

BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF INITIATIVE 502 and the
LEGALIZATION OF MARIJUANA PRODUCTION,
PROCESSING and RETAIL SALES

Resolution No. 54-2013

SETTING A HEARING DATE TO CONSIDER A
PROPOSED MORATORIUM ON THE SITING
and DEVELOPMENT OF MARIJUANA
PRODUCTION FACILITIES, MARIJUANA
PROCESSING FACILITIES and MARIJUANA
RETAIL SALES FACILITIES

WHEREAS, the Board finds that Initiative 502 was passed into law by the voters in the 2012 November general election; and

WHEREAS, the Board finds this measure removes state-law prohibitions against producing, processing, and selling marijuana, subject to licensing and regulation by the liquor control board; allows limited possession of marijuana by persons aged twenty-one and over; and imposes 25% excise taxes on wholesale and retail sales of marijuana, earmarking revenue for purposes that include substance-abuse prevention, research, education, and healthcare; and

WHEREAS, the Board finds the Washington State Liquor Control Board has adopted rules which now allow for the siting and development of marijuana production facilities, marijuana processing facilities and marijuana retail sales facilities in Stevens County; and

WHEREAS, the Board finds land use regulations and official controls currently in effect in unincorporated Stevens County may not provide sufficient definitive criteria with which the County can address the concerns of County residents and properly evaluate appropriate locations for the development of marijuana production facilities, marijuana processing facilities and marijuana retail sales facilities; and

WHEREAS, the Board finds it may be necessary to study and develop a work plan for the siting and development of marijuana production facilities, marijuana processing facilities and marijuana retail sales facilities in unincorporated Stevens County; and

WHEREAS, the Board finds Washington State's permissive vested rights doctrine may allow many land uses to vest to land use regulations and official controls which are in effect early in the land use and development process which might enable siting and development of such facilities to vest to inadequate land use controls while the County studies and develops appropriate land use controls, undermining effective County planning for these facilities; and

WHEREAS, the Board finds that a moratorium on siting and developing such facilities may be necessary while the County studies and develops appropriate land use controls; and

WHEREAS, the Board finds that RCW 36.70.795 and RCW 36.70A.390 provide for interim moratoria as a mechanism for preserving the status quo so that new controls and regulations will not be rendered moot by intervening development; and

WHEREAS, the Board finds that both RCW 36.70.795 and RCW 36.70A.390 require a public hearing to be held;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:

1. A hearing on the proposal to adopt an interim moratorium on for the siting and development of marijuana production facilities, marijuana processing facilities and marijuana retail sales facilities in Stevens County shall be held on **Tuesday, November 5, 2013 at 3:30 p.m.** in the Commissioners Office; 230 E. Birch Avenue; Colville, Washington.
2. The Clerk of the Board is authorized and directed to give notice of the hearing.

Passed by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 22nd day of October, 2013.

 2 YEA; 0 NAY; 0 ABSTAIN; and 1 ABSENT

BOARD OF COUNTY COMMISSIONERS OF STEVENS
COUNTY, WASHINGTON

ABSENT

Chairman Don Dashiell



Commissioner Wes McCart



Commissioner Steve Parker

Attest:



Polly Coleman
Clerk of the Board