

**CITY OF PACIFIC  
WASHINGTON**

**ORDINANCE NO. 12-1823**

**AN ORDINANCE OF THE CITY OF PACIFIC EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM WILL SUNSET WITHIN TWELVE (12) MONTHS OF THE DATE OF ADOPTION.**

---

**WHEREAS**, the City Council of the City of Pacific passed Ordinance 1804 on August 8, 2011, which established a six (6) moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

**WHEREAS**, the moratorium was established in order to allow the City of Pacific Planning Commission to plan, process and provide the City Council with draft zoning regulations that would address the issues of permitting medical marijuana in use categories that would be compatible with the permitted uses of the zone(s), and;

**WHEREAS**, the Planning Commission has not provided the City Council with draft regulations, and;

**WHEREAS**, the City Council held a public hearing on February 6, 2012 to consider an extension of the moratorium for medical marijuana collective gardens and was been presented with a plan that will provide the Council with the desired draft zoning regulations, and;

**NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** The recitals set forth above are hereby adopted as the Pacific City Council's findings in support of the extension of moratorium imposed by Ordinance 1804.

**Section 2.** Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, an extension of the zoning moratorium established by Ordinance 1804 is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden. A "medical marijuana collective garden" is an area or garden where qualifying patients engage in the production, processing, transporting and delivery of marijuana for medical use as set forth in the E2SSB 5073 and subject to the limitations therein.

**Section 3.** Medical marijuana collective gardens as defined in Section 2 are hereby designated as prohibited uses in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138 (3), no business license shall be issued to any person for a collective garden, which is hereby defined to be prohibited uses under the ordinances of the City of Pacific.

**Section 4.** The moratorium set forth in this Ordinance shall be in effect for a period of twelve (12) months from the date this Ordinance is passed and shall automatically expire on that date unless, or unless terminated sooner by the Pacific City Council.

**Section 5.** The Community Development Director is hereby authorized and directed to implement the plan attached herein as "Attachment A".

**Section 6.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

**Section 7.** This ordinance shall be in force and effect five days from and after its passage by the Pacific City Council and publication, as required by law.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF FEBRUARY, 2012.

CITY OF PACIFIC

  
CY SUN, MAYOR

ATTEST/AUTHENTICATED:

  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## **ATTACHMENT "A"**

### Lifting the Collective Gardens Moratorium - Draft Work Plan

**February 28, 2012** PLANNING COMMISSION Regular Meeting {Staff: prepare draft scope and schedule, research technical issues}

1. Discuss Scope of Code Amendments Needed to Lift Moratorium
2. Review Issues Related to Lifting the Moratorium (legal steps, notification to State, environmental review, public outreach)
3. Approve Schedule for Adopting Amendments and Lifting Moratorium
4. Review Technical Issues presented by staff

**March 27, 2012** PLANNING COMMISSION Regular Meeting

1. Staff delivers to the Planning Commission Draft Ordinance Amendments
2. Discuss Scope of Code Amendments
3. Review Technical Issues
4. Schedule Check-in – Adjust or schedule additional working meetings

**April 2, 2012** – CITY COUNCIL Workshop

[Staff: facilitate discussion of preliminary Planning Commission discussion/recommendations]

1. Content Discussion of Recommendations (with Planning Commission Representative participation if possible)
2. Discuss Process and Public Outreach Strategy

**April 16, 2012** - Staff finalizes and advertises environmental analysis and determination

**April 22, 2012** - PLANNING COMMISSION Regular Meeting

[Staff: re-format code amendments based on previous Planning Commission comments;

1. Deliver Planning Commission Draft Ordinance Amendments
2. Finalize Recommendations on related Code Amendments Needed to Lift Moratorium
3. Schedule Public Hearing for **May 22, 2012** Regular Meeting

**April 27, 2012** - Staff advertises Planning Commission Public Hearing on proposed Code Amendments; notifies State agency of proposed Development Code Amendments

**May 15, 2012** – CITY COUNCIL Workshop

[Staff: facilitate discussion of Preliminary Planning Commission discussion/recommendations]

1. Content Discussion of Planning Commission review (with Planning Commission Representative participation if possible)
2. Discuss Schedule

**May 22, 2012** – PLANNING COMMISSION Regular Meeting

[Staff: coordinates public input as a result of Public Outreach and SEPA Notices

1. Public Hearing – Continue Public Hearing or issues consideration at **6/26/12** or make recommendation to City Council

## **ATTACHMENT "A" (Cont.)**

**June 4, 2012** Council Workshop and Regular Meeting

[Staff: report on public comments/ Planning Commission efforts

1. Continue Content Discussion of Planning Commission Work (with Planning Commission Member participation if possible)

PRELIMINARY FORMAL REVIEW AND ADOPTION SCHEDULE –

**May 22, 2012** – Planning Commission Public Hearing on Draft Amendments

**June 26, 2012** – Planning Commission Public Hearing Continues (if needed)

**July 2 or July 16, 2012** - City Council Reviews Planning Commission Recommendation

**July 9 or July 23, 2012** - City Council Adopts Amendments and Lifts Moratorium or Refers the matter back to the Planning Commission and extends the Moratorium.