

Ordinance No. 124326

Council Bill No. 117781

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

Related Legislation File:

Date Introduced and Referred: <u>5.13.13</u>	To: (committee): <u>Housing, Human Services, Health, and Culture</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 9/10/13 <u>10/7/13</u>	Date Presented to Mayor: 9/10/13 <u>10/8/13</u>
Date Signed by Mayor: <u>10.17.13</u>	Date Returned to City Clerk: <u>10.17.13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *Richard Lewis*

Committee Action:

Date	Recommendation	Vote
<u>5/22/13</u>	<u>pass as amended</u>	<u>14-0</u>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<u>June 24, 2013</u>	<u>Held until July 22, 2013</u>	<u>8-0 (excused: Rasmussen)</u>
<u>July 22, 2013</u>	<u>Held until July 29, 2013 August 12, 2013</u>	<u>9-0</u>
<u>Aug. 12, 2013</u>	<u>Held until September 9, 2013</u>	<u>9-0</u>
<u>Sept. 9, 2013</u>	<u>Held until Oct. 7, 2013</u>	<u>9-0</u>
<u>Oct. 7, 2013</u>	<u>Passed as Amended</u>	<u>8-0 (excused: Rasmussen)</u>

Law Department



Mike McGinn, Mayor
City of Seattle

October 17, 2013

President Sally Clark
Seattle City Council
600 Fourth Avenue
Seattle, WA 98104

Dear Council President Clark,

Thank you for transmitting the enclosed ordinance establishing local zoning for the production, processing, selling and delivery of marijuana. I appreciate that Council has devoted a great deal of time and thought to the development of this legislation, and I believe the City is on the right path in implementing the will of the voters under I-502.

While I am pleased to sign this legislation, I have one area of concern that I would like to highlight here. The legislation accommodates only those marijuana businesses that are "acting in compliance with a license issued by the state." As it stands, the ordinance will prohibit any "unlicensed" marijuana business from operating in any zone in the City after January 1, 2015.

As you know, I-502 establishes a state licensing scheme for recreational marijuana. Under I-502, state licenses will be available to a limited number of recreational marijuana retailers operating in limited areas of Seattle. There is no comparable licensing scheme for medical marijuana, and no pathway for many existing medical marijuana providers to obtain any license in their current locations. If the State Legislature does not specifically address medical marijuana in the next session, this ordinance could force the wholesale closure of many providers on January 1, 2015, and substantially restrict Seattle residents' access to medical marijuana.

I understand that Council has considered this problem. The legislation itself provides, in the recitals, that "the intent of the deadline of January 1, 2015 ... is to provide time for implementation of any new RCW Title 69 regulations adopted by the state in 2014," and that the City "is monitoring the development of state regulations, and may need to revise its regulations in the future."

I am signing this legislation with the expectation and hope that the Council will follow through on this commitment. As I-502 is implemented, the City should also work to ensure that medical marijuana remains safe, accessible and affordable to those in need.

Sincerely,

Mike McGinn
Mayor of Seattle

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600 Fourth Avenue
PO Box 94749
Seattle, WA 98124-4749

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CITY OF SEATTLE

ORDINANCE 124326 [124326]
COUNCIL BILL 117781

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

WHEREAS, in 1998 the State of Washington approved the medical use of marijuana by patients with certain medical conditions; and

WHEREAS, in 2011 the Washington State Legislature passed ESSSB 5073 that, among other things: (1) permits collective gardens by qualifying patients whereby they may, consistent with state law, collectively grow marijuana for their own medical use; and (2) clarifies that cities may continue to use their zoning authority to regulate the production, processing, or dispensing of marijuana within their respective jurisdictions; and

WHEREAS, Governor Christine Gregoire signed into law those portions of ESSSB 5073 described above, which took effect on July 22, 2011, as more fully set forth in Laws of 2011, Chapter 181, and codified primarily in RCW Chapter 69.51A; and

WHEREAS, in 2011 the Seattle City Council passed and the Mayor signed Ordinance 123661 clarifying that the manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of marijuana must comply with all applicable City laws, and that compliance with City laws does not constitute an exemption from compliance with applicable state and federal regulations; and

