

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING AND LAND USE GUIDANCE REGARDING
IMPLEMENTATION OF INITIATIVE 502

WHEREAS, the voters of Washington State passed initiative 502 in 2012, which allowed for the growing, processing and retail sales of recreational marijuana within the State Of Washington; and,

WHEREAS, the initiative directed the Washington State Liquor Control Board to develop and adopt a regulatory and licensing system for these activities; and,

WHEREAS, the Washington State Liquor Control Board adopted regulatory and licensing system rules on October 31, 2013 that were effective on December 6, 2013; and,

WHEREAS, the United States Department of Justice has provided guidance regarding the implementation of initiative 502; and,

WHEREAS, the Benton County Board of Commissioners on February 11, 2014, amended the Rural Lands 5 Zoning District by removing agricultural related industries and agricultural markets as uses that may be allowed as conditional uses.

WHEREAS, the Benton County Board of Commissioners on May 12, 2015 adopted interim zoning regulations that amended the Rural Lands 5 Zoning District by removing marijuana producing as an allowed use. Resolution 2014-167 must be modified to include the change made to the Rural Lands 5 Zoning District.

WHEREAS, the Benton County Board of Commissioners does not want to expose the County and County personnel to legal and liability issues associated with federal law while still being responsive to state law, NOW THEREFORE,

BE IT RESOLVED, , the Board of County Commissioners hereby rescinds Resolution 2014-167 and adopts the following policy, which is consistent with existing County ordinances:

1. Subject to any limitations imposed by Washington State law, marijuana, like other crops, may be grown in the County's GMA Agricultural, Rural Lands 20, Light Industrial and Heavy Industrial zoning districts.
2. Subject to any limitations imposed by Washington State law, marijuana may be processed in the County's Heavy Industrial and Unclassified zoning districts. Subject to any limitations imposed by Washington State law, marijuana may be processed in the County's GMA Agricultural zoning district only if the nature of the processing falls within the definition of an "agricultural related industry" as defined in Chapter 11.04 BCC.
3. Subject to any limitations imposed by Washington State law, retail sales of marijuana products authorized by Initiative 502 may be conducted in the County's General Commercial, Community Commercial and Interchange Commercial zoning districts.

4. Initiative 502 and the Washington State Liquor Control Board's rules identify distance separation standards between marijuana-related activities and certain other land uses. These separation standards are administered by the Liquor Control Board. The County will not speculate whether a proposed site meets the distance separation criteria.
5. County personnel will not confirm if a particular site is zoned or otherwise acceptable for marijuana-related activity. Personnel can, in general terms, confirm whether property can be used for agricultural production, agricultural processing and/or retail sales.
6. Persons growing, processing and selling marijuana products may be required to obtain building permits if they construct a new structure or remodel existing structures associated with their operation. These will be processed and reviewed just as any other agricultural, industrial or commercial building. The Benton County Planning Department will not maintain copies of any marijuana-related license from the State of Washington.
7. The Washington State Liquor Control Board's rules allow outdoor production (growing of marijuana) if an area is enclosed with a site obscuring wall or fence at least a certain height. Walls and fences six (6) feet tall or higher require County building permits prior to construction.

Dated this 12th day of May 2015.



Chairman of the Board

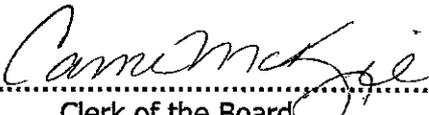


Member



Member

Constituting the Board of County
Commissioners of Benton County
Washington.

Attest.....

Clerk of the Board

MES/djh