

Recreational Marijuana

Permanent Regulations

City of Tacoma

Planning & Development Services Department

Planning Commission
October 15, 2014



OVERVIEW

- ❖ Regulatory/Legal Background
- ❖ Current Enforcement Strategy
- ❖ Tax/Revenue System
- ❖ Inventory of Facilities
- ❖ Interim Zoning Regulations
- ❖ Potential Changes to Regulations

Initiative 502 (November 2012)

- **Decriminalized possession**
- **Recreational Marijuana:**
 - Production
 - Processing
 - Retail Sales
- **WSLCB Rules:**
 - Licensing Program
 - Protection of Sensitive Uses
 - Security/Tracking, Advertising, Quality Control, State Taxation

MARIJUANA FACILITIES

Facility	Collectives	State Licensed	Other/Dispensary
Definition	<ul style="list-style-type: none"> ✓ 3-10 qualifying patients ✓ 15 plants/patient, or 45 plants total ✓ 24 oz. useable cannabis per patient, or 72 oz. total 	<ul style="list-style-type: none"> ✓ Recreational producers, processors and retailers per RCW 69.50 	<ul style="list-style-type: none"> ✓ Growing and/or selling amounts greater than permitted for collectives ✓ No state license ✓ Not compliant with collective garden restrictions
Regulations	<ul style="list-style-type: none"> ✓ Illegal ✓ May have affirmative defense under RCW 69.51A 	<ul style="list-style-type: none"> ✓ Per RCW 69.50 and WAC 314-55 	<ul style="list-style-type: none"> ✓ Illegal ✓ No regulations

CITY'S ENFORCEMENT STRATEGY

since 2012

Initiative No. 1 (2011) — marijuana or cannabis offenses lowest enforcement priority of the City (TMC 8.29.005)

- ❖ Suspected dispensary – Proactive in 2012 for initially identified dispensaries
- ❖ Collective gardens – Complaint-based
 - Operating within 600 feet of sensitive area (ex. school, park, day care), or
 - Affecting surrounding areas per nuisance code (ex. smell)

TAX STATUS

❖ State

- Imposes B&O and retail sales tax (RST) on state licensed recreational and medical marijuana facilities
- Imposes 25 percent excise tax on recreational producers, processors and retailers
 - Local governments do not get a share

❖ City

- Receives its portion of the state RST
- Imposes local B&O and RST on state licensed recreational facilities
- Has not licensed or imposed local taxes on medical marijuana operations

