



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 8, 2015

Ordinance 18186

Proposed No. 2015-0502.1

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; and declaring
6 and emergency.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. Findings:

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

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

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

19 D. The 2011 act provided for a system of "collective gardens," within which

20 qualifying patients could produce, grow and deliver marijuana for medical use under
21 certain conditions, and which allowed qualifying patients to designate a "designated
22 provider," who was authorized to distribute marijuana to one patient within any fifteen-
23 day period.

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

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

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

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

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

41 J. Ordinance 17940 renewed the zoning moratorium on medical marijuana
42 collective gardens and dispensaries for a six-month period that was scheduled to expire

43 on June 16, 2015.

44 K. In April 2015, the Washington state Legislature enacted Second Substitute
45 Bill 5052, which became Chapter 70, Laws of Washington 2015, which incorporates
46 distribution of medical marijuana products into the recreational marijuana regulatory
47 system.

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

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

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

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

62 P. In response to the 2015 act and the uncertainty with the rules and enforcement
63 mechanisms, Ordinance 18059 renewed the zoning moratorium on medical marijuana
64 collective gardens and dispensaries for a six-month period scheduled to expire December
65 16, 2015.

66 Q. The rules and enforcement mechanisms have not yet been determined by the
67 Washington state Liquor and Cannabis Board.

68 R. It is in the public interest to renew the zoning moratorium on medical
69 marijuana collective gardens and dispensaries in order to avoid the establishment of legal
70 nonconforming uses in unincorporated King County during the interim period while the
71 state adopts new rules for medical marijuana endorsements and to determine whether a
72 local enforcement mechanism for medical marijuana dispensaries and collective gardens
73 is necessary.

74 S. It is necessary that this ordinance go into effect immediately in order to avoid
75 the establishment of a potentially large number of additional collective gardens and
76 medical marijuana dispensaries in the interval before executive signature.

77 SECTION 2. A six-month renewed moratorium commencing on December 16,
78 2015, is declared prohibiting the location, establishment or expansion of any medical
79 marijuana collective garden or medical marijuana dispensary in unincorporated King
80 County, whether for profit or not-for-profit, asserted to be authorized or actually
81 authorized under Chapter 181, Laws of Washington 2011, and chapter 69.51A RCW. A
82 building permit, occupancy permit, public health approval or development permit of any
83 kind shall not be issued for any of the purposes or activities prohibited by this section.
84 Any land use approvals or other permits for any of these operations that are issued as a
85 result of or by use of vague or deceptive descriptions during the moratorium are null and
86 void, and without legal force or effect.

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

88 A. "Medical marijuana collective garden" means a location or garden including,

89 but not limited to, its associated equipment, supplies, cannabis plants, seeds and cuttings,
90 that is used by qualified patients to share responsibility for acquiring and supplying the
91 resources required to produce, process, transport and deliver cannabis for medical use, as
92 regulated under chapter 69.51A RCW and subject to the limitations in chapter 69.51A
93 RCW. A person who is operating under the limits of a Washington state Liquor and
94 Cannabis Board license to operate as a recreational marijuana producer, processor or
95 retailer shall not be deemed to be a medical marijuana collective garden; and

96 B. "Medical marijuana dispensary" means any business, agency, organization,
97 cooperative, network, consultation operation or other group or person, including its
98 associated premises and equipment, which has for its purpose or which is used to grow,
99 select, measure, package, label, deliver, sell or otherwise transfer, for consideration or
100 otherwise, marijuana for medical use. A person who is the designated provider for only
101 one qualified patient during any fifteen-day period and who complies with chapter
102 69.51A RCW or a person who is properly operating under the limits of a Washington
103 state Liquor and Cannabis Board license to operate as a recreational marijuana producer,
104 processor or retailer shall not be deemed a medical marijuana dispensary.

105 SECTION 4. Severability. If any provision of this ordinance or its application to
106 any person or circumstance is held invalid, the remainder of the ordinance or the
107 application of the provision to other persons or circumstances is not affected.

108 SECTION 5. The county council finds as a fact and declares that an emergency
109 exists and that this ordinance is necessary for the immediate preservation of public peace,

110 health or safety or for the support of county government and its existing public
111 institutions.
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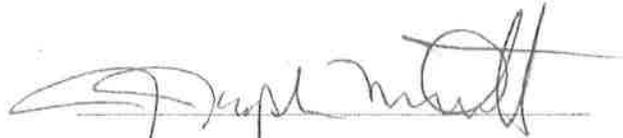
Ordinance 18186 was introduced on 11/23/2015 and passed by the Metropolitan King County Council on 12/7/2015, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert,
Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove

No: 0

Excused: 1 - Mr. Phillips

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: None