

Applicant: City of Seattle Department of Construction and Inspections	Page 1 of 2	Supersedes:
	Publication:	Effective:
Subject: Existence of Major Marijuana Activities Including Retail Sales for Purposes of Dispersion Standards	Code and Section Reference: SMC 23.42.058.C.5	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: City of Seattle Land Use Code	Approved	Date
	_____ Nathan Torgelson, Director, SDCI	

BACKGROUND

SMC 23.42.058.C.5 provides dispersion requirements limiting the concentration in any single neighborhood of major marijuana activities that include the retail sales of marijuana.

SMC 23.42.058.C.5 No more than two properties with major marijuana activity that includes the retail sale of marijuana products are allowed within 1000 feet of each other; where any lot lines of two properties with *existing major marijuana activity* that includes the retail sale of marijuana products are located within 1000 feet of each other, any lot line of another property with a new major marijuana activity that includes the retail sale of marijuana products must be 1000 feet or more from the closest lot line of the property containing existing major marijuana activity that includes the retail sale of marijuana products;

The purpose of this Rule is to clarify at what point a major marijuana activity is deemed to be existing for purposes of the dispersion standards in SMC 23.42.058.C.5.

RULE

- A. A major marijuana activity is considered existing and is counted towards the dispersion standards in SMC 23.42.058.C.5 starting on the date the Washington State Liquor and Cannabis Board issues a Notice of Marijuana Application to the City of Seattle, and continuing for as long as the application is pending at the WSLCB.
- B. An active license for retail sales of marijuana is counted as existing major marijuana activity even if the retail location is not open.
- C. If the location for an issued license has a “closed, temporary” status with the WSLCB, the location shall still be considered to include a major marijuana activity for purposes of the dispersion standard.
- D. If the application is ultimately denied by the WSLCB at the conclusion of any appeals, the property shall no longer be considered to include an existing major marijuana activity.
- E. A fully licensed and operating major marijuana activity that includes retail sales may apply to move to a new location and the Notice of Marijuana Application issued by LCB to the City for the new location shall establish the existence of a major marijuana activity in the new location. While the application is pending and until any appeals of the denial of the application, major marijuana activities shall be considered existing both at the old location and at the proposed new location.
- F. If WSLCB issues a license to relocate an existing major marijuana activity that includes retail sales, the existence of major marijuana activity at the former location, for purposes of the dispersion standard, shall end one week from the issuance of the license to relocate the business.
- G. If a state license is summarily suspended by WSLCB pursuant to WAC 314-55-506, a business will continue to exist for dispersion purposes until the conclusion of all appeals. If they lose their license at the end of all appeals, then they are no longer considered an existing major marijuana activity.