

PEND OREILLE COUNTY  
WASHINGTON

ORDINANCE NO. 2016-1

AN ORDINANCE OF PEND OREILLE COUNTY, WASHINGTON IMPOSING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MARIJUANA RETAIL SALES AND ON IMPLEMENTATION OF SENATE BILL 5052 AND HOUSE BILL 2136.

WHEREAS, Washington voters passed Initiative 502 at the November 2012 General Election, and

WHEREAS, the Washington State Liquor and Cannabis Board (WSLCB) has adopted implementing rules to license retail sales of recreational marijuana and marijuana products; and

WHEREAS, the legislature recently enacted HB 2136 and SB 5052 which remove or lessen some of the regulations contained in I-502; and

WHEREAS, licensed recreational marijuana retail stores can have significant impacts on the community; and

WHEREAS, Pend Oreille County's code/ordinances do not specifically address the type and location of facilities or premises authorized by I-502 for the retail sales of marijuana; and

WHEREAS, due to the degree of I-502's regulatory framework and its conflict with Federal laws concerning marijuana, Pend Oreille County needs additional time to study any land use, health, or safety impacts and any development regulations necessary to negate or mitigate said impacts before Pend Oreille County proceeds with any local legislative action related to such and to analyze any potential legal liabilities thereto; and

WHEREAS, due to Pend Oreille County's border with the State of Idaho to the East and Canada to the North, the possibility of marijuana purchased at retail outlets in Pend Oreille County unlawfully crossing the state line and the international border is likely; and

WHEREAS, much research and analysis is necessary before Pend Oreille County can determine the impact of SB 5052 and HB 2136 in this county, and the level and types of regulations which may be necessary to address impacts; and

WHEREAS, RCW 36.70.795 and RCW 36.70A.390 allows counties' governing bodies to adopt a six-month moratorium as an interim zoning control to preserve the status quo and a period of time for Pend Oreille County to study, consider, and draft regulatory controls pertaining to retailers of marijuana licensed by the WSLCB; and

WHEREAS, the Board determines that it is necessary to enact a moratorium on the siting of licensed recreational marijuana retail sales, and implementation of SB 5052 and HB 2316; and

WHEREAS, said moratorium is in the best interests of Pend Oreille County and is necessary to preserve the public health, safety, and welfare of the citizens.

NOW THEREFORE, the Board of Pend Oreille County Commissioners ordain as follows:

Section 1: Preliminary Findings of Fact. The recitals and findings set forth above are hereby adopted as preliminary findings of fact in support of the moratorium imposed by this ordinance.

Section 2: Moratorium Imposed. Pursuant to the laws of the State of Washington, a moratorium is hereby imposed prohibiting the establishment, location, operation, licensure, or maintenance of premises, facilities, businesses, or any other activities or operations involving the sale of marijuana and marijuana products authorized by I-502 or any other laws of the State of Washington. While this moratorium is in effect, no application for a building permit, occupancy permit, variance, conditional use permit, or other development permit or approval shall be accepted as either consistent or complete by any county department.

Section 3: Duration. The moratorium imposed by this ordinance shall continue in effect for six consecutive months from its effective date, unless repealed or modified by the Board of Pend Oreille County Commissioners in accordance with applicable law.

Section 4: Public Hearing. Pursuant to RCW 36.70.795 and RCW 36.70A.390, the Board of Pend Oreille County Commissioners shall hold a public hearing on this moratorium Tuesday, March 8 at 3:00 p.m.

Section 5: Severability. If any section, sentence, or portion of this ordinance or its application to any person or circumstance should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Dated this 26<sup>th</sup> day of January, 2016.

PEND OREILLE COUNTY  
BOARD OF COMMISSIONERS

Attest:


  
Rhonda Cary, Clerk of the Board

  
Mike Manus, Chair

  
Karen Skoog, Vice-Chair

  
Stephen Kiss, Member

Approved as to Form:

  
Dolly Hunt, Prosecuting Attorney