearing: A public hearing before the Planning Commission will be held at 7:00 PM on Thursday, February 19, 2015 at the Woodland City Council Chambers, 200 East Scott Avenue, Woodland, Washington.

Please contact Amanda Smeller at (360)-225-1048 or smellera@ci.woodland.wa.us with any questions regarding this matter.

Sincerely,

Amanda Smeller
Community Development Planner



Building & Planning Department

P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674
www.ci.woodland.wa.us
(360) 225-1048 / FAX # (360) 225-7336

NOTICE OF APPLICATION

NOTICE OF PUBLIC HEARING

DETERMINATION OF NON-SIGNIFICANCE (DNS)

Project:	Adding permanent regulations to ban Collective Gardens/Medical Marijuana in all zones with the City of Woodland city limits.
Date of Issuance:	January 30, 2015
Publishes:	February 4, 2015
Applicant:	City of Woodland
Location:	This is a non-project action that could impact all City property owners and tenants.
Comment Due Date:	February 18, 2015
Planning Commission Public Hearing Date:	February 19, 2015 at 7:00 PM at the Woodland City Council Chambers, 200 East Scott Avenue, Woodland, Washington

I. DESCRIPTION OF PROPOSAL

The City of Woodland is proposing to add permanent regulations to ban Collective Gardens/Medical Marijuana in all zoning districts within the City of Woodland city limits. These proposed changes would impact property owners and tenants citywide.

You are invited to comment on this proposed project.

II. ENVIRONMENTAL REVIEW:

The City of Woodland has determined that this proposal will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) or mitigation was not required under RCW 43.21C.030. This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

This DNS is issued under WAC 197-11-340(2). Written comments concerning the SEPA determination must be submitted no later than **5 p.m. on February 18, 2015** to:

City of Woodland
Building and Planning Department
c/o Amanda Smeller
230 Davidson Ave., PO Box 9
Woodland, WA 98674

Email: smellera@ci.woodland.wa.us
Phone: 360-225-1048
Fax: 360-225-7336

IV. EXISTING ENVIRONMENTAL DOCUMENTS

- 1. SEPA checklist (January 30, 2015)

Application materials including the document listed above can be reviewed at the Woodland City Hall Annex, 230 Davidson Ave., Woodland, WA 98674 or can otherwise be obtained by contacting the SEPA responsible official.

V. REVIEW AUTHORITY

Per WMC 19.08.030, SEPA Threshold Determinations shall be made by the City Public Works Department Staff. After the close of the comment period on the NOA, the City will review any comments on the environmental impacts of the project and decide whether to proceed with issuing a DNS. The City is required to circulate the DNS, if issued, to the Department of Ecology, agencies with jurisdiction, anyone who commented on this NOA, and anyone requesting a copy.

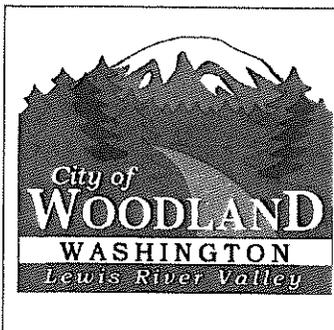
VI. PUBLIC HEARING NOTICE

The Woodland Planning Commission will hold a public hearing on this matter at their February 19, 2015 meeting. The Planning Commission will accept testimony and make recommendations to the City Council. Date, time, and location are as follows:

Date: Thursday, February 19, 2015
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 200 East Scott Avenue, Woodland, WA

Date: January 30, 2015 Signature: 

Published in the Reflector: February 4, 2015



STATE ENVIRONMENTAL POLICY ACT CHECKLIST

Planning Department

P.O. Box 9, 230 Davidson Avenue

Woodland, WA 98674

<http://www.ci.woodland.wa.us>

(360) 225-1048 / FAX # (360) 225-7336

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant enough to require an EIS.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without hiring experts. If you do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have questions, the governmental agencies can assist you. (For questions about filling out this checklist for the City of Woodland, contact the Woodland Planning Department at (360) 225-1048).

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for non-project proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D). For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

Submittal of this checklist:

Remove and discard this sheet. Sign and date the checklist upon submittal (date delivered or mailed). Fill out and attach a Land Use Master Application. See the applicable "submittal checklist" for the application. A fee of \$650.00 (or the amount listed under WMC 15.04.260) and other applicable fees are due upon submittal of the checklist.

About the Threshold Determination and Comment Period:

After this checklist is submitted AND DEEMED COMPLETE, a Threshold Determination will be issued. You will receive a copy for your records. There is usually a 14-day comment period for other agencies and interested parties to respond. Any comments will be forwarded to you. If there is a need for you to respond to these comments, please do so as quickly as possible.

A. BACKGROUND

1. Name of proposed project, if applicable:

Permanent regulations to ban collective gardens/medical marijuana in all zoning districts.

2. Name of applicant:

City of Woodland

3. Address and phone number of applicant and contact person:

City of Woodland
City Hall Annex
230 Davidson Ave. PO Box 9
Woodland, WA 98674

4. Date checklist prepared:

January 30, 2015

5. Agency requesting checklist:

City of Woodland

6. Proposed timing or schedule (including phasing, if applicable):

The Planning Commission is holding a public hearing on this matter at a regularly scheduled meeting on February 19, 2015. The draft ordinance will then go to the City Council for approval in March/April.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No additional plans are part of this proposal.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No environmental information has been prepared or will be prepared as part of these proposed code changes.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Woodland City Council must approve the amendments.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain

aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is a non-project action to amend the Woodland Municipal Code as it pertains to collective gardens/medical marijuana. If approved, these changes have the potential to impact all property owners and tenants.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Action is not site specific.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

Not applicable. This is a non-project action.

b. What is the steepest slope on the site (approximate percent slope)?

Not applicable. This is a non-project action.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable. This is a non-project action.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable. This is a non-project action.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable. This is a non-project action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable. This is a non-project action.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. This is a non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable. This is a non-project action.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable. This is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable. This is a non-project action.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable. This is a non-project action.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable. This is a non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable. This is a non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable. This is a non-project action.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable. This is a non-project action.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable. This is a non-project action.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable. This is a non-project action.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable. This is a non-project action.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable. This is a non-project action.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable. This is a non-project action.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable. This is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable. This is a non-project action.

4. Plants

a. Check the types of vegetation found on the site:

____deciduous tree: alder, maple, aspen, other

____evergreen tree: fir, cedar, pine, other

____shrubs

____grass

- ____ pasture
- ____ crop or grain
- ____ Orchards, vineyards or other permanent crops.
- ____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ____ water plants: water lily, eelgrass, milfoil, other
- ____ other types of vegetation

Not applicable. This is a non-project action.

b. What kind and amount of vegetation will be removed or altered?

Not applicable. This is a non-project action.

c. List threatened and endangered species known to be on or near the site.

Not applicable. This is a non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable. This is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable. This is a non-project action.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other _____

Not applicable. This is a non-project action.

b. List any threatened and endangered species known to be on or near the site.

Not applicable. This is a non-project action.

c. Is the site part of a migration route? If so, explain.

Not applicable. This is a non-project action.

d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable. This is a non-project action.

e. List any invasive animal species known to be on or near the site.

Not applicable. This is a non-project action.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable. This is a non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable. This is a non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable. This is a non-project action.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable. This is a non-project action.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable. This is a non-project action.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable. This is a non-project action.

- 4) Describe special emergency services that might be required.

Not applicable. This is a non-project action.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable. This is a non-project action.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable. This is a non-project action.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable. This is a non-project action.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable. This is a non-project action.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable. This is a non-project action.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable. This is a non-project action.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable. This is a non-project action.

c. Describe any structures on the site.

Not applicable. This is a non-project action.

d. Will any structures be demolished? If so, what?

Not applicable. This is a non-project action.

e. What is the current zoning classification of the site?

Not applicable. This is a non-project action.

f. What is the current comprehensive plan designation of the site?

Not applicable. This is a non-project action.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. This is a non-project action.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable. This is a non-project action.

i. Approximately how many people would reside or work in the completed project?

Not applicable. This is a non-project action.

j. Approximately how many people would the completed project displace?

Not applicable. This is a non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable. This is a non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable. This is a non-project action.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Not applicable. This is a non-project action.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable. This is a non-project action.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable. This is a non-project action.

c. Proposed measures to reduce or control housing impacts, if any:

Not applicable. This is a non-project action.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable. This is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

Not applicable. This is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable. This is a non-project action.

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable. This is a non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable. This is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable. This is a non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable. This is a non-project action.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable. This is a non-project action.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable. This is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable. This is a non-project action.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

Not applicable. This is a non-project action.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable. This is a non-project action.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable. This is a non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable. This is a non-project action.

14. **Transportation**

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable. This is a non-project action.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable. This is a non-project action.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable. This is a non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable. This is a non-project action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable. This is a non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable. This is a non-project action.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable. This is a non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable. This is a non-project action.

15. **Public services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable. This is a non-project action.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable. This is a non-project action.

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Not applicable. This is a non-project action.

b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might
be needed.

Not applicable. This is a non-project action.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead
agency is relying on them to make its decision.

