

**CITY OF CASTLE ROCK
COWLITZ COUNTY, WASHINGTON
ORDINANCE NO. 2017-02**

AN ORDINANCE OF THE CITY OF CASTLE ROCK, WASHINGTON, RELATING TO MEDICAL AND RECREATIONAL MARIJUANA, EXTENDING THE MORATORIUM ADOPTED IN ORDINANCE NO. 2017-01 ON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF PERMITS FOR FACILITIES ENGAGED IN THE PRODUCTION, PROCESSING, AND/OR SALES OF RECREATIONAL AND MEDICAL MARIJUANA AS WELL AS COLLECTIVE GARDENS AND MEDICAL MARIJUANA COOPERATIVES, IN ALL ZONING DISTRICTS OF CASTLE ROCK FOR A PERIOD OF SIX MONTHS.

WHEREAS, marijuana is still classified as a Schedule I drug whose manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense, remains unlawful under the federal Controlled Substances Act (Title 21 U.S.C.); and

WHEREAS, the City adopted Chapter 17.40 Article II (2011) and Chapter 17.57 (2013) of the Castle Rock Municipal Code to allow, respectfully, medical marijuana collective gardens and recreational marijuana (producer/processors/retailers) as permitted by state law; and

WHEREAS, in 2016, key changes in state law, and implementing rules and regulations promulgated by the Washington State Liquor and Cannabis Board (WSLCB), rendered the City's currently adopted regulations impracticable; and

WHEREAS, marijuana-related land uses 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; and

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, especially by their children; and

WHEREAS, RCW 35A.63.220 authorizes the City Council to adopt land-use moratoria; and

WHEREAS, on May 9, 2016, the City of Castle Rock, Washington adopted Ordinance 2016-01, establishing a one year moratorium on the retail sale, growing, production, processing, collective gardens and cooperatives of marijuana intended for medical and/or recreational uses in all zoning districts of Castle Rock; and

WHEREAS, on March 1, 2017, the City Council duly found that the extension of the moratorium for six months was in the public interest and adopted Ordinance 2017-01 extending the moratorium until September 11, 2017; and

WHEREAS, during the period of the moratorium and its most recent extension, the City Planning Commission completed its review of the provisions in the City Zoning Code governing siting of marijuana facilities and has recommended revisions thereto to the City Council; and

WHEREAS, on February 15, 2017, the SEPA Responsible Official made a threshold determination on the extension of the moratorium, which was a Determination of Non-Significance, which was not appealed; and

WHEREAS, on July 24, 2017, the City Council conducted a joint session with the Planning Commission to receive and to review the recommended revisions to the zoning code; and

WHEREAS, the City Council directed that a public hearing on the proposed regulations be scheduled at a time when adequate notice can be given and the full community can participate; and

WHEREAS, the City Council wants to ensure that it has an adequate opportunity to review the public comments before taking action on the proposed regulations; and

WHEREAS, the extension of the moratorium for a period of up to an additional six months beyond September 11, 2017 will enable the City Council to complete the public hearing/review and local adoption process and is in the public interest;

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

Section 1. Findings of Fact. In accordance with RCW 35A.63.220, which requires the City Council to adopt findings of fact justifying the adoption of moratoria, the “WHEREAS” clauses set forth above are hereby adopted as the City Council’s findings of fact in support of the moratorium imposed by this ordinance and are by this referenced incorporation herein as if set forth in their entirety. A public hearing was held on the extension on August 28, 2017, but no members of the public attended or submitted written comments to the Council.

Section 2. Purpose. The purpose of this extension of the moratorium is to maintain the status quo for another six months while the City continues to consider the public health, safety, economic, environmental, and secondary land-use impacts associated with changing recreational and medical marijuana uses and the changing market demands; and to evaluate appropriate and adequate potential sites and zoning relative to marijuana uses.

Section 3. Moratorium Extension. Pursuant to RCW 35A.63.220, the moratorium established by Amended Ordinance No. 2016-01, and extended by Ordinance 2017-01 shall not lapse and shall be extended to be effective until six months after this present extension becomes effective (estimated to be September 6, 2017), unless earlier terminated. This six month moratorium extension shall be imposed 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, including but not limited to collective gardens and cooperatives, as any of these terms are defined in chapters 69.50 RCW and 69.51A RCW. As used in this 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. The issuance of a state license for any type of marijuana facility while this moratorium remains in effect shall not be construed as authorization to operate in the City.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk is authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 6. Publication. This ordinance shall be published by an approved summary consisting of the title as provided by RCW 35A.12.160.

Section 7. Effective Date. This ordinance shall be effective five days after publication.

Passed by the City Council on the 29 day of August, 2017.

CITY OF CASTLE ROCK

By Paul D. Helenberg
Paul D. Helenberg, Mayor

Attest:

By Ryana Covington
Ryana Covington, Clerk-Treasurer

Approved as to form:

By: Frank F. Randolph
Frank F. Randolph, City Attorney

Date of Publication: Sept 1, 2017