CITY OF BELLEVUE

EAST BELLEVUE COMMUNITY COUNCIL

COURTESY PUBLIC HEARING NOTICE

Rules of Procedure are available at the City Clerk's Office

The East Bellevue Community Council will hold a courtesy public hearing during its Regular Meeting on **Tuesday, July 2, at 6:30 p.m.**, in the Lake Hills Boys & Girls Club, 15228 Lake Hills Boulevard, to consider a Land Use Code Amendment (LUCA) imposing permanent regulations for medical cannabis collective gardens as applicable within the EBCC's jurisdiction.

Land Use Code Amendment Application by the City of Bellevue:
The Bellevue City Council adopted Ordinance No. 6058 on May 7, 2012 imposing an interim zoning control regulating medical marijuana collective gardens in Bellevue. The proposed LUCA will implement permanent regulations related to the siting and operation of medical cannabis collective gardens. Collective gardens would be permitted in four land use zones (General Commercial, Light Industrial, Bel-Red General Commercial, and Medical Institution), and prohibited in residential land use zones.

File No. 13-112380-AD

Written comments may be addressed to the East Bellevue Community Council in care of Michelle Murphy, Deputy City Clerk, P.O. Box 90012, Bellevue, WA 98009.

Posting/Publication Date: June 25, 2013

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City of Bellevue

MEMORANDUM

DATE: June 5, 2013

TO: Chair Kasner and Members of the East Bellevue Community Council

FROM: Catherine A. Drews, Legal Planner, 425-452-6134

SUBJECT: Medical Cannabis Collective Gardens Land Use Code Amendment.

INTRODUCTION

On July 2, the East Bellevue Community Council (EBCC) will consider the proposed Land Use Code amendments (LUCA) to impose permanent regulations for medical cannabis collective gardens. The proposed LUCA is based on the interim zoning regulation (Ordinance No. 6058). Like the interim control, the proposed LUCA will limit the location of medical cannabis collective gardens to four land use districts, none of which currently are zoned in the EBCC: (1) Light Industrial; (2) General Commercial; (3) Bel-Red General Commercial; and (4) Medical Institution. Collective gardens would be prohibited in residential districts. The proposed LUCA has general applicability to all properties located in Bellevue, and thus are subject to EBCC review. A copy of the proposed LUCA is attached to this memorandum as Attachment A. A public hearing before the Planning Commission is scheduled for July 24, 2013, with City Council action likely to follow in the fall.

DISCUSSION

During the May 7, 2012 Regular Session, the Bellevue City Council responded to the uncertainty associated with the regulation of medical cannabis collective gardens by adopting Ordinance No. 6058, implementing an interim zoning ordinance regulating medical cannabis collective gardens for a period of six months to be in effect while the City addressed permanent zoning regulations.[1] A copy of Ordinance No. 6058 is included as Attachment B to this memorandum. Under the Growth Management Act (GMA), a public hearing is required within 60 days of adoption of the interim zoning ordinance. On July 2, 2012, Council held the public hearing required under the GMA. At the close of the public hearing, Council directed staff to work with the Planning Commission to develop permanent regulations after Council established guidelines and principles for the Planning Commissions' review.

On February 25, 2013, staff presented project principles to the Council, which the Council adopted and directed staff to present to the Planning Commission. A copy of the project principles is included as Attachment C. Staff introduced the project principles to the Planning Commission on May 8. Staff presented additional information

[1] The City Council has twice extended Ordinance No. 6058 as allowed under the Growth Management Act by adopting Ordinances Numbers 6079 and 6109.

and answered questions raised by the Planning Commission on May 22. The Planning Commission concurred that the interim zoning regulation for collective gardens would be the starting point for the proposed LUCA. Collective gardens are prohibited in residential land use districts and are allowed only in General Commercial, Bel-Red General Commercial, Light Industrial and Medical Institutions. The proposed LUCA also includes performance standards related to the sighting and operation of collective gardens. The intent of these standards is to allow qualifying patients to participate in collective gardens while protecting neighborhood character. A public hearing on the proposed LUCA is scheduled before the Planning Commission on July 24, with action by the City Council anticipated in the fall. After Council action in the fall, the EBCC will hold a final public hearing to consider the adopted LUCA.

CONCLUSION

Following the courtesy public hearing, the Planning Commission requests any feedback or comments you may have on the proposed LUCA.

Please contact me after June 21 at 425-452-6134 or at cdrews@bellevuewa.gov if you have any questions before the July 2, 2013 meeting.

Attachment A: Proposed LUCA.
Attachment B: Ordinance No. 6058
Attachment C: Council-approved Project Principles

20.10.440 Land use charts.

Chart 20.10.440

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Uses in land use districts STD LAND USE CODE REF	LAND USE CLASSIFICATION	Resources – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)											
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	P	P	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens											
821	Agricultural Processing											
8221	Veterinary Clinic and Hospital											
8222	Poultry Hatcheries											
83	Forestry, Tree Farms and Timber Production	P	P	C	C	C	C	C	C	C	C	C
8421	Fish Hatcheries											
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C	C	C	C	C	C	C	C	C	C	C

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Resources – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)										
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens				A (4)	A (4)					
821	Agricultural Processing				P 2						
8221	Veterinary Clinic and Hospital	P	P		P	P	P 3	P	P		
8222	Poultry Hatcheries				P	P					
83	Forestry, Tree Farms and Timber Production	C	C	C	C	C	C	C	C	C	C
8421	Fish Hatcheries				P						
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C	C	C	C	C	C	C	C	C	C

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Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB

8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)	
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens	
821	Agricultural Processing	
8221	Veterinary Clinic and Hospital	P
8222	Poultry Hatcheries	
83	Forestry, Tree Farms and Timber Production	
8421	Fish Hatcheries	
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	

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Notes: Uses in land use districts – Resources

(1) In the R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, NB, PO, O, OLB, F1, F2, F3, LI, GC and CB Districts agriculture is limited to the production of food and fiber crops.

(2) Agriculture processing excludes grain mill products manufacturing and slaughtering in LI Districts.

(3) Veterinary clinics and hospitals are limited to 5,000 square feet per use in NB Districts.)

(4) See LUC 20.20.526 for general requirments applicable to this use.

20.25D.070 Land Use Charts.

The following charts apply to Bel-Red. The use charts contained in LUC 20.10.440 do not apply within the Bel-Red land use districts.

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Chart 20.25D.070
Resource Uses in the Bel-Red Districts.

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Resources – Bel Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR-RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)							
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs					P 1	P 1	
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens					A (3)		
821	Agricultural Processing							
8221	Veterinary Clinic and Hospital (2)		P/P	P		P	P	P
8222	Poultry Hatcheries							
83	Forestry, Tree Farms and Timber Production							
8421	Fish Hatcheries							
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction							

Existing uses in the Bel-Red District are regulated pursuant to LUC 20.25D.060.
Key

P – Permitted Use
C – Conditional Use (see Parts 20.30B and 20.30C LUC)
A – Administrative Conditional Use (see Part 20.30E LUC)

Notes: Uses in land use districts – Resources.

(1) Agriculture production is limited to the production of food and fiber crops.

(2) See LUC 20.20.130 for general requirements applicable to this use.

(3) See LUC 20.20.526 for general requirments applicable to this use.

20.25J.020 Permitted uses.

The following chart indicates the permitted land uses within the MI Land Use District and the required review process for each use within each development area.

Medical District Land Use Chart

Land Use	Hospital Center and Hospital Perimeter Development Areas (DA1 and DA3) (1)(9)	Medical Office Development Area (DA2) (2)
Services		
Hospital	P	--
Ambulatory health care center (3)	P	--
Professional services: medical clinics and other health care-related services	P	P
Medical-related administrative offices	P	P
Research, development and testing services	S	S
Other administrative offices (non-medically related)	S	S
Childcare and adultcare services	P	P
Social service providers (for-profit and nonprofit), including Medic 1 services and other emergency services	P	P
Medical helicopter landing pad (4)	P	P
Personal services: laundry, dry cleaning, barber and beauty shops, shoe repair, massage therapy/health spa (non-medically related) and other services ancillary to a hospital	S	P
Finance and insurance institutions	--	S
Business services, duplicating and blueprinting	--	S
Religious activities	S	S
Transportation and Utilities		
Accessory parking (5)	P	P
Commercial parking	P	P
Wireless facilities (6)	A/P	A/P
Utility facility	A	C
Local utility system	P	P
Regional utility system	A	C
Essential public facilities (7)	A	A
Transit facilities (8)	P	P
Highway and street right-of-way	P	P
Retail		
Eating and drinking establishments	P	P
Health care-related retail (i.e., pharmacy, crutches, etc.)	P	P

Miscellaneous retail trade: drug stores, gift stores, bookstores, news stands, florist, jewelry, clothing, photo supplies, video sales/rental and other retail ancillary to a hospital	S	P
Electrical Utility Facility	A/C (10)	A/C (10)
Resource		
Medical Cannabis Collective Garden	A (11)	A (11)

P = Permitted
A = Administrative Conditional Use
S = Subordinate Use
-- = Not Permitted

Footnotes:

(1) See LUC 20.10.390 and 20.50.034 for definition of Medical Institution District Hospital Center Development Area (DA1).

(2) See LUC 20.10.390 and 20.50.034 for definition of Medical Institution District Medical Office Development Area (DA2).

(3) See LUC 20.50.010 for definition of ambulatory health care center.

(4) Medical helicopter landing pad: must be located within 200 feet of the right-of-way of I-405. Permitted only for emergency patient-related helicopter landings. Only one helicopter landing pad is permitted within the Medical Institution District. There may not be refueling tanks, refueling services, storage of helicopters, or any other storage-related activities. The helicopter landing pad must meet Federal Aviation Administration (FAA) requirements and applicable licenses. The helicopter landing pad must also meet City of Bellevue Fire Code requirements and any other applicable City codes and standards. LUC 20.20.450 does not apply within the Medical Institution District.

(5) Accessory parking is permitted to serve only the uses located within the Medical Institution District pursuant to an approved Master Development Permit and requires approval through the review process required for the primary land use which it serves.

(6) Wireless facilities must meet the requirements of LUC 20.20.195. Prior Administrative Conditional Use approval is required for freestanding monopole facilities and wireless facilities integrated on existing parking lot light poles and/or adjacent street poles (within the right-of-way) to the campus. Building-mounted wireless facilities are permitted outright. Any ground-mounted equipment must be adequately screened per LUC 20.20.195.

(7) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities.

(8) Transit facilities includes transit stops and high-capacity transit stops.

(9) See LUC 20.10.390 and 20.50.034 for definition of Medical Institution District Hospital Perimeter Development Area (DA3).

(10) For the definition of electrical utility facility, see LUC 20.50.018 and for reference to applicable development regulations relating to electrical utility facilities see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain conditional use permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D, and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain administrative conditional use permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

(11) See LUC 20.20.526 for general requirments applicable to this use.

20.20.526 Medical cannabis collective gardens. [NEW SECTION]

A. Purpose.

The purpose of this section is to regulate medical cannabis collective gardens in a manner that minimizes the impacts of collective gardens on surrounding properties and protects the public health, safety, and welfare, while allowing qualified patients to create and participate in collective gardens. The creation of a collective garden means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

B. Applicability.

This section contains development requirements and performance standards that apply to all applications to establish and operate a medical cannabis collective garden.

