ORDINANCE NO. 1489

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, EXTENDING THE MORATORIUM ENACTED UNDER ORDINANCE NOS. 1468, 1469, AND 1481, PROHIBITING THE PRODUCTION, PROCESSING, AND RETAIL SALES OF MARIJUANA AND PROHIBITING THE GRANTING OF ANY CITY LICENSE OR PERMIT RELATED TO SUCH ACTIVITIES.

WHEREAS, on October 22, 2013, the City Council of the City of Bonney Lake enacted Ordinance No. 1468, which established a temporary moratorium on the production, processing, and retail sales of marijuana and the granting of any city license or permit related to such activities; and

WHEREAS, the City Council held a public hearing on the moratorium at the November 12, 2013 regular meeting, and discussed the testimony given in the public hearing at the November 19, 2013 workshop; and

WHEREAS, on November 26, 2013, the City Council enacted Ordinance No. 1469, which revised and clarified the moratorium; and

WHEREAS, on April 8, 2014, the City Council enacted ordinance No. 1481, which extended the temporary moratorium established by Ordinance Nos. 1468 and 1469 by six months, and established a work plan for the City of Bonney Lake Planning Commission to study, develop, and propose appropriate regulations for licensed marijuana businesses to the City Council; and

WHEREAS, the City Council held a public hearing on the moratorium extension at the May 13, 2014 regular meeting, and discussed the testimony given in the public hearing at the May 20, 2014 workshop; and

WHEREAS, on September 9, 2014, the Planning Commission made its recommendations for the regulation of licensed marijuana businesses through zoning and other land use controls to the City Council; and

WHEREAS, pursuant to RCW 36.70A.106, the City Council is required to submit zoning and development regulations to the Washington State Department of Commerce for review at least sixty (60) days prior to final adoption; and

WHEREAS, the moratorium established by Ordinance Nos. 1468, 1469, and 1481 will expire on October 13, 2014 if it is not extended; and
WHEREAS, the City Council requires additional time to consider the Planning Commission’s recommendations and submit zoning and development regulations related to the production, processing, and retail sales of marijuana to the Department of Commerce for review; and

WHEREAS, notwithstanding the State’s legalization of marijuana, local governments retain authority over zoning and development regulations within their jurisdictions.

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

Section 1. Findings of Fact. The City Council reaffirms and incorporates by reference the Findings of Fact adopted in Ordinance Nos. 1468, as revised by Ordinance No. 1469. In addition, the City Council finds that additional time is needed for the City Council to consider the Planning Commission’s recommendations regarding the regulation of licensed marijuana businesses and for State review of the proposed regulations.

Section 2. Moratorium Extended.

A. The moratorium prohibiting the production, processing, and/or retail sale of marijuana and marijuana-infused substances by state-licensed individuals or businesses within all zoning districts in the City of Bonney Lake shall be extended for a period of one hundred twenty (120) days.

B. The moratorium on 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 marijuana or marijuana-infused products in the City of Bonney Lake shall be extended for a period of one hundred twenty (120) days.

Section 3. Term of Moratorium Extension. The moratorium established by this ordinance shall be in effect for one hundred twenty (120) days from the effective date of this Ordinance, 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.

Section 4. Public Hearing. A public hearing on the moratorium extension shall be held at the regular City Council meeting on October 28, 2014.

Section 5. Effective Date. The moratorium established by this ordinance shall take effect five days after passage and publication as required by law.
PASSED BY THE CITY COUNCIL this 23rd day of September, 2014.

[Signature]
Neil Johnson, Jr., Mayor

AUTHENTICATED:
[Signature]
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:
[Signature]
Kathleen Haggard, City Attorney

Passed: 9/23/2014
Valid: 9/23/2014
Published: 10/1/2014
Effective Date: 10/7/2014
This Ordinance totals 3 page(s)
City of Bonney Lake, Washington

City Council Agenda Bill (AB)

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<tr>
<th>Department/Staff Contact: Executive / Don Morrison</th>
<th>Meeting/Workshop Date: 23 September 2014</th>
<th>Agenda Bill Number: AB14-127</th>
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<tr>
<td>Agenda Item Type: Ordinance</td>
<td>Ordinance/Resolution Number: D14-127</td>
<td>Councilmember Sponsors: Watson, Lewis</td>
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Agenda Subject: Extending a Temporary Moratorium for Marijuana Businesses

Full Title/Motion: An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Extending the Moratorium Prohibiting The Production, Processing, And Retail Sales Of Recreational Marijuana And Prohibiting Granting Of Any City License Or Permit Related To Such Activities..

Administrative Recommendation: Extend the Moratorium for 90 days and set October 28, 2014 as the public hearing date.

Background Summary: In November 2012 the voters of the State of Washington approved Initiative 502, The Washington State Liquor Control Board has developed and implemented regulations governing the licensing and operation of recreational marijuana producers, processors, and retailers and has begun accepting application for licenses. The City Council established a six-month moratorium under Ordinance 1469 and extended it for an additional period under Ordinances 1468 and 1469. On September 9, 2014, the Planning Commission made its recommendations for the regulation of licensed marijuana businesses through zoning and other land use controls to the City Council. Pursuant to RCW 36.70A.106, the City Council is required to submit zoning and development regulations to the Washington State Department of Commerce for review at least sixty (60) days prior to final adoption. The moratorium established by Ordinance Nos. 1468, 1469, and 1481 will expire on October 13, 2014 if it is not extended. The City Council requires additional time to consider the Planning Commission’s recommendations and submit zoning and development regulations related to the production, processing, and retail sales of marijuana to the Department of Commerce for review.

Attachments: D14-127 Ordinance

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<th>BUDGET INFORMATION</th>
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<tr>
<td>Budget Amount</td>
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<td>Budget Explanation: N/A</td>
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COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Approvals:

Date:                     Yes  No
Chair/Councilmember
Councilmember
Councilmember
Forward to: Consent
Agenda:  Yes  No
Commission/Board Review:
Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): 10/15/2013, 4/1/2014, 9-16-14  Public Hearing Date(s): 11/12/13
Meeting Date(s): 10/22/2013,  Tabled to Date:

APPROVALS

Director: Don Morrison
Mayor: Date Reviewed by City Attorney: (if applicable):

Version Oct. 2010