CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 04-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING AND PERMITING OF MARIJUANA PROCESS AND PRODUCTION FACILITIES IN THE CITY OF BUCKLEY.

WHEREAS, a past City Council has made some policy choices regarding marijuana processing and production facilities that may not be compatible with the positions and values of the current City Council; and

WHEREAS, the current City Council is concerned that those past policy choices may make Buckley a magnet for the marijuana industry, resulting in the City taking more than its proportionate share of marijuana businesses as compared to other cities and counties where such businesses are more heavily regulated or banned altogether; and

WHEREAS, Buckley citizens have complained to the City Council about the impacts of marijuana businesses that have been and are in the process of being approved for the City, and the City Council, past and present, has not had this type of input before; and

WHEREAS, the marijuana industry is relatively new in the State of Washington and all of its land use impacts are not entirely certain and predictable; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City may adopt an immediate moratorium for a period of six months, provided that the City holds a public hearing on and adopts findings of fact related to the proposed moratorium within 60 days of adoption.

NOW THEREFORE THE CITY OF BUCKLEY, PIERCE COUNTY, DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are hereby adopted by reference as the City Council's findings of fact in support of this ordinance. The City Council may, in its discretion, modify and/or adopt additional findings of fact at the conclusion of the public hearing set by this ordinance.

Section 2. Pursuant to the provisions of RCW 35A.63.220, a moratorium is hereby enacted to prohibit within the City of Buckley for the establishment, location, operation, licensing and permitting of any facilities for marijuana processors or marijuana producers as defined by RCW 69.50.101 and 69.51A.010. No building permit, occupancy permit or other development permit or approval or business license shall be issued for any of the purposes, facilities, structures or activities associated with marijuana processors and marijuana producers, provided that this moratorium shall not apply to pre-existing marijuana processors or marijuana producers already in operation or with filed building permit applications. Any land use permits, business licenses or any other permit for any of these prohibited operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force and effect.

Section 3. The City Council deems it to be in the public interest to establish an emergency moratorium pending consideration of changes to regulations to address marijuana processors and marijuana producers in order to preserve the public health, safety and welfare.

Section 4. Nothing in this ordinance, by negative implication or otherwise, shall be construed as authorizing any drug related activities or land uses that are prohibited by state or federal law.

Section 5. As required by RCW 35A.63.220, the City Council hereby refers this moratorium to the Planning Commission to make a recommendation for permanent zoning regulations or a complete ban regulating marijuana processors and marijuana producers.

Section 6. That as required by RCW 35A.63.220, a public hearing is set for May 8, 2018 in order to take public testimony and to consider adopting further findings to justify the imposition of the moratorium adopted by this ordinance.

Section 7. That this ordinance shall be transmitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.

Section 8. Declaration of Emergency and Immediate Effective Date. That notice of and hearing on this ordinance, in the normal course, would undermine effective City planning by allowing the establishment of, or the submittal of permit applications between the time notice was

published and the time the ordinance was passed to vest to City regulations which may be inadequate to protect the public health, safety and general welfare. Therefore, for this reason, the City Council hereby finds and declares that an emergency exists and that the 180-day moratorium imposed by this ordinance shall become effective immediately upon passage of this ordinance and that an immediate effective date and this declaration of emergency is necessary for the protection of the public health, public safety, public property and public peace. The findings adopted by this ordinance are further adopted in support of this declaration of emergency.

Section 9. If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are to be declared severable.

Introduced, passed, and approved by at least five members of the Buckley City Council on March 27th, 2018.

Pat Johnson

Mayor Pat Johnson

Attest:

Joanne Starr

Joanne Starr, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts

Phil Olbrechts, City Attorney

PUBLISHED: April 4, 2018

EFFECTIVE: **Immediately**