

**City Of Woodland**  
**City Council Meeting Agenda Summary Sheet**

<b>Agenda Item:</b> Collective Gardens Discussion	<b>Agenda Item #:</b> <u>Workshop item 2</u>
	<b>For Agenda of:</b> <u>January 14, 2013 Workshop</u>
	<b>Department:</b> <u>Planning</u>
	<b>Date Submitted:</b> <u>January 8, 2013</u>

**Cost of Item:** 0  
**Amount Budgeted:** \_\_\_\_\_  
**Unexpended Balance:** \_\_\_\_\_

<b>BARS #:</b> <b>Description:</b>
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**Department Supervisor Approval:** Carolyn Johnson, Community Development Planner

**Committee Recommendation:** \_\_\_\_\_

<b>Agenda Item Supporting Narrative (list attachments, supporting documents):</b> 1. December 2012 Update Memo
<b>Summary Statement:</b>

## ***Staff Report: Collective Gardens Update***

To: Woodland City Council

From: Carolyn Johnson, Community Development Planner

RE: Collective Gardens Update

Date: December 3, 2012 Council Meeting and January 14, 2013 Council Workshop

Washington's transition towards the legalization of marijuana (medical and recreational) has communities grappling with how best to regulate the location of marijuana-related businesses. In 2011, Washington State began regulating medical marijuana; and with the passage of Initiative 502, parameters for adult recreational use of marijuana were set. Currently Collective Gardens are allowed in the State while recreational marijuana dispensaries will not be allowed until the Liquor Control Board develops rules regarding the licensing and sale of marijuana. Woodland has passed two consecutive zoning moratoria that prohibit Collective Gardens from locating within city limits. The effective moratorium will expire on January 31, 2013. ***If it is the Council's pleasure, staff will prepare an ordinance to renew the moratorium on Collective Gardens for an additional six months.***

Staff recommends a renewal because there are a number of unanswered questions and issues that may be clarified in the near future, including:

1. Washington's medical and recreational marijuana laws conflict with federal drug laws. The Drug Enforcement Administration has notified Clark County that employees will not be immune from prosecution if they do work related to the zoning and permitting of collective gardens. To date, there has been no assurance from the federal government that local officials and staff will be immune from prosecution.
2. The Liquor Control Board has been given one year (until December 1, 2013) to develop rules regarding the licensing and sales of recreational marijuana. While Initiative 502 has no bearing on medical marijuana, the rules established by the Board may shed light on appropriate location requirements for Collective Gardens.
3. The Council has expressed interest in banning collective gardens within city limits, a route other jurisdictions have taken. A King County Superior Court judge recently upheld the City of Kent's ban on Collective Gardens. The Court's decision is being appealed and the outcome of the appeal will shed light on the legitimacy of outright bans on Collective Gardens.

As per RCW 36.70A.390, the existing moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

CMJ