



**SUBSTITUTE
RESOLUTION NO. 39418**

1 A RESOLUTION relating to land use regulations associated with Initiative 502;
2 setting Tuesday, April 26, 2016, as the date for a public hearing on the
3 proposed amendments to the Marijuana Use Regulations, Land Use
4 Regulatory Code, and the Nuisance Code, as recommended by the
5 Planning Commission, and as recommended by staff, concerning the
6 production, processing, researching and retail sale of marijuana.

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

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

13 WHEREAS, in April 2015, the Washington State Legislature enacted the
14 Cannabis Patient Protection Act, establishing regulations for the formerly
15 unregulated aspects of the marijuana system and aligning it with the existing
16 recreational system, and

17 WHEREAS the State Liquor and Cannabis Board, through its rulemaking
18 process to establish corresponding administrative procedures and standards, has
19 expanded the existing cap on retail marijuana stores in the City earlier than
20 anticipated, and is set to promulgate other potential rule changes and establish a
21 new class of use, the marijuana cooperative, and

22 WHEREAS, in order to preserve the City’s regulatory authority and the
23 validity of its legislative process, and to allow sufficient time for local policy
24 discussion on the matter, the City Council enacted a temporary moratorium on
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1 new marijuana retail uses and the establishment of marijuana cooperatives for a
2 period of six months, pursuant to Substitute Ordinance No. 28343, enacted on
3 January 12, 2016, and

4 WHEREAS the six-month moratorium allowed the Planning Commission and
5 staff sufficient time to develop recommendations for amended regulations which
6 address community concerns, and

7 WHEREAS the Planning Commission developed its recommendations
8 through a public review process, including a public hearing on March 2, 2016, and

9 WHEREAS the Planning Commission finalized its recommendations on
10 April 6, 2016, for proposed amendments to the Marijuana Use Regulations and the
11 Land Use Regulatory Code, and

12 WHEREAS Planning and Development Services staff has also developed
13 recommendations for proposed Code amendments based on technical analysis and
14 public comments, and presented such recommendations for consideration by the
15 Planning Commission, and

16 WHEREAS, while the Planning Commission and staff recommendations
17 differ in certain key provisions, they present valuable alternatives for the City
18 Council's decision-making at the policy level, and both merit citizen review and
19 comments, and

20 WHEREAS the nuisance regulations, as contained in Title 8 of the Tacoma
21 Municipal Code, applicable to marijuana-related businesses are also being
22 amended to be consistent with the proposed amendments to the Land Use
23 Regulatory Code, and



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WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct a public hearing before enacting any amendments to the Land Use Regulatory Code and other relevant provisions of the Code; Now, Therefore,

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

Section 1. That a public hearing on the proposed amendments to the Marijuana Use Regulations and Land Use Regulatory Code, as recommended by the Planning Commission, and as recommended by staff, concerning the production, processing, researching and retail sale of marijuana, as well as the proposed amendments to the Nuisance Code, 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, April 26, 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.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney