

ORDINANCE NO. 3319

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**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING LMC TITLE 19 TO PROHIBIT MEDICAL MARIJUANA COLLECTIVE GARDENS AND COOPERATIVES**

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WHEREAS, Longview Municipal Code (LMC) Chapter 19.72 Medical Cannabis provides regulations for the siting of medical marijuana collective gardens. Pursuant to 2015 State legislation, collective gardens are no longer allowed in Washington State as of July 1, 2016 . Thus, the City's zoning code chapter regarding collective gardens must be reconciled with state law; and

WHEREAS, in place of collective gardens, 2015 State legislation authorized the establishment of Liquor and Cannabis Board-certified "cooperatives". Cooperatives can have up to four members and each member can grow up to 15 plants. The cooperative is required to be located in one of the member's "domicile." Therefore, a domicile could have up to 60 marijuana plants growing within it. State law allows local jurisdictions to regulate cooperatives including banning them; and

WHEREAS, on February 25, 2016, the City Council held a workshop on medical marijuana issues. At that workshop, concerns were raised about growing up to 60 plants in a domicile especially when the majority of the City's domiciles are located in residential zoning districts. Concerns expressed included odor, humidity, and the additional electrical load on existing systems; and

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WHEREAS, at their April 6 regular meeting, the Planning Commission held a public hearing on a proposal to repeal LMC Chapter 19.72 Medical Cannabis (relating to medical marijuana collective gardens) and create a new Chapter 19.72 that will prohibit medical marijuana cooperatives from locating in the City. After the public hearing, the Planning Commission voted unanimously to recommend approval of the proposal.

**NOW THEREFORE,** The City Council of the City of Longview do ordain as follows:

**Section 1.** The following Title page including chapter list of Title 19, of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

Title 19  
ZONING<sup>1</sup>

Chapters:

- 19.03 Comprehensive Plan
- 19.06 General Provisions
- 19.09 Definitions
- 19.12 Appeal Board of Adjustment
- 19.14 –
- 19.16 Repealed
- 19.17 Residential Care Facilities
- 19.18 Repealed
- 19.20 Residential Zoning Districts
- 19.21 Repealed
- 19.22 Supplemental Residential Zoning Standards
- 19.24 Repealed
- 19.27 Repealed
- 19.28 Standards for Manufactured Home Parks
- 19.30 Repealed
- 19.32 Repealed
- 19.33 Country Club District, C-D
- 19.35 Riverfront District, RF-1
- 19.39 Civic Center District, C-C
- 19.40 County Event Center District, CEC
- 19.41 Seasonal Sales – Temporary Use Permit
- 19.42 Repealed
- 19.44 Commercial Zoning Districts
- 19.45 Repealed
- 19.46 Supplemental Commercial Zoning Standards
- 19.48 –
- 19.54 Repealed
- 19.55 Performance Standards – Industrial/Manufacturing Zones
- 19.57 Repealed
- 19.58 Industrial Zoning Districts
- 19.59 –
- 19.65 Repealed

- 19.66 Planned Unit Development
  - 19.67 Short Subdivisions
  - 19.68 Boundary Line Adjustments
  - 19.69 Repealed
  - 19.70 Adult Entertainment Establishments
  - 19.72 Medical ~~Cannabis~~ Marijuana Cooperatives
  - 19.75 Nonconforming Uses and Developments and Substandard Lots of Record
  - 19.78 Off-Street Parking and Loading
  - 19.79 Small Wind Energy Systems
  - 19.80 Longview Subdivision Code
  - 19.81 Amendments
  - 19.84 Repealed
  - 19.87 Violations
  - 19.90 Binding Site Plan
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1 For the statutory provisions regarding planning and zoning in a code city, see Chapter 35A.63 RCW. For the provisions regarding the required elements of the comprehensive plan, see RCW 35A.63.061.

**Section 2.** Chapter 72 of Title 19 is repealed in its entirety and replaced as follows; provided manifest and numbering errors shall be corrected prior to publication:

#### Chapter 19.72 Medical Marijuana Cooperatives

##### **Sections:**

##### **19.72.010 Medical Marijuana Cooperatives – Prohibited**

Medical marijuana cooperatives, as regulated by RCW 69.51A.250, are prohibited in the City of Longview

**Section 3.** Those portions of LMC 19.72 repealed or amended by this ordinance shall remain in force and effect until the effective date of this ordinance.

**Section 4.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the

fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 6.** That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

**Section 7.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 8.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2016.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James McNamara  
City Attorney

Published: \_\_\_\_\_

