



SUBSTITUTE ORDINANCE NO. 28343

1 AN ORDINANCE relating to land use regulations; enacting an immediate temporary
2 moratorium on new marijuana retail uses and the establishment of marijuana
cooperatives for a period of six months or until earlier terminated if the City's
marijuana-related regulations are updated.

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

6 WHEREAS, in February 2015, the City adopted pertinent land use
7 regulations based on available information at the time in order to provide policy and
8 regulatory guidance and facilitate the review of recreational marijuana license
9 applications within City limits, and

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

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

21 WHEREAS the City's existing regulations were adopted in response to I-502
22 and associated state rules regarding the recreational marijuana marketplace, and
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were not necessarily designed to address the subsequent changes made by the state regarding medical marijuana, including a potential significant increase in the number of stores allowed at a sooner date than anticipated, and the potential incorporation of new uses, and

WHEREAS the state is, at this present time, processing applications for retail marijuana uses potentially in excess of the number previously approved, and there are concerns regarding the potential issuance of additional applications under the City's existing regulations, and

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

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

WHEREAS the City Council intends to enact an immediate temporary moratorium on new marijuana retail uses and the establishment of marijuana cooperatives in order to allow adequate time for local policy discussion at the Planning Commission and City Council levels, and



1 WHEREAS the proposed immediate moratorium, if enacted, would expire
2 within six months or upon completion of the regulatory amendment process
3 currently going through the Planning Commission, and

4 WHEREAS, on January 5, 2016, the City Council adopted Resolution
5 No. 39356; setting a public hearing on January 12, 2016; considering first and final
6 readings of the ordinance under consideration on, respectively, January 12 and
7 January 26, 2016; and requesting the Planning Commission to develop findings of
8 fact and a recommendation by January 20, 2016, regarding the proposed
9 temporary moratorium, and

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11 WHEREAS, because of what appears to be the impending issuance of
12 additional marijuana retail licenses in the City, even prior to the City's originally
13 scheduled final reading date for this ordinance, the City Council finds it appropriate
14 to expedite the enactment of this ordinance on an emergency basis in accordance
15 with RCW 36.70A.390 and Tacoma Municipal Code 13.02.055; Now, Therefore,

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17 **BE IT ORDAINED BY THE CITY OF TACOMA:**

18 Section 1. Because of significant legal issues involved and the need for
19 additional staff analysis and the impending issuance of new licenses for marijuana
20 retail sales in the City, the City Council hereby enacts a temporary moratorium on
21 new marijuana retail uses and a prohibition on the establishment of marijuana
22 cooperatives in the City of Tacoma.

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24 Section 2. That pursuant to the provisions of RCW 36.70A.390, a
25 moratorium is hereby imposed on the filing, acceptance, and processing of
26 applications for licenses, and land use, building permits or other development



1 permits associated with the establishment, location, or permitting of retail sales of
2 marijuana, except as related to the continued operation of the existing, State and
3 City-licensed recreational marijuana retail establishments in the City, and the
4 establishment of marijuana collectives.

5 Section 3. That this moratorium shall be in effect for six (6) months following
6 the effective date of this ordinance, and may be renewed as provided by law.

7 Section 4. That, pursuant to Section 13.02.055 of the Tacoma Municipal
8 Code, the City Council hereby refers this moratorium to the Planning Commission
9 for its review and to develop findings of fact and a recommendation regarding the
10 moratorium, including the need for and duration of the moratorium, by
11 January 20, 2016, or as soon thereafter as feasible, but in no event later than
12 March 10, 2016.

13 Section 5. That as required by RCW 36.70A.390, and based on the public
14 hearing held January 12, 2016, within sixty (60) days of passage of this ordinance
15 the City Council will adopt all necessary findings required by law.

16 Section 6. That this Ordinance shall be transmitted to Washington State
17 Department of Commerce, pursuant to RCW 36.70A.106.

18 Section 7. That for the reasons set forth above, and to promote the
19 objectives stated above, the City Council finds that a public emergency exists,
20 necessitating that this ordinance take effect immediately upon its passage and
21 publication.

22 Section 8. That if any section, subsection, paragraph, sentence, clause, or
23 phrase of this ordinance, or its application to any person or situation, should be held
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to be invalid or unconstitutional for any reason by a court of competent jurisdiction,
such invalidity or unconstitutionality shall not affect the validity or constitutionality of
the remaining portions of this ordinance or its application to any other person or
situation.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney