City of Bellevue

MEMORANDUM

DATE: April 24, 2013

TO: Chair Carlson, Members of the Planning Commission

FROM: Catherine A. Drews, Legal Planner, Development Services Department
Carol Helland, Land Use Director, Development Services Department
Lori Riordan, City Attorney

SUBJECT: Medical Marijuana Collective Gardens Permanent Regulations

On May 8, staff will begin work with the Planning Commission on developing permanent regulations for medical cannabis collective gardens. This memorandum provides background information on marijuana regulation, the City's interim regulations for collective gardens, and City Council direction regarding both permanent regulations for collective gardens and zoning considerations for recreational marijuana retailers, growers, and producers. Also included with this memorandum are planning principles approved by the City Council, general requirements to amend the Land Use Code (LUC), and a schedule to complete the work. At the study session, staff will provide an overview of the background materials and answer questions regarding moving forward with permanent regulations. At the conclusion of the study session, staff will seek Planning Commission confirmation of regarding proposed next steps in developing permanent regulations for collective gardens and zoning considerations for recreational marijuana.

I. Regulatory Background

Regulation of Medical Cannabis and Marijuana in Washington

Federal and Washington law prohibit the production, processing, and dispensing of medical cannabis or medical cannabis products under the respective state and federal controlled substances acts.[1] In 1998, however, Governor Locke signed into law the Medical Cannabis Act (the "Act"), approving the limited use of medical cannabis by patients with qualifying medical conditions.[2] The Act allows qualified patients to either grow their own cannabis or to designate a provider to grow the cannabis for them. The Act also limits the quantity of medical cannabis a patient may possess.

Allowing the limited possession, use, and ability to cultivate medical cannabis created an inconsistency among the Act and the state and federal controlled substances acts. In an attempt to clarify that inconsistency, the legislature in 2011 passed ESSB 5703. This bill, in relevant part, authorized medical cannabis dispensaries and allowed qualifying patients to participate in collective gardens to grow cannabis for medical use. The bill also authorized cities to regulate and license the production, processing, or dispensing of medical cannabis and its products within

[1] 21 U.S.C. 801 et. seq.; Chapter 69.50 RCW.
[2] Chapter 69.51A RCW (formerly the Medical Marijuana Act).

their jurisdiction. Governor Gregoire signed the bill, but vetoed several portions related to dispensaries, and state licensing and registration requirements. The Governor also expressed reservations about provisions that could place government employees in a position to be held responsible for violation of federal law during the discharge of their work duties. The veto created inconsistency and uncertainty in the administration and enforcement of portions of the bill that were not vetoed and the existing Act; specifically, the operation and regulation of medical cannabis collective gardens. While clarifying legislation was introduced in the 2012 legislative session, it was not adopted. During this legislative session which adjourned on April 28, the legislature considered, but did not adopt amendments to the Medical Cannabis Act (Ch. 69.51A RCW). The legislature will return on May 13 for the 1st Special Session to discuss the state budget and other issues.

City Council's Response to Uncertainty Associated with Medical Cannabis

During the May 7, 2012 Regular Session, Council responded to the uncertainty associated with the regulation of medical cannabis collective gardens by adopting Ordinance 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. Council's goals in adopting Ordinance No. 6058 were threefold:

(1) Allow qualified patients to have appropriate access to medical cannabis;
(2) Preclude the establishment of collective gardens without regulations; and
(3) Address public safety issues.

The Council directed staff to add the permanent regulations for collective gardens to the code amendment work plan. Consistent with the Growth Management Act (GMA), provisions for interim regulations, the Council has twice extended the interim regulations for six month periods to allow staff to study the issues and begin working on code amendments. To date, the Council has held three public hearings on the interim regulations (July 2, 2012; October 22, 2102; and April 15, 2013). Public comments, both written and oral are included with this memorandum as Attachment 6.

Impact of Passage of I-502 on Collective Gardens

Last November, Washington voters approved I-502 legalizing the possession of limited amounts of marijuana. I-502 took effect on December 6, 2012; however, it does not amend or repeal Washington's Medical Cannabis Act (Ch. 69.51A RCW). Staff is monitoring ongoing activities related to both medical and recreational marijuana. The Washington State Liquor Control Board (WSLCB) is undertaking required rulemaking to regulate the cultivation, production, and retail sale of recreational marijuana. State rulemaking and legislative activities during the 1st Special Session may inform the direction the City will take with the proposed permanent regulations for medical cannabis collective gardens. Staff will keep the Planning Commission advised as we track the Special Session and WSLCB rulemaking activities.

In addition to consideration of permanent regulations governing medical cannabis collective gardens, Council directed the Planning Commission to begin work on consideration of zoning for recreational marijuana production, processing and sales facilities. The Washington State Liquor

Control Board is required to promulgate certain new regulations for this industry by December 2013.

II. Developing Permanent Regulations

Planning Principles

To assist the Planning Commission and staff as they work to develop recommendations for the permanent regulation of medical cannabis collective gardens in Bellevue, the Council adopted project principles on February 25. See Attachment 1. These Council principles are intended to provide this balance and are founded on testimony received by the Council during public hearings on the interim regulations. The principles represent Council's desire to prohibit locating collective gardens in residential areas and to prohibit the operation of dispensaries, access points, portals, or other forms of commercial enterprises related to the growing, producing, distribution, and transportation of medical marijuana. The principles also require compliance with state and federal law related to marijuana, and provide options for regulating medical cannabis collective gardens.

Other Regional Approaches to Regulating Medical Cannabis

Local jurisdictions have adopted a range of regulatory tools related to collective gardens. Many jurisdictions, such as Kirkland and Redmond, have imposed moratoriums prohibiting medical cannabis collective gardens. Other jurisdictions, like Seattle and Issaquah have adopted permanent regulations for collective gardens. Seattle's regulations go beyond just the regulation of collective gardens and instead regulate medical marijuana businesses in their entirety. Kent, Woodinville, and Pasco have prohibited medical marijuana entirely in their cities. The following table is intended to provide the Planning Commission with the range of approaches other jurisdictions are employing to regulate medical cannabis collective gardens. Copies of the ordinances are available in the project file. Please let staff know if you would like copies of any of the ordinances listed in the table.

Jurisdiction	Type of Regulation	What is Allowed or Prohibited?
Seattle	Permanent regulations	Allows medical cannabis businesses in compliance with all local laws and regulations.
Tacoma	Ordinance Amending Nuisance Code	Declares the production, manufacture, processing, delivery, distribution, possession or use of cannabis as a public nuisance.
Edgewood	Interim Regulations	Prohibits medical cannabis collective gardens in all land use districts. Allows the production, processing, and retailing of recreational marijuana.
Issaquah	Permanent Regulation	Permanent regulations adopted allowing collective gardens in commercial zones; requiring applicants to undergo background checks, install security systems and/or measures, and obtain special licensing and land use permits.

Jurisdiction	Type of Regulation	What is Allowed or Prohibited?
Mukilteo	Permanent Regulations	Permits collective gardens in the Light Industrial District.
Woodinville	Permanent Regulations	Permanent regulations adopted prohibiting collective gardens and dispensaries in all land use zones.
Kent	Permanent Regulations	Permanent regulations adopted prohibiting collective gardens in all zoning districts.

Brief Description of Scope of Land Use Code Amendments

Staff anticipates using the interim regulation (Ordinance No. 6058) as a starting point for developing permanent regulations. The Planning Commission will first review the use charts to determine appropriate land use districts to locate collective gardens and recreational marijuana retailers, producers, and growers. Staff has provided a Land Use District Decision matrix for the Planning Commission to use when determining whether a collective garden or recreational marijuana use is appropriate for a particular land use district. The matrix is included as Attachment 7 to this memorandum. The matrix lists each land use district with its accompanying statement of purpose. Staff will complete this matrix based on input from the Planning Commission.

The General Requirement section will be reviewed to ensure that Bellevue appropriate performance standards are included for collective gardens. These performance standards may include, for example, signage requirements, separation from other uses, the allowed number of collective gardens per parcel, and limitations on operation. The ordinances from other jurisdictions may provide additional information for appropriate performance standards. Finally, the Planning Commission will need to review permitting requirements to impose appropriate processing requirements. Licensing requirements are not part of the Land Use Code Amendment.

Next Steps:

The proposed work schedule below captures the work necessary for the Planning Commission to develop and transmit its recommendation for permanent regulations to the Council. The schedule includes a courtesy public hearing before the East Bellevue Community Council. The EBCC's courtesy public hearing is typically held before the Planning Commission holds it public hearing to allow staff to provide the EBCC's comments or concerns to the Planning Commission at its public hearing. The proposed schedule is as follows:

- May 8 – Introductory Study Session, including presentation of the Planning Principles
- May 22 – Study Session
- June 4 – Courtesy Public Hearing before the East Bellevue Community Council
- July 24 – Proposed public hearing on draft Medical Cannabis Land Use Code Amendment

Following the July 24 public hearing, staff anticipates the Planning Commission would present its recommendation to the Council in September, with final action to follow shortly thereafter. The intent of the schedule is to allow the City Council to consider and adopt permanent

regulations on medical cannabis collective gardens before the interim regulations are set to expire on November 7, 2013.

IV. Conclusion

Following discussion, staff requests Planning Commission to direct staff to proceed according to the above described schedule, and provide feedback necessary to populate the Land Use District Decision Matrix in Attachment 7.

Attachments

1. Council Approved Project Principles
2. Ordinance Nos. 6058 (Extended by Ordinances Nos. 6079 and 6109)
3. Chapter 69.51A RCW Medical Cannabis (formerly Medical Marijuana)
4. Washington State Department of Health Frequently Asked Questions about Medical Marijuana (Cannabis) in Washington State
5. Initiative 502 Information
6. Public Comments (written and oral)
7. Land Use District Decision Matrix
8. Map of Possible Locations to Site Medical Cannabis Collective Gardens under the Interim Regulation (Ordinance No. 6058).

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.

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

Attachment 3

Chapter 69.51A RCW
MEDICAL CANNABIS(Formerly Medical marijuana)

RCW Sections

69.51A.005 Purpose and intent.

69.51A.010 Definitions.

69.51A.020 Construction of chapter.

69.51A.025 Construction of chapter -- Compliance with RCW 69.51A.040.

69.51A.030 Acts not constituting crimes or unprofessional conduct -- Health care professionals not subject to penalties or liabilities.

69.51A.040 Compliance with chapter -- Qualifying patients and designated providers not subject to penalties -- Law enforcement not subject to liability.

69.51A.043 Failure to register -- Affirmative defense.

69.51A.045 Possession of cannabis exceeding lawful amount -- Affirmative defense.

69.51A.047 Failure to register or present valid documentation -- Affirmative defense.

69.51A.050 Medical marijuana, lawful possession -- State not liable.

69.51A.055 Limitations of chapter -- Persons under supervision.

69.51A.060 Crimes -- Limitations of chapter.

69.51A.070 Addition of medical conditions.

69.51A.085 Collective gardens.

69.51A.090 Applicability of valid documentation definition.

69.51A.100 Qualifying patient's designation of provider -- Provider's service as designated provider -- Termination.

69.51A.110 Suitability for organ transplant.

69.51A.120 Parental rights or residential time -- Not to be restricted.

69.51A.130 State and municipalities -- Not subject to liability.

69.51A.140 Counties, cities, towns -- Authority to adopt and enforce requirements.

69.51A.200 Evaluation.

69.51A.900 Short title -- 1999 c 2.

69.51A.901 Severability -- 1999 c 2.

69.51A.902 Captions not law -- 1999 c 2.

69.51A.903 Severability -- 2011 c 181.

69.51A.005
Purpose and intent.

(1) The legislature finds that:

(a) There is medical evidence that some patients with terminal or debilitating medical conditions may, under their health care professional's care, benefit from the medical use of cannabis. Some of the conditions for which cannabis appears to be beneficial include, but are not limited to:

(i) Nausea, vomiting, and cachexia associated with cancer, HIV-positive status, AIDS, hepatitis C, anorexia, and their treatments;

(ii) Severe muscle spasms associated with multiple sclerosis, epilepsy, and other seizure and spasticity disorders;

(iii) Acute or chronic glaucoma;

(iv) Crohn's disease; and

(v) Some forms of intractable pain.

(b) Humanitarian compassion necessitates that the decision to use cannabis by patients with terminal or debilitating medical conditions is a personal, individual decision, based upon their health care professional's professional medical judgment and discretion.

(2) Therefore, the legislature intends that:

(a) Qualifying patients with terminal or debilitating medical conditions who, in the judgment of their health care professionals, may benefit from the medical use of cannabis, shall not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law based solely on their medical use of cannabis, notwithstanding any other provision of law;

(b) Persons who act as designated providers to such patients shall also not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law, notwithstanding any other provision of law, based solely on their assisting with the medical use of cannabis; and

(c) Health care professionals shall also not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law for the proper authorization of medical use of cannabis by qualifying patients for whom, in the health care professional's professional judgment, the medical use of cannabis may prove beneficial.

(3) Nothing in this chapter establishes the medical necessity or medical appropriateness of cannabis for treating terminal or debilitating medical conditions as defined in RCW

69.51A.010.

(4) Nothing in this chapter diminishes the authority of correctional agencies and departments, including local governments or jails, to establish a procedure for determining when the use of cannabis would impact community safety or the effective supervision of those on active supervision for a criminal conviction, nor does it create the right to any accommodation of any medical use of cannabis in any correctional facility or jail.

[2011 c 181 § 102; 2010 c 284 § 1; 2007 c 371 § 2; 1999 c 2 § 2 (Initiative Measure No. 692, approved November 3, 1998).]

Notes:

Intent -- 2007 c 371: "The legislature intends to clarify the law on medical marijuana so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system." [2007 c 371 § 1.]

69.51A.010
Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and

(d) Is the designated provider to only one patient at any one time.

(2) "Health care professional," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physicians' assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in *RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

(4) "Qualifying patient" means a person who:

(a) Is a patient of a health care professional;

(b) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that health care professional about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that health care professional that they may benefit from the medical use of marijuana.

(5) "Tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:

(a) One or more features designed to prevent copying of the paper;

(b) One or more features designed to prevent the erasure or modification of information on the paper; or

(c) One or more features designed to prevent the use of counterfeit valid documentation.

(6) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(7) "Valid documentation" means:

(a) A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of marijuana; and

(b) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035.

[2010 c 284 § 2; 2007 c 371 § 3; 1999 c 2 § 6 (Initiative Measure No. 692, approved November 3, 1998).]

Notes:

***Reviser's note:** RCW 69.50.101 was amended by 2013 c 3 § 2, changing subsection (q) to subsection (s).

Intent -- 2007 c 371: See note following RCW 69.51A.005.

69.51A.020
Construction of chapter.

Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale, or use of cannabis for nonmedical purposes. Criminal penalties created under chapter 181, Laws of 2011 do not preclude the prosecution or punishment for other crimes, including other crimes involving the manufacture or delivery of cannabis for nonmedical purposes.

[2011 c 181 § 103; 1999 c 2 § 3 (Initiative Measure No. 692, approved November 3, 1998).]

69.51A.025
Construction of chapter — Compliance with RCW 69.51A.040.

Nothing in this chapter or in the rules adopted to implement it precludes a qualifying patient or designated provider from engaging in the private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of cannabis for medical use as authorized under RCW

69.51A.040.

[2011 c 181 § 413.]

69.51A.030
Acts not constituting crimes or unprofessional conduct — Health care professionals not subject to penalties or liabilities.

(1) The following acts do not constitute crimes under state law or unprofessional conduct under chapter

18.130 RCW, and a health care professional may not be arrested, searched, prosecuted, disciplined, or subject to other criminal sanctions or civil consequences or liability under state law, or have real or personal property searched, seized, or forfeited pursuant to state law, notwithstanding any other provision of law as long as the health care professional complies with subsection (2) of this section:

(a) Advising a patient about the risks and benefits of medical use of cannabis or that the patient may benefit from the medical use of cannabis; or

(b) Providing a patient meeting the criteria established under *RCW 69.51A.010(26) with valid documentation, based upon the health care professional's assessment of the patient's medical history and current medical condition, where such use is within a professional standard of care or in the individual health care professional's medical judgment.

(2)(a) A health care professional may only provide a patient with valid documentation authorizing the medical use of cannabis or register the patient with the registry established in **section 901 of this act if he or she has a newly initiated or existing documented relationship with the patient, as a primary care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:

(i) Completing a physical examination of the patient as appropriate, based on the patient's condition and age;

(ii) Documenting the terminal or debilitating medical condition of the patient in the patient's medical record and that the patient may benefit from treatment of this condition or its symptoms with medical use of cannabis;

(iii) Informing the patient of other options for treating the terminal or debilitating medical condition; and

(iv) Documenting other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of cannabis.

(b) A health care professional shall not:

(i) Accept, solicit, or offer any form of pecuniary remuneration from or to a licensed dispenser, licensed producer, or licensed processor of cannabis products;

(ii) Offer a discount or any other thing of value to a qualifying patient who is a customer of, or agrees to be a customer of, a particular licensed dispenser, licensed producer, or licensed processor of cannabis products;

(iii) Examine or offer to examine a patient for purposes of diagnosing a terminal or debilitating medical condition at a location where cannabis is produced, processed, or dispensed;

(iv) Have a business or practice which consists solely of authorizing the medical use of cannabis;

(v) Include any statement or reference, visual or otherwise, on the medical use of cannabis in any advertisement for his or her business or practice; or

(vi) Hold an economic interest in an enterprise that produces, processes, or dispenses cannabis if the health care professional authorizes the medical use of cannabis.

(3) A violation of any provision of subsection (2) of this section constitutes unprofessional conduct under chapter 18.130 RCW.

[2011 c 181 § 301; 2010 c 284 § 3; 2007 c 371 § 4; 1999 c 2 § 4 (Initiative Measure No. 692, approved November 3, 1998).]

Notes:

Reviser's note: *(1) RCW 69.51A.010(26) is a reference to the definition of "qualifying patient" which was amended and renumbered by 2011 c 181 § 201, but the section was vetoed by the governor.

**(2) The section creating a registry, 2011 c 181 § 901, was vetoed by the governor.

Intent -- 2007 c 371: See note following RCW 69.51A.005.

69.51A.040
Compliance with chapter — Qualifying patients and designated providers not subject to penalties — Law enforcement not subject to liability.

The medical use of cannabis in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, and investigating peace officers and law enforcement agencies may not be held civilly liable for failure to seize cannabis in this circumstance, if:

(1)(a) The qualifying patient or designated provider possesses no more than fifteen cannabis plants and:

(i) No more than twenty-four ounces of useable cannabis;

(ii) No more cannabis product than what could reasonably be produced with no more than twenty-four ounces of useable cannabis; or

(iii) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of useable cannabis.

(b) If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in (a) of this subsection, whether the plants, useable cannabis, and cannabis product are possessed individually or in combination between the qualifying patient and his or her designated provider;

(2) The qualifying patient or designated provider presents his or her proof of registration with the department of health, to any peace officer who questions the patient or provider regarding his or her medical use of cannabis;

(3) The qualifying patient or designated provider keeps a copy of his or her proof of registration with the registry established in *section 901 of this act and the qualifying patient or designated provider's contact information posted prominently next to

any cannabis plants, cannabis products, or useable cannabis located at his or her residence;

(4) The investigating peace officer does not possess evidence that:

(a) The designated provider has converted cannabis produced or obtained for the qualifying patient for his or her own personal use or benefit; or

(b) The qualifying patient has converted cannabis produced or obtained for his or her own medical use to the qualifying patient's personal, nonmedical use or benefit;

(5) The investigating peace officer does not possess evidence that the designated provider has served as a designated provider to more than one qualifying patient within a fifteen-day period; and

(6) The investigating peace officer has not observed evidence of any of the circumstances identified in *section 901(4) of this act.

[2011 c 181 § 401; 2007 c 371 § 5; 1999 c 2 § 5 (Initiative Measure No. 692, approved November 3, 1998).]

Notes:

***Reviser's note:** Section 901 of this act was vetoed by the governor.

Intent -- 2007 c 371: See note following RCW 69.51A.005.

69.51A.043
Failure to register — Affirmative defense.

(1) A qualifying patient or designated provider who is not registered with the registry established in *section 901 of this act may raise the affirmative defense set forth in subsection (2) of this section, if:

(a) The qualifying patient or designated provider presents his or her valid documentation to any peace officer who questions the patient or provider regarding his or her medical use of cannabis;

(b) The qualifying patient or designated provider possesses no more cannabis than the limits set forth in RCW

69.51A.040(1);

(c) The qualifying patient or designated provider is in compliance with all other terms and conditions of this chapter;

(d) The investigating peace officer does not have probable cause to believe that the qualifying patient or designated provider has committed a felony, or is committing a misdemeanor in the officer's presence, that does not relate to the medical use of cannabis;

(e) No outstanding warrant for arrest exists for the qualifying patient or designated provider; and

(f) The investigating peace officer has not observed evidence of any of the circumstances identified in *section 901(4) of this act.

(2) A qualifying patient or designated provider who is not registered with the registry established in *section 901 of this act, but who presents his or her valid documentation to any peace officer who questions the patient or provider regarding his or her medical use of cannabis, may assert an affirmative defense to charges of violations of state law relating to cannabis through proof at trial, by a preponderance of the evidence, that he or she otherwise meets the requirements of RCW 69.51A.040. A qualifying patient or designated provider meeting the conditions of this subsection but possessing more cannabis than the limits set forth in RCW 69.51A.040(1) may, in the investigating peace officer's discretion, be taken into custody and booked into jail in connection with the investigation of the incident.

[2011 c 181 § 402.]

Notes:

***Reviser's note:** Section 901 of this act was vetoed by the governor.

69.51A.045
Possession of cannabis exceeding lawful amount — Affirmative defense.

A qualifying patient or designated provider in possession of cannabis plants, useable cannabis, or cannabis product exceeding the limits set forth in RCW

69.51A.040(1) but otherwise in compliance with all other terms and conditions of this chapter may establish an affirmative defense to charges of violations of state law relating to cannabis through proof at trial, by a preponderance of the evidence, that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.51A.040(1). An investigating peace officer may seize cannabis plants, useable cannabis, or cannabis product exceeding the amounts set forth in RCW 69.51A.040(1): PROVIDED, That in the case of cannabis plants, the qualifying patient or designated provider shall be allowed to select the plants that will remain at the location. The officer and his or her law enforcement agency may not be held civilly liable for failure to seize cannabis in this circumstance.

[2011 c 181 § 405.]

69.51A.047
Failure to register or present valid documentation — Affirmative defense.

A qualifying patient or designated provider who is not registered with the registry established in *section 901 of this act or does not present his or her valid documentation to a peace officer who questions the patient or provider regarding his or her medical use of cannabis but is in compliance with all other terms and conditions of this chapter may establish an affirmative defense to charges of violations of state law relating to cannabis through proof at trial, by a preponderance of the evidence, that he or she was a validly authorized qualifying patient or designated provider at the time of the officer's questioning. A qualifying patient or designated provider who establishes an affirmative defense under the terms of this section may also establish an affirmative defense under RCW

69.51A.045.

[2011 c 181 § 406.]

Notes:

***Reviser's note:** The section creating a registry, 2011 c 181 § 901, was vetoed by the governor.

69.51A.050
Medical marijuana, lawful possession — State not liable.

(1) The lawful possession or manufacture of medical marijuana as authorized by this chapter shall not result in the forfeiture or seizure of any property.

(2) No person shall be prosecuted for constructive possession, conspiracy, or any other criminal offense solely for being in the presence or vicinity of medical marijuana or its use as authorized by this chapter.

