

PEND OREILLE COUNTY
NEWPORT, WASHINGTON

ORDINANCE NO. 2016-2

AN ORDINANCE OF PEND OREILLE COUNTY, WASHINGTON ADOPTING AN ADDITIONAL SIX-MONTH EXTENSION OF THE MORATORIUM ON THE ESTABLISHMENT, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MARIJUANA RETAIL SALES.

WHEREAS, on January 26, 2016, the County Commissioners of Pend Oreille County, Washington, by authority of RCW 36.70.795 and RCW 36.70A.390, adopted Ordinance 2016-1, establishing a moratorium on the establishment, location, permitting, licensing, or operation of marijuana retail sales, is scheduled to terminate on July 26, 2016, unless adopted or extended as authorized by the above referenced statutes; and

WHEREAS, a public hearing following the adoption of the moratorium was held on March 8, 2016 before the County Commissioners; and,

WHEREAS, the County Planning Commission has studied this matter during open public meetings held on February 23, 2016; March 22, 2016; April 26, 2016 and May 24, 2016; and

WHEREAS, pursuant to RCW 36.70.795 and RCW 36.70A.390, the Board of County Commissioners scheduled and held a public hearing on July 26, 2016, for the purpose taking testimony and considering adoption of written findings to justify continuance of the moratorium established by Ordinance 2016-1; and

WHEREAS, following the public hearing and receiving comments, the Pend Oreille County Board of Commissioners has determined that the moratorium established by Ordinance 2016-1, should remain in effect for an additional six-month period, as authorized by RCW 36.70A.390 and RCW 36.70.795;

WHEREAS, the County has made progress, but the Commissioners require additional time to complete the process of researching, analyzing, and adopting appropriate regulations for the uses allowed under State laws; and

WHEREAS, the Pend Oreille County Board of Commissioners has determined it necessary and in the best interest of the County to consider the attached recommendations of the Pend Oreille County Planning Commission.

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

1. The above recitations are hereby adopted as Findings of Fact.
2. Pend Oreille County does hereby continue a Moratorium 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 within the unincorporated area of Pend Oreille County.
3. While the 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.
4. This Moratorium shall continue to be effective and shall expire six months from the date of this resolution, unless renewed or otherwise extended as provided in RCW 36.70.795 and RCW 36.70A.390.

DATED this 26th day of July, 2016.

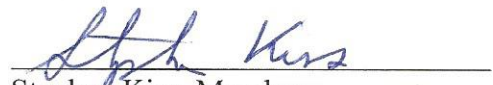
PEND OREILLE COUNTY
BOARD OF COMMISSIONERS



Mike Manus, Chair



Karen Skoog, Vice-Chair



Stephen Kiss, Member

ATTEST:

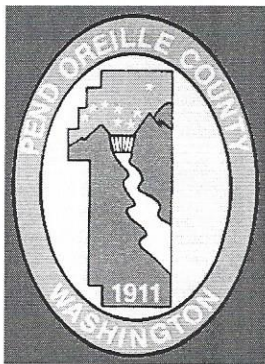


Rhonda Cary, Clerk of the Board

APPROVED AS TO FORM:



Dolly Hunt, Prosecuting Attorney



Pend Oreille County

COMMUNITY DEVELOPMENT DEPARTMENT

P.O. Box 5066 Newport WA 99156-5066

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Mike Lithgow

Community Development Director

Marijuana Operations

Options for Formal Recommendation to the Board of County Commissioners:

The options below are in no particular order. This is not a complete list of options. They are just written out to aid in discussion.

Options:

- Ban the Retail Sales of Marijuana in the Unincorporated Areas
 - Pros = Easy to administer, respects Federal Law, reduces potential access to marijuana by minors
 - Cons = Loose out on potential revenue, restricts land owners options
- Extend Moratorium to Develop a regulation the specifically regulates retail sales of Marijuana (you may expand the scope of this regulation to cover production and processing).
 - Pros = Allows the land use. Develops criteria to determine appropriate location of this use.
 - Cons = Does not respect federal law, sends message to the community that marijuana use is mainstream and "okay".
 - Regulation could restrict densities, limit allowable zones (only allowed in R-10, not allowed in UGA's), only allows medical sales, limits edible product sales.
- Extend Moratorium to put this issue to an advisory vote on the general election in November.
 - Pro = Get direct feedback from the public
 - Cons = Expensive (4-5 thousand dollars)
- No Action. Lift Moratorium and Continue to Process Commercial Retail Sales Facilities of Marijuana through the CUP process.
 - Pros = Treats this like any other business
 - Cons = May not be specific enough