



City of Tacoma
Planning and Development Services

Agenda Item
D-2

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Public Hearing – Marijuana Regulations (Permanent)**
Meeting Date: December 3, 2014
Memo Date: November 25, 2014

At the next meeting on December 3, 2014, the Planning Commission will conduct a public hearing on the proposed permanent land use regulations concerning the production, processing and retail sale of recreational marijuana. The public hearing record will remain open through Friday, December 5, 2014 to accept written comments. The Planning Commission is scheduled to consider public comments and formulate its recommendations to the City Council at its December 17, 2014 meeting.

The proposed permanent regulations would replace the current interim regulations that were initially enacted in November 2013 in response to the voter approved Initiative 502. The one-year interim regulations were recently extended through May 2015 to allow adequate time for the City to evaluate the operations and impacts of the licensed marijuana businesses and for the State to rectify the outstanding problems with the existing, largely unregulated medical marijuana system. The City Council also expressed the imminent need and desire to replace the interim regulations with enhanced, permanent regulatory provisions.

Attached is a draft staff analysis report prepared for the public hearing. The report contains a summary of the proposal, the text of the proposed amendments to the **TMC 13.06.565 Marijuana Businesses**, marijuana business maps, as well as information pertaining to the environmental evaluation of the proposal and the public notification efforts for the public hearing.

If you have any questions, please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachment

c: Peter Huffman, Director



Recreational Marijuana Permanent Regulations

Staff Analysis Report

Application No.:	N/A
Proposed Amendment:	Amending Tacoma Municipal Code, Section 13.06.565 Marijuana Businesses
Applicant:	Planning and Development Services
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Elliott Barnett, Planning Services Division (253) 591-5389, elliott.barnett@cityoftacoma.org
Date of Report: (Planning Commission review date; draft or final)	December 3, 2014 (draft)

I. Description of the Proposed Amendment:

1. Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.

The proposal would amend Tacoma Municipal Code (TMC), Chapter 13.06 – Zoning, *Section 13.06.565 Marijuana Businesses*, and potentially other TMC sections for consistency, in order to replace the existing interim regulations pertaining to Marijuana Businesses with permanent regulations.

The proposal would retain the current requirements of the interim code, and make four key additions and modifications. Specifically, the following provisions of the interim code would be retained:

- Defines marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50.101;
- Prohibits all marijuana uses in residential and shoreline districts;
- Allows marijuana producers and marijuana processors outright in intensive industrial zones;
- Allows marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts;
- Prohibits marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to WAC 314-55;
- Prohibits marijuana retail uses from locating within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers; and,
- Requires marijuana uses to comply with additional development standards concerning odor controls, drive-throughs, size and hours of operation, signage and advertisement, and other applicable standards.

The proposal would retain the provisions above, and would make the following modifications and additions:

- Clarify that all new marijuana businesses must comply with City requirements;
- Further limit marijuana retail permitted hours open to the public: Must be closed between the hours of 9 p.m. and 10 a.m. Sunday through Thursday; and between 10 p.m. and 10 a.m. Friday and Saturday;
- Prohibit new marijuana retail uses from locating within 1,000 feet of any existing state-licensed marijuana retail use(s);
- Establish an administrative review process to coordinate City review of proposed marijuana businesses. This process would require public notification of proposed retail marijuana uses. As part of this review, the City would have the authority to deny an application based on a pattern of prior noncompliance with City code requirements on the part of the business owners or applicants. NOTE: This review process could potentially take the form of a regulatory business license.

NOTE: This project does not directly pertain to medical marijuana collectives or storefronts. The City Council may consider separate actions pertaining to medical storefronts.

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

The proposed permanent regulations are intended to provide policy and regulatory guidance to facilitate the City's review of those marijuana license applications within the City limits that are forwarded to the City from the Washington State Liquor Control Board (WSLCB). In response to the voter approved Initiative 502, the City Council enacted the Recreational Marijuana Interim Regulations in November 2013, effective for one year, from November 17, 2013 to November 16, 2014, then extended the interim regulations, effective through May 16, 2015, to further evaluate the operations and impacts of licensed recreational marijuana businesses.

