



City Council

Public Hearing Relating to the Moratorium on Medical Marijuana Collective Gardens and Marijuana-Associated Land Uses

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Agenda Item:

Public Hearing Relating to the Moratorium on Medical Marijuana Collective Gardens and Marijuana-Associated Land Uses

Issue:

On May 7, 2013 Council approved a temporary moratorium on permitting of marijuana uses and the establishment of marijuana-associated land uses in order to develop a work plan to identify community impacts and review regulatory practices. This Public Hearing was scheduled at the time of adoption of the moratorium to gather public input. The current length of time for the moratorium is 365 days from the date of Council approval.

City Manager's Recommendation:

Conduct a Public Hearing on the moratorium on medical marijuana collective gardens and marijuana-associated land uses, and provide guidance on the next steps regarding the moratorium.

Staff Contact:

Chris Grabowski, Code Enforcement Officer, Community Planning & Development, 360.753.8168

Presenter(s):

Steve Hall, City Manager
Chris Grabowski, Code Enforcement Officer, Community Planning & Development
Tom Morrill, City Attorney

Background and Analysis:

See Attachment 1 for additional information.

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. These gardens are concentrated in downtown and are commonly referred to as medical marijuana dispensaries.

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
- Improper ventilation leading to high levels of moisture and mold
- Illegal structural modifications.

Given the above impacts, several communities have banned collective gardens entirely within their city limits, created zoning restrictions or adopted moratoria. Examples of such regulations are attached.

With the influx of potential collective gardens in Olympia, particularly in the downtown core, staff requested 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 of Ordinance 6851. The primary reasons for the moratorium were 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 as expressed in the Comprehensive Plan.

The current length of time for the moratorium is 365 days from the date of Council approval on May 7, 2013. The moratorium prohibits permitting and licensing of new collective gardens and new land uses associated with marijuana.

Neighborhood/Community Interests/Concerns:

The purpose of tonight's session is to hear from the community any interests/concerns about the moratorium.

Options:

1. Keep the moratorium in place based on public testimony.
2. Modify the moratorium based on public testimony.
3. Lift the moratorium entirely based on public testimony.

Financial Impact:

No financial impact is anticipated other than staff time associated with the code amendment process and public hearing costs.