WHEREAS, in 2012 the people of Washington State passed Initiative 502 legalizing the possession of small amounts of marijuana and directing the Washington State Liquor Control Board to develop a process for regulating the production, processing, selling, and delivery of marijuana; and

WHEREAS, the City of Seattle believes that any production, processing, selling, or delivery of marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of Washington State law for both medical and other uses of marijuana throughout the City of Seattle; and



1 WHEREAS, the City of Seattle believes that the health, safety, and welfare of the community is
2 best served by excluding from certain zones any production, processing, selling, or
3 delivery of marijuana at a level greater than the level that may permissibly be included in
4 a single collective gardens under current state law; and

5 WHEREAS, Section 1 of Initiative 502 articulates a policy that “generates new state and local
6 tax revenue for education, health care, research, and substance abuse prevention” and
7 “takes marijuana out of the hands of illegal drug organizations and brings it under a
8 tightly regulated, state-licensed systems similar to that for controlling hard alcohol” and
9 Section 2 restricts “Marijuana Processor,” “Marijuana Producer,” and “Marijuana
10 Retailer” to “a person licensed by the state liquor control board”; and

11 WHEREAS, Initiative 502 and RCW Chapter 69.51A together establish the current primary
12 regulatory structure for marijuana-related activity in Washington; and

13 WHEREAS, the City of Seattle is responding to the changes in state law in a responsible manner
14 that will minimize impacts on patients, providers, and the health, safety, and welfare of
15 the community; and

16 WHEREAS, the intent of the deadline of January 1, 2015 to comply with Section 1 of this
17 ordinance is to provide time for implementation of any new RCW Title 69 regulations
18 adopted by the state in 2014, and to evaluate the initial implementation of Initiative 502
19 regulations and the siting and opening of businesses licensed under Initiative 502; and

20 WHEREAS, the City of Seattle is monitoring the development of state regulations, and may need
21 to revise its regulations in the future; NOW, THEREFORE,

22 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

23 Section 1. A new Section 23.42.058 of the Seattle Municipal Code is added as follows:

24 **23.42.058 Marijuana**

25 A. On any lot or on any combination of contiguous lots held in common ownership that
26 contains no dwelling unit or business establishment, major marijuana activity may not be
27 conducted.

28 B. On any lot or any combination of contiguous lots held in common ownership that
contains one or more dwelling units:

1. no production, processing, selling, or delivery of marijuana, marijuana-infused
products, or useable marijuana may be conducted unless it is in association with a dwelling unit



1 or is in association with a business establishment meeting the limitations imposed by subsection
2 23.42.058.C; and

3 2. major marijuana activity may not be conducted in association with any
4 dwelling unit.

5 C. Except as provided in subsection 23.42.058.D, major marijuana activity may not be
6 conducted in association with all business establishments combined on a lot or combination of
7 contiguous lots held in common ownership.

8 D. Licensed marijuana business establishments described in subsection 23.42.058.D.1
9 are exempt from subsection 23.42.058.C if not located in any of the restricted areas listed in
10 subsection 23.42.058.D.2.

11 1. A "licensed marijuana business establishment" within the meaning of
12 subsection 23.42.058.D is a business establishment acting in compliance with a license issued by
13 the state for the production, processing, selling, or delivery of marijuana, marijuana-infused
14 products, or useable marijuana under Title 69 of the Revised Code of Washington.

15 2. The "restricted areas" within the meaning of subsection 23.42.058.D are:

- 16 a. Any Single-family zone;
- 17 b. Any Multifamily zone;
- 18 c. Any Neighborhood Commercial 1 (NC1) zone;
- 19 d. Any of the following Downtown zones:
 - 20 1) Pioneer Square Mixed (PSM);
 - 21 2) International District Mixed (IDM);
 - 22 3) International District Residential (IDR);
 - 23 4) Downtown Harborfront 1 (DH1);
 - 24 5) Downtown Harborfront 2 (DH2); or
 - 25 6) Pike Market Mixed (PMM); or



e. Any of the following districts:

- 1) Ballard Avenue Landmark District;
- 2) Columbia City Landmark District;
- 3) Fort Lawton Landmark District;
- 4) Harvard-Belmont Landmark District;
- 5) International Special Review District;
- 6) Pike Place Market Historical District;
- 7) Pioneer Square Preservation District;
- 8) Sand Point Overlay District; or
- 9) Stadium Transition Area Overlay District.

