



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 26, 2016**

**Ordinance 18269**

**Proposed No. 2016-0234.2**

**Sponsors Dunn**

1 AN ORDINANCE declaring a four-month moratorium on  
2 the acceptance of applications for or the establishment or  
3 location of marijuana producers, marijuana processors and  
4 marijuana retailers; and declaring an emergency.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. King County has authority, under constitutional police powers, home rule  
8 authority and the Washington state Growth Management Act, chapter 36.70A RCW ("the  
9 GMA"), to establish a moratorium on establishment of certain classifications of land uses  
10 and to preclude the acceptance of related development applications while the county  
11 studies the impacts of those land uses.

12 B. In 1990, the Washington state Legislature adopted the GMA in order to, in  
13 part, facilitate the preservation of rural character.

14 C. The King County Comprehensive Plan ("the KCCP"), as updated in June 2014  
15 by Ordinance 17842, defines "rural growth" as "growth that is scaled to be compatible  
16 with and maintains the traditional character of the Rural Area."

17 D. On November 6, 2012, the voters of the state of Washington passed  
18 Washington state Initiative Measure No. 502, providing a framework under which a

19 limited number of recreational marijuana businesses were authorized to produce, process  
20 and retail under a state licensing system.

21 E. In response to Initiative 502, King County adopted ordinances 17710 and  
22 17841 to regulate recreational marijuana producers, processors and retail businesses  
23 within unincorporated King County.

24 F. Over the past several years, specific concerns have been raised within the  
25 community regarding the proliferation and operation of marijuana uses in unincorporated  
26 King County.

27 G. In July 2015, Chapter 70, Laws of Washington 2015 incorporated distribution  
28 of medical marijuana products into the recreational marijuana regulatory system.

29 H. In July 2015, Chapter 4, Laws of Washington 2015 2nd Special Session  
30 further clarified the recreational marijuana regulatory system.

31 I. Chapter 70, Laws of Washington 2015 requires the Washington state Liquor  
32 and Cannabis Board ("WSLCB") to establish standards for medical marijuana  
33 endorsements within the recreational system and has lead the WSLCB to accept a large  
34 number of applications for additional producer and processor licenses and additional  
35 retail license applications.

36 J. As a result of the state acts and standards, King County has received notice that  
37 many additional license applications have been submitted to the WSLCB for marijuana  
38 producers and processors seeking to become established in rural and agriculturally zoned  
39 areas of unincorporated King County, leading to increased concerns that King County's  
40 adopted zoning regulations neither adequately comply with the KCCP policies to

41 preserve rural character, nor sufficiently address the impacts and proliferation of these  
42 businesses in unincorporated King County.

43 K. King County has also received notice that many additional license  
44 applications have been submitted to the WSLCB for marijuana retailers seeking to locate  
45 in urban areas of unincorporated King County, leading to increased concerns that King  
46 County's adopted zoning regulations neither sufficiently address the impact of retailer  
47 density in close proximity to low income residential areas nor assure patients access to  
48 medical marijuana.

49 L. Because of the state acts and standards, and the increased concerns with King  
50 County's adopted regulations for unincorporated areas, the County is currently reviewing  
51 whether the regulations for marijuana uses should be modified.

52 M. Acceptance of additional development applications proposing new marijuana  
53 uses may allow development that is incompatible with nearby existing land uses in  
54 unincorporated King County.

55 N. It is in the public interest to establish a zoning moratorium on marijuana uses  
56 for a four-month period in order to investigate whether additional regulations are  
57 necessary.

58 O. It is necessary that this ordinance go into effect immediately in order to avoid  
59 the establishment of a potentially large number of additional marijuana producers and  
60 processors in the interval before executive signature.

61 SECTION 2. For the purposes of this ordinance:

62 A. "Marijuana processor" is as defined by RCW 69.50.101(x);

63 B. "Marijuana producer" is as defined by RCW 69.50.101(y); and

64 C. "Marijuana retailer" is as defined by RCW 69.50.101(bb).

65 SECTION 3. A four-month moratorium commencing upon the effective date of  
66 this ordinance is declared, prohibiting King County from accepting or issuing  
67 applications for the development of any marijuana producer, marijuana processor or  
68 marijuana retailer use, and prohibiting the location, establishment or expansion of any  
69 marijuana producer, marijuana processor or marijuana retailer use in unincorporated King  
70 County, whether for-profit or not-for-profit. No building permit, occupancy permit,  
71 public health approval or development permit or approval of any kind shall be accepted  
72 or issued for any of the purposes or activities prohibited by this section. Any land use  
73 approval or other permit for any marijuana producer, marijuana processor or marijuana  
74 retailer use that is issued as a result of error or by use of vague or deceptive descriptions  
75 during the moratorium is null and void and without legal force or effect.

76 SECTION 4. Severability. If any provision of this ordinance or its application to  
77 any person or circumstance is held invalid or should any portion of this ordinance be pre-  
78 empted by state or federal law or regulation, the remainder of the ordinance or the  
79 application of the provision to other persons or circumstances is not affected.

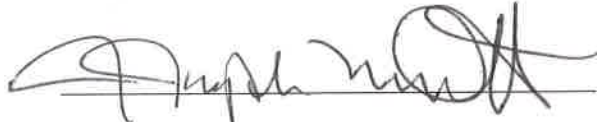
80 SECTION 5. The county council finds as a fact and declares that an emergency  
81 exists and that this ordinance is necessary for the immediate preservation of public peace,

82 health and safety and for the support of county government and its existing public  
83 institutions.  
84

Ordinance 18269 was introduced on 4/25/2016 and passed as amended by the Metropolitan King County Council on 4/25/2016, by the following vote:

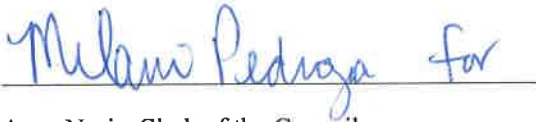
Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove and Ms. Balducci  
No: 1 - Ms. Kohl-Welles  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments:** None