



## CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

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**Tuesday, October 11, 2016**  
**6:30 – 7:00 p.m.**

**Location: Assembly Chambers, City Hall**

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1. Call to Order
2. Roll Call
3. Public Hearing Item:
  - a. **PROPOSED ORDINANCE No. 926:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF TITLE 20, ZONING, OF THE WRANGELL MUNICIPAL CODE, TO ADD LICENSED MARIJUANA ESTABLISHMENT FACILITIES AS CONDITIONAL USES IN CERTAIN SPECIFIED ZONING DISTRICTS, AND TO UPDATE THE TEMPORARY AND SPECIAL ZONING ACTS TABLE *(second reading)*
4. Written Testimony
5. Oral Testimony
6. Adjournment

# Agenda Item 3a

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY PUBLIC HEARING ITEM October 11, 2016

#### INFORMATION:

**PROPOSED ORDINANCE No. 926:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF TITLE 20, ZONING, OF THE WRANGELL MUNICIPAL CODE, TO ADD LICENSED MARIJUANA ESTABLISHMENT FACILITIES AS CONDITIONAL USES IN CERTAIN SPECIFIED ZONING DISTRICTS, AND TO UPDATE THE TEMPORARY AND SPECIAL ZONING ACTS TABLE *(second reading)*

#### Attachments:

1. **Proposed Ordinance No. 926**
2. Memo from Planning & Zoning Commission

#### Additional Information:

The Planning and Zoning Commission unanimously recommend adopting the attached ordinance, Proposed Ordinance 926 of the Assembly of the City and Borough of Wrangell Alaska amending certain sections of Title 20, Zoning, of the Wrangell Municipal Code, to add Licensed Marijuana Establishment Facilities as Conditional Uses in certain specific zoning districts, and to update the Temporary and Special Zoning Acts Table.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 924

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF TITLE 20, ZONING, OF THE WRANGELL MUNICIPAL CODE, TO ADD LICENSED MARIJUANA ESTABLISHMENT FACILITIES AS CONDITIONAL USES IN CERTAIN SPECIFIED ZONING DISTRICTS, AND TO UPDATE THE TEMPORARY AND SPECIAL ZONING ACTS TABLE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend certain sections of Title 20, Zoning, of the Wrangell Municipal Code to add licensed marijuana establishment facilities as conditional uses in certain specified zoning districts, and to update the temporary and special zoning acts table.

SEC. 2. Amendment of Section. Section 20.12.050 of the Wrangell Municipal Code is amended to read:

<b>20.12.050</b>	<b>Temporary and special zoning acts.</b>
<b>Ord. No.</b>	<b>Description</b>
...	
<u>864</u>	<u>Rezone by Contract Zone from single-family residential to multifamily residential for a three-unit structure; Lot 20A, Oliver Subdivision</u>
<u>867</u>	<u>867 Amending Title 20, including adding Remote Residential Mixed Use District</u>
<u>1/28/14 motion</u>	<u>Rezone of Lot 12 and portion of Lot 5 USS 2589 from Waterfront Development to Rural Residential</u>

<u>2/24/15 motion</u>	<u>Reassignment of Contract Zone Ordinance 609 from Fennimore to Matney</u>
<u>7/28/15 motion</u> <u>Pending signature</u>	<u>Rezone by Contract Zone from Single Family Residential to Light Industrial Lot C Torgamsen- Glasner Subdivision.</u>
<u>3/31/16 motion</u>	<u>Rezone by Contract Zone from Commercial to Single Family Residential Lot 7B, Block 2, USS 1119.</u>
<u>4/26/16 motion</u> <u>Pending signature</u>	<u>Rezone by Contract Zone from Single Family Residential to Light Industrial, Lot A-1A and Lot A, Torgamsen – Prunella Subdivision.</u>

SEC. 3. Amendment of Section. Section 20.28.040 of the Wrangell Municipal Code is amended to read:

### **Chapter 20.28**

#### **RR-1 DISTRICT – RURAL RESIDENTIAL**

...

