

**CITY OF WASHOUGAL
SPECIAL CITY COUNCIL MEETING AGENDA
MONDAY, AUGUST 29, 2016
7:00 P.M.**

- I. INVOCATION**
- II. CALL TO ORDER**
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. CORRESPONDENCE** *(limited to topic of special meeting)*
- VI. PUBLIC COMMENTS** *(limited to topic of special meeting)*
- VII. CONSENT AGENDA**
 The following items will be passed by a single motion to approve all listed actions and resolutions. There will be no discussion on these items unless requested by Council. If discussion is requested, the item will be moved from the Consent Agenda and considered separately – after the motion has been made and passed to approve the remaining items.
 - A. Workshop Minutes – August 22, 2016
 - B. Council Minutes – August 22, 2016
- VIII. NEW BUSINESS** *(limited to topics of special meeting)*
 - A. Agenda Bill #68-16:
 - Emergency ordinance eliminating marijuana sunset provisions (with PC recommended code language)
 - Optional proposed emergency ordinance extending marijuana sunset provisions and calling for an advisory vote (with attached code language)
 - Resolution setting advisory vote regarding marijuana uses
- IX. PUBLIC COMMENTS** *(limited to topic of special meeting)*
- X. MAYOR’S REPORT** *(limited to topic of special meeting)*
- XI. COUNCILMEMBER COMMENTS** *(limited to topic of special meeting)*
- XII. ADJOURNMENT**

Upcoming Meetings – Please check the city website at http://www.cityofwashougal.us for up to date meeting information, agendas & full packets.		
Monday, September 12, 2016 – Workshop @ 5:00 pm	Monday, September 26, 2016 – Workshop @ 5:00 pm	Monday, October 10, 2016 – Workshop @ 5:00 pm
Monday, September 12,, 2016 – Council @ 7:00 pm	Monday, September 26, 2016 – Council @ 7:00 pm	Monday, October 10, 2016 – Council @ 7:00 pm



**CITY OF WASHOUGAL
WORKSHOP MINUTES**

[\(View Video\)](#)

August 22, 2016

5:00 p.m.

CALL TO ORDER: **Mayor Sean Guard** called the meeting to order at 5:15 p.m.
Delayed due to a lack of quorum.

ROLL CALL: **Present:** Paul Greenlee Joyce Lindsay, and Dan Coursey.
Dave Shoemaker,
Absent: Brent Boger, Michelle Wagner, and Jennifer McDaniel

STAFF: David Scott, City Administrator
Trevor Evers, Public Works Director
Mitch Kneipp, Community Development Director
Jennifer Forsberg, Finance Director/City Clerk
Jeanette Cefalo, Human Resources Director
Ron Mitchell, Police Chief
Shannon Olsen, Senior Analyst
Sherry Montgomery, Code Enforcement Officer
Paul Lewis, Consultant
Rose Jewell, Assistant to the Mayor and City Administrator

PRESS: Dawn Feldhaus, Post Record

AUDIENCE: **List represents those who spoke or signed in.**
Elizabeth Stiles Bobby Saberi Richard Renton
Harvey Olsen

PUBLIC COMMENT: None

NEW BUSINESS: **Code Amendments - WMC 9.60.08 (Alcohol in Parks) & 9.84 (Marijuana) - Ron Mitchell and Sherry Montgomery** explained the proposed code revisions.

Councilmember Shoemaker brought forward a recommendation of support from the Public Safety Committee.

2nd Quarter Update – Jennifer Forsberg presented the 2016 revenues and expenditures trends for all funds.

Long Range Forecast Update and 2017 Budget Strategy - Jennifer Forsberg presented information on the approach, high level budget assumptions, cpi, service enhancements, per capita expenditures, next steps, and budget calendar.

SPSA with BergerABAM for Land Use Planning Study – Mitch Kneipp explained the need for the supplemental agreement. This item is on this evening’s consent agenda.

Emergency Moratorium Woodburn Hill Ordinance – Mitch Kneipp explained the need for the ordinance. This item is on the evening’s agenda adding that five votes are needed in order to pass.

Cost Recovery, Fee and Staffing Analysis – Mitch Kneipp and Paul Lewis presented project objectives, approach, cost recovery analysis, staff history levels, review times, policies, fee history, permit fee revenue and expense assumptions, survey observations, stakeholder interviews, level of service feedback, summary observations, recovery policy, staffing levels/resources, administration proposal, and next steps.

2016/2017 Budget Information – Human Resources, Finance, Council, Administration - Deferred to the City Council meeting.

**PUBLIC
COMMENTS:**

None

**MAYOR
COMMENTS:**

None

**COUNCIL
COMMENTS:**

None

ADJOURNMENT:

Meeting ended at 6:15 p.m.

Mayor

City Clerk



**CITY OF WASHOUGAL
CITY COUNCIL REGULAR MEETING**

[\(View Video\)](#)

August 22, 2016

7:00 pm

INVOCATION: **Gorman Gray** delivered the invocation.

CALL TO ORDER: **Mayor Sean Guard** called the meeting to order at 7:07 p.m.

PLEDGE OF ALLEGIANCE: **The Mayor** led the pledge.

ROLL CALL: **Present:** Brent Boger, Paul Greenlee, Dave Shoemaker, Joyce Lindsay and Dan Coursey
Absent: Michelle Wagner and Jennifer McDaniel

Unanimous consent to excuse Councilmembers Wagner and McDaniel. Greenlee No objections.

STAFF: David Scott, City Administrator
Don English, City Attorney
Trevor Evers, Public Works Director
Jennifer Forsberg, Finance Director/City Clerk
Jeanette Cefalo, Human Resources Director
Mitch Kneipp, Community Development Director
Shannon Olsen, Senior Analyst
Rose Jewell, Assistant to the Mayor and City Administrator

PRESS: Dawn Feldhaus, Post Record

AUDIENCE: **List below represents those who spoke and/or signed in.**

Harvey Olson	Ann Donnelly	A.J. Bogue
Eileen Elliott	Mike Goodpaster	Chuck Bernat
Dan Durringer	Sydney Mederos	Chris Rafn
Michelle Mederos	Carison Connors	Gail Anderson
Eileen Morgan	Barbara McHenry	Mak Elkins
Mike Stromme	Gena Blum	Mike Logan
Rich Blum	Jim Manuel	Bobby Saberi
Brandon Brock	Keith Bullock	Alice Gray
Lisa Bennet	Scott Anderson	Elizabeth Stiles
Larry Wagoner	Robert Barber	Matthew Buitron
David Saberi		

**AMENDMENTS TO
THE AGENDA:**

Mayor Guard added Resolution 1022 recognizing City Attorney Don English's retirement.

**Unanimous consent to read the resolution by title only.
Councilmember Boger No objections.**

Don English read the resolution by title only.

Mayor Guard read the resolution in its entirety.

**Unanimous consent to pass and post the resolution in the usual
manner. Greenlee No objections.**

Mayor Guard presented Mr. English with a shadow box including the formal resolution.

**PUBLIC
COMMENT(S):**

Harvey Olson commented on traffic circles/roundabouts on SR-14.

CONSENT AGENDA:

The Council was presented with the following:

- A. Workshop Minutes of August 8, 2016
- B. Council Minutes of August 8, 2016
- C. Accounts Payable 70243-70414 & V323-V335, Totaling \$607,301.82
- D. Payroll Claims 9881-9889 & V18566-V18623, Totaling \$204,791.75
- E. Agenda Bill #62-16 – Authorize the Mayor to Sign: Supplemental Professional Services Agreement with BergerABAM for Land Use Planning Study

**Unanimous consent to approve the consent agenda as read.
Greenlee No objections**

NEW BUSINESS:

Agenda Bill #63-16

Public Hearing/Resolution on Utility Surplus Items – Shannon Olsen presented the staff report and the recommended action.

Mayor Guard opened the public hearing and called three times for testimony. Hearing none he closed the public hearing.

Unanimous consent to read the Resolution by title only. Greenlee

Don English read the resolution by title only.

**Motion: To pass and post the Resolution in the usual manner.
Greenlee/Boger Motion passed.**

Agenda Bill #64-16

Public Hearing/Ordinance: CA #16070004 & ENV #16070005 (Marijuana – Sunset Provisions) – Mitch Kneipp presented the staff report, proposed code amendments, project timeline and process to date, public comments received, and recommended action.

David Scott reviewed the public comments he had received via email just prior to the meeting.

Mayor Guard opened the hearing to public testimony.

Ann Donnolly spoke in opposition to allowing marijuana noting its association with mental illness. She asked Council to consider the policy.

Connie Jo Freeman read a quote from President Lincoln. She encouraged the Council to say no and prohibit this use. She announced the prayer meeting at the WHS on August 23rd at 7:00 pm.

Dan Durringer asked Council to prohibit the sale and production of marijuana.

Robert Barber encouraged Council to continue on the track with the marijuana prohibition.

Gale Anderson spoke in opposition to allowing marijuana.

Rich Blum spoke in opposition to marijuana and asked Council to once again ban it.

Mike Stromme provided statistics on youth marijuana use and encouraged council to not support its production and sale.

Eileen Elliot spoke in favor of allowing use for those who have terminal illnesses.

Chris Rafn spoke in opposition to the production and sale of marijuana.

Richard Renton presented information on the medical benefits of marijuana and public opinion.

Carison Connors spoke in favor of continuing the prohibition of marijuana.

Mark Elkins spoke in favor of permitting production and sale of marijuana. He spoke of the benefits of regulation and offered to pay for a community vote.

Bobby Saberi spoke in favor of the use of marijuana.

Sidney Mederos spoke in favor of prohibiting marijuana noting its negative effects.

A.J. Bogue spoke in favor of medical marijuana citing the benefits.

Brandon Brock, holder of the state retail cannabis license for Washougal, spoke in favor of permitting marijuana production and sale of cannabis.

Shannon Frame spoke about his recreation marijuana business in another city.

David Saberi spoke about his partnership with Mary Janes House of Glass, encouraged further information, and offered to help pay for a vote.

Gina Blum spoke on Colorado's issues with the legalization, the impact on homelessness, and medical marijuana's availability.

Mike Goodpastor spoke on negative effects of marijuana.

Harvey Olson spoke about the increase in call volume for the police department if marijuana sales were allowed.

Elizabeth Stiles spoke on the benefits of medical marijuana, drug abuse, and economic benefits.

Mike Logan shared his experience with marijuana addiction and his redemption story.

Jim Manwell spoke on the problems caused by marijuana use and the increase in crimes associated with marijuana due to the volume of cash and the amount of the product on site.

Chuck Bernat spoke in opposition to lifting the ban and the impact on the steel industry caused by employees using marijuana.

Alice Gray shared her story as a registered nurse and as a mother of a drug user.

Michelle Mederos spoke on how Washougal would change if marijuana was permitted; she's witnessed its impact in the schools.

Scott Anderson spoke in opposition to the sales of recreation marijuana based on what he has witnessed with his classmates.

Keith Bullock spoke on personal choice and questioned effectiveness of prohibition.

Matthew Buitron spoke on the benefits of marijuana for those with medical issues.

Bobby Saberi read a bible verse from the book of Luke.

Barbara McHenry opposed the sale of marijuana and asked Council to keep the public clean.

Eileen Morgan spoke in opposition of the production and sale of marijuana.

Lisa Bennet would like to see the prohibition continue.

Larry Wagner commented the ineffectiveness of prohibition and the need to regulate marijuana.

Mayor Guard hearing no further testimony closed the public hearing.

Unanimous consent to read the ordinance by title only. Greenlee No objections.

Don English read the ordinance by title only.

Motion: To pass, post and publish in the usual manner. Greenlee/Shoemaker

Council discussion followed.

Councilmember Boger submitted an amended ordinance; renamed as Exhibit C, which included: extending the ban to January 31, 2018 and an advisory vote of the people.

Motion: To amend the ordinance with the changes now identified as Exhibit C. Boger/Lindsay

Roll Call Vote: Councilmembers Boger, Greenlee, and Lindsay vote Yes. Councilmembers Shoemaker and Coursey voted No.

Motion Passed.

Councilmember Shoemaker proposed to bring this to the full Council in a special meeting before September 1st.

Motion: To pass, post and publish the ordinance as amended.

Passage requires four votes.

Roll Call Vote: Councilmembers Boger, Greenlee, and Lindsay vote Yes. Councilmembers Shoemaker and Coursey voted No.

Motion failed.

Mayor Guard announced a Special Meeting on Monday, August 29th at 7 pm.

The meeting recessed for approximately six minutes. Meeting resumed at 9:55 pm.

Agenda Bill #65-16

Public Hearing/Ordinance: CA #16070006 & ENV #16070007 (Single Family Residential (SFR) Impact Fee Deferral) – Mitch Kneipp presented the staff report and the recommended action.

Mayor Guard opened the hearing to public testimony. Hearing none he closed the public hearing.

Unanimous consent to authorize the city attorney to read the ordinance by title only amending the Washougal Municipal Code to make provisions for the deferral of impact fees for Single-Family residences. Greenlee No objections.

Don English read the ordinance by title only.

Motion: To pass, post, and publish the ordinance in the usual manner. Greenlee/Boger Motion passed.

Unanimous consent to authorize the city attorney to read the resolution by title only to update the city's "Impact Fee Deferral Program" to be in compliance with State Law. Greenlee No objections.

Don English read the resolution by title only.

Motion: To pass and post the resolution in the usual manner. Greenlee/Boger Motion passed.

Agenda Bill #66-16

Ordinance for the Emergency Moratorium Woodburn Hill – Mitch Kneipp presented the staff report and the recommended action. All five council votes are required to pass the ordinance. The ordinance states that a public hearing will be set for September 26th.

Unanimous consent to read the ordinance by title only. Greenlee No objections.

Don English read the ordinance by title only.

