



TO: T.C. Broadnax, City Manager
FROM: Brian Boudet, Planning Manager, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance – Adopting Proposed Marijuana Code Amendments – Requested City Council
Date: May 10, 2016
DATE: April 20, 2016

SUMMARY:

Adopting proposed amendments to the Tacoma Municipal Code, Title 13 – Land Use Regulatory Code and Chapter 8.30 – Nuisance Code, pertaining to marijuana use regulations, and upon the adopted regulations becoming effective, terminating the temporary moratorium on marijuana uses enacted per Substitute Ordinance No. 28343.

STRATEGIC POLICY PRIORITY:

The proposed amendments to the marijuana use regulations would support the following strategic policy priorities:

- Strengthen and support a safe city with healthy residents.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.

BACKGROUND:

State Initiative 502 ("I-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 State Legislature enacted the Cannabis Patient Protection Act in 2015, establishing regulations for the formerly unregulated aspects of the marijuana system and aligning it with the existing recreational system. The State Liquor and Cannabis Board, through its rulemaking process to establish the corresponding administrative procedures and standards, has expanded the existing cap on retail marijuana stores in Tacoma at an earlier pace than the City anticipated, and is set to promulgate other potential rule changes and establish a new class of use, the marijuana cooperative.

In order to preserve the City's regulatory authority and the validity of its legislative process, and to allow adequate time for local policy discussion of the matter, the City Council enacted a temporary moratorium on new marijuana retail uses and the establishment of marijuana cooperatives for a period of six months, per Substitute Ordinance No. 28343, adopted on January 12, 2016. The six-month moratorium allows the Planning Commission and staff sufficient time to develop recommendations for amended regulations which address community concerns.

The Planning Commission has developed its recommendations through a public review process, including a public hearing on March 2, 2016, and finalized its recommendations on April 6, 2016. The Planning Commission's Recommendation Packet on Marijuana Code Amendments is on file.

Planning and Development Services staff has also developed recommendations based on analysis and public comments received. The Planning Commission and staff recommendations differ in certain key provisions, but present valuable alternatives for the City Council's decision-making at the policy level.



The nuisance regulations, as contained in Title 8 of the Tacoma Municipal Code, applicable to marijuana-related businesses are also being amended to be consistent with the proposed amendments to the Land Use Regulatory Code.

Pursuant to TMC 13.02, the City Council is scheduled to conduct a public hearing on April 26, 2016 to solicit public comments on the proposed amendments to the Land Use Regulatory Code, as recommended by the Planning Commission and as recommended by staff, and on the proposed amendments to the Nuisance Code.

Upon completing the review and deliberations based on the Planning Commission’s recommendations, staff’s recommendations, and public comments, the City Council will consider adopting the proposed amendments to the Nuisance Code as set forth in Exhibit “A,” and the proposed amendments to the Land Use Regulatory Code as set forth in Exhibit “B.” Upon the adopted regulations coming into effect, the temporary moratorium enacted per Substitute Ordinance No. 28343 shall be terminated.

ISSUE:

Key issues, in terms of the land use regulations, include the maximum number (cap) of retail stores set for the City, buffers from retail stores, the dispersion between stores, medical endorsement, and medical cooperatives. The Planning Commission and staff recommendations differ in these issues, and there are dissenting opinions among the Commissioners on these issues.

ALTERNATIVES:

The table below depicts the alternatives as recommended by the Planning Commission and by staff. The City Council is expected to derive its final decision based on these alternatives and public comments.

	Existing Regulations	Staff Recommendations	Planning Commission Recommendations
Cap on Retail Stores	No maximum number (cap) of retail stores set for the City	Cap at 16 (<i>current State cap for Tacoma</i>)	No local cap
Buffers from Retail Stores	<ul style="list-style-type: none"> 1,000-feet for schools and playgrounds (<i>per State law, this cannot be modified</i>) 1,000-feet for other sensitive uses (parks, child care, rec. centers, libraries, game arcades, transit centers, correctional facilities, and rehab centers) 	<ul style="list-style-type: none"> 1,000-feet for schools and playgrounds 100-feet for transit centers citywide 500-feet for other sensitive uses within the Downtown 1,000-feet for other sensitive uses elsewhere 	<ul style="list-style-type: none"> 1,000-feet for schools and playgrounds 100-feet for transit centers citywide 500-feet for other sensitive uses citywide
Dispersion between Stores	Not required	<ul style="list-style-type: none"> 500-feet in Downtown 1,000-feet elsewhere 	Not required
Medical Endorsement	Not currently addressed (<i>this is newly established in state law</i>)	50% of retail stores are required to have State medical endorsement	100% of retail stores required to have State medical endorsement
Medical Cooperatives	Not currently addressed (<i>this is a new type of use established in state law</i>)	Allow Cooperatives, with standard State buffers: <ul style="list-style-type: none"> 1-mile from retailers (<i>per State law, this cannot be modified</i>) 1,000-feet from sensitive uses 	Allow Cooperatives, with reduced buffers: <ul style="list-style-type: none"> 1-mile from retailers 1,000-feet for schools and playgrounds 100-feet for other sensitive uses



FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Conduct the first reading of an ordinance on May 10, followed by the final reading on May 24, 2016, to adopt the proposed amendments to the Land Use Regulatory Code and the Nuisance Code pertaining to marijuana use regulations, and upon the adopted regulations becoming effective on June 5, 2016, terminate the temporary moratorium on marijuana uses enacted per Substitute Ordinance No. 28343.