

ORDINANCE NO. 2686

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF RECREATIONAL MARIJUANA FACILITIES, DEFINING “RECREATIONAL MARIJUANA FACILITIES,” ADOPTING FINDINGS OF FACT AND CONCLUSIONS, AND ESTABLISHING AN EFFECTIVE DATE AND EXPIRATION DATE.

WHEREAS, Initiative Measure 502 (I-502), approved by the voters of the State of Washington on November 6, 2012, legalized the possession of certain amounts of marijuana and provided for the establishment of a state-licensed system for marijuana similar to that for hard alcohol, and

WHEREAS, I-502 allows for the licensing of marijuana producers, marijuana processors, and marijuana retailers (recreational marijuana facilities) by the Washington Liquor Control Board, and

WHEREAS, I-502 specifies that marijuana facilities must be at least 1,000 (one-thousand) feet away from elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries, or game arcades, and

WHEREAS, I-502 charged the Washington Liquor Control Board with adopting rules to implement and enforce the marijuana market allowed by I-502, and

WHEREAS, the Washington Liquor Control Board proposed initial draft rules on May 16, 2013, and sought public comment from stakeholders including local governments, and

WHEREAS, the Washington Liquor Control Board proposed official draft rules on July 3, 2013, after receiving feedback on the initial draft rules, and

WHEREAS, the Washington Liquor Control Board anticipates issuing revised official draft rules on September 4, 2013, and

WHEREAS, the Washington Liquor Control Board anticipates adopting rules on October 16, 2013, which would become effective on November 16, 2013, and

WHEREAS, the Washington Liquor Control Board anticipates accepting license applications for marijuana producers, marijuana processors, and marijuana retailers beginning on November 18, 2013, and for 30 days thereafter, and

WHEREAS, the Washington Liquor Control Board does not enforce local rules, regulations, and codes including zoning ordinances, and

WHEREAS, the Council held a public hearing on September 3, 2013, and all who wished to speak were afforded an opportunity to do so, and

WHEREAS, the production, growth, processing, and delivery of marijuana as allowed by the Revised Code of Washington and the Washington Administrative Code present issues of public safety for surrounding properties as well as for the property on which recreational marijuana facilities are located. Furthermore, the location of such facilities near schools, day care facilities and other lawful uses presents issues relating to the public welfare and the protection of minors, and

WHEREAS, the City's zoning, licensing, and other development regulations do not address the potential impacts from recreational marijuana facilities and the City needs adequate time to consider whether such regulations should be enacted, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Moratorium enacted. Pursuant to the provisions of RCW 36.70A.390 and RCW 35A.63.220, a zoning moratorium is hereby enacted in the City of Issaquah prohibiting the licensing, establishment, maintenance or continuation of any recreational marijuana facilities. A “recreational marijuana facility” is any facility where used by a marijuana producer, marijuana processor, or marijuana retailer which is operated under the provisions of Chapter 69.50 RCW and Chapter 314-55 WAC, as set forth in I-502 and subject to the limitations therein.

Section 2. Recreational Marijuana Facilities prohibited. Recreational marijuana facilities as defined in Section 1 are hereby designated as prohibited uses in the City of Issaquah. In accordance with the provisions of RCW 35A.82.020 and Chapter 5.02 IMC, no business license shall be issued to any person for recreational marijuana facilities, which are hereby defined to be prohibited uses under the ordinances of the City of Issaquah.

Section 3. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 4. Findings and Conclusions Adopted. The City Council hereby adopts the recitals set forth above, as their Findings and Conclusions as required by RCW 36.70A.390 and RCW 35A.63.220.

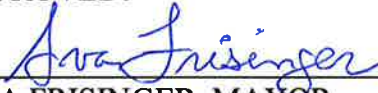
Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date/Termination of Moratorium. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication. Unless otherwise extended by the Council, pursuant to RCW 36.70A.390 and RCW 35A.63.220, this Ordinance, and the moratorium established herein, shall expire and terminate on March 3, 2014.

Passed by the City Council of the City of Issaquah, the 3rd day of September, 2013.

Approved by the Mayor of the City of Issaquah the 3rd day of September, 2013.

APPROVED:



AVA FRISINGER, MAYOR

ATTEST/AUTHENTICATED:



CHRISTINE EGGERS, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

PUBLISHED: 09/11/2013
EFFECTIVE DATE: 09/16/2013
ORDINANCE NO. 2686 / AB 6692

Legal Notice No. 13-1091

**Affidavit of
Publication**

SS }

**STATE OF WASHINGTON
COUNTY OF KING**

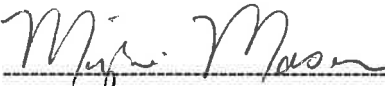
I, Marjorie Mason, being first duly sworn on oath, depose and say that I am the deputy clerk of The Issaquah Press, a weekly newspaper. That said newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continuously as a weekly newspaper in Issaquah, in King County, Washington, and it is now, and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the said The Issaquah Press was on the eighteenth day of January 1900, approved as a legal newspaper by the Superior Court of said King County.