Section 2. Note 14 to Table A for Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123986, is amended as follows:

23.50.012 Permitted and Prohibited Uses

A. All uses are permitted outright, prohibited or permitted as a conditional use, according to Table A for 23.50.012 and this Section 23.50.012.

B. All permitted uses are allowed as either a principal use or an accessory use, unless otherwise indicated in Table A for 23.50.012.

* * *

Table A For 23.50.012 Uses in Industrial Zones					
USES	PERMITTED AND PROHIBITED USES BY ZONE				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P(14)	P(14)	P(14)	P(14)	P(14)



1	A.4. Horticulture	X	X	X	X	X
2	A.5. Urban Farm	P(14)	P(14)	P(14)	P(14)	P(14)
3	***					

4 Notes to Table A for 23.50.012

5 * * *

6 (14) Except within designated manufacturing and industrial centers, where they are
 7 permitted only on rooftops and/or as ~~((vertical farming))~~ indoor agricultural operations. Except
 8 for indoor agricultural operations established prior to the effective date of this ordinance, indoor
 9 agricultural operations are not permitted in the IG1 zone. Indoor agricultural operations within
 10 designated manufacturing and industrial centers (excluding associated office or food processing
 11 areas) shall not exceed:

12 a. 5,000 square feet in IG1 zones for indoor agricultural operations established prior to
 13 the effective date of this ordinance;

14 b. 10,000 square feet in IB and IC zones; and

15 c. 20,000 square feet in IG2 zones.

16 * * *

17 Section 3. Section 23.84A.012 of the Seattle Municipal Code, last amended by
 18 Ordinance 123495, is amended as follows:

19 **23.84A.012 “F”**

20 * * *

21 “Food processing and craft work” means a commercial use in which food items and craft work
 22 are produced without the use of a mechanized assembly line and includes but is not limited to the
 23 following:

24 1. “Custom and craft work” means a food processing and craft work use in which nonfood,
 25 finished, personal or household items, which are either made to order or which involve



1 considerable handwork, are produced. Examples include but are not limited to pottery and
2 candlemaking, production of orthopedic devices, motion picture studios, printing, creation of
3 sculpture and other art work, and glassblowing. The use of products or processes defined as
4 high-impact uses shall not be considered custom and craft work.

5 2. "Food processing" means a food processing and craft work use in which ~~((food))~~ products
6 for human consumption ~~((in its final form))~~, such as candy, baked goods, seafood, sausage, tofu,
7 pasta, beverages, tinctures, consumable oils, products to be smoked, etc., ~~((is))~~ are produced ~~((~~
8 ~~when the food is distributed to retailers or wholesalers))~~ for ~~((re))~~ sale and consumption off the
9 premises. Food processing includes catering services. ~~((Food or beverage p))~~ Processing of
10 products for human consumption using mechanized assembly line production of canned or
11 bottled goods is not included in this definition, but ~~((shall be))~~ is considered to be light
12 manufacturing.

13 * * *

14 Section 4. Section 23.84A.018 of the Seattle Municipal Code, last amended by
15 Ordinance 123770, is amended by adding the following new definition:

16 **23.84A.018 "T"**

17 * * *

18 "Indoor agricultural operation" means a business establishment with an agricultural use
19 that is limited to plants grown in containers within an enclosed structure.

20 * * *

21 Section 5. Section 23.84A.025 of the Seattle Municipal Code, last amended by
22 Ordinance 123913, is amended by adding the following new definitions:

23 **23.84A.025 "M"**

24 * * *



1 Section 7. Lots, business establishments, and dwelling units where the production,
2 processing, selling, or delivery of marijuana was being conducted prior to the effective date of
3 this ordinance must come into compliance with Section 23.42.058 no later than January 1, 2015.

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1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 7th day of October, 2013, and
5 signed by me in open session in authentication of its passage this
6 7th day of October, 2013.

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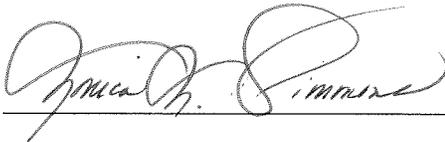
9 President _____ of the City Council

10 Approved by me this 17th day of October, 2013.

11
12 

13
14 Michael McGinn, Mayor

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16 Filed by me this 17th day of October, 2013.

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18 

19 Monica Martinez Simmons, City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Rebecca Herzfeld/684-8148	Not applicable

Legislation Title:

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

Summary of the Legislation:

The proposed bill would establish regulations for the production, processing, selling, or delivery of marijuana in certain areas within Seattle. The legislation would accomplish this by establishing restrictions on the production, processing, selling, or delivery of marijuana in:

1. Single-family zones
2. Multifamily zones
3. Neighborhood Commercial 1 zones
4. The following Downtown zones:
 - Pioneer Square Mixed
 - International District Mixed
 - International District Residential
 - Downtown Harborfront 1
 - Downtown Harborfront 2
 - Pike Market Mixed.
5. The following historic and special review districts:
 - Ballard Avenue Landmark District
 - Columbia City Landmark District
 - Fort Lawton Landmark District
 - Harvard-Belmont Landmark District
 - International Special Review District
 - Pike Place Market Historical District
 - Pioneer Square Preservation District
 - Sand Point Overlay District.

The intent of the changes is to prevent the location of larger commercial operations in areas where they could have adverse impacts, without affecting the individual collective gardens envisioned for medical use by the State rules. The proposed legislation would also clarify the definition of food processing, implement a size limit for indoor agricultural operations in industrial areas, and modify existing allowances for certain agricultural uses in industrial areas.



Background:

The proposed ordinance was developed in response to the new State legislation (the Medical Use of Cannabis Act and Initiative 502) and is based on the work of an interdepartmental team consisting of City staff and representatives of the Mayor, City Council, and City Attorney. A stakeholder group of medical-marijuana industry representatives was also convened to provide feedback on the proposal. In the fall of 2012, Councilmembers Clark and Licata also discussed the proposal at District Council meetings throughout the city to gain feedback on the proposal. Department of Planning and Development (DPD) estimates that there were about 150 marijuana-related businesses operating within Seattle as of July 2012.

Please check one of the following:

X **This legislation does not have any financial implications.**

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes, this proposal will change the way in which DPD compliance staff responds to complaints received from the public about the production, processing, selling, or delivery of marijuana. Under existing provisions, DPD received about 16 complaints regarding the location of activities involving marijuana during an 18-month period from June 2011 to December 2012. In response to these complaints, compliance staff sought to determine compliance with existing codes, such as the Land Use, Building, and Electrical Codes. Under the proposed regulations, staff would also be expected to assess the amount of marijuana plants, marijuana products, and usable marijuana on-site. This analysis would add time to individual enforcement actions. At the same time, new regulations may help reduce conflicts and thus the number of complaints by establishing clear expectations about the appropriate scale of production, processing, selling, or delivery of marijuana in various neighborhoods.

Overall, it is likely that the rules would result in a minor increase in the amount of time that code compliance staff dedicates to this issue. Given the scale of this increase, DPD anticipates that the increase can be handled within existing resources.

b) What is the financial cost of not implementing the legislation?

The lack of clarity in existing regulations regarding the location of agricultural uses in industrial areas has added significant time to the DPD review of permits for proposals that include an agricultural use in an industrial area. As these costs are largely offset by increased permit fees, DPD believes that the cost of not implementing the legislation would not be significant.

c) Does this legislation affect any departments besides the originating department?

Compliance cases that cannot be resolved without legal action will be referred to Law for additional enforcement work.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

The City could regulate activities involving the production, processing, selling, or delivery of marijuana as a separate land use, which would trigger the requirement of a use permit when locating these facilities. This alternative would tend to shift costs from compliance to permit review. However, it could lead to potential legal issues resulting from permitting activities that are considered illegal under federal law.

e) Is a public hearing required for this legislation?

Yes, a public hearing will be held by City Council.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Notice of the public hearing will be published in the Daily Journal of Commerce.

g) Does this legislation affect a piece of property?

No.

h) Other Issues: None.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117781

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

WHEREAS, in 1998 the State of Washington approved the medical use of marijuana by patients with certain medical conditions; and

WHEREAS, in 2011 the Washington State Legislature passed ESSSB 5073 that, among other things: (1) permits collective gardens by qualifying patients whereby they may, consistent with state law, collectively grow marijuana for their own medical use; and (2) clarifies that cities may continue to use their zoning authority to regulate the production, processing, or dispensing of marijuana within their respective jurisdictions; and

WHEREAS, Governor Christine Gregoire signed into law those portions of ESSSB 5073 described above, which took effect on July 22, 2011, as more fully set forth in Laws of 2011, Chapter 181; and

WHEREAS, in 2011 the Seattle City Council passed and the Mayor signed Ordinance 123661 clarifying that the manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of marijuana must comply with all applicable City laws, and that compliance with City laws does not constitute an exemption from compliance with applicable state and federal regulations; and

WHEREAS, in 2012 the people of Washington State passed Initiative 502 legalizing the possession of small amounts of marijuana and directing the Washington State Liquor Control Board to develop a process for regulating the production, processing, selling, and delivery of marijuana; and

WHEREAS, the City of Seattle believes that any production, processing, selling, or delivery of marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community; and

WHEREAS, the City of Seattle believes that the health, safety, and welfare of the community is best served by excluding from certain zones any production, processing, selling, or

THIS VERSION IS ADOPTED



1 delivery of marijuana at a level greater than the level that may permissibly be included in
2 a single collective gardens under current state law; and

3 WHEREAS, the City of Seattle is responding to the changes in state law in a responsible manner
4 that will minimize impacts on patients, providers, and the health, safety, and welfare of
5 the community; and

6 WHEREAS, the City of Seattle is monitoring the development of state regulations, and may need
7 to revise its regulations in the future; NOW, THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. A new Section 23.42.058 of the Seattle Municipal Code is added as follows:

10 **23.42.058 Marijuana**

11 A. Except as provided in subsection 23.42.058.B, the production, processing, selling, or
12 delivery of marijuana, marijuana-infused products, or useable marijuana that involves more than
13 45 marijuana plants, 72 ounces of useable marijuana, or an amount of marijuana-infused product
14 that could reasonably be produced with 72 ounces of useable marijuana, may not be conducted in
15 association with any business establishments or dwelling units located in any of the following
16 areas:

- 17 1. Any Single-family zone;
- 18 2. Any Multifamily zone;
- 19 3. Any Neighborhood Commercial 1 (NC1) zone;
- 20 4. Any of the following Downtown zones:
 - 21 a. Pioneer Square Mixed (PSM);
 - 22 b. International District Mixed (IDM);
 - 23 c. International District Residential (IDR);
 - 24 d. Downtown Harborfront 1 (DH1);
 - 25 e. Downtown Harborfront 2 (DH2); or
 - 26 f. Pike Market Mixed (PMM); or
- 27 5. Any of the following districts:

- 1 a. Ballard Avenue Landmark District;
- 2 b. Columbia City Landmark District;
- 3 c. Fort Lawton Landmark District;
- 4 d. Harvard-Belmont Landmark District;
- 5 e. International Special Review District;
- 6 f. Pike Place Market Historical District;
- 7 g. Pioneer Square Preservation District; or
- 8 h. Sand Point Overlay District.

9 B. The selling or delivery of marijuana-infused products or useable marijuana in
10 association with a business establishment located in the Pioneer Square Mixed zone or the
11 Pioneer Square Preservation District is exempt from the limits in subsection 23.42.058.A if the
12 business establishment demonstrates to the satisfaction of the Director that:

- 13 1. The business establishment held a 2012 City of Seattle business license;
- 14 2. The business establishment held a 2013 City of Seattle business license as of
15 March 25, 2013; and
- 16 3. The business establishment occupied a structure in the Pioneer Square Mixed
17 zone or the Pioneer Square Preservation District where it sold or delivered marijuana-infused
18 products or useable marijuana during 2012.

19 Section 2. Note 14 to Table A for Section 23.50.012 of the Seattle Municipal Code,
20 which section was last amended by Ordinance 123986, is amended as follows:

21 **23.50.012 Permitted and Prohibited Uses**

22 A. All uses are permitted outright, prohibited or permitted as a conditional use, according
23 to Table A for 23.50.012 and this Section 23.50.012.

24 B. All permitted uses are allowed as either a principal use or an accessory use, unless
25 otherwise indicated in Table A for 23.50.012.



Table A For 23.50.012 Uses in Industrial Zones					
USES	PERMITTED AND PROHIBITED USES BY ZONE				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P(14)	P(14)	P(14)	P(14)	P(14)
A.4. Horticulture	X	X	X	X	X
A.5. Urban Farm	P(14)	P(14)	P(14)	P(14)	P(14)

Notes to Table A for 23.50.012

(14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as ~~((vertical farming))~~ indoor agricultural operations. Indoor agricultural operations within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed 50,000 square feet in IB, IC, and IG2 zones, and are prohibited in IG1 zones.

Section 3. Section 23.84A.012 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.84A.012 "F"

THIS VERSION IS NOT ADOPTED



1 "Food processing and craft work" means a commercial use in which food items and craft work
2 are produced without the use of a mechanized assembly line and includes but is not limited to the
3 following:

4 1. "Custom and craft work" means a food processing and craft work use in which nonfood,
5 finished, personal or household items, which are either made to order or which involve
6 considerable handwork, are produced. Examples include but are not limited to pottery and
7 candlemaking, production of orthopedic devices, motion picture studios, printing, creation of
8 sculpture and other art work, and glassblowing. The use of products or processes defined as
9 high-impact uses shall not be considered custom and craft work.

10 2. "Food processing" means a food processing and craft work use in which ~~((food))~~products
11 for human consumption~~((in its final form))~~, such as candy, baked goods, seafood, sausage, tofu,
12 pasta, beverages, tinctures, consumable oils, products to be smoked, etc., ~~((is))~~are produced~~((;~~
13 ~~when the food is distributed to retailers or wholesalers))~~ for ~~((re))~~sale and consumption off the
14 premises. Food processing includes catering services. ~~((Food or beverage p))~~Processing of
15 products for human consumption using mechanized assembly line production of canned or
16 bottled goods is not included in this definition, but ~~((shall be))~~is considered to be light
17 manufacturing.

18 * * *

19 Section 4. Section 23.84A.018 of the Seattle Municipal Code, last amended by
20 Ordinance 123770, is amended by adding the following new definition:

21 **23.84A.018 "I"**

22 * * *

23 "Indoor agricultural operation" means a business establishment with an agricultural use
24 that is limited to plants grown in containers within an enclosed structure.

25 * * *

THIS VERSION IS NOT ADOPTED



1 Section 5. Section 23.84A.025 of the Seattle Municipal Code, last amended by
2 Ordinance 123913, is amended by adding the following new definitions:

3 **23.84A.025 "M"**

4 * * *

5 "Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds
6 thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,
7 derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:

- 8 1. the mature stalks of the plant;
- 9 2. fiber produced from the mature stalks of the plant;
- 10 3. oil or cake made from the seeds of the plant;
- 11 4. any other compound, manufacture, salt, derivative, mixture, or preparation of
12 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or
- 13 5. the sterilized seed of the plant which is incapable of germination.

14 "Marijuana-infused products" means products that contain marijuana or marijuana
15 extracts and are intended for human use. The term "marijuana-infused products" does not include
16 useable marijuana.

17 "Marijuana, useable" means dried marijuana flowers. The term "useable marijuana" does
18 not include marijuana-infused products.

19 * * *

20 Section 6. Business establishments and dwelling units where the production, processing,
21 selling, or delivery of marijuana was being conducted prior to the effective date of this ordinance
22 must come into compliance with Section 23.42.058 no later than 12 months from the effective
23 date of this ordinance.

THIS VERSION IS NOT ADOPTED



1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2013, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2013.

7 _____
8
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2013.

12 _____
13
14 Michael McGinn, Mayor

15
16 Filed by me this ____ day of _____, 2013.

17 _____
18
19 Monica Martinez Simmons, City Clerk

20 (Seal)

THIS VERSION IS NOT ADOPTED



CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117781

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

WHEREAS, in 1998 the State of Washington approved the medical use of marijuana by patients with certain medical conditions; and

WHEREAS, in 2011 the Washington State Legislature passed ESSSB 5073 that, among other things: (1) permits collective gardens by qualifying patients whereby they may, consistent with state law, collectively grow marijuana for their own medical use; and (2) clarifies that cities may continue to use their zoning authority to regulate the production, processing, or dispensing of marijuana within their respective jurisdictions; and

WHEREAS, Governor Christine Gregoire signed into law those portions of ESSSB 5073 described above, which took effect on July 22, 2011, as more fully set forth in Laws of 2011, Chapter 181; and

WHEREAS, in 2011 the Seattle City Council passed and the Mayor signed Ordinance 123661 clarifying that the manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of marijuana must comply with all applicable City laws, and that compliance with City laws does not constitute an exemption from compliance with applicable state and federal regulations; and

WHEREAS, in 2012 the people of Washington State passed Initiative 502 legalizing the possession of small amounts of marijuana and directing the Washington State Liquor Control Board to develop a process for regulating the production, processing, selling, and delivery of marijuana; and

WHEREAS, the City of Seattle believes that any production, processing, selling, or delivery of marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community; and

WHEREAS, the City of Seattle believes that the health, safety, and welfare of the community is best served by excluding from certain zones any production, processing, selling, or

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1 delivery of marijuana at a level greater than the level that may permissibly be included in
2 a single collective gardens under current state law; and

3 WHEREAS, the City of Seattle is responding to the changes in state law in a responsible manner
4 that will minimize impacts on patients, providers, and the health, safety, and welfare of
5 the community; NOW, THEREFORE,

6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7 Section 1. A new Section 23.42.058 of the Seattle Municipal Code is added as follows:

8 **23.42.058 Marijuana**

9 A. The production, processing, selling, or delivery of marijuana, marijuana-infused
10 products, or useable marijuana that involves more than 45 marijuana plants, 72 ounces of useable
11 marijuana, or an amount of marijuana-infused product that could reasonably be produced with 72
12 ounces of useable marijuana, may not be conducted in association with any business
13 establishments or dwelling units located in any of the following areas:

- 14 1. Any Single-family zone;
- 15 2. Any Multifamily zone;
- 16 3. Any Neighborhood Commercial 1 (NC1) zone;
- 17 4. Any of the following Downtown zones:
 - 18 a. Pioneer Square Mixed (PSM);
 - 19 b. International District Mixed (IDM);
 - 20 c. International District Residential (IDR);
 - 21 d. Downtown Harborfront 1 (DH1);
 - 22 e. Downtown Harborfront 2 (DH2); or
 - 23 f. Pike Market Mixed (PMM); or
- 24 5. Any of the following districts:
 - 25 a. Ballard Avenue Landmark District;
 - 26 b. Columbia City Landmark District;



- c. Fort Lawton Landmark District;
- d. Harvard-Belmont Landmark District;
- e. International Special Review District;
- f. Pike Place Market Historical District;
- g. Pioneer Square Preservation District; or
- h. Sand Point Overlay District.

Section 2. Note 14 to Table A for Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123986, is amended as follows:

23.50.012 Permitted and Prohibited Uses

A. All uses are permitted outright, prohibited or permitted as a conditional use, according to Table A for 23.50.012 and this Section 23.50.012.

B. All permitted uses are allowed as either a principal use or an accessory use, unless otherwise indicated in Table A for 23.50.012.

* * *

Table A For 23.50.012 Uses in Industrial Zones					
USES	PERMITTED AND PROHIBITED USES BY ZONE				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P(14)	P(14)	P(14)	P(14)	P(14)
A.4. Horticulture	X	X	X	X	X
A.5. Urban Farm	P(14)	P(14)	P(14)	P(14)	P(14)

Notes to Table A for 23.50.012

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1 * * *

2 (14) Except within designated manufacturing and industrial centers, where they are
3 permitted only on rooftops and/or as ~~((vertical farming))~~ indoor agricultural operations. Indoor
4 agricultural operations (excluding associated office or food processing areas) greater than 10,000
5 square feet are prohibited.

6 * * *

7 Section 3. Section 23.84A.012 of the Seattle Municipal Code, last amended by
8 Ordinance 123495, is amended as follows:

9 **23.84A.012 "F"**

10 * * *

11 "Food processing and craft work" means a commercial use in which food items and craft work
12 are produced without the use of a mechanized assembly line and includes but is not limited to the
13 following:

14 1. "Custom and craft work" means a food processing and craft work use in which nonfood,
15 finished, personal or household items, which are either made to order or which involve
16 considerable handwork, are produced. Examples include but are not limited to pottery and
17 candlemaking, production of orthopedic devices, motion picture studios, printing, creation of
18 sculpture and other art work, and glassblowing. The use of products or processes defined as
19 high-impact uses shall not be considered custom and craft work.

