

RESOLUTION NO. 2013-20

A RESOLUTION OF THE CITY OF BENTON CITY, WASHINGTON, DECLARING A MORATORIUM PROHIBITING PRODUCING, PROCESSING AND RETAIL SALES OF RECREATIONAL MARIJUANA PENDING THE ADOPTION OF RULES AND ZONING REGULATIONS WITHIN THE CITY AND SETTING PUBLIC HEARING THEREON

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

WHEREAS, under Initiative 502, the Washington State Liquor Control Board ("Board") is tasked with the responsibility to adopt regulations governing the licensing and operation of marijuana producers, processors, and retailers, and the Board is currently working on the regulations and is projecting that the regulations will be issued later this year; and

WHEREAS, collective gardens and marijuana production, processing, and retailing uses must be addressed in the City's zoning code, but the impacts of these uses are still largely unknown and the regulations that the City will need to address them are uncertain pending the Board's adoption of its licensing regulations and procedures; and

WHEREAS, possession and use of marijuana for any purpose, including medical use, remains illegal under Federal Law. Marijuana is listed as a Schedule I drug under the Uniform Controlled Substances Act. Despite efforts by the Governor and the State Attorney General to get some clarity from the U.S. Attorney General, it is still unclear, how the Federal government would respond to the State and local governments who issue permits in compliance with State law; and

WHEREAS, there are several lawsuits pending, which would eventually impact regulations related to marijuana production, distribution, sales and use; and

WHEREAS, it is anticipated that producing, processing, and retail sales of recreational marijuana may require an increased risk to health and safety, require increased police and code enforcement activities, and affect the use and enjoyment of surrounding properties without appropriate regulations; and

WHEREAS, unless the City acts immediately to address collective gardens, production, processing and retail sales of marijuana, and other marijuana-related uses, such uses may be able to locate in the City without regulation and thereby have adverse impacts on the city and its citizens; and

WHEREAS, the City intends to develop appropriate zoning and land use regulations to accommodate the production, processing, and retail sales of recreational marijuana to the extent such activities do not conflict with Federal Law; and

WHEREAS, Washington law authorizes the City to adopt a moratorium with a public hearing which must be held within sixty (60) days of the date of the adoption of a moratorium; and

WHEREAS, the City Council has determined that it is in the best interest of the City that a moratorium be established to provide the City an opportunity to study appropriate regulations for production, processing and retail sales of recreational marijuana and to develop a work plan for the implementation of such regulations that comply with Federal law; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, hereby resolves as follows:

Section 1. Moratorium Established. A moratorium is imposed prohibiting the production, processing, and/or retail sale of recreational marijuana within all zoning districts within the City; and a moratorium is imposed on the filing with the City, or the Courts of Competent Jurisdiction, any applications for licenses, permits, or other approvals for the processing, production, and/or retail sale of marijuana.

Section 2. Term of Moratorium. The moratorium imposed by this Resolution shall become effective on the date hereof, and shall continue in effect for an initial period of six (6) months, unless repealed, extended, or modified by the City Council after a public hearing and the entry of appropriate findings of fact as required by RCW 35A.63.220, provided, however, that the moratorium shall automatically expire upon the effective date of zoning regulations adopted by the City Council to address the processing, production, and/or retail sales of recreational marijuana within the City.

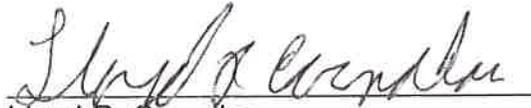
Section 3. Public Hearing. A public hearing shall be scheduled for 7:00 p.m., or as soon thereafter as the matter may be heard, on the **1 day of October, 2013**, at the City Council Chambers of City Hall, where it will hear evidence and consider the comments and testimony of those wishing to speak at such public hearing regarding the moratorium.

Section 4. Preliminary Findings. Following the public hearing, the City Council shall adopt Findings of Fact justifying its actions before the public hearing, and determine whether a work plan is necessary to address the issues involving the processing, production, and/or retail sales of recreational marijuana within the City and extending the moratorium to complete a work plan and implementation of appropriate regulations.

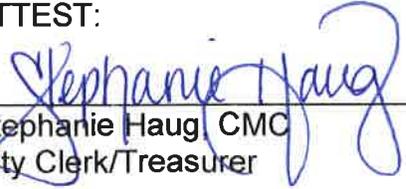
Section 5. Effective Date. This Resolution shall be in full force and effect upon its passage and signature below.

ADOPTED this 6 day of August, 2013, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this 6 day of August, 2013.

Resolution 2013-20 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this 6 day of August, 2013.


Lloyd R. Carnahan,
Mayor

ATTEST:


Stephanie Haug, CMC
City Clerk/Treasurer

APPROVED AS TO FORM:


Kerr Law Group,
City Attorney