Washington State allows, with limitations, collective gardens for the production of medical cannabis under Washington’s Medical Cannabis Act, Chapter 69.51A, Revised Code of Washington (RCW).

**What is a medical cannabis collective garden?**
A collective garden is a garden that is operated for the purpose of producing cannabis for medical use in a manner consistent with state law and city regulations. Up to 10 qualifying patients may share responsibility for the operation of the collective garden, including responsibility for acquiring and supplying the resources needed to produce and process cannabis for medical use, such as a location for the collective garden; acquisition of equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; supplying cannabis plants, seeds, and cuttings; and managing the 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 that the state authorizes the use of medical marijuana for treatment.

**What isn’t a medical cannabis collective garden?**
The Bellevue City Council unequivocally stated that a collective garden is just that—a garden. Therefore, any location that is used solely for the processing or distribution of medical cannabis, is a dispensary in disguise, or does not conform to Bellevue’s requirements is not a collective garden.

**Does the City of Bellevue regulate collective gardens?**
Yes. On October 21, 2013, the Bellevue City Council repealed Ordinance No. 6058, which imposed interim regulations for collective gardens, and adopted Ordinance No. 6132 B-1, amending the Bellevue Land Use Code (LUC) to allow for the permitting and review of medical cannabis collective gardens. The new ordinance amends the general and Bel-Red land use charts to include collective gardens as resource use and implements new general requirements for medical cannabis collective gardens, which is codified at LUC 20.20.526. The new requirements minimize the impacts of collective gardens on surrounding property and protect the public health, safety, and welfare, while allowing qualified patients to create and participate in collective gardens.

**Where can collective gardens be located?**
Medical cannabis collective gardens are allowed in only the General Commercial, Light Industrial, and Bel-Red General Commercial land use districts. They are not allowed in residential districts. Additional limitations apply when siting a medical cannabis collective garden:

- No more than one collective garden will be permitted on a single tax parcel or lot.
- A collective garden may not be located within 1,000 feet of public or private schools; child care services; child daycare centers; religious institutions; youth-oriented facilities; public libraries; residential treatment facilities; public and private playgrounds; community
centers; any other collective garden; or a recreational majijuana producer, processor, or retailer. Furthermore, required separation distances will be measured as the shortest straight line distance from the property line of the licensed premises to the property line of any and all of the above.

- A collective garden must be located in a structure; no garden will be permitted outdoors.
- No collective garden may be located in any manner or place where the cannabis plants can be viewed from an abutting public or private property.
- A collective garden may only have one incidental sign, not to exceed two square feet of sign area (Bellevue Sign Code 22B.10.010).

**What permits and approvals are required?**
An Administrative Conditional Use Permit or an ACU, (LUC Part 20.30E) is required to operate a medical cannabis collective garden. An ACU is a mechanism by which the city may require special conditions on 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. ACUs 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.

**How do I apply?**
In addition to submitting the information required for an ACU, an application for a collective garden must be made by a qualifying patient and include verification of that status. The application must also include a map drawn to scale that demonstrates compliance with the separation requirements. This demonstration may also include, but is not limited to, a survey map showing these features—prepared by a surveyor licensed in the state of Washington. Application materials for an ACU are available on the city’s website at: http://www.bellevuewa.gov/Administrative_Conditional_Use.htm, or you may visit the Development Services Center at City Hall to obtain the application materials.

To successfully receive approval of an ACU permit, the applicant must demonstrate that the proposed use complies with the requirements for collective gardens (LUC 20.20.526) and 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 other requirements apply?

- A collective garden must be ventilated so that the odor from the cannabis cannot be detected by a person with a normal sense of smell from any abutting property.
- A collective garden may include ancillary uses for processing and delivering medical cannabis to its members if the ancillary use is located in the same structure and the ancillary use doesn’t exceed more than 10 percent of the floor area devoted to cultivating medical cannabis.
- No more than 10 qualifying patients may participate in a single collective garden at any time.
- A collective garden may contain no more than 15 plants per qualifying patient, up to a total of 45 plants per garden, and may contain no more than 24 ounces of useable cannabis per qualifying patient, up to a total of 72 ounces.
- A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden.
- 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 membership to another garden. Records of membership in the collective garden must be maintained for no less than three years. Usable cannabis from the collective garden cannot be delivered to anyone other than one of the qualifying patients who has been a member of the collective garden for a minimum of 30 days.
- Any transportation or delivery of medical cannabis from the collective garden must be conducted by the collective members or designated provider so that quantities of medical cannabis never exceed those allowed by RCW 69.51A.085.
- A collective garden must have a security alarm system on all perimeter entry points and perimeter windows—monitored 24 hours per day—as well as a complete video surveillance system that is consistent with WAC 314-55-083 (3).
- All usable cannabis on the premises must be stored in a substantially constructed, locked cabinet that is incorporated into the building structure or securely attached to it. Products that must be kept refrigerated or frozen may be stored in a locked refrigerator or freezer container that is attached to the building structure.
- Members of the garden must release the City of Bellevue from any liability that may arise out of the cultivation, processing, or distribution of medical cannabis at the collective garden.

Where can I get additional information?

- Visit the Land Use desk in the Development Services Center; by telephone at 425-452-4188; or by email at LandUseReview@bellevuewa.gov.
- Ordinance No. 6134 B-1, passed by the Bellevue City Council on October 21, 2013
- LUC 20.20.440, 20.20.526, and 20.25D.070
- Chapter 69.51A RCW
- Contact Legal Planner Catherine Drews in the Development Services Department at 425-452-6134 or cdrews@bellevuewa.gov

This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other city codes. Additional information is available from Development Services at Bellevue City Hall. For land use regulations that may apply to your project, contact the Land Use Desk in the Development Services Center. Phone: 425-452-4188. E-mail: LandUseReview@bellevuewa.gov. Assistance for the hearing impaired: dial 711.