



# NOTICE OF PUBLIC HEARING

## PLANNING COMMISSION PUBLIC HEARING

Subject: **Marijuana Use Buffers**  
(Proposed Amendment to the Tacoma Municipal Code)

Date/Time: Wednesday, September 6, 2017, 5:00 p.m.

Location: Asia Pacific Cultural Center  
4851 S. Tacoma Way  
Tacoma, WA 98407

### How to provide comments?

1. Testify at the hearing on September 6; and/or
2. Provide written comments by 5:00 p.m. on Monday, September 11, 2017, via:
  - E-mail: [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org); or
  - Letter: Planning Commission  
747 Market Street, Room 345  
Tacoma, WA 98402

### What is the proposal? (Also see the backside)

The proposal would amend the Tacoma Municipal Code, Section 13.06.565 Marijuana Uses, by adding local definitions of “Playground” and “Recreation center or facility” and including “metropolitan parks district” in the ownership paradigm, in order to protect said facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code (WAC) 314-55-010(24)-(27).

### What is the proposal intended to achieve?

The City has discovered a gap in the state’s marijuana regulations between the intent to require greater setback buffers for public playgrounds and recreational centers and facilities and the definitions for these sites. This gap arises from the state’s unintended omission of “metropolitan parks districts” from the ownership paradigm in the WAC definitions of “Playground” and “Recreation center or facility.” The City understands that the state intends to correct this omission in its definitions, but it may take some time to do so; in the meantime, adding local definitions into the City’s marijuana regulations for “Playground” and “Recreation center or facility” that include ownership by a metropolitan parks district will alleviate the problems that have arisen in permitting marijuana uses that appear to conform with the state definitions, but not with the state’s intent.

### Environmental Review

The proposal entails text amendments to existing regulations resulting in no substantive changes respecting use or modification of the environment, and as such, environmental review for the proposal is exempt, per WAC 197-11-800(19)(b).

### Website

For more background information, please visit [www.cityoftacoma.org/Planning](http://www.cityoftacoma.org/Planning), and click on “Recent and Completed Projects” and then “Marijuana Regulations”.

### Staff Contact

Lihuang Wung, Senior Planner, [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org), (253) 591-5682



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 591-5056 (voice) or (253) 591-5820 (TTY).

747 Market Street, Room 345 ■ Tacoma, WA 98402 ■ (253) 591-5682 ■ FAX (253) 591-5433 ■ <http://www.cityoftacoma.org/planning>

## Text of the Proposed Amendment to the Tacoma Municipal Code, Section 13.06.565

(Deletions are shown in ~~red-strikethroughs~~  
and additions shown in blue underlines)

\* \* \* \* \*

### 13.06.565 Marijuana Uses.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a “medical marijuana endorsement” that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally apply unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

\* \* \* \* \*



# Marijuana Use Buffers

## Proposed Amendment to the Tacoma Municipal Code

### Planning Commission Findings of Fact and Recommendations Report

(Approved on July 19, 2017 for Distribution for Public Review)

#### A. Subject:

Proposed code amendment concerning marijuana use buffers.

#### B. Summary of the Proposal:

The proposal would amend the Tacoma Municipal Code (“TMC”), Section 13.06.565 Marijuana Uses, Subsection B.3, as follows (deletions shown in ~~red strikethroughs~~ and additions in blue underlines):

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally apply unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

By adding local definitions of “Playground” and “Recreation center or facility” to the City’s zoning of marijuana uses and including “metropolitan parks district” in the ownership paradigm, the proposal would protect said facilities owned by Metro Parks Tacoma (“MPT”) to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code (“WAC”) 314-55-010(24)-(27).

The proposal was initiated by the City Council via Resolution No. 39742 (see Attachment “1”), adopted on June 6, 2017, whereby the Planning Commission was requested to consider recommending said code amendment to the City Council for adoption on an interim basis, i.e., as interim regulations, until such time as the state corrects its own definitions.

#### C. Findings of Fact:

##### 1. Legislative Background:

- a. State Initiative 502 (“I-502”) was approved by Washington voters in November 2012, providing a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana.
- b. The Cannabis Patient Protection Act (“CPPA”) was enacted by the State Legislature in April 2015, establishing regulations for the formerly unregulated aspects of the marijuana system and aligning it with the recreational system.

