



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 18, 2014

Ordinance 17940

Proposed No. 2014-0380.2

Sponsors Lambert

1 AN ORDINANCE renewing for six-months an existing  
2 moratorium on the establishment or location of medical  
3 marijuana dispensaries and collective gardens asserted to  
4 be or actually authorized under Chapter 181, Laws of  
5 Washington 2011, and chapter 69.51A RCW.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. King County has authority to establish and renew a moratorium under the  
9 Growth Management Act in RCW 36.70A.390, to preclude approval of a particular land  
10 use and 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 2011 state Legislature passed Engrossed Second Substitute Senate Bill  
15 5073 and Governor Christine Gregoire signed the bill while vetoing several of its  
16 sections, including those authorizing the operation of medical marijuana dispensaries.  
17 This became Chapter 181, Laws of Washington 2011 ("the act").

18 D. The act took effect July 22, 2011.

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

23 F. A growing number of medical marijuana collective gardens and dispensaries  
24 asserted to be or actually authorized by the act are currently in operation in  
25 unincorporated King County. Due to the quasi-criminal nature of these facilities, data  
26 collection is very difficult and the location and number of these facilities is not clear.

27 G. Over the past several years, specific concerns have been raised within the  
28 community related to the operation of medical marijuana collective gardens and  
29 dispensaries in unincorporated King County.

30 H. The acceptance of development applications proposing additional collective  
31 gardens or dispensaries may allow development that is incompatible with nearby existing  
32 land uses in unincorporated King County.

33 I. King County Ordinance 17726 established a zoning moratorium on medical  
34 marijuana collective gardens and medical marijuana dispensaries for a twelve month  
35 period that expires on December 16, 2014.

36 J. It is in the public interest to renew the zoning moratorium on medical  
37 marijuana collective gardens and dispensaries in order to determine whether, during its  
38 2015 session, the Washington state Legislature enacts legislation addressing medical  
39 marijuana that applies to King County and to further consider the positive and negative  
40 impacts of such uses.

41           SECTION 2. A. A six-month renewed moratorium commencing on December  
42 16, 2014, is declared prohibiting the location, establishment or expansion of any medical  
43 marijuana collective garden or medical marijuana dispensary in unincorporated King  
44 County, whether for profit or not-for-profit, asserted to be authorized or actually  
45 authorized under Chapter 181, Laws of 2011, and chapter 69.51A RCW. A building  
46 permit, occupancy permit, public health approval or development permit of any kind shall  
47 not be issued for any of the purposes or activities prohibited by this section. Any land  
48 use approvals or other permits for any of these operations that are issued as a result of or  
49 by use of vague or deceptive descriptions during the moratorium are null and void, and  
50 without legal force or effect.

51           B. At the conclusion of the 2015 state legislative session, the executive shall  
52 transmit to the council a report on proposed and adopted state legislation addressing:

53           1. The interaction between Chapter 181, Laws of Washington 2011 and  
54 Washington state Initiative Measure No. 502; and

55           2. Recommendations on adoption of appropriate land use regulations and  
56 whether such proposed regulations will address the impacts and concerns identified in  
57 section 1 of this ordinance.

58           C. The report and a motion acknowledging receipt of the report shall be  
59 transmitted to the council within thirty days of the end of the 2015 state legislative  
60 session, in the form of a paper original and an electronic copy to the clerk of the council,  
61 who shall retain the original and provide an electronic copy to all councilmembers, the  
62 council chief of staff and the council policy staff director.

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

64           A. "Medical marijuana collective garden" means a location or garden including,  
65 but not limited to, its associated equipment, supplies, cannabis plants, seeds and cuttings,  
66 that is used by qualified patients to share responsibility for acquiring and supplying the  
67 resources required to produce, process, transport and deliver cannabis for medical use, as  
68 regulated under chapter 69.51A RCW and subject to the limitations in chapter 69.51A  
69 RCW. A person who is operating under the limits of a Washington state Liquor Control  
70 Board license to operate as a recreational marijuana producer, processor or retailer shall  
71 not be deemed to be a medical marijuana collective garden; and

72           B. "Medical marijuana dispensary" means any business, agency, organization,  
73 cooperative, network, consultation operation or other group or person, including its  
74 associated premises and equipment, which has for its purpose or which is used to grow,  
75 select, measure, package, label, deliver, sell or otherwise transfer, for consideration or  
76 otherwise, marijuana for medical use. A person who is the designated provider for only  
77 one qualified patient during any fifteen-day period and who complies with chapter  
78 69.51A RCW or a person who is properly operating under the limits of a Washington  
79 state Liquor Control Board license to operate as a recreational marijuana producer,  
80 processor or retailer shall not be deemed a medical marijuana dispensary.

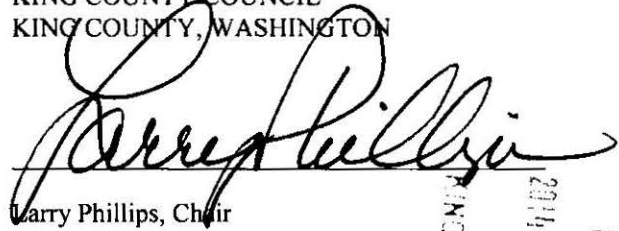
81           SECTION 4. Severability. If any provision of this ordinance or its application to  
82 any person or circumstance is held invalid or should any portion of this ordinance be

83 preempted by state or federal law or regulation, the remainder of the ordinance or the  
84 application of the provision to other persons or circumstances is not affected.  
85

Ordinance 17940 was introduced on 9/8/2014 and passed by the Metropolitan King  
County Council on 11/17/2014, by the following vote:

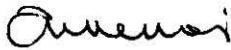
Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Lambert, Mr. McDermott and Mr. Upthegrove  
No: 1 - Mr. Dembowski  
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

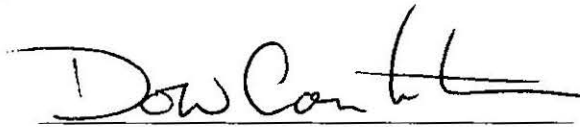
ATTEST:



Anne Noris, Clerk of the Council

RECEIVED  
2014 NOV 26 PM 3:30  
KING COUNTY COUNCIL  
CLERK

APPROVED this 24 day of NOV, 2014.



Dow Constantine, County Executive

Attachments: None