



Legislation Details (With Text)

File #: 2016-0234 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 4/25/2016 **In control:** Metropolitan King County Council

On agenda: **Final action:** 4/25/2016

Enactment date: **Enactment #:** 18269

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

Sponsors: Reagan Dunn

Indexes: Marijuana

Code sections:

Attachments: 1. Ordinance 18269.pdf, 2. Hearing Notice to receive public testimony.doc, 3. 18269 Amendment package 4-25-16.pdf, 4. Affidavit of Publication Seattle Times 4-29-16 to receive public testimony.pdf

Date	Ver.	Action By	Action	Result
5/31/2016	2	Metropolitan King County Council	Hearing Held	
4/25/2016	1	Metropolitan King County Council	Hearing Held	
4/25/2016	1	Metropolitan King County Council	Passed as Amended	Pass

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

C. The King County Comprehensive Plan ("the KCCP"), as updated in June 2014 by Ordinance 17842,

defines "rural growth" as "growth that is scaled to be compatible with and maintains the traditional character of the Rural Area."

D. On November 6, 2012, the voters of the state of Washington passed Washington state Initiative Measure No. 502, providing a framework under which a limited number of recreational marijuana businesses were authorized to produce, process and retail under a state licensing system.

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

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

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

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

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

J. As a result of the state acts and standards, King County has received notice that many additional license applications have been submitted to the WSLCB for marijuana producers and processors seeking to become established in rural and agriculturally zoned areas of unincorporated King County, leading to increased concerns that King County's adopted zoning regulations neither adequately comply with the KCCP policies to preserve rural character, nor sufficiently address the impacts and proliferation of these businesses in unincorporated King County.

K. King County has also received notice that many additional license applications have been submitted

to the WSLCB for marijuana retailers seeking to locate in urban areas of unincorporated King County, leading to increased concerns that King County's adopted zoning regulations neither sufficiently address the impact of retailer density in close proximity to low income residential areas nor assure patients access to medical marijuana.

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

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

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

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

SECTION 2. For the purposes of this ordinance:

- A. "Marijuana processor" is as defined by RCW 69.50.101(x);
- B. "Marijuana producer" is as defined by RCW 69.50.101(y); and
- C. "Marijuana retailer" is as defined by RCW 69.50.101(bb).

SECTION 3. A four-month moratorium commencing upon the effective date of this ordinance is declared, prohibiting King County from accepting or issuing applications for the development of any marijuana producer, marijuana processor or marijuana retailer use, and prohibiting the location, establishment or expansion of any marijuana producer, marijuana processor or marijuana retailer use in unincorporated King County, whether for-profit or not-for-profit. No building permit, occupancy permit, public health approval or development permit or approval of any kind shall be accepted or issued for any of the purposes or activities

prohibited by this section. Any land use approval or other permit for any marijuana producer, marijuana processor or marijuana retailer use that is issued as a result of error or by use of vague or deceptive descriptions during the moratorium is null and void and without legal force or effect.

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

SECTION 5. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health and safety and for the support of county government and its existing public institutions.