



AGENDA

MEETING: Regular Meeting and Public Hearing
TIME: Wednesday, September 18, 2013, 4:00 p.m.
PLACE: Council Chambers, 1st Floor, Tacoma Municipal Building
747 Market Street, Tacoma, WA 98402

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting on August 21, 2013

D. DISCUSSION ITEMS

1. Six-Year Comprehensive Transportation Program

- Review major changes being proposed to the program.
- See “Agenda Item D-1” / Jennifer Kammerzell, 591-5511, jkammerzell@cityoftacoma.org

2. Transportation Commission

- Review the scope of work of the group and its relationship with the Planning Commission.
- See “Agenda Item D-2” / Josh Diekmann, 591-5756, jdiekman@cityoftacoma.org

3. Temporary Homeless Camps

- Review the scope of work for the land use regulations proposed to address the issue.
- See “Agenda Item D-4” / John Harrington, 279-8950, jharring@cityoftacoma.org

4. Recreational Marijuana

- Review the State’s proposed rules for implementing Initiative 502 and the City’s potential land use and zoning options.
- See “Agenda Item D-5” / Brian Boudet, 573-2389, bboudet@cityoftacoma.org

E. PUBLIC HEARING (beginning at approximately 5:00 p.m.)

1. South Downtown Subarea Plan and EIS

- Receive testimony and keep the hearing record open through September 20, 2013.
- See “Agenda Item E-1” / Ian Munce, 573-2478, imunce@cityoftacoma.org

F. COMMUNICATION ITEMS & OTHER BUSINESS

1. Status of the City’s responding to the Department of Ecology’s comments on the Draft Tacoma Shoreline Master Program, updated in November 2011.
2. “Conversations RE: Tacoma – Towards a Livable Community” 2013 Lecture Series, September 19, October 10, and November 21, 6:30-8:00 p.m.; visit www.ReTacoma.com.



3. The Infrastructure, Planning and Sustainability (IPS) Committee's agenda for the September 25th meeting includes: Wapato Hills Master Plan Update, First Creek Action Plan, and 2015 Comprehensive Plan Update. IPS meets every 2nd and 4th Wednesdays, at 4:30 p.m., in Room 16.
4. The Planning Commission's agenda for the October 2nd meeting may include: Marijuana Interim Regulations, 2014 Annual Amendment, South Downtown Subarea Plan and EIS, and North Downtown Subarea Plan and EIS.

G. ADJOURNMENT



MINUTES (draft)

Time: Wednesday, August 21, 2013, 4:00 p.m.
Location: Room 16, Tacoma Municipal Building North
Present: Sean Gaffney (Chair), Scott Winship (Vice-Chair, arrived at 4:40 p.m.), Donald Erickson, Mark Lawlis, Tina Lee, Alexandria Teague, Stephen Wamback
Absent: Benjamin Fields, Erle Thompson

CALL TO ORDER

Chair Gaffney called the meeting to order at 4:00 p.m. and declared a quorum present.

APPROVAL OF MINUTES

The minutes of the meeting on August 7, 2013 were approved as submitted.

DISCUSSION ITEMS

1. South Downtown Subarea Plan and EIS

Ian Munce, Planning Services Division, provided a comprehensive overview of the Draft South Downtown Subarea Plan, dated August 2013. He described the planning perimeters for the development of the plan, including planning allocations in population and employment, key planning policies, project goals and deliverables, and long-term approach. He also highlighted a number of recommended initiatives addressing the issues of land use, housing, mobility, and protection/clean-up/open space. A set of priority capital facilities projects was also reviewed.

Discussion ensued. The Commissioners brought up several issues and comments, with respect to traffic impacts and mitigations, level of service, setting aside parcels for parks and schools, envisioning Tacoma with all growth assumptions accommodated, view and height limits, and whether industrial uses are still appropriate for downtown where the long-term goal is to become a transit hub. The Commission voted unanimously to authorize the distribution of the Draft South Downtown Subarea Plan for public review and set September 18, 2013 as the date for a public hearing to receive public comment.

2. 2014 Annual Amendment

Lihuang Wung, and Brian Boudet, Manager, Planning Services Division, facilitated the Commissioners' review of the following eleven applications for amending the Comprehensive Plan and the Land Use Regulatory Code for 2014. The review focused on Applications #1, #2, and #7, since all other applications had been reviewed at a previous meeting on July 17, 2013.

1. Point Ruston Mixed-Use Center (private application)
2. Point Defiance Park Land Use Policies (private application)
3. Growth Strategy and Mixed-Use Centers Review
4. Mixed-Use Centers Code Review (MUC-lite)
5. Land Use Designations (Intensities)
6. Affordable Housing Regulations (Phase 2)
7. Container Port Element

8. Open Space Habitat and Recreation Element
9. Sustainability Code Amendment
10. Urban Forestry / Landscaping Code Update
11. Plan and Code Cleanup

Staff had compiled an Assessment Report and concluded that these applications met the assessment criteria as set forth in Tacoma Municipal Code Section 13.02.045 and were ready for technical analysis. After brief discussions, the Commission approved the Assessment Report, and accepted all applications and moved them forward for technical analysis during the 2014 Annual Amendment cycle.

COMMUNICATION ITEMS AND OTHER BUSINESS

- (a) The Washington State Liquor Control Board has recently revised its timeline for implementation of Initiative 502 concerning Recreational Marijuana, allowing additional time to incorporate public comments into the proposed rules and rescheduling the effective date of the rules from September 16 to November 16. In response, the City Council has decided to hold off the consideration for initiating the interim regulations until early October.
- (b) The agenda for the Infrastructure, Planning and Sustainability Committee's meeting on August 28 may include: Six-Year Transportation Program, and Schuster Corridor Shared Use Trail.
- (c) The agenda for the Planning Commission's meeting on September 4 may include: Transportation Commission, 2014 Annual Amendment, 2015 Comprehensive Plan Update, and North Downtown Subarea Plan and EIS.
- (d) The City Council approved the Sands' Application for Open Space Current Use Assessment on August 20, 2013, based on the Commission's recommendation of May 1, 2013.
- (e) Mr. Boudet proposed that he and senior staff plan to meet with individual Commissioners, in informal settings, to discuss issues and concerns that the Commissioners may have. The Commissioners concurred.

ADJOURNMENT

The meeting was adjourned at 5:25 p.m.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Jennifer Kammerzell, Public Works Department
Subject: **Proposed Amendments to the Six-Year Comprehensive Transportation Program**
Meeting Date: September 18, 2013
Memo Date: September 11, 2013

The Tacoma Municipal Code Section 13.02.040 requires the Planning Commission “to review the Six-Year Transportation Program for consistency with the Comprehensive Plan.” At the next meeting on September 18, 2013, staff will present the proposed amendments to the *Six-Year Comprehensive Transportation Improvement Program Amended 2013-2014 & 2015-2020*. The presentation will focus on the proposed list of three new projects and eight completed or modified projects, as attached.

