

**ORDINANCE NO. 1854**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DECLARING AN EMERGENCY AND EXTENDING AN ADDITIONAL SIX MONTHS OF MORATORIUM AND INTERIM ZONING RELATING TO THE RECREATIONAL AND MEDICAL USE OF MARIJUANA AND MORATORIUM ON PERMITTING OF STRUCTURES AND USE RELATED TO MARIJUANA, AS ESTABLISHED BY ORDINANCE NUMBER 1839**

**WHEREAS**, in conformity with the responsibilities of the City of Dayton to provide for zoning and land use regulations pursuant to state law, and the City's authority to regulate land use activity within its corporate limits, the City intends to develop appropriate zoning and land use regulations for siting, operation, and use and submission of any permits or applications for operation of any structures or uses related to marijuana production, marijuana processing, marijuana retailing, medical marijuana related uses, including collective gardens and medical marijuana dispensaries; and

**WHEREAS**, the Dayton Municipal Code does not currently have a specific provision addressing the use of property for recreational and medical marijuana purposes as described above; and

**WHEREAS**, to avoid or minimize the negative impacts to the City and neighborhoods by any future use of property with recreational and medical marijuana related activities in the City of Dayton, it is necessary for there to be regulations in place to (a) properly review and assess the impacts associated with the use of property in growing, processing, retailing, dispensing and collective gardening; and (b) determine the reasonable and appropriate measures to mitigate those identified negative impacts; and

**WHEREAS**, pursuant to the authority of Washington State law, including Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington (RCW), the City established, by Ordinance No. 1839, a moratorium and interim zoning for an initial period of six months, (a) to provide the City with an opportunity to study the issues concerning the siting of recreational growing, processing and retail; and medical dispensing and collective gardens; so to prepare appropriate revisions to the City's codes and regulations; (b) to protect the health, safety and welfare of the citizens of Dayton by avoiding and ameliorating negative impacts of such uses; and (c) to avoid applicants possibly establishing vested rights contrary and inconsistent with any revisions the City may make to its regulatory scheme as a result of the City's study of this matter; and

**WHEREAS**, since the evaluation and review of code options have not been completed, it is appropriate to extend the moratorium for an additional six months provided there is an established work plan; and

**WHEREAS**, it is also appropriate to hold a public hearing to hear from all persons interested in speaking to the moratorium, interim zoning, and work plan; and such public hearing is scheduled for March 24, 2014 and will held in connection herewith.

**NOW THEREFORE**, the City Council of the City of Dayton, Washington does hereby ordain as follows:

**Section 1. Reaffirmation of Moratorium and Interim Zoning Recitals, Findings, and Conclusions.** That the recitals, findings, and conclusions of the moratorium and interim zoning imposed on the filing with the City or the Courts of any applications for licenses, permits and/or approvals for use of property for recreational marijuana use and medical marijuana use as defined and set forth in Ordinance No. 1839 are hereby reaffirmed.

**Section 2. Work Plan.** The City has developed a work plan as prescribed in Attachment "A", to this Ordinance, for the next six-month period and will study the issues concerning the establishment and operation of producing, processing and retailing facilities allowed under I-502 and concerning medical marijuana, collective gardens and dispensaries.

**Section 3. Declaration of Emergency.** The Dayton City Council hereby declares that an emergency exists necessitating that this Ordinance take effect on March 23, 2014 prior to the scheduled City Council meeting on March 24, 2014, and that the same is not subject of a referendum (RCW 36.70A.390). This Ordinance is necessary to ensure that marijuana uses, to the extent that they are allowed in the within the City of Dayton, are sited appropriately. The interim zoning requirements must be imposed as an emergency measure to protect the public health, safety and welfare.

**Section 4. Moratorium and Interim Zoning Extended.** That the moratorium and interim zoning imposed on the filing with the City or the Courts of any applications for licenses, permits and approvals for licenses, permits and/or approvals for recreational marijuana use and medical marijuana use as defined and set forth in Resolution No. 1839 are extended for a period of an additional term as set forth below.

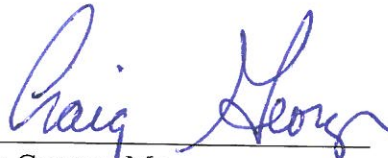
**Section 5. Term of Moratorium and Interim zoning extension.** The extension of the moratorium and interim zoning imposed by this Ordinance shall become effective on March 23, 2014, so not to provide a gap between Ordinance 1839 and effectiveness date of this ordinance. This Ordinance shall be in effect for a period of six (6) months, until September 23, 2014, unless repealed, extended or modified by the City Council.

**Section 6. Conflict with other City of Dayton Code Provisions.** If the provisions of this Ordinance are found to be inconsistent with other provisions of the City of Dayton Municipal Code, this Ordinance shall control.

**Section 7. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

**Section 8. Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

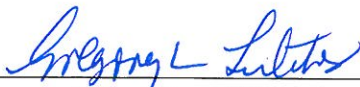
**PASSED BY THE CITY COUNCIL, CITY OF DAYTON,** this 10<sup>TH</sup> day of MARCH 2014.

  
Craig George, Mayor

ATTESTED:

  
Trina Cole, City Clerk-Treasurer

Approved as to form:

  
Gregory L. Lutch, City Attorney

**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES**  
**ORDINANCE NO. 1854**

**Section 1. Reaffirmation of Moratorium and Interim Zoning Recitals, Findings, and Conclusions.**

**Section 2. Work Plan.**

**Section 3. Declaration of Emergency.**

**Section 4. Moratorium and Interim Zoning Extended.**

**Section 5. Term of Moratorium and Interim zoning extension.**

**Section 6. Conflict with other City of Dayton Code Provisions.**

**Section 7. Severability.**

**Section 8. Effective Date.**

The full text of Ordinance 1854, adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2014 is available for examination at the City Clerk's Office, 111 S. 1<sup>st</sup> St., Dayton, WA during normal business hours, 9:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor

Attested: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ Gregory L. Lutchter, City Attorney

Published: \_\_\_\_\_

*The Times*



## ATTACHMENT "A"

### CITY of DAYTON Work Program to Develop Zoning Regulations for Medical and Recreational Marijuana

A work group consisting of representatives from the Sheriff's Office, Dayton Planning, Public Health and Columbia Co. Planning has been established to share information for the development of regulations regarding marijuana related uses in Columbia County and City of Dayton. The timeline for the City's work program is stated below:

#### February 2014

2/28/14 – Workgroup Meeting held & discussed:

- 1) How other jurisdictions are regulating marijuana, (Medical & Recreational)
- 2) Review ordinances of other jurisdictions,
- 3) Issues of enforcement (who & how)
- 4) Benefits and costs to the community
- 5) Desirability of having a local license and/or CUP for Rec. growing, processing, & retail; and Med. Communal Gardens & home growing for individual.

#### March 2014

3/6/14 - SEPA TD issued for an emergency extension of the Moratorium & Interim Zoning

3/10/14 - City Council considers whether to issue an emergency extension of the City Moratorium for 6 months until September 23, 2014.

3/14/14 - Work Group Meeting continues discussion of regulatory options and enforcement. Shares review literature, reports, studies related to secondary impacts of marijuana related land uses.

3/18/14 - Dayton Planning Commission meets for a work session to hear presentations by Planning Department and other work group representatives.

3/24/14 - City Council holds a public hearing for the emergency extension of the Moratorium & Interim Zoning

#### April 2014

4/14 - Work Group Meeting continues discussion of regulatory options and enforcement. Review latest adopted Washington State Liquor Control Board Rules.

4/15/14 - Dayton Planning Commission meets to review & discuss 1<sup>st</sup> preliminary draft of marijuana regulations.

## **May 2014**

5/2014 – Work Group Meeting Draft regulations are reviewed and input provided.

5/20/14 - Dayton Planning Commission meets to review & discuss 2nd draft of marijuana regulations.

## **June 2014**

Planning Department publishes the most current draft of proposed zoning regulations for marijuana.

Planning Department issues a SEPA threshold determination and a 60 day Notice to the Dept. of Commerce “intent to adopt”.

## **July 2014**

7/15/14 - Planning Commission holds a public hearing on the proposed marijuana regulations and decides whether to hold a 2<sup>nd</sup> public hearing in August.

## **August 2014**

8/19/14 - Planning Commission makes a recommendation to the City Council regarding regulation of marijuana. (Possible 2<sup>nd</sup> Public Hearing)

8/25/14 - Council considers whether to approve the proposed marijuana zoning regulations.

## **September 2014**

9/23/14 – Moratorium is lifted unless the City Council extends the moratorium or adopts regulatory provisions.