#### **20.28.040 Conditional uses.**

The following are the uses which may be permitted in the RR-1 district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

- A. Home occupations;
- B. Public and private elementary and secondary schools and colleges;
- C. Nursery schools, private kindergartens, and child care centers;
- D. Public buildings and structures;
- E. Hospitals, sanitariums, nursing homes and convalescent homes;
- F. Churches and cemeteries;
- G. Radio and television transmitters and towers;
- H. Mobile home parks;
- I. Neighborhood-oriented commercial development (e.g., neighborhood grocery);
- J. Quarrying, material extraction and processing;

- K. Energy-related facilities;
- L. Commercial animal establishments;
- M. Fisheries enhancement/aquaculture;
- N. Recreational vehicle parks;
- O. Marine ways;
- P. Storage of equipment for private and/or commercial use only;
- Q. Cottage industry[.];
- R. Licensed retail marijuana store facility, provided the facility must be located on one acre or more of land and meet setbacks;
- S. Licensed marijuana testing facility, provided the facility must be located on one acre or more of land and meet setbacks;
- T. Licensed marijuana product manufacturing facility, with the exception of solvent based manufacturing processes which are not allowed, and provided the facility must be located on one acre or more of land and meet setbacks;
- U. Licensed standard cultivation marijuana facility (500 square feet or more under cultivation), provided the facility must be located on two acres or more of land and meet setbacks;
- V. Licensed limited cultivation marijuana facility (fewer than 500 square feet under cultivation), provided the facility must be located on one acre or more of land and meet setbacks.

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SEC. 4. Amendment of Section. Section 20.28.040 of the Wrangell Municipal Code is amended to read:

### **Chapter 20.30**

### **RR-2 DISTRICT – RURAL RESIDENTIAL**

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#### **20.30.040 Conditional uses.**

The following are uses which may be permitted in the rural residential-2 (RR-2) district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

- A. Home occupations;
- B. Public and private elementary and secondary schools and colleges;
- C. Nursery schools, private kindergartens and child care centers;
- D. Public buildings and structures;
- E. Hospitals, sanitariums, nursing homes and convalescent homes;
- F. Churches and cemeteries;
- G. Radio and television transmitters and towers;
- H. Mobile home parks/subdivision;
- I. Neighborhood-oriented commercial development (e.g., neighborhood grocery);
- J. Quarry, material extraction and processing;
- K. Energy-related facilities;
- L. Commercial animal establishments;
- M. Fisheries enhancement/aquaculture;
- N. Recreational vehicle parks;
- O. Marine ways;
- P. Storage of equipment for private and/or commercial use;
- Q. Cottage industry[.];
- R. Licensed retail marijuana store facility, provided the facility must be located on one acre or more of land and meet setbacks;
- S. Licensed marijuana testing facility, provided the facility must be located on one acre or more of land and meet setbacks;
- T. Licensed Marijuana product manufacturing facility, with the exception of solvent based manufacturing processes which are not allowed, and provided the facility must be located on one acre or more of land and meet setbacks;
- U. Licensed standard cultivation marijuana facility (500 square feet or more under cultivation), provided the facility must be located on two acres or more of land and meet setbacks;

V. Licensed limited cultivation marijuana facility (fewer than 500 square feet under cultivation), provided the facility must be located on one acre or more of land and meet setbacks.

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SEC. 5. Amendment of Section. Section 20.31.040 of the Wrangell Municipal Code is amended to read:

**Chapter 20.31**  
**RMU DISTRICT – REMOTE RESIDENTIAL MIXED-USE**

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**20.31.040 Conditional uses.**

A. The following licensed marijuana establishment facilities are uses which may be permitted in the remote residential mixed-use (RMU) district, with the exception of the Union Bay RMU subarea zone (RMU-U), by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC: retail store, testing, standard cultivation (500 or more square feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed. Licensed marijuana establishment facilities are not allowed in the Union Bay RMU subarea zone (RMU-U).

