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**TO:** Elizabeth Pauli, City Manager  
**FROM:** Peter Huffman, Director, Planning and Development Services  
Brian Boudet, Planning Manager, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Adopting Marijuana Use Buffers Code Amendment – October 31, 2017  
**DATE:** October 16, 2017

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**SUMMARY:**

Amending Chapter 13.06 of the Tacoma Municipal Code, relating to the zoning of marijuana uses, by adding local definitions of “playground” and “recreation center or facility,” in order to protect these types of facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions.

**STRATEGIC POLICY PRIORITY:**

- Strengthen and support a safe city with healthy residents.

**BACKGROUND:**

The City Council adopted Resolution No. 39742 on June 6, 2017, requesting the Planning Commission to consider amending the zoning code concerning marijuana uses as set forth in TMC 13.06.565.B.3, by adding local definitions of “playground” and “recreation center or facility” and including “metropolitan parks districts” in the ownership paradigm, in order to protect these types of facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions for these sites found in the Washington Administrative Code, Section 314-55- 010(10)-(11). The proposed code amendment was intended to be enacted on an interim basis to alleviate the problems that have arisen in permitting marijuana uses that appear to conform with the state definitions, but not with the state's intent, until such time as the state corrects its own definitions. The Planning Commission has completed its review of the matter, including conducting a public hearing on September 6, 2017, and put forward its Findings of Fact and Recommendations Report on September 20, 2017. The Commission recommends that the proposed code amendment as initially contemplated in Resolution No. 39742 be adopted as-is. The Commission further recommends that the proposed code amendment be adopted through the standard code amendment process as per TMC 13.02.045, instead of being enacted as interim regulations through the interim zoning process as per TMC 13.02.055. Pursuant to TMC 13.02.045, the City Council has scheduled October 24, 2017, to hold a public hearing on the proposed code amendment.

**ISSUE:**

There is a gap between the state's intent to require greater setback buffers for public playgrounds and recreational centers and facilities and the state's definitions for these sites found at Washington Administrative Code (WAC). This gap arises from the state's unintended omission of “metropolitan parks districts” from the ownership paradigm in the WAC definitions of these sites.

**ALTERNATIVES:**

The City Council could defer the action until the state has corrected its definitions, but it is uncertain when that would occur. In the meantime, the City can prevent conflicts from arising in local permitting, as has already happened, by fixing these two definitions in the TMC.

**RECOMMENDATION:**

The City Council is recommended to adopt the proposed code amendment pertaining to marijuana use buffers, as recommended by the Planning Commission.

**FISCAL IMPACT:**

There is no fiscal impact from this proposed code amendment.