CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118147

AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

WHEREAS, Ordinance 124326 established locational restrictions on the production, processing, selling, or delivery of marijuana and added Section 23.42.058 to the Seattle Municipal Code ("SMC 23.42.058"); and

WHEREAS, the Mayor approved Ordinance 124326 on October 17, 2013, and the effective date of that ordinance was therefore November 16, 2013; and

WHEREAS, for lots, business establishments, and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to the effective date of Ordinance 124326, Section 7 of Ordinance 124326 established a deadline of January 1, 2015 to comply with SMC 23.42.058; and

WHEREAS, the intent of Section 7 of Ordinance 124326 was to provide time for implementation of any new RCW Title 69 regulations adopted by the state in 2014, and to evaluate the initial implementation of Initiative 502 regulations and the siting and opening of businesses licensed under Initiative 502; and

WHEREAS, the Washington legislature did not create a medical marijuana retail licensing system in 2014, but may consider such legislation in 2015; and

WHEREAS, the initial implementation of state regulations and the siting and opening of businesses licensed under Initiative 502 merits an extension of the compliance date established by Section 7 of Ordinance 124326; and

WHEREAS, the City of Seattle continues to monitor the development of state regulations, and may need to revise its regulations in the future; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7 of Ordinance 124326 is repealed.

Section 2. Lots, business establishments, and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to November 16, 2013

must come into compliance with Seattle Municipal Code Section 23.42.058 no later than July 1, 2015.

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

Passed by the City Council the ____ day of _____, 2014, and signed by me in open session in authentication of its passage this

_____ day of _____, 2014.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2014.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: February 26, 2014

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, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

Summary of the Legislation:
This legislation would extend to July 1, 2015 the deadline for complying with the regulations in Section 23.42.058 of the Seattle Land Use Code for lots, business establishments, and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to November 16, 2013.

Background:
Effective November 16, 2013, Ordinance 124326 established regulations for the production, processing, selling, or delivery of marijuana to the Seattle Municipal Code (SMC) in Section 23.42.058. The regulations established restrictions on the production, processing, selling, and delivery of marijuana in certain zones, added definitions related to marijuana, and placed size limits on indoor agricultural operations in industrial areas. It also set a deadline of January 1, 2015 for existing lots, business establishments, and dwelling units to comply with SMC 23.42.058.

The intent of the deadline was to provide time for implementation of medical marijuana legislation created by the Washington legislature in 2014, and to evaluate the initial implementation of Initiative 502, which set up a state licensing system for recreational marijuana. Since the legislature did not take action in 2014, and because there will not be adequate time to evaluate the implementation of the recreational marijuana system under Initiative 502, the legislation proposes a six-month extension of the original deadline.

__X__ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

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

None.

c) **Does this legislation affect any departments besides the originating department?**
No.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
There are no alternatives that would accomplish the same objectives.

e) **Is a public hearing required for this legislation?**
A public hearing is not required, but a hearing will be held in order to provide the public with an additional opportunity to comment.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

g) **Does this legislation affect a piece of property?**
No.

h) **Other Issues:**

List attachments to the fiscal note below:
Not applicable.