

WEEKLY REPORT TO THE CITY COUNCIL

October 24, 2013

Members of the City Council
City of Tacoma, Washington

Dear Mayor and Council Members:

ACTION REQUESTED

1. Please note the following Proposition 1 Facts and Information Session for the community:
 - **October 30th, 6:00 p.m., The Nature Center (Council Member Walker)**

STUDY SESSION/WORK SESSION

2. **The City Council Study Session of Tuesday, October 29, 2013, will be held in Room 16 of the Tacoma Municipal Building North, at Noon. Discussion items will be: (1) Third Quarter 2013 Financial Report; (2) I-502 Implementation – Land Use, Nuisance Code and Licensing; (3) Other Items of Interest; (4) Agenda Review; and (5) Closed Session – Labor Negotiations.**

At Tuesday's Study Session, Finance staff will provide Council an update on the City's revenues and expenditures through the third quarter of 2013.

On October 1, 2013, the City Council adopted Resolution No. 38743, formally initiating the process to consider the creation of **interim land use regulations regarding recreational marijuana uses**. As required by State Law and City Code, the Council held a public hearing on the interim regulations at the October 22nd Council meeting. In addition, the Resolution referred the matter to the Planning Commission to develop findings and a recommendation concerning the appropriate duration and scope for the interim regulations and the time period needed for developing a permanent solution. Interim Planning and Development Services Director Peter Huffman forwards the Planning Commission's recommendations in the attached memorandum. At Tuesday's Study Session, staff will brief the Council on the **public hearing comments, Planning Commission recommendations and potential code modifications, as well as licensing and the nuisance code updates.**

3. The updated **Tentative City Council Forecast Calendar** is attached for your information.

COUNCIL REQUESTS/INQUIRIES

4. At last week's Study Session, during the I-502 Recreational Cannabis interim land use regulations discussion, Deputy Mayor Campbell asked if the **Environmental Services Department (ESD) has a plan in place to address the cannabis waste from processing and production.** Acting ESD Director John O'Loughlin provides the following response:

Under the state regulations, marijuana plant wastes will need to be rendered unusable by grinding the marijuana and combining it with non-marijuana material. The regulations specify two types of non-marijuana material that can be mixed with the waste and this will dictate how ESD handles it. If it is mixed with a compostable material, it will be sent to the permitted composting facility. If it is mixed with a non-compostable material, it will be sent to the landfill. The Solid Waste Management Division currently has staff and procedures in place to monitor the types of materials that are being disposed of at our transfer facility and will take appropriate actions to deal with waste streams that require special handling.

As for possible wastewater discharge, ESD has a process in place to evaluate all new businesses in Tacoma for their potential impact on the wastewater treatment plant and collection system. Like all other businesses, if these marijuana businesses meet certain conditions per current regulations on wastewater discharge, they will be required to apply for a permit to discharge to the sewer. Our staff will review the applications and place conditions on the discharge, as necessary, to protect the City's wastewater system. The addition of marijuana solid waste and wastewater discharge are not anticipated to create any challenges that staff cannot handle.

5. Also during last week's Study Session, Council Member Mello inquired about the **definitions for the state's "sensitive uses" as it relates to I-502.** Peter Huffman provides a response in the attached memorandum.

In addition, at last Tuesday's Council Meeting during the public hearing on the interim regulations, Mayor Strickland inquired what the **Washington State Liquor Control Board's vetting/application review process would be and how it would compare to liquor store applications.** City Attorney Elizabeth Pauli provides the attached memorandum with responses.

Council Member Boe requested the preliminary map of cannabis sensitive areas in a larger format so more detail can be seen, with a possible breakdown by area/district of the City. Staff is working on the map and will provide as soon as it is available.

MARK YOUR CALENDARS

6. You have been invited to the following events:

- **Domestic Violence Awareness Rally on Friday, October 25th, 11:30 a.m.**, at Tollefson Plaza, located at Pacific Avenue and South 17th Street.
- **Premier of "Tapped Out: Unearthing the Global Water Crisis" on Saturday, October 26th, 2:00 p.m.**, at the Seattle Central Public Library, Microsoft Theater, located at 1000 Fourth Avenue, Seattle.


Sincerely,



T.C. Broadnax
City Manager

TCB:crh
Attachments



TO: T.C. Broadnax, City Manager
FROM: Peter Huffman, Interim Director, Planning and Development Services 
SUBJECT: Recreational Marijuana Interim Regulations – Planning Commission Recommendation
DATE: October 22, 2013

On October 1, 2013, the City Council adopted Resolution No. 38743, formally initiating the process to consider the creation of interim land use regulations regarding recreational marijuana uses. As required by State Law and City Code, the Council will be holding a public hearing on the interim regulations on October 22, 2013. In addition, the Resolution referred the matter to the Planning Commission to develop findings and a recommendation concerning the appropriate duration and scope for the interim regulations and the time period needed for developing a permanent solution.

