

ORDINANCE NO. 611

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING INTERIM REGULATIONS FOR COLLECTIVE GARDENS AND ESTABLISHING A MORATORIUM FOR SIX MONTHS ON THE FILING OR ACCEPTANCE OF ANY APPLICATIONS FOR DEVELOPMENT OF LAND OR BUSINESS LICENSES FOR COLLECTIVE GARDENS EXCEPT THOSE IN COMPLIANCE WITH INTERIM REGULATIONS.

WHEREAS, E2SSB 5073 (the Act) effective on July 22, 2011 authorizes "collective gardens" which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use; and

WHEREAS, federal law prohibits the production, processing, and dispensing of medical cannabis products, and strict sentencing guidelines enhance the penalties for violations of more than 99 plants or within 1,000 feet of schools; and

WHEREAS, state law strictly enhances the penalties for violations of the Controlled Substances Act for violations within 1,000 feet of a school; and

WHEREAS, the Act authorizes local municipalities to exercise local location, health and safety controls for the regulation of collective gardens; and

WHEREAS, the City Council deems it to be in the public interest to establish interim regulations and a zoning moratorium pending local review of the anticipated changes in the law; and

WHEREAS, the acceptance of development applications proposing collective gardens development may allow development that is incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, a six-month moratorium on the filing of certain applications for development or licensing of collective gardens will prevent substantial change until the land areas and the text of development standards applicable to collective gardens is reviewed and any needed revisions are made to the development code; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; and

WHEREAS, pursuant to SEPA regulation SMC 20.30.550 adopting Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety through unrestricted development of collective gardens under existing regulations. The City shall

conduct SEPA review of any permanent regulations proposed to replace this moratorium; now therefore,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium and Interim Regulation Adopted. A moratorium is adopted upon the filing of any application or issuance of any permit or business license for the establishment of a collective garden as defined in E2SSB 5073 that does not meet the following criteria:

- A. There shall be no more than one collective garden permitted on a property tax parcel.
- B. Collective gardens may only be located in the NB, O, CB, NCBD, MUZ, and I zones.
- C. A collective garden or facility for delivery of cannabis produced by the garden may not be located within 1000 feet of schools and not within 2000 feet of any other collective garden or delivery site.
- D. Any transportation or delivery of cannabis from a collective garden shall be conducted by the garden members or designated provider so that quantities of medical cannabis allowed by E2SSB 5073 §403 are never exceeded.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390 the City Council shall hold a public hearing at 7:30 p.m. September 12, 2011 at Shoreline City Hall, 17500 Midvale Ave. N., Shoreline WA to take testimony concerning this moratorium.

Section 4. Permanent Regulations. The City Council directs the staff to refer this ordinance to the Shoreline Planning Commission for its review and recommendation of permanent regulations to replace the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Effective Dates. The City Council declares that an emergency exists requiring passage of this ordinance for the protection of public health, safety, welfare and peace based on the Findings set forth in Section 1 of this ordinance. This ordinance shall take effect and be in full force immediately upon passage and shall expire six months from its effective date unless extended or repealed according to law.

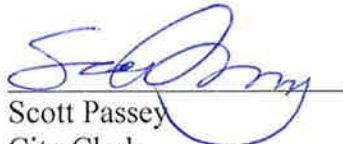
Section 6. Publication. The title of this ordinance is approved as a summary of the ordinance for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON JULY 18, 2011.


Mayor Keith A. McGlashan

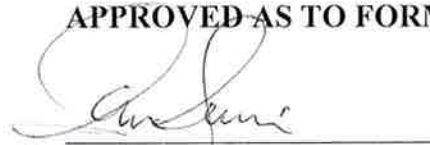
ORIGINAL

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of publication: July 21, 2011
Effective date: July 18, 2011