

Frequently Asked Questions City of Seattle Cannabis Zoning Restrictions

1. Why is the City implementing restrictions now?

In 1998 the people of Washington State passed I-692 authorizing the medical use of cannabis. In 2003, Seattle voters passed I-75, making cannabis the city's lowest criminal enforcement priority. After considerable time and debate, the Washington State Legislature recently permitted the creation of collective gardens, which allows groups of qualifying patients to grow, process, and dispense cannabis and cannabis products for medical use. Although the State prescribed specific standards for the size of collective gardens, the State did not prohibit individual collective gardens from co-locating and sharing facility and staff resources. DPD understands from local advocates that this aggregation of individual collective gardens will be commonplace.

Following this change, the City of Seattle convened an interdepartmental team consisting of City staff and representatives of the Mayor, City Councilmembers, and City Attorney to assess how this legislation might impact residents and businesses. This discussion identified an interest in implementing zoning restrictions that would limit the negative off-site impacts of larger-scale operations resulting from the aggregation of collective gardens.

2. What would the proposal do?

The City of Seattle is proposing to implement zoning restrictions pertaining to the growing, processing, and dispensing of cannabis in certain zones within the city for the purpose of limiting the impact of larger-scale cannabis-related activity.

The ordinance would limit the size of operations that grow, process, or dispense cannabis in zones with a predominately residential or historic character to a *single* collective garden. The zones include Single-Family, Multifamily, Pioneer Square Mixed, International District Mixed, International District Residential, Pike Place Mixed, Harborfront, and Neighborhood Commercial 1. In these zones, the growing, processing, or dispensing of cannabis in any business establishment or dwelling unit would be limited to:

- 45 cannabis plants;
- 72 ounces of useable cannabis; and
- an amount of cannabis product that could reasonably be produced with 72 ounces of useable cannabis.

The proposed ordinance would also implement a size limit for indoor agricultural operations in industrial areas and make a minor change to clarify the intent of existing allowances for certain agricultural uses in industrial areas.

3. What are the State and Federal laws regarding cannabis and how does this proposal align with State and Federal law?

The growing, processing, or dispensing of cannabis is illegal under federal law.

State law allows the creation of “collective gardens” that allow groups of up to 10 qualified patients to grow, process, and dispense cannabis provided they do not exceed any of the following standards:

- no more than 15 plants per patient to a maximum of 45 plants;
- no more than 24 ounces per patient to a maximum of 72 ounces; and
- no more cannabis products than could be made from 24 ounces per patient to a maximum of 72 ounces

Collective gardens are not prohibited from aggregating to increase their scale, where permitted. The State law specifically allows cities to regulate the siting of collective gardens within their jurisdictions.

This proposed ordinance would create additional limitations on growing, processing, and dispensing of cannabis in addition to existing State or Federal laws. It would not place any City employee in the position of permitting or sanctioning any cannabis-related activity. Rather, this ordinance would be an exercise of the City’s authority to protect the public health, safety, and welfare by reducing incompatible uses—in this instance, larger-scale cannabis-related activity in areas where such activity could cause inappropriate off-site impacts.

4. Why doesn’t this proposal implement minimum distances from schools?

The federal government actively enforces its distance requirements from schools, so our priority is to focus on protecting residential zones and special districts.

Separation requirements are also very problematic to enforce because they require surveying and monitoring uses within a specific area. This effort would be particularly challenging for cannabis-related activities. The City cannot require a cannabis-specific permit; therefore, there would be no review of uses within the area at the time the use is established.

Consequently, there would be additional legal challenges when new school uses are established, particularly if those uses are established for the purpose of forcing existing cannabis-related facilities to close or relocate.

5. What will happen if Initiative 502, which would legalize and tax small amounts of cannabis, passes in November?

Initiative 502 would not limit the City’s ability to regulate the size of operations growing, processing, or dispensing of cannabis within the city. As the growing, processing, and dispensing of cannabis would still be allowed even in home settings, the proposed regulations would remain consistent with the purpose of limiting the impact of larger-scale cannabis-related activity.

Conversely, if I-502 fails, it should not have any impact on the local regulation of medical cannabis.

6. Who initiated this proposal?

This proposal was initiated by an interdepartmental team consisting of City staff and representatives of the Mayor, City Councilmembers, and City Attorney in response to changes in State law passed in 2011.

7. How did the City determine which zones should be included in the proposed restrictions?

The purpose of this proposed ordinance is to limit the off-site impact of larger-scale cannabis-related activity in zones where they could have increased impacts on neighborhood character or security. The size restrictions would apply within the following zones:

1. Residential zones (Single-Family and Multifamily).
2. Neighborhood Commercial 1 zones, which are generally small retail areas surrounded by residential zones.
3. Certain special purpose zones possessing historical character (Pioneer Square Mixed, International District Mixed, International District Residential, Pike Place Mixed, Harborfront).

Residential and Neighborhood Commercial 1 zones were included because larger-scale cannabis-related activity could result in commercial operations and security issues that are not consistent with the intent of these zones. The special purpose zones were included because larger-scale cannabis-related activity could impact the historical character possessed by these areas. In general, the proposal would shift these uses to commercial, and to a smaller extent, industrial areas where they would be more consistent and compatible with existing uses in these areas.

8. How would these regulations be enforced?

The City's inspectors would investigate compliance with the proposed restrictions only in response to reports of potential violations submitted to the City. Individuals would be able to file a complaint regarding potential violations at any time through DPD's online complaint form, the Code Compliance hotline, by letter, or in person downtown at Seattle Municipal Tower. Complaints may also be filed with the City of Seattle Customer Service Bureau.