The Commission reviewed background information relating to Initiative 502 and a draft framework for the potential interim regulations at multiple meetings in August and September. At its meeting on October 16, the Commission completed its review of the draft interim regulations and finalized its recommendations. A copy of their letter of recommendation and findings and recommendations report are attached.

In summary, the Commission concurs with the Council's assessment and recommends the adoption of interim land use regulations that will provide policy and regulatory guidance for the review, in a proactive and timely manner, of marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013. The Commission also recommends that the interim regulations be instituted for a period of 12-months to ensure sufficient time to evaluate the impacts of this brand new industry and untested regulatory scheme, both at the state-wide and local levels. The additional time will also allow for any permanent regulations to be better coordinated with the pending regulations for medical marijuana, which the State Legislature is expected to address in this next legislative session. Lastly, the Commission recommends the inclusion of two additional development standards for marijuana uses to more clearly address outside and off-site sales and limitations on the visibility of marijuana and associated paraphernalia at retail outlets. These two additional standards are highlighted in the attached, proposed regulations.

Staff will be reviewing the Planning Commission's recommendation, input received at the Council's public hearing, and any further potential code changes at the Council's study session on October 29. For those interested in additional background information, all of the project materials are available on the Planning Division webpage (www.cityoftacoma.org/planning > click on "Recreational Marijuana").

If you or members of the City Council have questions about this information, please contact Brian Boudet, Planning Division Manager, at 573-2389 or bboudet@cityoftacoma.org.

Attachments (3)



City of Tacoma
Planning Commission

October 16, 2013

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the proposed Interim Land Use Regulations for Recreational Marijuana Uses, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, October 16, 2013* (attached).

The Planning Commission supports the City Council's intent (per Resolution No. 38743, October 1, 2013) to impose interim regulations in response to the voter-approved Initiative 502. With the interim regulations, the City of Tacoma should be well poised to review those marijuana license applications within the City limits that are expected to come forward from the Washington State Liquor Control Board in November-December 2013. In addition, the Commission recommends the inclusion of two additional development standards to better ensure that retail operations are limited to their licensed locations and to limit product visibility to the general public.

The Planning Commission acknowledges the complexity of the issues associated with recreational marijuana and the fact that the impacts of marijuana production, processing, and retailing uses under a licensed system are still largely unknown. It is thus appropriate to impose the interim regulations for 12-months instead of the standard 6-months. This additional duration will allow adequate time for the City to monitor the effects of these new marijuana uses within the City, in coordination with other affected jurisdictions as appropriate, and contemplate more permanent solutions that take into account the impacts of this brand new industry and untested regulatory scheme. Further, a 12-month timeframe will better ensure that any permanent regulations are coordinated with the pending rules for medical marijuana, which the State Legislature is expected to address in this next legislative session.

The Planning Commission also understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with Initiative 502 and effectively mitigate potential impacts to the community. The proposed interim regulations are designed to complement other future response measures going forward. Furthermore, the Planning Commission believes the proposed interim regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed marijuana interim regulations for 12-months, as recommended.

Sincerely,

SEAN GAFFNEY
Chair

Enclosure



RECREATIONAL MARIJUANA USES INTERIM LAND USE REGULATIONS

TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS OCTOBER 16, 2013

A. SUBJECT:

Proposed Interim Land Use Regulations regarding Recreational Marijuana Uses.

B. SUMMARY OF PROPOSED AMENDMENT:

The Proposed Marijuana Interim Regulations, as shown in Exhibit "A", would amend the Tacoma Municipal Code, Chapters 13.06 – Zoning, 13.06A – Downtown Tacoma, and 13.10 – Shoreline Management, with the following provisions:

- Define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50;
- Prohibit all marijuana uses in residential and shoreline districts;
- Allow marijuana producers and marijuana processors outright in intensive industrial zones;
- Allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts;
- Prohibit marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to WAC 314-55;
- Prohibit marijuana uses from locating within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers;
- Require marijuana uses to comply with additional development standards concerning odor controls, drive-throughs, size and hours of operation, signage and advertisement, off-site and outdoor sales, product visibility, and other applicable standards; and
- Add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

C. BACKGROUND:

Initiative 502, approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana. The Washington State Liquor Control Board ("WSLCB") is tasked with establishing rules and procedures to implement Initiative 502. According to the WSLCB's current timeline, the rules will become effective on November 16 and the State will begin accepting applications for all

license types on November 18, 2013. The City Council adopted Resolution No. 38743 on October 1, 2013, initiating the process for imposing marijuana interim land use regulations and setting October 22, 2013 as the date for a public hearing. The Planning Commission is required to make a recommendation to the City Council concerning the appropriate duration and scope for the interim regulations.

D. FINDINGS OF FACT:

1. Initiative 502 was passed by the voters of the State of Washington in November 2012, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington.
2. Under Initiative 502, the Washington State Liquor Control Board (WSLCB) is tasked with the responsibility to adopt rules governing the licensing and operation of marijuana producers, processors, and retailers. According to the WSLCB's current timeline, the draft Rules released on September 4, 2013 will be finalized and become effective on November 16 and the State will begin accepting applications for all license types on November 18, 2013.
3. Per WSLCB's draft Rules, the total number of marijuana retail outlets is limited to 334 statewide and the allocation per county is proportionate to the respective population and marijuana consumption level. The Pierce County allocation is 31, including 8 in the City of Tacoma, 6 in other specific jurisdictions and 17 at-large.
4. Presumably, local land use and zoning regulations will apply to the siting of marijuana growing, processing, and retail locations. All producers, processors, and retailers of marijuana will require a license issued by the WSLCB. Cities will have the ability to object to the granting of a proposed license.
5. Unless the City acts immediately to address marijuana-related uses, such uses may be able to locate in the City without regulation and thereby have adverse impacts on the City and its citizens.
6. It is noted that federal law still identifies marijuana as a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides sources of revenue to large-scale criminal enterprises, gangs, and cartels. Washington State residents involved in marijuana production/retailing or marijuana users could still be subject to federal prosecution. However, President Obama has indicated that prosecution of recreational users will not be a priority. The U.S. Department of Justice issued a Memorandum for All United States Attorneys on August 29, 2013 providing "Guidance Regarding Marijuana Enforcement" and indicating that federal prosecutors are not going to interfere with those operating marijuana businesses or using marijuana in accordance with state law.
7. While the full impacts of Initiative 502 are still largely unknown, the City Council has been contemplating various response options pending the State's adoption of the licensing regulations and procedures and/or the resolution of the underlying conflict with federal law.
8. Many jurisdictions around the state have responded to Initiative 502 with a moratorium (e.g., Fife, Olympia, Bellingham, and Puyallup), interim zoning (e.g., Pierce County, Everett, Bellevue, and Spokane), or permanent zoning (e.g., Seattle, Tukwila, and Lacey).

9. Staff of the Planning and Development Services Department have and continue to outreach to stakeholders and have received inquiries from numerous interested parties and prospective/potential marijuana license applicants. It is clear from this outreach, as well as input from the City Council, that this community is concerned both about the potential negative impacts from this new industry and these types of uses, and interested in respecting the desires of Washington voters in a manner that is consistent with this community's goals and interests.
10. In response to these community issues, the City Council has indicated their intent to impose interim regulations in early November 2013 to provide policy and regulatory guidance to facilitate the review, in a proactive and timely manner, of those marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013.
11. RCW 35.63.220 and Tacoma Municipal Code (TMC) 13.02.055 permit the establishment of moratoria or interim zoning when it is found to be necessary as a protective measure. Interim zoning regulations will help provide a temporary, but proactive approach to regulating these types of uses in a manner that reflects this community's desires and unique character and will help maintain regulatory certainty, ensure customer service, and support economic development.
12. The City Council adopted Resolution No. 38743 on October 1, 2013, initiating the process for imposing interim zoning controls regarding recreational marijuana uses and setting October 22, 2013 as the date for a public hearing on the proposed interim regulations.
13. Pursuant to TMC 13.02.055, the City Council-initiated interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to adopting the interim zoning. As part of its findings of fact and recommendation, the Planning Commission shall address the appropriate duration and scope of the interim zoning and note if a study is expected to develop a permanent solution and the time period by which that study would be concluded.
14. With regards to the duration of the interim regulations, TMC 13.02.055 provides: "Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period." In this case the Commission finds that a 6-month duration would not be sufficient time to evaluate the impacts of this brand new industry and untested regulatory scheme, both at the state-wide and local levels. 12-months would be a more reasonable timeline to the City to monitor the effects of these new marijuana uses within the City, in coordination with other affected jurisdictions as appropriate. Additionally, a 12-month timeframe will better ensure that any permanent regulations are coordinated with the pending rules for medical marijuana, which the State Legislature is expected to address in this next legislative session.
15. The City Council's Committee of the Whole has reviewed background information associated with Initiative 502 and the draft Rules proposed by the Washington State Liquor Control Board ("WSLCB") during July-September 2013. The Committee has contemplated various response measures, including the approach of imposing interim regulations, and

generally concurred with the framework for the potential interim regulations as enunciated in Resolution No. 38743.

16. The Planning Commission has also reviewed background information associated with Initiative 502, draft Rules proposed by the WSLCB, and the framework for the potential interim regulations at previous meetings on August 7 and September 18, 2013.
17. Based on the adopted Initiative, the draft Rules proposed by the WSLCB, research and analysis, review of other City codes and standards, initial community outreach, previous discussions with the City Council, and the framework outlined in Resolution No. 38743, staff developed a preliminary draft of the Interim Land Use Regulations.
18. The proposed regulations would allow marijuana producers and marijuana processors outright in intensive industrial zones, allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts, further limit their location based on buffering standards from certain sensitive uses, and require them to operate consistent with certain development standards.
19. In addition to the 1,000-foot buffering requirements applicable for certain sensitive uses in accordance with WAC 314-55, the Proposed Marijuana Interim Regulations would also apply the 1,000-foot buffering to correctional facilities, court houses, and drug rehabilitation facilities, substance abuse facilities, or detoxification centers. The resultant potential locations for marijuana use are generally illustrated in Exhibit "B".
20. While it is the Commission's understanding that the state rules are designed to ensure that retail sales operations are limited to the licensed locations and designed to limit the prominence of marijuana, particularly as it relates to children, the proposed rules do not sufficiently address these issues. Clearer prohibitions on off-site and outdoor sales and on the prominent display of marijuana and related paraphernalia should be included. With these additional standards, the Commission's proposed interim land use regulations are provided in Exhibit "A" (the two additional recommended standards are highlighted).
21. Environmental Review – Pursuant to WAC 197-11-340(2) and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the Proposed Marijuana Interim Regulations has been issued on October 3, 2013 (SEPA File Number SEP2013-40000207255), based upon a review of an environmental checklist. The DNS and the environmental checklist have been provided or made available to appropriate entities that had received the City Council's public hearing notice, and a legal notice announcing the availability for review was placed in the City's official newspaper, the Tacoma Daily Index, on October 4, 2013. Comments must be submitted by 5:00 p.m. on October 22, 2013. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. Unless modified by the City, this determination will become final on November 5, 2013.
22. Public Hearing Notice – The City Council's public hearing on the Proposed Marijuana Interim Regulations has been set for October 22, 2013, and written comments are due to the City Clerk's Office by 4:00 p.m., on October 22, 2013. The notice of the public hearing has been published in the Tacoma Daily Index on October 4, 2013, as part of the legal notice regarding the Preliminary Determination of Environmental Nonsignificance; posted on the

Planning Services Division's website at www.cityoftacoma.org/planning (under the link "Recreational Marijuana"); posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building; and widely disseminated to the following entities: marijuana-related stakeholders and interested parties, Planning Commission agenda recipients, Neighborhood Councils, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, and other known interested individuals or groups.

23. The Proposed Marijuana Interim Regulations, and the City Council's intent and schedule for adopting the proposal, were filed with the State Department of Commerce on October 3, 2013, pursuant to RCW 36.70A.106(3)(b), and an expedited state agency review of the proposal under the Growth Management Act has been requested.
24. The Planning Commission acknowledges the complexity of the issues associated with recreational marijuana and the fact that this is a completely new industry and the impacts of marijuana production, processing, and retailing uses under this untested licensing and regulatory system are still largely unknown. Imposing the proposed interim regulations for six months would allow adequate time for the City to monitor the effects of the marijuana uses within the City, in coordination with other affected jurisdictions as appropriate, and contemplate more permanent solutions correspondingly.
25. The Planning Commission also understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with Initiative 502 and effectively mitigate potential impacts to the community. The proposed interim regulations are designed to complement other future response measures going forward.

E. CONCLUSIONS:

The Planning Commission concludes that:

- (a) There is an imminent need to impose interim zoning controls in response to Initiative 502 and the associated rules and requirements to be adopted and implemented by the Washington State Liquor Control Board (WSLCB);
- (b) The Proposed Marijuana Interim Regulations (Amendments to Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10) as set forth in Exhibit "A", if adopted in early November 2013, will provide appropriate and timely policy and regulatory guidance for the City's review of marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013 and to better ensure that any new recreational marijuana uses are developed consistent with this community standards;
- (c) The Proposed Marijuana Interim Regulations should be in effect for 12-months (approximately November 2013 through November 2014), during which timeframe a more permanent land use regulatory solution can and should be developed;

- (d) The Proposed Marijuana Interim Regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity; and
- (e) The Proposed Marijuana Interim Regulations are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the Proposed Marijuana Interim Regulations (Amendments to Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10) as set forth in Exhibit "A" and that such interim regulations be in effect for 12-months during which permanent regulations can be considered.