The Revised Code of Washington requires each city to annually update its Six-Year Transportation Program. The Program is necessary to allow cities and counties to obtain state and federal funding. The Six-Year Program lists planned transportation projects for the remainder of 2013 through 2020. The program includes roadways, bridges, non-motorized facilities, sidewalks and other capital related transportation projects. The program is based upon anticipated revenues versus desirable projects. Projects listed in the early years are better defined and are fully or partially funded.

Staff recommends approval of the proposed addition of new projects and deletion of the existing projects. Addition of the new projects allows the City to compete for and obtain Federal and State grants funds, which leverages the City’s Street Special Revenue Fund. The amendment also allows the City to repair hazardous street conditions and pursue transportation projects consistent with the Transportation Element of the City’s Comprehensive Plan. No action may result in a loss of or delay in funding and project completion.

If you have any questions, please contact me at 591-5511 or jkammerzell@cityoftacoma.org.

Attachment

c: Peter Huffman, Interim Director

PROPOSED SIX-YEAR COMPREHENSIVE TRANSPORTATION IMPROVEMENT PROGRAM AMENDED 2013-2014 & 2015-2020

PROJECTS ADDED TO THE SIX-YEAR COMPREHENSIVE TRANSPORTATION IMPROVEMENT PROGRAM AMENDED 2013-2014 & 2015-2020

ID	PROJECT NAME	REQUESTED BY	COUNCIL DISTRICT	LOCATION	COMMENTS	TOTAL PROJECT COST
1	PEDESTRIAN AND BICYCLE SAFETY CROSSING SIGNALS	PUBLIC WORKS	4,5	HISTORIC WATER DITCH TRAIL MAJOR AND MINOR ARTERIAL CROSSINGS	\$835,000 STATE GRANT, \$200,000 REAL ESTATE EXCISE TAX CARRYOVER	\$ 1,035,000
2	UWT: S 17TH & JEFFERSON IMPROVEMENTS	UNIVERSITY OF WASHINGTON	2	SOUTH 17TH STREET BEWTEEN COURT C AND COMMERCE STREETS	\$1,250,000 PRIVATE CONTRIBUTION	\$ 1,250,000
3	WALTERS ROAD	PUBLIC WORKS	1	WALTERS ROAD BETWEEN SOUTH 19TH STREET AND 6TH AVENUE	\$2,800,000 UNFUNDED STATE GRANT, \$250,000 UNFUNDED LOCAL MATCH, \$450,000 UTILITY PARTNER	\$ 3,500,000
TOTAL PROJECT COSTS						\$ 5,785,000

PROJECTS DELETED FROM THE SIX-YEAR COMPREHENSIVE TRANSPORTATION IMPROVEMENT PROGRAM AMENDED 2013-2014 & 2015-2020

ID	PROJECT NAME	REQUESTED BY	COUNCIL DISTRICT	LOCATION	COMMENTS	TOTAL PROJECT COST
4	BUSINESS DISTRICT BEAUTIFICATION (PROGRAM)	PUBLIC WORKS	1,2,3,4,5	VARIOUS BUSINESS DISTRICTS	CONSOLIDATED WITH BUSINESS DISTRICT PROGRAM AND PROJECTS PROJECT	\$ 880,000
5	BUSINESS DISTRICT STREETScape DESIGN (PROGRAM)	PUBLIC WORKS	1,2,3,4,5	VARIOUS BUSINESS DISTRICTS	CONSOLIDATED WITH BUSINESS DISTRICT PROGRAM AND PROJECTS PROJECT	\$ 80,000
6	EAST THEA FOSS WATERWAY TRANSPORTATION CORRIDOR	PUBLIC WORKS	2	EAST D AND 7TH STREETS	CONSOLIDATED WITH COMPREHENSIVE LIDS PROJECT	\$ 5,000,000
7	EDISON CBS	PUBLIC WORKS	5	SOUTH 56TH TO 66TH STREETS BETWEEN PINE STREET AND PUGET SOUND AVENUE	CONSOLIDATED WITH FUTURE ALLEY AND STREET PAVING LIDS FULL COST PROJECT	\$ 4,000,000
8	LEMAY ACCESS ROAD	PUBLIC WORKS	2	BEHIND THE LEMAY MUSEUM AT D STREET AND WILEY AVENUE	COMPLETED	\$ 643,000
9	LINK LIGHT RAIL STOP @ SOUTH 11TH	PUBLIC WORKS	2	SOUTH 11TH AND COMMERCE STREETS	COMPLETED	\$ 690,000
10	SOUTH TACOMA WAY MULTIMODAL IMPROVEMENT 43RD TO 47TH	PUBLIC WORKS	3	SOUTH TACOMA WAY BETWEEN SOUTH 43RD AND 47TH STREETS	CONSOLIDATED WITH SOUTH TACOMA WAY MULTIMODAL IMPROVEMENT 56TH TO 66TH PROJECT	\$ 115,607
11	TACOMA MALL WEST - STREETScape	PUBLIC WORKS	3	SOUTH 38TH TO 47TH STREETS BETWEEN PINE AND SOUTH TACOMA WAY	CONSOLIDATED WITH FUTURE STREETScape LIDS PROJECT	\$ 5,200,000
TOTAL PROJECT COSTS						\$ 16,608,607



City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Josh Diekmann, Public Works Department
Subject: **Transportation Commission**
Meeting Date: September 18, 2013
Memo Date: September 11, 2013

At the Planning Commission's meeting on September 18, 2013, staff will provide a briefing on the structure, membership, and duties and responsibilities of the Transportation Commission that was established by the City Council on May 7, 2013, per Resolution No. 38669 (attached). The briefing, in response to the Planning Commission's request, will set the stage for defining the working relationship between the two commissions.

One of the major projects the Transportation Commission is expected to take on is the review of the Transportation Master Plan. Attached is a draft schedule that illustrates the main components, tasks, and timeline associated with the development of the plan.

The Transportation Commission's first meeting is scheduled for September 18, 2013, at 6:00 p.m., in Room 537 of the Tacoma Municipal Building.

If you have any questions, please contact me at 591-5756 or jdiekmann@cityoftacoma.org.

Attachments (2)

c: Peter Huffman, Interim Director



RESOLUTION NO. 38669

1 BY REQUEST OF COUNCIL MEMBER MELLO

2 A RESOLUTION relating to committees, boards, and commissions; establishing
3 a Transportation Commission ("Commission") to advise the City Council
4 on transportation-related matters, and establishing one or more staff-
5 appointed Technical Advisory Groups to provide specific technical
6 expertise on various transportation policy areas, all as more specifically
7 set forth in the Citizen Committee, Board, and Commission Final Report
8 2013 and staff recommendations on file in the office of the City Clerk.

9 WHEREAS, in December 2012, the City Council requested a review of
10 the City's Committees, Boards, and Commissions ("CBC") for the purpose of
11 assessing roles and responsibilities, output, connection to policy process, staff
12 resources, and limitations of staff resources for each CBC, and

13 WHEREAS, at the Committee of the Whole meetings of April 2nd and
14 April 16th, City Council members provided input on the CBC review, including a
15 request for creation of a Transportation Commission ("Commission") to advise on
16 transportation-related matters such as short-term and long-range transportation
17 planning; compliance with local, regional, and federal transportation regulations;
18 bike, pedestrian, and mass transit-related planning initiatives; and parking and
19 capital improvement plans, and

20 WHEREAS the Commission will consist of 11 members, nine voting
21 members appointed by the City Council who are City residents, with representatives
22 from each of the City's five Council Districts, and who bring a range of perspectives
23 and expertise that focus on the City's long-term vision for mobility options
24 throughout the City, and two non-voting members appointed by the City Manager,
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WHEREAS it is recommended that members appointed reflect the following categories of special interest/discipline: professional engineering sector; construction/private business sector; bike and pedestrian/mass transit sector; planning/urban growth sector; environmental /sustainability sector; general community; and ADA community, and

WHEREAS it is recommended that one or more staff-appointed Technical Advisory Groups (“TAGs”) be established to provide specific technical expertise to the Commission on various transportation policy areas, including due diligence screening and research of policy recommendations and related requests from the Commission, and

WHEREAS it is further recommended that the current Parking Management Advisory Task Force serve as the Parking TAG, and the current Bicycle and Pedestrian Action Committee serve as the Bicycle and Pedestrian TAG; Now, Therefore,

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

That the City Council hereby supports the establishment of a Transportation Commission (“Commission”) for the purpose of advising the City Council on transportation-related matters, and the establishment of one or more staff-appointed Technical Advisory Groups to provide specific technical



1 expertise on various transportation policy areas, all as more specifically set
2 forth in the Citizen Committee, Board, and Commission Final Report 2013 and
3 staff recommendations on file in the office of the City Clerk.
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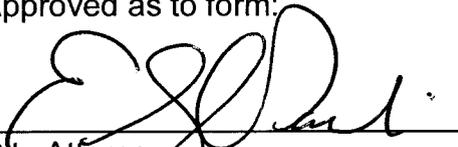
5 Adopted MAY 07 2013

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Mayor

8 Attest:

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City Clerk

11 Approved as to form:

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14 City Attorney

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Tacoma TMP Schedule

Phase 1 | Phase 2

2013 | 2014

Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Scope Development Data Collection Public Involvement Plan															
Existing Conditions / Planning Context															
Land Use Forecasts															
Goals + Policies / Evaluation Criteria															
Travel Demand Forecasts/Model															
Transit Planning															
Roadway Network															
Bike + Pedestrian Planning															
Port Element															
Define Mode Improvement Options															
Conceptual Engineering And Cost Estimates															
Financial Plan															
Multi-Modal Concurrency															
Document Development / Plan Adoption															
Public Outreach / Transportation Commission	T K		C	T PC P		P	C PC T		T P	C T	T P	C			
Project Management															
Merge Into Comprehensive Plan															

TASK

Note: The consultant will meet with the Transportation Commission and other City departments during Phase 1 of the project to further define and refine the scope of work.

K Project Kick-Off

P Public Workshop

T Transportation Commission Meeting

C City Council Check-In

PC Planning Commission



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: John Harrington, Development Services Division
Subject: **Temporary Homeless Camps Regulations**
Meeting Date: September 18, 2013
Memo Date: September 11, 2013

The City of Tacoma intends to provide regulatory controls to protect public health and safety for temporary homeless camps within the City that are associated with a religious organization as provided for in RCW 36.01.290.

The legislation, adopted in 2010, grants broad authority to religious organizations to host temporary camps for homeless persons on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of homeless housing.

At the next meeting on September 18, 2013, the Planning Commission will review the draft scope of work for the proposed amendments to the Tacoma Municipal Code to address this issue. Attached are the draft scope of work, a copy of RCW 36.01.290, and a benchmarking table showing what other jurisdictions are contemplating in response to the legislation.

If you have any questions, please contact me at 279-8950 or jharring@cityoftacoma.org.

Attachments (3)

c: Peter Huffman, Interim Director



Temporary Homeless Camps

(Proposed Revisions to TMC 13.06.635 Temporary Use)

BACKGROUND

In 2010, the Washington Legislature passed [Ch. 175 \(ESHB 1956\)](#), codified as [RCW 36.01.290](#) which granted broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of temporary homeless camps. It also prohibits the imposition of permit fees in excess of the actual costs associated with the review and approval of the required permit applications for temporary homeless camps.

It is the intent of the City of Tacoma to regulate temporary tent camps to protect public health and safety for such camps within the City that are associated with a religious organization as provided for in RCW 36.01.290. There is organized interest in the community to address homelessness and to provide options for persons in this life situation.

Within the scope of state law, there are still some significant standards that are at the discretion of the local jurisdictions. Some of these issues include: number of people permitted in the camp, length of time the camp may operate, number of camps permitted at any one time in the city, and restrictions for demographic of persons allowed in the camp. This city must consider numerous measures to protect the health and safety of persons in the camp, neighboring land uses and the surrounding community.

APPROACH

A set of regulations to address the temporary homeless camps and associated issues will be developed through extensive outreach efforts, with proposed amendments to the Tacoma Municipal Code, Section 13.06.635 Temporary Uses, to be adopted by the City Council.

There are a number of non-governmental organizations and governmental agencies in the Greater Tacoma/Pierce County area that have been engaged for some time assisting the homeless. City staff will tap into the experience and expertise of these groups and the public-at-large by holding a number of public meetings to elicit feedback and to hear concerns regarding the operation of temporary homeless camps in the City.

Some of the community based agencies, organizations and groups that staff plans to consult with include: Tent City Tacoma, Associated Ministries, Metropolitan Development Council, Catholic Community Services, Comprehensive Life Resources, Ministerial Alliance, Tacoma-Pierce County Coalition to End Homelessness,. The Tacoma Community Council and the Cross District Association will also be given presentations, with the expectation that smaller sub-groups will want to hear additional presentations and give their input.

Within the City, the Neighborhoods and Community Services Department, the Tacoma Police and Fire Departments and the Tacoma/Pierce County Health Department will be consulted regarding public safety and health considerations for the operation of a temporary homeless camp.

Since the state law addressing homeless camps was enacted, numerous jurisdictions across the state have already adopted land use regulations to control the permitting and operation of temporary homeless camps. Staff will also be looking at the experience of other jurisdictions in determining best practices and effective approaches.

Based on the feedback from the community meetings, consultation with City public safety and health agencies and the experience of other cities, a set of regulations will be drafted for consideration by the Planning Commission as an amendment to the Tacoma Municipal Code Section 13.06.635 for Temporary Uses. The Commission will then present its Code amendment recommendation to the City Council for final review and action. At appropriate junctures throughout the review process, periodic updates will also be provided to, and feedback solicited from, the City Council’s Infrastructure, Planning and Sustainability Committee and Neighborhoods and Housing Committee.

REVIEW SCHEDULE (TENTATIVE)

Date	Event
September 2013 – February 2014	Public Outreach
September 11, 2013	Human Services Committee, TMB Rm 148
September 17	Cross District Neighborhood Business Council
September 18	Planning Commission
September 26, 10 am	TPD ALL CLO Meeting (invite TFD and THD)
September 26, 6 pm	Community Council, Rm 16, TMB North
October 16	Planning Commission
October 21	Neighborhood and Housing Committee
November 6	Planning Commission
November 20	Planning Commission – set a public hearing date
December 2	Neighborhoods and Housing Committee
December 18	Planning Commission Public Hearing
January 15, 2014	Planning Commission
February 5	Planning Commission Recommendation
February 11	City Council – Set a public hearing date
February 12	Infrastructure, Planning and Sustainability Committee
February 17	Neighborhoods and Housing Committee
February 25	City Council – Study Session and Public Hearing
March 4	City Council – First reading of ordinance
March 11, 2014	City Council – Final reading of ordinance

Temporary Encampments Legislation

RCW 36.01.290

Temporary encampments for the homeless — Hosting by religious organizations authorized — Prohibitions on local actions.

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW [4.24.470](#) is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

[2010 c 175 § 2.]

Notes:

Findings -- 2010 c 175: "The legislature finds that there are many homeless persons in our state that are in need of shelter and other services that are not being provided by the state and local governments. The legislature also finds that in many communities, religious organizations play an important role in providing needed services to the homeless, including the provision of shelter upon property owned by the religious organization. By providing such shelter, the religious institutions in our communities perform a valuable public service that, for many, offers a temporary, stop-gap solution to the larger social problem of increasing numbers of homeless persons.

This act provides guidance to cities and counties in regulating homeless encampments within the community, but still leaves those entities with broad discretion to protect the health and safety of its citizens. It is the hope of this legislature that local governments and religious organizations can work together and utilize dispute resolution processes without the need for litigation." [2010 c 175 § 1.]

Intent -- Construction -- 2010 c 175: "Nothing in this act is intended to change applicable law or be interpreted to prohibit a county, city, town, or code city from applying zoning and land use regulations allowable under established law to real property owned by a religious organization, regardless of whether the property owned by the religious organization is used to provide shelter or housing to homeless persons." [2010 c 175 § 5.]

Prior consent decrees and negotiated settlements for temporary encampments for the homeless not superseded -- 2010 c 175: "Nothing in this act supersedes a court ordered consent decree or other negotiated settlement between a public agency and religious organization entered into prior to July 1, 2010, for the purposes of establishing a temporary encampment for the homeless as provided in this act." [2010 c 175 § 6.]

**Temporary Homeless Encampments Regulations
Benchmarking Table
September 11, 2013**

City	Max Persons Allowed	# Camps Limited	Per Site Time Limit (days)	Extension Allowed (days)	Notice Req'd	Non-Church Sites Allowed	18 yr + only	Buffer or Setbacks Req'd	Perimeter Fence Req'd	Parking Req'd	TUP Req'd	Near Transit Stop Req'd	Code of Conduct / ID	Sex Offender / Warrant Check	On-site Manager and Security	Fire and Life Health and Safety Inspections	Coop w Providers of Shelters and Services	Sponsor Insurance / Hold Harmless Req'd	Comments
Edmonds Temp Homeless Encampment Permit	100*	1	90/year		10-day notice 300' to all property owners	X	X*	crit areas/buffers; and 20' from PL	6' high	5 spaces; plan req'd	X additional conditions allowed	1/4 mi	X		X	X			*may be less depending on site
Bothell Transitory Accommodations	100		90/year		childcare fac and schools w/in 600'	X		Min 20' increased depending on site	6' high temp	may require parking plan	Transitory Accommodations Permit	1/2 mi	X	X	X	X		X	Noise/light
Kirkland Homeless Encampment	100		92/year		14 day notice 500'	X	X*	20' from PL of res uses	sight obscuring	5 spaces	X additional conditions allowed	1/2 mi plan req'd	X	X	X	X			public info meeting; no animals, light
Lynnwood Temporary Tent Encampments	100	1	90 / calendar yr w min 180 day separation		14 day notice 300'	X	X*	20' from PL; 40' from Single family; no crit areas/buffers	6' sight obscuring*	can't displace req'd	X additional conditions allowed; no charge; can deny	plan req'd	X	X	X	X	X	X	45 days for decision; food handling and storage; lighting
Mercer Island Temporary Encampment Permit	100	precludes locating w/in 1/2 mi pf previous camp w/in 18 mo.	90 + 5 to move on weekends		child care facilities and schools w/in 600'	NO	X*	20' from PL of res uses	6' sight obscuring*	must have parking; no #	X; must apply 75 days prior to occupancy; public mtg req'd w 10 days notice	1/2 mi	X	X	X	X		X	designated smoking area; lighting; allows additional pers who arrive after sundown for one night;
Mountlake Terrace Temporary Shelter Encampments			90/in any 365 day period		30- day notice to all properties w/in 300' of PL	X	If under 18 must be w parent/ legal guardian	20' from PL or res uses; no crit area/buffers		3 spaces; traffic plan req'd	X; must apply 60 days prior to occupancy; public mtg req'd w/in 14 days of Director decision		X	X	X	X		X	service animals only; lighting; director's decision

City	Max Persons Allowed	# Camps Limited	Per Site Time Limit (days)	Extension Allowed (days)	Notice Req'd	Non-Church Sites Allowed	18 yr + only	Buffer or Setbacks Req'd	Perimeter Fence Req'd	Parking Req'd	TUP Req'd	Near Transit Stop Req'd	Code of Conduct / ID	Sex Offender / Warrant Check	On-site Manager and Security	Fire and Life Health and Safety Inspections	Coop w Providers of Shelters and Services	Sponsor Insurance / Hold Harmless Req'd	Comments
Olympia Temporary Homeless Encampment	40 or less	1 in city	180/in any 12 mo period		10 day notice prior to public meeting to all properties w/in 300 of PL	X		no crit area/buffer	6' sight obscuring fence or landscaping		X; must apply 30 days in advance; public meeting req'd 14 days prior to issuance of TUP	1/4 mi of stop w 7-days/wk service or provide shuttle to bus	X	X	X	X			Also have a County Homeless Encampment w county as sponsor; Director decision
Seattle Transitional Encampments	100										NO					X			Allowed as an accessory use to existing religious facility or to other principal use on property owned/controlled by relig. org.
Shoreline Tent City			60	up to 365 days						Adequate parking per director	X; neighborhood mtg req'd w 10 day notice to prop owners w/in 500' of PL								Director approved
Spokane Homeless Encampments	100	1	90; city-wide total max is 180 days in 24 month period	one time of 40 days; may be granted w/in last 30 days and if no violations occurred	All prop owners w/in 1000' of proposed site; public mtg req'd 2 wks prior to app submittal	X	age 16 and under and families shall be in separate area within camp	prohibited in shoreline and critical areas and buffers; 750' from library, school (unless part of a church that is applicant), park, daycare center or another encampment	6' sight obscuring fence or landscaping	3 spaces for staff plus one per each resident that has a vehicle	permit req'd and can be appealed by sponsoring or host agency if denied	1/4 mi w of stop w 7-days / wk service or provide shuttle to bus	X animals permitted on leashes which do not fight or disturb	X	X	X	X	X	21 days for Director of Neighborhood Services or designee to approve; provided on private property
Woodinville	100	1	100	60		X		X			X		X	X	X	X	X	X	city improvements



City of Tacoma
Planning and Development Services

**Agenda Item
D-4**

To: Planning Commission
From: Brian Boudet, Planning Services Division Manager
Subject: **Recreational Marijuana**
Meeting Date: September 18, 2013
Memo Date: September 11, 2013

At the next meeting on September 18, 2013, the Planning Commission will review the latest information released by the Washington State Liquor Control Board (WSLCB) concerning the implementation of the voter-approved Initiative 502 regarding recreational marijuana.

Since the Commission's initial review of the matter at the August 7th meeting, the WSLCB has revised the draft rules and the rule-making schedule. The revised draft rules were released on September 4 and are scheduled to be finalized on November 17, and the WSLCB would begin accepting applications for all license types on November 18, 2013.

It is likely that the City Council would impose interim regulations by mid-November, in time to provide policy and regulatory guidance for the City's review of those marijuana license applications within the City limits that are expected to come forward after November 18. The Council could initiate the interim regulations process in early October.

Attached is the *Proposed Framework for Marijuana Interim Regulations* that lays out the process and issues relating to the interim regulations if so initiated and imposed by the City Council. Also attached are two documents recently released by the WSLCB: *I-502 Proposed Rules FAQs* and *I-502 Proposed Rules Highlights*.

If you have any questions, please contact me at 573-2389 or bboudet@cityoftacoma.org.

Attachments (3)

c: Peter Huffman, Interim Director



Marijuana Interim Regulations – Proposed Framework

August 14, 2013 Draft

Background

Initiative 502 approved by Washington voters in November 2012 would license and regulate the production, processing, and retail of recreational marijuana. The Washington State Liquor Control Board (WSLCB) is tasked with establishing rules implementing Initiative 502 and for determining a “maximum number of retail outlets that may be licensed in each county.” According to the rulemaking schedule issued by the WSLCB on August 13, 2013, the rules would become effective on November 16, 2013 and the State would begin accepting applications for all license types on November 18, 2013.

It is in the best interest of the City to develop policy and regulatory guidance by mid-November to facilitate the review, in a proactive manner, of those applications within City limits. Imposing interim regulations to that effect before a permanent solution is developed seems to be an appropriate option.

Jurisdictions around the Puget Sound Region have taken similar actions. Pierce County adopted interim regulations in July 2013; Bellevue and Everett have recently initiated the interim regulations process; and Olympia and Bellingham adopted a one-year moratorium in, respectively, May and July of 2013.

Provided below is a draft framework for the interim regulations, if initiated and imposed by the City Council. The framework represents an option in zoning regulations only. The impacts of marijuana production, processing, and retailing uses under a licensed system are still largely unknown and whether the City Council will need to pursue other regulatory and legal options remains to be determined.

Framework for Interim Regulations

- Define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50.101;
- Prohibit all marijuana uses in residential districts and shoreline districts;
- Allow marijuana producers and marijuana processors outright in intensive industrial zones;
- Allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts;
- Prohibit marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community center, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to RCW69.50.331;
- Prohibit marijuana uses from locating within 1,000 feet of jails, prisons, court houses, drug rehabilitation/detoxification centers, and other uses to be determined; and
- Add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

Tentative Schedule for Interim Regulations

October 1, 2013	City Council initiating Interim Regulations
October 2	Planning Commission review
October 16	Planning Commission recommendation
October 22	City Council study session
October 22	City Council public hearing
October 29	City Council first reading of ordinance
November 5	City Council final reading of ordinance
November 17, 2013	Interim Regulations become effective (through May 16, 2014)



Washington State Liquor Control Board

Frequently Asked Questions about the I-502 Proposed Rules

Topic: Initiative 502

Updated: September 4, 2013

*Note: New questions and answers are indicated with an asterisk **

Licensing

When can I get my license?

We will begin accepting applications for all three license types (producer, processor and retailer) for 30 days on November 16, 2013 and expect to begin issuing licenses, at the earliest, in December/January 2013. Due to the anticipated turnout and rush to obtain a license it is possible that the process may take longer than the projected 90 days. The best way to stay up to date on the implementation process and when the applications become available is to register for [email notifications](#) on the WSLCB website.

Why are you only accepting applications for 30 days?

Opening up the licensing window for 30 days affords anyone who is qualified to apply for a license the opportunity to do so. Whether you are a small grower or larger company you will be given the same opportunity to get a license. Closing the window after 30 days allows the Board the opportunity to assess the market and see what changes, if any, are needed regarding the number of licenses. The Board may also reopen the window at its discretion.

*** When can I get an application?**

Application documents will be available, both online and in hard copy, sometime after the Board accepts the proposed rules, which is scheduled for October 16.

*** What do I have to do to start my application?**

To start the application process, and qualify within the 30 day licensing window, you will need to have a location and have filed your application with Business Licensing Services.

How many producer and processor licenses will be issued?

Presently the WSLCB does not intend to limit the amount of producer or processor licenses it will issue. The LCB will open a 30 day window in September where anyone can apply, and qualified applicants will receive licenses.

*** Can I have more than one license?**

Any entity and/or principles within an entity are limited to no more than three marijuana licenses. Retail marijuana license holders are limited to no more than three retail licenses with no more than 33% of the allowed licenses in any county or city.

*** Why did you limit the number of licenses per licensee?**

Limiting the number of licenses any one entity can hold reduces the possibility that any one entity can singlehandedly control the market.

*** How many retail licenses will be issued?**

334 retail licenses will be issued. The number of retail locations was determined using a formula that distributes the number of locations proportionate to the most populous cities within each county.

Locations not assigned to a specific city are at large. The specific locations will be selected by lottery in the event the number of applications exceeds the allotted amount for the cities and county.

How will the lottery work?

WSLCB staff are developing the guidelines for the retail license lottery. As more information becomes available we will notify stakeholders via the [I-502 Listserv](#).

If the local authority objects to my proposed location after filing my application can I move my location without refiling?

Applicants will be able to change the location of a potential license if the local authority objects, as long as the application is still in the processing stage, without filing a new application.

Will a criminal record impact my ability to get a license?

The WSLCB will employ a disqualifying criminal history point system similar to liquor. An exception would be allowed for two misdemeanor convictions of possession within three years. A felony conviction will prohibit you from obtaining a marijuana license if the conviction was in the last 10 years.

How do I prove three months residency?

There are many ways to prove residency. Some examples include:

- Get a Washington State driver's license or ID card, which has an issue date on it
- Present three months worth of utility bills, pay stubs, etc.
- Register to vote

You can find out more about state residency requirements at [Access Washington](#).

How do I show I'm current on my taxes?

Prospective licensees will be required to sign an attestation that they are current on their taxes. Failure to do so or misrepresentation of the status of your taxes is grounds to deny the application.

Can I get my \$250 application fee back?

Marijuana application fees are non-refundable.

Is it true that the WSLCB is just going to license current medical marijuana outlets to retail marijuana?

No. Retail licenses will be issued to qualified applicants who meet the licensing criteria. A medical marijuana outlet that wants to convert to a recreational outlet will have to go through the same application process as any other potential applicant. If they were to obtain a retail license they would only be allowed to sell marijuana purchased from the recreational system, they would not be allowed to commingle medical and recreational marijuana.

Can local jurisdictions prevent me from opening a location?

The LCB has no authority to dictate zoning requirements to local governments. Municipalities could conceivably zone marijuana/related businesses out of their geographical area, check with your local authority to understand their requirements.

Since there are a limited number of retail licenses available can I apply for a retail license and a processor and/or producer license at the same time to ensure that I'm not left out and then withdraw the processor and/or producer license application in the event that I get the retail license?

No. Applicants must decide ahead of time which license type they are pursuing. If an applicant applies for a retail license in addition to one of the other two license types all of the applications will be rejected.

Can I be a processor and a producer?

Yes. Licensees may hold a both a producer and processor license together.

Is there a producer/processor license?

No. Applicants must apply for, and obtain, both licenses separately and must pay the application and renewal fees on both licenses.

Do I have to pay the 25% tax on sales between producer and processor if I hold both licenses?

No. If you hold a producer/processor license you avoid the 25% tax that would be applied to a producer to processor sale.

Do I have to provide proof from my landlord that they are aware of how their property is being used?

No. The provision requiring an applicant to provide a signed affidavit showing their landlord is aware of the marijuana related business using their property has been removed.

There is a bus stop in front of my location; will that disqualify me from getting a license?

The rules define "public transit center" as a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.

*** Does a walking trail qualify as a park?**

No. The Board has specifically addressed that a walking trail, such as a converted former rail line, does not qualify as a park.

Can I have multiple locations?

Yes. However each location must be licensed separately and the licensee must meet the previously mentioned requirements on license types.

*** How will the WSLCB measure distance from a restricted area to a potential marijuana location?**

The WLCB will measure, via the most common legal pathway, from the property line of a restricted area to the entrance of a potential location.

*** Why did the Board change the exclusion zone measuring method from "straight line" to "most common legal pathway?"**

The Board, after receiving substantial public comment, feels that "straight line" measuring is unnecessarily restrictive and does not take into account both natural and manmade barriers such as freeways, bodies of water, etc that would limit access to a licensed marijuana location.

If I'm providing financial backing do I have to be a resident?

Yes. Financiers will be required have three months Washington state residency and to pass the same criminal background checks as a licensee.

Testing

How can I get my laboratory certified to test marijuana?

The LCB will contract (via the request for proposals process) with a firm who will be responsible for accrediting labs.

How will I get my products tested?

The LCB will furnish a list, via our website, of accredited labs for producers to contract with for testing services.

Traceability/Product

What is the traceability system?

A robust and comprehensive traceability software system will that will trace product from start to sale. Licensees will have to use tracking software that is compatible with LCB's traceability system and allows the LCB to monitor and track any plant at any time.

When do my plants need to be entered into the traceability system?

Prior to reaching eight inches in height or width each plant must be tagged and tracked individually

How do I obtain startup inventory?

Within fifteen days of starting production operations a producer must have all non-flowering marijuana plants physically on the licensed premises and recorded into the traceability system. No flowering marijuana plants may be brought into the facility during this fifteen day timeframe. After the 15 days pass, a producer may only start plants from seed or create clones from a marijuana plant located physically on their licensed premises, or purchase marijuana seeds, clones, or plants from another licensed producer.

Growing

Where can I grow?

- **Indoors/Greenhouse**
Fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
- **Outdoor**
Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

Can a current farm just convert its crop to marijuana?

Converting a crop to marijuana would require a producer license and the farm would have to meet all of the guidelines set forth in the rules pertaining to outdoor growing.

Can I grow in my personal residence?

No. The rules state that "the Board will not approve a license for any location where law enforcement access, without notice or cause, is limited. This includes personal residences." Private residences are afforded a degree of privacy under the 4th amendment of the U.S. Constitution that is incompatible with the regulatory requirements of I-502.

*** How much marijuana can I keep on my licensed premise?**

- Producer: Outdoor/Greenhouse – One and ¼ of a year’s harvest, Indoor – six months harvest
- Processor: six months useable marijuana and total production
- Retailer: four months of average inventory

*** As a producer how long do I have to hold my product before transporting it to a processor?**

There is a mandatory 24 hour quarantine period. Previously this period was 72 hours.

How can I get my marijuana certified as organic?

Marijuana may not be labeled as organic unless permitted by the United States Department of Agriculture in accordance with the Organic Foods Production Act.

Processing

Why can’t I advertize marijuana’s medical benefits?

The WSLCB is regulating the recreational marijuana market and does not evaluate the medical claims of a recreational product. Prospective licensees who want to produce/market marijuana for medical purposes should research Washington’s medical marijuana laws.

