City of Bellevue

MEMORANDUM

DATE: May 14, 2013

TO: Chairman 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 22, the Planning Commission will be asked to continue its conversation about developing permanent regulations for medical cannabis collective gardens. The Commission held an introductory study session on May 8th where it reviewed background information and began to discuss options for implementing the permanent regulations. This memorandum provides some of the same information from the previous study session for your reference, including the City's interim regulations for collective gardens, 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 respond to questions regarding implementing permanent regulations and seek Planning Commission direction regarding preparing a draft ordinance of permanent regulations for collective gardens and zoning considerations for recreational marijuana.

Medical Cannabis Interim Ordinance

During the May 7, 2012, Regular Session, Council adopted 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).

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.

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.
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

It is staff's understanding of the direction received from Council, that the interim regulation (Ordinance No. 6058) should be used as a starting point for developing permanent regulations. Staff has provided a Land Use District Decision matrix for the Planning Commission to use when determining whether the locations for collective gardens identified in the interim regulation are appropriate to include in the permanent regulation . The matrix is included as Attachment 4 to this memorandum. The matrix lists each land use district with its accompanying statement of purpose for the Planning Commission's reference. This matrix can also be used to begin the process of evaluating approaches to implement I-502.

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 – *Completed* – Introductory Study Session, including presentation of the Planning Principles
- May 22 – Study Session – Continue review of approach to permanent regulations
- July 2 – 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.

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. Land Use District Decision Matrix
5. 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.]

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
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
	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			

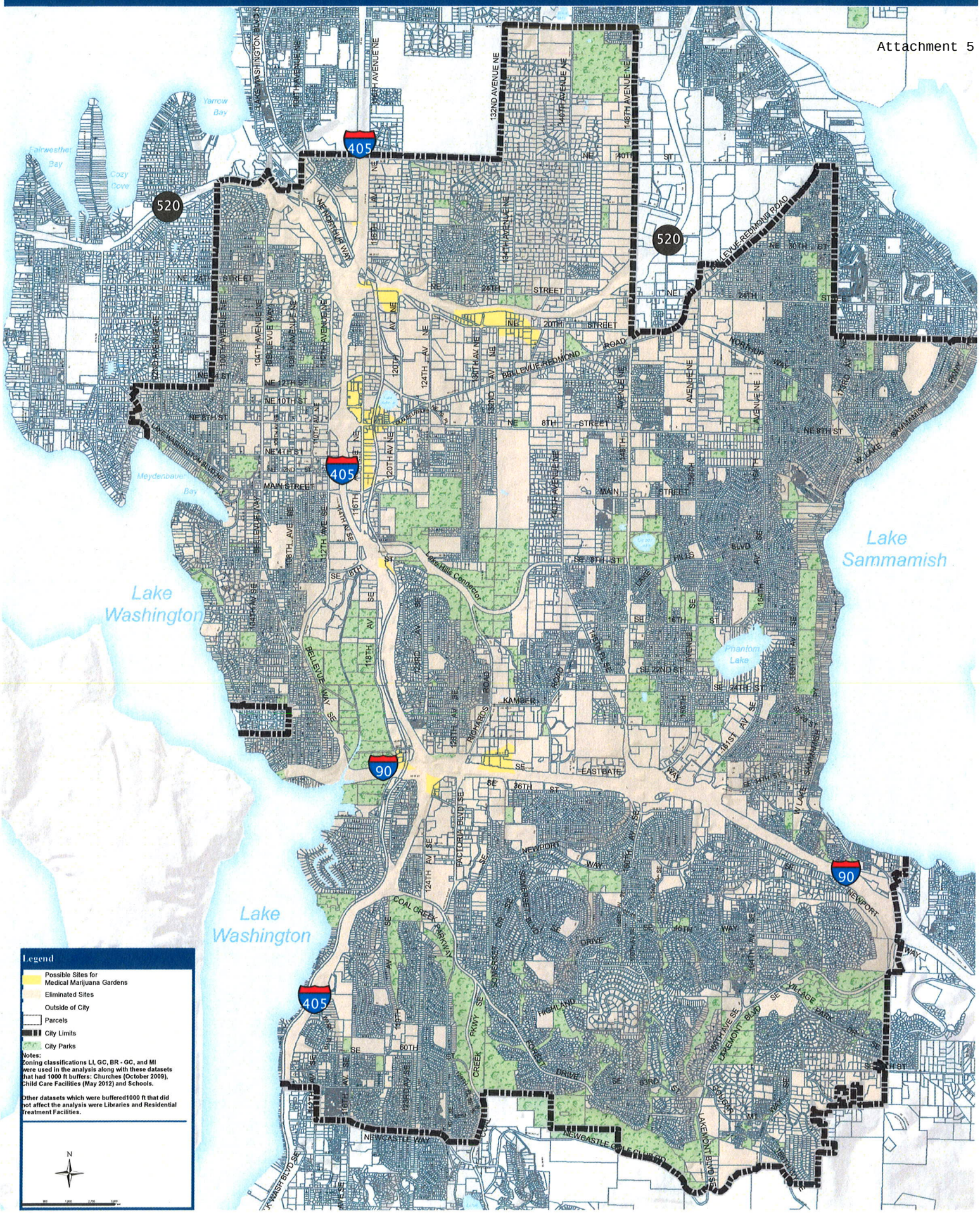
Zoning Districts	Purpose of land Use District	Collective Gardens Allowed under Ord. No. 6058?	Appropriate for Recreational Marijuana Retailers	Appropriate for Recreational Marijuana Producers	Appropriate for Recreational Marijuana Growers
	to the retail stores. Specific development areas and design guidelines 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 5