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July 22, 2015

**TO:** Longview Planning Commission

**FROM:** Steve Langdon, Planning Manager

**SUBJECT:** Workshop on need for medical marijuana zoning code amendments

The State legislature changed the laws regarding medical marijuana this year. This means the City will need to make some code amendments. For instance, the zoning code contains a chapter that addresses medical marijuana collective gardens. As discussed below, collective gardens will become illegal on July 1, 2016, so the City will need to repeal that zoning code chapter. Below is a summary of what local jurisdictions can regulate regarding medical marijuana. I believe we should wait until rule making by the Liquor & Cannabis Board is complete or nearing completion before we start the public process of amending the LMC. Meanwhile, I wanted to make you aware of the changes and have you thinking about the extent of regulation you would like to see put in place.

### Medical Marijuana Cooperatives

SB 5052 removes the authorization for medical marijuana collective gardens effective July 1, 2016. Instead of collective gardens, SB 5052 authorizes medical marijuana cooperatives. Cooperative can have up to four members and each member can grow up to 15 plants. So a cooperative could be growing up to 60 plants. The real kicker is that the growing is required to take place in one of the member's "domicile." 60 marijuana plants in a domicile seems excessive to me.

Under SB 5052, I was unsure whether local jurisdictions could regulate cooperatives. On June 30, the Governor signed HB 2136. This bill includes authorization for local jurisdictions to restrict the location of cooperatives or even ban them. The relevant language from SB 5052 as modified by HB 2136 is attached.

### Medical Marijuana Individual Growing

SB 5052 allows those persons with medical marijuana endorsement to grow up to six plants if the person is registered in the medical marijuana authorization database. Persons with a medical marijuana endorsement who do not choose to register can grow up to four plants. However, Section 27 of the bill states that, even if multiple qualifying patients reside in a housing unit, no more than 15 plants can be grown in that housing unit, unless they form a cooperative.

Section 27 also states that the growing of plants may not occur if any portion of the activity can be seen or smelled from a public place or the private property of another housing unit. It goes on to say that "...municipalities may create and enforce civil penalties, including abatement procedures, for the growing or processing of marijuana and for keeping marijuana plants beyond or otherwise not in compliance with this section."

#### Medical Marijuana Dispensaries

Medical marijuana dispensaries have operated under the guise of being collective gardens with a rotating membership. With the demise of collective gardens on July 1, 2016, the excuse for medical marijuana dispensaries goes away. SB 5052 and HB 2136 make it clear that the only businesses allowed to sell medical marijuana are licensed recreational marijuana retailers with a medical marijuana endorsement.

If you have any questions or concerns, please contact me at 442-5083.

Cc: Jim McNamara, City Attorney  
Steve Shuman, Assistant City Attorney  
Craig Bozarth, City Engineer  
John Brickey, Community Development Director