

**CITY OF SHORELINE**

**SHORELINE CITY COUNCIL  
SUMMARY MINUTES OF SPECIAL MEETING**

Monday, July 18, 2011  
7:00 p.m.

Shoreline City Hall – Council Chamber  
17500 Midvale Avenue North

**PRESENT:** Mayor McGlashan, Councilmember Eggen, Councilmember McConnell,  
Councilmember Roberts, Councilmember Scott, and Councilmember Winstead

**ABSENT:** Deputy Mayor Hall

**1. CALL TO ORDER**

At 7:00 p.m., the meeting was called to order by Mayor McGlashan, who presided.

**2. FLAG SALUTE/ROLL CALL**

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Deputy Mayor Hall.

**Upon motion by Councilmember Winstead, seconded by Councilmember Eggen and carried 6-0, Deputy Mayor Hall was excused.**

**3. CITY MANAGER'S REPORT AND FUTURE AGENDAS**

Julie Underwood, City Manager, provided reports and updates on various City meetings, projects, and events.

**4. COUNCIL REPORTS**

Councilmember Eggen reported on the congestion relief measure and said SeaShore's core cities put together a letter to King County that supported a councilmatic adoption of that measure because of the economic effects on transit-dependent populations.

**5. PUBLIC COMMENT**

a) Laura Healy, Lake Stevens, Green Hope Patient Network, addressed item 8(a) and urged the City to explore options for allowing access points to medical marijuana.

b) David Westberg, Shoreline, urged the City to work with Green Hope, noting that it is a well-behaved, orderly, quiet, and efficient business.

c) Philip Dowdy, Seattle, said Green Hope is a stellar and clean operation that will comply with the collective garden model and urged the Council to look at what Seattle passed in regards to medical marijuana.

d) Robert Magnum, Lynnwood, commented on the benefits of the Green Hope Patient Network and its positive impact on the community.

e) Jonathan Farmer, Mountlake Terrace, discussed his injuries and spoke in favor of Green Hope Patient Network.

f) Dennis Ryder, Everett, commented that he takes less pain medication due to new pain management through medical marijuana.

g) James Burley, Kenmore, commented that medical marijuana is a bill that brings more jobs to the City and commented that Green Hope has done everything right to stay open.

h) Matt Harmon, Shoreline, noted that dispensaries provide safe access and urged the Council to keep it open and safe to provide revenue for the City.

i) Wayne Ferguson, Kirkland, spoke in favor of medical marijuana and its benefits on society in curbing violence and crime.

Councilmember Eggen stated that the people of this state have made medical marijuana legal, but the state government has not shown cities how to make it available. He hoped a law will come out soon that is good for everyone and the Council is serious about doing the best it can.

Mayor McGlashan confirmed that there would be a public hearing on this issue before the Council.

## 6. APPROVAL OF THE AGENDA

**Upon motion by Councilmember Winstead, seconded by Councilmember Eggen and unanimously carried, the agenda was approved.**

## 7. CONSENT CALENDAR

**Upon motion by Councilmember Scott, seconded by Councilmember Winstead and unanimously carried, the following Consent items were approved:**

(a) **Motion to Authorize the City Manager to Approve the Sidewalk Construction Contract**

(b) **Motion to Authorize the City Manager to Obligate \$6,357,839 of Washington State Department of Transportation (DOT) Regional Mobility Funds for the Aurora Corridor Project**

(c) **Motion to Authorize the City Manager to Execute a Construction Contract with Doolittle Construction, LLC for the Implementation of the Bituminous Surface Treatment (BST) Program**

8. **ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**

(a) **Approval of Ordinance No. 611 to Establish a Moratorium on Collective Gardens**

Ian Sievers, City Attorney, explained the reasoning for adopting Ordinance No. 611, which would establish a moratorium on collective gardens and interim regulations controlling the growth and distribution of medical marijuana. Shoreline has two active dispensaries; one hearing is extended to August 5. He reviewed the legislative history on this item and reviewed the vetoed sections of the legislative bill. He noted that the City does not have a dispensary model and discussed other moratoria. He noted that some cities have introduced moratoria and others have banned collective gardens completely. Mr. Sievers discussed section 2 of the ordinance and noted that it limits collective gardens to a small scale.