Signature: Amanda Smeller

Name of signee Amanda Smeller

Position and Agency/Organization Community Development Planner / City of Woodland

Date Submitted: 1/30/2015

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed amendments are not anticipated to influence water pollution, air emissions or noise anywhere in the City.

Proposed measures to avoid or reduce such increases are:

State regulations will require mitigation of any potential hazards as listed above.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed amendments are not likely to have any impact on plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

State regulations will require mitigation of any potential hazards as listed above.

3. How would the proposal be likely to deplete energy or natural resources?

No depletion of energy or natural resources is expected with these proposed code changes.

Proposed measures to protect or conserve energy and natural resources are:

None identified.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No impacts on environmentally sensitive areas or areas designated for governmental protection are anticipated.

Proposed measures to protect such resources or to avoid or reduce impacts are:

State regulations will require mitigation of any potential hazards as listed above.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not likely to impact land and shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

State regulations will require mitigation of any potential hazards as listed above.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No increased demand on transportation or public services or utilities are expected.

Proposed measures to reduce or respond to such demand(s) are:

None identified.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts have been identified.

ORDINANCE NO. 13XX

THE CITY OF WOODLAND, WASHINGTON

A ZONING ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, ADOPTING PERMANENT ZONING CONTROLS TO PROHIBIT MEDICAL MARIJUANA COLLECTIVE GARDENS WITHIN THE CITY OF WOODLAND CITY LIMITS.

FINDINGS

Since 1970, federal law has prohibited the manufacture and possession of marijuana, designating it a Schedule I drug. This prohibition is based on the federal government's finding that marijuana has a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq;

In 1998, the voters of the State of Washington approved Initiative 692 (later codified as RCW 69.51A in November 1998), an initiative to de-criminalize the use of medical marijuana;

The intent of Initiative 692 was to permit qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, to not be subject to state criminal sanction, RCW 69.51A.005. However the Initiative also stated 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; and, as a result, "medical marijuana" does not violate state criminal law if maintained in accordance with the statute. "Medical marijuana" violates federal criminal law because the Federal law does not characterize marijuana by its use;

The Federal Government has not issued formal assurances that local government officials and employees will be immune from prosecution for their roles in zoning, permitting and licensing collective gardens. In fact, the Department of Justice has given written notice that local government officials and employees could be subject to criminal charges;

The Washington legislature later took further action regarding medical marijuana in SB 5073. Washington's Governor, in her partial veto letter, of SB 5073, of April 29, 2011, indicated cooperative medical marijuana organizations should be exempted from state criminal penalties "conditioned on compliance with local government location and health and safety specifications", creating a need to balance the interests of federal law, Washington medical marijuana patients and the health, safety and welfare of the community. The un-vetoed Act authorizes "collective gardens" which would authorize certain qualifying patients the ability to produce, grow and deliver Cannabis for medical use;

RCW 69.51A.140 allows local jurisdictions to adopt regulations for zoning requirements, business license requirements, health and safety requirements, and business taxes, however only

“so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction”;

The adoption of zoning regulations requires the study and identification of the land use impacts of collective gardens in the context of the legality;

The production, growth and delivery of Cannabis in collective gardens present issues of public safety for surrounding properties as well as for the property on which the collective gardens exist. Furthermore, the location of such collective gardens near schools, day care facilities and other lawful uses presents issues relating to the public welfare and the protection of minors;

During 2012 the City held two council workshops and staff spent time studying the issue of collective gardens. Staff and the Mayor attended training sessions, including webinars, on the collective garden issues. No clear direction was determined through these efforts.

In June 2012, the Planning Commission was presented with an interim zoning ordinance, based on a model ordinance from the Association of Washington Counties. The Commission unanimously voted to send the interim zoning ordinance to the City Council for review. The proposed ordinance failed during a City Council meeting in July 2012.

In November 2012, voters passed Initiative 502 legalizing the recreational use of marijuana for people over 21 years of age. The Washington State Liquor Control Board has been tasked with establishing regulations for the sale of marijuana and to complete the regulatory and administrative process no later than December 1, 2013. Regulations may include siting criteria which could pre-empt local zoning of collective gardens. At this time no Washington legislative act reconciles Initiative 502 and RCW 69.51A. At this time no Washington legislative act reconciles Washington law with applicable Federal law;

The City has received no applications for the operation of a collective garden within the Woodland city limits. The City has held public hearings on previous moratoria and no person has given testimony objecting to a zoning moratorium on collective gardens;

On November 19, 2012, following the passage of Initiative 502 the Mayor met with department heads to discuss the status of the moratorium then in effect and to examine possible next steps. City Staff was directed to continue to research the question and review the responses of other cities;