F. EXHIBITS:

- "A": Proposed Marijuana Interim Regulations
(Amendments to the Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10)
- "B": Preliminary Map of Allowed Zoning and Required Buffering for Marijuana Uses



RECREATIONAL MARIJUANA USES

PROPOSED INTERIM LAND USE REGULATORY CODE AMENDMENTS October 16, 2013

Chapter 13.06 – Zoning

- 13.06.100 – Residential Districts
- 13.06.200 – Commercial Districts
- 13.06.300 – Mixed-Use Center Districts
- 13.06.400 – Industrial Districts
- 13.06.565 – Marijuana Businesses (*New Section*)
- 13.06.700 – Definitions and Illustrations

Chapter 13.06A – Downtown Tacoma

- 13.06A.050 – Additional Use regulations

Chapter 13.10 – Shoreline Management

- Section 7.2 – Prohibited Uses

Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~. The two specific additional development standards recommended by the Planning Commission are also **highlighted**.

Chapter 13.06 Zoning

13.06.100 Residential Districts

C. Land Use Requirements

4. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹

Lodging house	N	P	P	P	P	P	P/CU	P/CU	For R-2, R-2SRD, and HMR-SRD lodging is limited to one guest room only, provided such use shall not be in connection with a foster home for children or foster home for adults which may otherwise be authorized. For R-3 and R-4-L, lodging is limited to two guest rooms, provided such use shall not be in connection with a foster home for children, a foster home for adults, or lodging which may otherwise be authorized. For R-4 and R-5, lodging is limited to two guest rooms, provided that lodging with for more than two guest rooms may be allowed subject to the approval of a conditional use permit.
Marijuana processor	N	N	N	N	N	N	N	N	
Marijuana producer	N	N	N	N	N	N	N	N	
Marijuana retailer	N	N	N	N	N	N	N	N	
Master plans for any conditional use	CU	CU	CU	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.

Transportation/ freight terminal	N	N	N	N	N	N	N	N	
Urban Horticulture	N	N	N	N	N	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	

13.06.200 Commercial districts

C. Land use requirements.

4. District use table.

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)

Juvenile community facility	N	N	N	N	N	Prohibited except as provided for in Section 13.06.530.
Lodging house	P	P	P	P	P	
Marijuana processor	N	N	N	N	N	
Marijuana producer	N	N	N	N	N	
Marijuana retailer	N	P	P	P*	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See additional requirements contained in Section 13.06.565
Master plans for any conditional use	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.

Transportation/ freight terminal	N	N	P	P	P	
Urban Horticulture	N	N	N	N	N	
Utilities	CU	CU	CU	CU	CU	

13.06.300 Mixed-Use Center Districts

D. Land use requirements

4. District Use Table

Uses	NCX	CCX	UCX	UCX-TD	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{2,4,5} (also see footnotes at bottom of table)

Lodging house	P	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. ²
<u>Marijuana processor</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Marijuana producer</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Marijuana retailer</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P*</u>	<u>N</u>	<u>N</u>	<u>*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565</u>
Master plan for any conditional use	CU	CU	CU	CU	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.

Transportation/freight terminal	P	P	P	P	N	P	P	N	N	
<u>Urban Horticulture</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	

13.06.400 Industrial Districts

C. Land use requirements.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹

Lodging House	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
Marijuana processor	<u>N</u>	<u>P</u>	<u>P</u>	See additional requirements contained in Section 13.06.565
Marijuana producer	<u>N</u>	<u>P</u>	<u>P</u>	See additional requirements contained in Section 13.06.565
Marijuana retailer	<u>P~</u>	<u>P~</u>	<u>P*</u>	*Limited to 7,000 square feet of floor area, per development site, in the PMI District. ~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565
Master plan for any conditional use	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.

Transportation/freight terminal	P	P	P	
Urban Horticulture	<u>N</u>	<u>P</u>	<u>P</u>	
Utilities	P	P	P	

13.06.565 Marijuana Businesses (New Section)

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district.

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if appropriately licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs.

6. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. No exterior or off-site sales are permitted.

9. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

10. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

b. Marijuana uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers.

c. The methodology for measuring the buffers outlined above in subsections 8.a and 8.b. shall be as provided in WAC 314-55.

c. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 8.a and 8.b.

d. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.

13.06.700 Definitions and illustrations

* * *

13.06.700 M

Main building and principal use.

1. Building. The primary building or other structure on a lot designed or used to accommodate the principal use to which the premises are devoted. Where a principal use involves more than one building or structure designed or used for the principal use, as in the case of group dwellings, each such permitted building or structure on a lot defined by this chapter shall be construed as comprising a main building or structure.

2. Use. The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be lawfully used, occupied, or maintained under this chapter.

Mansard roof. A roof with two slopes or pitches on each of the four sides, the lower slopes steeper than the upper.

Marijuana. As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers

Marijuana-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Microbrewery/winery. An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., "taproom." This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

Mixed-rate housing. Includes both affordable and market-rate housing units in the same housing or mixed-use development.

* * *

13.06.700 U

* * *

Upper story setback. See “modulation, horizontal.”

