

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. 59-2013

ADOPTING A 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 do 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 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 allows 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 could enable siting and development of such facilities to vest in 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 is 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 notice of a public hearing was advertised on October 24, 2013 and on October 31, 2013 in the county official newspaper, the Chewelah Independent, and pursuant to said notice a public hearing was conducted this date and testimony and comment was taken, heard and discussed; and

WHEREAS, the Board adopts the above as its findings of fact justifying its adoption of this resolution; and

WHEREAS, the Board finds that the moratorium adopted by this resolution is necessary for the protection of the public health, safety property or peace;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED

1. Moratorium Imposed.

A moratorium is imposed on the siting and development of marijuana production facilities, marijuana processing facilities and marijuana retail sales facilities within the unincorporated boundaries of Stevens County.

2. Requests During Moratorium.

During the time the moratorium is in effect, the County will continue to accept but not further process any applicable request(s) subject to the moratorium provisions in section 1 above.

3. Revision to Land Use Code.

The Land Services Department, in consultation with other County departments and other agencies, will study and develop proposed regulations and/or official controls governing the placement and development of facilities described in Section 1.

4. Time Period of Moratorium.

The moratorium shall be for a maximum of six months from the effective date of this resolution. This moratorium may be renewed for additional six month periods pursuant to RCW 36.70.795 and RCW 36.70A.390.

5. Severability.

If any provision of this resolution, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the resolution, or the application of the provisions to other persons, entities or circumstances is not effected.

6. Effective Immediately

This resolution, passed unanimously by the Board of County Commissioners is necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

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 5th day of November, 2013.

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

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON


Chairman Don Dashiell


Commissioner Wes McCart

Commissioner Steve Parker

Attest:


Polly Coleman
Clerk of the Board