CITY OF REDMOND ORDINANCE NO. 2728

ΑN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, EXTENDING INTERIM LAND USE REGULATIONS OFFICIAL CONTROLS AND MARIJUANA-RELATED USES ENACTED BY ORDINANCE NO. 2682 AND EXTENDED BY ORDINANCE NO. 2702 PURSUANT TO RCW 35A.63.220 RCW 36.70A.390 UNTIL SEPTEMBER 2, 2014: ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Ordinance No. 2682 of the City of Redmond adopted interim land use regulations and official controls adding new marijuana-related definitions to Chapter 21.78 of the Redmond Zoning Code ("RZC") and adding a new Chapter 21.41 prohibiting medical cannabis collective gardens in all zoning districts of the City and prohibiting the location of other marijuana-related facilities and uses until the State adopts licensing regulations and the City adopts zoning regulations, and such interim land use regulations and official controls were extended for a sixmonth period by Ordinance No. 2702; and

WHEREAS, the interim regulations and controls will expire March 2, 2014, unless permanent regulations are adopted or unless the interim regulations and controls are extended; and

WHEREAS, the Washington State Liquor Control Board adopted regulations promulgated at Chapter 314-55 of the Washington Administrative Code effective November 21, 2013; however, the

City of Redmond has not yet completed its public process for adoption of permanent regulations regarding the operation of marijuana producers, processors, and retailers and will not complete the process prior to expiration of Redmond's interim regulations and controls and the City's planning staff has therefore recommended that the interim regulations be extended for an additional six months; and

WHEREAS, City planning staff have been continuing to work on draft regulations governing the location and operation of marijuana-related facilities and uses within the City but require additional time to complete the public process required by state law; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to extend interim regulations for a period of six months after a public hearing and adoption of findings justifying the same; and

WHEREAS, unless the interim regulations and controls are extended, medical cannabis collective gardens, marijuana-related facilities and uses may be established within the City of Redmond while the City lacks the necessary tools to ensure that the location is appropriate and that the secondary impacts of such gardens, facilities, and uses are minimized and mitigated; and

WHEREAS, the Redmond City Council held a public hearing on the extension of the interim regulations and controls on February 2, 2014, and after considering all testimony given at the hearing, determined that an extension was justified and in the best interests of the City.

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

Section 1. Findings in Support of Extending Interim Regulations. In addition to the findings previously made as set forth in Ordinance No. 2682, and Ordinance No. 2702, the Redmond City Council makes the following additional findings:

The City Council adopts the recitals set forth above in support of extending the interim regulations originally adopted under Ordinance No. 2682.

Section 2. Extension of Interim Zoning Regulations. The interim land use regulations and official controls set forth in Ordinance No. 2682 and as extended by Ordinance No. 2702 shall remain in effect for an additional period of six months, and shall automatically expire at that time unless the same are extended as provided in RCW 35A.63.220 and RCW 36.70A.390 prior to that date, or unless the same are repealed or superseded by permanent regulations prior to that date.

Section 3. Staff and Planning Commission Work Plan.

The Mayor or his designee is hereby authorized and directed to

continue to develop draft permanent regulations regarding marijuana-related uses to replace the interim regulations and land use controls set forth in Ordinance No. 2682. The work plan for adoption of permanent regulations includes the following:

- January 2014 SEPA notice and review by Technical Committee
- February 4, 2014 Council Public Hearing and Extension of Interim Regulations
- February 5, 2014 Planning Commission Public Hearing Notice for permanent regulations published.
- February 12, 2014 Planning Commission Study Session
- February 26, 2014 Planning Commission Public Hearing
- March 12, 2014 Follow up Planning Commission Study Session
- March 26, 2014 Planning Commission Report Approval
- April/May 2014 Packet to City Council for adoption of permanent regulations.

Section 4. Transmittal to Washington State Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce, as required by law.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 4th day of February, 2014.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: January 21, 2014 PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE: ORDINANCE NO. 2728 February 4, 2014

February 7, 2014

February 10, 2014 February 15, 2014

YES: Allen, Carson, Flynn, Margeson, Myers, Shutz, Stilin