

CITY OF REDMOND
ORDINANCE NO. 2660 (AM)

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, EXTENDING THE MORATORIUM ENACTED
BY ORDINANCE NO. 2612 AND EXTENDED BY
ORDINANCE NO. 2646 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, Ordinance No. 2646 of the City of Redmond extended the moratorium because (a) the California Court of Appeals had invalidated local regulations in that state authorizing medical marijuana or cannabis dispensaries as being in conflict with prohibitions contained in federal law, (b) a statewide initiative to legalize marijuana had been filed, and (c) the state legislature was actively considering the adoption of regulations clarifying local authority over collective gardens; and

WHEREAS, since the enactment of Ordinance No. 2646, the statewide initiative legalizing marijuana has qualified for the ballot and will be voted on in November 2012, and the State

Legislature has failed to adopt any clarifying regulations regarding collective gardens; and

WHEREAS, given these events, the City's planning staff has placed zoning regulations on the docket for consideration by the Planning Commission and the City Council and, since this cannot be completed before the current moratorium expires, has recommended that the moratorium be extended for an additional six months in order to allow the City's adoption process to be completed; 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 July 31, 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 Nos. 2612 and 2646 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 and extended by Ordinance No. 2646 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 February 16, 2013. 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 31st day of July,
2012.

CITY OF REDMOND

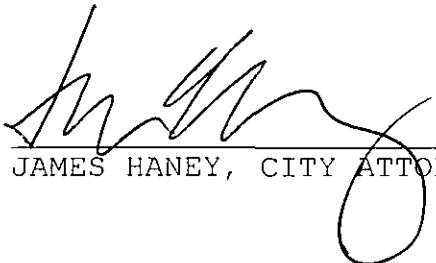

JOHN MARCHIONE, MAYOR

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:	July 25, 2012
PASSED BY THE CITY COUNCIL:	July 31, 2012
SIGNED BY THE MAYOR:	July 31, 2012
PUBLISHED:	August 6, 2012
EFFECTIVE DATE:	August 11, 2012
ORDINANCE NO. 2660 (AM)	

ADOPTED 5-0: Allen, Carson, Flynn, Margeson, and Myers