- c. The Washington State Liquor and Cannabis Board (“LCB”) is the agency responsible for licensing and regulating marijuana. The LCB established the first set of marijuana related administrative procedures and standards in December 2013, began to issue marijuana licenses in March 2014, and has since been carrying out its rulemaking process on a periodic basis.
- d. In response to I-502, the CPPA, and applicable rules of the LCB, the City Council has taken the following legislative actions relating to marijuana uses:
  - Enacting interim regulations on November 5, 2013, effective for one year from November 17, 2013 to November 16, 2014, pending the results of the LCB’s first rulemaking (Substitute Ordinance No. 28182); and extending the interim regulations on September 30, 2014, for six months, through May 16, 2015 (Ordinance No. 28250);
  - Enacting permanent marijuana regulations on February 17, 2015, superseding the interim regulations (Amended Ordinance No. 28281);
  - Imposing a moratorium on permitting marijuana retail uses on January 12, 2016, for six months, through March 10, 2016, in response to the LCB’s expansion of the cap on retail marijuana stores in Tacoma (Substitute Ordinance No. 28343); and
  - Amending the Public Nuisances Code and the Land Use Regulatory Code concerning marijuana uses on May 24, 2016, and terminating the moratorium (Amended Ordinance No. 28361).

2. Initiation of the Proposed Code Amendment:

- a. The consideration for the proposed code amendment was initiated by the City Council on June 6, 2017, via Resolution No. 39742 (see Attachment “1”), which was prompted by an LCB-denied variance application for a marijuana production facility within 1,000 feet of an MPT-owned playground, as articulated in a memorandum from the City Attorney’s Office to the City Manager, dated May 1, 2017, that called out the issue and suggested the need for said code amendment (see Attachment “2”).
- b. The adoption of Resolution No. 39742 was also in response to the Council Consideration Request submitted by Deputy Mayor Robert Thoms on May 4, 2017, that urged the City Council “to amend the City of Tacoma’s marijuana regulation ordinance to include Metropolitan Park District parks, recreation centers, facilities, and playgrounds in the 1,000 foot buffer zone for marijuana uses” (see Attachment “3”).
- c. Resolution No. 39742 indicates that City staff has discovered a gap between the state’s intent to require greater setback buffers for public playgrounds and recreational centers and facilities and the state’s definitions for these sites. This gap arises from the state’s unintended omission of “metropolitan parks districts” from the ownership paradigm in the WAC definitions of “Playground” and “Recreation center or facility.” The City understands that the state intends to correct this omission in its definitions, but it may take some time to do so.
- d. Resolution No. 39742 suggests that the City can alleviate the problems that have arisen in permitting marijuana uses and prevent further conflicts from occurring, by adding these two definitions in the TMC on an interim basis, until such time as the state corrects its own definitions.
- e. Resolution No. 39742 also stipulates the text of the proposed code amendment, which is also mentioned above in the section of “Summary of the Proposal.” The text exemplifies the legislative intent of the City Council, does not deviate from the existing definitions of the WAC, and can be reasonably expected to be in compliance with the state’s definitions when corrected.

- f. Resolution No. 39742 does not declare an emergency for the matter, nor does it specify when the Planning Commission must provide its findings of fact and recommendations concerning the need for the interim regulations. Nevertheless, it is understood that the City Council intends to move forward with the proposed code amendment in a fairly swift manner.

### 3. Impacts of the Proposal:

- a. The proposed code amendment would not have any impact to existing marijuana businesses, including retailers, producers and processors. In staff's original analysis of the buffer zones as set forth in Amended Ordinance No. 28361 (adopted on May 24, 2016), playgrounds, for mapping purposes, were included and assumed to be in all parks, including those owned by MPT. As illustrated in an up-to-date map of the locations of current marijuana businesses (see Attachment "4"), all MPT-owned parks that contain playground equipment are already located within the mapped buffer zones. Adding definitions of "Playground" and "Recreation center or facility" to the code would not result in any additional facility being identified outside of existing buffered zones that could impact existing businesses; on the contrary, said code amendment should help ensure that all public playgrounds are buffered, as was intended.
- b. The proposed code amendment is not expected to have much, if any, impact to future marijuana businesses. As articulated in the memorandum from the City Attorney's Office (see Attachment "2"), it is highly unlikely that the LCB will grant licenses for prospective variance applications, if any, similar to the one that had prompted the consideration for the proposed code amendment, regardless of how the City handles those applications.

### 4. Interim Regulations Process vs. Code Amendment Process:

- a. The interim regulations process initiated by Resolution No. 39742 will be carried out through the following general steps, in accordance with TMC 13.02.055 and based on the situations associated with this particular issue :
  - The Planning Commission develops findings of fact and recommendations to help the City Council justify the imposition of the interim regulations. The Council subsequently enacts the interim regulations, with a public hearing.
  - The interim regulations can be effective for 6 months, or 12 months with a work plan for the development of permanent regulations. Since it is unknown when this matter will be included in the LCB's rulemaking schedule, it will be appropriate to set the interim regulations effective for 12 months.
  - Upon the expiration of the interim regulations, if the state has not corrected its definitions, the Council will need to extend the interim regulations for 6 months, with a public hearing. Further extensions of the interim regulations may be needed and shall be done in 6-month intervals, each with a public hearing held by the Council and supportive findings of fact.
  - Upon the state's correction of its definitions, the Commission will develop draft permanent regulations accordingly, conduct a public hearing, and make a recommendation to the Council. The Council will conduct a public hearing and adopt the permanent regulations, superseding the interim regulations.
- b. Alternatively, the proposal could be handled through the normal code amendment process in accordance with TMC 13.02.045, whereby the Planning Commission develops draft permanent regulations, conducts a public hearing, and makes a recommendation to the City Council, and the Council conducts a public hearing and adopts the permanent regulations. This process will

be repeated when the state's definitions are corrected, and if it is determined that the permanent regulations need to be amended accordingly.

- c. The normal code amendment process is more streamlined than the interim regulations process, but will achieve the same effects, primarily due to the fact that the proposed code amendment is relatively straightforward, uncontroversial, and of no impact to existing or future marijuana businesses. It is also a process less dependent on the uncertain rulemaking schedule of the LCB.
- d. Concerning the project timeline, the imposition of the interim regulations can be expected to occur in September 2017, while the code amendment process may not be completed until October 2017. However, more time will be needed for following up on the interim regulations process, i.e., developing permanent regulations or extending the interim regulations, depending on the progress of the state. The code amendment process, on the other hand, needs to be revisited only if necessary, which can be accomplished within a relatively short time frame.

#### **D. Conclusions and Recommendations:**

The City Council adopted Resolution No. 39742 on June 9, 2017 (see Attachment "1"), requesting the Planning Commission to consider adding local definitions of "Playground" and "Recreation center or facility" to the City's zoning of marijuana uses and including "metropolitan parks district" in the ownership paradigm, in order to protect said facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code. By adopting the resolution, the City Council has initiated an interim regulations process, whereby the Planning Commission is requested to consider recommending said code amendment to the City Council for adoption on an interim basis, until such time as the state modifies its definitions.

The Planning Commission concurs with the City Council concerning the need for the proposed code amendment, but believes that this important and relatively straightforward matter should and can be accomplished in a more streamlined manner through the normal code amendment process, whereby the Planning Commission would develop the final draft code amendment, conduct a public hearing, and forward it to the City Council for consideration for adoption.

With this approach being recommended, the Planning Commission will proceed with scheduling a public hearing, tentatively for September 2017, to receive public comment on the proposed code amendment as depicted in "Section B. Summary of the Proposal," and subsequently formulate a recommendation to the City Council for its consideration.

#### **E. Attachments:**

1. Resolution No. 39742 Initiating the Consideration for Interim Regulations (June 6, 2017)
2. Memorandum from the City Attorney's Office to the City Manager (May 1, 2017)
3. Council Consideration Request from Deputy Mayor Robert Thoms (May 4, 2017)
4. Location Map of Current Marijuana Businesses (May 24, 2017)



## RESOLUTION NO. 39742

1 BY REQUEST OF DEPUTY MAYOR THOMS

2 A RESOLUTION relating to interim zoning; requesting that the Planning  
3 Commission consider amending Chapter 13.06 of the Tacoma Municipal  
4 Code, relating to the zoning of marijuana uses, on an interim basis, by  
5 adding local definitions of "Playground" and "Recreation center or facility,"  
6 in order to protect Metro Parks Tacoma-owned playgrounds and  
7 recreation centers and facilities to the level intended by the state, but  
8 currently not covered by state definitions.

9 WHEREAS the City's marijuana land use regulations, as set forth in  
10 Amended Ordinance No. 28361, adopted on May 24, 2016, and found at  
11 Section 13.06.565 of the Tacoma Municipal Code, are barely a year old, and

12 WHEREAS Washington State's regulatory framework for licensing and  
13 regulating the production, processing and retail sale of marijuana is also relatively  
14 new, and

15 WHEREAS City staff has discovered a gap between the state's intent to  
16 require greater setback buffers for public playgrounds and recreational centers and  
17 facilities and the state's definitions for these sites, found at Washington  
18 Administrative Code ("WAC") 314-55-010(24)-(27), and

19 WHEREAS this gap arises from the state's unintended omission of  
20 "metropolitan parks districts" from the ownership paradigm in the WAC definitions  
21 of "Playground" and "Recreation center or facility," and

22 WHEREAS the City understands that the state intends to correct this  
23 omission in its definitions, but it may take some time to do so; in the meantime, the  
24 City can prevent conflicts from arising in local permitting, as has already happened,  
25 by adding these two definitions in the TMC on an interim basis, and  
26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHEREAS adding local definitions into the City's marijuana regulations for  
“Playground” and “Recreation center or facility” that include ownership by a  
metropolitan parks district will alleviate the problems that have arisen in permitting  
marijuana uses that appear to conform with the state definitions, but not with the  
state’s intent, until such time as the state corrects its own definitions; Now,  
Therefore,

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

That the City Council hereby requests that the Planning Commission  
consider amending Chapter 13.06 of the Tacoma Municipal Code, relating to  
Zoning, on an interim basis, by adding local definitions of “Playground” and  
“Recreation center or facility” as shown in Exhibit “A” hereto, in order to protect  
Metro Parks Tacoma-owned playgrounds and recreation centers and facilities to  
the level intended by the state, but currently not covered by state definitions.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



EXHIBIT "A"

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

\*\*\*

**13.06.565 Marijuana Uses.**

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a "medical marijuana endorsement" that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally~~ apply ~~unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.





**TO:** Interim City Manager, Elizabeth A. Pauli  
PDS Director, Peter Huffman

**FROM:** Jeff Capell, Deputy City Attorney *JAC*  
Bill Fosbre, Acting City Attorney *BF*

**SUBJECT:** Marijuana Regulation; "Playground" Definition

**DATE:** May 1, 2017

Given the relative newness of the State's marijuana regulations, there was bound to be some glitches and gaps in their implementation. The City has become well acquainted with one of these in the form of the Washington Administrative Code ("WAC") definition of "playground." By way of background, it is clear from applicable statutes and regulations<sup>1</sup> that the State Legislature and the Washington State Liquor and Cannabis Board (the "Board") intended public playgrounds to be in a class of uses having the highest level of buffer protection from marijuana uses. By comparison, the buffer for other uses, such as a public transit center or library, can be reduced by local ordinance anywhere from 999 feet down to a minimum of 100 feet potentially. It should also be noted that the State has very clear preemptive authority when it comes to marijuana regulation.<sup>2</sup>

The gap presently at issue arises from the State's failure to include playgrounds owned by a metropolitan park district in its definition of "playground" at WAC 314-55-010 (25). In contrast, the State's definition of "park" does account for ownership by a metropolitan park district ("MPD").<sup>3</sup> The State does not consider parks and playgrounds to be mutually exclusive. In other words, a given facility could be both a park and a playground depending on whether facilities indicative of both are present.

In discussions with the Board and its legal counsel, the Board represented that its omission of MPDs from ownership in the "playground" definition was unintentional and that the Board will most likely correct that omission in its next round of rulemaking. This correction will likely not happen until sometime after the current legislative session is complete. In the meantime, by letter dated February 22, 2017, the Board has suggested that the City may want to submit a petition for amendment of the playground definition

---

<sup>1</sup> e.g. RCW 69.50.331(8) (a) and (b) and WAC 314-55-050(10)-(11).

<sup>2</sup> RCW 69.50.608, titled "State preemption."

<sup>3</sup> WAC 314-55-010(24).

more formally under RCW 34.05.330 titled "Petition for adoption, amendment, repeal—Agency action—Appeal."

