

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 217**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE,
WASHINGTON, ESTABLISHING CERTAIN ZONING REGULATIONS FOR
MARIJUANA BUSINESSES**

WHEREAS, in November 2012 the voters of the State of Washington approved Initiative 502, providing a framework whereby individuals and business entities may be granted a state license authorizing them to produce, process, or sell marijuana and marijuana-infused products for recreational use; and

WHEREAS, pursuant to Initiative 502, the Washington State Liquor Control Board has developed and implemented regulations governing the licensing and operation of recreational marijuana or marijuana-infused producers, processors, and retailers; and

WHEREAS, under Initiative 502 and Chapter 314-55 WAC, any marijuana business property must meet certain requirements, including to be located at least 1000 feet from any elementary or secondary school, playground, recreation center or facility, child care center, park, transit center, and library, as well as from any game arcade not restricted to ages 21 or older; and

WHEREAS, on January 16, 2014, the Attorney General of Washington issued a legal opinion, AGO 2014 No. 2, that Initiative 502 does not preempt counties, cities, and towns from banning marijuana and marijuana-infused producers, processors, and retailers within their jurisdictions; and

WHEREAS, the City of Liberty Lake may develop appropriate zoning, land use regulations, business license regulations, and other appropriate regulations to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products; and

WHEREAS, the City has mapped the 1000-foot buffer areas that apply to marijuana businesses and determined that only limited land areas are both outside a 1000-foot buffer and zoned for commercial or industrial use; and

WHEREAS, the City desires to keep marijuana businesses from locating inside any required 1000-foot buffer areas; and

WHEREAS, this Ordinance has been drafted to establish zoning regulations for marijuana businesses, consistent with state statutes, and to protect the public health, welfare, and safety; and

WHEREAS, after public notice, the City Council held a public workshop on November 18, 2014, to consider certain proposed buffer zones, along with any public testimony and other relevant factors, and recommended approval of the proposed buffer zones through an enacted ordinance consistent with Initiative 502, RCW 69.50.331(8), WAC 314-55-050(10), and AGO 2014 No. 2; and

WHEREAS, nothing in this Ordinance is intended nor shall be construed to authorize or approve of any violation of federal or state law, but is intended to set forth the conditions under which marijuana businesses shall not be subject to criminal enforcement action by the City of Liberty Lake. Notwithstanding the foregoing, the City will continue to enforce its laws and other regulations should the operation of a marijuana business violate such laws and regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIBERTY LAKE DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony, including all written and oral testimony before the City Council. The City Council also adopts the following Findings of Fact and/or Conclusions of Law relative to the public health, safety, welfare and protection of the environment:

1. Pursuant to RCW 69.50.331(8) and WAC 314-55-050(10), the LCB is prohibited from licensing any marijuana producers, processors, and retailers within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, excluding trails, public transit center, library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.
2. The Centennial Trail and other public trails within the City are trails that are and will be regularly used by the citizens of the City, including minors.
3. Pursuant to Article 11, Section 11 of the Washington Constitution, the City of Liberty Lake is authorized to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws," which includes the adoption of regulations governing land uses within the City.
4. On January 16, 2014, the Washington Attorney General issued Attorney General Opinion No. 2, in which he stated that "[a]lthough Initiative 502 (I-502) establishes a licensing and regulatory system for marijuana producers, processor, and retailers in Washington State, it includes no clear indication that it was intended to preempt local authority to regulate such businesses. We therefore conclude that I-502 left in place the normal powers of local governments to regulate within their jurisdictions."

5. I-502 does not preempt the City from exercising and administering its constitutional and statutory land use regulatory authority to allow and regulate land uses within the City limits.
6. Modifications to the recreational marijuana buffers and zoning contained in I-502, RCW 69.50.331(8) and WAC 314-55-050(10) will continue to protect the City's citizens, including minors.
7. The proposed buffer zones will allow compliance with state law and allow state-licensed recreational marijuana businesses to locate within the City while separating such uses from identified sensitive uses and the City's existing and future residential uses.

