

ORDINANCE NO. 0463015

AN ORDINANCE OF KLICKITAT COUNTY, WASHINGTON RELATING TO PROHIBITION OF THE SITING OF NEW AND/OR EXPANSION OF MARIJUANA FACILITIES ASSOCIATED WITH I-502; AMENDING ORDINANCE NO. 62678; AND, KLICKITAT COUNTY CODE TITLE 19.

Section 1 Findings.

- 1.1 The action being considered is an amendment to the Klickitat County zoning regulations (Klickitat County Zoning Ordinance No. 62678 and Klickitat County Code Title 19) relating to I-502.
- 1.2 The Board of County Commissioners adopted a moratorium on October 21, 2014, prohibiting the siting of marijuana businesses (*i.e.*, marijuana producer, processing and retail sales) and directed the Planning Commission to develop a recommendation for implementation of I-502 per Klickitat County zoning regulations. Following workshops, the Planning Commission developed four (4) options for consideration.
- 1.3 Chapter 36.70 RCW provides authority to counties to adopt and amend official land use controls such as zoning regulations.
- 1.4 Klickitat County Code 19.62.020 provides public hearing procedures for consideration of amendments to zoning regulations.
- 1.5 A SEPA Determination of Non-Significance was completed on May 15, 2015.
- 1.6 The Planning Commission held a public hearing on June 15, 2015. Written and oral comments were invited. Following public comment and deliberation, the Planning Commission closed the hearing.
- 1.7 The Klickitat County Planning Commission recommended the Board of County Commissioners adopt *Option 1- Attachment A* with a sunset clause that will terminate the prohibition two years from date of adoption, unless other options have been considered and adopted beforehand.
- 1.8 The Klickitat County Board of County Commissioners considered the Planning Commission's recommendation on June 30, 2015.
- 1.9 At the public meeting, the Board reviewed the record of the Planning Commission and determined that it is in the interest of the public to summarily accept the recommendation of the Planning Commission in support of adoption of Option 1.

- 1.10 Consistent with the analysis in the staff report, the recommendation is consistent with the Klickitat County Comprehensive Plan, which encourages considered land use planning, protection of the public health and safety, compatibility among land uses, and the promotion of economic development.
- 1.11 Except to the extent inconsistent with any finding herein, findings from the Planning Commission recommendation and staff reports are incorporated as findings.
- 1.12 After reviewing the Record, it is deemed to be in the public interest to adopt the proposed revisions, as set forth in *Option 1 - Attachment A*.

Section 2. Adoption.

NOW, THEREFORE, KLICKITAT COUNTY DOES ORDAIN AS FOLLOWS:

Klickitat County hereby adopts the attached *Option 1 – Attachment A* as amendments to Ordinance No. 62678 and Klickitat County Code, Title 19.

Section 3. Severability.

The provisions of this ordinance are declared separate and severable. The invalidity of any portion of this ordinance shall not affect the validity of the remainder of the ordinance.

Section 4. Planning Department Report.

The Planning Department shall report to the Planning Commission and Board of Commissioners every six months regarding the operation of marijuana businesses and related information so as to determine if revisions to the zoning regulations are warranted at an earlier date than the sunset date identified below.

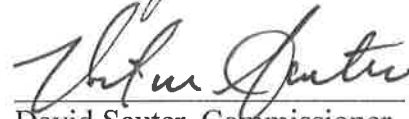
Section 5. Effective Date and Sunset Date.

This ordinance shall take immediate effect, and shall expire two years from its effective date.

DATED this 30th day of June, 2015



Rex F. Johnston, Chairman



David Sauter, Commissioner

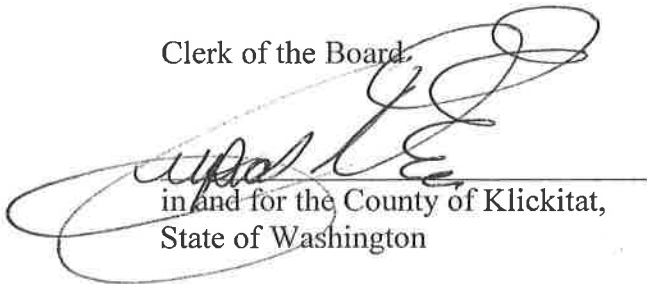


Jim Sizemore, Commissioner

Constituting the Klickitat County
Board of Commissioners
Klickitat County, Washington

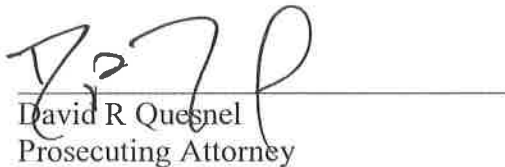
ATTEST:

Clerk of the Board



in and for the County of Klickitat,
State of Washington

APPROVED AS TO FORM:



David R. Quesnel
Prosecuting Attorney

Option 1
Attachment A – Proposed Amendment to the Zoning Code

Amendments to Title 19 (Zoning regulations) of the Klickitat County Code:

Section 19.54.111 New marijuana production, processing and retail sales and expansion of existing marijuana production, processing and retail sales are prohibited.

Section 19.04.030 - Agriculture, agriculture use.

"Agriculture" or "agricultural use" means the use of the land for crop and tree farming; the raising of livestock, poultry, furbearing animals or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries, and greenhouses, and the necessary uses for storing produce that is incidental to that of normal agriculture activity. Agriculture includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. Agriculture use does not include auction yards, slaughterhouses or rendering plants. Agriculture use also does not include new marijuana production, processing and/or retail sales, nor expansion of existing marijuana production, processing and/or retail sales.

19.04.240 - Farm, farm use.

A. "Farm or farm use" means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm use includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land for commercial forestry or to the construction and use of dwellings and other buildings customarily provided in conjunction with farm use. Farm and farm use does not include new marijuana production, processing and/or retail sales, nor expansion of existing marijuana production, processing and/or retail sales.

B. Except as limited by subsection C of this section, farm use land shall not be regarded as being used for the purpose of obtaining a profit in money if the whole parcel has not produced a gross income from farm uses of five hundred dollars per year for three of the five calendar years immediately preceding the assessment day of the tax year for which farm use is claimed by the owner or allowed by the assessor, notwithstanding that such land is included within the boundaries of a farm use zone. In case of question, the burden of proving the gross income of a parcel of land for the years designated in this subsection is placed upon the owner of the land.

C. "Current employment" of land for farm use includes:

1. Land subject to the soil bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 4-540, 70 Stat. 188);
2. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
3. Land planted in orchards or other perennials prior to maturity for bearing crops; and
4. Farm woodlots of less than twenty acres appurtenant to farm use land which fulfills the requirements of subsection B of this section on gross income. The acres of land within the categories described in this subsection shall not be subject to the requirements of subsection B of this section on gross income.