On a more immediate stage, the City has had one variance application for a marijuana production facility within 1,000 feet of a MDS owned playground that was (1) first denied by the PDS Director for lack of authority, (2) then reversed by the Hearing Examiner, (3) thereafter granted by the PDS Director, only to (4) be denied for licensing by the State (all referred to as the "Gosselin App"). According to the variance applicant, Tim Gosselin, the State's denial stated that the City has no authority to grant a variance for the subject location for marijuana production,<sup>4</sup> which brought the Gosselin App full circle.<sup>5</sup> The City now has another, similar variance application pending for a location within 1,000 feet of a MPD playground/park combo. It is unlikely that the State will grant a license for this location given the result in the Gosselin App, regardless of how the City handles the variance application.

In the Hearing Examiner decision on the Gosselin App, the Hearing Examiner recognized the Board's admission that it inadvertently omitted MPDs from the playground definition, and the incongruity that omission created with the stated intent to provide greater protection to playgrounds. That notwithstanding, she concluded that she had to follow the language of the "playground" definition as written and reversed the PDS Director's denial of the variance. She did suggest in her decision that the City could amend its own ordinance to include MPD playgrounds in the 1,000 foot buffer zone in advance of any amendment by the State. Given that the State has refused to license the marijuana use at Gosselin's property, it would make sense to amend the TMC in this manner in order to not perpetuate the disconnect between the City and the Board's approach that exists at present.

At the suggestion of the Board, the City has, by letter, already requested that the Board fix the definition of playground to include expressly those owned by Metro Parks Tacoma, our local MPD. Unless there is a valid reason to differentiate, the same fix should be requested for the definition of "Recreation center or facilities," which also does not account for ownership by a MPD. Examples of "Recreation center or facilities" in Tacoma owned by Metro Parks Tacoma would include the Star Center, the Center at Norpoint, and the Portland Ave. Community Center.

Please feel free to call me with any questions or concerns.

---

<sup>4</sup> The subject location is within 1,000 feet of MPD owned Irving Park, which according to the State, is both a park and a playground.

<sup>5</sup> It is fairly apparent that the State does not believe a variance to be an appropriate vehicle for reducing buffers, as opposed to having an across-the-board reduction written into the local code.



**CITY OF TACOMA, WASHINGTON  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST (CCR)**

**TO:** Mayor & City Council  
**FROM:** Deputy Mayor Thoms and Council Assistant Brad Forbes  
**COPIES TO:** Elizabeth Pauli, Acting City Manager; Mark Lauzier, Assistant City Manager;  
Bill Fosbre, Acting City Attorney; Executive Leadership Team; File  
**SUBJECT:** Marijuana uses buffer  
**DATE:** May 4, 2017

---

**ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:**

**I ask for your support for the inclusion of the following item on the agenda at the earliest available meeting of the Study Session:**

I respectfully ask the City Council to amend the City of Tacoma's marijuana regulation ordinance to include Metropolitan Park District parks, recreation centers, facilities, and playgrounds in the 1,000 foot buffer zone for marijuana uses.

**BRIEF BACKGROUND:**

It is clear from the relevant statutes and regulations (RCW 69.50.331(8) (a) and (b) and WAC 314-55-050(10)-(11)) that the State Legislature and the Washington State Liquor and Cannabis Board intended public playgrounds to be in a class of uses having the highest level buffer from marijuana uses. The buffer for parks, recreation centers, and facilities can be reduced, but the City's ordinance is presently unclear about any such reduction. The gap for playgrounds arises from the State's failure to include playgrounds (and recreation centers and facilities) owned by a metropolitan parks district in its definitions.

**FUNDING REQUESTED:**

This action does not require any funding.

**If you have any questions related to the Council Consideration Request, please contact Brad Forbes at 253-591-5166 or [bforbes@cityoftacoma.org](mailto:bforbes@cityoftacoma.org).**

**SUBMITTED FOR COUNCIL CONSIDERATION BY:** \_\_\_\_\_  
Deputy Mayor Thoms

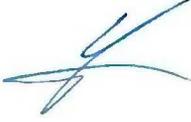
**SUPPORTING COUNCILMEMBERS SIGNATURES (2 SIGNATURES ONLY)**

*(Signatures demonstrate support to initiate discussion and consideration of the subject matter by City Council for potential policy development and staff guidance/direction.)*



1. \_\_\_\_\_

**Mayor**

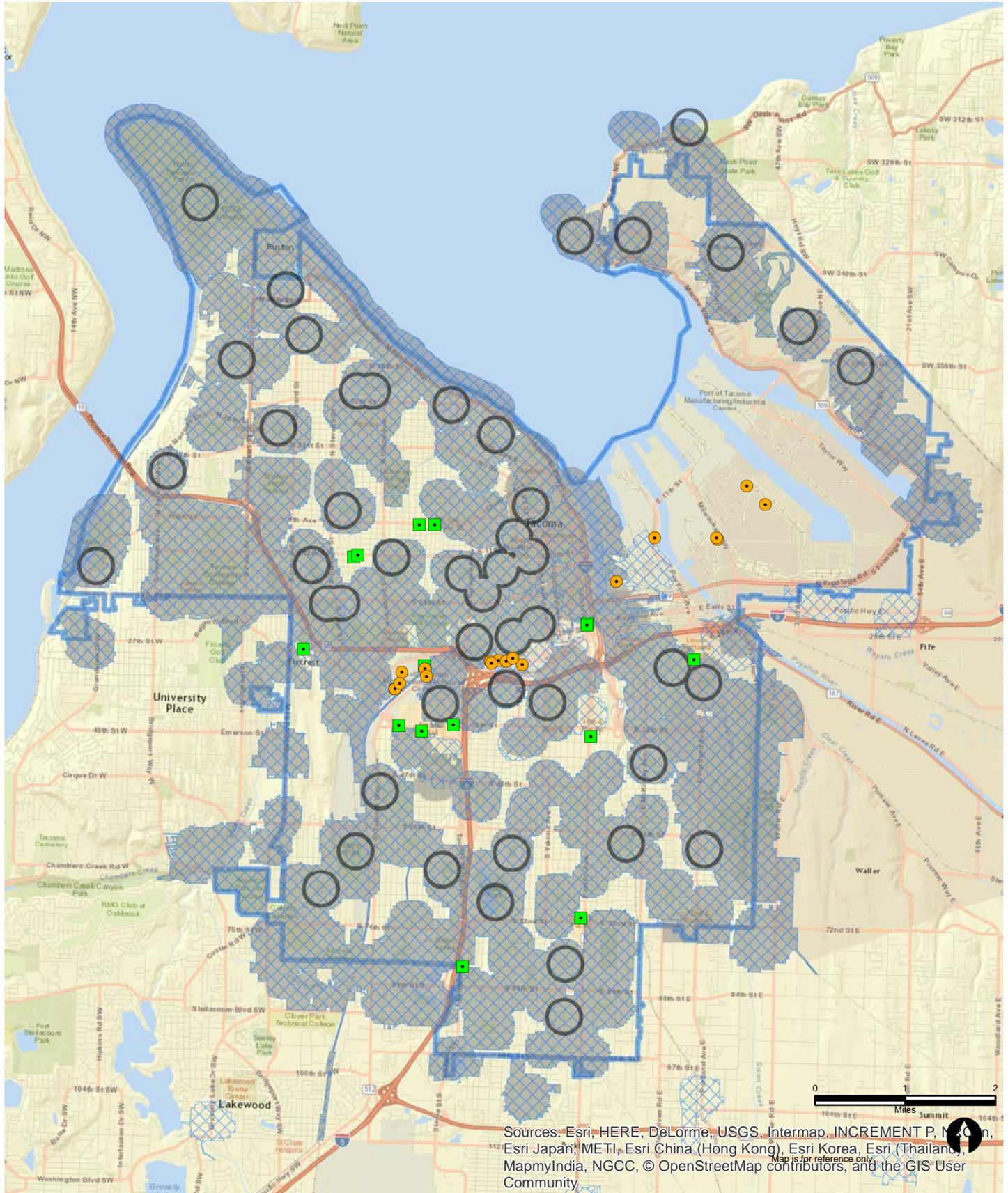


2. \_\_\_\_\_

**POS# 7**

Sensitive Use Buffers (As of May 24, 2017)

# Locations of Current Marijuana Businesses



- Retailer
- Producers and/or Processors
- Metro Park Playground Buffer (approximate location)
- ▨ No Retail Buffer
- ▭ City Boundary
- ▨ No Production, Processing, or Research Buffer

© City of Tacoma, All Rights Reserved  
Community & Economic Development Department  
GIS Analysis & Data Service  
5/30/2017