City License Review

- **Production & Processing**

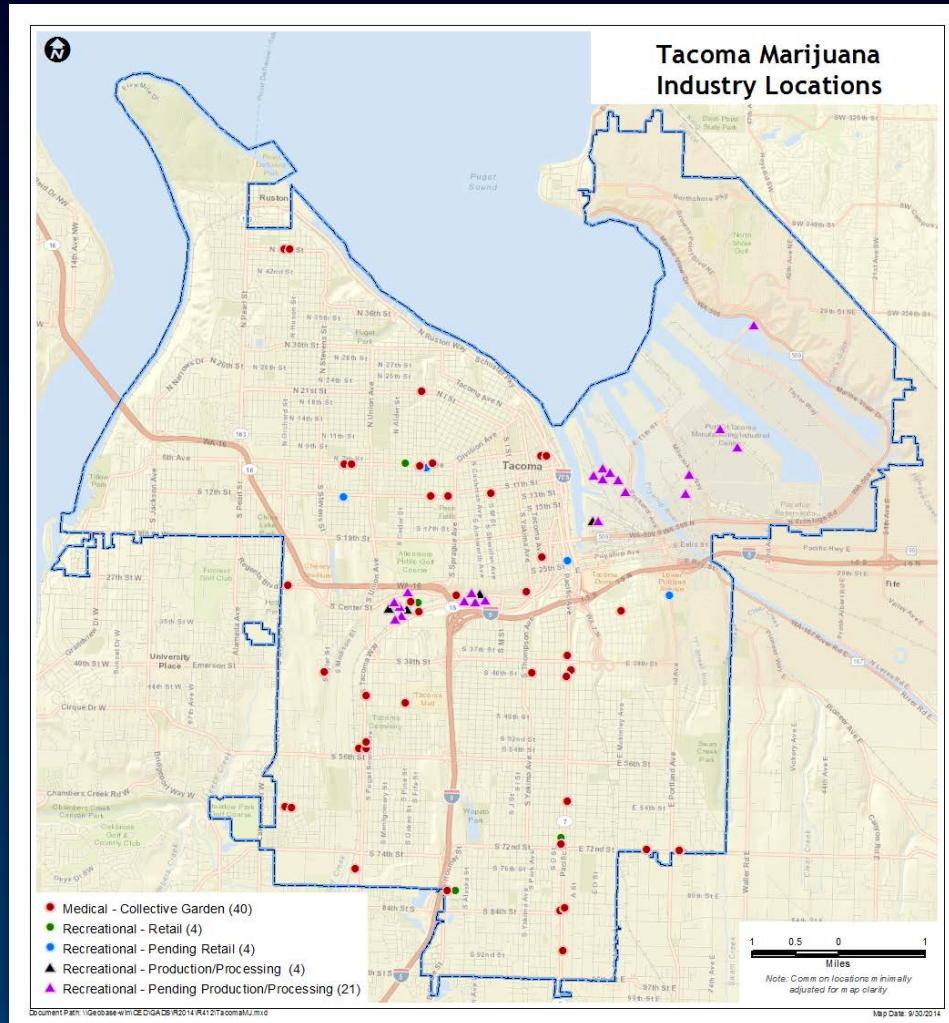
- Approx. 100 Tacoma applications received by the State
- WSLCB has approved 4
- Approx. 21 licenses pending



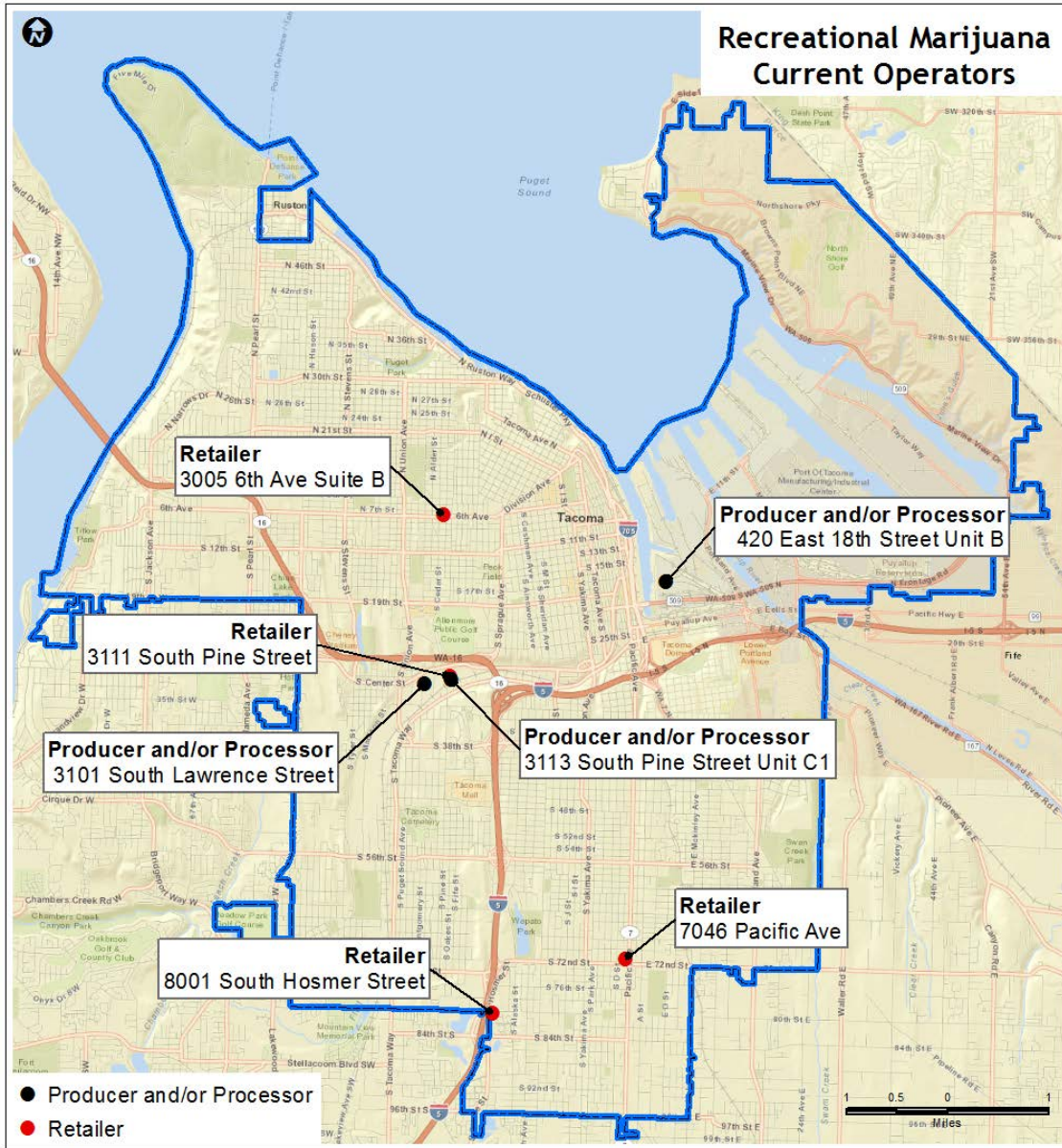
- **Retail**

- Approx. 100 Tacoma applications received by the State
- WSLCB has issued 5 licenses
- Anticipate last 3 soon

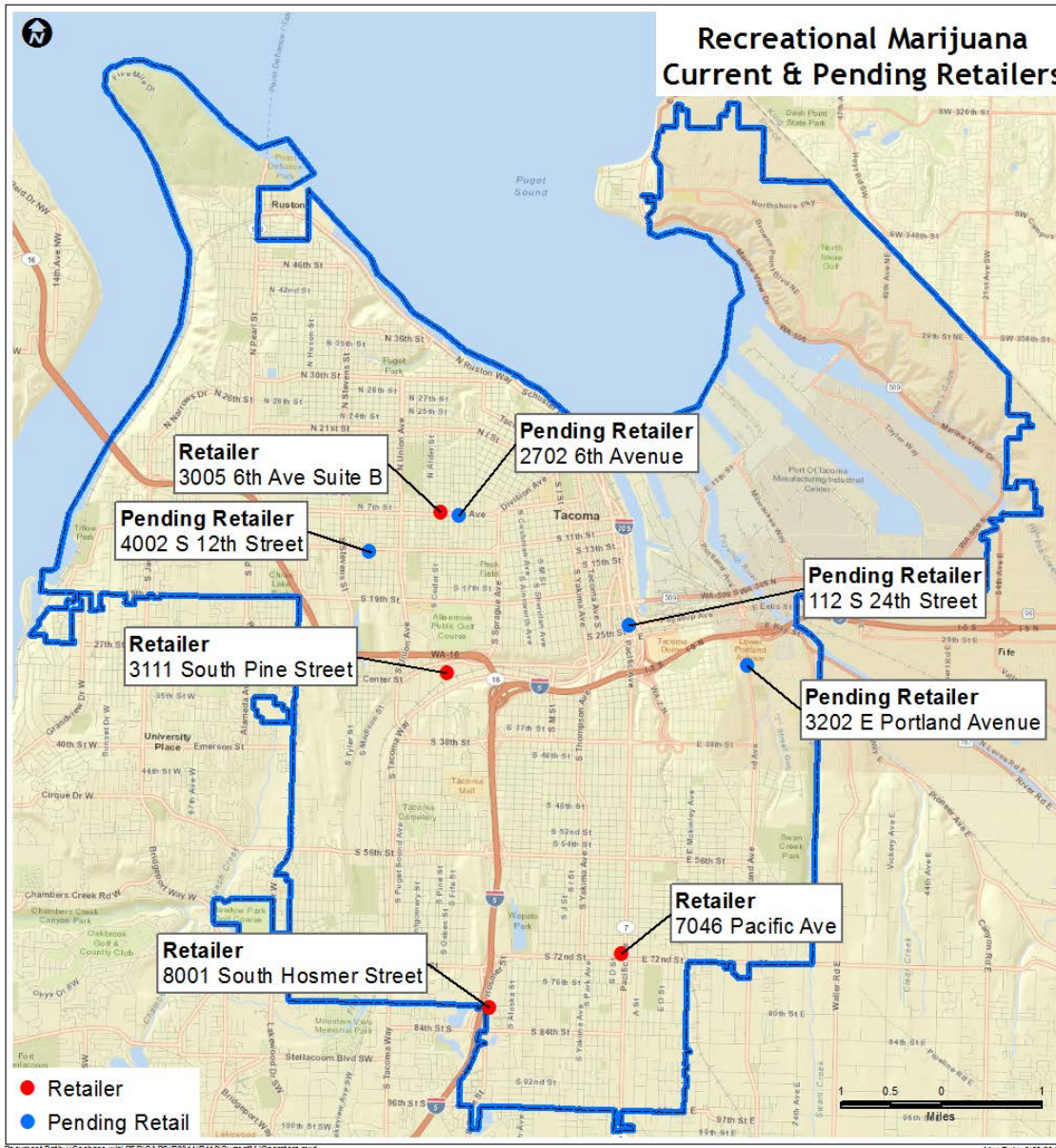
LOCATIONS – ALL TYPES



Recreational Marijuana Current Operators

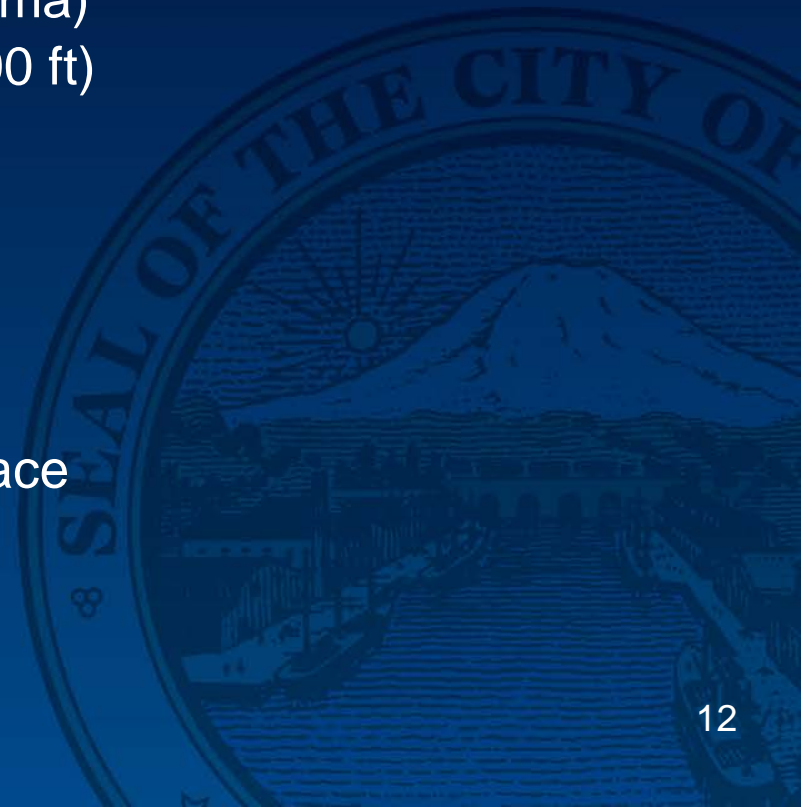


Recreational Marijuana Current & Pending Retailers



CURRENT INTERIM ZONING

- Meet state requirements
 - Licensing
 - Size
 - Statewide production limit
 - Number on retail outlets (8 in Tacoma)
 - Buffering from kids land uses (1,000 ft)
 - Hours
 - Security
 - Quality control
 - Labeling
 - State taxes
 - Can't grow and sell at the same place



INTERIM ZONING (2)

■ Locations

- Retail allowed in commercial, mixed-use, downtown and light industrial districts
- Production and Processing allowed in heavy industrial districts

■ Buffering

- 1,000 feet from kids-related uses (per state)
- Retail uses: 1,000 feet from correctional facilities, court houses, detox centers, etc.
- Not allowed in non-conforming sites

INTERIM CODE (3)

- Development Standards
 - Prevent odors
 - No drive-throughs, exterior, off-site sales
 - No display
 - Retail sq ft limited in some zones
- Typical Standards, including...
 - Design, parking, landscaping, signs
 - Building Code

Potential Changes

- General
 - Review process and notice?
- Production / processing
 - Limit in M/IC?
 - Allow in additional zones?
 - Treat “light” processing differently?

Potential Changes (2)

- Retail

- Further limit locations?

- Currently allowed in commercial, mixed-use, downtown and light industrial districts*

- Prevent concentrations

- Additional buffering

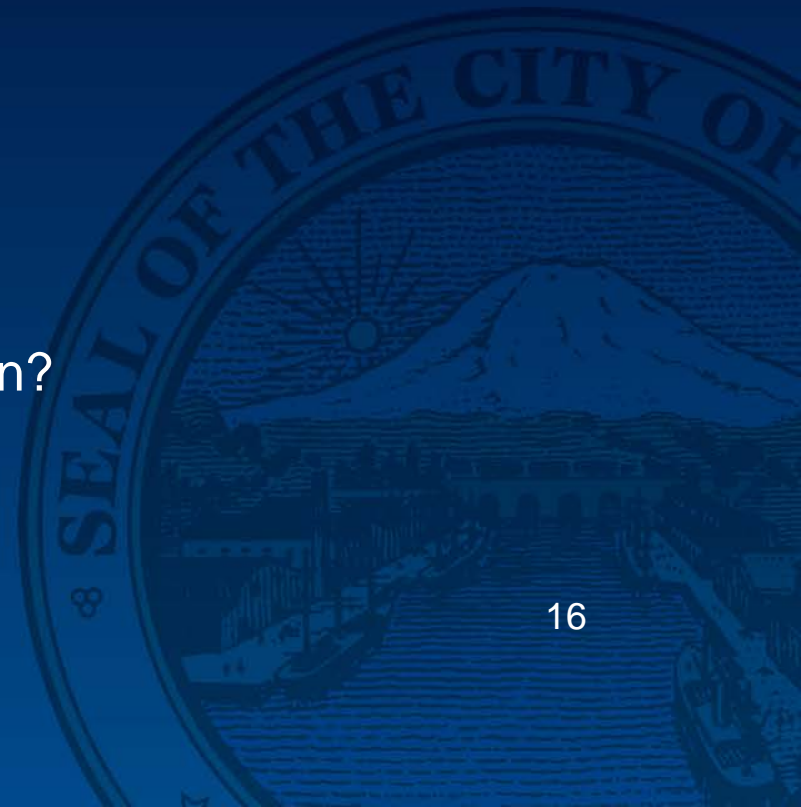
- Other kids-related uses?

- Standards

- Further limit hours of operation?

- Parking requirements?

- Other?



Key Dates

Nov. 2012	I-502 approved
Nov. 2013	Interim Regulations enacted
Mar. – Dec. 2014	State issuing licenses
Oct. 15th – Dec. 17th, 2014	Planning Commission – permanent regulations
Jan. – Feb., 2015	Council consideration

Website:

www.cityoftacoma.org/Planning > “Recreational Marijuana”