Section 2. Buffer Zones

- A. Purpose and intent.** The purpose of this Ordinance is to establish certain zoning regulations that provide for marijuana businesses allowed under I-502, now codified in Title 69 RCW, and subject to requirements of Chapter 314-55 WAC.
- B. Locations.** A marijuana business shall not be located within one thousand feet of the perimeter of the grounds of any of the following entities or locations:
 1. Elementary or secondary school, including school bus stop locations;
 2. Playground;
 3. Recreation center or facility;
 4. Child care center;
 5. Park;
 6. Public transit center, including transit bus stop locations;
 7. Library;
 8. Game arcade where admission is not restricted to persons age 21 and older;
 9. Churches and religious facilities; or
 10. Access points for the Centennial Trail or other public trails within the City of Liberty Lake.

For purposes of locations set forth herein, the distance shall be measured as the shortest straight line distance from the property line of each entity or location identified above to the property line or location of the marijuana business, as defined by law, or as amended.

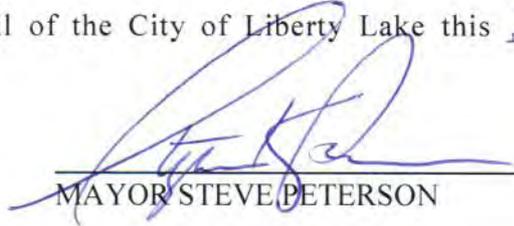
