



RESOLUTION NO. 39356

1 A RESOLUTION relating to land use regulations; initiating the process to
2 consider enacting a temporary moratorium on new marijuana retail uses;
3 setting Tuesday, January 12, 2016, as the date for a public hearing on
4 the proposed temporary moratorium; and requesting the Planning
5 Commission to develop findings of fact and a recommendation.

6 WHEREAS State Initiative 502 ("I-502"), approved by Washington voters
7 in November 2012, provides a framework for licensing and regulating the
8 production, processing, and retail sale of recreational marijuana, and

9 WHEREAS, in February 2015, the City adopted pertinent land use
10 regulations in order to provide policy and regulatory guidance and facilitate the
11 review of recreational marijuana license applications within City limits, and

12 WHEREAS the State Legislature enacted the Cannabis Patient Protection
13 Act in 2015, establishing regulations for the formerly unregulated medical
14 marijuana system and aligning it with the existing recreational system, and

15 WHEREAS, in response to changes in state law adopted in the last
16 legislative session, the State Liquor and Cannabis Board has been working
17 through its rulemaking process to establish the administrative procedures and
18 standards for integration of medical marijuana into the existing recreational
19 marijuana marketplace, and, as part of that process, the state is looking to
20 expand the existing cap on retail marijuana stores in Tacoma and other potential
21 rule changes, and includes the establishment of a new class of use, the
22 marijuana cooperative, and

23 WHEREAS the City's existing regulations were adopted in response to
24 I-502 and associated state rules regarding the recreational marijuana
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1 marketplace, and were not necessarily designed to address the subsequent
2 changes made by the state regarding medical marijuana, including a potential
3 significant increase in the number of stores allowed and the potential
4 incorporation of new uses, and

5 WHEREAS the state is again processing applications for retail marijuana
6 uses potentially in excess of the number previously approved, and there are
7 concerns regarding the potential issuance of additional applications under the
8 City's existing regulations, and

9 WHEREAS, in order to preserve the City's regulatory authority and the
10 validity of its legislative process, it is necessary to put a temporary hold on the
11 establishment of new marijuana retail uses until the currently in process
12 reevaluation has completed, and

13 WHEREAS the City Council and Planning Commission have begun the
14 process of developing appropriate revisions to the Land Use Regulatory and
15 Nuisance Codes, and the Planning Commission is expected to forward its
16 recommendations to the City Council in March 2016, with final Council
17 consideration to occur in April or May of 2016, and

18 WHEREAS the City Council intends to enact a temporary moratorium on
19 new marijuana retail uses in order to allow adequate time for local policy
20 discussion at the Planning Commission and City Council levels, and

21 WHEREAS the proposed moratorium, if enacted, would expire within
22 six months or upon completion of the regulatory amendment process currently
23 going through the Planning Commission, and



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WHEREAS Tacoma Municipal Code 13.02.055 requires that, upon initiating a moratorium, the City Council shall conduct a public hearing to receive public comments on the proposed action and refer to the Planning Commission for findings of fact and a recommendation to justify the proposed action, and

WHEREAS the City Council's tentative schedule for enacting a temporary moratorium on new marijuana retail uses is as follows: initiating the process on January 5, 2016; conducting a public hearing on January 12, 2016; considering first and final readings of the ordinance under consideration on, respectively, January 12 and 26, 2016; and requesting the Planning Commission to develop findings of fact and a recommendation by January 20, 2016, regarding the proposed temporary moratorium; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That a public hearing on a proposed temporary moratorium on new marijuana retail uses shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, January 12, 2016, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Section 3. That, pursuant to Section 13.02.055 of the Tacoma Municipal Code, the City Council hereby refers the moratorium to the Planning Commission



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to develop findings of fact and recommendations, including the need for and duration of the proposed temporary moratorium, by January 20, 2016.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney