

**ORDINANCE NO. 1404**

***THE CITY OF WOODLAND, WASHINGTON***

**AN ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, ADOPTING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT, SITING, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MEDICAL MARIJUANA COOPERATIVES AS AUTHORIZED UNDER RCW 69.51A.250 AND PROVIDING FOR THE APPROPRIATION OF FUNDS INTO SUCH ACCOUNTS AS MORE PARTICULARLY SET FORTH HEREIN AND AUTHORIZING A PUBLICATION BY SUMMARY.**

**FINDINGS**

The Washington State legislature passed Senate Bill 5052 and House Bill 2136, which changed state law regarding various aspects of retail and medical marijuana. Senate Bill 5052 repealed the law authorizing collective gardens and bans collective gardens beginning July 1, 2016.

RCW 69.51A.250 authorizes the formation of cooperatives to share responsibility for acquiring and supplying the resources needed to provide and process marijuana only for the medical use of members of the cooperative. Qualifying patients or designated providers who participate in a cooperative under RCW 69.51A.250 may grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up a maximum of 60 plants. The location of cooperatives must be in the domicile of one of the participants which means the cooperatives will likely be located within residential areas.

The City of Woodland has not addressed regulations or zoning controls specifically related to medical marijuana cooperatives. The City deems it necessary to prohibit the licensing and establishment of medical marijuana cooperatives in the interest of protection of public safety and health, and in the interest of providing time to evaluate the best alternatives for the community.

The City of Woodland Council believes this action is taken in good faith;

As per RCW 35A.63.220, a moratorium may be renewed for one or more six-month periods; and

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:**

1. Moratorium Enacted. Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Woodland prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana cooperative. For the purpose of this ordinance, a medical marijuana cooperative means up to four qualifying patients sharing

responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use at the domicile of one of the cooperative members.

2. Medical Marijuana Cooperatives Prohibited. New medical marijuana cooperatives are hereby designated as prohibited uses with the City of Woodland during this moratorium, or extension of. In accordance with the provisions of RCW 35A.82.020, no business license or development permit shall be issued to a medical marijuana cooperative. This moratorium shall not affect any rights or licenses previously issued or granted.

3. Public Hearing on Interim Zoning. Pursuant to RCW 35A.63.220, a moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal. The required public hearing will take place the 7<sup>th</sup> day of August, 2017.

4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

5. Findings and Conclusions Adopted. The City Council hereby adopts the recitals set forth above, as their Findings and Conclusions as required by RCW 36.70A.390.

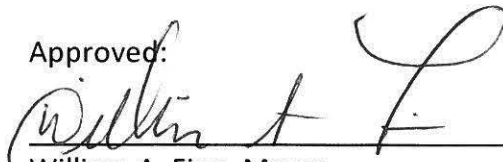
6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this Ordinance.

7. Effective Date/Termination of Moratorium. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication. Unless otherwise extended by the Council, pursuant to RCW 36.70A.390, this Ordinance, and the moratorium established herein, shall expire and terminate six (6) months from January 16, 2017.

Adopted in an open public meeting this 16<sup>th</sup> day of January, 2018.

CITY OF WOODLAND, WA

Approved:

  
William A. Finn, Mayor

Attest:

  
Mari E. Ripp, Clerk-Treasurer

Approved as to form:

A handwritten signature in blue ink, appearing to read 'FR' followed by a stylized flourish.

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Frank Randolph, City Attorney

**SUMMARY OF ORDINANCE NO. 1404**  
**OF THE CITY OF WOODLAND, WASHINGTON**

On January 16, 2018 the City Council of the City of Woodland, Washington, approved Ordinance No. 1404 the main point of which may be summarized by its title as follows:

**AN ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, ADOPTING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT, SITING, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MEDICAL MARIJUANA COOPERATIVES AS AUTHORIZED UNDER RCW 69.51A.250 AND PROVIDING FOR THE APPROPRIATION OF FUNDS INTO SUCH ACCOUNTS AS MORE PARTICULARLY SET FORTH HEREIN AND AUTHORIZING A PUBLICATION BY SUMMARY.**

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of January 16, 2018.

  
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Mari E. Ripp, Clerk-Treasurer

Published: January 24, 2018  
Effective: January 29, 2018