Motion: To pass, post, and publish the ordinance in the usual manner. Greenlee/Boger Motion passed 5-0.

Agenda Bill #67-16

Ordinance on WMC 3.99 Transportation Revenue Non-Supplanting – David Scott reviewed the recent code changes and the recommended action to restore the non-supplanting provision within the code.

Unanimous consent to read the ordinance by title only. Greenlee No objections.

Don English read the ordinance by title only.

Motion: To pass, post, and publish the ordinance in the usual manner. Greenlee/Boger

Motion amendment: To retain section WMC 3.99 as is without the supplanting language. Greenlee Motion amendment died for lack of a second.

Motion passed.

2016/2017

Budget Information – CD/HR/Finance/Admin

Motion: To deferred this item to August 29th. Boger/Shoemaker

Following discussion the Mayor removed the item from the agenda.

PUBLIC COMMENT: None

MAYOR REPORT: Mayor Guard announced the Museum Harvest Days on 9/10 at 11 am and the Grand Opening of Washougal Waterfront Trail on 9/23 at 2.

**COUNCIL
COMMENTS:**

Councilmember Boger commented on the marijuana sales and production and utilizing another section of the code and subject to referendum. He inquired about a fireworks ban.

Councilmember Greenlee commented on fireworks and noted the next RTC meeting on 9/6.

Councilmember Lindsay reflected on the success of the Art Festival.

Councilmember Coursey referenced the letter he received regarding fireworks.

**EXECUTIVE
SESSION:**

Mayor Guard cleared the chambers at 10:26 pm for Labor Negotiations for approximately fifteen minutes with no action to follow.

Open session resumed at 10:27

ADJOURNMENT:

Motion: To adjourn at 10:27 pm. Shoemaker

Mayor – Sean Guard

City Clerk

AGENDA BILL
BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington
Bill No. 68-16

SUBJECT:
**Special Meeting regarding Marijuana
 Sunset Provisions**

FOR AGENDA OF: August 29, 2016

DEPT. OF ORIGIN: Community Development

REVIEWED AT: August 22, 2016 Council Meeting

- EXHIBITS:**
- A. Emergency ordinance eliminating marijuana sunset provisions with PC recommended code language
 - B. Optional proposed emergency ordinance extending marijuana sunset provisions and calling for an advisory vote (with attached code language)
 - C. Resolution setting advisory vote regarding marijuana uses

TO BE RETURNED TO COUNCIL: No

APPROVED BY DEPT. HEAD:

EXPENDITURE REQUIRED:	BUDGETED:	APPROPRIATION REQUIRED:
\$0	\$0	\$0

SUMMARY STATEMENT

On August 11, 2014, the City Council of Washougal passed Ordinance 1764, which prohibited:

- Medical marijuana collective gardens as defined by RCW 69.51A.085, and
- Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101

These prohibitions contain a sunset clause that is set to expire on September 1, 2016. If this sunset clause is not removed or extended then the above noted marijuana uses could take place within Washougal.

The City Council’s original direction on this matter was to remove the sunset clause. In addition, the State changed “collective gardens” to “cooperatives” and created a new section within the RCW to reference marijuana cooperatives. The Planning Commission recommended the proposed code amendments in Exhibit A which would remove the sunset clause, modify the language to apply to medical marijuana “cooperatives” thereby prohibiting these uses within the City of Washougal indefinitely.

At the August 22nd public hearing on this matter the City Council members heard from several members of the public. During the Council’s deliberations an amended ordinance was introduced that would extend the marijuana sunset provisions to January 31, 2018 and called for an advisory vote to take place regarding marijuana uses within the City. With only five Council members present neither ordinance could get the required four votes to pass so both failed; therefore, the current sunset provisions remain in effect until September 1, 2016. After both ordinances failed Mayor Guard called for a special meeting to take place on August 29, 2016 to try and address the issue. Any action taken on August 29th will need to be an

emergency ordinance to prevent a lapse in time of the marijuana ban allowing an applicant to apply and become vested for a marijuana use within the City.

The attached documents are as follows:

Exhibit A – This is an emergency ordinance that would eliminate the marijuana sunset provisions. This is the Planning Commission’s recommendation and it contains the proposed code changes to effectively ban medical marijuana cooperatives and recreational marijuana producer, processor, and retail uses within the City of Washougal.

Exhibit B – This is also an emergency ordinance, which would extend the sunset provisions for medical marijuana cooperatives and recreational marijuana producer, processor, and retail uses to January 31, 2018, and it calls for an advisory vote to take place in 2017. The proposed code changes to extend the marijuana ban are attached.

Exhibit C – The resolution would set the advisory vote regarding marijuana uses within the City for the April 2017 special election.

City Council Workshop

Staff presented the proposed amendments for review and discussion to the City Council during a workshop held on August 8, 2016.

City Council Public Hearing

The City Council held a public hearing on August 22, 2016. The Council took public testimony and closed public testimony. No ordinance was adopted.

RECOMMENDED ACTION

Make a motion to either:

1. Authorize the city attorney to read the emergency ordinance in Exhibit A by title only to remove the sunset provisions as they pertain to marijuana cooperatives and recreational marijuana uses within the Washougal Municipal Code; and

Pass, post, and publish the ordinance in the usual manner;

OR

2. Authorize the city attorney to read the emergency ordinance in Exhibit B by title only to extend the sunset provisions as they pertain to marijuana cooperatives and recreational marijuana uses within the City to January 31, 2018, and set an advisory vote to take place; and

Pass, post, and publish the ordinance in the usual manner; and

Authorize the city attorney to read the resolution by title only to set the advisory vote regarding marijuana uses within the City for the April 2017 special election; and

Pass and post the resolution in the usual manner.

ORDINANCE NO. _____

AN ORDINANCE declaring an emergency and amending portions of WMC Title 18 (Zoning) regarding medical marijuana cooperatives and recreational marijuana producers, processors and retailers in the City of Washougal.

WHEREAS, in April 2016 the Washington State Legislature passed SB5052 that authorized medical marijuana cooperatives as defined by RCW 69.51A.250 for growing medical marijuana for use by qualified patients; and

WHEREAS, the RCW 69.51A.250(3)(c) establishes a local government's zoning authority to prohibit medical marijuana cooperatives; and

WHEREAS, in 2012 Washington State voters adopted Initiative 502 that established a State regulatory environment regarding the production, processing, and retail sales of recreational marijuana with said uses defined within RCW 69.50.101; and

WHEREAS, the Washington State Attorney General opined that Initiative 502 does not preempt local authority to ban or otherwise regulate marijuana-related land uses within their jurisdictions through land use or business requirements; and

WHEREAS, the Washougal City Council finds that State Law does not preempt the City of Washougal from exercising and administering its constitutional and statutory land use regulatory authority to either allow and regulate land uses within the city limits, or to prohibit and ban such uses; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

EXHIBIT A

WHEREAS, the City Council of Washougal approved Ordinance 1764 which adopted zoning regulations prohibiting medical and recreational marijuana uses within the City of Washougal with said provisions expiring on September 1, 2016; and

WHEREAS, the City Council of Washougal finds and determines that the continued prohibition of medical marijuana cooperatives and recreational marijuana production, processing and retailing facilities would protect the public health, safety and welfare of the City; and

WHEREAS, a Notice of Application and Likely SEPA Determination of Non-Significance (DNS) was issued for the proposed amendments on July 22, 2016 and was deemed final, without an additional comment period, on August 8, 2016, as required by WMC Title 16; and

WHEREAS, the proposed amendments came before the Washougal Planning Commission for discussion and consideration at a workshop and public hearing on August 9, 2016 and a recommendation of approval of the amendments was forwarded to City Council at that time; and

WHEREAS, the proposed amendments came before the Washougal City Council for discussion at a workshop on August 8, 2016; and

WHEREAS, the Washougal City Council held a public hearing to take public input with regard to the proposed amendments on August 22, 2016 but no action was taken; and

WHEREAS, the Washougal City Council held a special meeting on August 29, 2016 to take action on the proposed amendments; and

WHEREAS, the Washougal City Council finds that an emergency exists that affects the protection of the public health, safety and welfare of the citizens of the City of

EXHIBIT A

Washougal as the current provisions banning marijuana uses within the City will sunset on September 1, 2016 so this ordinance should be effective immediately.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHOUGAL, WASHINGTON as follows:

Section I

The recitals to this ordinance are hereby adopted as findings of the City Council of the City of Washougal.

Section II

The portions of WMC Title 18 (Zoning) are amended as identified in Exhibit "A" attached hereto and by this reference incorporated herein prohibiting the establishment of medical marijuana cooperatives and recreational marijuana producers, processors and retailers.

Section III

Effective date and notice. The City Council hereby finds and declares that an emergency exists and this is a matter of urgency which necessitates that this Ordinance become effective immediately in order to preserve the public health, safety and welfare. The Ordinance shall become effective immediately upon passage.

Section IV

PASSED by the Council for the City of Washougal at a special meeting this 29th day of August, 2016.

City of Washougal, Washington

EXHIBIT A

Sean Guard, Mayor of Washougal

ATTEST:

Jennifer Forsberg, Finance Director / City Clerk

APPROVED AS TO FORM:

Don English, City Attorney

CA #16070004 / ENV #16070005
(Marijuana Code Changes removing Sunset Provision)

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3
4 **1. Remove footnote from table eliminating the marijuana sunset provision from**
5 **18.14 (Residential Districts); indefinitely prohibiting medical marijuana**
6 **cooperatives and recreational marijuana producers, processors and**
7 **retailers.**

Table 18.14-1 Use Table

USE	R1-15	R1-10	R1-7.5	R1-5	AR-16	AR-22
24. Medical marijuana <u>cooperatives</u> collective gardens as defined in RCW 69.51A.250085 ¹⁷	X	X	X	X	X	X
25. Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101 ¹⁷	X	X	X	X	X	X

¹⁷This section shall be in effect until September 1, 2016.

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14 **2. Remove footnote from table eliminating the marijuana sunset provision from**
15 **18.32 (Commercial Districts); indefinitely prohibiting medical cooperatives**
16 **and recreational marijuana producers, processors and retailers.**

Table 18.32-1 Use Table

USE	CV	CC	CH
C. Services.			
33. Medical marijuana <u>cooperatives</u> collective gardens as defined in RCW 69.51A.250085 ¹	X	X	X
34. Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101 ¹	X	X	X

¹This section shall be in effect until September 1, 2016.

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1 **3. Remove footnote eliminating the marijuana sunset provision from 18.35.030**
2 **(Town Center Districts); indefinitely prohibiting medical marijuana**
3 **cooperatives and recreational marijuana producers, processors and**
4 **retailers.**

5
6 18.35.030 Use limitations.
7 All uses shall be allowed, unless specifically prohibited below.

8
9 (1) Prohibited in all town center districts:

10
11 (j) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
12 69.51A.250085[‡]

13
14 (k) Recreational marijuana producers, processors and retailers as defined
15 in RCW 69.50.101[‡]

16
17 [‡]This section shall be in effect until September 1, 2016.
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21 **4. Remove footnote eliminating the marijuana sunset provision from 18.38**
22 **(Woodburn Hill Subarea Development); indefinitely prohibiting medical**
23 **marijuana cooperatives and recreational marijuana producers, processors**
24 **and retailers.**

25
26 18.38.040 Residential development.

27
28 (6) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
29 69.51A.250085 are prohibited⁹

30
31 (7) Recreational marijuana producers, processors and retailers as defined in
32 RCW 69.50.101 are prohibited⁹

33
34 ⁹This section shall be in effect until September 1, 2016.
35

36 18.38.050 Nonresidential/mixed use nodes.

37
38 (7) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
39 69.51A.250085 are prohibited[‡]

40
41 (8) Recreational marijuana producers, processors and retailers as defined in
42 RCW 69.50.101 are prohibited[‡]

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44 [‡]This section shall be in effect until September 1, 2016.
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1 **5. Remove footnote eliminating the marijuana sunset provision from 18.40**
 2 **(Industrial Districts); indefinitely prohibiting medical marijuana cooperatives**
 3 **and recreational marijuana producers, processors and retailers.**
 4
 5

Table 18.40-1

Use	LI	HI
55. Medical marijuana <u>cooperatives</u> collective gardens as defined in RCW 69.51A.250085 ⁷	X	X
56. Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101 ⁷	X	X

6
 7 ⁷This section shall be in effect until September 1, 2016.
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13 **6. Remove footnote eliminating the marijuana sunset provision from 18.44**
 14 **(Institutional and Public District); indefinitely prohibiting medical marijuana**
 15 **cooperatives and recreational marijuana producers, processors and**
 16 **retailers.**
 17

18 18.44.035 Prohibited uses.

19 The following uses are prohibited:

20
 21 (1) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
 22 69.51A.250085¹
 23

24 (2) Recreational marijuana producers, processors and retailers as defined in
 25 RCW 69.50.101¹
 26

27 ¹This section shall be in effect until September 1, 2016.
 28

ORDINANCE NO. _____

AN ORDINANCE declaring an emergency and amending portions of WMC Title 18 (Zoning) regarding medical marijuana cooperatives and recreational marijuana producers, processors and retailers in the City of Washougal.

WHEREAS, in April 2016 the Washington State Legislature passed SB5052 that authorized medical marijuana cooperatives as defined by RCW 69.51A.250 for growing medical marijuana for use by qualified patients; and

WHEREAS, the RCW 69.51A.250(3)(c) establishes a local government's zoning authority to prohibit medical marijuana cooperatives; and

WHEREAS, in 2012 Washington State voters adopted Initiative 502 that established a State regulatory environment regarding the production, processing, and retail sales of recreational marijuana with said uses defined within RCW 69.50.101; and

WHEREAS, the Washington State Attorney General opined that Initiative 502 does not preempt local authority to ban or otherwise regulate marijuana-related land uses within their jurisdictions through land use or business requirements; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, the City Council of Washougal approved Ordinance 1764 which adopted zoning regulations prohibiting medical and recreational marijuana uses within the City of Washougal with said provisions expiring on September 1, 2016; and

WHEREAS, good faith arguments can be made to ban marijuana production and retail in the City of Washougal including exposure to minors, potential addiction and

EXHIBIT B

greater use, threats to public safety from intoxicated driving, federal preemption, and potential secondary effects on properties adjoining marijuana production and retail facilities; and

WHEREAS, good faith arguments can likewise be raised to allow marijuana production and retail in the City of Washougal including providing a retail facility that medical marijuana patients can use, shutting down the local black market, promotion of personal liberty where most marijuana customers use the substance without incident, enhanced city revenue from marijuana sales, and potential unintended consequences of additional intoxicated driving from residents purchasing products elsewhere and that banning it will encourage a local black market that will sell to minors; and

WHEREAS, the vote inside of the City of Washougal was very close on Initiative 502 in November, 2012 which narrowly failed in the City by 28 votes; and

WHEREAS, subsequent to the November 2012 vote national polls have been released which generally indicate a trend toward more support for the legalization of marijuana; and

WHEREAS, the City Council of the City of Washougal has doubt about where its residents stand on permitting marijuana retail and production inside of the City; and

WHEREAS, the proposed ban is framed as a land use ordinance and the record is bereft of consideration of normal land use issues such as impacts on adjoining property, parking, traffic, or the ability to provide public services; and

WHEREAS, the use of a land use ordinance to ban marijuana renders a citizen vote on whether a ban is what our citizens want through the referendum process legally impossible; and

EXHIBIT B

WHEREAS, a common complaint about government is that its leaders tell the public “we know best” and the Washougal City Council acknowledges that we may not know what is best without consulting our citizens in a formal, democratic way with the broadest possible public participation; and

WHEREAS, the City Council of the City of Washougal determines to extend the ban until after a public advisory vote in April, 2017 on whether the ban should remain in place; and

WHEREAS, a Notice of Application and Likely SEPA Determination of Non-Significance (DNS) was issued for the proposed amendments on July 22, 2016 and was deemed final, without an additional comment period, on August 8, 2016, as required by WMC Title 16; and

WHEREAS, the proposed amendments came before the Washougal Planning Commission for discussion and consideration at a workshop and public hearing on August 9, 2016 and a recommendation of approval of the amendments was forwarded to City Council at that time; and

WHEREAS, the proposed amendments came before the Washougal City Council for discussion at a workshop on August 8, 2016; and

WHEREAS, the Washougal City Council held a public hearing to take public input with regard to the proposed amendments on August 22, 2016 but no action was taken; and

WHEREAS, the Washougal City Council held a special meeting on August 29, 2016 to take action on the proposed amendments; and

WHEREAS, the Washougal City Council finds that an emergency exists that affects the protection of the public health, safety and welfare of the citizens of the City of

EXHIBIT B

Washougal as the current provisions banning marijuana uses within the City will sunset on September 1, 2016 so this ordinance should be effective immediately.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHOUGAL, WASHINGTON as follows:

Section I

The recitals to this ordinance are hereby adopted as findings of the City Council of the City of Washougal.

Section II

The portions of WMC Title 18 (Zoning) are amended as identified in Exhibit "A" attached hereto and by this reference incorporated herein.

Section III

This ordinance shall expire on January 31, 2018. City staff is instructed to take all necessary actions to place an advisory ballot question asking our citizens whether the Council should ban marijuana production and retail inside of the City of Washougal for the April 25, 2017 Special Election.

Section IV

Effective date and notice. The City Council hereby finds and declares that an emergency exists and this is a matter of urgency which necessitates that this Ordinance become effective immediately in order to preserve the public health, safety and welfare. The Ordinance shall become effective immediately upon passage.

Section V

PASSED by the Council for the City of Washougal at a special meeting this 29th day of August, 2016.

City of Washougal, Washington

Sean Guard, Mayor of Washougal

ATTEST:

Jennifer Forsberg, Finance Director / City Clerk

APPROVED AS TO FORM:

Don English, City Attorney

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CA #16070004 / ENV #16070005
(Marijuana Code Changes removing Sunset Provision)

1. **Change footnote in 18.14 (Residential Districts) to extend sunset provision to January 31, 2018 and remove “collective gardens” and replace with “cooperatives”.**

Table 18.14-1 Use Table

USE	R1-15	R1-10	R1-7.5	R1-5	AR-16	AR-22
24. Medical marijuana <u>cooperatives</u> collective gardens -as defined in RCW 69.51A.250085 ¹⁷	X	X	X	X	X	X
25. Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101 ¹⁷	X	X	X	X	X	X

¹⁷This section shall be in effect until ~~January 31, 2018~~ September 1, 2016.

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2. **Change footnote in 18.32 (Commercial Districts) to extend sunset provision to January 31, 2018 and remove “collective gardens” and replace with “cooperatives”.**

Table 18.32-1 Use Table

USE	CV	CC	CH
C. Services.			
33. Medical marijuana <u>cooperatives</u> collective gardens -as defined in RCW 69.51A.250085 ¹	X	X	X
34. Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101 ¹	X	X	X

¹ This section shall be in effect until ~~January 31, 2018~~ September 1, 2016.

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2 **3. Change footnote in 18.35 (Town Center Districts) to extend sunset provision**
3 **to January 31, 2018 and remove “collective gardens” and replace with**
4 **“cooperatives”.**

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6 18.35.030 Use limitations.

7 All uses shall be allowed, unless specifically prohibited below.

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9 (1) Prohibited in all town center districts:

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11 (j) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
12 69.51A.250085¹

13
14 (k) Recreational marijuana producers, processors and retailers as defined
15 in RCW 69.50.101¹

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17 ¹ This section shall be in effect until ~~January 31, 2018~~ September 1, 2016.
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20 **4. Change footnote in Table 18.38 (Woodburn Hill Subarea Development**
21 **Residential Districts) to extend sunset provision to January 31, 2018 and**
22 **remove “collective gardens” and replace with “cooperatives”.**

23
24 18.38.040 Residential development.

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26 (6) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
27 69.51A.250085 are prohibited⁹

28
29 (7) Recreational marijuana producers, processors and retailers as defined in
30 RCW 69.50.101 are prohibited⁹

31
32 ⁹ This section shall be in effect until ~~January 31, 2018~~ September 1, 2016.
33

34
35 18.38.050 Nonresidential/mixed use nodes.

36
37 (7) Medical marijuana cooperatives ~~collective gardens~~ as defined in RCW
38 69.51A.250085 are prohibited¹

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40 (8) Recreational marijuana producers, processors and retailers as defined in
41 RCW 69.50.101 are prohibited¹

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43 ¹ This section shall be in effect until ~~January 31, 2018~~ September 1, 2016.
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Resolution No. _____

A RESOLUTION of the City Council of the City of Washougal providing for the submission to the qualified voters of the City, at the special municipal election to be held therein on April 25, 2017, of an advisory vote regarding whether the City of Washougal should allow recreational marijuana-related businesses and medical marijuana cooperatives within the City of Washougal; and requesting the Clark County Auditor to place the advisory vote on such special municipal election ballot.

WHEREAS, the issue of whether to allow recreational marijuana-related businesses and medical marijuana cooperatives to locate in the City has long been a matter of contention among residents;

AND WHEREAS, on August 29, 2016, the City Council approved an ordinance prohibiting recreational marijuana-related uses and medical marijuana cooperatives, which prohibition sunsets on January 31, 2018;

AND WHEREAS, during the pendency of the prohibition of recreational marijuana-related businesses and medical marijuana cooperatives, the City Council wishes to have a definitive representation of the public will about this issue and believes an advisory vote will provide this.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WASHOUGAL, WASHINGTON as follows:

Section I

The City Council hereby requests and calls for the Clark County Auditor to include on the ballot for the special municipal election to be held on April 25, 2017, in the City of Washougal for the purpose of submitting to the qualified voters of the City of Washougal an advisory vote regarding whether the City of Washougal should allow recreational marijuana-related businesses and medical marijuana cooperatives within the City of Washougal. This vote is advisory only, which means that the City Council will not be legally bound by its results, but will carefully consider the results of the advisory vote in making any decision regarding marijuana-related businesses and medical marijuana cooperatives.

Section II

The proposition to be submitted at the election shall be in the form of a ballot title prepared by the City Attorney to read as follows:

CITY OF WASHOUGAL ADVISORY PROPOSITION NO. 1

Allowing Marijuana-Related Businesses in the City of Washougal

Should the Washougal City Council enact an ordinance allowing recreational marijuana-related businesses and medical marijuana cooperatives within the City of Washougal?

- YES
- NO

Section III

The City Clerk is authorized and directed to file a certified copy of this Resolution with the Clark County Auditor.

Section IV

The City Council also hereby requests that the ballot title, explanatory statement, committee statements, if obtained, be published in the Local Voters' Pamphlet.

Section V

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

PASSED by the Council of the City of Washougal on the **29th** day of **August, 2016**.

City of Washougal, Washington

Mayor, Sean Guard

ATTEST:

Finance Director/City Clerk

APPROVED AS TO FORM:

City Attorney