

COMMISSIONERS RECORD 52
FRANKLIN COUNTY
Commissioners' Proceedings for March 11, 2014

This document is a summarized version of the Board of Commissioners proceedings. The minutes are paraphrased, not verbatim. Access to an electronic audio recording of the meeting is available upon request.

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Brad Peck, Chair Pro Tem; and Rick Miller, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Robert E. Koch, Chairman, was absent on county business.

Meeting convened at 1:30 pm with the Pledge of Allegiance.

Reconsideration of an Ordinance to Extend the Moratorium imposed by Franklin County Ordinance No. 7-2013

Pursuant to RCW 36.32.120(7) and RCW 36.70A.390, the Board of Franklin County Commissioners adopted an Ordinance No. 7-2013 imposing a Six Month Moratorium on the Establishment, Location, Permitting, Licensing, or Operation of Marijuana Production, Processing, and Retail to the Extent Authorized by Initiative 502 or applicable law to allow for further study and public analysis. Subsequently at a public hearing on March 5, 2014, Franklin County sought public comment on whether the moratorium imposed by Ordinance 7-2013 should be extended six months, on any related impacts, and on any local regulation or issues thereto concerning activities governed by Initiative 502 in unincorporated Franklin County. Said moratorium was not extended. Herein an ordinance extending said moratorium is subject to reconsideration.

Present in audience: Terry Blankenship, Sharon Louise, Tim Dickerson, Jerrod MacPherson, KEPR TV reporter, KNDU TV reporter and Tri-City Herald Reporter Kristi Pihl.

The Board discussed whether to extend the moratorium imposed by Franklin County Ordinance No. 7-2013.

Motion – Mr. Miller moved to approve an ordinance to extend the moratorium imposed by Franklin County Ordinance No. 7-2013, noting the following: Pursuant to RCW 36.32.120(7) and RCW 36.70A.390, the Board of Franklin County Commissioners adopted an Ordinance No. 7-2013 imposing a Six Month Moratorium on the Establishment, Location, Permitting, Licensing, or Operation of Marijuana Production, Processing, and Retail to the extent authorized by Initiative 502 or applicable law to allow for further study and public analysis. Subsequently at a public hearing on March 5, 2014, Franklin County sought public comment on whether the

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moratorium imposed by Ordinance 7-2013 should be extended six months, on any related impacts, and on any local regulation or issues thereto concerning activities governed by Initiative 502 in unincorporated Franklin County. Said moratorium was not extended. Herein an ordinance extending said moratorium is subject to reconsideration.

Mr. Peck noted that the motion includes the references to the RCWs, and the history and the intent is that this motion would extend the moratorium expiring today for an additional six months.

Second by Mr. Peck.

Mr. Peck asked Mr. Miller for clarification, not as part of the motion, of the idea that the Board can and probably should revisit this issue once the state has completed its legislative process this session. He asked Mr. Miller if his intent is not to run the moratorium for the full six months but up to six months. Mr. Miller said yes, that's right.

2:0 vote in favor.

Motion – Mr. Peck: I move to approve Ordinance 1-2014 as presented for our convenience by Mr. Verhulp. Second by Mr. Miller. 2:0 vote in favor. Ordinance 1-2014 was approved. (Exhibit 1)

PUBLIC COMMENT

Mr. Peck asked if anyone in the audience would like to speak to the Board.

Property

Terry Blankenship with Eastside Commercial Properties LLC told the Board about a property matter involving his client who had purchased property from Franklin County. Mr. Peck responded and explained that it is not appropriate for the Board to discuss contracts or negotiations that are pending but that the county will do its best to communicate through appropriate channels as quickly as possible.

Moratorium imposed by Ordinance 1-2014

Sharon Louise asked that the Board lift the moratorium imposed by Ordinance 1-2014 regarding marijuana production, processing and retail activities as soon as possible. Mr. Peck explained he would like to wait until the legislative session has finished and the rule making has occurred in order to have all the information needed to protect citizens' social, financial and

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tax-based needs. Mr. Miller said the cost to the county is going to be tremendous, in particular for the Prosecutor's Office, the Sheriff's Office and the courts.

