

GRAYS HARBOR COUNTY ORDINANCE NO. 438

**AN ORDINANCE enacting a moratorium on the siting and permitting of licensed marijuana production and processing, and directing the setting of a public hearing.**

WHEREAS, the Washington State Liquor and Cannabis Board (WSLCB) has adopted implementing rules to license production, processing, and retail sales of recreational marijuana and marijuana products; and

WHEREAS, in 2014, Grays Harbor County enacted Ordinance No. 410, adopting regulations adding to state statutes and regulations governing recreational marijuana production, processing, and retail sales resulting from passage of Initiative 502; and

WHEREAS, following the adoption of Ordinance No. 410, the County became aware of additional factors which were unknown at the time of the regulation adoption(s), which have impacted the areas surrounding marijuana production and processing sites, including but not limited to light pollution and odor; and

WHEREAS, due to these previously unknown significant impacts on areas surrounding existing marijuana production and processing sites, additional research and analysis is necessary before Grays Harbor County can determine the level and types of regulations which may be necessary to address these impacts; and

WHEREAS, the Grays Harbor County Board of Commissioners determines that it is necessary to enact a moratorium on the siting and permitting of proposed licensed recreational marijuana production and processing, including extraction, within the County; and

WHEREAS, this moratorium is authorized by RCW 36.70.795 and Article 11, Section 11 of the Washington State Constitution,

NOW, THEREFORE, be it ORDAINED by the Board of County Commissioners of Grays Harbor County as follows:

**Section 1. Moratorium.** The Grays Harbor County Board of Commissioners hereby declares a moratorium upon:

A) The submission, acceptance, processing or approval of any permit applications or licenses by or for new marijuana production, processing, and/or extraction within Grays Harbor County, including but not limited to building permits for new construction; alterations, repairs or change in occupancy to existing structures; occupancy permits; building improvement permits; fence permits; variances; conditional use permits; and/or any other development permit or approval.

B) The creation by an owner or operator of any land or building or any new use of such land or buildings for the growing, distribution, manufacturing, processing, or extraction of marijuana.

**Section 2. Effect of Moratorium.** The moratorium applies only to new applications for production, processing, and/or extraction facilities and does not alter any requirement that existing legally permitted marijuana processing, production, and/or extraction facilities must comply with all applicable laws and does not impact in any way the County's authority to enforce the Grays Harbor County Code or state laws. Violations of this Ordinance are subject to the County's zoning penalties more particularly described in Chapter 17.96 of the Grays Harbor County Code and state public nuisance laws.

**Section 3. Duration.** The moratorium adopted by this Ordinance is effective immediately upon adoption and shall remain in effect for six (6) months, unless subsequently extended by the Board pursuant to state law.

**Section 4. Public Hearing.** Pursuant to RCW 36.70.795, a public hearing will be held by August 14, 2017.


**Section 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

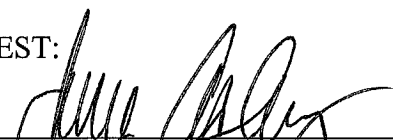
**Section 7. Findings.** The Board of Commissioners hereby adopts the above recitals as Findings of Fact in support of this Ordinance.

ADOPTED by the Grays Harbor County Board of County Commissioners at a regular meeting thereof this 12 day of June 2017.


BOARD OF COMMISSIONERS  
GRAYS HARBOR COUNTY

  
Wes Cormier, Chair

ATTEST:

  
Jenna Arnsbury, Clerk of the Board

APPROVED AS TO FORM:

  
Deputy Prosecuting Attorney

  
Randy Ross, Commissioner

  
Vickie L. Raines, Commissioner