**Councilmember Scott moved adoption of Ordinance No. 611 adopting a moratorium and interim regulations for medical marijuana and collective gardens. Councilmember McConnell seconded the motion.**

**Councilmember Roberts moved to amend Ordinance No. 611 by inserting clauses in the Whereas portion as follows: "Whereas, federal law prohibits the production, processing, and dispensing of medical cannabis or medical cannabis products, and strict sentencing guidelines enhance the penalties for violations of more than 99 plants or within 1,000 feet of school; and Whereas, state law strictly enhances the penalties for violations of the Controlled Substances Act for violations within 1,000 feet of a school." His motion also included striking "1,000 feet of schools or school bus routes stops and not" from Section 2(c) as follows: "A collective gardens or facility for delivery of cannabis produced by the garden may not be located ~~within 1000 feet of schools or school bus route stops, and not~~ within 2000 feet of any other collective garden or delivery site." Councilmember Eggen seconded the motion.**

Councilmember Eggen spoke in favor of the amendment and confirmed that the 1000-foot restriction from bus stops is covered by RCW 69.50.435 in Washington State law. He added that by deleting this from our ordinance it refers it back to state law. Mr. Sievers interjected that he does not think the 1,000-foot language is required since the City sets land use. He said he has no

objection to removing the routes from the ordinance. Councilmember Eggen said he prefers including the 1,000-foot restriction for schools, but utilizing a shorter distance for bus routes.

Councilmember Winstead noted that drug-free zones are 1,000 feet and inquired if bus routes are included. Mr. Sievers discussed local, state, and federal laws concerning medical marijuana. He said he has no objection to either adding or leaving the bus routes language in the ordinance.

Councilmember McConnell preferred to keep the 1,000-foot restriction in the ordinance even if it is repetitive. However, she noted that dealing with school bus routes might be difficult.

Councilmember Scott supported the two new whereas clauses, but questioned the portion concerning bus routes. He added that if bus stops change he would be in favor of striking the second portion of the amendment. Councilmember Eggen agreed, but stated that this is a six-month moratorium so they will not change during the duration of this ordinance. He felt comfortable with the bus routes limitation.

Councilmember McConnell pointed out that bus stops can change in the first month or two and if they do, it might make police enforcement difficult. Councilmember Roberts did not object to adding the 1,000-foot school zone restriction back in, but is concerned about adding a 50 or 100-foot radius around bus stops. He explained that all of the bus stops are in residential zones and the ordinance already states that collective gardens are not permitted in residential zones.

Mayor McGlashan commented that he is leaning toward not supporting the whereas clauses and omitting the bus stop amendment. Mr. Sievers responded to Councilmember Eggen that the whereas clauses do not address the school bus stops.

Councilmember Roberts explained that the purpose of having this language is to say explicitly that the City will not be in violation of federal or state law, thereby recognizing the primacy of state and federal law.

**Councilmember Roberts withdrew the motion on the table and moved to amend Ordinance No. 611 by inserting the following clauses: "Whereas, federal law prohibits the production, processing, and dispensing of medical cannabis or medical cannabis products, and strict sentencing guidelines enhance the penalties for violations of more than 99 plants or within 1,000 feet of school; and Whereas, state law strictly enhances the penalties for violations of the Controlled Substances Act for violations within 1,000 feet of a school." Councilmember Eggen seconded the motion, which carried 6-0.**

**Councilmember Roberts moves to strike "or school bus route stops" from Section 2(c) as follows: "A collective garden or facility for delivery of cannabis produced by the garden may not be located within 1000 feet of schools ~~or school bus route stops~~, and not within 2000 feet of any other collective garden or delivery sites." Councilmember Eggen seconded the motion, which carried 6-0.**

