

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 18-16

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 PERMITTING OF MARIJUANA PROCESS AND PRODUCTION FACILITIES IN THE GENERAL COMMERCIAL ZONE.

WHEREAS, due to historical growth patterns and current zoning, the City of Buckley has very limited areas for commercial development, and

WHEREAS, the City of Buckley has authorized marijuana process and production facilities in all areas zoned for commercial development to the extent consistent with state law while surrounding communities have extensively limited or banned marijuana facilities within their jurisdictions, and

WHEREAS, due to these conditions marijuana process and production facilities have been established in the City's commercial areas and the City anticipates additional applications, and

WHEREAS, the City has 361.46 acres of property zoned for commercial development and only approximately 34 percent of this property is available for new commercial development, and

WHEREAS, the introduction of these facilities is particularly problematical to the City because they do not have to pay any retail sales tax that is disbursed to the City as opposed to other establishments authorized in commercial zones, and

WHEREAS, in order to ensure that the City has sufficient space to provide for a diversity of commercial uses and also to ensure that such uses provide sufficient tax revenues for the City to provide public services in its commercial areas, the City needs to adopt an immediate moratorium to prevent new marijuana processor and producer applications from vesting while the City considers new zoning regulations, 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 in the General Commercial zone. 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 so long as any new development activity is limited to the parcel upon which the processor or producers is located at the time this moratorium is adopted, with parcel boundaries in place at the time of the adoption of this moratorium. 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, if any, regulating marijuana processors and marijuana producers.

Section 6. That as required by RCW 35A.63.220, a public hearing is set for **November 22, 2016** in order to take public testimony and to consider adopting further findings to justifying 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 October 11, 2016.



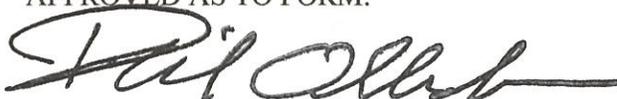
Mayor Pat Johnson

Attest:



Joanne Starr, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: October 19, 2016

EFFECTIVE: Immediately