This is a true copy of Legal Notice No. 13-1091, Public Notice of 5 Ordinances Passed: No. 2684, 2685, 2686, 2687 & 2688.

As it was published (and not in supplement form) of said newspaper each week for a period of one week commencing on the 11th day of September and ending on the 17th day of September, 2013 as was regularly distributed to its subscribers during all of said period. That the amount of the fee charged for the foregoing publication is the sum of \$159.12 at the rate of \$16.75 per column inch.



Notary Public in and for the State of Washington



Marjorie Mason
Chief Clerk
The Issaquah Press

Subscribed and sworn to me on the 11h day of October, 2013.

WENDY C. ENDEN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
07-22-14

13-1091 Public Notice
NOTICE OF ORDINANCE PASSED BY ISSAQUAH CITY
COUNCIL

Following is a summary, by title, of five ordinances passed by the Issaquah City Council on September 3, 2013, to be published in The Issaquah Press on September 11, 2013, effective date of September 16, 2013.

ORDINANCE NO. 2684
AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, REPEALING AND REPLACING SECTIONS IN CHAPTER 18.10 OF THE ISSAQUAH MUNICIPAL CODE RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 2685
AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, GRANTING TO NEW CINGULAR WIRELESS PCS, LLC, A NON-EXCLUSIVE FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN A COMMUNICATION SYSTEM IN, ON, OVER, UPON, ALONG, AND ACROSS CERTAIN DESIGNATED PUBLIC RIGHTS-OF-WAY OF THE CITY OF ISSAQUAH, WASHINGTON, PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS, AND CONDITIONS WITH RESPECT THERETO, AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 2686
AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF RECREATIONAL MARIJUANA FACILITIES, DEFINING "RECREATIONAL MARIJUANA FACILITIES," ADOPTING FINDINGS OF FACT AND CONCLUSIONS, AND ESTABLISHING AN EFFECTIVE DATE AND EXPIRATION DATE.

ORDINANCE NO. 2687
AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING CHAPTER 18.19A, (2) THE DEFINITION OF GROSS FLOOR AREA IN THE CENTRAL ISSAQUAH DEVELOPMENT AND DESIGN STANDARDS; AMENDING SECTION 18.07.120(B)(5); PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 2688
AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ADOPTING BY REFERENCE RCW 9A.46.110 (WITH THE EXCEPTION OF SUBSECTION 5) RELATING TO STALKING; ESTABLISHING PENALTIES AND AN EFFECTIVE DATE.

Complete text of the ordinances is posted at City Hall, 130 E. Sunset Way, and on the City's website, issaquahwa.gov/ordinances. Upon request, to the City Clerk's Office (425-837-3000), photocopies are available, for a fee.

Published in The Issaquah Press on Sept. 11, 2013

**DISTRIBUTION SCHEDULE
City of Issaquah**

FINAL STEP
Original Filed in
Clerk's Records Room

DATE:

Ordinance No. 2686

AB 6692

Subject: Moratorium for I-502 Recreational Marijuana Facilities

<u>9/3/2013</u>	Date passed by City Council
<u>9/3/2013</u>	Signed by Mayor
<u>n/a</u>	Signed by Council President
<u>9/3/2013</u>	Signed by City Clerk
<u>9/4/2013</u>	Date posted (Lobby)*
<u>9/11/2013</u>	Date(s) published (normally by title only)
<u>9/16/2013</u>	Date effective

Electronic copies of executed document distributed as follows: Date Completed:

MRSC (per RCW 35A.39.010) – email notification	<u>9/9/2013</u>
Code Publishing Website	<u>9/9/2013</u>
Originating Department: Jason Rogers, DSD	<u>9/10/2013</u>
Washington State Department of Commerce (With NOA)	<u>9/10/2013</u>
Website Posting (iCompass)	<u> </u>


Hard copies of executed document distributed as follows:

Other: 1 copy to Mayor's Office to include with WALCB's Survey (9/4/2013)

Certified Copies: 0

Total photocopies needed 0

Reviewed by City Clerk _____ Date _____



Megan Gregor

9/3/13

Date

** If ordinance includes exhibits –label the last page of the ordinance, stating exhibits are on file with the City Clerk.*