What is a medical marijuana collective garden?

Washington State allows, with limitations, collective gardens for the production of medical marijuana under Washington’s Medical Cannabis Act, Chapter 69.51A, Revised Code of Washington (RCW). Collective gardens allow up to 10 qualifying patients to share responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use, such as, a location for the 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.

Qualified patients are those persons meeting the definition set forth in RCW 69.51A.010(4), which generally requires a patient to be under the care of a health care provider for a terminal or debilitating medical condition for which the state authorizes the use of medical marijuana for treatment.

A collective garden may contain no more than fifteen plants per patient up to a total of 45 plants. Also, the collective garden may have on site no more than 24 ounces of useable cannabis per patient, up to a maximum of 72 ounces. Please see RCW 69.51A.010(4) for the full definition and requirements. The distribution of medical marijuana to non-members of the collective garden is prohibited. Persons who knowingly violate RCW 69.51A.085 are subject to criminal prosecution.

Does the City of Bellevue regulate collective gardens?

On May 7, 2012, the City of Bellevue adopted interim zoning controls regulating medical marijuana collective gardens for a period of up to six months while the city considers and holds hearings regarding what are appropriate regulations for Bellevue regarding medical marijuana. The interim regulations may be extended for additional six-month period following a public hearing before the City Council. The interim regulations allow only collective gardens, and not medical marijuana dispensaries or access points. The City Council deemed that it is in the public interest, while the city considers its options to regulate medical cannabis, to establish interim regulations to avoid new uses that are incompatible with nearby existing land uses and may lead to erosion of community character and harmony.

What permits and approvals are required?

An Administrative Conditional Use Permit is required to operate a collective garden in the City of Bellevue. This permit is a mechanism by which the city may require special conditions for development or on the use of land to ensure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.

Administrative Conditional Uses are Process II land use decisions, where an administrative decision is made by the director of the Development Services Department. Process II applications go through a period of public notice and an opportunity for public comment. The director then makes a decision based upon the decision criteria set forth in the Land Use Code for each type of Process II application. Public notice of the decision is provided, along with an opportunity for administrative appeal of the decision. In order to successfully receive approval of an Administrative Conditional Use Permit, the applicant must demonstrate that:

1. The administrative conditional use is consistent with the Comprehensive Plan; and

2. The design is compatible with and responds to the existing or intended character, appearance, quality of development, and
physical characteristics of the subject property and immediate vicinity; and

3. The administrative conditional use will be served by adequate public facilities, including streets, fire protection, and utilities; and

4. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

5. The administrative conditional use complies with the applicable requirements of the Land Use Code.

What are the City of Bellevue’s interim zoning regulations?
In addition to the provisions of RCW 69.51A.085, anyone applying to establish a collective garden in the City of Bellevue must meet the requirements of Ordinance No. 6058, which includes the following criteria:

- No more than one collective garden will be permitted on a property tax parcel.

- Collective gardens may only be located in the Light Industrial, General Commercial, Bel-Red General Commercial, and Medical Institution land use districts. Collective gardens may not be located in residential districts.

- A collective garden may not be located within 1,000 feet of schools, religious institutions, youth-oriented facilities, libraries, residential-treatment facilities, or any other collective garden.

- No collective garden will be permitted outdoors.

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

- Any transportation or delivery of cannabis from a collective garden must 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 not exceeded.

- 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 30 days before transferring his/her membership to another collective garden. Each collective garden must maintain records of its membership for no less than three years.

What happens next and can I get involved?
The interim zoning regulations will be in effect for an initial period of 60 days unless repealed, extended, or modified by the City Council after subsequent public hearings and entry of additional findings of fact. The City Council held a public hearing on July 2, 2012, to hear and consider public comment and testimony regarding collective gardens. At the conclusion of the public hearing, the City Council directed staff to work with the Planning Commission to recommend permanent regulations of medical marijuana collective gardens to the City Council for consideration. The City Council also directed staff to schedule another public hearing in October 2012 to extend the interim regulations while the Planning Commission develops its recommendation to the City Council. Additional extensions may occur after any required public hearings.

Information about the Planning Commission, including scheduling information, is located on the city's website: www.bellevuewa.gov/planning_commission.htm

Where can I get additional information?
Contact Legal Planner Catherine Drews in the Development Services Department at 425-452-6134 or cdrews@bellevuewa.gov.