

**A RESOLUTION OF THE CITY OF MILLWOOD, WASHINGTON,
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE MORATORIUM
ENACTED BY ORDINANCE NO. 422 RELATING TO MEDICAL
MARIJUANA DISPENSARIES AND COLLECTIVE GARDENS; AND
APPROVING A WORK PLAN TO ADDRESS REGULATING MEDICAL
MARIJUANA DISPENSARIES AND COLLECTIVE GARDENS.**

WHEREAS, with the approval of Ordinance No. 422 by the City Council on September 6, 2011, a six-month moratorium on the siting of medical marijuana dispensaries and collective gardens within the City of Millwood was enacted; and

WHEREAS, RCW 36.70A.390 requires that the City Council conduct a public hearing and adopt findings of fact supporting the moratorium enacted by Ordinance No. 422; and

WHEREAS, following the public notice as prescribed by applicable law, a public hearing was conducted before the City Council on October 3, 2011, and all persons wishing to be heard were heard;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Millwood, Washington:

Section 1. Adoption of Findings of Fact. The Preliminary Findings of Fact adopted in Ordinance No. 422 are hereby affirmed. Additional Findings of Fact attached hereto as Exhibit A are incorporated herein and are hereby adopted.

Section 2. Adoption of Work Plan. The Work Plan attached hereto as Exhibit B is incorporated herein and is hereby approved.

PASSED by the City Council and APPROVED by the Mayor of the City of Millwood at a regular meeting held on the 3rd day of October, 2011.

DATED this 3rd day of October, 2011.


Dan Mork, Mayor

ATTEST:


Thomas G. Richardson, City Clerk

EXHIBIT A

**Findings of Fact Supporting a Moratorium on Medical Marijuana
Dispensaries and Collective Gardens**

1. The Revised Code of Washington authorizes qualifying patients to possess and use marijuana for medicinal purposes, and allows qualifying patients to propagate marijuana individually and through collective gardens.
2. ESSB 5073 became effective on July 22, 2011, providing insufficient time for the City of Millwood to research, prepare, and adopt land use, business, and/or licensing controls for medical marijuana dispensaries and collective gardens in a manner that protects the public's health, safety, and welfare, while also allowing a broad public participation throughout the legislative process.
3. While Governor Gregoire's veto of certain sections of ESSB 5073 presently precludes the lawful establishment and operation of medical marijuana dispensaries, it is likely that legislation enacted in a future year will authorize such dispensaries, and therefore it is prudent that the City of Millwood consider such uses as dispensaries at this time.
4. Because marijuana is a controlled substance with a high monetary value in illicit markets, it is in the interest of qualifying patients and the public's general health, safety, and welfare that the City Council carefully and thoughtfully prepare and enact land use, business, and/or licensing controls for medical marijuana dispensaries and collective gardens.
5. By vote during a regular meeting of the Millwood City Council held on September 6, 2011, the City Council approved Ordinance No. 422 establishing a six-month moratorium on the siting of medical marijuana dispensaries and collective gardens within the corporate limits of the City of Millwood.
6. The City of Millwood has not taken any position in support of, or in opposition to, the use of marijuana for medical purposes, and in enacting the moratorium it is the objective of the City to take reasonable measures to protect the public's health, safety, and welfare in response to Federal and State laws regarding the possession, use, propagation, and distribution of marijuana.
7. On October 3, 2011, following notice as required by applicable law, a public hearing before the City Council on the moratorium enacted by Ordinance No. 422 was held, and all persons wishing to be heard were heard.
8. RCW 36.70A.390 requires that findings of fact be adopted within 60 days of the enactment of the moratorium.

9. Ordinance No. 422 specifies that City staff prepare for the City Council's consideration a work plan for the development of appropriate controls for medical marijuana dispensaries and collective gardens.
10. As outlined by the work plan contained within Exhibit B of Ordinance No. 422, it is anticipated that appropriate controls for medical marijuana dispensaries and collective gardens can be developed and adopted prior to the expiration of the moratorium enacted by Ordinance No. 422.
11. To date, one application or written request for a medical marijuana dispensary license and no applications or written requests for a collective garden have been submitted to the City of Millwood, or are presently under consideration or review by the City of Millwood.
12. It is the intent of the City Council to prepare and adopt appropriate controls for medical marijuana dispensaries and collective gardens prior to the expiration of the moratorium enacted by Ordinance No. 422.

EXHIBIT B

**Work Plan – Regulations for Medical Marijuana Dispensaries,
Collective Gardens and Similar Uses/Facilities**

	Task	Schedule
1.	Evaluate legislation enacted by other jurisdictions in Washington	October
2.	Evaluate legislation enacted by other jurisdictions in other states	October
3.	Review crime statistics associated with medical marijuana facilities.	October
4.	Identify primary goals and objectives for Millwood’s regulations.	October
5.	Identify appropriate authority for regulation of medical marijuana facilities (i.e., land use, business license, special permit, etc.).	November
6.	Identify appropriate measures (regulations) to achieve goals and objectives.	November
7.	Prepare draft legislation.	November
8.	City Council review of draft legislation. Refer to advisory board/commission if desired.	November
9.	Solicit early input from interested citizens/groups.	December
10.	Complete environmental review, notification of state agencies, public notice, etc. as required.	December
11.	Identify and evaluate advantages and disadvantages of the draft legislation. Identify City resources needed to administer legislation if adopted. Develop administrative procedures as necessary.	December
12.	Second City Council review of draft legislation.	December
13.	Revise as necessary.	January 2012
14.	Public hearing on draft legislation.	January 2012
15.	Adoption of legislation.	February 2012
16.	Notification of state agencies and interested citizens as required.	February 2012

Note: The moratorium enacted by Ordinance No. 422 expires on March 6, 2012.