CITY OF PACIFIC  
WASHINGTON  

ORDINANCE NO. 1804  

AN INTERIM ORDINANCE OF THE CITY OF PACIFIC ADOPTING A MORATORIUM ON THE  
ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS, DEFINING "MEDICAL  
MARIJUANA COLLECTIVE GARDENS"; PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN  
eFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET  
WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.  

WHEREAS, the possession or distribution of marijuana has been and continues to be a violation of state law  
pursuant to Chapter 69.50 RCW (Washington’s Uniform Controlled Substances Act), and federal law, through  
the Controlled Substances Act (CSA”); and  

WHEREAS, in 1998 the voters of Washington State approved Initiative 692, now codified as Chapter 69.51A  
RCW, which created a limited defense to marijuana charges under state, not federal, law if the person charged  
could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in  
Ch. 69.51A RCW; and  

WHEREAS, in 2011, the state legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5073 making  
significant amendments to the medical marijuana law in Washington; and  

WHEREAS, the Governor signed the E2SSB 5073, but vetoed several portions expressing her reservations  
about provisions that involved state employees in activities that could be interpreted as in violation of federal  
laws; and  

WHEREAS, E2SSB 5073 was effective on July 22, 2011; and  

WHEREAS, E2SSB 5073 authorizes "collective gardens" where up to ten qualifying patients may join together  
to produce, grow and deliver up to 45 marijuana or cannabis plants for medical use; and  

WHEREAS, under E2SSB 5073 there is no limit to the number of medical marijuana collective gardens that may  
be located at any site nor restrictions as to where collective gardens may be located in relation to other uses;  
and  

WHEREAS, medical marijuana collective gardens are not currently addressed in the Pacific Zoning Code and  
under Section 1102 of E2SSB 5073 cities may adopt zoning requirements for collective gardens; and  

WHEREAS, unless a zoning moratorium is imposed, medical marijuana collective gardens may be located  
within the City of Pacific while the City lacks the necessary tools to ensure the location is appropriate and that  
the potential secondary impacts of collective gardens are minimized and mitigated; and  

WHEREAS, the City Council deems it to be in the public interest to establish a zoning moratorium pending  
consideration of land use regulations to address medical marijuana collective gardens; and  

WHEREAS, under RCW 35A.63.220 and RCW 36.70A.390 a public hearing must be held within 60 days of the  
passage of this Ordinance,  

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

Filed with the City Clerk: 7.28.11  
Passed by the City Council: 08.08.11  
Date of Publication: 08.12.11  
Effective Date: 08.17.11  
Ordinance No: 1804
Section 1. The recitals set forth above are hereby adopted as the Pacific City Council's preliminary findings in support of the moratorium imposed by this Ordinance. The Pacific City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 4 below.

Section 2. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, a zoning moratorium 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. As provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council sets a public hearing for September 6, 2011, which begins at 6:30 p.m. or as soon thereafter as the business of the City Council shall permit in order to take public testimony and to consider adopting further findings justifying the imposition of the moratorium set forth in Section 2 above.

Section 5. The moratorium set forth in this Ordinance shall be in effect for a period of six months from the date this Ordinance is passed and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Pacific City Council.

Section 6. The Community Development Director is hereby authorized and directed to develop draft regulations regarding collective gardens. The regulations shall be referred to the Pacific Planning Commission for review and recommendation for inclusion in the Pacific Zoning Code.

Section 7. 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 8. 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 8TH DAY OF AUGUST, 2011.

CITY OF PACIFIC

RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:

JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:

ALBERT A. ABUAN, CITY ATTORNEY