[A]B. Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68 WMC, if such uses would serve the community's best interest.

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SEC. 6. Amendment of Section. Section 20.40.040 of the Wrangell Municipal Code is amended to read:

## Chapter 20.40

### TM DISTRICT – TIMBER MANAGEMENT

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#### **20.40.040 Conditional uses.**

The following uses may be permitted in the timber management district by action of the commission under the conditions and procedures set forth in Chapter 20.68 WMC:

- A. Storage (inside or screened);
- B. Mineral extraction (including quarries) and processing;
- C. Temporary dwellings and facilities associated with permitted or other conditional uses;
- D. Commercial hunting and fishing camps and lodges;
- E. Private roads;
- F. Public utility uses (i.e., power lines and other energy-related facilities);
- G. Mariculture and fisheries enhancement;
- H. Recreational vehicle parks;
- I. Cabins;
- J. Commercial animal establishments; **[and]**
- K. Cottage industry[.];
- L. Licensed marijuana establishment facilities as follows: retail store, testing, standard cultivation (500 or more square feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed.

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SEC. 7. Amendment of Section. Section 20.44.040 of the Wrangell Municipal Code is amended to read:



## Chapter 20.44

### C DISTRICT COMMERCIAL

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#### 20.44.040 Conditional uses.

The following are uses which may be permitted in the commercial district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Gasoline/service stations[.];

B. Licensed marijuana retail store facility;

C. Licensed marijuana testing facility;

D. Licensed marijuana product manufacturing facility, with the exception of solvent based manufacturing processes which are not allowed;

E. Licensed standard cultivation marijuana facility (500 or more square feet under cultivation), provided the facility must be located indoors only and must be limited to no more than a 2,000 square foot grow area;

F. Licensed limited cultivation marijuana facility (fewer than 500 square feet under cultivation).

...

SEC. 8. Amendment of Section. Section 20.48.040 of the Wrangell Municipal Code is amended to read:

## **Chapter 20.48**

### **I DISTRICT – INDUSTRIAL**

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#### **20.48.040 Conditional uses.**

The following are permitted conditional uses in this district:

A. Animal establishments; **[and]**

B. Licensed marijuana establishment facilities as follows: retail store, testing, standard cultivation (500 or more feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed.

**[B]C.** Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68 WMC, if such uses would serve the community's best interest.

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SEC. 9. Amendment of Section. Section 20.50.040 of the Wrangell Municipal Code is amended to read:

## **Chapter 20.50**

### **WD DISTRICT – WATERFRONT DEVELOPMENT**

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#### **20.50.040 Conditional uses.**

The following are uses which may be permitted in the waterfront development district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Water-related uses not mentioned above and their accessory uses;

B. Other uses if there is no suitable upland alternative for a nonwater-related or nonwater-dependent use;

C. Retail and wholesale businesses;

D. Laundries and consumer services; **[and]**;

E. Animal establishments other than establishments for livestock[.];

F. Licensed marijuana establishment facilities as follows: retail store, testing, standard cultivation (500 or more square feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed.

...

SEC. 10. Amendment of Section. Section 20.51.040 of the Wrangell Municipal Code is amended to read:

**Chapter 20.51**  
**IL DISTRICT – LIGHT INDUSTRIAL**

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**20.51.040      Conditional uses.**

The following are uses which may be permitted in the light industrial district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Those commercial uses as specified in WMC 20.44.020;

B. Recreational vehicle parks;

C. Multifamily structures, dormitories, roominghouses, bunk houses and boardinghouses;

D. Public parks and playgrounds associated with a high density residential development;

**[and]**

E. Animal establishments[.];

F. Licensed marijuana retail store facility;

G. Licensed marijuana testing facility;

H. Licensed Marijuana product manufacturing facility, with the exception of solvent

based manufacturing processes which are not allowed;

I. Licensed standard cultivation marijuana facility (500 or more square feet under cultivation).

J. Licensed limited cultivation marijuana facility (fewer than 500 under cultivation).

...

