

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LEWIS COUNTY, WASHINGTON**

**NOTICE OF PUBLIC HEARING AND PROPOSED ACTION TO  
RENEW A MORATORIUM UPON ESTABLISHMENT OR OTHER  
DEVELOPMENT OF FACILITIES OR OTHER USES INVOLVED  
IN THE PRODUCTION, PROCESSING AND RETAIL  
SALE OF MARIJUANA AND RELATED PRODUCTS**

) **RESOLUTION NO. 16- 282**  
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**WHEREAS**, Ordinance 1268, an ordinance renewing a moratorium upon establishments or other development of facilities or other uses involved in the production, process and retail sale of marijuana and related product, will expire on November 23, 2016, six-months following enactment, unless extended by the Lewis County Board of County Commissioners (BOCC); and

**WHEREAS**, notice is hereby given that a public hearing and public notice, which are required by law, will be held by the BOCC in the hearing room at 351 NW North Street, Chehalis, Washington on November 14, 2016 at or after 10:00 am.

**NOW THEREFORE BE IT RESOLVED**, the purpose of the public hearing is to take public testimony or written comment concerning an ordinance renewing a moratorium upon establishment or other development of facilities or other uses involved in the production, processing, and retail sale of marijuana and related production; and

**BE IT FURTHER RESOLVED** that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication as required by law; and

**BE IT FURTHER RESOLVED**, that a hearing is hereby scheduled for November 14, 2016 to take public testimony or written comment on the adoption of an ordinance renewing the moratorium upon establishment or other development of facilities or other uses involved in the production, processing, and retail sale of marijuana and related production with final BOCC action to take place following the public hearing.

PASSED IN REGULAR SESSION by the BOCC, this 24<sup>th</sup> day of October, 2016.

APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

absent  
P.W. Schulte, Chair

ATTEST:

Gary Stamper  
Gary Stamper, Vice Chair

Rieva Lester  
Rieva Lester, Clerk of the Board

Edna J. Fund  
Edna J. Fund, Commissioner



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE OF LEWIS COUNTY, WASHINGTON            )**  
**RENEWING A MORATORIUM UPON ESTABLISHMENT OR    ) ORDINANCE NO. 1272**  
**OTHER DEVELOPMENT OF FACILITIES OR OTHER USES    )**  
**INVOLVED IN THE PRODUCTION, PROCESSING AND        )**  
**RETAIL SALE OF MARIJUANA AND RELATED PRODUCTS    )**

**WHEREAS**, Lewis County Board of County Commissioner (BOCC) adopted Ordinance No. 1249 on December 9, 2013, imposing a moratorium on the establishment or other development of facilities or other uses involved in the production, processing and retail sale of marijuana and related products; and

**WHEREAS**, BOCC adopted Ordinance No. 1254 on June 2, 2014, a renewal of the moratorium on the establishment or other development of facilities or other uses involved in the production, processing and retail sale of marijuana and related products; and

**WHEREAS**, BOCC adopted Ordinance No. 1256 on December 1, 2014, a renewal of the moratorium on the establishment or other development of facilities or other uses involved in the production, processing and retail sale of marijuana and related products; and

**WHEREAS**, BOCC adopted Ordinance No. 1263 on June 1, 2015, a renewal of the moratorium on the establishment or other development of facilities or other uses involved in the production, processing and retail sale of marijuana and related products; and

**WHEREAS**, BOCC adopted Ordinance No. 1264 on November 30, 2015, a renewal of the moratorium on the establishment or other development of facilities or other uses involved in the production, processing and retail sale of marijuana and related products; and

**WHEREAS**, BOCC adopted Ordinance No. 1268 on May 23, 2016, a renewal of the moratorium on the establishment or other development of facilities or other uses involved in the production, processing and retail sale of marijuana and related products; and

**WHEREAS**, Ordinance 1268 will expire on November 23, 2016, six-months following enactment, unless extended; 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**, Lewis County staff conducted appropriate land use analysis and presented draft land use regulations governing the production, processing and retail sale of marijuana and related products to the Lewis County Planning Commission (Planning Commission) at workshops on July 8, 2014, July 29, 2014, September 23, 2014, October 28, 2014, November 25, 2014,

December 9, 2014, January 27, 2015 and February 10, 2015, during which meetings additions, deletions and other changes were made to the proposed land use regulations; and,

**WHEREAS**, the Planning Commission held a public hearing on January 13, 2015 and received testimony regarding the proposed land use regulations from Lewis County staff and the public; and

**WHEREAS**, the Planning Commission issued its recommendation that the Board of County Commissioners consider the proposed land use regulations attached hereto as Exhibit 4, but with the reservation and recommendation that additional work be undertaken and other changes be made to Lewis County Code to regulate certain impacts of the production, processing and retail sale of marijuana and related products on the environment, adjacent land uses, public health and public safety, particularly related to solid waste and wastewater produced by these uses and their potential impact on the environment, including groundwater and surface water sources; and

**WHEREAS**, Lewis County staff from several different disciplines and offices developed a proposal for the necessary revisions to the waste, wastewater, building & fire, public water, and septic code called for in the Planning Commission's recommendation; and

**WHEREAS**, to complete the tasks recommended by the Board of County Commissioners, the Lewis County staff will need an additional six-month period to assess the impacts identified and to develop recommendations addressing those impacts, in the form of further draft code amendments, which the BOCC will consider during a public hearing addressing both those draft code amendments and the proposed land use regulations for marijuana production, processing and retail sale of marijuana and related products in Lewis County, such issue having been noted at the time of imposing the initial moratorium; and

**WHEREAS**, this renewal of the 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 BOCC that BOCC hereby declares the following:

**Section 1. Moratorium.** The BOCC hereby declares a renewal of the moratorium upon:

1. The submission, acceptance, processing or approval of any permit applications or licenses by or for any development or establishment of facilities or other uses 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 clubs/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 November 14, 2016.

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 6. 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 by the Board of County Commissioners after a public hearing was held November 14, 2016 pursuant to Notice published in the Chronicle on October 25, 2016 and the East County Journal on October 26, 2016.

APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Attorney

By: Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

P.W. Schulte, Chair

ATTEST:

Rieva Lester, Clerk of the Board

Gary Stamper, Vice Chair

Edna J. Fund, Commissioner

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## **NOTICE OF PUBLIC HEARING BEFORE THE LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS AND INTENT TO RENEW MORATORIUM**

**NOTICE IS HEREBY GIVEN** that the **LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)** will hold a public hearing to receive public testimony to renew a moratorium. The hearing will be on November 14, 2016 at the Lewis County Courthouse, commencing at or after 10:00 a.m.

At the hearing members of the public will be invited to speak and/or provide written statements regarding the proposed Ordinance 1272. After the public testimony portion of the hearing has ended, the BOCC will deliberate and consider modifications to the ordinance that are proposed by members of the public, county employees or the BOCC. The proposed ordinance may then be adopted with or without modifications.

The hearing will address renewal of a moratorium upon establishments involved in the production, processing and retail sale of marijuana and related products. The moratoria adopted pursuant to the authority of RCW 36.70A.390 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. The County staff may need an additional six-month period to further develop recommendations in the form of draft code amendments for the BOCC to further consider.

All persons wishing to be heard on this matter are encouraged to attend. Written comments may be submitted in advance of the hearing by mail or at the hearing by delivery in person. Please deliver copies of all written comments to the Clerk of the Lewis County BOCC at 351 NW North St, Chehalis, WA 98532.

The draft ordinance is available on line at the Lewis County website at <http://lewiscountywa.gov/planning-division>. Hard copies are available to review at the Lewis County Department of Community Development at 2025 NE Kresky Ave., Chehalis WA, and at the Timberland Regional libraries located at: Chehalis, Centralia, Salkum, Randle, Packwood, and Winlock, as well as the Lewis County Senior Centers located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock in accordance with Lewis County Code Chapter 17.12.

For questions concerning the above, please contact:  
Lee Napier at Lewis County Community Development at 360-740-2606.

*This meeting site is barrier free.  
People needing special assistance or accommodations should contact The Commissioners' Office  
72 hours in advance of the meeting.  
Phone: (360) 740-1120*

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PUBLISH: On October 25, 2016 in the Chronicle and October 26, 2016 in the East County Journal/Rieva Lester, BOCC Clerk of the Board