C. Submittal Requirements.

In addition to the information required for an Adminstrative Conditional Use permit (Part 20.30E LUC), an application for a collective garden shall comply or contain the following:

1. The application shall be made by a qualifying patient and include verification of that status, as described in RCW 69.51A.010(4) and 69.51A.010(7), now or hereafter amended; and

2. A map drawn to scale that demonstrates compliance with the separation requirements of this section. The director may require, at the applicant's expense, a survey map showing these features prepared by a surveyor licensed in the state of Washington.

D. Required Review.

An administrative conditional use permit (Part 20.30E LUC) is required to operate a medical cannabis collective garden. The director shall review applications to operate a medical cannabis collective garden for compliance with this section, RCW 69.51A.085, now, or has hereafter amended, and with all other applicable provisions of the Bellevue City Code.

E. Definitions.

The following definitions apply to this section.

1. The definitions codified at RCW 69.51A.010, how, or as hereafter amended, shall apply to this section.

2. "Cannabis" shall mean all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

1. "Collective garden" shall mean the growing, of medical cannabis by qualifying patients as provided in Chapter 69.51A RCW, now or hereafter amended, and subject to the provisions of this section. A collective garden may also include ancillary processing and distribuition of medical cannabis to support the collective garden. A location used solely for processing or distributing medical cannabis, or not meeting the requirements of this section shall not be considered a collective garden and is prohibited;

3. "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include cannabis-infused products.

4. "Way open to the public" means any paved or unpaved exterior areas on private property open to the general public for pedestrian or vehicular ingress or egress into a site or between sites that are open to and provide services to the public.

F. Requirements Applicable to Medical Cannabis Collective Gardens.

All applications to operate a medical marijuana collective garden shall comply with the following requirements and the provisions of RCW 69.51A.085, now or hereafter amended:

2. ~~[cvh1]~~Not more than one collective garden shall be established on a single tax parcel or lot;

3. A collective garden may not be located within 1,000 feet of public or private schools, child care services, child day care centers, religious institutions,

youth-oriented facilities, public libraries, residential treatment facilities, public and private playgrounds, community centers, or any other collective garden.

4. Required separation distances shall be measured by taking a straight horizontal line, measured from the nearest point of that portion of a lot prposed be used for a collective garden (the enclosed building or indoor leased space, excluding for example, parking areas, landscaping or tenant common areas) to the nearest point of:

    a. That portion of a lot used for another collective garden; or

    b. A lot owned or leased, or that portion of a lot leased (excluding common areas) for public or private schools, child care services, child day care centers, religious institutions, youth-oriented facilities, public libraries, residential treatment facilities, public and private playgrounds, and community centers.

5. A~~No~~ collective garden shall be located in a structure.

6. A collective garden may include ancillary uses for processing and delivering medical cannabis to its members; provided:

    a. The ancillary use shall be located on the same lot and in the same structure as the collective garden; and

    b. The total size allowed for ancillary processing and distribution necessary to support the collective garden shall not exceed more than10 percent of the floor area devoted to cultivating medical cannabis.

7. No collective garden shall be located in any manner or place where the cannabis plants can be viewed or smelled, in the discretion of the Director, from a public place or way open to the public.

8. No more than 10 qualifying patients may participate in a single collective garden at any time;

9. A collective garden may contain no more than fifteen plants per qualifying patient up to a total of 45 plants;

10. A collective garden may contain no more than 24 ounces of useable cannabis per qualifying patient up to a total of 72 ounces of cannabis;

11. A copy of each qualifying patient's valid documentation, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden;

12. A qualifying patient cannot be a member of more than one collective garden, and must be a member of one collective garden for at least thirty days before transferring their membership to another collective garden. Each collective garden must maintain records of its membership for no less than three years;

13. No useable cannabis from the collective garden shall be delivered to anyone other than one of the qualifying patients who has been a member of the collective garden for a minimum of 30 days;

14. Any transportation or delivery of medical cannabis from the collective garden shall be conducted by the collective members or designated provider so that quantities of medical cannabis allowed by RCW 69.51A.085, *now or as hereafter* amended, are never exceeded; and

15. A collective garden shall have installed an operational security alarm system that is monitored 24-hours a day and an operational security camera system that retains recordings from all installed cameras for a period not less than 60 days.

G. Release of Liability and Hold Harmless.

The permittee of a medical cannabis collective garden shall provide an executed release in a from approved by the Bellevue City Attorney's office to the City of Bellevue, for itself, its agents, officers, elected officials and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a collective garden. Additionally, within the release document, the permittee of a medical cannabis collective garden shall indemnify and hold harmless the City of Bellevue and its agents, officers, elected officials, and employees form any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the collective garden and for any claims brought by any of the collective garden members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise

out of the cultivation, processing, or distribution of medical cannabis at the collective garden.

H. Conflicts

In the event of a conflict between RCW 69.51A.085 and this section, the most restrictive provision shall apply.

1277-ORD
05/07/12

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6058

AN ORDINANCE of the City of Bellevue, Washington, adopting interim official zoning controls regarding medical marijuana collective gardens for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent collective zoning regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning ordinance and declaring an emergency.

WHEREAS, E2SSB 5073 (the Act) effective on July 22, 2011 amended Chapter 69.51A RCW and authorizes "collective gardens" which allows certain qualifying patients to produce, grown and deliver cannabis for medical use; and

WHEREAS, federal law prohibits the production, processing and dispensing of medical cannabis products, and strict federal sentencing guidelines enhance the penalties for violations involving more than 99 plants or occurring within 1000 feet of schools; and

WHEREAS state law strictly enhances the penalties for violations of the Controlled Substances Act that occur within 1000 feet of a school; and

WHEREAS, the Act authorizes municipalities to exercise local location, health and safety controls for the regulation of collective gardens; and

WHEREAS, the City Council deems it to be in the public interest to establish interim regulations pending local review of the anticipated changes in the law; and

WHEREAS, the acceptance of applications proposing development, establishment or licensing of collective gardens may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, establishment of interim regulations of six months in duration for the filing of certain applications for development, establishment or licensing of collective gardens will prevent substantial change until the land areas and the text of development standards applicable to collective gardens is reviewed, and any needed revisions are made to city codes; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Interim Regulation Adopted. Any application for, intake of, review of, or issuance of any permit for the establishment of a collective garden as defined in RCW 69.51A.085 is required to meet the following criteria:

A. An administrative conditional use permit (Part 20.30E of the Land Use Code ("LUC")) is required to operate a collective garden. The Director of the City's Development Services Department shall specify application submittal requirements as authorized under LUC 20.35.030 to operate a collective garden. All applications and approvals to operate a collective garden shall also comply with the requirements of Chapters 22-24 of the Bellevue City Code.

B. The provisions of RCW 69.51A.085, now or as hereafter amended, shall apply in addition to the provisions of this interim regulation.

C. For the purposes of this interim regulation only, the definitions codified at RCW 69.51A.010, now provided or as hereafter amended, shall apply to the provisions of this ordinance.

D. There shall be no more than one collective garden permitted on a property tax parcel.

E. Collective gardens may only be located in the Light Industrial, General Commercial, Bel-Red General Commercial and Medical Institution land use districts.

F. A collective garden, or facility for delivery of cannabis produced by the garden, may not be located within 1000 feet of schools, religious institutions, youth-oriented facilities, libraries, residential treatment facilities or any other collective garden or delivery site.

G. No collective garden shall be permitted outdoors.

H. No collective garden shall be located in any manner or place where the cannabis plants can be viewed or smelled from a public place.

I. Any transportation or delivery of cannabis from a collective garden shall be conducted by the collective members or designated provider so that quantities of medical cannabis allowed by RCW 69.51A.085, now or as hereafter amended, are never exceeded.

J. A qualifying patient cannot be a member of more than one Collective Garden, and must be a member of one Collective Garden for at least thirty (30) days before transferring their membership to another Collective

Garden. Each Collective Garden must maintain records of its membership for no less than three years.

Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than_____, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. Public Emergency. The City Council hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 7. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption by a majority plus one of the City Council.

ORIGINAL

1277-ORD
05/07/12

Passed by the City Council this 7th day of May, 2012 and signed in authentication of its passage this 7th day of May, 2012.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published May 10, 2012

Project Principles for the
Regulation of Medical Cannabis Collective Gardens
Approved by the Bellevue City Council on February 25, 2013

The project principles described below apply only to the regulation of medical cannabis collective gardens as permitted under Chapter 69.51A RCW, and do not apply to the recreational use of marijuana approved by the voters on November 6, 2012 with the passage of Initiative 502. The Planning Commission will provide a recommendation to the Bellevue City Council concerning only the regulation of medical cannabis collective gardens.

1. Bellevue Appropriate. In Bellevue, collective gardens are limited to actual gardens that allow small groups of qualified patients to join together to assist each other in growing, harvesting, processing, and distributing medical cannabis among members of the collective garden, consistent with RCW 69.51A.080, now or as hereafter amended.

2. Collective Gardens are Gardens. Commercial enterprises for the distribution of medical cannabis, including but not limited to access points, portals, or dispensaries, are prohibited under federal and state law, and therefore are prohibited in Bellevue. These commercial enterprises are inconsistent with Bellevue's desire to balance the need for medical cannabis patients to have access to their medicine with Bellevue's values and community standards, including the protection of neighborhoods.

3. Neighborhood Character is Protected. Collective gardens shall not be located in residential land use districts or transitional land use zones that abut residential land use districts. Collective gardens shall be separated from schools, child care services, residential treatment facilities, youth-oriented facilities, such as Youth Eastside Services, by a distance of 1,000 feet, consistent with state and/or federal law. A waiting period should be required when a qualifying patient desires to participate in a different collective garden.

4. Regulations are Specific and Understandable. The permanent regulations should be specific about the requirements to locate and operate medical cannabis collective gardens so that qualifying patients understand what is expected under the regulation.

5. Administration and Enforcement is Straightforward. Ensure regulations are capable of being administered and enforced. Collective gardens should register with the City's Development Services Department. Development Services and the Bellevue police department should collaborate in matters of enforcement. Consider using the City's authority to define and abate nuisances to prohibit

conduct or activities relating to medical cannabis collective gardens or other medical cannabis commercial enterprises.

6. Security Measures are Required. Collective gardens must have sufficient security measures to protect both the participating patients and the public. Collective gardens are responsible to ensure that members have safe access to their medicine. Medical cannabis plants or finished products should not be visible outside of the collective garden. Collective gardens should include security measures appropriate for the surrounding neighborhood.

7. Processing of the Amendment is Inclusive. The code amendment process for medical cannabis should seek and include input from a wide range of stakeholders.

8. The Outcome is in Conformance with Applicable Law. The establishment and operation of medical cannabis collective gardens must conform with, and not frustrate, the purpose of state law. Collective gardens must conform to the requirements of RCW 69.51A.085, now or as hereafter amended.

9. The Amendment is Narrowly Tailored to Regulate Only Collective Gardens. Regulations for medical cannabis collective gardens should not create the presumption that the Bellevue City Council is regulating the recreational use of marijuana as approved under I-502. Furthermore, the adoption of the regulations for medical cannabis collective gardens is not intended to limit the Bellevue City Council's right to comment on any proposal to effectuate I-502, whether by federal or state entities or local stakeholders, nor should it be construed as a limitation on the Bellevue City's Council's authority in the future to adopt regulatory controls on the sale of recreational marijuana products following the adoption of rules by the Washington State Liquor Control Board.