Urban Horticulture. A use in which plants are grown or produced indoors for the sale of the plants or their products or for use in any business, including such things as fruits, vegetables, and other crops, flowers, ornamental plants or trees.

Use. The purpose land, building, or structure now serves or for which it is occupied, maintained, arranged, designed, or intended.

* * *

Chapter 13.06A Downtown Tacoma

* * *

13.06A.050 Additional use regulations

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.
2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.
2. Heliports.
3. Work release facilities.
4. Jails and correctional facilities.
5. Billboards.

C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.

* * *

Chapter 13.10 Shoreline Management

* * *

Chapter 7 General Use Policies and Regulations

* * *

Section 7.2 Prohibited Uses

The following uses are prohibited in all shoreline environments:

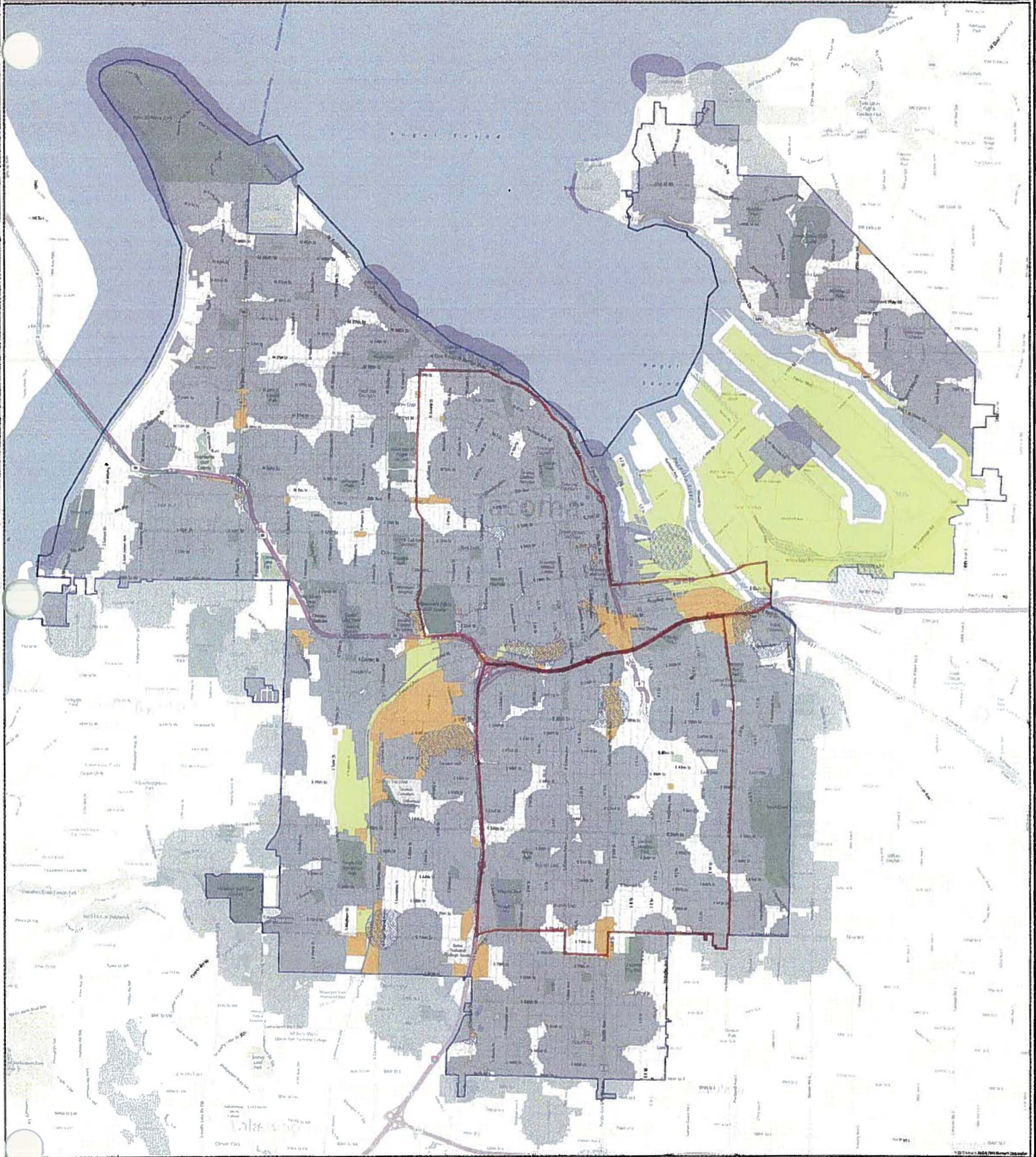
1. Agriculture;
2. Forest Practices; ~~and~~
3. Mining; ~~and~~
4. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer).

* * *

Recreational Marijuana Uses

Exhibit B

City of Tacoma



Legend

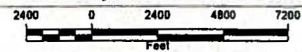
	Green		Black
	Orange		Yellow
	Red		Blue

This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and adjustment. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.

Map Location



City of Tacoma
Community & Economic Development Department
GIS Analysis & Data Services



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. It is to be used for reference purposes only.



**City of Tacoma 2013-2014
City Council Forecast**

Date	Meeting	Subject	Department
October 29, 2013	Study Session	Third Quarter 2013 Financial Report	Finance
		I-502 Implementation – Land Use, Nuisance Code and Licensing	PDS
		Closed Session - Labor Negotiations	HR
	City Council Meeting		
November 5, 2013	Study Session	Closed Session - Labor Negotiations	HR
	Committee of the Whole	CDBG, HOME and ESG Funding Priorities	NCS & CED
	City Council Meeting		
November 12, 2013	Study Session	Six-Year Transportation Program	PW
	City Council Meeting	Public Hearing on Property Levy Ordinance	Finance
November 19, 2013	Study Session	Multi City Portal - Interlocal Agreement	Finance
		Multi City Portal - Branding and Website	Finance
	Committee of the Whole		
	City Council Meeting		
November 26, 2013	Study Session	2013/2014 Mid-Biennium Budget Modification	Finance
	City Council Meeting	Public Hearing on Mid-Biennial Budget Modification	Finance
December 3, 2013	Joint Utility Board Study Session		
	Study Session		
	Committee of the Whole		
	City Council Meeting	Mid-Biennial Modification Presentation	Finance
December 10, 2013	Study Session	MLK Subarea Plan & EIS	PDS
	City Council Meeting		
December 17, 2013	Study Session		
	Committee of the Whole		
	City Council Meeting		
December 24, 2013		CANCELLED	
December 31, 2013		CANCELLED	

2014

January 7, 2014	Study Session	Tacoma Link Expansion	GRO/Sound Transit
	Committee of the Whole		
	City Council Meeting		
January 14, 2014	Study Session		
	City Council Meeting		
January 21, 2014	Study Session		
	Committee of the Whole		
	City Council Meeting		
January 28, 2014	Study Session		
	City Council Meeting		
February 4, 2014	Study Session		
	Committee of the Whole		
	City Council Meeting		
February 11, 2014	Study Session		
	City Council Meeting		



TO: T.C. Broadnax, City Manager
FROM: Peter Huffman, Interim Director, Planning and Development Services
SUBJECT: Recreational Marijuana Interim Regulations – State Definitions
DATE: October 24, 2013

A handwritten signature in blue ink, appearing to be "PH", located to the right of the "FROM:" line.

During the study session presentation regarding recreational marijuana uses on October 22, 2013, City Council members inquired about the definitions for the state's "sensitive uses." Staff provides the following additional information in response.

As Council is aware, Initiative 502 was passed by the voters of the state in November 2012. That initiative, which called for the creation of a regulatory and licensing system for recreational marijuana uses, included a list of "sensitive uses" and indicated that new recreational marijuana uses would not be allowed within 1,000 feet of those "sensitive uses." While the list of uses was included in the original Initiative, the definitions for them were not.

Therefore, as part of the statewide rulemaking process, the Washington State Liquor Control Board has created definitions for those uses. These definitions are provided within the state rules that were adopted this past week. Staff notes that the definitions were fairly consistent through the rulemaking process, although there were a few modifications made based on public input. For example, in the final rules the state clarified that "trails" (in and of themselves) do not qualify as a "park," and that an individual bus stop is not to be considered a "transit station". The portion of the state rules that includes the adopted definitions is attached (with the relevant definitions highlighted).

As indicated at the study session, the draft interim land use regulations do not proposed any modifications to these adopted, statewide definitions. If you or members of the City Council have questions about this information, please contact Brian Boudet, Planning Division Manager, at 573-2389 or bboudet@cityoftacoma.org.

Attachment

Chapter 314-55 WAC
MARIJUANA LICENSES, APPLICATION PROCESS, REQUIREMENTS, AND REPORTING

NEW SECTION

WAC 314-55-005 What is the purpose of this chapter? The purpose of this chapter is to outline the application process, qualifications and requirements to obtain and maintain a marijuana license and the reporting requirements for a marijuana licensee.

NEW SECTION

WAC 314-55-010 Definitions. Following are definitions for the purpose of this chapter. Other definitions are in RCW 69.50.101.

(1) "Applicant" or "marijuana license applicant" means any person or business entity who is considered by the board as a true party of interest in a marijuana license, as outlined in WAC 314-55-035.

(2) "Batch" means a quantity of marijuana-infused product containing material from one or more lots of marijuana.

(3) "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.

(4) "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC.

