

City of East Wenatchee, Washington

Ordinance No. 2016-05

An Ordinance of the City of East Wenatchee imposing a twelve-month moratorium on the issuance of any permits or licenses for the establishment of medical marijuana cooperatives and including a work plan.

Una Ordenanza de la Ciudad de East Wenatchee imponer una suspensión de doce meses de la emisión de los permisos o licencias para la creación de cooperativas de marihuana medicinal y que incluye un plan de trabajo

1. Alternate format.

1.1. Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al alternatformat@east-wenatchee.com, al (509) 884-9515 o al 711 (TTY).

1.2. To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternateformat@east-wenatchee.com, at (509) 884-9515, or at 711 (TTY).

2. Recitals.

2.1. The City of East Wenatchee (“City”) is a non-charter code city, duly incorporated and operating under the laws of the State of Washington.

2.2. The City Council adopted Ordinance 2015-14 establishing rules and regulations for marijuana related business in Chapter 17.60 East Wenatchee Municipal Code (EWMC) in accordance with the provisions of RCW Chapters 69.50 and 69.51A.

2.3. EWMC 17.60.030 prohibits collective gardens.

2.4. The Governor signed 2SSB 5052 on April 24, 2015 and HB 2136 on June 30, 2015, amending Washington's regulation of medical marijuana and authorizing the Washington State Liquor and Cannabis Board to develop rules related to medical marijuana. The final requirements of the new legislation will become effective on July 1, 2016.

2.5. 2SSB 5052 and HB 2136 eliminated collective gardens (RCW 69.51A.250)

and created marijuana cooperatives (RCW 69.51A.85) where up to four patients may grow up to 60 plants.

2.6. The City Council finds that it is in the best interests of the City and its citizens to impose a moratorium for a period of 12 months prohibiting the licensing and establishment of medical marijuana cooperatives in the interest of protection of public safety and health, and to provide more time to investigate this issue further to evaluate the best alternatives for the community.

3. Authority.

3.1. RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City.

3.2. RCW 35A.63.220 and RCW 36.70A.390, authorize the City Council to establish a moratorium.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO ORDAIN AS FOLLOWS:

4. **Moratorium.** The City Council hereby enacts a 12-month moratorium prohibiting medical marijuana cooperatives within the City of East Wenatchee. In accordance with the provisions of RCW 35A.82.020, no business license or development permit shall be issued to a medical marijuana cooperative. "Cooperative" means a group of more than one, but no more than four qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative under RCW 69.51A.85.

5. **Public hearing.** A duly advertised public hearing shall be conducted within 60 days of the adoption of this ordinance.

6. **Work Plan and referral for review to Planning Commission.** The City Council refers this issue to the East Wenatchee Planning Commission for review and recommendations with the following work plan.

	Task	Schedule
1.	Evaluation of legislation and state rules.	September 2016
2.	Schedule workshop(s) involving interested parties to evaluate policy questions and identify appropriate measures/regulations related to cooperatives. Potential list of questions/issues to consider:	October/November 2016

	<ul style="list-style-type: none"> a. Would banning medical marijuana cooperatives negatively impact patients? b. What other limitations should be considered? (Zoning districts, indoor or outdoor grows, visibility, odor issues, etc.) c. What are the enforcement challenges with cooperatives? d. Should there be an adjustment to the buffers for cooperatives? e. Should they be required to obtain a City Business License? 	
3.	Prepare draft regulations	December 2016
4.	City Planning Commission workshop to review and finalize draft regulations	January 2017
5.	Environmental review and submittal of proposed regulations to state agencies, local agencies, and public notice of availability.	January/February 2017
6.	Workshop with Douglas County Planning Commission	February 2017
7.	City Planning Commission public hearing	March or April 2017
8.	City Council consideration of Planning Commission recommendation and final action	April/May 2017
9.	Notification of adoption to state and local agencies and interested parties	May 2017
10.	Transmittal of ordinance to Douglas County for consideration.	May 2017

7. **Recitals Adopted as Findings of Fact.** The City Council adopts as its preliminary findings of fact the recitals set forth above. The Council may adopt additional findings in the event that additional public hearings are held or evidence is presented to the City Council.
8. **Severability.** If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.
9. **Publication.** The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance. The City Council directs the City Clerk to publish a copy of this Ordinance on the City's website
10. **Effective Date.** This Ordinance becomes effective five days after the date its summary is published. To remain in effect, however, the City Council must hold a public hearing regarding this Ordinance within 60 days.

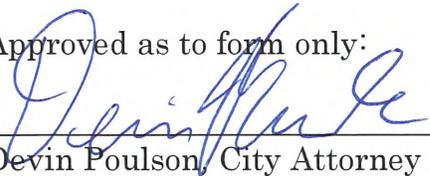
Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 28th day of June, 2016.

The City of East Wenatchee,
Washington

By 
Steven C. Lacy, Mayor

Authenticated:


Dana Barnard, City Clerk

Approved as to form only:

Devin Poulson, City Attorney

Filed with the City Clerk:	<u>6/22/16</u>
Passed by the City Council:	<u>6/28/16</u>
Published:	<u>7/3/16</u>
Effective Date:	<u>7/8/16</u>

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Summary of Ordinance No. 2016-05

Of the City of East Wenatchee, Washington

An Ordinance of the City of East Wenatchee imposing a twelve-month moratorium on the issuance of any permits or licenses for the establishment of medical marijuana cooperatives and including a work plan.

On the 28th day of June, 2016, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2016-05, the main point of which may be summarized by its title as follows:

The full text of this Ordinance is available at www.east-wenatchee.com.

Dated this 28th day of June, 2016.



Dana Barnard, City Clerk