

Introduced by: Planning Commission
Date: August 9, 2016
Public Hearing: August 23, 2016
Action: Adopted
Vote: 5-0

CITY OF BETHEL, ALASKA

Ordinance #16-24

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 18.40.030 OF THE BETHEL MUNICIPAL CODE TO ADD INDOOR MARIJUANA CULTIVATION FACILITIES, OUTDOOR MARIJUANA CULTIVATION FACILITIES, STANDARD MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND MARIJUANA CONCENTRATE MANUFACTURING FACILITIES AS CONDITIONAL USE PERMIT DESIGNATIONS IN THE INDUSTRIAL ZONING DISTRICT

WHEREAS, Bethel Municipal Code (BMC) Section 5.10.070 states that all marijuana establishments including but not limited to cultivation, manufacturing, testing, and retail stores are permitted only by a Conditional Use Permit; and

WHEREAS, the Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses; and

WHEREAS, conditional uses are specifically identified in certain zoning districts described in BMC Chapter 18; and

WHEREAS, the Industrial Zoning District is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use; and

WHEREAS, the Planning Commission has reviewed BMC Title 18 and has considered staff findings regarding the compatibility of marijuana facilities in Bethel zoning districts and recommends that indoor marijuana cultivation facilities, outdoor marijuana cultivation facilities, standard marijuana product manufacturing facilities, and marijuana concentrate manufacturing facilities shall be allowed in the City of Bethel Industrial Zoning District, and that these uses be added as Conditional Use designations in Section 18.40.030 , Industrial District Conditional Uses; and

THEREFORE, BE IT ORDAINED by the City Council of Bethel, Alaska, that: indoor marijuana cultivation facilities, outdoor marijuana cultivation facilities, standard marijuana product manufacturing facilities, and marijuana concentrate manufacturing facilities shall be allowed in the City of Bethel Industrial District, and that they be added

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as Conditional Use designations in Section 18.40.030 (Industrial District Conditional Uses).

SECTION 1. Classification. This ordinance is of a permanent nature and shall be codified in the Bethel Municipal Code.

SECTION 2. Amendment. Section 18.40.30 of the Bethel Municipal Code is amended as follows (new language is underlined):

Chapter 18.40 INDUSTRIAL DISTRICT – I DISTRICT

Sections:

- 18.40.010 Intent.
- 18.40.020 Permitted and principal uses and structures.
- 18.40.030 Conditional uses.
- 18.40.040 Minimum lot size.
- 18.40.050 Minimum setback requirements.
- 18.40.060 Maximum height of structures.

18.40.010 Intent.

The industrial district is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use.

18.40.020 Permitted and principal uses and structures.

- A. Commercial uses permitted as principal uses in the GU district, except that all residential uses and structures are prohibited unless specifically authorized in this section.
- B. One dwelling unit occupied by the owner, the manager or a watchman of a principal use on the lot.
- C. Any accessory use or structure associated with the principal use or structure on the lot.
- D. Industrial uses, including:

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1. Airplane assembly, remodeling or repair.
2. Airports.
3. Machine shops.
4. Metal working or welding shops.
5. Sawmills.
6. Steel fabrication shops or yards.
7. Iretane foaming yards or plants.
8. Warehouses.
9. Shipping or receiving terminals.
10. Bulk fuel distribution and storage.
11. Cement manufacturing.
12. Distillation of wood, coal or bones.
13. Tannery.
14. Paper manufacturing.
15. Poison manufacturing.
16. Printing ink manufacturing.
17. Rock and stone crushing mill.
18. Natural resource extraction, such as a sandpit.
19. Cargo dock facility or freight transfer area.
20. Fish processing plants.
21. Fiberglass fabrication shops or yards.
22. Junk yards and salvage yards.
23. Land fills, solid waste processing facilities.
24. Sewage treatment facilities.

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25. Other industrial uses of a character similar to those uses listed in this section.

26. Recreational uses, to include the Bethel shooting range.

18.40.030 Conditional uses.

The following uses and structures are permitted in the I district under the terms of a conditional use permit:

- A. Planned unit developments.
- B. Marijuana Cultivation Facilities (indoor and outdoor);
- C. Standard Marijuana Product Manufacturing Facilities
- D. Marijuana Concentrate Manufacturing Facilities.
- E. ~~Indoor marijuana cultivation facility (shall be conducted within a fully enclosed indoor facility or greenhouse with rigid walls, a roof, and doors.~~
- F. ~~Outdoor marijuana cultivation facility (may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight-obscuring wall or fence at least six feet high.~~
- G. ~~Standard marijuana product manufacturing facilities (manufacture, refine, process, cook, package, label, or store marijuana product.~~
- H. ~~Marijuana concentrate manufacturing facility (production of marijuana concentrate only).~~

18.40.040 Minimum lot size.

The minimum lot size in the I district is seven thousand (7,000) square feet.

18.40.050 Minimum setback requirements.

Structures, other than minor structures, in the I district shall be set back from property lines to provide the following yards:

- A. Front yard: Fifteen (15) feet.
- B. Side yard: Ten (10) feet.
- C. Rear yard: Ten (10) feet.
- D. Twenty-five (25) feet from the high water mark of any drainage or lake.

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18.40.060 Maximum height of structures.

The height of a structure in the I district is not restricted except as may be limited under airport height restrictions applied under BMC 18.48.250 through 18.48.270.

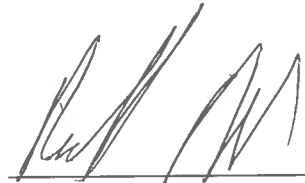
18.40.070 Restrictions on Marijuana Facilities

A. Indoor cultivation facilities must be full enclosed and secure. If the facility will be a greenhouse, in addition the need to be fully enclosed and secure, the greenhouse must have rigid walls, a roof and doors.

B. Outdoor cultivation facilities must be obscured from public view either by a sign-obscuring wall or a fence at least six feet in height.

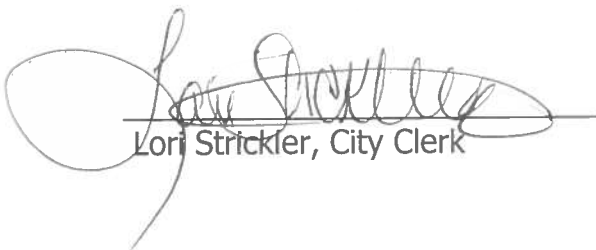
SECTION 2. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

ENACTED THIS 23rd DAY OF AUGUST 2016, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk