

RESOLUTION NO. 1251

A RESOLUTION relating to the establishment of medical marijuana collective gardens as otherwise provided by RCW Chapter 69.51A.

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug; and

WHEREAS, the voters of the State of Washington approved Initiative 692 (codified as RCW 69.51A in November 1998); and

WHEREAS, the intent of Initiative 692 was that qualifying “patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law,” (RCW 69.51A.005); and

WHEREAS, the Washington State Legislature passed ESSSB 5073 in 2011, which provides that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil sanctions/penalties/consequences, if they possess no more than 15 cannabis plants, no more than 24 ounces of usable cannabis (other qualifications apply); and

WHEREAS, Washington’s Governor vetoed all of the provisions relevant to medical marijuana dispensaries in ESSSB 5073 but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually and in collective gardens; and

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning requirements, business license requirements, health and safety requirements, and impose business taxes on the production, processing or dispensing of cannabis or cannabis products; and

WHEREAS, the City adopted Resolution 1218 imposing a moratorium on medical marijuana collective gardens dispensaries it was predicted that the Washington State Legislature would address the subject during the 2012 Legislative Session; and

WHEREAS, the City adopted Resolution 1226 on January 17, 2012, which extended said moratorium adopted by Resolution 1218 for an additional six months; and

WHEREAS, based on experiences from other jurisdictions, there is significant increase in criminal activity surrounding marijuana-related activities, regardless of local, state, or federal legal status; and

WHEREAS, the U.S. Department of Justice, Drug Enforcement Agency through a letter

dated January 17, 2012 to the Board of Clark County Commissioners has put on local jurisdictions on notice that anyone who knowingly carries out the medical marijuana activities contemplated by Washington state law, as well as anyone who facilitates such activities, or conspires to commit such violations, is subject to criminal prosecution as proscribed under the controlled substances act; and

WHEREAS, the Washington State Legislature did not adopt any new regulations on medical marijuana; and

WHEREAS, the City has previously adopted Camas Municipal Code Section 18.07.010 - Establishment of Uses; and

WHEREAS, per Camas Municipal Code Section 18.07.010, the applicable requirements of the code, or other applicable state or federal requirements, shall govern uses located within the City of Camas; and

WHEREAS, given the position in which the City has been placed as between state and federal law, the City has chosen to affirm the provisions of CMC 18.07.010 regarding resolution of conflicts between applicable state or federal requirements as the City's official position on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

SECTION I

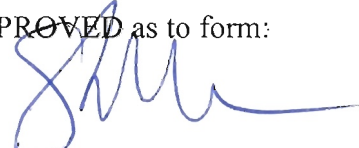
The provisions of Camas Municipal Code Section 18.07.010, as relates to the application of state or federal requirements to uses within the City, are hereby adopted as the City's official position as to resolution of any conflicts associated with the establishment of medical marijuana collective gardens within the City of Camas.

ADOPTED at a regular meeting of the Council of the City of Camas this 10<sup>th</sup> day of September, 2012.

SIGNED:   
Mayor

ATTEST:   
Clerk

APPROVED as to form:

  
City Attorney