

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 734 Regarding Collective Garden Regulations
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	Alex Herzog, Management Analyst
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The 2015 Washington State Legislature passed comprehensive legislation amending existing laws and adding new provisions regarding medical cannabis (marijuana) and recreational cannabis. The most notable changes are revision and remediation of the unregulated collective garden market via abolishment of collective gardens as a means to grow, process, buy, and, sell cannabis for medical use.

Proposed Ordinance No. 734 (Attachment A), would eliminate Collective Garden provisions from the City's municipal code. Given the Legislature's allowance for collective gardens to continue until June 30, 2016, this amendment would not go into effect at midnight on June 30, 2016.

Council and the Planning Commission discussed collective garden regulations and cannabis regulations on November 9 and December 17, respectively. At its December 17 meeting, the Planning Commission recommended Council adopt Ordinance No. 734.

**RESOURCE/FINANCIAL IMPACT:**

There is no direct significant financial impact of proposed Ordinance No. 734.

**RECOMMENDATION**

Staff recommends that Council adopt proposed Ordinance No. 734 to repeal Collective Garden provisions from the City's municipal code. Collective garden provisions in the SMC should be repealed, effective midnight June 30, 2016 as state legislation prohibits collective gardens effective July 1, 2016.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

On November 9, 2015, the City Council held a discussion on recent changes to state law and the number of ways in which local jurisdictions can impact or control the number and location of marijuana businesses.

Staff proposed to repeal collective garden provisions in the SMC effective midnight June 30, 2016 as state legislation prohibits collective gardens effective July 1, 2016. The staff report and supporting materials of the November 9, 2015 City Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport110915-9b.pdf>.

On December 17, 2015, the Planning Commission discussed and recommended that Council adopt proposed Ordinances Nos. 734 and 735. Proposed Ordinance No. 734 would, effective midnight June 30, 2016, repeal provisions related to Collective Gardens in Regulatory License Fee schedules; repeal sections relating to Collective Gardens in Regulatory Business license sections; remove Collective Gardens from Non-residential and Station Area use tables; and repeal sections relating to Collective Gardens in zoning and use provisions. The staff report and supporting materials of the December 17, 2015 Planning Commission discussion can be found at the following link:

<http://shorelinewa.gov/home/showdocument?id=24693>

On January 25, Council discussed proposed Ordinance 734 as recommend by the Planning Commission and were in favor of adopting it as proposed. The staff report and supporting materials of the January 25, 2016 City Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport012516-8c.pdf>.

## **DISCUSSION**

Proposed Ordinance No. 734 would delete the following Collective Garden provisions in the City's code pursuant to SB 5052:

- **SMC 3.01: Fee schedules**
  - SMC 3.01.200(B)(5) Regulatory License Fee – Collective gardens is REPEALED in its entirety.
- **SMC 5.07.740-755: Article VIII: Collective Gardens**
  - SMC 5.07 Article VIII Collective Gardens is REPEALED in its entirety.
- **SMC 20.40.130: Nonresidential Uses Table**
  - Table 20.40.130 Non Residential Uses is amended to delete the specific land use of "Collective Gardens" from the use table.
- **SMC 20.40.160 Station Area Uses.**
  - Table 20.40.160 Station Areas Uses is amended to delete the specific land use of "Collective Garden" from the use table.

- **SMC 20.40.275: Collective Gardens**
  - SMC 20.40.275 Collective Gardens is REPEALED in its entirety.

As proposed, these changes would go into effect at midnight on June 30, 2016.

### **FINANCIAL IMPACT**

There is no direct significant financial impact of proposed Ordinance No. 734.

### **RECOMMENDATION**

Staff recommends that Council adopt proposed Ordinance No. 734 to repeal Collective Garden provisions from the City's municipal code. Collective garden provisions in the SMC should be repealed, effective midnight June 30, 2016 as state legislation prohibits collective gardens effective July 1, 2016.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 734 - Deleting Collective Garden Provisions in the City's Municipal Code

**CITY OF SHORELINE, WASHINGTON**

**ORDINANCE NO. 734**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING SECTION 5.07 ARTICLE VIII COLLECTIVE GARDENS OF CHAPTER 5.07 REGULATORY BUSINESS LICENSES AND SECTION 3.01.200(B)((8) OF THE BUSINESS LICENSE FEE TABLE IN CHAPTER 3.01, AND AMENDING SECTIONS 20.40.130, 20.40.160, AND 20.40.275 OF CHAPTER 20.40 OF THE SHORELINE MUNICIPAL CODE IN REGARDS TO ALL REGULATIONS RELATED TO RCW 69.51A COLLECTIVE GARDENS.**

WHEREAS, with Ordinance Nos. 625, 643, 654, and 706, the City established zoning and business license regulations related to Collective Gardens authorized pursuant to RCW 69.51A.085; and

WHEREAS, in April 2015, the Legislature passed Second Substitute Senate Bill 5052 (SSSB 5052) establishing the Cannabis Patient Protection Act; and

WHEREAS, SSSB 5052 expressly repealed RCW 69.51A.085 effective July 1, 2016; and,

WHEREAS, given the repeal of RCW 69.51A.085, the City's regulations are no longer legally sustainable; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent repeal SMC 20.40.130, 20.40.160, and 20.40.275 was sent to the Washington State Department of Commerce; and

WHEREAS, since Title 20 regulations are being amended, the Planning Commission, at properly noticed meetings, has reviewed the amendments to Title 20 and held a properly noticed public hearing on December 17, 2015, to consider the amendments to Title 20; and

WHEREAS, the City Council, at properly noticed meetings, has considered the entire public record, the Legislature's passage of SSSB 5052 and its repeal of RCW 69.51A.085, and the Planning Commission's recommendation in regards to Title 20 amendments;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. SMC 5.07 Regulatory Business Licenses.** SMC 5.07 Article VIII Collective Gardens is REPEALED in its entirety.

**Section 2. SMC 3.01 Fee Schedules.** SMC 3.01.200(B)(8) Regulatory License Fee – Collective gardens is REPEALED in its entirety.

**Section 3. SMC 20.40.275 Collective Gardens.** SMC 20.40.275 Collective gardens is REPEALED in its entirety.

**Section 4. SMC 20.40.130 Non Residential Uses.** Table 20.40.130 Non Residential Uses is amended to delete the specific land use of “Collective Gardens” from the use table.

**Section 5. SMC 20.40.160 Station Area Uses.** Table 20.40.160 Station Areas Uses is amended to delete the specific land use of “Collective Garden” from the use table.

**Section 6. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 7. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect on July 1, 2016 at 12:01 AM.

PASSED BY THE CITY COUNCIL ON FEBRUARY 8, 2016

\_\_\_\_\_  
Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2016

Effective Date: \_\_\_\_\_, 2016