

**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

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

P.W. Schulte, Chair

ATTEST:

Gary Stamper, Vice Chair

Rieva Lester, Clerk of the Board

Edna J. Fund, Commissioner