(5) "Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

(6) "Financier" means any person or entity, other than a banking institution, that has made or will make an investment in the licensed business. A financier can be a person or entity that provides money as a gift, loans money to the applicant/business and expects to be paid back the amount of the loan with or without interest, or expects any percentage of the profits from the business in exchange for a loan or expertise.

(7) "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

(8) "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

(9) "Licensee" or "marijuana licensee" means any person or entity that holds a marijuana license, or any person or entity who is a true party of interest in a marijuana license, as outlined in WAC 314-55-035.

(10) "Lot" means either of the following:

(a) The flowers from one or more marijuana plants of the same strain. A single lot of flowers cannot weigh more than five pounds; or

(b) The trim, leaves, or other plant matter from one or more marijuana plants. A single lot of trim, leaves, or other plant matter cannot weigh more than fifteen pounds.

(11) "Marijuana strain" means a pure breed or hybrid variety of Cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.

(12) "Member" means a principal or governing person of a given entity, including but not limited to: LLC member/manager, president, vice-president, secretary, treasurer, CEO, director, stockholder, partner, general partner, limited partner. This includes all spouses of all principals or governing persons named in this definition and referenced in WAC 314-55-035.

(13) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and (c) any spray adjuvant. Pesticides include substances commonly referred to as herbicides, fungicides, and insecticides.

(14) "Perimeter" means a property line that encloses an area.

(15) "Plant canopy" means the square footage dedicated to live plant production, such as maintain mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, office space, etc.

(16) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

(17) "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

(18) "Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

(19) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

(20) "Residence" means a person's address where he or she physically resides and maintains his or her abode.

(21) "Secondary school" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.



TO: T.C. Broadnax, City Manager
FROM: Elizabeth A. Pauli, City Attorney *EAP/om*
SUBJECT: WSLCB – Recreational Marijuana Application Review Process
DATE: October 24, 2013

QUESTIONS PRESENTED

1. What is the WSLCB's recreational marijuana vetting/application review process?

I-502 creates three separate tiers: marijuana producer, marijuana processor, and marijuana retailer. Each tier will require a license, and specific requirements are tied to each tier. The WSLCB will begin accepting I-502 license applications on November 18, 2013. The Board will review and approve the applications. Each marijuana license application will be investigated individually. The Board may inquire and request documents regarding all matters in connection with the application. The application requirements¹ include, but are not limited to:

- Notice to the affected jurisdictions (local authorities then have 20 days to object to the applicant, location, or both);
- Verification that the proposed business meets the minimum requirements for the type of license;
- Investigation of the applicants' criminal history and administrative violation history (including fingerprinting); financiers will also be subject to a criminal history investigation;
- Investigation of finances to verify the source of funds used for acquisition and startup of the business, the right to real and personal property, and to verify true parties of interest;
- Certification that applicants are current on any tax obligation to the state;
- Verification that applicants (including members of business entities), as well as managers or agents, have resided in Washington to for at least three years prior to the application;

¹ The qualifications are continuing in order to both receive and maintain a license.

- Submission of an operating plan in a format supplied by the Board and containing elements showing that the applicant is qualified to hold the license and containing details relating to the type of license involved (including a floor or site plan drawn to scale illustrating the entire operation); other plan elements include:
 - Security;
 - Traceability;
 - Employee qualifications and training;
 - Transportation of product (including packaging for transportation);
 - Destruction of waste product;
 - Testing procedures and protocols.

The Board may also require the following:

- Demonstration of familiarity with marijuana laws and rules;
- Final inspection of the business to determine compliance;
- Special conditions as to the involvement of certain individuals in the operation.

2. How does the WSLCB's recreational marijuana license application review process compare to the process used for liquor stores?

The WSLCB reviews and approves applications for liquor licenses. Similar to the process for recreational marijuana licenses, the Board applies qualifications and requirements for the specific license or privilege applied for. In each case, the Board will conduct criminal and financial background investigations, and will consider objections from local authorities and the general public. This is similar to the process for recreational marijuana licenses.

In addition to the above, schools, churches and public institutions within 500 feet of the premises to be licensed are given notice of certain types of liquor applications, and the Board is prohibited from issuing a new retail liquor license if a tax-supported public elementary or secondary school within 500 feet of the premises to be licensed objects to the application. There is no similar rule for recreational marijuana licenses. While the Board may reject an application for recreational marijuana license based on a substantiated objection submitted by a local jurisdiction (objection must be to the applicant and/or location), there is no provision in the rules for a mandatory denial

based on an objection from any entity. However, in the case of recreational marijuana licenses, the Board "shall not" issue a new license to a proposed business within 1,000 feet of the following:

1. Elementary for secondary school;
2. Playground;
3. Recreation Center;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library; or
8. Any game arcade (where admission is not restricted to persons age 21 or older).

Please let me know if you have questions or need any additional information.

EAP/bn