

## RESOLUTION 2016-09

### A RESOLUTION OF THE CITY OF BENTON CITY, WASHINGTON, CALLING FOR AN ADVISORY ELECTION TO CONSIDER ADOPTING REGULATIONS FOR PRODUCTION, PROCESSING, AND RETAIL SALES OF RECREATIONAL AND MEDICINAL MARIJUANA, OR ADOPTING A BAN FOR PRODUCTION, PROCESSING, AND RETAIL SALES OF RECREATIONAL AND MEDICINAL MARIJUANA 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 Cannabis Board ("Board") has adopted regulations governing the licensing and operation of marijuana producers, processors, and retailers; and

**WHEREAS**, 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

**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 could 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 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

and medicinal marijuana to the extent such activities do not conflict with Federal law; and

**WHEREAS**, many jurisdictions in Washington have passed bans for the production, processing, and retail sales of recreational and medicinal marijuana; and

**WHEREAS**, several jurisdictions have been involved with litigation in defense of these bans, and to date, the bans have been upheld but required extensive financial resources to defend; and

**WHEREAS**, Washington law authorizes the City to call for an advisory election to help the Council consider whether the City should adopt appropriate regulations for production, processing, and retail sales of recreational and medicinal marijuana, or whether the City should pass a ban on such activities; and

**WHEREAS**, it appears that the most appropriate way to determine the will of the people on this question is to submit to the voters, as an advisory ballot measure, the question of whether or not the people are in support of allowing a regulation of production, processing, and retail sales of recreational marijuana in the City of Benton City.

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

**Section 1.** Request for Election. The City Council of the City of Benton City, hereby requests that the Benton County Auditor place on the ~~primary general~~ election on ~~August 4, 2016, November 8<sup>th</sup>, 2016~~ the ballot proposition described in Section 2 of this Resolution.

**Section 2.** Ballot Proposition. The proposition to be submitted to the electorate shall read substantially as follows:

PROPOSITION 1:  
(Advisory only)  
City of Benton City  
Marijuana Regulations

Please advise the City Council (nonbinding) of your preference for recreational and medicinal marijuana activities in the City (select one of the following).

[ ] Allow regulation of recreational and medicinal marijuana ~~activities~~ production, processing, and retail sales within the

City of Benton City, ~~to include production, processing, and retail sales of recreational and medicinal marijuana.~~

[ ] Ban recreational and medicinal marijuana ~~activities production, processing, and retail sales~~ within the City of Benton City, ~~to include production, processing, and retail sales of recreational and medicinal marijuana.~~

**Section 3. Effective Date.** This Resolution shall be in full force and effect upon its passage and signature below.

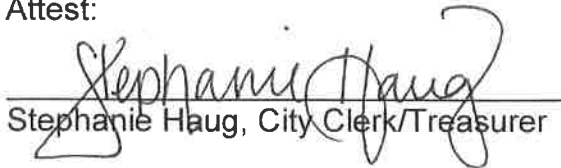
**ADOPTED** this 3 day of May, 2016, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this 3 day of May, 2016.

Resolution 2016-09 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this 3 day of May, 2016.



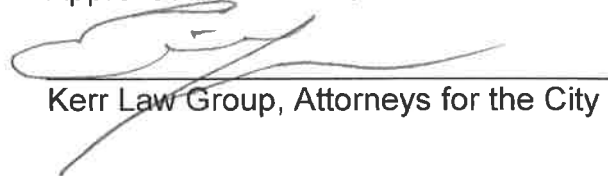
Linda Lehman, Mayor

Attest:



Stephanie Haug, City Clerk/Treasurer

Approved as to Form:



Kerr Law Group, Attorneys for the City