

CITY OF ALGONA

WASHINGTON

ORDINANCE NO. 1090-14

AN ORDINANCE OF THE CITY OF ALGONA, WASHINGTON, ADOPTING FINDINGS OF FACT SUPPORTING AN EXTENSION OF THE SIX-MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE OR CONTINUATION OF MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS, ASSERTED TO BE AUTHORIZED OR ACTUALLY AUTHORIZED UNDER INITIATIVE MEASURE NO. I-502, OR ANY OTHER LAWS OF THE STATE OF WASHINGTON; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Algona adopted Ordinance No. 1085-14 on January 28, 2014, establishing a six-month moratorium on the establishment, location, operation, licensing, maintenance, or continuation of marijuana producers, processors, and retailers asserted to be authorized or actually authorized under Initiative Measure No. I-502, or any other laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.63.220, the City is required to hold a public hearing on the adopted moratorium wherein the City Council will consider staff recommendations, hear public comment, and enter Findings of Fact supporting whether the moratorium should continue or be terminated; and

WHEREAS, a public hearing on this matter was held on March 11, 2014, wherein City Council reviewed and considered staff recommendations and proposed Findings of Fact regarding marijuana related businesses, and continued the moratorium with no changes through Ordinance No. 1087-14; and

WHEREAS, a public hearing on the six month moratorium extension was held on July 22, 2014, wherein the City Council reviewed and considered public comment and staff recommendations; and

WHEREAS, the City Council, having considered staff recommendations and having heard public comment, hereby finds it is in the best interest of the City of Algona for the moratorium to be extended an additional six months to allow City staff additional time to continue review and prepare options for zoning regulations for the City Council's consideration;

and, to prevent major investment and/or vesting of rights that conflict with the Comprehensive Plan and the City's intent to carefully and thoroughly plan for and provide appropriate development regulations.

NOW, THEREFORE, the City Council of the City of Algona, Washington, do ordain as follows:

Section 1. Moratorium Extended. The City Council, having held a public hearing in this matter and reviewed and considered staff recommendations as required by RCW 35A.63.220, hereby extends the moratorium confirmed under Ordinance No. 1087-14 for an additional six months and determines it is in the best interest of the citizens of Algona that the moratorium for the establishment, location, operation, licensing, maintenance or continuation of marijuana producers, processors, and retailers, asserted to be authorized or actually authorized under initiative measure No. I-502, or any other laws of the State of Washington.

Section 2. Duration of Moratorium. The moratorium imposed by this ordinance shall be extended an additional six months from the date established in Ordinance No. 1087-14 or until February 28, 2015, unless extended by the City Council pursuant to State law.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this moratorium ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this moratorium ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this moratorium ordinance or its application to other persons or circumstances.

Section 4. Publication. This moratorium ordinance shall be published in the official newspaper of the City and a summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 5. Effective Date. This ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22ND DAY OF JULY, 2014.

CITY OF ALGONA

David E. Hill, Mayor

ATTEST/AUTHENTICATED:

Diana Quinn, MMC
City Administrator/Clerk-Treasurer

Approved as to form:

Danielle Evans
Kenyon Disend, PLLC, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date: