

**BEFORE THE BOARD OF COMMISSIONERS
PACIFIC COUNTY, WASHINGTON
1216 W. Robert Bush Drive
South Bend, Washington**

SPECIAL PUBLIC MEETING

**Tuesday, February 7, 2014
9:00AM or shortly thereafter**

AGENDA

Call to Order

Public Comment (*limited to three minutes per person*)

SPECIAL PUBLIC MEETING

- 1) Consider adoption of Findings of Fact for Emergency Moratorium Ordinance No. 172

The Board may add and take action on other items not listed on this agenda and order of action is subject to change.

The hearing facility is "barrier free" and accessible by those with physical disabilities. Aids will be provided upon request for those with language/speaking or hearing impediments, but requests need to be received at least five (5) business days prior to this hearing. Such requests may be filed in person at the Commissioners' Office at the address noted above or at 360/875-9337.

ORDINANCE NO. 172 FINDINGS OF FACT AND CONCLUSIONS

FINDINGS OF FACT

1. Initiative 502 (I-502) was passed by the voters of the State of Washington on November 6, 2012, and provided a regulatory framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington.
2. I-502 licenses the production, processing, and retail sales of marijuana and directs the Washington State Liquor Control Board (WSLCB) to promulgate rules for the issuance of licenses by the WSLCB to such producers, processors, and retailers.
3. Under I-502, a “producer” is one who produces marijuana for sale at wholesale to processors, a “processor” is one who processes, packages, and labels usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers, and a “retailer” is one who sells usable marijuana, marijuana-infused products, and marijuana paraphernalia at a retail outlet to persons twenty-one years of age and older.
4. Chapter 314-55 of the Washington State Administrative Code (WAC) became effective on November 21, 2013, providing a framework for the WSLCB to regulate marijuana licenses, application process, requirements, and reporting.
5. The WSLCB has received applications for licenses for marijuana production, processing, and retail sale, from November 20, 2013 to December 19, 2013.
6. I-502 prohibits marijuana-related uses within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade where persons under twenty-one years old may enter.
7. Pacific County does not have zoning and other developmental regulations that address the land-use, permitted uses, type and nature of the activity, and location of facilities/premises used for the production, processing, and retail sales of marijuana and marijuana-infused products.
8. On December 10, 2013, The Board of Pacific County Commissioners adopted interim Ordinance No. 172 which enacted a temporary emergency moratorium in Pacific County on the licensing and location of marijuana related uses as regulated pursuant to I-502. The Board deemed it to be in the public interest to establish a zoning moratorium to give the County time to consider the adoption of land use regulations pertaining to such business entities.
9. The Board of Pacific County Commissioners referred the matter to the Planning Commission for further review, public comment, and development recommendations for consideration by the Board.
10. The public hearings, which were held on January 2, 2014 and January 16, 2014 did not generate any information which would justify the rescission of Ordinance No. 172.

11. The emergency moratorium pertaining to the location of marijuana producers, processors, and retailers, which was enacted on December 10, 2013 (Pacific County Ordinance No. 172), needs to remain in effect so that the County can address the location of these uses in an orderly and thoughtful process. Leaving the moratorium in place will have little impact on the public and will allow the Planning Commission the necessary time to make appropriate recommendations to the Board of County Commissioners.
12. Under WAC 197-11-880 emergency actions are exempt from the requirements of the State Environmental Policy Act (SEPA) when there is not sufficient time to comply with SEPA.

CONCLUSIONS

1. The Pacific County Board of Commissioners has the authority to adopt emergency land use / development regulations under RCW 36.70 and RCW 36.70A.390.
2. Based on the findings listed above, the Pacific County Board of Commissioners was justified in adopting interim Ordinance No. 172.
3. Interim Ordinance No. 172 is exempt from the requirements of the State Environmental Policy Act (SEPA).