

ORDINANCE NO. 012/2012

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, RENEWING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS COLLECTIVE GARDENS; ADOPTING FINDINGS IN SUPPORT THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the primary responsibility of the City of Monroe is to ensure the safety and protection of its citizens and the Monroe community; and

WHEREAS, for the reasons set forth in this ordinance, the Monroe City Council deems it necessary to renew for six months a temporary moratorium on the establishment of medical cannabis collective gardens within the city; NOW, THEREFORE,

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

Section 1. Findings. As its findings in support of the renewed moratorium imposed by this ordinance, the Monroe City Council hereby adopts the recitals set forth above, together with the following:

A. In April 2011 the Washington State Legislature enacted Engrossed Second Substitute Senate Bill (E2SSB) 5073, providing for the licensing and legalization of medical cannabis dispensaries, production facilities, and processing facilities, and authorizing the establishment of medical cannabis collective gardens.

B. On April 29, 2011, Governor Gregoire vetoed the provisions of E2SSB 5073 that would have legalized and licensed medical cannabis dispensaries, production facilities, and processing facilities, but allowed the provisions authorizing medical cannabis collective gardens to take effect and become law on July 22, 2011.

C. The issue of medical cannabis collective gardens needs to be addressed.

D. E2SSB 5073, as approved, authorizes cities to adopt and enforce zoning requirements regarding the establishment of collective gardens.

E. As part of the process for the adoption of zoning regulations, the land use impacts of collective gardens must be identified.

F. Because the land use impacts of growing medical cannabis have been experienced in other jurisdictions, the City of Monroe may look to the experiences of those jurisdictions in drafting zoning regulations for collective gardens.

G. Many jurisdictions around the country that have approved medical cannabis uses have experienced impacts, including but not necessarily limited to:

- Conversion of residential uses into cannabis cultivation and processing facilities, removing valuable housing stock from the community.
- Degrading neighborhood aesthetics due to shuttered-up homes, offensive odors, increased nighttime traffic, parking issues, and loitering from potential purchasers looking to buy from a collective member.
- Environmental damages from chemicals being discharged into surrounding and off-site soils, and into storm and sanitary sewer systems.
- Risk of fire hazard do to overloaded service connections used to operate grow lights and fans.
- Improper ventilation leading to high levels of moisture and mold.
- Illegal structural modifications.
- Criminal issues such as home invasions and burglaries at medical cannabis facilities, theft and property damage.

H. The City has received inquiries from individuals concerning the potential establishment of medical cannabis collective gardens in Monroe.

I. If passed, Initiative 502 may change state law regarding the location and regulation of medical cannabis collective gardens.

J. The City adopted Ordinance No. 031/2011 on December 6, 2011, establishing a six month moratorium on medical cannabis collective gardens.

K. If the moratorium is not renewed, medical cannabis collective gardens could become established before the City adopts the necessary regulatory tools to ensure that their location is appropriate and that the secondary impacts of such facilities are sufficiently minimized and mitigated. The City in the process of exploring its regulatory options in this regard and will continue its efforts in good faith.

L. The City Council deems it to be in the public interest to adopt a renewed moratorium on the location, establishment, licensing, and permitting of medical cannabis collective gardens, so that the City can consider all of the land use and other impacts of collective gardens.

M. Article 11, Section 11 of the Washington State Constitution authorizes the City Council to adopt moratoria, and RCW 35A.63.220 and RCW 26.70A.390 provide

that moratoria renewals may be adopted as long as a public hearing is held prior to the expiration of the moratoria.

N. The City Council has held a public hearing as required by law.

Section 2. Moratorium on Collective Gardens Imposed. Pursuant to the authority of article 11, section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, the City hereby renews the moratorium originally imposed by Ordinance No. 031/2011 prohibiting the location, establishment, licensing, and permitting of any medical cannabis collective garden within the Monroe city limits. The six month renewal period established hereunder shall take effect and commence on June 6, 2012. .

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council held a public hearing May 15, 2012 at 7:00 p.m. in order to take public testimony concerning the renewal of the moratorium set forth in Section 2 above.

Section 4. Direction to Planning & Permitting Staff. The City's Planning & permitting staff are hereby directed to continue developing zoning and/or licensing regulations regarding medical cannabis collective gardens to be considered for adoption by the City Council prior to the expiration of the moratorium.

Section 5. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 6. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance shall take effect five (5) days after publication. Provided, that the moratorium renewal set forth in Section 2 shall take effect as provided in that section.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 15th day of May, 2012.

1st Reading: 5/15/12
2nd Reading: Waived
Published: 5/22/12
Effective: 5/15/12 5/27/12
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CITY OF MONROE, WASHINGTON:


Robert Zimmerman, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:


Eadye Martinson, Deputy City Clerk


J. Zachary Lell, City Attorney