

ORDINANCE 2013-03
(AN ORDINANCE TO CREATE A MORATORIUM ON THE ESTABLISHMENT OF MARIJUANA-RELATED FACILITIES AND USES (EXCEPT FOR THOSE RELATED TO COLLECTIVE MEDICAL CANNABIS GARDENS REGULATED UNDER SKAMANIA COUNTY CODE CHAPTER 8.80) WITHIN UNINCORPORATED SKAMANIA COUNTY)

WHEREAS, Initiative 502 was passed by the voters of the State of Washington in November, 2012, providing a framework under which marijuana producers, processors and retailers can become licensed by the State of Washington; and,

WHEREAS, under Initiative 502, the Washington State Liquor Control Board (WSLCB) is tasked with the responsibility to adopt rules, governing the licensing and operation of marijuana producers, processors, and retailers, and WSLCB is currently working on the regulations and is projecting that the rules will be adopted later this year; and,

WHEREAS, the impacts of marijuana production, processing and retailing uses under a licensing system are still largely unknown and whether the County will need to adopt further regulations to address potential issues is uncertain pending the State's adoption of its own licensing regulations and procedures; and,

WHEREAS, additional time is needed to determine those zoning classification in which these uses may be allowable uses, administrative review uses, conditional use or prohibited uses; and,

WHEREAS, the Board of County Commissioners with a quorum present, conducted a public meeting to consider adopting a moratorium on the establishment of marijuana-related facilities and uses (except for those related to collective medical cannabis gardens regulated under Skamania County Code Chapter 8.80) within unincorporated Skamania County; and,

WHEREAS, the Board of County Commissioners has the authority pursuant to RCW 36.70.795 to adopt a moratorium without holding a public hearing (as long as a public hearing is held on the adopted moratorium within at least 60 days of its adoption) and whether or not there is a recommendation on the matter from the Planning Commission or the Community Development Department, that may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such longer period. A moratorium may be renewed for one or more six-month period(s) if a subsequent public hearing is held and finding of fact are made prior to each renewal; and,

WHEREAS, the Board of County Commissioners finds a sufficient basis to adopt the moratorium, believe that the above mentioned circumstances constitute an emergency, and that it is in the public's best interest (to protect the public's safety, health and general welfare) to maintain the status quo of the area pending the County's consideration of amending zoning classifications based on further study and public analysis; and,

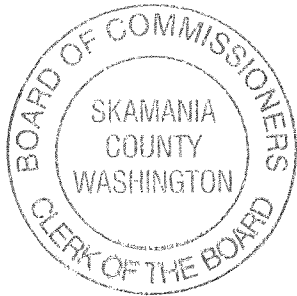
WHEREAS, the Board of County Commissioners intends for these recitals to constitute its

“findings of fact” as required by RCW 36.70.795; and,

NOW, THEREFORE BE IT HEREBY ORDAINED AND ESTABLISHED BY THIS BOARD OF COUNTY COMMISSIONERS AS FOLLOWS: the Board of County Commissioners hereby adopts Ordinance 2013-03 to create a moratorium on the establishment of marijuana-related facilities and uses (except for those related to collective medical cannabis gardens regulated under Skamania County Code Chapter 8.80) within unincorporated Skamania County

ORDINANCE NO. 2013-03 PASSED INTO LAW THIS 1st DAY OF OCTOBER, 2013.

**BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**



Robert Anderson
Chairman
Cliff Brown
Commissioner
[Signature]
Commissioner

ATTEST:

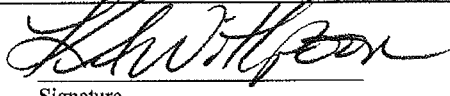
[Signature]
Clerk of the Board

APPROVED AS TO FORM ONLY:

[Signature]
Skamania County Prosecuting Attorney

AYE 3
NAY _____
ABSTAIN _____
ABSENT _____

COMMISSIONER'S AGENDA ITEM COMMENTARY

<u>SUBMITTED BY</u>	<u>Community Development</u> Department	 Signature
<u>AGENDA DATE</u>	<u>September 25, 2013</u>	
<u>SUBJECT</u>	<u>Consider adopting Ordinance 2013-03 to create a moratorium on the establishment of marijuana-related facilities and uses (except for those related to collective medical cannabis gardens regulated under Skamania County Code Chapter 8.80) within unincorporated Skamania County.</u>	
<u>ACTION REQUESTED</u>	<u>Adopt ordinance and set for public hearing within 60 days</u>	

SUMMARY/BACKGROUND

In November 2012, Initiative 502 was approved by Washington State voters, which provided a framework under which marijuana producers, processors and retailers can become licensed by the State of Washington.

The Washington State Liquor Control Board (WSLCB) is tasked with the responsibility to adopt rules governing the licensing and operation of marijuana producers, processors, and retailers. WSLCB is currently working on regulations that are estimated to be adopted in November 2013.

FISCAL IMPACT

None

RECOMMENDATION

Adopt Ordinance 2013-03, creating a moratorium on the establishment of marijuana-related facilities and uses (except for those related to collective medical cannabis gardens regulated under Skamania County Code Chapter 8.80) within unincorporated Skamania County, during regular session and set for public hearing within 60 days of adoption.

LIST ATTACHMENTS

Ordinance 2013-03