

## Legislation Text

---

**File #:** OR 16 3319, **Version:** 1

---

### **ORDINANCE NO. 3319 AMENDING THE ZONING CODE TO PROHIBIT MEDICAL MARIJUANA COLLECTIVE GARDENS AND COOPERATIVES**

#### **COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Preserve and enhance neighborhoods

#### **CITY ATTORNEY REVIEW: REQUIRED**

#### **SUMMARY STATEMENT:**

Longview Municipal Code (LMC) Chapter 19.72 Medical Cannabis provides regulations for the siting of medical marijuana collective gardens. Per 2015 State legislation, collective gardens are no longer allowed in Washington State as of July 1, 2016. Thus, that LMC chapter needs to be repealed.

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.

Both the City Council and the Planning Commission have held workshops on this matter. The Planning Commission held a public hearing on the zoning code amendments at their April 6 regular meeting. After the public hearing, the Planning Commission voted unanimously to recommend approval of the proposal to ban collective gardens and cooperatives. During the amendment process, 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. There were also concerns about cooperatives being a target for crime.

At their April 28 meeting, the City Council considered the Planning Commission's recommendation and unanimously voted to accept the Planning Commission recommendation and to direct the City Attorney to prepare an ordinance for their review and approval.

#### **RECOMMENDED ACTION:**

Motion to adopt Ordinance Number 3319

#### **STAFF CONTACT:**

Steve Langdon, Planning Manager  
Jim McNamara, City Attorney