



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 2, 2015

Ordinance 18059

Proposed No. 2015-0169.1

Sponsors McDermott

1 AN ORDINANCE renewing for six-months an existing
2 moratorium on the establishment or location of medical
3 marijuana dispensaries and collective gardens asserted to
4 be or actually authorized under Chapter 181, Laws of
5 Washington 2011, and chapter 69.51A RCW.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 **SECTION 1. Findings:**

8 A. King County has authority to establish and renew a moratorium under the
9 Growth Management Act, as set forth in RCW 36.70A.390, to preclude approval of a
10 particular land use and to facilitate its interest in studying the impacts of that land use.

11 B. Washington state Initiative Measure No. 692, approved in 1998, created an
12 affirmative defense to the charge of possession of marijuana for qualifying patients.

13 C. The 2011 state Legislature passed Engrossed Second Substitute Senate Bill
14 5073 and Governor Christine Gregoire signed the bill while vetoing several of its
15 sections, including those authorizing the operation of medical marijuana dispensaries.
16 Engrossed Second Senate Bill 5073 became Chapter 181, Laws of Washington 2011 and
17 took effect July 22, 2011.

18 D. The 2011 act provided for a system of "collective gardens," within which
19 qualifying patients could produce, grow and deliver marijuana for medical use under

20 certain conditions, and which allowed qualifying patients to designate a "designated
21 provider," who was authorized to distribute marijuana to one patient within any fifteen-
22 day period.

23 E. Washington state Initiative Measure No. 502, approved in 2012, established a
24 regulatory system for adult use of recreational marijuana and regulation of the
25 production, processing, and sales of marijuana. Initiative 502 did not amend the medical
26 marijuana laws.

27 F. A growing number of medical marijuana collective gardens and dispensaries
28 asserted to be or actually authorized by the 2011 act are currently in operation in
29 unincorporated King County. Due to the quasi-criminal nature of these facilities, data
30 collection is very difficult and the location and number of these facilities is not clear.

31 G. Over the past several years, specific concerns have been raised by community
32 members regarding the operation of medical marijuana collective gardens and
33 dispensaries in unincorporated King County.

34 H. The acceptance of development applications proposing additional collective
35 gardens or dispensaries may allow development that is incompatible with nearby existing
36 land uses in unincorporated King County.

37 I. For these reasons and others, Ordinance 17726 established a zoning
38 moratorium on medical marijuana collective gardens and dispensaries for a twelve month
39 period that was scheduled to expire on December 16, 2014.

40 J. Ordinance 17940 renewed the zoning moratorium on medical marijuana
41 collective gardens and dispensaries for a six month period scheduled to expire on June
42 16, 2015.

43 K. In April 2015, the Washington state Legislature enacted Second Substitute
44 Bill 5052, which incorporates distribution of medical marijuana products into the
45 recreational marijuana regulatory system.

46 L. The 2015 act places creates a strictly limited marijuana cooperative system
47 and places additional limits on the allowance for collective gardens that has previously
48 been utilized by some citizens to produce and distribute marijuana , effective July 1,
49 2016.

50 M. There is a risk that medical marijuana collective gardens and dispensaries
51 might continue to locate and operate in unincorporated King County between the end of
52 the current moratorium, and the 2015 act's July 1, 2016 effective date.

53 N. The 2015 act requires the Washington state Liquor and Cannabis Board to
54 establish standards for medical marijuana endorsements within the recreational system,
55 and requires the Washington state Department of Health to adopt rules to establish
56 standards for medical marijuana health care providers and patients.

57 O. As part of these new rules, enforcement mechanisms for medical marijuana
58 dispensaries and collective gardens that do not comply with the 2015 act will also be
59 determined.

60 P. It is in the public interest to renew the zoning moratorium on medical
61 marijuana collective gardens and dispensaries in order to avoid the establishment of legal
62 nonconforming uses in unincorporated King County during the interim period while the
63 state adopts new rules for medical marijuana endorsements and to determine whether a
64 local enforcement mechanism for medical marijuana dispensaries and collective gardens
65 is necessary.

66 SECTION 2. A. A six-month renewed moratorium commencing on June 16,
67 2015, is declared prohibiting the location, establishment or expansion of any medical
68 marijuana collective garden or medical marijuana dispensary in unincorporated King
69 County, whether for profit or not-for-profit, asserted to be authorized or actually
70 authorized under Chapter 181, Laws of 2011, and chapter 69.51A RCW. A building
71 permit, occupancy permit, public health approval or development permit of any kind shall
72 not be issued for any of the purposes or activities prohibited by this section. Any land
73 use approvals or other permits for any of these operations that are issued as a result of or
74 by use of vague or deceptive descriptions during the moratorium are null and void, and
75 without legal force or effect.

76 SECTION 3. For the purposes of section 2 of this ordinance:

77 A. "Medical marijuana collective garden" means a location or garden including,
78 but not limited to, its associated equipment, supplies, cannabis plants, seeds and cuttings,
79 that is used by qualified patients to share responsibility for acquiring and supplying the
80 resources required to produce, process, transport and deliver cannabis for medical use, as
81 regulated under chapter 69.51A RCW and subject to the limitations in chapter 69.51A
82 RCW. A person who is operating under the limits of a Washington state Liquor Control
83 Board license to operate as a recreational marijuana producer, processor or retailer shall
84 not be deemed to be a medical marijuana collective garden; and

85 B. "Medical marijuana dispensary" means any business, agency, organization,
86 cooperative, network, consultation operation or other group or person, including its
87 associated premises and equipment, which has for its purpose or which is used to grow,
88 select, measure, package, label, deliver, sell or otherwise transfer, for consideration or

89 otherwise, marijuana for medical use. A person who is the designated provider for only
90 one qualified patient during any fifteen-day period and who complies with chapter
91 69.51A RCW or a person who is properly operating under the limits of a Washington
92 state Liquor Control Board license to operate as a recreational marijuana producer,
93 processor or retailer shall not be deemed a medical marijuana dispensary.

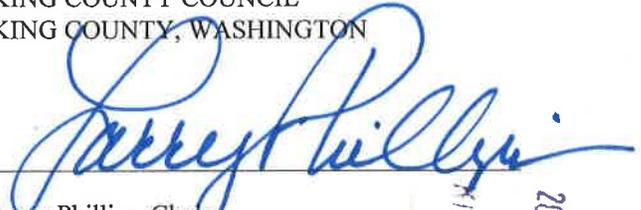
94 SECTION 4. Severability. If any provision of this ordinance or its application

95 to any person or circumstance is held invalid, the remainder of the ordinance or the
96 application of the provision to other persons or circumstances is not affected.
97

Ordinance 18059 was introduced on 4/27/2015 and passed by the Metropolitan King County Council on 6/1/2015, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr.
Upthegrove
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

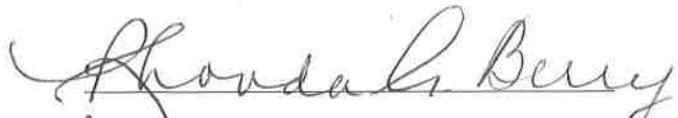
ATTEST:



Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 4th day of June, 2015.


Dow Constantine, County Executive

Attachments: None