

# **Medical Marijuana (Cannabis)**

Gary Schenk, Acting Community and Economic  
Development Director

June 26, 2012

# Background

- ❑ On August 9, 2011, the City Council adopted Interim Ordinance 11-1015, which placed a moratorium on medical Cannabis Dispensaries and Collective Gardens.
  
- ❑ On January 24, 2012, the City Council extended the moratorium, which expires on August 1, 2012.
  
- ❑ The purpose of extending the existing moratorium was:
  - (1) to give the City time to see if the State Legislature would take action in 2012 that would provide greater clarity on the issue and direction for local jurisdictions;
  - (2) determine how other jurisdictions were dealing with the issue;
  - (3) Determine, what, if any, specific zoning and/or development regulations should apply in SeaTac.

# State Law vs. Federal Law

- (1) Under Federal Law, specifically, the Controlled Substances Act (CSA), it is unlawful to manufacture, distribute, dispense or possess any controlled substance except in a manner authorized by the CSA.
- (2) State law authorizes “Collective Gardens” which is in conflict with Federal law.
- (3) Dispensaries are not authorized under State law. However, in some jurisdictions people are operating dispensaries under the guise of a collective garden.

# Local Government Policies

- ❑ Cities have taken a variety of positions on Collective Gardens and Dispensaries.
- ❑ Here is a sampling of what some jurisdictions have done:

Currently have Moratorium on Collective Gardens and/or Dispensaries: *City of Tukwila, Auburn, Redmond, Edmonds, Castle Rock, and Edgewood.*

Prohibition of Collective Gardens and/or Dispensaries: *City of Kent, Burien, Des Moines, Pasco and Woodland.*

Allows Collective Gardens with conditions: *City of Seattle, Issaquah, Bellevue (Interim Ordinance), Shoreline, and Ellensburg.*

# Next Steps

- ❑ The City needs to act on this issue before the moratorium expires on August 1, 2012.
  
- ❑ It would be prudent of the City to:
  - (1) *Adopt Interim Development Regulations that prohibit Collective Gardens within the City; or*
  - (2) *Adopt Interim Development Regulations that allow Collective Gardens . This includes appropriate development regulations and identifying specific zones within the City.*
  - (3) *Extend the Moratorium along with a work plan.*
  
- In either scenario above, staff will work with the Planning Commission to develop permanent regulations to address the issue.

# Council Direction

- ❑ Staff would like Council to provide direction as to what option they would like staff to pursue.
- ❑ Staff will bring back that option for Council review on July 10, 2012.
- ❑ Staff will schedule discussion with the Planning Commission in July and August.
- ❑ Staff can update the Council in September before having the Planning Commission conduct the Public Hearing and then schedule for final action.

# Questions