20 2. "Food processing" means a food processing and craft work use in which ~~((food))~~ products
21 for human consumption ~~((in its final form))~~, such as candy, baked goods, seafood, sausage, tofu,
22 pasta, beverages, tinctures, consumable oils, products to be smoked, etc., ~~((is))~~ are produced ~~((;~~
23 ~~when the food is distributed to retailers or wholesalers))~~ for ~~((re))~~ sale and consumption off the
24 premises. Food processing includes catering services. ~~((Food or beverage p))~~ Processing of
25 products for human consumption using mechanized assembly line production of canned or
26
27
28

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1 bottled goods is not included in this definition, but ~~((shall be))~~is considered to be light
2 manufacturing.

3 * * *

4 Section 4. Section 23.84A.018 of the Seattle Municipal Code, last amended by
5 Ordinance 123770, is amended by adding the following new definition:

6 **23.84A.018 "I"**

7 * * *

8 "Indoor agricultural operation" means a business establishment with an agricultural use
9 that is limited to plants grown in containers within an enclosed structure.

10 * * *

11 Section 5. Section 23.84A.025 of the Seattle Municipal Code, last amended by
12 Ordinance 123913, is amended by adding the following new definitions:

13 **23.84A.025 "M"**

14 * * *

15 "Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds
16 thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,
17 derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:

- 18 1. the mature stalks of the plant;
- 19 2. fiber produced from the mature stalks of the plant;
- 20 3. oil or cake made from the seeds of the plant;
- 21 4. any other compound, manufacture, salt, derivative, mixture, or preparation of
22 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or
- 23 5. the sterilized seed of the plant which is incapable of germination.

1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1:04.020.

4 Passed by the City Council the ____ day of _____, 2013, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2013.

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2013.

12
13 _____
14 Michael McGinn, Mayor

15
16 Filed by me this ____ day of _____, 2013.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

THIS VERSION IS NOT ADOPTED



STATE OF WASHINGTON -- KING COUNTY

--ss.

303914
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

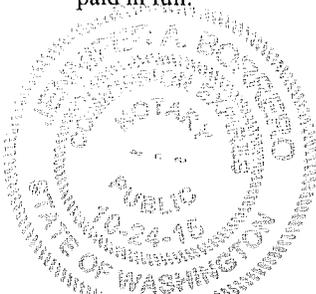
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124321-326 TITLE ONLY

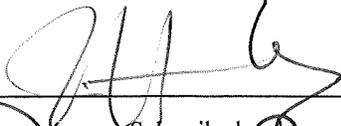
was published on

10/28/13

The amount of the fee charged for the foregoing publication is the sum of \$132.83 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/28/2013 

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on October 7, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124326

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

ORDINANCE NO. 124321

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; increasing appropriations to the Department of Parks and Recreation in the 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by three-fourths vote of the City Council.

ORDINANCE NO. 124322

AN ORDINANCE relating to certain properties and right-of-way located at the Montlake interchange of State Route 520; authorizing the Director of the Seattle Department of Transportation to execute and deliver a Quit Claim Deed to the Washington State Department of Transportation for these properties and right-of-way; and reserving utility easements for Seattle Public Utilities and Seattle City Light.

ORDINANCE NO. 124323

AN ORDINANCE relating to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project; authorizing the exchange of real property within the Washington Park Arboretum for property located at 1111 NE Boat Street; superseding the requirements of Ordinance 118477, which adopted Initiative 42, with respect to the exchange; authorizing the Superintendent of Parks and Recreation to execute an interlocal agreement and other documents; authorizing the conveyance of reversionary rights in certain Arboretum area property to the State of Washington; amending Ordinance 124058, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); creating a new appropriation for the implementation of the Bryant Park Development Project; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 124324

AN ORDINANCE relating to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project; authorizing the Superintendent of Parks and Recreation to execute and accept from the State of Washington, Department of Natural Resources, on behalf of the City of Seattle, an Aquatic Lands Easement, an Aquatic Lands Lease and a Waterway Use Agreement at the Washington Park Arboretum.

ORDINANCE NO. 124325

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 28, 2013.

10/28(303914)