

**PROPOSED DRAFT RECREATIONAL MARIJUANA REGULATIONS:
BASED ON INTERIM REGULATIONS**

Section 1. Section 20.10.440 – Resource Land Use Charts - of the Bellevue Land Use Code is hereby amended to add as separate entries “recreational marijuana production” and “recreational marijuana processing” as a permitted use in the following land use districts: Light Industrial (LI), and to add the following new note 5:

(5) [See LUC 20.20.710 for general development requirements for recreational marijuana uses.](#)

The “recreational marijuana production” use shall be placed alphabetically in the use chart immediately below the “Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs” listing. “Recreational marijuana processing” shall be placed directly below “Agricultural Processing” (Standard Land Use Code Reference 821).

Section 2: Section 20.10.440 – Wholesale and Retail Land Use Charts - of the Bellevue Land Use Code is hereby amended to add under standard land use code reference 59 “Recreational marijuana retail outlet” as a permitted use in the following land use districts: GC; CB; F1; DNTN O-1; DNTN O-2; DNTN-MU; DNTN-OB; and DNTN-OLB, and to add the following new note 41:

(41) [See LUC 20.20.710 for general development requirements for recreational marijuana uses.](#)

The “recreational marijuana retail outlet” use shall be placed in the use chart immediately below the “Adult Retail Establishments” listing

Section 3. Section 20.25D.070 -- Resources in Bel-Red Land Use Districts Chart of the Bellevue Land Use Code is hereby amended to add as separate entries “recreational marijuana production” and “marijuana processing” as a prohibited use in all Bel-Red land use districts.

The “recreational marijuana production” use shall be placed alphabetically in the use chart immediately below the “Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs” listing. “Recreational marijuana processing” shall be placed directly below “Agricultural Processing” (Standard Land Use Code Reference 821).

Section 4. Section 20.25D.070 -- Wholesale and Retail in Bel-Red Land Use Districts Chart of the Bellevue Land Use Code is hereby amended to add under standard land use code reference 59 “Recreational marijuana retail outlet” as a permitted use in the following land use districts: BR-OR/OR1/OR2; BR-RC-1; RC-2; RC-3; BR-GC; BR-CR; and BR-ORT, and to add the following new note 17:

(17) [See LUC 20.20.710 for general development requirements for recreational marijuana uses.](#)

The “Recreational marijuana retail outlet” use shall be placed in the use chart immediately below the “Adult Retail Establishments” listing.

Section 5. A new section 20.20.710 of the Bellevue Land Use Code is hereby adopted as follows:

20.20.710 Recreational Marijuana Uses.

A. Purpose.

The purpose of this section is to regulate recreational marijuana producers, processors, and retailers under Chapter 69.50 RCW by identifying appropriate land use districts and establishing development and performance standards. Recreational marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor Control Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law

Comment [CoB CD1]: New provision from interim regulations

B. Applicability.

This section applies to recreational marijuana uses licensed by the Washington State Liquor Control Board. This section is not applicable to medical cannabis collective gardens, which are governed by LUC 20.20.526.

Comment [CoB CD2]: Clarity

C. Definitions Specific to Recreational Marijuana Uses.

The definitions codified at WAC 314-55-010, now or as hereafter amended, apply to this section. The following definitions are specific to recreational marijuana uses and shall have the following meanings:

1. "Director" means the Director of the City of Bellevue's Development Services Department or his or her designee.
2. "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
3. "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
4. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
5. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" do not include useable marijuana.
6. "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
7. "Recreational Marijuana Uses" means the collective of Marijuana producer, retailer, and processor.
8. "Retail outlet" means a location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.

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9. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

D. Recreational marijuana producers, processors, and retailers must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and all applicable City of Bellevue ordinances, standards, and codes, now or as hereafter amended.

E. Limitations on Uses. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

1. A marijuana producer, retailer, or processor, shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:
 - a. Elementary or secondary school;
 - b. Playgrounds;
 - c. Recreation center or facility;
 - d. Child care centers;
 - e. Public parks;
 - f. Public transit centers;
 - g. Libraries;
 - h. Any game arcade or
 - i. Any medical cannabis collective garden.
2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.
3. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30; DNTN-R; BR-R).
4. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.
5. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

Comment [CoB CD3]: Added for clarity

F. Marijuana Retail Outlets.

1. Odor. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.
2. Signage for Marijuana Retail Outlets. Retail outlets shall comply with WAC 314-55-155(1), now or as hereafter amended. Additionally, signage for retail outlets must undergo design review in those land use districts requiring such review in the City of Bellevue Sign Code, Chapter 22B BCC.

G. Marijuana Producers and Processors. Marijuana production and processing facilities are allowed only in the Light Industrial land use district and shall comply with the following provisions:

1. Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;
2. Signage for marijuana producers and processors shall comply with the City of Bellevue Sign Code, Chapter 22B of the Bellevue City Code.
3. A screened and secured loading dock, approved by the director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of odors when

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delivering or transferring marijuana, useable marijuana, and marijuana-infused products.

H. Security. In addition to the security requirements in chapter 315-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

I. Release of Liability and Hold Harmless

Comment [CoB CD4]: Consistency with medical cannabis collective gardens regulations.

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

J. Conflicts

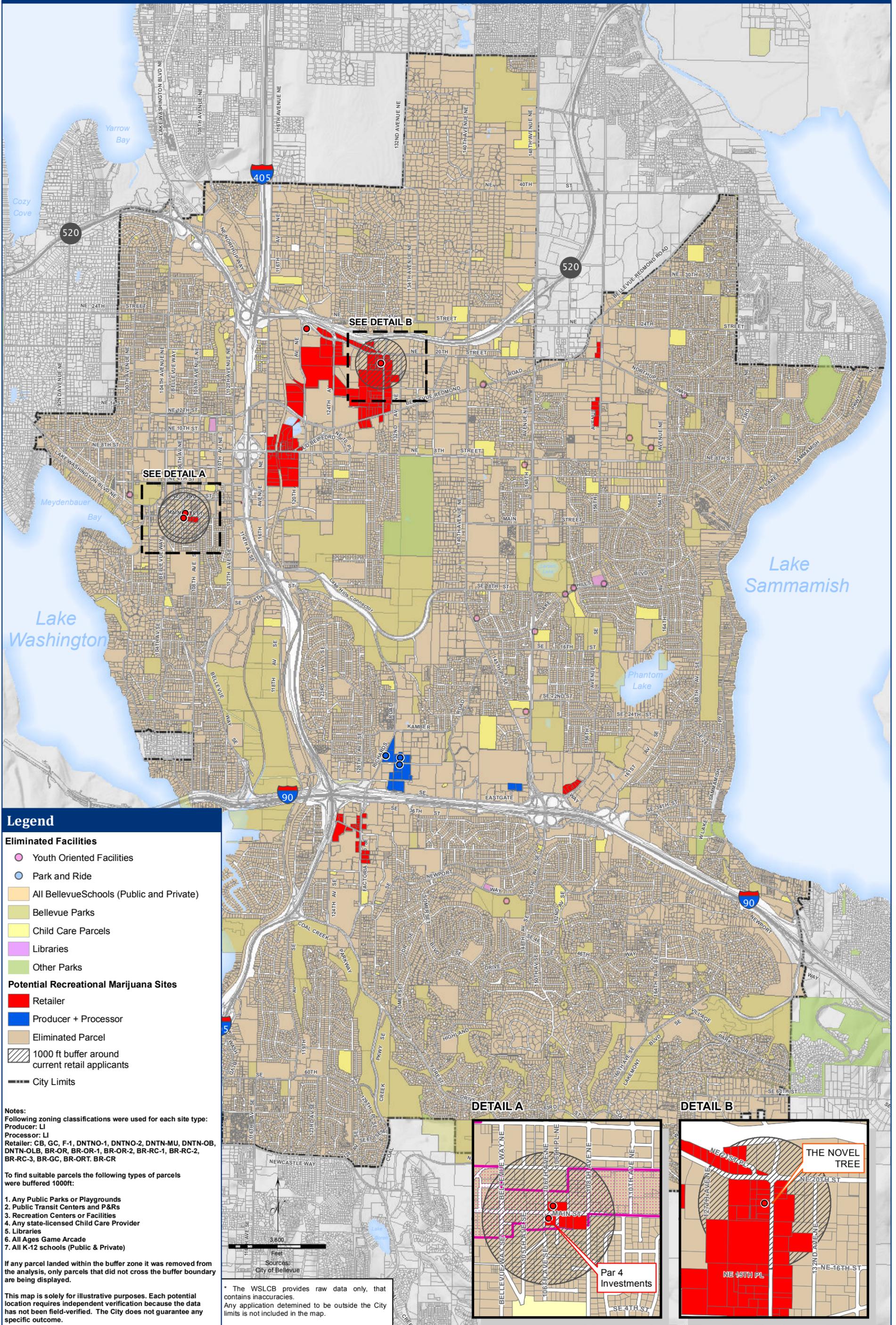
In the event of a conflict between chapter 69.50 RCW, chapter 314-55 WAC, and this section, the most restrictive provision shall apply.

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. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Possible Recreational Marijuana Sites under Interim Regulations

For Illustrative Purposes Only



Legend

Eliminated Facilities

- Youth Oriented Facilities
- Park and Ride
- All Bellevue Schools (Public and Private)
- Bellevue Parks
- Child Care Parcels
- Libraries
- Other Parks

Potential Recreational Marijuana Sites

- Retailer
- Producer + Processor
- Eliminated Parcel
- 1000 ft buffer around current retail applicants
- City Limits

Notes:
Following zoning classifications were used for each site type:
 Producer: LI
 Processor: LI
 Retailer: CB, GC, F-1, DNTNO-1, DNTNO-2, DNTN-MU, DNTN-OB, DNTN-OLB, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-GC, BR-OR-T, BR-CR

To find suitable parcels the following types of parcels were buffered 1000ft:

- Any Public Parks or Playgrounds
- Public Transit Centers and P&Rs
- Recreation Centers or Facilities
- Any state-licensed Child Care Provider
- Libraries
- All Ages Game Arcade
- All K-12 schools (Public & Private)

If any parcel landed within the buffer zone it was removed from the analysis, only parcels that did not cross the buffer boundary are being displayed.

This map is solely for illustrative purposes. Each potential location requires independent verification because the data has not been field-verified. The City does not guarantee any specific outcome.

* The WSLCB provides raw data only, that contains inaccuracies. Any application determined to be outside the City limits is not included in the map.