

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

**AN ORDINANCE OF LEWIS COUNTY, WASHINGTON                    )**  
**RENEWING A MORATORIUM UPON ESTABLISHMENT OR            ) ORDINANCE NO. 1268**  
**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**, Ordinance 1264 will expire on May 30, 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 are working steadily on 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 Planning Commission, the Lewis County staff will need an additional six-month period to assess the impacts identified by the Planning Commission 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 May 23, 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 May 23, 2016 pursuant to Notice published in the East County Journal on May 4, 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:

Karri Muir, CMC, 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 May 23, 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 1268. 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 will need an additional six-month period to further develop recommendations in the form of draft code amendments for the BOCC to 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 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 or before May 4, 2016 in the East County Journal  
/Karri Muir

Revision:

BOCC Meeting Date: May 23, 2016

Suggested Wording for Agenda Item:

Agenda Type: Hearing

Public hearing to consider renewing the moratorium upon the establishment of facilities and development involved in the production, processing and retail sale of marijuana and related products.

Contact: Lee Napier

Phone: 360-740-2606

Department: Community Development

RECEIVED

Action Needed: Approve Ordinance (traffic or other)

MAY 05 2016

### Description

LEWIS CO. PROS. ATTY.

The Board of County Commissioners (BOCC) set a hearing date (May 23, 2016) to consider renewing the moratorium upon establishments or other development of facilities or development involved in the production, processing and retail sale of marijuana and related products.

The moratorium is adopted pursuant to the authority of RCW 36.70A.390. This is the method 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 continues to develop recommendations in the form of draft code amendments for the BOCC to consider.

### Approvals:

User	Group	Status
Anderson, Pat		Pending
Eisenberg, Eric	<i>EW</i>	Pending
Muir, Karri		Pending
Evander, Fred		Pending

### Publication Requirements:

Hearing Date: May 23, 2016

Publication:

East County Journal

Publication Dates:

### Additional Copies

- Pat Anderson
- Lee Napier
- Fred Brander

Haring: Ordinance 1268 - Housing Incentives

BOCC Meeting

Date: 5/23/16  
 Lewis County Courthouse, second floor  
 351 NW North Street, Chehalis WA

	Name (Please Print)	Phone #	Email	Address
1.	Dason Sparkman	541 610 4194	Ruavalleyherbs@j@gmail.com	BOCC Kohnman RE SE av WA 98513
2.	Jessie Martinez	(360)556-9114	PuraValleyHerbsTME@gmail.com	8813 Grinnell Dr NE, 98516
3.	Ron SPARKMAN	541-998-5216		P.O. Box 1112, MOUNTAIN 98356
4.	Ron Adams			CANTALUA
5.	GABR KOSTAL			
6.	SUMNER CATHERMAN			
7.	ERIC EISNBERG			
8.				
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14.				

Repeal ordinance 1268  
Just for Economic Reasons.

According to The Washington State  
Liquor and Cannabis Control Board  
Statistics: Note All production and sales  
are tracked  
As of May 16 Sales were \$315,000,000,  
State Taxes collected were 156,000,000

Based on This & first 20 weeks of 2016  
Annual sales will be 2.2 billion dollars  
minimum. Since sales are increasing  
Total Annual sales will be closer to 3.6 billion.

But Just Based on The current sales The  
Average sales per County will be \$55,000,000  
So Lewis County is losing about 55,000,000 in  
~~sales~~ income growth.

Also To purchase cannabis Lewis County  
Residents are ~~going~~ taking Lewis County  
dollars to adjacent counties which could  
be a drain on The Lewis County economy.  
That potentially is a 110,000,000 dollar  
loss to The Lewis County economy.

Because The business is growing rapidly and because sales are greater along The I-5 corv. for, The loss to The Lewis County economy is probably closer to 300,000,000. sales annually.

IF you <sup>add in</sup> increased employment and Taxes The effect is much greater.

~~1268~~ For The 2<sup>1/2</sup> years <sup>that</sup> The moratorium has been in effect Lewis County has lost nearly a billion dollars and This will continue to grow if you sign 1268.

A number of license holders living in Lewis County have already moved to neighboring counties and we may have to as well because we have stopped construction because our bill, Permit was rejected.

## Ordinance 1268

Good morning. My name is Jason Sparkman. I hope to open a Cannabis production business called Pura Valley Herbs with my two business partners. Our planned location is 143 Butts Rd. in Morton. My business partner and uncle, Ken Sparkman, who owns the property, which has been operated as Bremer Christmas Tree Farm for several decades.

I am here today to speak against the adoption of another moratorium on the production, processing and retail sale of Cannabis and related products, particularly if there is no end date included in the ordinance. If adopted, this will be the sixth moratorium placed on these business activities. These business activities were approved by a state initiative in November 2012. Adopting this proposed extension of the moratorium will make it three years in which Lewis County has failed to formally address the issue of establishing policies and procedures for locating facilities for the production, processing and retail sales of Cannabis and related products.

My business partners and I have applied for and been granted a license for a production facility by the state Liquor and Cannabis Control Board. We have held this license since December of 2015. There are only a fixed number of these licenses to be granted and in order to maintain this license, we must demonstrate that we are making progress towards opening our facility. As these moratoriums continue, we are struggling to be able to show to the Liquor and Cannabis Control Board because Lewis County has taken no action to adopt policies and procedures into the County Code to allow us to make an application to site our business. The County Planning Commission issued its recommendations to this board back in February of 2015 but no action has been taken. We have secured a substantial amount of financial backing to insure that we can install all of the necessary equipment and processes to comply with environmental, public health and public safety concerns, including but not limited to water, septic system requirements, set-back requirements

from roads and adjacent properties, security fencing, surveillance cameras, and fire suppression system requirements.

What we don't know is when or if this Board will take any action on the recommendations made by the Planning Commission. Simply extending the moratorium is, in a sense, taking an action by refusing to address the issue. The residents of this county, and those who seek to do business in this county are, entitled to have this issue openly and fully addressed and resolved. Cannabis and related products are being used in this county already; it is unreasonable to conclude otherwise. This situation creates public safety issues in itself. Ignoring it will not make it go away; it only allows criminal behavior to continue or even increase. Adopting meaningful policies and procedures to manage and regulate that activity, and to tax it to pay for this regulation action, could have significant benefits for public safety and for the financial health of the County and the state.

We understand and appreciate the environmental concerns of county residents and officials. We have the same concerns; we want to have as small of an impact on the environment and the community as possible. This is not going to be a "Cheech and Chong" type of operation. We intend to be in business for a long time. One of our neighbors operates a blueberry farm, another a tree farm and down the road a plant nursery; frankly, with what we have learned from our research and our application process with the state, we see no reason why our operation will be any more impactful on the environment than our neighbors.

. We have spoken to Ms Napier about our proposed plan but have not received a complete response. It is reasonable for us and other residents of this county to expect that this Board will take action to address these issues. This moratorium should not be a way to simply put this issue on the back burner and hope that it will go away or be passed on to some other different board. This board needs to take some action on this issue; vote the issue up or down but don't ignore it.

**We ask that you deny the extension of the moratorium, or if you approve the moratorium, set a date for specific action to be taken on policies and procedures to address the development of facilities for the production, processing and retail sale of Cannabis and related products. Thank you for the opportunity to speak today.**