On January 14, 2013, the City Council held a public workshop to discuss options for regulating collective gardens. The options considered included an ordinance extending the existing moratorium, an ordinance banning collective gardens as done by the City of Kent, or an ordinance similar to ordinances of the cities of Pasco and Kennewick prohibiting land uses inconsistent with State and Federal law;

On May 20, 2013, the City Council held a public meeting to further discuss and provide staff direction as to the regulation of collective gardens. The options considered still included an ordinance extending the existing moratorium, an ordinance banning collective gardens, or an ordinance prohibiting land uses inconsistent with State and Federal law;

On June 3, 2013, the City Council held a public meeting, which included a first and final reading of interim zoning regulations for collective gardens. The approach used was essentially prohibiting land uses inconsistent with State and Federal law. The proposed ordinance failed.

Given the convoluted status of the State and Federal Law and the unknown scope and breadth of potential regulations for the WSLCB, the Woodland City Council does not have sufficient information to consider the potential impacts from collective gardens, the regulations that should be enacted, or the legal implications of taking pre-mature action. The City of Woodland Council therefore believes that interim zoning regulations are necessary to address collective gardens and remain compliant with RCW 69.51A and Federal law while the City considers the land use impacts of collective gardens and viable legal options under the State regulations process, Washington Supreme Court review and Federal criminal statutes;

The Court of Appeals decision for the City of Kent declared that collective gardens are illegal and that cities can ban them. This decision may go to the Washington Supreme Court for further review or the Legislature may make changes.

On January 20, 2015, the City of Woodland enacted interim zoning regulations banning collective gardens in all zoning districts within the City. These interim zoning regulations are valid for six months.

On January 9, 2015, the City transmitted the proposed regulations to the Department of Commerce. Permanent regulations cannot be adopted by a jurisdiction less than 60 days after transmittal to the Department of Commerce.

On February 19, 2015, the City of Woodland Planning Commission held a duly advertised public hearing for these permanent collective garden regulations.

Pursuant to RCW 35A.11.020 and the Constitution of Washington, Article 11, Section 11, cities have the power to enact regulations in the interest of the health, safety, and welfare of their residents.

All procedural requirements of the Woodland Municipal Code (WMC) for these amendments have been met.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

1. Formal Repeal of Interim Regulations. Ordinance 1320, interim regulations for medical cannabis collective gardens, is hereby repealed.
2. Collective Gardens Defined. Collective Garden means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume 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 cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:
 1. No more than ten qualifying patients may participate in a single collective garden at any time;
 2. A collective garden may contain no more than fifteen plants per patient up a total of forty-five plants;
 3. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis; and
 4. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
 5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.
3. Collective Gardens Prohibited: Collective gardens, as defined above and in RCW 69.51A.085, are prohibited in all zoning districts within the City of Woodland.
4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.
5. Findings and Conclusions Adopted. The City Council hereby adopts the recitals set forth above, as their Findings and Conclusions as required by RCW 36.70A.390.
6. 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 of constitutionality of any other section, sentence, clause or phrase of this Ordinance.
7. Effective Date. This ordinance or 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.

Adopted in an open public meeting this _____ day of March, 2015.

CITY OF WOODLAND, WA

Approved:

Grover B. Laseke, Mayor

Attest:

Mari E. Ripp, Clerk-Treasurer

Approved as to form:

William J. Eling, City Attorney



DISTRIBUTION LIST

Date of Issuance: January 30, 2015

SEPA Lead Agency: City of Woodland

Project Title: Proposed Code Amendment: permanent regulations

banning collective gardens/medical marijuana

Land Use Applications: #215-902

Agencies (Cover Letter; NOA, DNS and PHN; SEPA Checklist; Ordinances; Distribution List):

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Publish and Post:

Post Office (Post NOA, DNS and PHN)

Library (Post NOA, DNS and PHN)

Police Station (Post NOA, DNS and PHN)

City Hall Annex (Post NOA, DNS and PHN)

City Website (Upload NOA, DNS and PHN))

Reflector (Published 2/4/2014)

Committees and Groups (Cover Letter; NOA, DNS and PHN; SEPA Checklist; Ordinances; Distribution List):

Planning Commission (5) (Email: Tel Jensen, Dave Simpson, Debbie Deans, Sharon Watt, Paula Bosel)

City Council (7) (Email: Benjamin Fredricks, Al Swindell, Scott Perry, Marilee McCall, Jennifer Heffernan, Marshall Perry, Susan Humbyrd)

Mayor Laseke (Email)

Department Heads (5) (Email: Bart Stepp, Phil Crochet, Gina Anderson, Mari Ripp)