ADJOURNMENT

Motion – Mr. Miller: Mr. Chairman, I move that we adjourn. Second by Mr. Peck. 2:0 vote in favor.

Adjourned at 1:53 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until March 12, 2014.


BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Robert E. Koch, Chairman



Brad Peck, Chairman Pro Tem



Rick Miller, Member

Attest:



Clerk to the Board

Approved and signed March 19, 2014.

ORDINANCE NUMBER 1-2014

AN ORDINANCE EXTENDING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MARIJUANA PRODUCTION, PROCESSING, AND RETAIL TO THE EXTENT AUTHORIZED BY INITIATIVE 502 OR APPLICABLE LAW.

WHEREAS, on September 11, 2013 the Board of County Commissioners adopted Ordinance 7-2013 imposing a six (6) month moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law; and

WHEREAS, in adoption of Ordinance 7-2013 the Board of County Commissioners found imposition of a moratorium was in the public's best interest (to protect the public's safety, health and general welfare) and to maintain the status quo pending Franklin County's consideration of amending zoning classifications based on further study and public analysis; and

WHEREAS, the moratorium imposed by Ordinance 7-2013 expires March 11, 2014; and

WHEREAS, additional time is necessary to develop and implement regulations to be considered by the Board of County Commissioners; and

WHEREAS, while development and implementation of regulations is pending it continues to be in the public's best interest to impose a moratorium and preserve the status quo by extending for another six (6) months the moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law; and

WHEREAS, this day a public hearing has been held to consider extending for another six (6) months the moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law; and

WHEREAS, the Board of County Commissioners has the authority pursuant to RCW 36.70.795 to adopt a moratorium; and

WHEREAS, the Board of County Commissioners intends for these recitals and those set forth in Ordinance 7-2013 and incorporated herein, to constitute its "findings of fact" as required by RCW 36.70.795; and

WHEREAS, said moratorium is in the best interests of Franklin County and is necessary to preserve the public health, safety, and welfare of the citizens.

NOW THEREFORE, the Board of Franklin County Commissioners ordains as follows:

Section 1: Preliminary Findings of Fact. The recitals and findings set forth above are hereby adopted as preliminary findings of fact in support of the moratorium imposed by this ordinance.

Section 2: Moratorium Imposed. Pursuant to the laws of the State of Washington, a moratorium is hereby imposed prohibiting within all areas of unincorporated Franklin County the establishment, location, operation, licensure, or maintenance of premises, facilities, businesses, or any other activities or operations involving the production, processing, or sale of marijuana and marijuana products authorized by

Initiative 502 or any other laws of the State of Washington. While said moratorium is in effect no building permit, occupancy permit, other development permit or approval, or business license shall be issued for any of the purposes or activities set forth above. Should any permits or licenses be issued in error for the above purposes or activities, such shall be null and void.

Section 3: **No Nonconforming Uses.** No use that constitutes or purports to be production, processing, or sale of marijuana that was engaged in prior to the enactment of this ordinance shall be deemed to have been a legally established use and shall not be entitled to claim legal nonconforming status.

Section 4: **Duration.** The moratorium imposed by this ordinance shall continue in effect for six consecutive months from its effective date, unless repealed or modified by the Board of Franklin County Commissioners in accordance with applicable law.

Section 5: **Public Hearing.** Pursuant to RCW 36.70A.390 this day the Commissioners held a public hearing on the adoption of this moratorium.

Section 6: **Severability.** If any section, sentence, or portion of this ordinance or its application to any person or circumstance should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 7: **Effective Date.** This ordinance shall become effective on the date of its adoption set forth below.

APPROVED AND ADOPTED this 11th day of March, 2014.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

R.E. Koch - Absent

Robert E. Koch, Chair



Brad Peck, Chair Pro Tem



Rick Miller, Member

ATTEST:


Clerk of the Board

APPROVED AS TO FORM

By: 
Ryan E. Verhulp
Deputy Prosecuting Attorney

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