



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 17, 2013

Ordinance 17726

Proposed No. 2013-0530.1

Sponsors Gossett

1 AN ORDINANCE declaring a one-year moratorium on the
2 establishment or location of medical marijuana dispensaries
3 and collective gardens asserted to be or actually authorized
4 under Chapter 181, Laws of Washington 2011, and chapter
5 69.51A RCW; and declaring an emergency.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. King County has authority to establish a moratorium under the Growth
9 Management Act in RCW 36.70A.390, to preclude approval of a particular land use and
10 to facilitate its interest in studying the impacts of that land use.

11 B. Washington state Initiative Measure No. 692, approved November 3, 1998,
12 created an affirmative defense to the charge of possession of marijuana for qualifying
13 patients.

14 C. The county acknowledges the right of qualified health care professionals to
15 recommend the medical use of marijuana, and acknowledges the affirmative defense
16 available to qualifying patients and designated providers from a criminal possession of
17 marijuana charge.

18 D. The 2011 state Legislature passed Engrossed Second Substitute Senate Bill
19 5073 and Governor Christine Gregoire signed the bill while vetoing several of its

20 sections, including those authorizing the operation of medical marijuana dispensaries.

21 This became, Chapter 181, Laws of Washington 2011 ("the act").

22 E. The act took effect July 22, 2011.

23 F. The act provides for and places limits on "collective gardens," within which
24 qualifying patients may produce, grow and deliver marijuana for medical use under
25 certain conditions, and authorizes qualifying patients to designate a "designated
26 provider," who may provide marijuana to one patient within any fifteen-day period.

27 G. A growing number of medical marijuana collective gardens and dispensaries
28 asserted to be or actually authorized by the act are currently in operation in
29 unincorporated King County.

30 H. Over the past several years, specific concerns have been raised within the
31 community related to the operation of medical marijuana collective gardens and
32 dispensaries in unincorporated King County.

33 I. The acceptance of development applications proposing additional collective
34 gardens or dispensaries may allow development that is incompatible with nearby existing
35 land uses in unincorporated King County.

36 J. On November 6, 2012, the voters of the state of Washington passed
37 Washington state Initiative Measure No. 502, providing a framework under which
38 recreational marijuana may be produced, processed and retailed under a state licensing
39 system.

40 K. The Washington state Liquor Control Board ("WSLCB") has adopted
41 administrative rules for licensing recreational marijuana businesses that are scheduled to
42 become effective on November 16, 2013.

43 L. The Seattle city council approved Council Bill No. 17744 ("the bill") on
44 October 7, 2013. The bill limits the zones in the city of Seattle in which marijuana may
45 be produced, processed and sold, and applies the same standards to all entities involved in
46 the production, processing, distribution and sale of marijuana under either Washington
47 state Initiative Measure No. 692 or 502.

48 M. The bill includes a provision requiring all preexisting marijuana businesses,
49 establishments, producers, processors, sellers and distributors to comply with its terms
50 within twelve months of its effective date. The extent to which that provision will require
51 existing businesses and citizens to close and relocate with potential impact on
52 unincorporated King County cannot be determined at this time.

53 N. The Washington state Legislature adopted a budget calling for the Washington
54 state Liquor Control Board to work with the state Department of Health and the state
55 Department of Revenue to develop recommendations regarding the interaction of medical
56 marijuana regulations and the provisions of Washington state Initiative Measure No. 502.

57 O. The Washington state Legislature called for these recommendations to be
58 submitted to the appropriate legislative committees by January 1, 2014.

59 P. It is in the public interest that any zoning and development regulations are
60 consistent with state law.

61 Q. It in the public interest to establish a zoning moratorium on medical marijuana
62 collective gardens and medical marijuana dispensaries for a twelve-month period in order
63 to investigate whether additional regulation is necessary.

64 R. It is necessary that this ordinance go into effect immediately in order to avoid
65 the establishment of a potentially large number of additional collective gardens and
66 medical marijuana dispensaries in the interval before executive signature.

67 SECTION 2. A. A one-year moratorium commencing upon the effective date of
68 this ordinance is declared prohibiting the location, establishment or expansion of any
69 medical marijuana collective garden or medical marijuana dispensary in unincorporated
70 King County, whether for profit or not-for-profit, asserted to be authorized or actually
71 authorized under Chapter 181, Laws of 2011, and chapter 69.51A RCW. A building
72 permit, occupancy permit, public health approval or development permit or approval of
73 any kind shall not be issued for any of the purposes or activities prohibited by this
74 section. Any land use approvals or other permits for any of these operations that are
75 issued as a result of error or by use of vague or deceptive descriptions during the
76 moratorium are null and void, and without legal force or effect.

77 B. Within six months after the effective date of this ordinance, the executive shall
78 transmit to the council a work plan that sets a timeline for:

79 1. Reviewing the impacts of existing medical marijuana collective gardens and
80 medical marijuana dispensaries and Washington state Liquor Control Board licensed
81 recreational marijuana businesses in unincorporated King County;

82 2. Review of proposed or adopted state legislation intended to address the
83 interaction between Chapter 181, Laws of Washington 2011 and Washington state
84 Initiative Measure No. 502; and

85 3. Consideration of whether adoption of an appropriate land use regulation
86 would address the impacts and concerns identified in section 1 of this ordinance and the
87 work plan.

88 C. A paper copy and an electronic copy of the work plan shall be filed with the
89 clerk of the council, who shall retain the paper copy and forward electronic copies to all
90 councilmembers.

91 SECTION 3. For the purposes of section 2 of this ordinance:

92 A. "Medical marijuana collective garden" means a location or garden, including,
93 but not limited, to its associated equipment, supplies, cannabis plants, seeds and cuttings,
94 that is used by qualifying patients to share responsibility for acquiring and supplying the
95 resources required to produce, process, transport and deliver cannabis for medical use, as
96 regulated under chapter 69.51A RCW and subject to the limitations in chapter 69.51A
97 RCW. A person who is operating under the limits of a Washington state Liquor Control
98 Board license to operate as a marijuana producer, marijuana processor or marijuana
99 retailer, shall not be deemed to be a medical marijuana collective garden; and

100 B. "Medical marijuana dispensary" means any business, agency, organization,
101 cooperative, network, consultation operation or other group or person, including its
102 associated premises and equipment, which has for its purpose or which is used to grow,
103 select, measure, package, label, deliver, sell or otherwise transfer, for consideration or
104 otherwise, marijuana for medical use. A person who is the designated provider for only
105 one qualified patient during any fifteen-day period and who complies with chapter
106 69.51A RCW or a person who is properly operating under the limits of a Washington

107 state Liquor Control Board license to operate as a marijuana producer, marijuana
108 processor or marijuana retailer, shall not be deemed a medical marijuana dispensary.

109 SECTION 4. Severability. If any provision of this ordinance or its application to
110 any person or circumstance is held invalid or should any portion of this ordinance be pre-
111 empted by state or federal law or regulation, the remainder of the ordinance or the
112 application of the provision to other persons or circumstances is not affected.

113 SECTION 5. The county council finds as a fact and declares that an emergency
114 exists and that this ordinance is necessary for the immediate preservation of public peace,

115 health or safety or for the support of county government and its existing public
116 institutions.
117

Ordinance 17726 was introduced on 12/16/2013 and passed by the Metropolitan King County Council on 12/16/2013, by the following vote:


Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,
Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: None