(3) The state shall not be held liable for any deleterious outcomes from the medical use of marijuana by any qualifying patient.

[1999 c 2 § 7 (Initiative Measure No. 692, approved November 3, 1998).]

69.51A.055
Limitations of chapter — Persons under supervision.

(1)(a) The arrest and prosecution protections established in RCW

69.51A.040 may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(b) The affirmative defenses established in RCW 69.51A.043, 69.51A.045, 69.51A.047, and *section 407 of this act may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(2) The provisions of RCW 69.51A.040, 69.51A.085, and 69.51A.025 do not apply to a person who is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision.

(3) A person may not be licensed as a licensed producer, licensed processor of cannabis products, or a licensed dispenser under *section 601, 602, or 701 of this act if he or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.

[2011 c 181 § 1105.]

Notes:

***Reviser's note:** Sections 407, 601, 602, and 701 were vetoed by the governor.

69.51A.060
Crimes — Limitations of chapter.

(1) It shall be a class 3 civil infraction to use or display medical cannabis in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter establishes a right of care as a covered benefit or requires any state purchased health care as defined in RCW

41.05.011 or other health carrier or health plan as defined in Title 48 RCW to be liable for any claim for reimbursement for the medical use of cannabis. Such entities may enact coverage or noncoverage criteria or related policies for payment or nonpayment of medical cannabis in their sole discretion.

(3) Nothing in this chapter requires any health care professional to authorize the medical use of cannabis for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of cannabis in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking cannabis in any public place or hotel or motel.

(5) Nothing in this chapter authorizes the use of medical cannabis by any person who is subject to the Washington code of military justice in chapter 38.38 RCW.

(6) Employers may establish drug-free work policies. Nothing in this chapter requires an accommodation for the medical use of cannabis if an employer has a drug-free work place.

(7) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under *RCW 69.51A.010(32)(a), or to backdate such documentation to a time earlier than its actual date of execution.

(8) No person shall be entitled to claim the protection from arrest and prosecution under RCW 69.51A.040 or the affirmative defense under RCW 69.51A.043 for engaging in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or 46.61.504, or equivalent local ordinances.

[2011 c 181 § 501; 2010 c 284 § 4; 2007 c 371 § 6; 1999 c 2 § 8 (Initiative Measure No. 692, approved November 3, 1998).]

Notes:

***Reviser's note:** RCW 69.51A.010(32) is a reference to the definition of "valid documentation" which was amended and renumbered by 2011 c 181 § 201, but the section was vetoed by the governor.

Intent -- 2007 c 371: See note following RCW 69.51A.005.

69.51A.070
Addition of medical conditions.

The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

[2007 c 371 § 7; 1999 c 2 § 9 (Initiative Measure No. 692, approved November 3, 1998).]

Notes:

Intent -- 2007 c 371: See note following RCW 69.51A.005.

69.51A.085
Collective gardens.

(1) Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:

(a) No more than ten qualifying patients may participate in a single collective garden at any time;

(b) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

(c) A collective garden may contain no more than twenty-four ounces of useable cannabis per patient up to a total of seventy-two ounces of useable cannabis;

(d) A copy of each qualifying patient's valid documentation or proof of registration with the registry established in *section 901 of this act, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and

(e) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden.

(2) For purposes of this section, 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 to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

(3) A person who knowingly violates a provision of subsection (1) of this section is not entitled to the protections of this chapter.

[2011 c 181 § 403.]

Notes:

***Reviser's note:** The section creating a registry, 2011 c 181 § 901, was vetoed by the governor.

69.51A.090
Applicability of valid documentation definition.

The provisions of RCW

69.51A.010, relating to the definition of "valid documentation," apply prospectively only, not retroactively, and do not affect valid documentation obtained prior to June 10, 2010.

[2010 c 284 § 5.]

69.51A.100
Qualifying patient's designation of provider — Provider's service as designated provider — Termination.

(1) A qualifying patient may revoke his or her designation of a specific provider and designate a different provider at any time. A revocation of designation must be in writing, signed and dated. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

(2) A person may stop serving as a designated provider to a given qualifying patient at any time. However, that person may not begin serving as a designated provider to a different qualifying patient until fifteen days have elapsed from the date the last qualifying patient designated him or her to serve as a provider.

[2011 c 181 § 404.]

69.51A.110
Suitability for organ transplant.

A qualifying patient's medical use of cannabis as authorized by a health care professional may not be a sole disqualifying factor in determining the patient's suitability for an organ transplant, unless it is shown that this use poses a significant risk of rejection or organ failure. This section does not preclude a health care professional from requiring that a patient abstain from the medical use of cannabis, for a period of time determined by the health care professional, while waiting for a transplant organ or before the patient undergoes an organ transplant.

[2011 c 181 § 408.]

69.51A.120
Parental rights or residential time — Not to be restricted.

A qualifying patient or designated provider may not have his or her parental rights or residential time with a child restricted solely due to his or her medical use of cannabis in compliance with the terms of this chapter absent written findings supported by evidence that such use has resulted in a long-term impairment that interferes with the performance of parenting functions as defined under RCW

26.09.004.

[2011 c 181 § 409.]

69.51A.130
State and municipalities — Not subject to liability.

(1) No civil or criminal liability may be imposed by any court on the state or its officers and employees for actions taken in good faith under this chapter and within the scope of their assigned duties.

(2) No civil or criminal liability may be imposed by any court on cities, towns, and counties or other municipalities and their officers and employees for actions taken in good faith under this chapter and within the scope of their assigned duties.

[2011 c 181 § 1101.]

69.51A.140
Counties, cities, towns — Authority to adopt and enforce requirements.

(1) Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements, and business taxes. Nothing in chapter 181, Laws of 2011 is intended to limit the authority of cities and towns to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.

(2) Counties may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction in locations outside of the corporate limits of any city or town: Zoning requirements, business licensing requirements, and health and safety requirements. Nothing in chapter 181, Laws of 2011 is intended to limit the authority of counties to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.

[2011 c 181 § 1102.]

69.51A.200
Evaluation.

(1) By July 1, 2014, the Washington state institute for public policy shall, within available funds, conduct a cost-benefit evaluation of the implementation of chapter 181, Laws of 2011 and the rules adopted to carry out its purposes.

(2) The evaluation of the implementation of chapter 181, Laws of 2011 and the rules adopted to carry out its purposes shall include, but not necessarily be limited to, consideration of the following factors:

(a) Qualifying patients' access to an adequate source of cannabis for medical use;

(b) Qualifying patients' access to a safe source of cannabis for medical use;

(c) Qualifying patients' access to a consistent source of cannabis for medical use;

(d) Qualifying patients' access to a secure source of cannabis for medical use;

(e) Qualifying patients' and designated providers' contact with law enforcement and involvement in the criminal justice system;

(f) Diversion of cannabis intended for medical use to nonmedical uses;

(g) Incidents of home invasion burglaries, robberies, and other violent and property crimes associated with qualifying patients accessing cannabis for medical use;

(h) Whether there are health care professionals who make a disproportionately high amount of authorizations in comparison to the health care professional community at large;

(i) Whether there are indications of health care professionals in violation of RCW

69.51A.030; and

(j) Whether the health care professionals making authorizations reside in this state or out of this state.

(3) For purposes of facilitating this evaluation, the departments of health and agriculture will make available to the

Washington state institute for public policy requested data, and any other data either department may consider relevant, from which all personally identifiable information has been redacted.

[2011 c 181 § 1001.]

69.51A.900
Short title — 1999 c 2.

This chapter may be known and cited as the Washington state medical use of cannabis act.

[2011 c 181 § 1106; 1999 c 2 § 1 (Initiative Measure No. 692, approved November 3, 1998).]

69.51A.901
Severability — 1999 c 2.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1999 c 2 § 10 (Initiative Measure No. 692, approved November 3, 1998).]

69.51A.902
Captions not law — 1999 c 2.

Captions used in this chapter are not any part of the law.

[1999 c 2 § 11 (Initiative Measure No. 692, approved November 3, 1998).]

69.51A.903
Severability — 2011 c 181.

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

[2011 c 181 § 1103.]

Attachment 4

Medical Marijuana (Cannabis)

Frequently asked questions about Medical Marijuana (Cannabis) in Washington State

Are current medical marijuana recommendations still valid with the passing of I-502?

Will the passing of I-502 affect the amount of medical marijuana that authorized patients can possess?

Will medical marijuana patients still be able to grow their own marijuana without a license to grow?

Will medical marijuana patients need to purchase their marijuana from a taxed retail store?

Will there be an age requirement for medical marijuana patients now that I-502 passed?

Are dispensaries now legal with the passing of I-502?

Will there be an exception for medical marijuana patients driving under the influence of marijuana?

Does I-502 remove all criminal penalties for adults possessing one ounce or less of marijuana?

Is medical marijuana (cannabis) legal in Washington? I've heard conflicting answers to this question.

I heard the current federal administration legalized medical marijuana (cannabis). Is that true?

How can I find out if I qualify to be a medical marijuana (cannabis) patient?

Do I have to register with or obtain a card from the state?

What type of healthcare providers can recommend marijuana for qualifying conditions?

Can a health care provider from another state recommend marijuana (cannabis) for me?

Can I get a list of providers in my area that will recommend marijuana?

What is a valid written recommendation?

Is my recommendation still valid if it was written before June 10, 2010?

Is my recommendation considered a prescription if it is written on tamper-resistant paper?

How do I get medical marijuana (cannabis)? Can I buy it?

Are dispensaries legal?

How much medical marijuana (cannabis) can I have?

How do I become a designated provider?

Can I be a patient and a designated provider?

Why are bipolar disorder, depression and anxiety not included in the list of qualifying conditions?

How do I request to add a condition to the list of qualifying conditions?

Are current medical marijuana recommendations still valid with the passing of I-502?

Yes. The laws relating to authorization of medical marijuana by healthcare providers are still valid and enforceable.

Will the passing of I-502 affect the amount of medical marijuana that authorized patients can possess?

No. The current medical marijuana law allows authorized patients to possess 24 ounces of useable cannabis, instead of just one ounce allowed in I-502.

Will medical marijuana patients still be able to grow their own marijuana without a license to grow?

Yes. The current medical marijuana law allows authorized patients to grow up to 15 plants.

Will medical marijuana patients need to purchase their marijuana from a taxed retail store?

No. They can still grow their own marijuana or participate in a collective garden if they don't want to purchase from a retail store.

Will there be an age requirement for medical marijuana patients now that I-502 passed?

No, healthcare providers may recommend it for any patient where it is medically appropriate under the law and the profession's standard of care.

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Are dispensaries now legal with the passing of I-502?

No, I-502 authorizes the sale by retailers licensed by the Liquor Control Board only.

Will there be an exception for medical marijuana patients driving under the influence of marijuana?

No, there is no stated exception in I-502 for medical marijuana patients.

Does I-502 remove all criminal penalties for adults possessing one ounce or less of marijuana?

No. Possessing, growing and distributing marijuana are still illegal under federal law.

Is medical marijuana (cannabis) legal in Washington? I've heard conflicting answers to this question.

Some states may allow use of a medical marijuana recommendation from Washington. Washington medical marijuana patients should check with other states before traveling and comply with the laws in the other state. Healthcare provider recommendations, ID cards, and other documentation from other states are not legal in Washington.

I heard the current federal administration legalized medical marijuana (cannabis). Is that true?

No. U.S. Deputy Attorney General James Cole announced updated formal guidelines for federal prosecutors in states that have laws allowing the use of medical marijuana (cannabis). The guidelines do not legalize medical marijuana (cannabis). The president directed federal prosecutors to consider appropriate medical use when making criminal charging decisions. The guidelines only provide direction for prosecutors when reviewing medical marijuana (cannabis) cases.

How can I find out if I qualify to be a medical marijuana (cannabis) patient?

