

ORIGINAL

ORDINANCE NO. 643

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING AS A PERMITTED LAND USE COLLECTIVE GARDENS FOR THE GROWING AND DISTRIBUTION OF MEDICAL CANNABIS, AMENDING CHAPTER 20.40 OF THE SHORELINE MUNICIPAL CODE AND DECLARING AN EMERGENCY

WHEREAS, Chapter 69.51A RCW authorizes "collective gardens" which would allow up to ten qualifying patients the ability to produce, grow and deliver cannabis for medical use; 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 established interim regulations with passage of Ordinance No. 611 on July 18, 2011 and held a public hearing on September 12, 2011 on these interim regulations, and based on comment received, amended the interim regulations with Ordinance No. 614; and

WHEREAS, a determination of non-significance (DNS) was issued under SEPA on December 2, 2011 on proposed permanent land use regulation of collective gardens; and

WHEREAS, the Planning Commission held a public hearing on the collective garden interim regulations on December 1, 2011, and recommended permanent land use regulation and the creation of a new regulatory license to control operations necessary to protect public health and safety; and

WHEREAS, with passage of Ordinance No. 625 on January 9, 2012, the City Council adopted a new collective garden regulatory license and extended the interim land use regulations to July 18, 2012 to allow time to study any new legislation regarding medical cannabis before proceeding to act on permanent land use regulations regarding collective gardens; now, therefore,

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

Section 1. Amendment. SMC 20.40.130 is amended as set forth in Exhibit A, attached hereto and incorporated herein.

Section 2. New Section. A new section, Shoreline Municipal Code 20.40.275, *Collective Gardens*, is hereby adopted as follows:

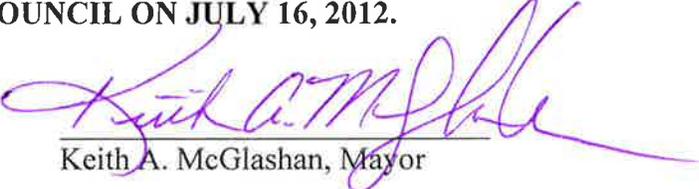
20.40.275 Collective Gardens

- 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 1000 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 RCW 69.51A.040 are never exceeded.

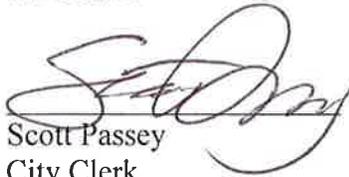
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. The Shoreline City Council finds that emergency exists requiring the immediate enactment of this ordinance for the preservation of the public health, safety and welfare. This ordinance shall take effect immediately upon passage and the title of this ordinance shall be published as an approved summary of the ordinance in the official newspaper of the City.

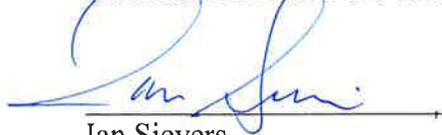
PASSED BY THE CITY COUNCIL ON JULY 16, 2012.


Keith A. McGlashan, Mayor

ATTEST:


Scott Passey
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of publication: July 19, 2012
Effective date: July 16, 2012