BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON

AN ORDINANCE OF LEWIS COUNTY, WASHINGTON	)	
ADOPTING A MORATORIUM UPON ESTABLISHMENTS	)	**ORDINANCE NO. 1249**
INVOLVED IN THE SALE, MANUFACTURING, DISTRIBUTION	)	
OR USE OF MARIJUANA RELATED PRODUCTS	)	

WHEREAS, Initiative 502, passed at the November 2012 General Election and effective on December 6, 2012, directs the Washington State Liquor Control Board to develop rules and regulations to determine the number of producers by county, develop licensing and other regulatory measures for producing, processing, and selling marijuana for non-medical purposes; and

WHEREAS, the Washington State Liquor Control Board developed such rules, and the County is concerned that marijuana-related land uses could become established in the County that are inconsistent with or conflict with the Liquor Control Board rules ; and

WHEREAS, the siting and location of marijuana related land uses is a significant public safety matter, which is exemplified by Initiative 502's requirement that the Liquor Control Board rules must determine the maximum number of retail outlets that may be licensed in any specific county, and Initiative 502's requirements that one thousand foot buffers exist between licensed marijuana retailers and any school grounds, playground, recreation center or facility, child care center, public parks, library, public transit center or any game arcade which is open to persons under age twenty-one; and

WHEREAS, based on the County's heretofore limited experience with marijuana-associated land uses, the business practices do not appear to be the same as retail or commercial establishments; and

WHEREAS, additional time is needed to study existing and potential impacts from land uses associated with marijuana and related products; and

WHEREAS, such land use and public safety issues include but are not limited to appropriate signage taxes, applicable building codes, location restrictions, density, spacing requirements between marijuana-associated uses, appropriate zones for growing, manufacturing and distribution and separation from schools and other facilities where children are present; and

WHEREAS, production, use and delivery of marijuana is still a violation of federal laws including the Controlled Substances Act; and

WHEREAS, moratoria adopted pursuant to the authority of RCW 36.70.795 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, the County will need at least a six-month period to conduct an appropriate analysis and to develop appropriate recommendations for the Lewis County Planning Commission to consider regarding the issues noted above; and

WHEREAS, the County is informed and concerned that marijuana-associated land uses have a higher than average susceptibility to burglary and other crimes, that such land uses will require more attention and resources from the Lewis County Sheriff's Office and that such concerns need to be evaluated in greater detail before determining appropriate land use controls; and

WHEREAS, potential impacts from marijuana-associated uses include but are not limited to:

- Conversion of residential uses into marijuana cultivation and processing facilities, removing valuable housing stock in a community;
- Degrading neighborhood and commercial district aesthetics due to offensive odors;
- Increased night-time traffic; parking issues; loitering from potential purchasers; environmental damages from chemicals being discharged into surrounding and off-site soil and storm and sanitary sewer systems;
- Serious risk of fire hazard due to overloaded service connections use to operate grow lights and fans;
- Improper ventilation leading to high levels of moisture and mold;
- Illegal structure modifications;
- Criminal issues such as home invasions, burglaries of marijuana-associated facilities, theft and property damage;
- Unintended and uncontrolled dispersion of marijuana in agricultural areas.

WHEREAS, this Ordinance does not shield any individual or entity, including users, manufacturers, and deliverers of marijuana, from local, state, or federal penalties and liability; and

WHEREAS, this moratorium is authorized by RCW 36.70.795 and Article 1, Section 2, and Article 11, Section 11 of the Washington State Constitution.

NOW THEREFORE BE IT ORDAINED by the Lewis County Board of County Commissioners that Lewis County Board of County Commissioners hereby declares the following:

Section 1. Moratorium. The Lewis County Board of County Commissioners hereby declares a moratorium upon:

1. The submission, acceptance, processing or approval of any permit applications or licenses by or for any establishment involved in the sale, use, growing, manufacture or processing of marijuana, including but not limited to performance spaces, private clubs, open-to-the public night blubs/cabarets/ taverns or similar establishments.

2. The creation by an owner or operator of any land or building of any new use of such land or buildings for the sale/use/growing, distribution, manufacturing, or processing of marijuana and related products.

Section 2. Duration of Moratorium. The moratorium adopted by this Ordinance is effective immediately upon adoption and shall remain in effect for six (6) months, unless subsequently extended by the Board pursuant to state law.

Section 3. Public Hearing. Pursuant to RCW 36.70.795, a public hearing was held on December 9, 2013.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Findings. The Lewis County Board of Commissioners hereby adopts the above recitals as findings of fact in support of this Ordinance.

PASSED IN REGULAR SESSION THIS 9th day of December 2013, after a public hearing was held December 9, 2013 pursuant to Notice published in the *East County Journal* on November 20, 2013 and the Chronicle on November 21, 2013.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Atty.

By: Glenn Carter
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

P.W. Schulte, Chairman

Edna J. Fund, Member

F. Lee Grose, Member

SEAL OF LEWIS COUNTY, WASHINGTON BOARD OF COUNTY COMMISSIONERS SINCE 1845 WASHINGTON'S 1st COUNTY

ATTEST:

Karri Muir, Clerk of the Board