SEC. 11.      Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 12.      Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 13.      Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: September 27, 2016.

PASSED IN SECOND READING: \_\_\_\_\_, 2016.

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David L. Jack, Mayor

ATTEST:

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Kim Lane, Borough Clerk

## **MEMORANDUM**

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: MS. CAROL RUSHMORE  
ECONOMIC DEVELOPMENT DIRECTOR**

**SUBJECT:** Proposed Ordinance 924 of the Assembly of the City and Borough of Wrangell Alaska amending certain sections of Title 20, Zoning, of the Wrangell Municipal Code, to add Licensed Marijuana Establishment Facilities as Conditional Uses in certain specific zoning districts, and to update the Temporary and Special Zoning Acts Table.

**DATE:** September 9, 2016

### **BACKGROUND:**

The Planning and Zoning Commission were tasked last spring to develop an ordinance addressing where licensed marijuana facilities could operate. After several workshops and public meetings the Commission developed a recommendation that was sent to the Assembly to review. From that, a draft ordinance was created. The Attorney reviewed staff's draft ordinance and made necessary language changes for clarity.

The Planning and Zoning Commission held a public hearing on the draft ordinance on September 8, 2016. There were no comments during the public hearing.

### **RECOMMENDATION:**

The Planning and Zoning Commission unanimously recommend adopting the attached ordinance, Proposed Ordinance 924 of the Assembly of the City and Borough of Wrangell Alaska amending certain sections of Title 20, Zoning, of the Wrangell Municipal Code, to add Licensed Marijuana Establishment Facilities as Conditional Uses in certain specific zoning districts, and to update the Temporary and Special Zoning Acts Table.

### **ATTACHMENTS:**

1. Draft Ordinance 924

# Table of **Proposed** Permissible Uses - PZ Recommendation to Assembly

CU= Conditional Use

P=Permitted

<b>Marijuana License Activity</b>	<b>SF</b>	<b>MF</b>	<b>RR<sub>1</sub></b>	<b>RR<sub>2</sub></b>	<b>RMU</b>	<b>C</b>	<b>IL</b>	<b>I</b>	<b>WD</b>	<b>SMB</b>	<b>OS/P</b>	<b>TM</b>
Limited Cultivation <500ft			CU****	CU****	CU*	CU	CU	CU	CU			CU
Standard Cultivation >500ft			CU*****	CU*****	CU*	CU**	CU	CU	CU			CU
Manufacturing			CU***, ****	CU***, ****	CU*,***	CU***	CU***	CU***	CU***			CU***
Testing			CU****	CU****	CU*	CU	CU	CU	CU			CU
Retail			CU****	CU****	CU*	CU	CU	CU	CU			CU
<b>as of:</b>	14-Apr	14-Apr	26-May	26-May	12-May	12-May	12-May	12-May	12-May	12-May	12-May	12-May

\* Businesses, including marijuana businesses, not allowed in RMU-U

\*\* maximum of 2000 sqft grow area, and indoors only

\*\*\*all manufacturing except solvent based processes

\*\*\*\* Minimum of 1 acre of land required, and meet setbacks

\*\*\*\*\* Minimum of 2 acres of land required, and meet setbacks

**Single Family SF**

**MultiFamily MF**

**Rural Residential 1 RR1**

**Rural Residential 2 RR2**

**Remote Residential Mixed Use RMU**

**Commercial C**

**Light Industrial IL**

**Industrial I**

**Waterfront Development WFD**

**Shoemaker Bay Waterfront Development SMB**

**Open Space/Public OS/P**

**Timber Management TM**

as of 5/27/16