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## City Council

### Moratorium on Medical Marijuana Collective Gardens and the Establishment of Marijuana-Associated Land Uses

**Agenda Date:** 5/7/2013

**Agenda Item Number:**

**File Number:** 13-0389

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**Type:** ordinance **Version:** 1 **Status:** Passed

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Moratorium on Medical Marijuana Collective Gardens and the Establishment of Marijuana-Associated Land Uses

**Issue:**

Staff requests a temporary moratorium on permitting of marijuana uses and the establishment of marijuana-associated land uses in order to identify community impacts and review regulatory practices. The proposed Ordinance tentatively sets a public hearing date, adopts findings of fact in support of the Ordinance, and sets forth a work plan so that the Ordinance may be effective for one year.

**Committee Recommendation:**

N/A

**City Manager's Recommendation:**

Move to approve the proposed Ordinance establishing a moratorium on medical marijuana collective gardens and marijuana-associated land uses on first and final reading, designating such as a public emergency ordinance so that it will be effective immediately.

**Staff Contact:**

Keith Stahley, Director, Community Planning & Development, 360.753.8314

**Presenter(s):**

Steve Hall, City Manager, Executive Department, 360.753.8447

**Background and Analysis:**

On July 22, 2011, the State of Washington amended the Medical Cannabis Act, RCW Chapter 69.51A, which authorized certain qualifying patients to "produce, grow and deliver cannabis for medical use." This practice is referred to as a "collective garden."

In November 2012, the state voters passed Initiative 502, which directs the Washington State Liquor Control Board to begin developing rules and regulations for producing, processing, and selling marijuana for non-medical purposes. The development process for said rules is scheduled to take until December 1, 2013.

It is not yet known how the new Washington State Liquor Control Board rules and regulations will affect collective gardens.

For the proposed Ordinance to be effective immediately, a supermajority of five votes in favor of the Ordinance is required.

**Neighborhood/Community Interests (if known):**

Less than two years after the Medical Cannabis Act came into effect, there may be as many as eight and possibly more collective gardens within the city limits. The majority of these collective gardens are located within the downtown core.

Potential impacts associated with medical marijuana, collective gardens and other marijuana-related land uses include but are not limited to:

- Criminal issues such as burglaries of medical marijuana facilities, theft, property damage, and home invasions
- Degrading neighborhood aesthetics due to shuttered-up properties, increased night-time traffic, loitering from potential purchasers looking to buy from a collective member, and parking issues
- Serious risk of fire hazard due to overloaded service connections used to operate grow lights and fans
- Conversion of retail/residential uses into marijuana cultivation and processing facilities, removing valuable all-access parcels in a community
- Improper ventilation leading to high levels of moisture and mold
- Illegal structural modifications

Given the above impacts, several communities have either banned collective gardens within the city limits, created zoning restrictions or adopted moratoria.

With the influx of potential collective gardens in Olympia, particularly in the downtown core, staff requests a temporary moratorium on new collective gardens and other marijuana-associated land uses. Now that some marijuana land uses have become established here and elsewhere, additional time is needed to study the impacts of such uses, the appropriate zoning for such uses and whether additional regulations should be adopted. Many of the reasons for the moratorium are set forth in the recitals in the proposed Ordinance. The primary reasons for the moratorium would be to:

- Research neighborhood and other community impacts of collective gardens
- Review and decide how collective gardens are classified in existing building and land use codes
- Identify existing collective gardens and the existing and potential impacts associated with collective gardens
- Research regulatory practices of other communities concerning marijuana-associated land uses, including but not limited to separation and dispersion requirements, signage, safety and security issues, appropriate zoning and location requirements and restrictions
- Review how collective gardens impact the City Council's community vision

The proposed length of time for this moratorium is 365 days effective immediately upon Council approval. The moratorium would prohibit permitting and licensing of new collective gardens and new land uses associated with marijuana.

**Options:**

Option 1: Vote to approve the Moratorium Ordinance as proposed and direct staff to begin the work plan.

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Option 2: Do not adopt the proposed Ordinance. The Council nonetheless might consider additional review and analysis of the issues raised with regard to marijuana uses.

**Financial Impact:**

N/A