

RESOLUTION 2015 - 11

A RESOLUTION OF THE CITY OF SUNNYSIDE,
WASHINGTON, DECLARING A RENEWAL OF A
MORATORIUM PROHIBITING PRODUCING, PROCESSING
AND RETAIL SALES OF RECREATIONAL MARIJUANA
PENDING THE ADOPTION OF RULES AND ZONING
REGULATIONS WITHIN THE CITY

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") has the responsibility of enforcing regulations governing the licensing and operation of marijuana producers, processors, and retailers, and the Board has issued regulations; 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 remain uncertain even though the Board has adopted 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 the clarity provided 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 in the future; 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 renew a moratorium when a subsequent public hearing has been held and adoption of the Findings of Fact prior to each renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the City that a moratorium be renewed to provide the City an opportunity to continue to study appropriate regulations for production, processing and retail sales of recreational marijuana and to continue development of a Work Plan for the implementation of such regulations that comply with Federal law.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. Moratorium Renewed. A moratorium is renewed prohibiting the production, processing, and/or retail sale of recreational marijuana within all zoning districts within the City; and a moratorium is renewed 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 renewed by this Resolution shall become effective on the date hereof, and shall continue in effect for a period of six (6) months, unless repealed, extended, or modified by the City Council. A public hearing and entry of appropriate Findings of Fact as required by RCW 35A.63.220 have been adopted. 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 was held at 6:30 p.m. on the 5th day of February, 2015, at the City Council Chambers of the Law and Justice Center, the Council heard evidence and considered the comments and testimony of those wishing to speak at such public hearing regarding the moratorium.

SECTION 4. Findings of Fact. Following the public hearing, the City Council adopted Findings of Fact justifying its actions after the public hearing, and a Work Plan is necessary to continue 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.

PASSED this 5th day of February, 2015.



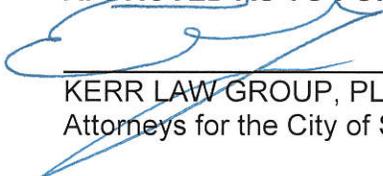
JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH SAENZ, CMC, CITY CLERK

APPROVED AS TO FORM:



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