

ORDINANCE NO. 032/2011

AN ORDINANCE OF THE CITY OF MONROE, 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, 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 enact a temporary moratorium on the establishment of medical cannabis collective gardens within the city, and for said moratorium to take immediate effect; NOW, THEREFORE,

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

Section 1. Preliminary Findings. As its preliminary findings in support of the 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 recently received inquiries from individuals concerning the potential establishment of medical cannabis collective gardens in Monroe.

I. If a moratorium is not adopted, 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.

J. The City Council deems it to be in the public interest to adopt a 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.

K. 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 may be adopted as long as a public hearing is held within sixty days after adoption.

L. The City Council intends to hold a post-adoption public hearing as required by law.

The findings set forth above are preliminary only. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 3 below.

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, a moratorium is hereby enacted prohibiting the location, establishment, licensing, and permitting of any medical cannabis collective garden within the Monroe 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 Monroe for any such collective garden and no application for any such permit, license or similar regulatory approval 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. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby sets a public hearing for _____, 2012 at _____ 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 4. Direction to Community Development Staff. The City's Community Development staff are hereby directed to develop zoning and/or licensing regulations regarding medical cannabis collective gardens to be considered for adoption by the City Council prior to the expiration of this 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.

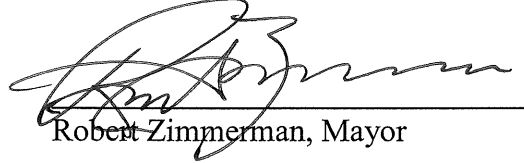
Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date; Duration. For the reasons set forth herein, the Monroe 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 accordingly become effective immediately upon passage. The City Clerk is directed to publish the attached summary of this ordinance at the earliest possible date. 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 extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 6th day of December, 2011.

1st Reading: 12/6/11
2nd Reading: Waived
Published: 12/13/11
Effective: 12/6/11

CITY OF MONROE, WASHINGTON:


Robert Zimmerman, Mayor

ATTEST/AUTHENTICATED:


Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:


J. Zachary Lell, City Attorney

SUMMARY OF ORDINANCE NO. 032/2011

On December 6, 2011, the City Council of the City of Monroe, Washington, approved Ordinance No. 032/2011, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MONROE, 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 is available upon request.


Eadye Martinson, Deputy Clerk

Published: 12/13/11
Effective: 12/6/11