

PURPOSE\_ – to consider first reading of amended Ordinance No. 2016-01, an ordinance of the City of Castle Rock, Washington adopting a moratorium against for profit sale, growing, production and processing of marijuana intended for medical and/or recreational use in all zoning districts of Castle Rock; establishing one year as the effective period; setting a public hearing in order to take public testimony regarding the moratorium; referring the matter to the Planning Commission for hearing and review; adopting a work plan and declaring an emergency in support of immediate effect in order to avoid incompatible development prior to proper regulation.

#### CALL TO ORDER

Mayor Paul Helenberg called the May 2, 2016 Special Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance. The following councilmembers were present: Lee, Kessler, and Queen. Councilmembers Davis and Rose were absent.

City representatives: City Attorney Frank Randolph, City Planner Deborah Johnson, Clerk-Treasurer Ryana Covington, Police Officer Charlie Worley.

City Attorney Frank Randolph advised councilmembers this is their opportunity to review the proposed amended ordinance. The city has complied with state statute requiring a public hearing and Findings of Fact. Randolph noted he has had several discussions with the city planner regarding drafting of this amended ordinance regarding a change in wording to just denote 'retail'. Randolph noted this ordinance does not reflect the state changes that will become effective July 1<sup>st</sup>. As of that date, medical marijuana and collective gardens will not exist in state law. It is being replaced with medical marijuana cooperative. A cooperative differs from collective gardens. Cooperatives only allow four members instead of ten, they must comply with Washington Liquor and Cannabis Board (WLCB) rules and they are limited to 60 plants, but no retail. Randolph stated the goal of the moratorium was not to stop anything; but to provide time for planning, allow the planning commission to do research and to propose amendments to be considered next year. Randolph stated the city's moratorium will be effective through March 13, 2017. In addition, there will be changes in federal laws that will be effective with new federal legislation.

Deborah Johnson stated the question pertaining to the use of 'for-profit' was submitted by city resident Roy Henson. In reading the proposed Washington Administrative Code (WAC), located on WLCB website, Johnson stated there is a potential for a non-profit to obtain a license to do retail and still be involved with a collective. In consideration, staff recommends the term 'for-profit' be changed to retail. Randolph stated council might also want to consider if they wanted to specifically exclude marijuana cooperatives that will be allowed by the stated, effective July 1.

In answer to Councilmember Kessler's question, Johnson stated the city currently is not aware of any collectives within the city. Given the limitation on the number of plants, they

would not require a commercial sized building to operate. Randolph stated that collective gardens were limited to ten members with a maximum of 45 plants. The amended legislation eliminates collective gardens and allows cooperatives. Cooperatives are limited to four members, cannot exceed sixty plants and must be registered with the state WLCB. The stated wants to be assured the cooperatives are not retailing the product.

Johnson stated in the pending WAC, there is also a 1,000' foot separation between cooperatives and marijuana retail sites.

In answer to Councilmember Kessler's question, Randolph stated it is his recommendation that the wording 'for profit' be stricken from the amended ordinance, retain the word 'retail', remove the words 'sale' and 'growing' and leave in 'production' and 'processing'. These changes would be throughout the amended ordinance.

Councilmember Lee asked if those changes would create litigation issues for the city. Mr. Randolph recommended discussion regarding potential litigation be discussed in Executive Session.

Mayor Helenberg adjourned the Special Meeting at 7:45 p.m. for a fifteen-minute Executive Session to discuss potential litigation.

Mayor Helenberg reconvened the Special Meeting at 7:59 p.m.

Councilmember Kessler made a motion, seconded by Queen to approve the moratorium and striking the words 'for profit', and including the words 'retail' and 'production', 'processing', 'collective gardens and cooperatives'.

Mayor Helenberg stated that a motion has been made and seconded to amend Ordinance No. 2016-01 as noted. Vote on the motion: unanimous 'Aye'. Motion passed.

Clerk-Treasurer Covington requested clarification of the intent of the motion. Mayor Helenberg stated approval was for Amended Ordinance No. 2016-01, on first reading, including additional changes in wording as discussed.

#### ADJOURNMENT

There being no further business, Mayor Helenberg adjourned the Special Meeting at 8:01 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington