

**CITY OF CASTLE ROCK
COWLITZ COUNTY, WASHINGTON
ORDINANCE NO. 2016-01**

**AN ORDINANCE OF THE CITY OF CASTLE ROCK, WASHINGTON,
ADOPTING A MORATORIUM AGAINST RETAIL 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 FOR 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**

WHEREAS, the legal framework for the state licensed marijuana industry continues to go through great potential change and uncertainty, including the pending merger of recreational and medical marijuana marketplaces on July 1, 2016;

WHEREAS, counties and cities have had a varied approach and experience with legal regimes for regulating medical and recreational marijuana, including two proximate and populous counties which have established bans, which in turn has put pressure on business and dispensaries to quickly find alternative locations;

WHEREAS, the Washington State Liquor and Cannabis Board (WSLCB) has recommended a substantial increase in the number of retail stores throughout much of the state and has advised local governments to revise regulations before it begins processing new applications;

WHEREAS, the WSLCB adopted on January 6, 2016, emergency rules to expand the number of retail marijuana outlets to align the two markets, lifting the former retail store cap of 334 to a new cap of 556;

WHEREAS, the WSLCB already reports that the highest priority applicants will exceed the number of available retail licenses;

WHEREAS, the City has recently received a sudden increase in the number of inquiries concerning the possible relocation of recreational and medical marijuana businesses and suppliers to the City;

WHEREAS, City staff has been working in good faith with a property owner whose prospective marijuana production and processing tenant would be facilitated only by authorization of zoning amendments and extension of the zoned area in which marijuana businesses may be located;

WHEREAS, there is not sufficient time for the City to conduct a review of the changing laws and regulations in light of the other needs of its citizens, research and analyze the costs and benefits of new businesses and suppliers under the changing legal system, conduct code drafting, hold required public notices and hearings, and make key decisions for the general welfare of the community, in any sort of methodical, reasonable or certain manner, to timely accommodate changing state regulation and anticipated expansion pressure;

WHEREAS, marijuana businesses of all types can have significant impacts on the community, and it is the experience of the Council that the City's citizens have strong and often conflicting opinions as to what is in the best interests of the community in connection with recreational and medical marijuana;

WHEREAS, while many of its citizens have reported the medicinal benefit of medical marijuana, many other citizens continue to express great concern over the need to limit and control the use of illicit marijuana usage by their children;

WHEREAS, the Council determines that it is necessary to enact a one-year moratorium on the siting of licensed recreational marijuana businesses of all types and medical marijuana collectives until these issues can be resolved;

WHEREAS, the Council notes that numerous recreational marijuana businesses and/or medical marijuana suppliers exist in this general region to provide for the lawful demand of its citizens while the moratorium is in effect; and

WHEREAS, the City Council finds, based on the above, that conditions exist to warrant a finding of a state of emergency exists in order to have the moratorium take effect immediately upon a single reading and passage of this ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CASTLE ROCK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings.

A. The Council adopts all the "whereas" as sections of this Ordinance as findings to support this moratorium ordinance, as well as the following:

B. The purpose of this moratorium ordinance is to maintain the status quo for a year while the City considers the public health, safety, economic, environmental, and secondary land-use impacts associated with changing recreational and medical marijuana uses and the increasing market demands; as well as appropriate and adequate potential sites and zoning relative to marijuana uses.

C. The City will consider these uses and whether it should adopt any ordinances addressing the same during the next year. During this time, if the Washington State Legislature adopts new laws and the state government adopts new regulations addressing recreational and medical marijuana, the City shall evaluate these new laws and incorporate them into its decision-making process.

D. During the period of time that this moratorium is in effect, the City will also consider the manner in which the negative impacts and secondary effects associated with the marijuana uses (ongoing or predicted) in the city can be ameliorated, including, but not limited to, the demands that will be placed upon scarce City policing, legal, policy, and administrative resources; neighborhood disruption, increased transient visitors and intimidation; the exposure of school-age children and other sensitive residents to marijuana; illegal sales to both minors and adults; and other crimes.

E. The Council is confident that this moratorium and the ensuing year of study, hearings, and review is in the best interest of the City and its citizens, and will ensure the best response by the City to the changing laws and regulations and the increasing legal market demand.

F. In addition, future federal response to such state and local initiatives regarding marijuana likewise remains uncertain, and the issue of federal jurisdiction needs to be part of this year of study. No part of this moratorium is intended or shall be deemed to conflict with federal law.

Section 2. Declaration of One-Year Moratorium

A. The City Council of the City of Castle Rock hereby imposes a moratorium upon the filing, acceptance, and processing of applications and development approvals for the use of real property and improvements for the production, processing, public dispensing, sale, or distribution of medical or recreational marijuana or cannabis-infused products. As used in the Ordinance, “development approvals” includes any permit required from the City for development, permission, construction, or siting of facilities described in this section, including business licenses. During the time that this moratorium is in effect, the City will not accept an

application, nor process an application, subject to the terms of this ordinance, for the use of a new or existing building, improvement, structure, or facility for the public dispensing, sale, or distribution of medical or recreational marijuana or cannabis-infused products.

B. This moratorium shall be for a one-year period beginning on March 14, 2016, and terminating on March 13, 2017. Pursuant to RCW 35A.63.220, the City may extend this moratorium as necessary in the reasonable discretion of the City Council.

C. In support of the emergency nature of this measure, the City adopts the following work plan in support of this moratorium as required by law:

1. March 15 to May 13, 2016. The City shall schedule, give proper notice, and conduct a public hearing on this ordinance to ensure the continuation of this moratorium is warranted by the facts. Findings of fact shall be adopted by the Council at that either support the action of the City in imposing this moratorium or do not support this moratorium and therefore terminate it.

2. May 14 to August 31, 2016. City staff will collect and organize information on the subject matter to be used by the Planning Commission and City Council in its deliberations.

3. September 1 December 31, 2016. The Planning Commission will study the matter, conduct public hearings, and develop recommendations on the proper regulation of all types of medical and recreational marijuana businesses for the well-being of the community.

4. January 1 to March 14, 2017. The City Council will study, conduct public hearings, and make decisions on the recommendations put forward by the Planning Commission; and enact ordinance(s) as required. If federal and state laws and regulations are not sufficiently certain at the conclusion of that time, the Council, in its discretion, may extend the moratorium if so warranted, provided that the proper procedures for such extension are followed.

Section 3. Severability.

Each and every provision in this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without provision.

Section 4. Publication.

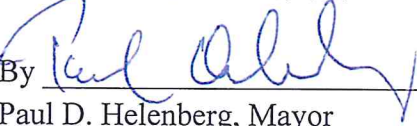
This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date.

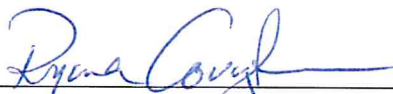
The Ordinance shall be effective immediately upon passage and signing.

Passed by the City Council on the 14th day of March 2016.


CITY OF CASTLE ROCK

By 
Paul D. Helenberg, Mayor

ATTEST:

By 
Ryana Covington, Clerk-Treasurer

Approved as to form:

By 
Frank F. Randolph, City Attorney

Date of Publication: _____

Effective Date: _____