How will you prevent children from accidentally ingesting marijuana products?

Marijuana infused products must be packaged in child resistant packaging in accordance with Title 16 CFR 1700 of the Poison Prevention Packaging Act.

*** Can I sell marijuana blends?**

Yes, provided the marijuana lots that are being blended have been tested and that the labeling requirements for each lot used in the blend are met.

What happened to the “Produced in Washington” icon?

During the public comment period the WSLCB heard a variety of comments on the icon and ultimately decided to remove it from the rules. The intent of the icon was to provide parents, teachers, etc with a visual aid that helped them readily identify a product as marijuana. Many of the comments were positive and appreciated the WSLCB’s work on this issue, while others were concerned that the icon may be seen as promotional. The Board does reserve the ability to require an icon be included on packaging in the future for public safety purposes if they deem it necessary.

*** If my marijuana fails quality testing can I turn it into an extract?**

Yes. With the Board’s approval, marijuana that fails testing can be converted into an extract and sold provided that the resulting extract passes quality/safety testing.

Why does the Board want to ban concentrates?

The Board’s analysis believes that the definition of usable marijuana or infused product in I-502 does not cover concentrates. While the Board was willing to allow concentrates they are not inclined to break the law to do so.

Does hash qualify as usable marijuana?

No. Under the definitions of I-502 hash does not qualify as usable marijuana.

Can I infuse concentrates with an inert oil, or similar substance, and sell it?

Yes. This would qualify as a marijuana infused product.

What is the minimum level of added marijuana for a product to be considered a marijuana infused product?

The Board has not set minimum thresholds for what constitutes an “infused” product.

*** What is the serving size for infused extracts for inhalation? What is the transaction limit?**

The serving size for infused extracts for inhalation is a unit, which may not exceed one gram. Customers may purchase up to seven grams of marijuana infused extract for inhalation.

Retail

*** Why can't I sell over the internet? Or have a delivery service?**

The initiative states that all retail sales must take place in a licensed retail establishment. Neither internet nor delivery sales qualify as retail establishments.

Can a medical marijuana outlet and a retail outlet share the same space?

No. The two operations would have to be separate. Retail outlets are only allowed to sell marijuana that comes from a licensed processor and licensed processors are not allowed to sell to unlicensed entities, such as a medical marijuana outlet.

Are there any restrictions on retail hours of operation?

Retail marijuana operations may take place between the hours of 8:00AM and 12:00AM.

Why can't I hold the marijuana before purchase?

I-502 is very clear that there can be no open containers of marijuana, or consumption of marijuana at licensed locations. The WSLCB cannot write rules that contradict the law.

Why can't I smell the marijuana before purchase?

Retail licensees are allowed to provide a sample jar with a plastic or metal mesh screen to allow customers the ability to smell the product before purchasing. Opened marijuana products are not allowed inside a licensed retail outlet.

*** Can I produce/sell THC infused alcohol (i.e. THC infused vodka)?**

No. The initiative is clear that retail outlets may only sell marijuana, marijuana infused products and marijuana paraphernalia. To sell alcohol in Washington you would need a liquor license which would violate the above provisions.

Miscellaneous

Will the WSLCB be setting prices?

No. The WSLCB will not set prices but licensees are not allowed to sell marijuana products below their acquisition cost.

*** As a licensee can I test my product for quality?**

Licensees are allowed to test for quality under the specific requirements set forth in WAC 314-55-083(6). Those requirements limit the amount of product that can be tested, how often testing can take place, and the reporting requirements by license and product type.

Can I provide samples?

Producers are allowed to provide samples to a processor and processors are allowed to provide samples to a retailer. Retailers are not allowed to supply samples to the public.



Washington State Liquor Control Board

Proposed Rules Highlights

September 4, 2013

LCB Rulemaking Objective

- Creating a tightly controlled and regulated marijuana market;
- Including strict controls to prevent diversion, illegal sales, and sales to minors; and
- Providing reasonable access to products to mitigate the illicit market.

LCB Role and Responsibility

- Ensuring public safety is the top priority;
- Creating a three-tier regulatory system for marijuana;
- Creating licenses for producers, processors, and retailers;
- Enforcing laws and rules pertaining to licensees; and
- Collecting and distributing taxes.

Timeline

December 6, 2012	Effective date of new law
September 4, 2013	File Supplemental CR 102 with revised proposed rules
October 9, 2013	Public hearing(s) on proposed rules (time and location TBD)
October 16, 2013	Board adopts or rejects proposed rules (CR 103)
November 16, 2013	Rules become effective
November 18, 2013	Begin accepting applications for all three licenses (30-day window)
December 1, 2013	Deadline for rules to be complete (as mandated by law)
December 18, 2013	30-day window closes for producer, processor and retailer license applications

Proposed Rules Highlights

License Requirements

- **30-day Window**
 - The LCB will open registration for all license types for a 30-calendar-day window (November 18, 2013)
 - LCB may extend the time or reopen application window at its discretion
- **State Residency Requirement**
 - I-502 requires a three month state residency requirement (all license structure types)
- **Background Checks**
 - Personal criminal history completed by applicant. Risk of license forfeiture if incomplete or incorrect.
 - Fingerprinting of all potential licensees
 - Background checks of license applicants and financiers
- **Point System**
 - The LCB will apply a disqualifying point system similar to liquor
 - All applicants must disclose all arrests and/or convictions
 - Non-disclosure of arrests regardless of conviction will result in point accumulation

September 4, 2013

- **License Limits**
 - Licensed entity or principals limited to three producer licenses
 - Licensed entity or principals limited to three processor licenses
 - Licensed entity or principals limited to three retail licenses. Multiple-location licensees not allowed to hold more than 33 percent of the allowed licenses in any county or city.

- **Production Limits**
 - The maximum amount of space for marijuana production is limited to two million square feet.
 - Applicants must designate on their operating plan the size category of the production premises and the actual square footage in their premises that will be designated as plant canopy. There are three categories:
 - Tier 1: Less than 2,000 square feet;
 - Tier 2: 2,000 square feet to 10,000 square feet;
 - Tier 3: 10,000 square feet to 30,000 square feet.
 - The LCB may reduce a licensee's or applicants' square footage designated to plant canopy for the following reasons:
 - If the total amount of square feet for production of all licensees exceeds the two million square feet maximum, the LCB will reduce the allowed square footage by the same percentage.
 - If 50 percent production space used for plant canopy in the licensee's operating plan is not met in the first year of operation, the board may reduce the tier of licensure.
 - If the total amount of square feet of marijuana production exceeds two million square feet, the LCB may reduce all licensees' production by the same percentage or reduce licensee production by one or more tiers by the same percentage.

- **Maximum Allowable Amount on Licensed Location**
 - Producer license
 - Outdoor or greenhouse: 125 percent of its year's harvest
 - Indoor: six months of its annual harvest
 - Processor license
 - Six months of their average useable marijuana (plant material); and
 - Six months average of their total production (finished product).
 - Retailer license
 - Four months of their average inventory

- **Licensed Location: 1'000 foot Measurement**
 - Distance will be measured along the most direct route over or across established public walks, streets, or other public passageway between the proposed building/business location to the perimeter of the grounds of: an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.

- **Costs and Fees**
 - \$250 application fee
 - \$1,000 annual renewal fee
 - Additional fees for background check and filing for local business license

- **Taxes**
 - License applicants must submit a signed attestation that they are current on taxes owed to the Washington State Department of Revenue

- **Insurance**
 - Licensees are required to carry commercial liability insurance.

Public Safety

- **Producer Structures**
 - Rules allow producer operations in secure: indoor and outdoor grows as well as greenhouses
- **Traceability**
 - LCB will employ a robust and comprehensive traceability system (software) that will trace product from seed/clone to sale.
 - LCB enforcement can match records to actual product on hand
- **Background Checks**
 - Personal criminal history form
 - Fingerprinting of all potential licensees
 - Background checks of licensees and financiers
- **Point System**
 - LCB will apply a disqualifying point system similar to liquor (exceptions for possession)
- **Violation Guidelines / Standard Administrative Procedures Act Guidelines**
 - \$1,000 criminal penalty for sales to a minor
 - Sets strict tiered system of violation record over a three year period
 - Group 1 public safety:
 - First violation: 10 day suspension or \$2,500
 - Second violation: 30 day suspension
 - Third violation: license cancellation
- **Local Authority Objections**
 - Substantial weight will be given to a local authority during the renewal process based upon chronic illegal activity associated with the licensee's operation of the premises.
- **Child Resistant Packaging**
 - Specific requirements for marijuana and marijuana-infused products in solid and liquid forms
- **Security and Safeguards**
 - Alarm and surveillance video camera requirements (including minimum pixels and lockbox encasement)
 - Strict transportation and record keeping requirements (no third party transport of product)
 - Hours of operation limited to 8:00 a.m. to 12:00 a.m.
- **Advertising Restrictions**
 - Law restricts advertising within 1,000 feet of schools, public parks, transit centers, arcades, and other areas where children are present.
 - May not contain statements or illustrations that are false or misleading, promotes overconsumption, represents that it has curative or therapeutic effects, depicts a child or may be appealing to children

- All advertising must contain two statements: a: “This product has intoxicating effects and may be habit forming.” And, b) “Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug.”

- **Limits on Retail Stores**

- Total number of retail outlets limited to 334 statewide
- LCB to provide advance notice to local authority
- Per I-502, LCB to determine number of retail outlets per county
 - BOTEK Analysis Corporation provided initial county consumption levels
 - Retail stores allocation proportionate to population and consumption

Consumer Safety

- **Behind the Counter Storage**

- No open containers or handling of product
- Sniff jars with sealed, screened-top lids allowed

- **Strict Packaging and Label Requirements**

- Limited servings and concentration per package
- Lot number
- Warning label
- Net weight
- Concentration of THC
- Usage warnings (specific warning for ingestible foods/liquids about effect delays)
- Upon request
 - Third party lab that tested lot and results
 - All pesticides, herbicides, fungicides found in product

- **Defined Serving Size**

- Defined serving sizes on marijuana-infused product label
 - 10 mg of THC per serving
 - 100 mg of THC per product
 - A single unit of marijuana-infused extract for inhalation cannot exceed one gram

- **Transaction Limits on Concentrates (extracts)**

- A single transaction is limited to seven grams of marijuana-infused extract for inhalation

- **Lab Tested and Approved (monograph)**

- All lots will be tested by independent accredited labs
- Established and uniform testing standards
- Quality assurance testing

- **Store Signage and Product Warnings**

- No minors allowed in stores
- Required product and usage signs within stores

For more information regarding Initiative 502, please visit the Liquor Control Board website at www.liq.wa.gov.

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September 4, 2013



City of Tacoma
Planning and Development Services

**Agenda Item
E-1**

To: Planning Commission
From: Ian Munce, AICP, Planning Services Division
Subject: **South Downtown Subarea Plan and EIS – Public Hearing**
Meeting Date: September 18, 2013
Memo Date: September 11, 2013

The Planning Commission will conduct a public hearing on September 18, 2013, regarding Draft South Downtown Subarea Plan (dated August 2013), and will keep the record open through September 20 to receive additional written comments.

The South Downtown Subarea Plan and Environmental Impact Statement (EIS) project was started in 2011 with the first draft of the Plan and EIS being released for a 30-day public comment period in March 2013. Comments on the Plan and EIS were incorporated into changes that are now reflected in the new draft Plan and final EIS.

During the planning process and recent public outreach for the project, concerns have been expressed on two issues regarding the disallowance of feather signs and the lack of fencing standards in Downtown Districts.

Feather signs have historically been disallowed in downtown; however, recent changes to the City's sign code regulations have highlighted this fact. Staff is continuing the outreach efforts to solicit feedback from stakeholders on whether feather signs are appropriate in specific zoning districts within the South Downtown Subarea boundaries and other Downtown zoning districts.

As to the fencing regulations, while current code includes specific standards for fencing in mixed-use districts to ensure fences don't unreasonably undermine the desired pedestrian-friendly environment, the downtown code does not include similar provisions. In response, staff has developed the preliminary Downtown District Fencing Standards, which are attached for the Commissioners' preview.

It is staff's intent to discuss these issues with the Commission at subsequent meetings in October, along with other issues that may be brought forward during the public hearing process. For more information, please visit: www.cityoftacoma.org/planning and click on "South Downtown Subarea Plan & EIS". If you have any questions, please contact me at (253) 573-2478 or imunce@cityoftacoma.org.

Attachment

c. Peter Huffman, Interim Director

Proposed Downtown District Fencing Standards

13.06A.XX Downtown District Fencing Standards

A. The Director may attach any reasonable conditions found necessary to make proposed fencing compatible with its environment, to carry out the goals and policies of the City's Comprehensive Plan, and/or to provide compliance with other criteria or standards set forth in the City's Land Use Regulatory Codes.

B. Downtown District Fencing Standards

1. Chain link fencing, with or without slats, is prohibited for required screening.
2. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.
3. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.
4. Electrified. The use of electrified fencing is prohibited in all zoning districts.
5. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided the portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment. Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.
6. The maximum height of free-standing fences along an alley shall be 3 feet, except that fences greater than 3 feet in height are allowed if the portion of the fence between 3 and 7 feet above grade is at least 20% transparent.