NOTICE OF PUBLIC HEARING
Before the
Board of Skamania County Commissioners

PURPOSE: Skamania County Board of Commissioners hereby gives notice that a public hearing will be held to consider adoption of Ordinance 2016-01, AN ORDINANCE OF SKAMANIA COUNTY, WASHINGTON, ESTABLISHING A NEW SKAMANIA COUNTY CODE CHAPTER 8.81 RECREATIONAL MARIJUANA REGULATIONS INCLUDING REDUCTION OF BUFFERS FOR CERTAIN LICENSING OF MARIJUANA PRODUCERS, PROCESSORS AND RETAILERS PURSUANT TO WASHINGTON STATE INITIATIVE 502; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Written testimony/comments to be considered at the public hearing by the Board of Commissioners must be received by the Clerk of the Board by 12:00 PM on the Monday preceding the date of the public hearing. Anyone interested may appear and be heard.

Copies of Ordinance 2016-01 is available to the public in the Commissioners' Office, Room 15, 240 NW Vancouver Avenue, Stevenson, WA or may be viewed on our website at www.skamaniacounty.org

DATE: Tuesday, March 15, 2016
TIME: 5:30 PM
PLACE: Skamania County Courthouse, Room No. 18 (lower level)
240 NW Vancouver Avenue
Stevenson, WA.

Skamania County Courthouse is accessible for persons with disabilities. Please let us know if you will need any special accommodations in order to attend the meeting. (509) 427-3700.

DATED this 23st day of February, 2016

Debbie Slack

Debbie Slack
Clerk of the Board

Publish: March 2, 2016

SKAMANIA COUNTY, WASHINGTON ORDINANCE NO. 2016-01

AN ORDINANCE OF SKAMANIA COUNTY, WASHINGTON, ESTABLISHING A NEW SKAMANIA COUNTY CODE CHAPTER 8.81 RECREATIONAL MARIJUANA REGULATIONS INCLUDING REDUCTION OF BUFFERS FOR CERTAIN LICENSING OF MARIJUANA PRODUCERS, PROCESSORS AND RETAILERS PURSUANT TO WASHINGTON STATE INITIATIVE 502; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, providing a framework under which marijuana producers, processors and retailers can become licensed by the State of Washington; and

WHEREAS, in RCW 69.50.331(8)(b) the Washington State Legislature has provided local government the ability to reduce the default buffer requirements of 1000 feet to 100 feet for the licensing of marijuana producers, processors and retailers in certain situations; and

WHEREAS, the County wishes to reduce the buffer requirements for Government Lots 2, 4, 9 and any adjustments to those lots (commonly known as the Wind River Business Park) for marijuana producers and processors; and

WHEREAS, the County Commission held a public hearing on _____, 2016 and accepted public comment regarding this ordinance; and

WHEREAS, marijuana is still classified as a schedule I controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, on August 29, 2013, the United States Department of Justice, Office of the Attorney General ("DOJ") released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears not to differentiate application of the guidance between medical cannabis and recreational marijuana; and

NOW, THEREFORE, THE COUNTY COMMISSIONERS OF SKAMANIA COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact.

The County Commission adopts the above "WHEREAS" recitals as findings of fact in support of its action. The Commission heard comment from a potential marijuana processor and the Port of Skamania County regarding the prospective employment benefits and increase in County revenue that would be generated from a growing/processing facility on the Wind River Business Park site. Other comments included. Based upon these comments, the Commissioners find that with reasonable regulation the location of a producer/processor/retailer in Skamania County would have a net benefit on the County's economy and employment, and reducing buffers from park areas will facilitate location of a facility in an economically distressed area, and will not negatively impact the County's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

Section 2. Establishing New Section 8.81: **Recreational Marijuana Regulations**.

8.81.010 Purpose - Intent

The Skamania County Board of County Commissioners hereby declares that it is necessary for the protection of the health, welfare, and safety of the people of Skamania County to enact under the police power of the County the following chapter providing regulations for recreational marijuana.

The purpose and intent of this ordinance is to provide reasonable guidelines and establish conditions related to the use, production, processing, and/or retailing recreational marijuana.

8.81.020 Applicability.
These regulations are in addition to, and do not replace any regulations or restrictions imposed by the laws of the State of Washington or the United States, and are not intended to conflict with those laws, regulations or rules. This Chapter shall apply to any person or entity licensed by the State of Washington as a recreational marijuana producer, processor, or retailer, as well as, where appropriate, any user of recreational marijuana.

8.81.030 Reserved.

8.81.040 Buffers The County hereby reduces the required buffers for marijuana producers and processors (not applicable to retailers) that are licensed by the State of Washington under Initiative No. 502 and the regulations promulgated pursuant thereto:

A. The terms "marijuana producer," "marijuana processor," "marijuana retailer", shall have the meaning set forth in RCW 69.50.101 and Chapter 314-55 WAC, as now adopted or hereafter amended.

B. State licensed marijuana producers, processors, and retailers shall not locate within one-thousand (1000) feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older, PROVIDED HOWEVER, state licensed marijuana producers and processors located in Government Lots 2, 4, 9, and any adjustments to those lots in Skamania County, Washington (commonly known as the Wind River Business Park) may locate not fewer than one hundred (100) feet from the facilities set forth above except elementary schools, secondary schools, and playgrounds.

Section 3. Effective Date.

This Ordinance shall become effective five (5) days after publication as provided by law.

Section 4. Conflict with other SCC Provisions.

If the provisions of this Ordinance are found to be inconsistent with other provisions of the
Code, this Ordinance shall control.

Section 5. 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 pre-empted 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.

PASSED IN SESSION this _____ day of _____, 2016.

SKAMANIA COUNTY a Political Subdivision of the State of Washington

By:

_____
Chair

_____
Commissioner

_____
Commissioner

Attest:

_____
Clerk of the Board

Approved as to form only:

_____
Skamania County Prosecuting Attorney

PUBLISHED the 2nd day of March, 2016.