



Date: November 24, 2015
To: Planning Land Use and Sustainability Committee
From: Ketil Freeman, Council Central Staff
Subject: Marijuana Zoning Regulations

At its December 1st meeting, the Planning Land Use and Sustainability Committee (Committee) will receive an initial briefing and hold a public hearing on proposed zoning regulations for Major Marijuana Activity, which includes the production, processing, and selling of marijuana or marijuana infused products above an established threshold. This memorandum sets out some background information and describes the content of the Mayor’s proposed legislation. The legislation will likely be introduced on November 30th.

Background

In June, the legislature passed [Second Engrossed Second Substitute House Bill 2136](#), which, among other things, authorizes local jurisdictions to reduce buffer distance requirements around some sensitive land uses. Specifically, marijuana businesses must be buffered from recreation centers, child care centers, public parks, public transit centers, arcades, libraries, schools, and playgrounds. The minimum buffer for schools and playgrounds is 1000 feet. For other sensitive land uses the minimum buffer may be reduced to no less than 100 feet.

Proposed Regulations

The Mayor proposes to amend the Land Use Code to establish new zoning regulations for Major Marijuana Activity. Proposed regulations are summarized below.

Regulation	What It Would Do
Definition of Major Marijuana Activity	<ul style="list-style-type: none"> ▪ Change the definition to include any selling of marijuana. ▪ Change the definition to include the producing of any marijuana. Production of fewer than fifteen plants by or for a qualified patient within a dwelling unit (60 plants if done through an authorized cooperative) would not be defined as Major Marijuana Activity. ▪ Change the definition to include any processing of marijuana. Processing of fewer than fifteen plants by or for a qualified patient within a dwelling unit (60 plants if done through an authorized cooperative) would not be defined as Major Marijuana Activity.
Location, Buffering	<ul style="list-style-type: none"> ▪ Prohibit Major Marijuana Activity in most residential zones outside

Regulation	What It Would Do
and Dispersion Requirements	<p>of downtown and South Lake Union, in the least intensive neighborhood-serving commercial zone, on the downtown waterfront, and in historic districts.</p> <ul style="list-style-type: none"> ▪ Prohibit Major Marijuana Activity within 1000 feet of schools and playgrounds. ▪ Prohibit new Major Marijuana Activity <i>involving retail transactions</i> within 500 feet of another state-licensed Major Marijuana Activity involving retail transaction. ▪ Establish that buffer distances are measured from property lot lines.
Odor Control	<ul style="list-style-type: none"> ▪ Establish that odor control development standards apply to Major Marijuana Activity.

Next Steps

A public hearing will be held on the proposal on December 1st. The Committee may consider amendments to the legislation and a recommendation to the Full Council at its regularly scheduled meeting on December 15th or, if necessary, at a special meeting.