

**CITY OF REDMOND
ORDINANCE NO. 2646**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, EXTENDING THE MORATORIUM ENACTED BY ORDINANCE NO. 2612 ON THE LOCATION, ESTABLISHMENT, LICENSING, AND PERMITTING OF MEDICAL MARIJUANA OR CANNABIS COLLECTIVE GARDENS FOR AN ADDITIONAL SIX MONTHS; ADOPTING FINDINGS IN SUPPORT OF THE EXTENSION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, Ordinance No. 2612 of the City of Redmond enacted a moratorium on the location, establishment, licensing, and permitting of medical marijuana or cannabis collective gardens; and

WHEREAS, the moratorium will expire on February 16, 2012, unless permanent regulations are adopted or unless the moratorium is extended; and

WHEREAS, since the moratorium was enacted, several events have occurred which have hampered the City's ability to enact permanent regulations, including but not limited to:

- a. The decision of the California Court of Appeals in *Pack v. City of Long Beach*, in which the Court held that local regulations authorizing medical cannabis dispensaries and collective gardens to operate with a permit are in conflict with the prohibition on cannabis possession set forth in federal law; and

- b. The filing of a statewide initiative to legalize and tax cannabis possession and sales; and
- c. The introduction of SB 6265 in the Washington State Legislature, which would revise the current state regulations on collective gardens and provide for other non-profit patient cooperatives to be established, subject to specific authority of local jurisdictions; and

WHEREAS, the Washington State Legislature's work on new medical cannabis regulations will not be complete prior to expiration of Redmond's moratorium and the City's planning staff has therefore recommended that the moratorium be extended for an additional six months; and

WHEREAS, unless the moratorium is extended, collective gardens may be established within the City of Redmond while the City lacks the necessary tools to ensure that the location is appropriate and that the secondary impacts of such facilities are minimized and mitigated; and

WHEREAS, the Redmond City Council held a public hearing on extension of the moratorium on February 7, 2012, and, after considering all testimony given at the hearing, determined that an extension was justified and in the best interests of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The findings of the Redmond City Council in Ordinance No. 2612 are hereby re-adopted as justification for the extension of the moratorium established by that ordinance. The recitals set forth above are hereby adopted as additional findings of the Redmond City Council justifying the extension.

Section 2. Moratorium Extended. Pursuant to Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, the moratorium enacted by Ordinance No. 2612 prohibiting the location, establishment, licensing, or permitting of any medical marijuana or cannabis collective garden in the City of Redmond is hereby extended for six months, i.e., through August 16, 2012. No building permit, electrical permit, plumbing permit, occupancy permit, or any other development approval shall be issued by the City for any such collective garden and no application for any such permit shall be accepted while this extended moratorium is in effect. No business license shall be granted and no business license application shall be accepted for any such collective garden while this extended moratorium is in effect. As used in this ordinance, the terms "cannabis," "marijuana," and "collective

garden" shall have the meanings given those terms in chapters 69.50 and 69.51 RCW, as amended.

Section 3. Referral to Staff and Planning Commission.

The Mayor or his designee is hereby authorized and directed to develop draft zoning and licensing regulations regarding medical marijuana or cannabis collective gardens. The zoning regulations shall be referred to the Redmond Planning Commission for review and recommendation for inclusion in the Redmond Zoning Code.

Section 4. Transmittal to Department. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce, as required by law.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 7th day of
February, 2012.

CITY OF REDMOND


JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. MCGEHEE, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	February 1, 2012
PASSED BY THE CITY COUNCIL:	February 7, 2012
SIGNED BY THE MAYOR:	February 7, 2012
PUBLISHED:	February 13, 2012
EFFECTIVE DATE:	February 18, 2012
ORDINANCE NO. 2646	

ADOPTED 7-0: Allen, Carson, Flynn, Margeson, Myers, Stilin and Vache