

City of College Place, Washington
ORDINANCE NO. 19-026

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLLEGE PLACE, WASHINGTON TO ESTABLISH A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS, THE ISSUANCE OF PERMITS, AND/OR THE OPERATION OF FACILITIES ASSOCIATED WITH THE PRODUCTION AND PROCESSING OF HEMP FOR INDUSTRIAL PURPOSES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Whereas, the City of College Place is a non-charter code city governed by the rules and regulations of RCW 35A; and

Whereas, the City of College Place, Washington has prepared and is implementing a comprehensive plan and development regulations in accordance with the provisions of the Washington State Growth Management Act; and

Whereas, the Growth Management Act authorizes the City to periodically amend its Comprehensive Plan and Development Regulations; and

Whereas, the City completed a review and update of the College Place Comprehensive Plan in 2018; and

Whereas, the City completed a review and update of its Development Regulations in 2019; and

Whereas, the Washington State legislature has authorized the growing of industrial hemp as part of an agricultural pilot program in conformance with the Agricultural Act of 2014; and

Whereas, the 2018 Farm Bill passed by the United States Congress and signed into law by President Trump included regulating hemp as part of the agriculture industry and no longer included with marijuana as a federal Schedule 1 drug; and

Whereas, the Laws of Washington State governing the growing of industrial hemp expire on January 1, 2020; and

Whereas, the State of Washington issued a license for growing industrial hemp in the city limits without providing the City with an opportunity to comment or to determine if the use complies with the provisions of the College Place Municipal Code; and

Whereas, the City has received complaints about the odors associated with this commercial agricultural activity; and

Whereas, additional research is required to determine if commercial agricultural activities, such as growing of industrial hemp, is appropriate in residential zones within the city limits; and

Whereas, given the uncertainty about the state regulations governing the pilot program to license the production, processing, and sales of hemp for industrial purposes; and

Whereas, the City's responsibility to protect the public health, safety, and welfare is of paramount importance; and

Whereas, the Revised Code of Washington (RCW) 36.70A.390 authorizes the City to adopt a moratorium of up to one year with the adoption of a work program; and

Whereas, the adoption of a moratorium on the acceptance of applications, the issuance of permits, and/or the operation of facilities associated with the growing of industrial hemp would enable the City to further research to determine if commercial agricultural production of hemp is an appropriate land use in residential zones and how best to implement the state laws governing industrial hemp as they now exist or as they may be subsequently amended; and

Whereas, the City will conduct a public hearing within 60 days of the adoption of this moratorium as required by RCW 36.70A.390 and has prepared a work program so that the moratorium may be in effect for up to one year; and

Whereas, the adoption of a moratorium on the acceptance of applications, the issuance of permits, and the operations of facilities associated with the production and processing of industrial hemp for industrial purposes is necessary to protect the public health and safety and is in the public interest.

Now therefore, the City Council of the City of College Place do hereby Ordain as follows:

Section 1 Moratorium Established. A moratorium is established in the City of College Place on the acceptance of applications, the issuance of permits, and/or the operation of facilities associated with the production, processing, and sales of hemp for industrial purposes in accordance with the provisions of state laws and regulations.

Section 2 Duration of the Moratorium. This moratorium shall be in effect immediately upon approval and shall remain in effect for one year from the date of adoption of this ordinance unless terminated by action of the City Council. The City Council may renew this moratorium for one or more six-month periods following a public hearing on such renewal. The City hereby adopts the Work Program attached as Exhibit A or as subsequently amended.

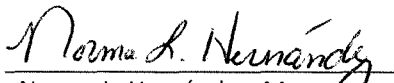
Section 3 Administrative Code Interpretations Authorized. In the event of any question or uncertainty regarding the applicability of this moratorium the Mayor or his/her designee is hereby authorized to make such administrative code interpretations as may be necessary to implement this moratorium.

Section 4 Clerical Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5 Severability Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6 Effective Date This Ordinance, as a public emergency ordinance necessary for the protection of the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force and effect immediately upon adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 WN. App 641, 904 P. 2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance, consisting of the title, at the earliest publication date.

PASSED by the City Council of the City of College Place, Washington, this 10th day of December, 2019.


Norma L. Hernández, Mayor

Attest:


Lisa R. Neissl, City Clerk

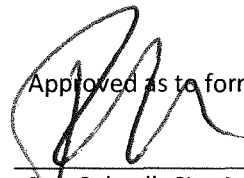
Approved as to form:

Rea Culwell, City Attorney

Exhibit A
City of College Place, WA
Proposed Industrial Hemp Moratorium Work Program
December 10, 2019

The City of College Place hereby proposes the following work program, subject to approval by the Mayor and City Council, to guide the research and preparation of regulations to govern the production, processing, and sales of hemp for industrial purposes:

1. The City staff, in consultation with state and local agencies as appropriate, will research the results and findings of the State Pilot program authorized through RCW 15.120, with a particular emphasis on:
 - a. State licensed growing operations within residential neighborhoods; and
 - b. The extent to which the state-licensed growing operations have resulted in complaints of odors and/or adverse impacts on the public health, safety, and welfare of the community.
2. The City staff will also monitor the deliberations of the Washington State Legislature during the 2020 legislative session to determine if the state intends to continue the industrial hemp pilot program, and under what terms and conditions;
3. The City Staff will present the findings of their research to the Planning Commission and City Council.
4. Based on direction provided by the Mayor and City Council, the City Staff will prepare and present to the Planning Commission potential revisions to the College Place Municipal Code to address the production, processing, and/or sales of commercial hemp in the City.
 - a. All Planning Commission meetings will be open to the public.
 - b. The City will post working drafts of proposed revisions to the Municipal Code on the City's website.
5. Upon completion of any draft regulations to govern of the production, processing, or sales of industrial hemp in the City, the document will be circulated for review and comment by the public, as well as state agencies, and neighboring jurisdictions.
 - a. A public hearing will be conducted by the Planning Commission during the review and comment period.

*Exhibit A
City of College Place, WA
Proposed Industrial Hemp Moratorium Work Program
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6. The Planning Commission will consider all public comments and forward to the City Council a recommend draft of the College Place Unified Development Code.
7. The City Council will then take the Planning Commission recommendation under advisement and may take action to formally amend the City's unified Development Code.
8. It is anticipated that the review of any proposed amendments to the City's Unified Development Code may not be completed by the Planning Commission until after the end of the 2020 legislative session. As a result, the moratorium shall be in effect for a full year, to allow adequate time for the public to review and comment on any proposed revisions to the City's regulations and for the Planning Commission and City Council to consider all public comments.
 - a. The moratorium may be terminated or extended by the City Council in accordance with the provisions of RCW 36.70a.390.