



Memorandum

DATE: February 8, 2016

TO: Mayor and Councilmembers

FROM: Alex Herzog, CMO Management Analyst

RE: Cannabis Regulations and Marijuana Retail Licenses

CC: Debbie Tarry, City Manager
John Norris, Assistant City Manager
Margaret King, City Attorney
Julie Ainsworth-Taylor, Assistant City Attorney
Jessica Simulcik-Smith, City Clerk

Proposed Ordinance No. 734 scheduled for tonight's Consent Calendar included two small errors.

Specifically, the reference to 3.01.200(B) should be to section (B)(8), not (B)(5). Also, the ordinance references SMC 20.40.274 as being deleted but should instead reference 20.40.275. The ordinance has been updated with these changes and the corrected version has been uploaded to the City's web site and has replaced the incorrect version for consideration tonight.

Attachments

Attachment A – Proposed Ordinance No. 734 Regarding Collective Garden Regulations (Corrected)

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WHEREAS, SSSB 5052 expressly repealed RCW 69.51A.085 effective July 1, 2016; and,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

Margaret King
City Attorney

Date of Publication: _____, 2016

Effective Date: _____, 2016