

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 233**

AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF OR PROCESSING OF APPLICATIONS, OR ISSUANCE OF PERMITS OR LICENSES, AND APPROVALS, AND USES OR ACTIVITIES ASSOCIATED WITH THE PRODUCING, PROCESSING, OR RETAILING OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Liberty Lake, Washington (“City”) has prepared and is implementing a Comprehensive Plan and Development Regulations in accordance with the provisions of the Washington State Growth Management Act; and

WHEREAS, the City initiated and successfully completed a process in 2015 to update its Comprehensive Plan in accordance with the provisions of the Washington State Growth Management Act; and

WHEREAS, the City has now initiated a process in 2016 to review and update its Development Regulations in accordance with the provisions of the updated Comprehensive Plan and the provisions of the Washington State Growth Management Act; and

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, 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, marijuana remains a Schedule 1 drug under the federal Controlled Substances Act, and the production, possession, and use of marijuana for any purpose, including medical use, remains illegal under federal law; and

WHEREAS, prior to issuing a license to a producer, processor, or retailer, as those terms are defined by law, the Washington State Liquor Control Board must give notice of the application for a license to the City and the City has the right to file written objections to issuance of that license, but the Washington State Liquor Control Board makes the final decision whether to issue a license; and

WHEREAS, during the process of identifying potential revisions to the City’s Development Regulations the City Council of the City of Liberty Lake (“City Council”) has determined that the public interest would be served by a more extensive discussion on where and

under what circumstances producing, processing, retailing of marijuana or marijuana-infused products should be permitted; and

WHEREAS, unless the City acts immediately to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products, such uses may be able to locate in the City without specific regulation, creating the potential for adverse impacts on the City and its citizens; 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 regulating marijuana and marijuana-infused producers, processors, and retailers within their jurisdictions; and

WHEREAS, on January 27, 2015 the City of Liberty Lake established certain zoning regulations for marijuana businesses, and other appropriate regulations to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products; and

WHEREAS, the City has implemented certain zoning for marijuana and marijuana-infused products; however during the City's Periodic Update process, the City is also reviewing compatible uses and development regulations within the various zones; and

WHEREAS, through this comprehensive review, the City desires to re-examine the zoning for uses of marijuana and marijuana-infused products; and

WHEREAS, the City needs more time to study the land use impacts of the potential facilities or premises that may be utilized by producers, processors, and retailers and the various development standards that should be considered to mitigate the impacts before adoption of any City regulations and/or acceptance of applications and issuance of any permits or licenses; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt a moratorium of up six (6) months on the acceptance of applications and issue of permits associated with the production, processing, and retailing of marijuana or marijuana-infused products that would enable the City to further research how to best implement the updated Comprehensive Plan and Development Regulations and also protect the public health and safety; and

WHEREAS, the City may adopt a moratorium under RCW 35A.63.220 and RCW 36.70A.390 without first holding a public hearing on the moratorium, as long as it holds a public hearing on the moratorium within sixty (60) days of its adoption, and

WHEREAS, the City Council has determined that it is in the best interest of the City and its citizens that a moratorium be established to study appropriate regulations to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products and to develop a work plan for the implementation of any regulations, including appropriate Development Regulations and the issuance of permits, the impact on and consistency with the Comprehensive Plan, and as set forth in this Ordinance; and

WHEREAS, the adoption of a moratorium on the acceptance of applications or the issuance of permits for producers, processors, and retailers of marijuana or marijuana-infused products is necessary to protect the public health and safety and is in the public interest.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. Findings of Fact. The City Council adopts the above recitations as findings of fact justifying the moratorium, and may supplement these findings of fact before or immediately after the public hearing on this moratorium.

Section 2. Moratorium Established.

- A. A moratorium is imposed prohibiting the production, processing, and/or retail sale of recreational marijuana and marijuana-infused substances by state-licensed individuals or businesses within all zoning districts in the City.
- B. A moratorium is imposed on the acceptance of applications or the issuance of any City building permit, development permit, business license, or any other permit or license to any state-licensed individual or business that seeks to produce, process, and/or sell recreational marijuana or marijuana-infused products in the City.

Section 3. Term of Moratorium. The moratorium established by this Ordinance shall be in effect immediately upon approval for an initial period of six (6) months, unless repealed, extended, or modified by the City Council after a public hearing and the entry of appropriate findings of fact as required by RCW 35A.63.220 and/or RCW 36.70A.390. The City Council may renew this moratorium for one or more six (6) month periods as permitted by law.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and/or RCW 36.70A.390, the City Council shall hold a public hearing on this moratorium within sixty (60) days of the adoption of this moratorium.

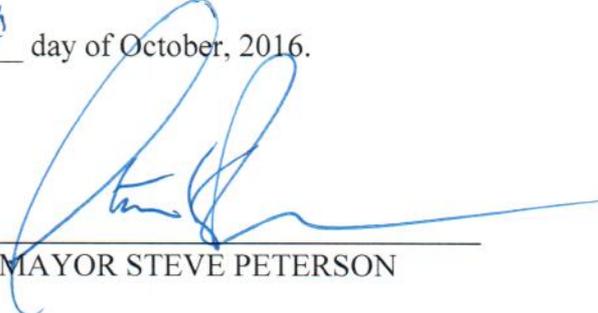
Section 5. Administrative Code Interpretations Authorized. In the event of any question or uncertainty regarding the applicability of this moratorium, the Mayor or his designee is hereby authorized to make such administrative code interpretations as may be necessary to implement this moratorium.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance, as a public emergency ordinance, necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force and effect immediately upon adoption. Pursuant to *Matson v. Clark*

County Bd. Of Com'rs, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses above, all of which are adopted by references as set forth herein. The City Clerk is directed to publish a summary of this Ordinance, as applicable, as the earliest publication date.

Passed by the City Council this 18th day of October, 2016.



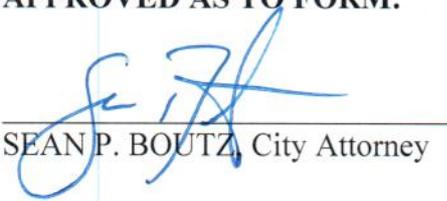
MAYOR STEVE PETERSON

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. 233 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at a the regular meeting place thereof on October 18, 2016 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 Brickner, Council Members, Moore, McGuire, Dunne, Severs, and Kaminskas.

NAYS: None.

ABSENT: Council Member Langford.

ABSTAINED: None.

CITY OF LIBERTY LAKE



CITY CLERK