Talk to your healthcare provider. The law includes a very specific list of qualifying conditions you must have before a doctor, physician assistant, advanced registered nurse practitioner, or naturopath can recommend medical marijuana (cannabis). In addition to those conditions in the law, chronic renal failure was added by petition in 2010.

Do I have to register with or obtain a card from the state?

No. If you are a qualifying patient with a valid written recommendation from your healthcare provider, that's all you need.

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What type of healthcare providers can recommend marijuana for qualifying conditions?

The following providers may recommend marijuana:

- Medical doctors (MDs)
- Physician assistants (PAs)
- Osteopathic physicians (DOs)
- Osteopathic physician assistants (OA)
- Naturopathic physicians (ND)
- Advanced registered nurse practitioners (ARNPs)

Can a healthcare provider from another state recommend marijuana (cannabis) for me?

Not unless the provider is also licensed in Washington. The law says the healthcare provider must be licensed in Washington.

Can I get a list of providers in my area that will recommend marijuana?

The Department of Health doesn't have this information.

What is a valid written recommendation?

As of June 10, 2010, recommendations must be written on tamper-resistant paper. They must include an original signature by the healthcare provider, a date, and a statement that says in the healthcare provider's professional opinion the patient may benefit from the medical use of marijuana. The 2010 law change also prohibits the use of a copy of the patient's medical records in lieu of a recommendation.

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Is my recommendation still valid if it was written before June 10, 2010?

Yes. It is still valid unless your healthcare provider has included an expiration date.

Is my recommendation considered a prescription if it is written on tamper-resistant paper?

No. Healthcare providers cannot write prescriptions for medical marijuana. They may only write recommendations that a patient has a medical condition that would benefit from the medical use of marijuana.

How do I get medical marijuana (cannabis)? Can I buy it?

The law allows a qualifying patient or designated provider to grow medical marijuana (cannabis). It is not legal to buy or sell it.

Are dispensaries legal?

No. The law does not allow dispensaries. The law only allows qualifying patients and designated providers to possess medical marijuana; the new law allows qualifying patients and designated providers to participate in collective gardens.

How much medical marijuana (cannabis) can I have?

A qualifying patient or designated provider may have a 60-day supply of medical marijuana. A 60-day supply is defined as 24 ounces and 15 plants under RCW 69.51A.040. The law says that a patient may exceed these limits if he or she can prove medical need. However, the law only allows for an affirmative defense (and not protection from arrest or prosecution) if the limit is exceeded and the patient is complying with the law.

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How do I become a designated provider?

A designated provider must be at least 18 years old and must be designated in writing by the qualifying patient. A designated provider can only be a provider for one patient at any one

time. Chapter 69.51A sets limitations on becoming a designated provider and ending a relationship as a designated provider.

Can I be a patient and a designated provider?

Yes.

Why are bipolar disorder, depression and anxiety not included in the list of qualifying conditions?

The Medical Quality Assurance Commission, in consultation with the Board of Osteopathic Medicine and Surgery, has the authority to add qualifying conditions to the current list. The commission has received petitions to add these conditions to the list of qualifying conditions. The commission has denied the requests, citing a lack of scientific evidence supporting improved health outcomes from the use of medical marijuana for those conditions. You can find the commission's and board's decision on the latest petition in the Final Order.

How do I request to add a condition to the list of qualifying conditions?

Anyone may petition the commission to add a condition to the list. By law, the commission will consult with the Board of Osteopathic Medicine and Surgery. For more information about this process, you may contact the commission at:

Medical Quality Assurance Commission
P.O. Box 47866
Olympia, WA 98504-7866

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I have questions that the Department of Health cannot answer. For example: Can I rent my house to a medical marijuana (cannabis) patient? Do I have rights as a tenant? What about using medical marijuana (cannabis) around children? Can I be fired from my job if I use medical marijuana (cannabis)? How do I get help finding the answers?

There may be other laws that apply to some situations. We suggest obtaining legal advice if you are not sure what the law says. You may also consult groups like the American Civil Liberties Union and the Human Rights Commission. All state laws are on the Washington State Legislative webpage.

Washington State
Liquor Control Board

I-502 Implementation Timeline
April 17, 2013

The below timeline is the Washington State Liquor Control Board's (WSLCB) official timeline for implementation of Initiative 502. The Board and staff are working from this timeline going forward.

By law, the WSLCB must have the rules written by December 1, 2013. The agency is on track to meet this deadline.

If and/or when timeframes change we will communicate those changes via the WSLCB Listserv and our agency Twitter.

Date (2013)	**Milestone**
Mid May	Send draft rules to stakeholders for comment
Mid June	CR102 (draft rules) filed for the Producer, Processor and Retailer Licenses. The CR102 allows the WSLCB to seek public comment on draft rule language developed with input from the public during the initial comment period.*
	Small Business Economic Impact Statement issued with CR 102.
Late July	Public hearing/s on rules for the Producer, Processor and Retailer Licenses allowing the public to comment on the draft rule language.
	Rules adopted.
Late August	Rules become effective.
September	WSLCB begin accepting Producer, Processor and Retail License applications.
December 1	Rules are complete (as mandated by law). WSLCB begins issuing Producer, Processor and Retail licenses to qualified applicants.

***** Should the draft rules need substantial changes after submitting for comment, the WSLCB is required by law to resubmit the CR 102. Resubmitting the CR 102 could move the license issuance date to late December 2013.

For more information on the implementation of I502 and to join our listserv to receive email updates, please visit our website at www.liq.wa.gov.

###

Washington State
Liquor Control Board

Fact Sheet

Initiative 502's impact on the Washington State Liquor Control Board

Summary

Initiative 502 would license and regulate marijuana production, distribution, and possession for persons over 21; remove state-law criminal and civil penalties for activities that it authorizes. Tax marijuana sales and earmark marijuana-related revenues. The new tightly regulated and licensed system would be similar to those used to control alcohol.

Licenses and Fees

Creates an application process that mirrors the liquor license application process
Creates three new marijuana licenses: producer, processor, and retailer. The fee for each license is a $250 application fee and $1000 annual renewal fee.

- Marijuana Producer: produces marijuana for sale at wholesale to marijuana processors and allows for production, possession, delivery, distribution.
- Marijuana Processor: processes, packages, and labels marijuana/marijuana infused product for sale at wholesale to marijuana retailers and allows for processing, packaging, possession, delivery, distribution.
- Marijuana Retailer: allows for sale of useable marijuana/marijuana infused products at retail outlets regulated by the WSLCB.

The initiative allows the WSLCB to charge fees for anything done to implement/enforce the act. For example, fees could be charged on sampling, testing, and labeling that would be the cost of doing business as a licensee

Marijuana Taxes

The initiative creates three new excise taxes to be collected by the WSLCB:

- Excise tax equal to 25% of the selling price on each sale between licensed producer and licensed processor. Paid by the producer.
- Excise tax equal to 25% of the selling price on each sale of usable marijuana/marijuana infused product from a licensed processor to a licensed retailer. Paid by the processor.
- Excise tax equal to 25% of the selling price on each licensed retail sale of usable marijuana/marijuana infused product. Paid by the retailer. **This tax is in addition to any/all applicable general, state, and local sales and use taxes, and is part of the total retail price.**
- All funds from marijuana excise taxes are deposited in the Dedicated Marijuana Fund. Disbursements from the Dedicated Marijuana Fund shall be on authorization of the WSLCB or a duly authorized representative.

Initiative 502 allows for the WSLCB to enact rules that establish procedures and criteria for:

- The equipment, management and inspection of production, processing, and retail outlets.
- Books and records maintained by licensed premises.
- Methods of producing, processing and packaging of marijuana/marijuana infused products, to include conditions of sanitation.

- Standards of ingredients, quality, and identity of marijuana/marijuana infused products produced, processed and sold by licensees.
- Security requirements for retail outlets and premises where marijuana is produced and processed.

Retail Outlets
Specific number of retail outlets and licenses will be determined by the WSLCB in consultation with the Office of Financial Management taking into account population, security and safety issues, and discouraging illegal markets. The initiative also caps retail licenses by county.

- Retail outlets may not employ anyone under the age of 21, nor allow anyone under the age of 21 to enter the premises.
- Retail outlets are only authorized to sell marijuana/marijuana products or paraphernalia.
- Retailers are allowed one sign identifying the outlet's business or trade name, not to exceed 1600 square inches.
- They are not allowed to display marijuana or marijuana related products in a manner that is visible to the general public.

Possession
If enacted, individuals twenty-one years of age or older are legally authorized to possess and use marijuana-related paraphernalia and any combination of:

- One ounce of useable marijuana;
- 16 ounces of marijuana infused product in solid form; or
- 72 ounces of marijuana infused product in liquid form.

Individuals will still be subject to criminal prosecution for:

- Possession in amounts greater than what is listed above.
- Possession of any quantity or kind of marijuana/marijuana infused product by a person under 21 years of age.

Price
The Office of Financial Management places a **price estimate of $12 per gram**. Medicinal marijuana dispensary prices on average range between $10 and $15 per gram with some premium products exceeding $15 per gram.

Based on average retail mark-up practices, estimated producer price is $3 per gram and estimated processor price is $6 per gram.

Timeline

- November 6, 2012: Public vote on Initiative 502.
- December 6, 2012: Initiative 502 goes into effect (30 days after general election).
- December 1, 2013: Deadline for the WSLCB to establish the procedures and criteria necessary to implement the initiative.

###

Revised: 11/19/12

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 2, 2012 Council Chamber
8:00 p.m. Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson, and Councilmembers Balducci, Chelminiak, Davidson, Stokes, and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Balducci were present.[1]

Mayor Lee said that, in honor of Independence Day that week, he wanted to take the opportunity to lead the flag salute.

(a) Proclaiming July as Parks and Recreation Month

Mayor Lee read a proclamation recognizing July as Parks and Recreation Month in Bellevue. He urged everyone to use the City's parks and recreation programs.

Shelly Brittingham, Assistant Director of the Parks and Community Services Department, encouraged citizens to enjoy the benefits of Bellevue's recreational opportunities.

(b) Introduction of Liepaja and Kladno Exchange Students

Mayor Lee welcomed the Bellevue Sister Cities Association's 2012 summer exchange students.

Inta Gotelli introduced Dustin Fry, a senior at Issaquah High School next year who will be traveling to Liepaja, Latvia. Dustin introduced Janis Jostmanis, the visiting student from Liepaja, who enjoys music, art, and traveling. Janis greeted the Council and described Dustin's interests.

[1] Councilmember Balducci arrived at the dais at 8:10 p.m.

Ms. Gotelli introduced Heidi Ressler, who is taking over the management of the BSCA Student Exchange program. Ms. Ressler noted that her family hosted a student in 2007 and it was a wonderful experience. She introduced Emily Kranz, a sophomore next year at Kennedy Catholic High School, who will be visiting Kladno in the Czech Republic. Emily introduced Josef Stec from Kladno and described some of their activities so far. Josef described Emily's interests and family.

Mayor Lee commented that he met Josef at the Strawberry Festival, and complimented him on his English.

Ms. Gotelli thanked the families who sponsor exchange students. The students greeted Councilmembers individually.

Mayor Lee thanked the Bellevue Sister Cities Association, students, and parents.

(c) Washington Refuse and Recycling Association Award

Deputy Mayor Robertson reported that she and Mayor Lee attended the Washington Refuse and Recycling Association dinner on June 23. The City and Republic Services received a joint Sustainability Award for its leadership in recycling efforts. Ms. Robertson said that Bellevue and Republic Services started the first organics composting program for multifamily housing.

Ms. Robertson introduced Jeff Borgida and Janet Prichard of Republic Services. Mr. Borgida said the award represents years of partnership; investments in equipment, technology, infrastructure and training; and public education and outreach by the City of Bellevue.

3. Communications: Written and Oral

(a) Sam Bellomio, Stand Up America, noted Independence Day coming up. He said he served in the U.S. military, beginning at the age of 17 years old. He commented on the concepts of freedom and liberty, and expressed concern that people are not being represented. He objects to red light cameras and is concerned that the King County Executive and County Councilmembers are paid high salaries. He acknowledged that City Councilmembers make modest part-time salaries. He encouraged the City to stop using red light cameras.

Mayor Lee suggested to the City Manager that staff respond to the speaker about the red light camera issue.

(b) Alex Zimmerman said he has been asking for a response to his public records request for cost information on a four-year, 300-page investigation. He presented an order against Councilmember Balducci alleging bad service, mismanagement, corruption, and abuse of the system.

Responding to Mayor Lee, Mr. Bellomio said he will submit a request to the City Manager instead of to Public Records staff.

(c) Mike Ogliore, Events Director for the Bellevue Downtown Association, invited the community to the Symetra Family Fourth at Bellevue Downtown Park. He thanked the Parks and Community Services, Police, Fire, and Transportation Departments for their coordination and assistance. He reviewed the planned activities, noting that the Bellevue Youth Symphony Orchestra will accompany the fireworks display. The Bellevue Collection is providing parking at all three of its parking structures after 6:00 p.m.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

(a) Management Brief on SR 520 Tolling and Local Monitoring

City Manager Steve Sarkozy noted the management brief in the meeting packet regarding SR 520 tolling and the monitoring of local traffic diversion into Bellevue due to drivers wanting to avoid the tolls.

Transportation Director Dave Berg recalled that the Council previously requested an update on local traffic impacts following the implementation of tolling on SR 520.

Mark Poch, Traffic Engineering Manager, explained that traffic counts fluctuate year to year for a number of reasons including jobs, housing, school enrollment, road construction, fuel costs, and development. He recalled that when tolling was implemented, the Washington State Department of Transportation (WSDOT) was required to monitor local traffic impacts. Bellevue staff took traffic counts at 16 locations in February/March 2011, and tolling began on December 29, 2011. Traffic counts were taken at the same 16 locations in February through April in 2012.

Mr. Poch reported somewhat significant increases in traffic counts on Bellevue Way, 112th Avenue, 148th Avenue, and West Lake Sammamish Parkway.

Responding to Councilmembers Chelminiak and Davidson, Mr. Poch said he can provide raw numbers on the traffic counts.

Mr. Poch said the arterials with the largest increases in traffic counts are 148th Avenue SE and Bellevue Way SE/112th Avenue SE. He said the increased counts on 148th Avenue cannot all be attributed to SR 520 tolling, however.

Deputy Mayor Robertson suggested that the higher counts on 148th Avenue were due, at least in part, to the temporary closure of West Lake Sammamish Parkway and the redevelopment of the Kelsey Creek Shopping Center. Mr. Poch observed that increased enrollment at Bellevue College is likely a factor as well.

Councilmember Balducci said it would be helpful to have counts of southbound vehicles on 148th Avenue SE that turn east at I-90.

Mr. Chelminiak suggested that perhaps traffic on I-405 has increased due to tolling, which then causes drivers to divert from I-405 to 112th Avenue and Bellevue Way.

Mr. Poch said the City is implementing the SCATS traffic adaptive signal system on 148th Avenue this fall. SCATS implementation is planned for 112th Avenue and Bellevue Way for 2014. However, staff is considering recommending that it be moved up to 2013, due in part to other grant opportunities.

Mr. Poch said the next round of traffic counts will be conducted this fall after local schools and Bellevue College are back in full sessions.

Councilmember Balducci said she looks forward to the expansion of the SCATS system. For the fall staff update, she asked staff to present combined data on traffic impacts to I-405 and on local surface streets. She questioned the hourly differences in traffic counts.

[Under Agenda Item 5(c), Councilmember Chelminiak requested a breakdown of hourly traffic counts.]

(b) Update on City's Bond Rating

Mr. Sarkozy announced that Moody's and Standard & Poor's have reaffirmed the City's AAA bond ratings and classified the ratings as stable. The City's debt service is low compared to total expenditures, and other financial indicators are strong. He noted that the meeting packet includes more details on the ratings update.

Responding to Councilmember Wallace, Mr. Sarkozy said that less than four percent of all agencies in the country receive a AAA bond rating, and fewer have AAA ratings from both Moody's and Standard & Poor's.

In further response, Mr. Sarkozy said the rating agencies indicate that the City's Council manic capacity for covering debt can be as high as $3.60 per $1,000 assessed valuation. The City's current property tax rate is $1.04 per $1,000 AV.

Councilmember Wallace said he is interested in determining what level of debt and/or usage of the City's banked property tax capacity could be implemented without endangering the AAA bond ratings. Mr. Sarkozy said staff will research that issue.

(c) Management Brief on the Sale of LTGO Refunding Bonds

Finance Director Jan Hawn reported on the refunding of the balance of the 2004 Limited Term General Obligation (LTGO) bonds related to the City Hall project, in the amount of $40.77 million. The refunding saved $2.2 million in net present value, or 5.06 percent of the refunding

bonds.

Ms. Hawn responded to brief questions of clarification.

Responding to Councilmember Wallace, Ms. Hawn said the bond payments are even throughout the life of the bond issue.

6. Council Business and New Initiatives

Councilmember Balducci attended meetings of the Sound Transit Board, Puget Sound Regional Council (PSRC) Transportation Policy Board, and the King County caucus of the PSRC Transportation Policy Board. She reported that she attended the Strawberry Festival in Bellevue and commended the Eastside Heritage Center for their work on the event.

Councilmember Stokes attended the Strawberry Festival, where Mayor Lee addressed the public at the Eastside Pathways tent and exhibit. Mr. Stokes served as a judge for the International School's annual senior projects, took a tour of the Bellevue Police Department, and attended the PSRC Growth Management Policy Board meeting.

Councilmember Wallace commented on the East Link MOU collaborative design process, noting that mitigation issues still have not been addressed. He noted that Sound Transit recently approved $2.1 billion for the North Link project, which is farther along in terms of cost estimates than the East Link project. Mr. Wallace suggested tracking the use of contingencies on the North Link project to inform the budgeting for East Link. Noting that the City received a favorable interest rate on its bond refunding, he suggested that perhaps Sound Transit might want to consider low-interest debt as well.

Deputy Mayor Robertson attended the Planning Commission meeting. She attended the Washington Refuse and Recycling Association dinner and spoke to a second grade class about the City and serving as a Councilmember. As a Girl Scout leader, she attended a bridge ceremony for girls moving from Daisies to Brownies at the Bellevue Botanical Garden's new Ravine Experience suspension bridge.

Councilmember Davidson attended the Association of Washington Cities conference. Responding to Dr. Davidson, Ms. Balducci said the North Link project includes a 4.5-mile deep-bored tunnel which costs $2.1 billion.

Councilmember Chelminiak attended meetings of the Eastside Social Sustainability Project, State Building Code Council, and the Trade Development Alliance.

→ Deputy Mayor Robertson moved to reappoint Robin Rothschild to the Library Board for a second term expiring on May 31, 2016. Councilmember Balducci seconded the motion.

→ The motion carried by a vote of 7-0.

Mayor Lee reported that he attended the Strawberry Festival. He noted a *Wall Street Journal* article on June 19 about new immigrants, which highlighted the City of Bellevue.

Mayor Lee attended the PSRC General Assembly meeting, Bellevue Downtown Association Eastside Mayors Forum, and Bellevue Chamber of Commerce Leadership Conference.

Mayor Lee invited the public to the 4th of July celebration at Bellevue Downtown Park.

Councilmember Wallace said the Council received a letter from a constituent expressing concern about graffiti on the rail bridges along the BNSF rail corridor, which is now owned by the Port of Seattle. He suggested that the City Manager address this issue with the Port.

City Manager Sarkozy said the sale of the BNSF right-of-way from the Port to King County has been delayed, which is addressed in a news article published that day. He said this is a sensitive issue for the City not only due to the graffiti issue, but because the City needs a crossing easement to extend NE 4th Street in a timely manner to avoid the loss of grant funding. He said staff is considering whether to pursue actions to allow the City to intercede in this matter.

7. Approval of the Agenda

→ Deputy Mayor Robertson moved to approve the agenda, and Councilmember Stokes seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Robertson moved to approve the Consent Calendar, with Ordinance No. 6064 [Agenda Item 8(b] revised as reflected in the desk packet. Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:

(a) Minutes of February 3 and 4, 2012 Council Retreat
Minutes of May 29, 2012 Extended Study Session
Minutes of June 4, 2012 Study Session
Minutes of June 4, 2012 Regular Session

(b) Ordinance No. 6064 clarifying and amending the title, preamble and Section 1 of Ordinance No. 69, to reflect that the intent of the ordinance was to vacate the entire right-of-way located at 95th Avenue NE between NE 1st and NE 5th Streets; and authorizing the City Manager or designee to refund the petitioner's filing fee.

(c) Resolution No. 8413 authorizing execution of a Memorandum of Understanding (MOU) by and between the City and the Public, Professional, and Office Clerical Employees and Drivers, Teamsters Local 763, representing Development Services Employees, for a two-year labor agreement extension (2013-2014) and includes agreement for mandatory furloughs.

(d) Resolution No. 8414 authorizing execution of a 2011-2014 successor labor agreement by and between the City and the Police Officers Guild.

(e) Resolution No. 8415 authorizing execution of a 2012-2014 successor labor agreement by and between the City and the International Association of Firefighters Union, Local 1604, representing Fire Prevention Officers.

(f) Resolution No. 8416 authorizing the adoption of a Master Plan and park name - Bellevue Airfield Park for the Eastgate Area Properties.

(g) Motion to award Bid No. 12111 to Northwest Asphalt, Inc., as the lowest responsible bidder, in the amount of $68,470.81, for repairing the asphalt parking lots at Lake Hills Community Park.

(h) Motion to award Bid No. 12137 to Skycorp LTD, as the lowest responsible and responsive bidder, in the amount of $68,291.00 for the demolition of the Kim and Henrichs structures located at 9817 and 9821 Lake Washington Blvd. NE

(i) Resolution No. 8417 authorizing execution of an agreement with Artech Fine Art Services in an amount not to exceed $67,833, plus any applicable taxes, for installation services related to Bellwether 2012: reGeneration.

(j) Ordinance No. 6065 authorizing execution of a one year grant agreement with the Washington State Department of Commerce to accept $207,200 in grant funding for the Eastside Narcotics Task Force (ENTF); amending the 2011-2012 budget of the Operating, Grants, Donations and Special Reserves Fund in the amount of $117,000; and authorizing expenditures of said grand funds.

(k) Ordinance No. 6066 authorizing: 1) execution of grant agreements (and supplements if necessary) with the Washington State Department of Transportation to accept two federal City Safety Program grants, in the amount of $432,900, to advance implementation of the SCATS traffic adaptive signal control system on key Bel-Red corridors and enhance pedestrian safety at intersections along 148th Avenue and in the greater Bel-Red area; 2) amendment of the 2011-2012 General CIP fund to increase appropriations by $432,900; and, 3) amendment of the 2011-2017 Capital Investment Program to increase the budget for the Traffic Computer System Upgrade (CIP Plan No. PW-R-155) by $432,900.

(l) Resolution No. 8418 authorizing the City Manager or his designee to execute a one year General Services Contract with Santa, Inc. in an amount not to exceed $150,000, with three subsequent options to renew with a full potential contract not to exceed $750,000, for the removal of accumulated sediments from three Storm & Surface Water sedimentation facilities located in the Coal Creek Basin.

(m) Resolution No. 8419 authorizing the execution of an Interlocal Agreement between the cities of Bellevue and Kirkland for an emergency water intertie on 132nd Avenue N.E.

(n) Resolution No. 8420 authorizing execution of a professional services agreement with Site Development Associates, LLC (SDA) in an amount not to exceed $145,000 (CIP Plan No. W-16) for engineering services for AC Water Main Replacement Design Services in 2012 - Phase 3.

(o) Motion to waive minor bid irregularities and award Bid No. 12015 for Flush Station No. 5 Rehabilitation to Omega Contractors, Inc., as lowest responsible and responsive bidder, in the amount of $224,037.00 (CIP Plan No. S-16).

9. Public Hearings

(a) Public hearing on Ordinance No. 6058 imposing an interim official control regulating Medical Marijuana Collective Gardens.

(1) Staff Report

City Manager Steve Sarkozy introduced the public hearing. He recalled that the Council adopted Ordinance No. 6058 on May 7, 2012, implementing interim official control regulating medical marijuana collective gardens. A public hearing on the ordinance is required by the Growth Management Hearings Act.

City Attorney Lori Riordan noted previous briefings to the Council on this topic.

Catherine Drews, Legal Planner, referred the Council to page 9-12 of the meeting packet for information on other jurisdictions' approaches to regulating medical marijuana collective gardens. She said staff continues to seek information on how these regulatory approaches are working, whether there has been a related increase in illegal activity, and other impacts.

Ms. Drews recalled that, during the June 18 Study Session, the Council asked staff to provide information on the expected number of meetings required for either the Council or Planning Commission to consider the proposed permanent regulations for collective gardens. Staff estimates up to three Study Sessions. The meeting packet provides additional information on the code amendment process on pages 9-3 and 9-4.

Ms. Drews said staff will be seeking Council direction at the close of tonight's Public Hearing on the four alternatives provided on page 9-2 of the meeting packet. A fifth alternative is to direct staff to retain the interim zoning control in place until the outcome of Initiative 502 on the November ballot. This option would require extending the interim official control and holding another public hearing in late October. This option would provide time for staff to continue its research and to determine, with the Council, where the issue will fit into the code amendment work program.

Ms. Drews said staff is also seeking direction about whether the Council would like to handle the issue itself or to send it to the Planning Commission for review and recommendations.

Ms. Drews said the City has received inquiries from the public about the interim zoning regulations. These include questions about whether a collective garden can be used as an access point for patients to receive medical marijuana. Staff is interested in hearing Councilmembers' viewpoints on what constitutes an access point.

(2) Motion to open public hearing

→ Deputy Mayor Robertson moved to open the public hearing, and Councilmember Chelminiak seconded the motion.

→ The motion to open the public hearing carried by a vote of 7-0.

(3) Public Testimony

The following citizens came forward to comment:

(1) Ezra Eickmeyer, Political Director for the Safe Access Alliance, said he has been involved in crafting state law on medical marijuana. Before the passage of legislation last year, most patients were getting marijuana on a patients-serving-patients basis. People would take extra quantities to collective gardens, which would redistribute the marijuana to other patients. Mr. Eickmeyer said that some individuals consider this a dispensary. A legislative proposal to create a licensed dispensary system with separate commercially licensed growers, processors, and retailers was rejected.

Mr. Eickmeyer said that the original collective gardens, which self-identified as dispensaries, were actually access points. He said that a dispensary more accurately refers to a place of business such as a coffee shop, although the term is not defined in state law. He said an estimated 80 percent of medical marijuana patients are receiving marijuana through the patients-serving-patients model which is expressly allowed under the collective garden section of current law. The language allows a collective garden to have up to 10 patients at any time, but not 10 patients total. This was intended to resist efforts to create a larger commercial model.

Mr. Eickmeyer asked the Council to consider the patients-serving-patients model. He observed that the interim zoning control regulations are consistent with that model. He offered to meet with individual Councilmembers to discuss further details.

(2) Kurt Boehl introduced himself as the President of the Safe Access Alliance and a medical cannabis defense attorney. He has worked with the cities of Issaquah, Shoreline, and Seattle to draft their medical cannabis regulations and guidelines. He thanked the City for addressing the issue, which is ensuring that patients get this medication if needed. He addressed concerns about the potential for City employees to be charged with a federal crime related to issuing licenses for medical cannabis businesses. There are currently 17 states and the District of Columbia with medical cannabis laws, and five of those states have licensing schemes in place. To date, no employees have ever been prosecuted for complying with state law.

Mr. Boehl noted that the City of Seattle takes the position that it has the inherent right to regulate businesses within its jurisdiction. Seattle has the same zoning requirements for medical marijuana as for any other business. The City of Mukilteo and others have drafted stricter zoning requirements. Mr. Boehl said he worked closely with the City of Issaquah , which allows one access point. He noted that most commercial property owners do not want to lease space to this type of business.

Councilmember Davidson questioned whether it would be appropriate to ask questions of the presenters. City Manager Sarkozy replied that this is not the usual practice during a public hearing. He suggested that Councilmembers submit questions to staff for follow up.

(4) Motion to close public hearing

→ Deputy Mayor Robertson moved to close the public hearing, and Councilmember Wallace seconded the motion.

→ The motion to close the public hearing carried by a vote of 7-0.

(5) Council Discussion and Action

→ Deputy Mayor Robertson moved to extend the meeting to 10:15 p.m., and Councilmember Wallace seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

Councilmember Davidson expressed an interest in the patients-serving-patients model, and questioned who writes prescriptions and controls access.

Responding to Mayor Lee, City Manager Sarkozy said the Council can choose to engage in discussion with the presenters if desired.

Mr. Eickmeyer addressed Dr. Davidson's question. He explained that Washington state law has fairly explicit provisions for the Doctor-Patient relationship and the requirements for medical cannabis. The Department of Health regulates all health care practitioners. Prescriptions or authorizations for medical marijuana must be obtained from a doctor or licensed health care practitioner . When patients go to access points, the operators should call the doctor or otherwise verify the prescription/authorization.

Deputy Mayor Robertson expressed a preference for waiting until after the November election to consider permanent regulations. She observed that there is a great deal of disagreement about how current law should be interpreted and implemented, and she knows there are pending lawsuits. She suggests extending the interim official zoning control and holding another public hearing in the fall, pending the November election. She is leaning toward a preference to keep this in the Council's hands and to not refer it to the Planning Commission. She noted that the Planning Commission currently has a full workload.

Regarding the dispensary issue, Ms. Robertson said that nothing in state law requires cities to allow dispensaries. However, collective gardens are allowed by state law. She wants to have zoning in place to prohibit collective gardens in residential neighborhoods. She is not in favor of the patients-serving-patients model, which to her is essentially a dispensary. However, she supports the interim regulations for now.

Councilmember Balducci observed that the City will need to have some regulations in place, regardless of what happens with the fall ballot. She suggests moving forward with drafting regulations, in order to be prepared to adopt them in the fall. She believes this would provide some certainty for the public. She favors the City of Issaquah's model because it is specific about its requirements and how the law will operate. As for the issue of dispensaries, Ms. Balducci said she does not understand the full implications of that issue. However, she does not want to see a lot of Bellevue addresses in the classified ads for medical marijuana.

Councilmember Davidson said that, as someone in the medical profession, he believes this is poor public policy. He will not support collective gardens or dispensaries. He noted the responsibility and accountability outlined in law for the prescription of mind-altering drugs, and he does not see this addressed in the dispensing of medical marijuana.

Ms. Balducci said she would like the Planning Commission to weigh in on this issue.

Councilmember Chelminiak reported that he met with the speakers, and he is pleased they are trying to address the issue in a responsible way. He noted the shared goal of establishing appropriate zoning and prohibiting medical marijuana activities in residential areas. He would like to move forward with the consideration of permanent regulations and not wait for the November election.

Mr. Chelminiak said he would like the Planning Commission to review the issue. He expressed support for Option 2 [Page 9-2 of meeting packet]: Proceed with the development of permanent regulations irrespective of the election, and maintain the interim official control.

Councilmember Stokes observed that there is no practical difference between options 2 and 5, because he believes there is likely not sufficient time to address permanent regulations before the November election. He supports sending the issue to the Planning Commission for review.

Councilmember Wallace concurred with Mr. Stokes.

Mayor Lee agreed in general with Deputy Mayor Robertson's earlier comments. He noted that the Council wants to implement regulations that are compatible with Bellevue's values and community standards, while recognizing the need for the medical use of marijuana.

Mayor Lee said this is more of a policy issue than a land use issue. He feels it is appropriate for the Council to conduct the review of this topic.

→ At 10:15 p.m., Deputy Mayor Robertson moved to extend the meeting to 10:25 p.m. Councilmember Balducci seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

Ms. Robertson observed that four Councilmembers are in favor of sending the matter to the Planning Commission. She questioned the anticipated timeline and course of action if the Commission is to review the issue. Ms. Riordan confirmed that the Planning Commission would hold the public hearing on the Land Use Code.

→ Deputy Mayor Robertson moved to proceed with the development of permit regulations and to refer the matter to the Planning Commission, after the Council first establishes guidelines and principles for the Commission's review. Councilmember Chelminiak seconded the motion.

Mr. Stokes expressed support for motion. He is particularly interested in the Planning Commission's input regarding where medical marijuana facilities should be located.

Responding to Ms. Robertson, Ms. Riordan said staff will aim for providing draft principles to the Council before the August break.

→ The motion carried by a vote of 6-1, with Councilmember Davidson opposed.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:19 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

kaw

Councilmember Chelminiak said he is not certain that a formal Citizen Advisory Committee is necessary to address station design. However, he believes that the design of each station should have direct citizen involvement.

(2) Medical Marijuana Collective Gardens

Ordinance No. 6079 extending Ordinance No. 6058 adopting an interim zoning ordinance regulating medical marijuana collective gardens for a period of six months, to be in effect while the City considers the adoption of permanent regulations for medical marijuana collective gardens; providing for severability; and establishing an effective date.

Mr. Sarkozy recalled that the original ordinance was passed on May 7, 2012, and staff is continuing to work on developing regulations.

→ Deputy Mayor Robertson moved to open the Public Hearing, and Councilmember Wallace seconded the motion.

→ The motion carried by a vote of 7-0.

No one came forward to comment on the proposed ordinance.

→ Deputy Mayor Robertson moved to close the Public Hearing, and Councilmember Wallace seconded the motion.

→ The motion carried by a vote of 7-0.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6079, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 7-0.

(d) East Link

The Council returned to the Council Conference Room for the remainder of the agenda.

Mr. Sarkozy noted the draft letter to Sound Transit provided in the desk packet for Council review. He said the letter incorporates input and suggestions from Councilmembers.

Councilmember Stokes suggested removing the reference to cost in the first bullet point for SE 4th Street, to be consistent with not mentioning costs in the rest of the letter.

Councilmember Balducci observed that every pleasantry in the letter had been redlined out. Mayor Lee said his intention was a more business-like tone.

Drews, Catherine

From: Nunnelee, Sandra J.
Sent: Wednesday, April 10, 2013 8:04 AM
To: Sarkozy, Steve; Miyake, Brad; Riordan, Lori; Brennan, Mike; Drews, Catherine
Subject: FW: Marijuana prevention

FYI - Citizen comment on marijuana regulation

Sandra Nunnelee
Executive Assistant to the City Council
City Clerk's Office
450 110th AVE NE
Bellevue, WA 98004
425.452.4088 Direct Line
425.452.7919 Fax
sjnunnelee@bellevuewa.gov
www.bellevuewa.gov

From: Emily Janiszewski [mailto:ejaniswa@gmail.com]
Sent: Tuesday, April 09, 2013 21:25
To: Council
Subject: Marijuana prevention

Thank you to who ever has restricted sellers of marijuana from running their businesses in Bellevue. I know someone who legally has a license to sell marijuana, but I do not trust this person with anything associated with the youth in our community. Please continue to protect the innocent and the vulnerable.

A trusting citizen and worker of the East side.

Verbatim Excerpt of April 15, 2013 Regular Session
9(b) Public Hearing on Medical Marijuana Collective Gardens Interim Control

1. Kurt Boehl: I represent Green Tree Collective. They are a Bellevue business located on 10600 Main Street. The reason for my, why I wanted to testify this evening, was to address a few issues with regard to cannabis laws. I'll be brief; this has been a long hearing and I know you want to get home. So, I'd like to ask you to put yourself in the position of a cancer patient. You or a loved one has been diagnosed with Stage 4 cancer, and your doctor recommended an aggressive dose of chemotherapy. And with that chemotherapy, he says that medical cannabis will help with the nausea, will help with your appetite and you, or your loved one asks you to find medical cannabis for them. And, where do you go? I'd like you to think about that when you're enacting, or thinking about enacting these interim regulations. Where do you go in Bellevue to get medical cannabis for your loved one? Where do you go to get medical cannabis for yourself?

   The purpose, the intent, of the legislative changes in 2011 that created these collective gardens was to enhance access for patients, was to allow patients greater access to their medical cannabis. And since Bellevue adopted these interim regulations, I don't believe it has licensed one collective garden. Catherine Drews, please correct me if I'm wrong, but I don't think one license has been issued for a collective garden in Bellevue. Essentially what we have is a moratorium without calling it a moratorium. If in fact Bellevue does want to allow patients access, they need to definitely take a look at these interim regulations and either loosen them up a little bit or work with some of these businesses to allow them to operate so that patients can and do have access in Bellevue. It's not fair to tell a cancer patient, to tell somebody that sick or dying, yes, we'll have interim regulations. You can find a collective garden but we aren't going to license any in Bellevue. So you have to go to Seattle; you have to go to Issaquah; you have to go to Shoreline to get your cannabis – where they have clear-cut guidelines, clear-cut regulations for what people and can't do with regards to accessing their cannabis.

   So again, we've got a few things to take into consideration. What in fact do the interim regulations do for medical cannabis patients? Do they enhance access or do they prohibit that? Also, we've got legalization; legalization is coming, it's here, and there's going to be shops; there's going to be gardens. Hopefully by the end of the year the legislature and the liquor control board will create those licenses and guidelines. So you've got basically two issues that are going to need to be addressed – should medical access be more prohibitive or less prohibitive than adult use with the 502 licenses? Or should they both be addressed at the same time, with 502, when those guidelines come from the liquor control board?

   So what I ask is not renewing interim regulations because they have not been effective in helping patients get access. Wait until the liquor control board creates their guidelines for 502, and adopt regulations for both at the same time. That may be the most effective use of money and time for this issue. Thank you for your time.

2. Eugenia Dorn (spelling not verified; maybe Doran): I've lived in Bellevue for 40 years. I've lived in the Wilburton community now for the past 25, where I own my home. I am a cancer survivor; I've never had marijuana for it though. But I would just like to tell you that there is a rental house next door to me, and there is a growing marijuana operation. Trust me when I tell you it's not just for medical. It's their livelihood. This house is about 35 feet away on one side from me; it is adjacent to a school – Three Cedars School. Now, I won't give the address of the house, naturally, but I just want you to know that I live on a busy street on NE 4th, it's the hub for the school buses, all day long, school buses, parents, children, students walking by this house, by my house, parking cars out front. Parents picking up children. This growing operation is taking place in the daylight basement by the man who leases the house; he doesn't own the house. He has set up shop in a rental house. They have blackout curtains front and back; there is another man who comes and tends the marijuana. When he does do that, it turns up such stench. Now this is one of the problems there is with marijuana because it stinks; it just stinks. So, my backyard, well, good luck on enjoying my backyard. So they installed a venting system without a permit to blow this stench and fumes, so I feel like I'm sort of a prisoner in my own house. It's unbearable at times. And I just want to add that every week, in the 90 gallons of yard waste container, it's completely full of (proco?)media; that's what, I've had a little quick education on growing marijuana. And that's what they grow it in. They don't grow it in dirt, apparently. So this operation is definitely for profit by the renter who lives in this large home worth about $600,000, $700,000. But he hasn't worked in a couple of years so you wonder, is he only growing 15 plants for his medical purposes? I doubt it. So I just want to know how somebody can move into a neighborhood and set up shop next to a school, a busy street for children, and so forth, and fumes. If a police officer did go out, they would not allow them to come in the house and see his growing gardens.

3. Pam Lewis: I've lived in Bellevue for probably 4 years now. I'm sorry that this woman is having problems but I think I should present the other side. I'm 65 years old, and I suffered an injury, a very bad injury, two years ago. And, because of the maybe poor medical care I got, I was left in a position where I'm in chronic pain and I'm not able to take anything with NSAIDs in it, which is all over-the-counter pain, you know like Tylenol or whatever. So my option really is to take Vicodin, that's what my doctor suggested. But that's not – I still drive and do things and I don't want to be in this position. I think there's a great misunderstanding about people who think that medical marijuana is somehow some kind of scam for some people to make money. There are people like me out here who really do have, or suffer from chronic pain issues, and I think it's a hassle to go to Seattle. You know I have to get in my car and I have to drive over there, and pay additional costs for the bridge fare and for gasoline. And I feel it's personally like I'm being discriminated against because somehow people with medical needs, who really have no other choice, have to feel like somehow they're doing something shameful or wrong. And I would just

like you to consider; I know I'm not the only person in Bellevue that smokes marijuana for pain relief. Thank you for listening to me.

4. Seth Simpson: I'm actually with Green Tree Medical. We've been running a medical marijuana access point in Seattle for the last 2 years, and we're trying to move into Bellevue and allow safe access for people "that really didn't, you know, need it" [audio drops somewhat so not absolutely sure of those words]. We've had a lot of patients over the last 2 years that have been really kind and loving and amazing people that we've seen pass away, and have lost their lives to whatever it may have been – cancer – there's a lot of things. It's just really sad. But they use that medicine to make them feel better, to work them through the disease that they had, so they didn't have to be in pain, didn't have to have the problems that they're having. And we are allowing that help to them, so they could actually get through it up until the end. And I think that that's what Bellevue needs too; they need a place for people to come and actually get the medicine and get the things they need to have a better life. Thank you.

/kaw

Drews, Catherine

From: Geraldine Kline <gkline@threecedarswaldorf.org>
Sent: Monday, April 15, 2013 2:07 PM
To: Riordan, Lori
Cc: Mccool, Kim; Pillo, Linda; Brennan, Mike; Helland, Carol; Drews, Catherine
Subject: RE: Ordinance 6109

Sensitivity: Confidential

With much appreciation!

Geraldine Kline I Executive Director
425-401-9874 I www.threecedarswaldorf.org

From: LRiordan@bellevuewa.gov [mailto:LRiordan@bellevuewa.gov]
Sent: Monday, April 15, 2013 1:48 PM
To: Geraldine Kline
Cc: KMccool@bellevuewa.gov; LPillo@bellevuewa.gov; MBrennan@bellevuewa.gov; CHelland@bellevuewa.gov; CDrews@bellevuewa.gov
Subject: RE: Ordinance 6109
Sensitivity: Confidential

Dear Ms. Kline,

Thank you for sharing your concerns.

We will make sure that your comments are included in the record.

Very truly yours,

Lori M. Riordan
City Attorney
City of Bellevue

From: Geraldine Kline [mailto:gkline@threecedarswaldorf.org]
Sent: Monday, April 15, 2013 1:38 PM
To: Riordan, Lori
Cc: Mccool, Kim
Subject: Ordinance 6109
Importance: High
Sensitivity: Confidential

Dear Ms. Riordan,

I will be unable to attend tonight's public hearing regarding ordinance 6109 regulating medical cannabis collective gardens. However, I would like to share my perspective as the Head of School of Three Cedars Waldorf School, located at 556 124th Avenue NE in Bellevue.

Three Cedars Waldorf School is home to over 130 children in preschool through grade eight. We enjoy a lovely campus surrounded by nature in the vicinity of Willburton Park. Immediately adjacent to our campus –50 feet

away from our south fence at most - it appears that one of the neighboring houses is the location of a cannabis growing operation. This was initially brought to my attention by another neighbor who is quite distressed by the situation, including the very strong smell which emanates from the location. A few weeks ago I wrote to the police and the office of code compliance to share that, although at that time the smell was not inconveniencing our school, I would support the maintaining of the ordinance which stipulates the such operation should be located at least 1,000 Ft from a school.

Since then, the smell from this operation has grown persistent and is very strongly perceivable in all areas of our campus, particularly on the south side which hosts one of our main playgrounds. This obviously is not admissible in an environment designed for young children and for teachers.

Thus, I would like, on behalf of our students, parents, faculty and staff, and friends of our school, to convey our very firm support of the maintaining of the minimum 1,000 ft between such operations and a school. In a school context, an increased distance would in fact be more suitable.

Sincerely,

Geraldine Kline I Executive Director
425-401-9874 I www.threecedarswaldorf.org

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
Single-Family Residential Estate (R-1, R-1.8)	Single-Family Residential Estate Districts provide for a low density residential environment (1 and 1.8 dwellings per acre) which may serve to protect steep slopes or unstable land from overdevelopment and may include agricultural uses and activities compatible with low residential density.	No			
Single-Family Residential Districts (R-2.5, R-3.5, R-4, R-5, R-7.5). Single-Family Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4, 5 and 7.5 dwellings per acre), and permit compatible, related activities (Not effective within EBCC jurisdiction)	**Single-Family Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4, 5 and 7.5 dwellings per acre), and permit compatible, related activities.**	No			
Suburban Residential Districts (R-2.5, R-3.5, R-4, R-5).* Effective only within the EBCC	Suburban Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4 and 5 dwellings per	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	acre), and permit compatible, related activities				
Multifamily Residential Districts (R-10, R-15, R-20, R-30).	Multifamily Residential Districts provide areas for attached residential dwellings of low density (10 units per acre) and of moderate density (15, 20, and 30 dwellings per acre). The R-20 and R-30 Districts are intended to be convenient to centers of employment and have primary access to arterial streets. The R-10 and R-15 Districts are more restrictive and may be utilized as a buffer between Suburban Residential Districts and moderate density residential or commercial districts.	No			
Professional Office District (PO).	Professional Office Districts provide areas for low-intensity office uses. Structures shall have exterior designs which are compatible with surrounding	No			

City of Bellevue Planning Commission
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Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	developments, vegetation and topography. The Professional Office District may act as a buffer between residential and more intensively developed properties.				
Office District (O)	Office Districts provide areas for business, financial and professional service offices, located on arterial or commercial access streets. In the proximity of other major business and commercial districts, this district may serve as a buffer between residential areas and more intensive commercial districts.	No			
Office and Limited Business District (OLB).	Office and Limited Business Districts provide areas for the location of integrated complexes made up of offices, hotels or motels, eating establishments and retail sales accessory to	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	permitted uses. Such districts are located in areas that abut and have convenient access to freeways and major highways.				
Office and Limited Business-Open Space District (OLB-OS)	Office and Limited Business-Open Space Districts provide for significant amounts of open space and for offices, hotels, or motels, and other uses permitted in the Office and Limited Business District, except for residential uses. The OLB-OS properties are developed as a cohesive site with unified building design. The open space area is reserved for public use and access and may include active and passive recreational uses. OLB-OS properties are at least 25 acres in size with at least 40 percent of the total site area	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	reserved as a contiguous open space area.				
Light Industrial District (LI).	Light Industrial Districts provide for the location of a broad array of activities, including manufacturing, wholesale trade and distribution activities. Offices are discouraged unless they support the primary functions of the LI District. Sales of goods and services subordinate to permitted activities and sales of bulky or large scale items are appropriate, except for auto sales and rentals which are appropriate only in certain locations.	Yes			
General Commercial District (GC)	General Commercial is a mixed retail and commercial designation that provides for the location of a wide variety of business activities that provide goods and services	Yes			

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	to other businesses and the general public.				
Neighborhood Business District (NB)	Neighborhood Business Districts are small scale, mixed-use commercial areas that provide housing opportunities and retail and service businesses for the surrounding residential community. These sites may also accommodate a limited amount of administrative office space, provided that the office use does not interfere with the site's primary neighborhood-serving function. NB Districts front on designated primary or minor arterials and are generally 1,000 feet or more apart along the arterials. It is the intent of the City that any such district be located adjacent to existing or proposed residential areas. The maximum size of an NB	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	District, composed of contiguous properties and located on one side of a street, is four and one-half acres. The maximum size is expanded to six acres for NB sites separated by a street.				
Community Business District (CB).	Community Business Districts serve community markets and provide areas for the location of services and retail outlets, other than Downtown.	No			
Downtown (D)	Downtown is the financial and business hub of the community. It is to be developed as an aesthetically attractive area of intense use. Toward this end, the City shall encourage the development of regional retail shopping facilities and major mixed office complexes along with specialty retail, business support services, urban	No			

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	residential, hotel and institutional uses. Certain areas of Downtown are to be more intensively developed in order to facilitate pedestrian circulation. Development must enhance people orientation, and provide for the needs, activities, and interests of people. The City will encourage land uses which emphasize variety, mixed uses, and unity of form within buildings or complexes. Specific land use districts have been established within the Downtown District to permit variation in use and development standards in order to implement the objectives of the Downtown Subarea Plan.				
Downtown-Office District 1 (Downtown-O-1)	The purpose of the Downtown-O-1 Land Use District is to provide an area	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	for the most intensive business, financial, specialized retail, hotel, entertainment, and urban residential activities. The district is limited in extent in order to provide the level of intensity needed to encourage and facilitate a significant level of transit service. Pedestrian-attracting day and nighttime activities are encouraged. Transit and pedestrian facilities linking them are encouraged; long-term parking and other automobile oriented uses are discouraged.				
Downtown-Office District 2 (Downtown-O-2).	The purpose of the Downtown-O-2 Land Use District is to provide an area for intensive business, financial, retail, hotel, entertainment, institutional, and urban residential use to serve as a transition	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	between the more intensive Downtown-O-1 Land Use District and the lesser intensive Downtown-Multiple Use Land Use District				
Downtown-Multiple Use District (Downtown-MU)	The purpose of the Downtown-MU Land Use District is to provide an area for a wide range of retail activity, low intensity offices, Downtown support services, and residential uses. Multiple uses are encouraged on individual sites, and in individual buildings, as well as broadly in the district as a whole.	No			
Downtown-Residential District (Downtown-R).	The purpose of the Downtown-R Land Use District is to provide an area for the City's most intensive urban residential uses. Limited office and retail uses are permitted secondary to residential use, in order to provide the	No			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	amenity of shopping and services within easy walking distance of residential structures.				
Downtown-Old Bellevue District (Downtown-OB).	The purpose of the Downtown-OB Land Use District is to describe the Old Bellevue area and assure compatibility of new development with the scale and intensity of the area. The social and historic qualities of this area are to be preserved.	No			
Downtown-Office and Limited Business District (Downtown-OLB).	The purpose of the Downtown-OLB Land Use District is to provide an area for the location of integrated complexes made up of offices, and hotels or motels, with eating establishments and retail sales secondary to these primary uses. The district abuts and has convenient access to the I-405 Freeway.	NO			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
Bel-Red	Bel-Red is a major mixed use employment and residential area characterized by a transit-oriented, nodal development pattern, over time replacing the area's original low intensity light industrial and commercial past. The City will encourage land uses in the Bel-Red area which promote employment, retail and residential opportunities. More intense uses and greater heights are concentrated in designated nodal development areas along the NE 15th/16th corridor; these areas are intended to be served by high capacity transit. New development in these designated nodal areas is expected to have a transit-supportive and pedestrian-friendly form. The entire Bel-Red area will	NO			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	be distinguished by environmental and community amenities that serve residents and employees in the area, as well as nearby neighborhoods and the entire city. New development is expected to make significant contributions to these amenities, and to the infrastructure needed to support redevelopment. Redevelopment of the Bel-Red area will occur over decades, and the City encourages a graceful transition of land use over time. Therefore special provisions are appropriate for existing uses that may not be part of the area's long-term envisioned future.				
Bel-Red-Medical Office (Bel-Red-MO)	The purpose of the Bel-Red-MO Land Use District is to	NO			

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	provide an area for office uses, with an emphasis on medical office.				
Bel-Red-Medical Office Node (Bel-Red-MO-1)	The purpose of the Bel-Red-MO-1 Land Use District is to provide an area for the most intense medical office uses. The district is located within the core of a nodal area, and is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.	NO			
Bel-Red Office/Residential (Bel-Red-OR).	The purpose of the Bel-Red-OR Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use.	NO			
Bel-Red-Office/Residential Node 1 (Bel-Red-OR-1).	The purpose of the Bel-Red-OR-1 Land Use District is to provide an area for a mix of office, housing and retail uses within the core of a	NO			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	nodal area, with offices as the predominant use. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.				
Bel-Red-Office/Residential Node 2 (Bel-Red-OR-2).	The purpose of the Bel-Red-OR-2 Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.	NO			
Bel-Red-Residential/Commercial Node 1 (Bel-Red-RC-1).	The purpose of the Bel-Red-RC-1 Land Use District is to provide an area for a mix of housing, retail, office and service uses within the core of a nodal area, with an	As Noted			

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	emphasis on housing. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.				
Bel-Red-Residential/Commercial Node 2 (Bel-Red-RC-2).	The purpose of the Bel-Red-RC-2 Land Use District is to provide an area for a mix of housing, retail, office and service uses. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.	NO			
Bel-Red-Residential/Commercial (Bel-Red-RC-3).	The purpose of the Bel-Red-RC-3 Land Use District is to provide an area for a mix of housing, retail, office and service uses, with an emphasis on housing. The district is located within a node but in close proximity	NO			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	to mature, stable neighborhoods, and is thus appropriate for transitional heights.				
Bel-Red-Commercial/Residential (Bel-Red-CR).	The purpose of the Bel-Red-CR Land Use District is to provide an area for a mix of housing, retail, office and services. Multiple uses are encouraged on individual sites, in individual buildings, and in the district as a whole.	NO			
Bel-Red-Residential (Bel-Red-R)	The purpose of the Bel-Red-R Land Use District is to provide an area for residential uses. Limited retail and service uses are permitted secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.	NO			
Bel-Red-General Commercial (Bel-Red-GC)	The purpose of the Bel-Red-GC Land Use District is to provide an area for a wide	Yes			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	variety of business activities that provide goods and services to other businesses and the general public.				
Bel-Red-Office/Residential Transition (Bel-Red-ORT).	The purpose of the Bel-Red-ORT Land Use District is to provide an area for low-intensity offices and uses and low density multifamily residential dwellings, developed in such a manner as to provide a buffer between residential and more intensively developed properties.	No			
Factoria Land Use Districts (F).		NO			
Factoria Land Use District 1 (F1)	Factoria, F1 District is a mixed-use residential and regional retail center located adjacent to freeway corridors. It is to be developed as an aesthetically attractive urban village center to serve the Factoria community as well as shoppers attracted	NO			

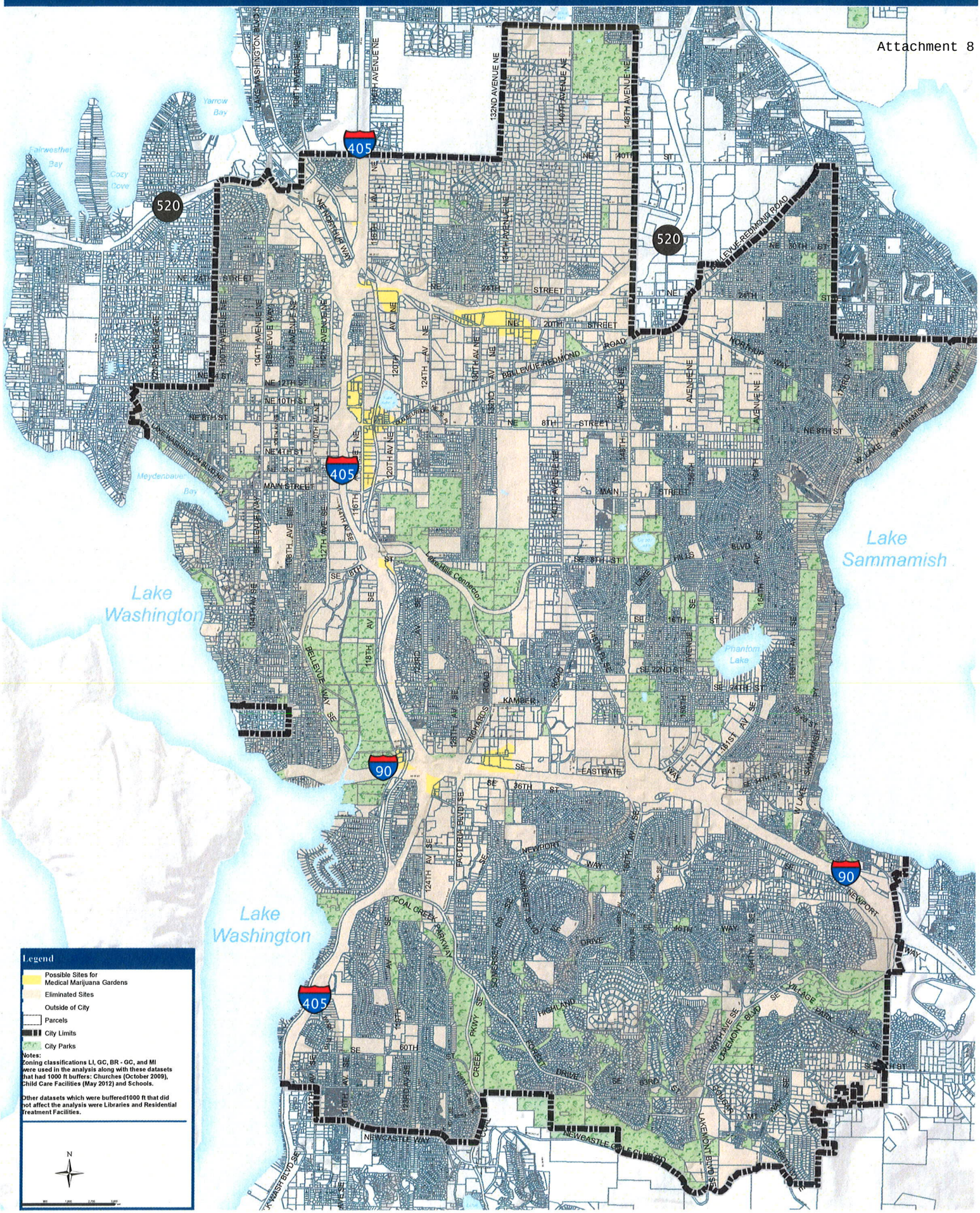
Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	to the retail stores. Specific development areas and design guidelines apply within the district. Total size of the district is approximately 40 acres.				
Factoria Land Use District 2 (F2).	Factoria, F2 District provides for intensive office, movie theater, and service uses adjacent to freeway corridors in the Factoria area.	NO			
Factoria Land Use District 3 (F3).	Factoria, F3 District provides for highly intensive office use in an integrated complex adjacent to freeway corridors in the Factoria area. This is the most intensive office district outside the Downtown	NO			
Medical Institution (MI)	The Medical Institution (MI) District provides for the location of hospital uses and ancillary uses to the primary hospital use located on the same site or on sites in close proximity. The	Yes			

City of Bellevue Planning Commission
Land Use District Decision Matrix for Appropriate Land Use Districts for Medical Marijuana Collective Gardens and Recreational Marijuana Retailers, Producers, and Growers.

Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	purpose of the district is to encourage comprehensive long-term master development planning for the properties designated MI and to allow flexible dimensional standards to facilitate development of major medical institutions and provision of the vital public services offered by these institutions. Specific development areas have been established in order to implement the objectives of the Medical Institution District.				

Medical Marijauna Collective Garden Sites

City of Bellevue

GIS Services

Attachment 8