The City Council has directed staff and the Planning Commission to develop recommendations to replace the interim regulations currently in place, on an accelerated schedule. The proposed code amendments would make the regulations permanent as well as address issues raised through community discussions and consideration of the newly licensed and operating marijuana businesses.

3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.

The proposed amendments would apply citywide, and would affect all zoning districts where marijuana businesses are permitted. Marijuana business locations are also subject to the location buffer requirements of WAC 314-55 and TMC 13.06.565.

4. Provide any additional background information associated with the proposed amendment.

State Initiative 502 ("I-502"), approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana. The WSLCB was tasked with establishing rules and procedures to implement I-502 and determining a "maximum number of retail outlets that may be licensed in each county". According to the WSLCB, the rules became effective on November 16, 2013. In Tacoma, a maximum of eight retail marijuana businesses may be licensed per WSLCB rules.

On November 5th, 2013, the City Council enacted the interim land use regulations in order to provide policy and regulatory guidance to facilitate the review, in a proactive and timely manner, of those marijuana license applications within the City limits that were expected to come forward starting December 2013. They were also intended to provide adequate time for the City to evaluate the operations and impacts of the licensed marijuana businesses and allow the state to rectify the outstanding problems with the existing, largely unregulated medical marijuana system before deliberating on a permanent local regulatory resolution.

The WSLCB began issuing marijuana production and processing licenses in March 2014, and marijuana retail licenses in July 2014. The state legislature deliberated regarding potential changes to the legislation to address the medical marijuana industry in 2014, but has not as yet adopted any changes. Given the fledgling nature of recreational marijuana licensing and operation within the City, the unresolved issues with medical marijuana at the state level, and the unresolved conflict between I-502 and federal law, the Council determined it is in the City's best interest to retain the interim regulations through May 16, 2015. The Council further directed staff and the Planning Commission to develop recommendations for permanent marijuana regulations to replace the interim regulations, prior to their expiration on May 16, 2015.

II. Analysis of the Proposed Amendment:

1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The proposed amendments retain the provisions of Tacoma's current interim Marijuana Business code, contained in TMC 13.06.565, which adopt the state regulations of RCW 69.50 and administrative guidance of WAC 314-55. I-502 expressed the will of the majority of Washington voters to legalize and create a normalized regulatory framework for recreational marijuana businesses within the state. These proposed regulations are consistent with this body of state law and guidance.

The Comprehensive Plan does not contain specific policy guidance regarding marijuana businesses or consumption. Though there is no directly pertinent policy guidance in the Plan, it does contain policy direction calling for promoting compatible economic development, commercial growth and investment, and use of industrial land, consistent with community character and protection of the environment and public health. The proposed permanent regulations would enhance the City's ability to appropriately regulate marijuana businesses, while generally promoting economic development consistent with the intent of I-502.

The following policies of the Generalized Land Use and Environmental Policy elements of the Comprehensive Plan provide general support for appropriately regulated marijuana production, processing and retail businesses within the City of Tacoma:

Generalized Land Use Element:

Commercial Development Goal: To achieve an attractive, convenient and well-balanced system of commercial facilities, which serve the needs of the citizens, are appropriate to their relative service areas and are compatible with adjacent land use.

Policy LU-CDLA-5 Citizen Needs and Land Use Capabilities

Consider population needs and land use compatibilities when planning the development of neighborhood, community or regional commercial facilities in order to insure minimal adverse

influences on surrounding or adjacent land uses. (Page LU-54)

Industrial Development Goal: To maintain, rehabilitate, develop, and expand industrial areas within the City of Tacoma that reflect balanced diversification, maximum employment opportunities, high quality standards, minimum degradation of the environment, efficient land utilization and proper location.

Policy LU-IDG-1 Industrial Land Needs

Allow for concentrations of land of sufficient size and quantity to meet the needs of industry, provide employment opportunities, support economic development, and promote efficient use of land, utilities and transportation facilities. (Page LU-61)

LU-IDG-6 Industrial Development and Adequate Services

Locate new or expanded industrial developments where there are adequate public facilities and services; these facilities must exist prior to or be developed concurrently with the development. (Page LU-61).

Environmental Policy Element:

E-P-1 Environmental Protection

Acknowledge the dangers to health presented by all forms of environmental pollution and degradation by individuals as well as by industries, and support education and technical assistance, as well as rigorous enforcement of regulations when necessary, to alleviate these dangers. (Page E-6).

2. Would the proposed amendment achieve any of the following objectives?

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;**
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
- **Enhance the quality of the neighborhood.**

The proposal would address the need to develop a permanent regulatory approach to marijuana businesses, replacing the interim regulations before they expire. The proposal responds to the changing circumstances in the marijuana industry in Washington, the will of the voters of Washington State, and prior City Council direction. The proposal is intended to promote compatibility between land uses and address community concerns regarding a new land use category.

3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.

Regulating a new industry affects all of these policy considerations to some extent. Based on demand for WSLCB licenses within the City of Tacoma, there is significant interest in developing the industry within the City. There is a reasonable expectation that this will lead to investment, tax revenue generation, and employment in Tacoma.

In regards to health, it is important to state that marijuana is an intoxicant that can lead to abuse and addiction, and warrants an appropriate regulatory framework. Increasing access to marijuana could conceivably lead to an increase in drug-related public health issues. On the other hand, the regulated

marijuana industry comes with much greater quality control, labelling, and education regarding the use of marijuana which could result in public health improvements relative to black market use of the drug. Marijuana businesses can also play an important role in meeting the needs of medical marijuana users.

In terms of sustainability, this industry may promote the reuse of vacant or underutilized industrial capacity for production and processing. There is no clear nexus with traffic, visual, or other specific environmental or development impacts except those captured under the City's regulatory framework.

4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.

This current policy effort takes up an ongoing discussion since I-502 passed in 2012. Like other jurisdictions within Washington State, the City of Tacoma has sought to adapt to a major change. This discussion is likely to continue as Tacoma implements permanent marijuana regulations and reacts to potential state action on medical marijuana. The City has engaged in substantial public outreach and stakeholder identification and engagement, which is ongoing.

More recently, as part of this Planning Commission effort, City staff and the Commission have solicited input from key stakeholders including the identified marijuana stakeholders list, neighborhood and business district interests, and the Planning Commission's standard stakeholder lists. The following is a summary of the key themes of public and stakeholder comments to date:

- The proliferation of unregulated medical marijuana storefronts is a major concern, both from a neighborhood/business district perspective, and from the perspective of the owners of licensed marijuana production, processing and retail businesses;
- The City review of proposed marijuana businesses could be better coordinated and made more clear at the outset;
- There is some desire for public notification of proposed marijuana businesses;
- There could be a need to limit marijuana production and processing in order to preserve industrial land capacity for some other type of business;
- Production and processing should be allowed in light industrial zones (the M-1 and WR Districts) as well as in heavy industrial zones where it is currently permitted;
- In terms of recreational marijuana retail:
 - A concentration of retail marijuana businesses could have a perceived negative impact on a business district, particularly if there are also businesses selling alcohol;
 - There may be additional land uses which could be considered sensitive and merit buffering;
 - Retail hours of operation could be further limited; and
 - Marijuana businesses could potentially have distinct parking requirements.

The Planning Commission considered these comments and took action in response to some of them in formulating the four proposed modifications and additions to the interim code, as summarized above in the first section of this report. The proposed regulations are currently circulating for public review prior to the Planning Commission's public hearing on December 3, 2014 and additional comments are anticipated.

5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?

These amendments are intended to enhance the City's capacity to appropriately and proactively regulate marijuana businesses in a manner consistent with our community's priorities and expectations. The proposal is consistent with the Planning Commission's general view that it is the will of the voters to normalize marijuana-related uses, while also adequately and proactively regulating them according to state and local requirements.

