

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. 25-2014

ADOPTING A MORATORIUM RESTRICTING
THE SITING and DEVELOPMENT OF
MARIJUANA PRODUCTION FACILITIES,
MARIJUANA PROCESSING FACILITIES and
MARIJUANA RETAIL SALES FACILITIES
FROM CERTAIN ZONES WITHIN THE
UNINCORPORATED BOUNDARIES OF
STEVENS COUNTY and
REPEALING RESOLUTION 59-2013

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 April 3, 2014 and April 10, 2014 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; and

WHEREAS, SB 6505 approved in the 2014 legislative session was an act clarifying that marijuana, useable marijuana, and marijuana-infused products are not agricultural products; and

WHEREAS, the Board finds the prior moratorium adopted on November 5, 2013 pursuant to Resolution 59-2013 which imposed a temporary moratorium on the siting and development of marijuana production facilities, processing facilities and retail sales facilities in all zones in the unincorporated boundaries of Stevens County should be repealed to prohibit these activities in specified zones within the county;

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 certain zones in the unincorporated boundaries of Stevens County as described below.

- . **Marijuana production**, as licensed by Washington State Liquor Control Board, shall be under the moratorium and temporarily prohibited in the following zoning classifications: Urban Residential (R-1 or R-2), Crossroad Areas, Small Resort (Type II LAMIRD), Master Planned Resort (MPR), or Fully Contained Community (FCC);
- . **Marijuana processing**, as licensed by Washington State Liquor Control Board, shall be under the moratorium and temporarily prohibited in the following zoning classifications: Urban Residential (R-1 or R-2), Crossroad Areas, Small Resort (Type II LAMIRD), Master Planned Resort (MPR), or Fully Contained Community (FCC).
- . **Marijuana retail**, as licensed by Washington State Liquor Control Board, shall be under the moratorium and temporarily prohibited, except in existing retail business properties, in the following zoning classifications: Agricultural (A), Forest (F), Mineral (M), Rural Area (RA-5, RA-10, RA-20), Urban Residential (R-1 or R-2), Industrial (I), Rural Agricultural (AR), Crossroad Areas, Small Resort (Type II LAMIRD), Master Planned Resort (MPR), Fully Contained Community (FCC), or Major Industrial Development.

2. 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 within the Land Services Development Regulations (Title 3).