RESOLUTION NO. 253 15**A RESOLUTION PROPOSING AN AMENDMENT TO THE COUNTY OF HAWAI'I GENERAL PLAN, IN ACCORDANCE WITH THE GENERAL PLAN COMPREHENSIVE REVIEW PROCESS, RELATING TO MEDICAL MARIJUANA DISPENSARIES.**

WHEREAS, the Hawai'i County Planning Director initiated a comprehensive review of the County of Hawai'i General Plan on February 6, 2015; and

WHEREAS, pursuant to section 16.1(3) of the General Plan, the Planning Director established June 6, 2015 as the deadline for Council initiated amendments to the Plan during the comprehensive review process; and

WHEREAS, in consideration of the Council Planning Committee's request to postpone this deadline, the Planning Director postponed the deadline for Council initiated amendments until September 8, 2015; and

WHEREAS, the Council submits this resolution in response to the Planning Director's invitation to submit amendments to the General Plan; and

WHEREAS, Act 241, Session Laws of Hawai'i 2015, establishes a regulated statewide dispensary system for medical marijuana to ensure safe and legal access to medical marijuana for qualifying patients; and

WHEREAS, Act 241 requires the Department of Health to issue two dispensary licenses within Hawai'i County; and

WHEREAS, the holder of each dispensary license may have up to two "production centers" and up to two "retail dispensing locations"; and

WHEREAS, retail dispensing locations and production centers are not allowed to be at the same location; and

WHEREAS, Act 241 states that "Medical marijuana production centers and dispensaries shall comply with all county zoning ordinances, rules, or regulations, provided that (1) A medical marijuana production center shall be permitted in any area in which agricultural production is permitted except as provided within this chapter, and (2) No medical marijuana production center or dispensary shall be permitted within seven hundred fifty feet of the real property comprising a playground, public housing project or complex, or school"; and

WHEREAS, Act 241 amends Section 46-4 of Hawai'i Revised Statutes, relating to County zoning, to prohibit any restrictions by County ordinance on the use of land for licensed medical marijuana production centers or licensed medical marijuana dispensaries, provided that the land is otherwise zoned for agriculture, manufacturing, or retail purposes; now, therefore,

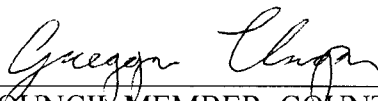
BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that the Planning Director consider the following proposals during the Director's review and analysis of suggestions offered during this initial phase of the comprehensive review process and ultimately incorporate them as possible, into the final proposed amendments to the Hawai'i County General Plan:

1. The County should consider establishing and promulgating ordinances, rules and regulations relating to medical marijuana production centers and medical marijuana dispensaries that are consistent with applicable State law.
2. Lands where licensed medical marijuana production centers or licensed medical marijuana dispensaries may be permitted, under applicable State and County laws, should be identified within Hawai'i County.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to Hawai'i County Planning Director, Duane Kanuha.

Dated at _____, Hawai'i, this _____ day of _____, 20__.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on _____.

ATTEST:

COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG				
DAVID				
EOFF				
ILAGAN				
KANUHA				
ONISHI				
PALEKA				
POINDEXTER				
WILLE				

Reference: _____ C-425/Waived PC

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