

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2011-14

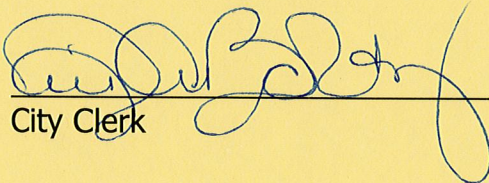
SUBJECT: Emergency Six-Month Moratorium of Medical Cannabis Collective Gardens – Public Hearing Set for November 2, 2011 at 7:15PM

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 08/29/2011
- (X) Passed by the City Council: 09/07/2011
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 09/16/2011
- (X) Effective: 09/07/2011
- () Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (X) Code Publishing - via email if in electronic format
- () City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website
- (X) Washington State Department of Commerce (*distributed by Planning Dept.*)



City Clerk

August 12, 2011

Date

ORDINANCE NO. 2011-14

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, IMPOSING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS COLLECTIVE GARDENS; ADOPTING PRELIMINARY FINDINGS IN SUPPORT THEREOF; SETTING THE DATE FOR A PUBLIC HEARING ON THE MORATORIUM; PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Ordinance 2011-05 of the City of Poulsbo, passed by the Poulsbo City Council on March 16, 2011, imposed a six month zoning and licensing moratorium on the location of medical marijuana or cannabis dispensaries, production facilities, and processing facilities within the City, and

WHEREAS, after the moratorium was adopted, 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, and

WHEREAS, 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 become law on July 22, 2011, and

WHEREAS, the moratorium on dispensaries, production facilities, and processing facilities is no longer required given the Governor's veto and will expire on September 16, 2011, but the issue of medical cannabis collective gardens needs to be addressed, and

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

WHEREAS, as part of the process for the adoption of zoning regulations, the land use impacts of collective gardens must be identified, and

WHEREAS, because the land use impacts of growing medical cannabis have been experienced in other jurisdictions, the City of Poulsbo may look to the experiences of those jurisdictions in drafting zoning regulations for collective gardens, and

WHEREAS, many jurisdictions around the country that have approved medical cannabis uses have experienced impacts, such as:

- 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 night-time traffic, parking issued, and loitering from potential purchasers looking to buy from a collective member;
- Environmental damages from chemicals being discharged into surrounding and off-site soil, and into storm and sanitary sewer systems;
- Serious 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; and
- Criminal issues such as home invasions and burglaries at medical cannabis facilities, theft, and property damage; and

WHEREAS, the City staff has been working on a new zoning code and that new code will be coming forward for consideration and adoption by the Poulsbo City Council during the last quarter of 2011, and

WHEREAS, consolidating consideration of the City's regulations for medical cannabis collective gardens with the consideration of the new zoning code will ensure consistency and

provide for a more comprehensive discussion of such gardens in the context of the City's overall land use plans, and

WHEREAS, if a moratorium is not adopted, medical cannabis collective gardens could become established before the City adopts 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 Poulsbo City Council deems it to be in the public interest to adopt a moratorium on the location, establishment, licensing, and permitting medical cannabis collective gardens, so that the City can consider all of the land use impacts of collective gardens and consolidate its proposed regulation of such gardens with the new zoning code; and

WHEREAS, Article 11, Section 11 of the Washington State Constitution authorizes the Poulsbo City Council to adopt moratoria, and RCW 35A.63.220 and RCW 26.70A.390 provide that moratoria may be adopted as long as a public hearing is held within sixty days after adoption; and

WHEREAS, the Poulsbo City Council will hold a public hearing as required, now, therefore;

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

Section 1. Preliminary Findings. The Poulsbo City Council hereby adopts the recitals set forth above as its preliminary findings in support of this ordinance. The Poulsbo City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 4 below.

Section 2. Moratorium on Collective Gardens Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting the location, establishment,

licensing, and permitting of any medical cannabis collective garden within the Poulsbo city limits. No medical cannabis collective garden shall be located, established, or operated within the City and no building permit, electrical permit, plumbing permit, occupancy permit, business license, or other development or licensing approval shall be issued by the City of Poulsbo for any such collective garden and no application for any such permit or license shall be accepted while the moratorium is in effect. As used in this ordinance, the terms "cannabis" and "collective garden" shall have the meanings given to those terms in chapters 69.50 and 69.51A RCW, and E2SSB 5073.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire on that date unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Poulsbo City Council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the Poulsbo City Council hereby sets a public hearing for November 2, 2011 at 7:15 p.m. or as soon thereafter as the business of the City Council shall permit in order to take public testimony and to consider adopting further findings justifying the imposition of the moratorium set forth in Section 2 above.

Section 5. Direction to Planning Staff. The City of Poulsbo Planning Staff is hereby directed to develop zoning and/or licensing regulations regarding medical cannabis collective gardens to be considered concurrently with the City's zoning code update and to be adopted prior to the end of 2011.

Section 6. Transmittal to Department. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 7. 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 8. Effective Date. For the reasons set forth in the recitals of this ordinance, the Poulsbo City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare, and to prevent the potential for environmental degradation. This ordinance shall become effective immediately upon passage. The Poulsbo City Clerk is directed to publish the attached summary of this ordinance at the earliest possible date.

APPROVED:



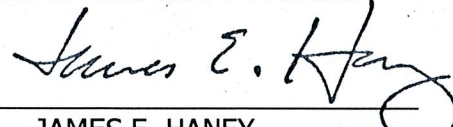
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK JILL A. BOLTZ, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY;

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 08/29/2011
PASSED BY THE CITY COUNCIL: 09/07/2011
PUBLISHED: 09/16/2011
EFFECTIVE DATE: 09/07/2011
ORDINANCE NO. 2011-14

SUMMARY OF ORDINANCE NO. 2011-14

of the City of Poulsbo, Washington

On the 7th day of September, 2011, the City Council of the City of Poulsbo, passed Ordinance No. 2011-14. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, IMPOSING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS COLLECTIVE GARDENS; ADOPTING PRELIMINARY FINDINGS IN SUPPORT THEREOF; SETTING THE DATE FOR A PUBLIC HEARING ON THE MORATORIUM; PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 12th day of September, 2011.


CITY CLERK JILL A. BOLTZ, CMC