- C. Enforcement of violations.** Violations of this Chapter shall be subject to enforcement action as provided in the Uniformed Controlled Substances Act, and Title 69 RCW. In addition, violations of this Chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law for the abatement of public nuisances.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence,

clause or phrase of this Ordinance.

Section 4. Publication and Summary. This Ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

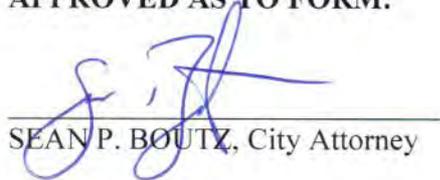
PASSED by the City Council of the City of Liberty Lake this 27 day of January, 2015.


MAYOR STEVE PETERSON

ATTEST:


ANN SWENSON, City Clerk

APPROVED AS TO FORM:


SEAN P. BOUTZ, City Attorney

* * * * *

CERTIFICATION

I, Ann Swenson, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true, and correct copy of Ordinance No. 217 duly adopted at a special meeting of the City Council of said City, duly and regularly held at the regular meeting place thereof on January 27, 2015 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: Unanimous.

AYES, and in favor thereof: Mayor Pro Tem Kaminskas, Council Members Brickner, Langford, Moore, Severs, and Dunne.

NAYS: None.

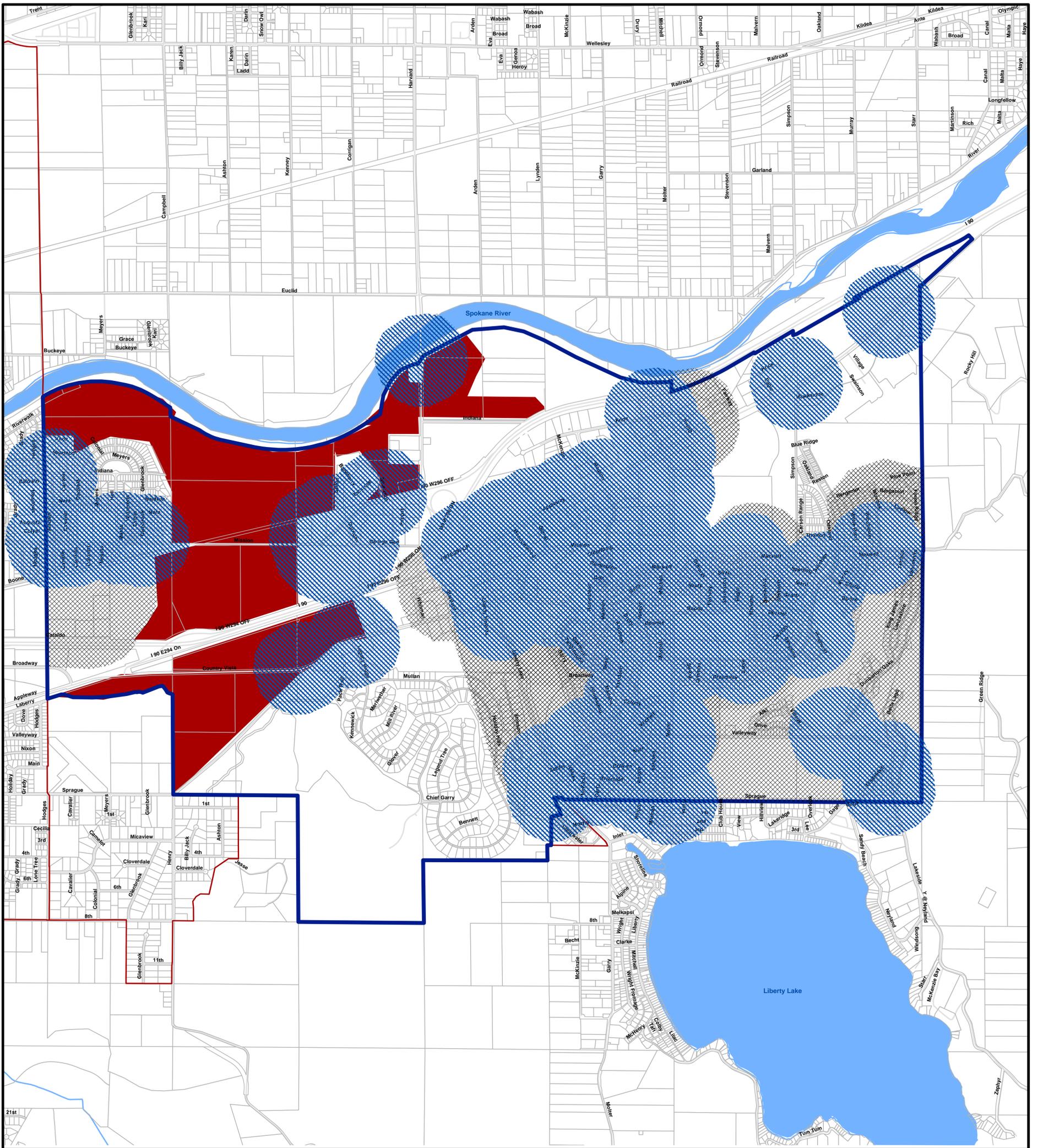
ABSENT: Council Member Kopelson.

ABSTAINED: None.

CITY OF LIBERTY LAKE



CITY CLERK



Due to map scale, some streets may not be labeled.

This map is for informational purposes only and is not warranted for accuracy.

Potential locations must be formally reviewed for accuracy and regulatory compliance at time of application.

For information please contact
 The City of Liberty Lake
 Community Development Department
 509-755-6708

Legend

-  City of Liberty Lake
-  UGA Boundary
-  Parcels
-  Streets
-  Water Bodies
-  Potential Locations

 Approximate 1000' Buffer from any Elementary or Secondary School, Playground, Public Park, Recreation Center or Facility, Child Care Center, Arcade, Public Transit Center, or Library

 Approximate 1000' Buffer from School Bus Stops, Public Transit Buss Stops, Churches, & Trail System Access Points

Map Location

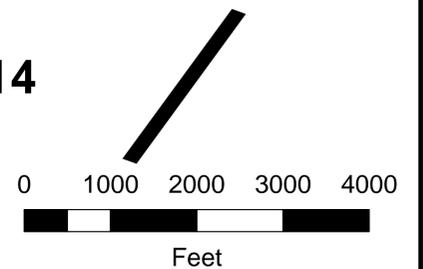


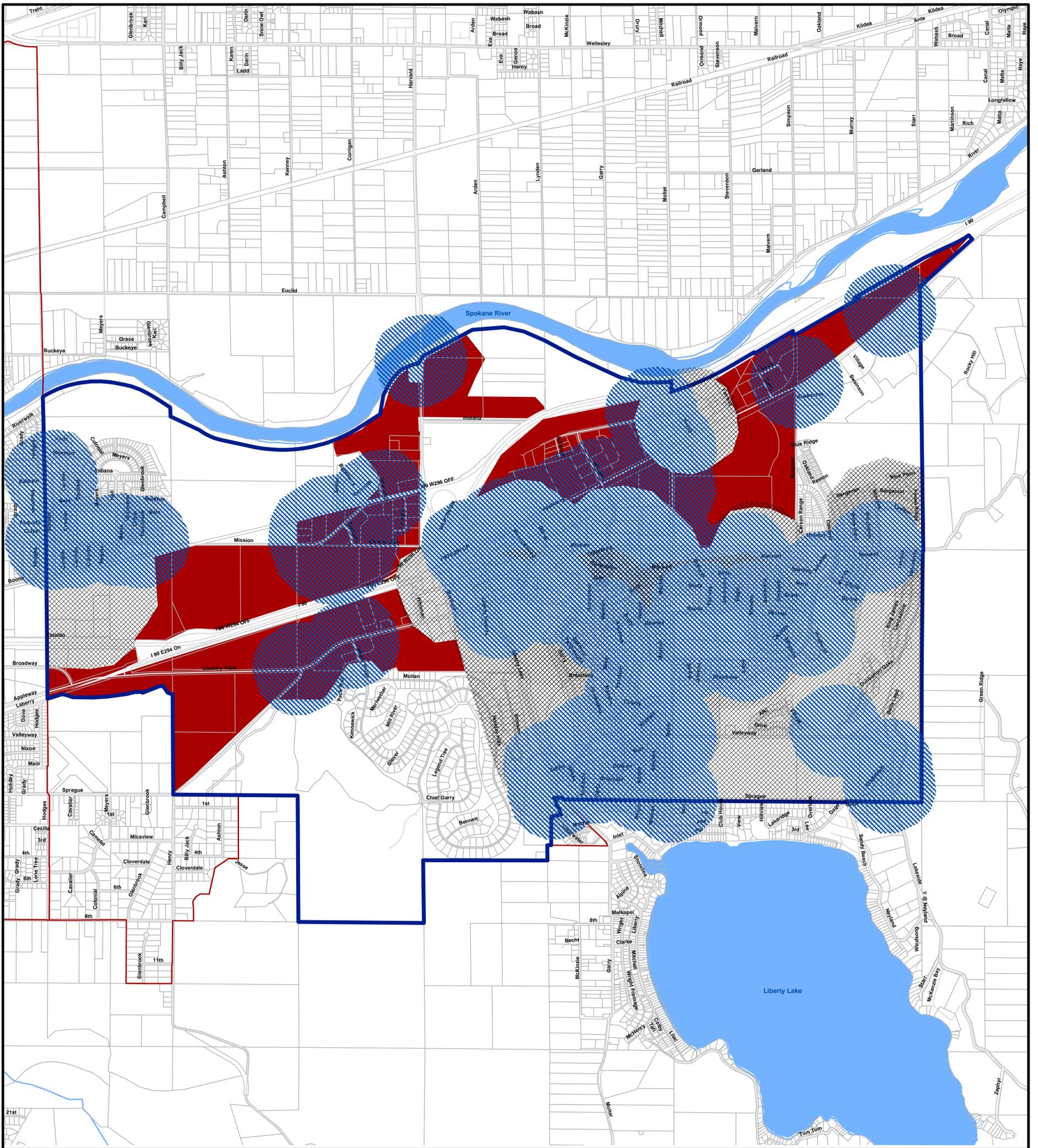
Map area is contained within
 T 25 N, R 45 E, W.M.



**Potential Locations - Marijuana Producer 11/7/14
 (classified as similar to ag.-actively farmed)**

M-2 (L), RD-R (L), RD-M (L), RD-C (L)
 Includes Vacant Land and Existing Buildings





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Legend

- City of Liberty Lake
- UGA Boundary
- Parcels
- Streets
- Water Bodies
- Potential Locations

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Approximate 1000' Buffer from School Bus Stops, Public Transit Buss Stops, Churches, & Trail System Access Points