**Councilmember Eggen moved to amend Section 2 (c) by striking "and not within 2,000 feet of any other collective garden or delivery site" and inserting "and collective gardens must**

**be separated by at least 2,000 feet and delivery sites must be separated by at least 2,000 feet.” Councilmember Scott seconded the motion.** Council and staff discussed the merits of the motion. Councilmember Eggen explained that the goal of his amendment is to ensure a delivery site is somewhat separated from a garden that produces. **A vote was taken on the motion to amend Section 2 (c) by striking “and not within 2,000 feet of any other collective garden or delivery site” and inserting “and collective gardens must be separated by at least 2,000 feet and delivery sites must be separated by at least 2,000 feet”, which failed 4-2, with Councilmembers Eggen and Roberts voting in the affirmative.**

Councilmember Roberts stated that he supports the ordinance but has concerns with directing the Planning Commission. He has issues with having them in certain zones because a couple who produces plants in a residential zone can grow 30 plants if they reside in one home. He also communicated that 1,000 feet from a school is a far distance and is unnecessary.

**A vote was taken on the motion to adopt Ordinance No. 611 adopting a moratorium and interim regulations for medical marijuana and collective gardens, as amended, which carried 6-0.**

**Councilmember Roberts left meeting at 8:40 p.m.**

#### RECESS

**At 8:35 p.m., Mayor McGlashan called for a five-minute recess. The meeting reconvened at 8:42 p.m.**

#### **9. STUDY ITEMS**

(a) Transportation Master Plan (TMP) Bicycle Plan, Pedestrian Plan, Transit Plan, Master Street Plan, Sustainability Procedures

Mark Relph, Public Works Director, introduced Kirk McKinley, Transportation Services Manager, and Alicia McIntyre, Senior Transportation Planner, who provided the staff report.

Ms. McIntyre stated that the City staff has provided responses to Council questions within the staff report, and City staff is requesting direction on goals, policies, implementation strategies, and the system plans regarding Sustainability and Quality of Life, Master Street Plan, Bicycle Plan, Pedestrian Plan, Transit Plan, and Street classifications.

Councilmember Eggen confirmed that the City staff will work with residents to get their input and noted that there are limits to what can be done in the short term.

Councilmember Winstead noted that there was no complete streets map in the Council packet. Ms. McIntyre explained that the concept of complete streets is to consider all users. She said there is no map; there are system plans for bicycle, pedestrian, and transit. She explained all of these system plans together make up a complete street.

Councilmember Scott favored complete streets but cautioned to not create anything confusing, such as Roosevelt Avenue in Seattle. Ms. McIntyre and Mr. Relph responded that the City would be using a reasonable approach.

Mayor McGlashan commented on the bike plan and having proper signage on the routes by the 192<sup>nd</sup> Park & Ride.

Councilmember Eggen referred to page 27 and noted that the strategy needs to call out connections to Interurban north and south. He confirmed that the City could compel King County or Sound Transit to provide bicycle facilities. Councilmember Winstead added that bike lockers are needed and the Development Code should be revisited. There was more discussion regarding bicycle stations, racks, and lockers.

Ms. McIntyre then discussed the pedestrian and transit plans, to include short-range, medium-range, and long-range plans.

Councilmember Eggen expressed concern that the plan does not recognize the regional transit plan. He stated that the "strive to" phrases do not seem to be connected to the Metro plan. Ms. McIntyre said he was correct and that this is different. Mr. McKinley explained that this is a 20-year plan, and funding levels could change which would mean route restructuring. Ms. McIntyre added that she felt that the implementation strategy could be modified.

Ms. McIntyre concluded her presentation with a discussion of street classifications.

## 10. ADJOURNMENT

At 9:38 p.m., Mayor McGlashan declared the meeting adjourned.

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Scott Passey, City Clerk