



Legislation Text

File #: 2014-0380, **Version:** 2

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. Washington state Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense to the charge of possession of marijuana for qualifying patients.

C. The 2011 state Legislature passed Engrossed Second Substitute Senate Bill 5073 and Governor Christine Gregoire signed the bill while vetoing several of its sections, including those authorizing the operation of medical marijuana dispensaries. This became Chapter 181, Laws of Washington 2011 ("the act").

D. The act took effect July 22, 2011.

E. The act provides for and places limits on "collective gardens," within which qualifying patients may produce, grow and deliver marijuana for medical use under certain conditions, and authorizes qualifying patients to designate a "designated provider," who may provide marijuana to one patient within any fifteen-day period.

F. A growing number of medical marijuana collective gardens and dispensaries asserted to be or

actually authorized by the act are currently in operation in unincorporated King County. Due to the quasi-criminal nature of these facilities, data collection is very difficult and the location and number of these facilities is not clear.

G. Over the past several years, specific concerns have been raised within the community related to the operation of medical marijuana collective gardens and dispensaries in unincorporated King County.

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

I. King County Ordinance 17726 established a zoning moratorium on medical marijuana collective gardens and medical marijuana dispensaries for a twelve month period that expires on December 16, 2014.

J. It is in the public interest to renew the zoning moratorium on medical marijuana collective gardens and dispensaries in order to determine whether, during its 2015 session, the Washington state Legislature enacts legislation addressing medical marijuana that applies to King County and to further consider the positive and negative impacts of such uses.

SECTION 2. A. A six-month renewed moratorium commencing on December 16, 2014, is declared prohibiting the location, establishment or expansion of any medical marijuana collective garden or medical marijuana dispensary in unincorporated King County, whether for profit or not-for-profit, asserted to be authorized or actually authorized under Chapter 181, Laws of 2011, and chapter 69.51A RCW. A building permit, occupancy permit, public health approval or development permit of any kind shall not be issued for any of the purposes or activities prohibited by this section. Any land use approvals or other permits for any of these operations that are issued as a result of or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force or effect.

B. At the conclusion of the 2015 state legislative session, the executive shall transmit to the council a report on proposed and adopted state legislation addressing:

1. The interaction between Chapter 181, Laws of Washington 2011 and Washington state Initiative

Measure No. 502; and

2. Recommendations on adoption of appropriate land use regulations and whether such proposed regulations will address the impacts and concerns identified in section 1 of this ordinance.

C. The report and a motion acknowledging receipt of the report shall be transmitted to the council within thirty days of the end of the 2015 state legislative session, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the council policy staff director.

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

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

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

SECTION 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or should any portion of this ordinance be

preempted by state or federal law or regulation, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.