Map Location

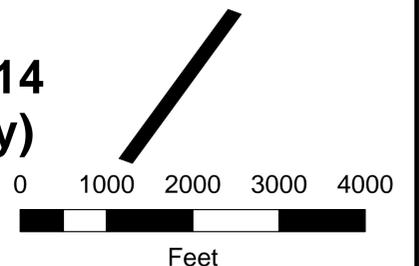


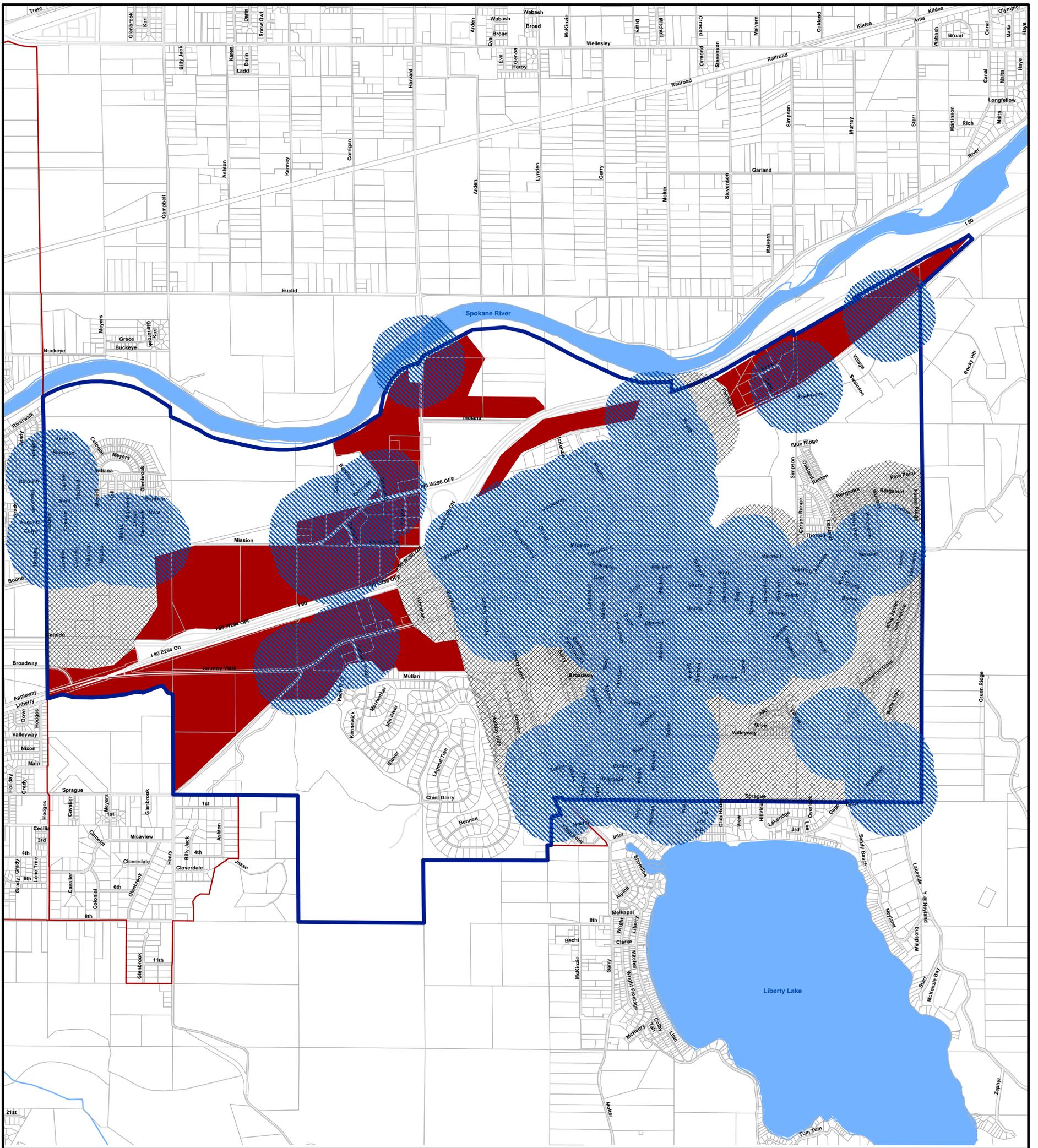
Map area is contained within
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**Potential Locations - Marijuana Processor 11/7/14
 (classified as similar to light manuf. & assembly)**

M-2 (L), M-3 (L), C-1 (P), C-2 (P), I (P), RD-M (L), RD-C (P)
 Includes Vacant Land and Existing Buildings





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Legend

-  City of Liberty Lake
-  UGA Boundary
-  Parcels
-  Streets
-  Water Bodies
-  Potential Locations

 Approximate 1000' Buffer from any Elementary or Secondary School, Playground, Public Park, Recreation Center or Facility, Child Care Center, Arcade, Public Transit Center, or Library

 Approximate 1000' Buffer from School Bus Stops, Public Transit Buss Stops, Churches, & Trail System Access Points

Map Location



Map area is contained within
T 25 N, R 45 E, W.M.



**Potential Locations - Marijuana Retailer 11/7/14
(classified as similar to tavern/ pub/ liquor store)**

M-2 (CU), M-3 (CU), C-1 (P), C-2 (P), O (L - Golf Course), RD-M (L), RD-C (P)
Includes Vacant Land and Existing Buildings

