



TO: T.C. Broadnax, City Manager
FROM: Brian Boudet, Planning Division Manager, Planning and Development Services
Peter Huffman, Interim Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Resolution – Set October 22, 2013 for Public Hearing on Marijuana Interim Regulations
– Requested City Council Date: October 1, 2013
DATE: September 11, 2013

SUMMARY:

The City Council is requested to consider a resolution on October 1, 2013 to set October 22, 2013 as the date for a public hearing on the proposed interim land use regulations concerning the production, processing and retail sale of recreational marijuana. The date is required to allow adequate public notification for the public hearing and allow sufficient time for the Planning Commission to formulate its recommendations to the City Council prior to the public hearing. The interim regulations are being proposed as a land use and zoning action in response to the voter-approved Initiative 502.

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 would become effective on November 16 and the State would begin accepting applications for all license types on November 18, 2013. While the full impacts of Initiative 502 are still largely unknown, the City Council is 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.

However, in light of the rules and schedule currently proposed by the WSLCB, it is in the best interest of the City to pursue land use and zoning options 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 in November 2013. To that end and based on the recommendation of the Committee of the Whole on August 13, 2013, the City Council is hereby recommended to initiate the process for imposing interim regulations. The proposed interim regulations would adopt marijuana-specific uses (Marijuana Production, Marijuana Processing, and Marijuana Retail); provide zoning and development standards concerning each of these three new uses; and add Urban Horticulture as a new use category. Pursuant to RCW 36.70A.090 and Tacoma Municipal Code Section 13.02.055, the City Council shall conduct a public hearing on the proposed interim land use regulations.

ISSUE:

Issues and impacts associated with Initiative 502 generally fall into the categories of licensing, enforcement, and land use/zoning, among others. In terms of land use, there are a number of issues that must be addressed when the City reviews applications forwarded by the WSLCB. These issues include, but are not limited to: definition of marijuana-related uses, designation of zoning districts where such uses are permitted or prohibited, and application of sensitive use buffering. While more permanent solutions to these issues are being deliberated, the proposed interim regulations would provide effective policy and regulatory guidance for reviewing the marijuana applications in the interim.



ALTERNATIVES:

In terms of land use actions in response to Initiative 502, alternatives to the interim regulations which have been discussed with City Council could include “do-nothing,” enacting a moratorium, and adopting permanent regulations. The “do-nothing” option does not allow the City to consider the desired and necessary local controls of the matter over and beyond what the WSLCB’s rules entail. Enacting a moratorium is essentially deferring the necessary action to a later date. Developing and adopting permanent regulations involves a longer process, and is not as timely and flexible as the interim regulations, which would enable the City to proactively address the issue and respond to license requests, and deliberate improvements over time.

RECOMMENDATION:

Approve a resolution on October 1, 2013 to initiate the process for the proposed marijuana interim regulations and set October 22, 2013 as the date for a public hearing. This action will trigger the subsequent steps necessary to accomplish the imposition of the interim regulations by mid-November, as outlined below:

- October 1 City Council – Setting a public hearing date, and initiating the Interim Regulations
- October 22 City Council – Study Session on the Planning Commission’s recommendations
- October 22 City Council – Public Hearing on the Interim Regulations
- October 29 City Council – Study Session to review the public hearing testimony
- October 29 City Council – First reading of ordinance adopting the Interim Regulations
- November 5 City Council – Final reading of ordinance adopting the Interim Regulations
- November 16 WSLCB Rules become effective
- November 17 Interim Regulations Effective – For 6 months, through May 16, 2014
- November 18 WSLCB begins accepting applications for all license types

FISCAL IMPACT:

There is no fiscal impact.