

GRAYS HARBOR COUNTY ORDINANCE NO. 472

AN ORDINANCE approving a six-month extension of the moratorium on the siting and permitting of licensed marijuana production and processing.

WHEREAS, the Grays Harbor County Board of Commissioners (“Board”) passed Ordinance No. 457 on November 3, 2020, Ordinance No. 458 on May 4, 2021 and Ordinance No. 466 on October 26, 2021, each imposing a six-month moratorium on the siting and permitting of licensed marijuana production and processing; and

WHEREAS, the County continues to be aware of additional factors unknown at the enactment of initial County regulations governing recreational marijuana production, processing and sales, and which continue to impact the areas surrounding marijuana production and processing sites, including but not limited to light pollution and odor; and

WHEREAS, additional research and analysis remains necessary before Grays Harbor County can determine the level and types of additional regulations that may be necessary to address these impacts; and

WHEREAS, on March 12, 2020, the Board enacted Resolution No. 2020-023, declaring that a state of emergency existed in Grays Harbor County related to the COVID-19 pandemic; and

WHEREAS, the emergency continues to significantly impact the ability of the County to move forward with suitably revising marijuana regulations, thus requiring an extension of the existing moratorium; and

WHEREAS, the original moratorium, the first and second extensions, and this extension are all authorized by RCW 36.70.795 and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, on April 26, 2022, the Board held a duly advertised public hearing to hear public comments on a proposed ordinance to extend the moratorium for an additional six (6) months, to November 4, 2022, and the Board passed Ordinance No. 472 and adopted findings pursuant to that public hearing, including a need for additional action to be taken; and

WHEREAS, the Board after hearing public testimony on April 26, 2022, and based upon the whole record, makes the following Legislative Findings:

1. The COVID-19 pandemic and subsequent state of emergency has caused significant disruption in the ability of the County to continue its work on a new ordinance related to marijuana production and processing, including the inability of groups to meet and discuss needed regulations.
2. The County will need additional time to review, analyze and prepare recommendations prior to taking appropriate action with respect to this moratorium and current or proposed regulations, necessitating an extension of the present moratorium under RCW 36.70.795.

NOW THEREFORE, BE IT ORDAINED that

Section 1. Findings adopted. The foregoing findings of the Board are approved and adopted, and the previous findings set forth in Ordinances No. 457, No. 458 and No. 466 are reaffirmed and incorporated herein by reference. The Board declares that emergency conditions remain that necessitate extending the moratorium established and amended by said ordinances. The Board also hereby adopts the above recitals as additional Findings of Fact in support of this Ordinance.

Section 2. Moratorium extended. The Board declares that the extended moratorium for siting and permitting of licensed marijuana production and processing established by Ordinances No. 458 and No. 466 shall be extended for a period of six months to November 4, 2022.

Section 3. Effect of Extended Moratorium. The moratorium continues to apply only to applications for new locations, facilities or sites being considered for marijuana 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 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

ADOPTED by the Grays Harbor County Board of Commissioners at a regular meeting thereof this 26th day of April, 2022.

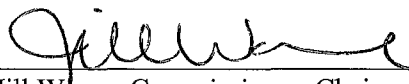
BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY

ATTEST:


Wendy Chatham, Clerk of the Board

APPROVED AS TO FORM:


Deputy Prosecuting Attorney


Jill Warne, Commissioner, Chair


Vickie Raines, Commissioner


Kevin Pine, Commissioner

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