III. Environmental Evaluation and Public Notification:

1. Environmental Evaluation

Pursuant to RCW 43.21C.030 (2) (c) and Tacoma's environmental review procedures, a preliminary Determination of Environmental Nonsignificance (DNS) was issued on November 20, 2014. This preliminary determination, SEPA File Number: SEP2014-40000235612 was made based upon an environmental checklist. The City will reconsider the determination based on timely public comments that are received by December 5, 2014. Unless modified by the City, this preliminary determination will become final on December 12, 2014.

2. Notification

More than 400 postcard notices announcing the public hearing were mailed on November 21, 2014 to interested parties including state agencies, neighborhood councils and business district representatives, adjacent jurisdictions, civic groups and agencies, major employers in the Tacoma area, the news media, and City of Tacoma internal staff. An e-mail notice was sent on November 21, 2014 to more than 500 recipients that include marijuana interested parties, those on the Planning Commission's distribution list, state agencies, and community activists. An advertisement on the public hearing was published in the Tacoma News Tribune on November 24, 2014. A legal notice regarding the environmental determination was published in the Tacoma Dailey Index on November 24, 2014. A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was sent on November 21, 2014 to the State Department of Commerce (per RCW 36.70A.106). A 60-day notice was sent on November 21, 2014 to the Joint Base Lewis-McChord soliciting their comments (per RCW 36.70A.530 (4)). The Tacoma Main Library was notified on November 21, 2014 of the public hearing and asked to distribute a copy of the notice to each of the eight branches for posting on their bulletin boards. The City's website was updated to provide information associated with the public hearing (including the hearing notice, the public review document and the DNS/SEPA) at www.cityof_tacoma.org/planning (and click on "Recreational Marijuana Permanent Regulations"). In addition, staff has presented to the Cross District Association and Community Council, as well as solicited input from the WSLCB and other stakeholders.

IV. Staff Recommendation:

Staff recommends that the Planning Commission conduct a public hearing on December 3, 2014 to receive public testimony on the proposed amendments to the Land Use Regulatory Code, and potentially other codes for consistency, as depicted in Exhibit A, and keep the public hearing record open through December 5, 2014 to accept written comments.

V. Exhibits:

- A. Proposed Amendments to the Tacoma Municipal Code, Section 13.06.565 Marijuana Businesses, Planning Commission Public Review Draft, November 20, 2014 (including summary of proposal, code amendment text, and marijuana business maps)



RECREATIONAL MARIJUANA PERMANENT REGULATIONS

Planning Commission Public Review Draft – November 20, 2014

PLANNING COMMISSION PUBLIC HEARING

Wednesday, December 3, 2014 5:00 p.m. City Council Chambers
Tacoma Municipal Building, 747 Market Street, 1st Floor

WHAT IS BEING CONSIDERED?

The Planning Commission is seeking public comment on proposed amendments to Tacoma's land use regulations concerning the production, processing, and retail uses of recreational marijuana. The proposed amendments to Tacoma Municipal Code, Chapter 13.06 – Zoning, **Section 13.06.565 Marijuana Businesses** (and potentially other sections for consistency) would replace the existing interim code, effective through May 2015, with permanent regulations. The proposal would retain the current requirements of the interim code, and make four key additions and modifications.

WHAT IS THE PROPOSAL INTENDED TO ACHIEVE?

The proposal is intended to provide regulatory guidance to facilitate the City's review of marijuana license applications forwarded from the Washington State Liquor Control Board (WSLCB). In response to the voter approved Initiative 502, the City Council enacted the Recreational Marijuana Interim Regulations in November 2013, effective for one year, from November 17, 2013 to November 16, 2014, then extended the interim regulations, effective through May 16, 2015, to further evaluate the operations and impacts of licensed recreational marijuana businesses. The proposal would make the regulations permanent as well as address community input to date in regards to the location and operation of marijuana businesses.

CURRENT (INTERIM) MARIJUANA BUSINESSES REGULATIONS SUMMARY:

The provisions of the interim code are proposed to be retained in the permanent code, with the modifications and additions summarized in the following section.

Key Provisions:

- Adopts state standards per RCW 69.50 and WAC 314-55
 - State licenses required
 - Limits on statewide production
 - Limits on individual production operation size
 - Limits the number of retail outlets (maximum 8 in Tacoma)
 - Retail may not be open between midnight and 8:00 am
 - Detailed security and tracking systems
 - Quality control/testing and labeling provisions
 - State-level excise taxes (25% at each of the three levels)
- Location Requirements
 - Marijuana Retailers: Allowed in most Commercial and Mixed-Use Districts, some Industrial Districts (M-1 and M-2), and in all Downtown Districts
 - Marijuana Processors and Producers: Allowed in Heavy Industrial Districts (M-2 and PMI)
 - Prohibited within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to WAC 314-55

- Retail marijuana uses prohibited within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, or detoxification centers
- Marijuana businesses prohibited in nonconforming use sites
- Development standards
 - Must prevent odors from travelling off-site
 - No drive-through, exterior, off-site sales, or display of marijuana paraphernalia

PROPOSED MODIFICATIONS AND ADDITIONS:

The following proposed changes would seek to provide more certainty in regards to the applicability of City standards to marijuana businesses; prevent impacts from the concentration and from late night sale of marijuana on neighborhoods and business districts; enhance the City’s ability to appropriately regulate and monitor proposed marijuana businesses; and, provide for public notification of proposed retail marijuana businesses. NOTE: *The Planning Commission has provided this draft for the purpose of soliciting public comments, but has not necessarily determined whether to recommend these proposals to the City Council.*

1. Clarify that all new marijuana businesses must comply with City requirements.
2. Further limit marijuana retail open hours:
Closed between 9 p.m. and 10 a.m., Sunday-Thursday, and Closed between 10 p.m. and 10 a.m., Friday-Saturday.
3. Prohibit new marijuana retail uses within 1,000 feet of any existing marijuana retail use(s).
4. Establish an administrative review process to coordinate city review; provide public notification of proposed retail marijuana uses; and, grant the City authority to deny an application based on noncompliance with City code.

TENTATIVE PUBLIC REVIEW SCHEDULE:

September 30, 2014	City Council extends the Interim Regulations until May 16, 2015
October-November, 2014	Planning Commission review of draft permanent regulations
December 3, 2014	Planning Commission Public Hearing – <i>Comments due by Dec. 5th at 5:00 p.m.</i>
December 17, 2014	Planning Commission recommendation to City Council
January 6, 2015	City Council Public Hearing
January 13, 2015	City Council – First Reading
January 20, 2015	City Council – Final Reading
February 1, 2015	Effective date of the permanent regulations

ATTACHMENTS: Draft Code, Marijuana Business Maps

ADDITIONAL INFORMATION:

Web: www.cityoftacoma.org/Planning, click on “Recreational Marijuana Permanent Regulations”
 Contact: Elliott Barnett, Associate Planner, (253) 591-5389, elliott.barnett@cityoftacoma.org



Marijuana Businesses – Permanent Land Use Regulations Replacement of Interim Marijuana Code

DRAFT LAND USE REGULATORY CODE CHANGES

November 20, 2014

These proposed amendments include modifications to the following section of **Title 13, Land Use Regulatory Code***:

Chapter 13.06 – Zoning

13.05.565 – Marijuana Businesses

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

** Certain provisions, as indicated herein, could ultimately be contained within a different TMC title (e.g., Title 6B License Code).*

13.06.565 Marijuana Businesses.

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. 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 marijuana businesses licensed by the City after (effective date) must fully comply with the provisions of this Section.

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

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

3. Marijuana uses are subject to the location standards of 13.06.565.C.9 which are in place at the time of appropriate City review, unless they change their location. Specifically, for marijuana uses established prior to (effective date), the City's issuance of comments stating no objections to the Washington State Liquor Control Board's issuance of a marijuana license, per WAC 314-55-160, constitutes appropriate City review; for marijuana uses established subsequent to the adoption of this section, the date of submittal of a complete application for a City Certificate of Approval constitutes appropriate City review.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if ~~appropriately~~ licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. ~~In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.~~ Marijuana retail uses shall not be open to the public between the hours of 9 p.m. and 10 a.m. Sunday through Thursday, or 10 p.m. and 10 a.m. on Fridays and Saturdays.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

9. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

b. Marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.

c. Marijuana retail uses shall be a minimum distance of 1,000 feet from any existing state-licensed marijuana retail use(s).

~~d.~~ The methodology for measuring the buffers outlined above in subsections 9.a., ~~and 9.b. and 9.c.~~ shall be as provided in WAC 314-55.

~~e.~~ It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 9.a., ~~and 9.b. and 9.c.~~

fe. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.

** NOTE: The following provisions could be contained with TMC 13.06.565, or could be combined with similar provisions in another chapter of the TMC (e.g., TMC 6B License Code).*

10. Certificate of Approval.

a. It is unlawful for any person to engage in a marijuana business without first obtaining a Certificate of Approval from the City, the purpose of which is to ensure marijuana businesses are operated consistent with all applicable State and City requirements. To initiate this process, a complete application for a Certificate of Approval shall be submitted to the Department for City review, along with the application fee. The Department shall prescribe the form and content for a complete application.

1. Marijuana uses which received the City licenses and approvals required at the time they were established, and before (effective date), shall be required to obtain a Certificate of Approval by (6 months from effective date). However, the process for approval shall not include the public notification procedures of 13.06.565.C.10.c.

b. Criteria. A Certificate of Approval for a marijuana business shall only be approved upon finding that the applicant has provided sufficient information to demonstrate consistency with the following criteria:

1. The applicant has an approved, active marijuana license from the State.

2. The applicant has demonstrated consistency with all applicable provisions of TMC Title 13, and any other applicable TMC requirements.

3. The applicant has obtained and fully complied with all applicable City development or other permits, and has procured a City business license.

4. The applicant does not have a consistent pattern of non-compliance with City code provisions in the development and operation of any commercial enterprise(s) located within the City of Tacoma.

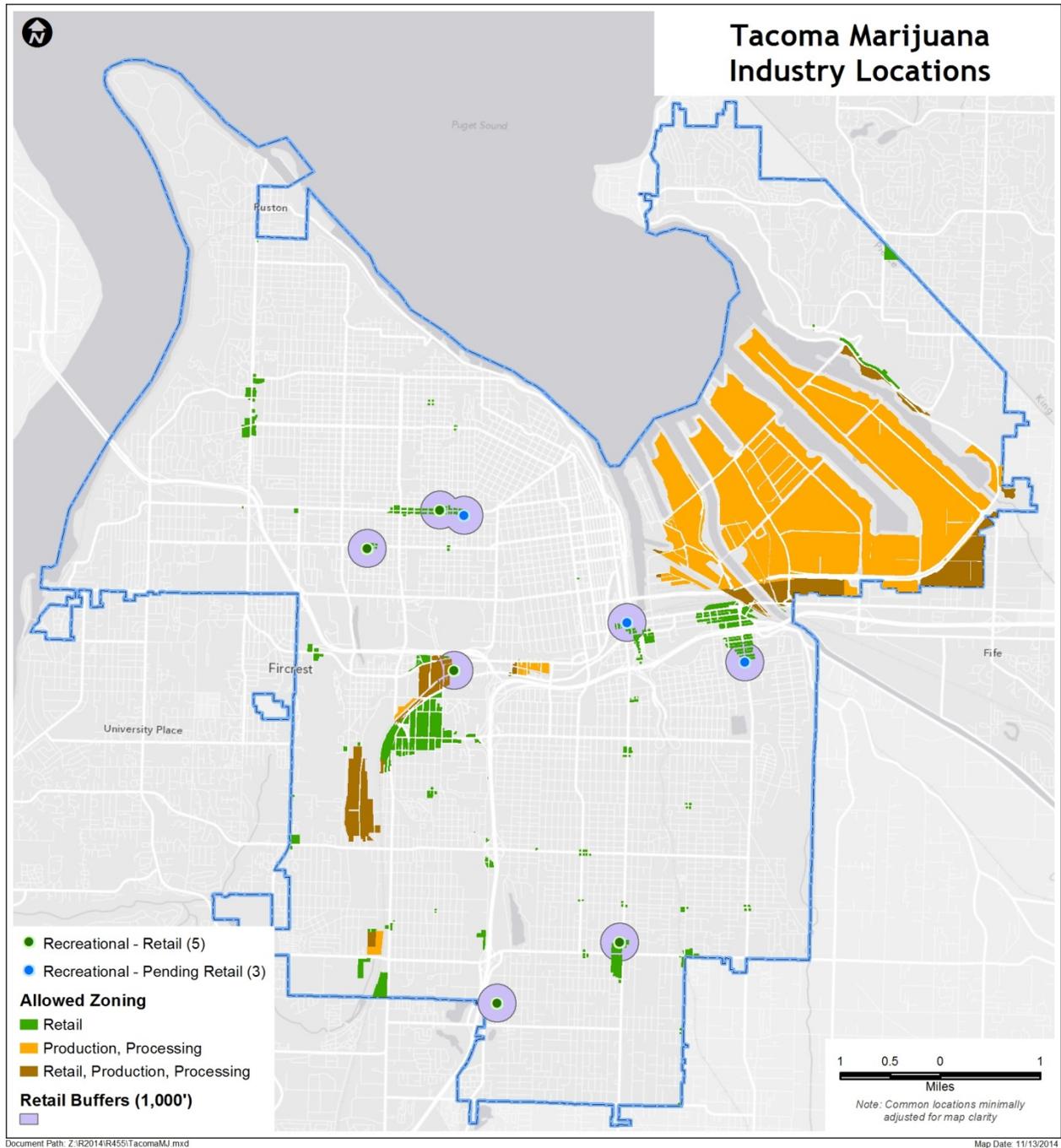
c. Notification. For retail marijuana business applications, public notification shall be issued to property owners within 400 feet of the proposed marijuana retail business location, to the applicable Neighborhood Council, and to any business district or other identified stakeholder within 400 feet of the site. The purpose of this notification shall be to inform neighbors of the application, to provide the neighbors information about the standards by which such application will be reviewed, and to solicit input. Parties receiving notice of application shall be given 14 days from the date of mailing to provide comments on the proposed project to the Department.

d. Decision. Based on the criteria outlined above, the Director shall issue a decision on the proposed Certificate of Approval within 30 days of submittal of a complete application. The decision shall include any conditions of approval, and may require recertification on an annual or other basis, along with an applicable fee. The Director's decision on a Certificate of Approval will be mailed to the applicant and the property owner, if different than the applicant, by first class mail, and provided to any person who submits written comments during the comment period.

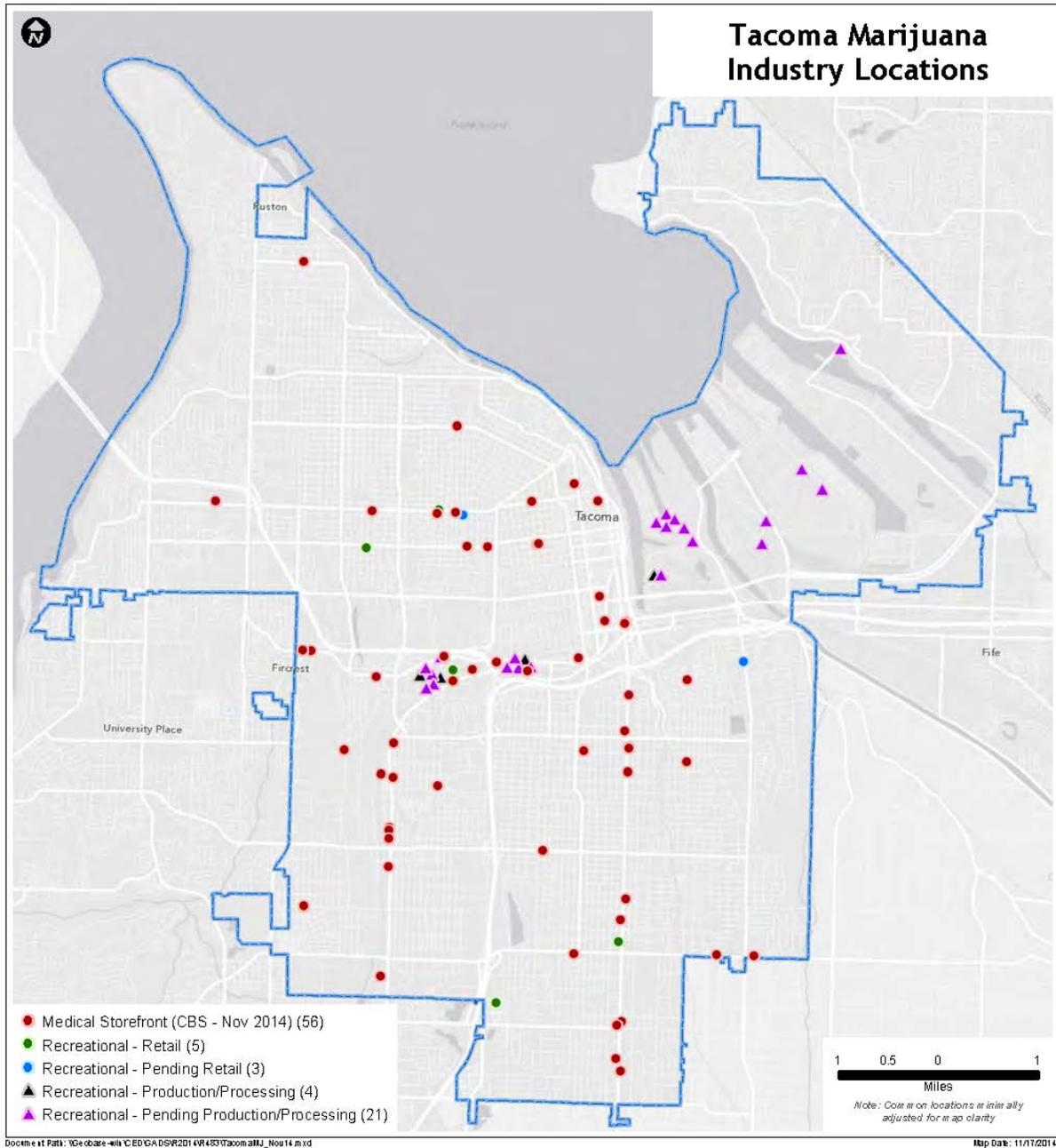
e. This Certificate of Approval shall be processed as an Administrative Determination, subject to the specific provisions outlined herein and the applicable procedural requirements contained in Chapter 13.05, including appeals, enforcement, revocation and other administrative provisions. The Director shall have the authority to suspend and/or revoke a Certificate of Approval in cases where the business is not operated consistent with the standards of this section or the operator does not maintain their required State and City licenses in good standing.

Recreational Marijuana Permanent Regulations

Planning Commission Public Review Draft November 20, 2014



This map depicts areas where marijuana businesses may be permitted; the locations of the eight marijuana retail business license applications selected by state lottery; and, a proposed 1,000 foot distribution requirement between retail marijuana businesses. NOTE: *The Planning Commission has indicated interest in considering other potential retail marijuana business distribution distances.*



This map depicts the locations of all marijuana business license applications, and all known medical marijuana storefronts within the City of Tacoma. *NOTE: Medical storefronts are not licensed or permitted by the City of Tacoma.*