

Members

Jeremy C. Doty, Chair
Donald Erickson, Vice-Chair
Chris Beale
Sean Gaffney
Tina Lee
Ian Morrison
Matthew Nutsch
Erle Thompson
Scott Winship



Agenda

Tacoma Planning Commission

Community and Economic Development Department

Ryan Petty, Director
Peter Huffman, Assistant Director
Charles Solverson, P.E., Building Official

Public Works and Utilities Representatives

Kurtis Kingsolver, Interim Assistant Director/City Engineer, Public Works Department
Heather Pennington, Resource Planning Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

747 Market Street, Room 1036
Tacoma, WA 98402-3793
253-591-5365 (phone) / 253-591-2002 (fax)
www.cityoftacoma.org/planning

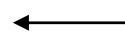
(Agenda also posted at: www.cityoftacoma.org/planning > "Planning Commission" > "Agendas-Minutes-Recordings")

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, March 7, 2012, 4:00 p.m.
(Public Hearing begins at approximately 5:00 p.m.)

PLACE: Council Chambers, Tacoma Municipal Building, 1st FL
747 Market Street, Tacoma, WA 98402

Change of Location
(NOT in Room 16)



A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting of February 15, 2012

D. GENERAL BUSINESS

(4:05 p.m.) 1. Subarea Plans Update

Description: Review the status, public comment received, major issues, and next steps concerning the South Downtown and the MLK subarea plans.

Actions Requested: Informational; Comment

Support Information: See "Agenda Item GB-1"

Staff Contact: Ian Munce, 573-2478, imunce@cityoftacoma.org

(4:25 p.m.) 2. Medical Cannabis Moratorium

Description: Review the approach and potential options for land use code amendments in response to the medical cannabis moratorium enacted by the City Council per Ordinances No. 28010 (August 2, 2011) and No. 28021 (October 4, 2011).

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-2"

Staff Contact: Lucas Shadduck, 594-7975, lshadduc@cityoftacoma.org



E. PUBLIC HEARING

(5:00 p.m.) **1. 2012 Annual Amendment Package**

- Description: Conduct a public hearing on the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012.
- Actions Requested: Receive testimony; Keep hearing record open until March 16, 2012
- Support Information: See "Agenda Item PH-1"
- Staff Contact: Lihuang Wung, 591-5682, lwung@cityoftacoma.org

F. COMMUNICATION ITEMS

1. Planning Commission Tentative Agendas (subject to change):
- March 21: Urban Forestry Code
Shoreline Master Program Update
2012 Annual Amendment Package (review of testimony)
 - April 4: Urban Forestry Code
Medical Cannabis Moratorium
Regional TDR Study
2012 Annual Amendment Package (review of testimony)

G. COMMENTS BY LONG-RANGE PLANNING DIVISION

H. COMMENTS BY PLANNING COMMISSION

I. ADJOURNMENT

Members

Jeremy C. Doty, Chair
Donald Erickson, Vice-Chair
Chris Beale
Sean Gaffney
Tina Lee
Ian Morrison
Matthew Nutsch
Erle Thompson
Scott Winship



Minutes

Tacoma Planning Commission

Community and Economic Development Department

Ryan Petty, Director
Peter Huffman, Assistant Director
Charles Solverson, P.E., Building Official

Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department
Heather Pennington, Water Distribution Engineering Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

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(Draft for Review/Approval)

MEETING: Regular Meeting

TIME: Wednesday, February 15, 2012, 4:00 p.m.

PLACE: Council Chambers, Tacoma Municipal Building, 1st FL
747 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Chris Beale, Sean Gaffney, Tina Lee, Erle Thompson, Scott Winship

Members Absent: Ian Morrison, Matthew Nutsch

Staff Present: Stephen Atkinson, David Johnson, Karla Kluge, Jana Magoon, Ian Munce, Lucas Shaddock, Lisa Spadoni, Lihuang Wung (BLUS)

Chair Doty called the meeting to order at 4:01 p.m. Minutes of the meeting on February 1, 2012 were approved as submitted.

GENERAL BUSINESS

1. Development and Permitting Activity Reports

Jana Magoon, Land Use Administrator, provided an update of the land use permitting activity for the second half of 2011. She mentioned that there was a slight decrease in land use permits compared to the first half of 2011. She highlighted a few projects including the Mountaineers Club project, the Franciscan Health Care Parking Garage, the Narrows Marina, as well as permits concerning reasonable accommodation. Ms. Magoon also pointed out that new variance criteria implemented a few years ago upon recommendation from the Planning Commission has resulted in a decline in variances and more denials. It is assumed this is the outcome the Planning Commission hoped for when proposing the new criteria.

Lisa Spadoni, Principal Planner, provided a summary of projects of interest in the mixed-use centers and downtown, including: Community Health Care, Franciscan Health Care, and Multicare Tacoma General (in MLK); Taco Time, and "Marc on the Ave" (in 6th & Pine); Tuscan Court Apartments (in 72nd & Portland); Swan Creek Apartments (in 72nd & Pacific); Allenmore/Elks, and Walmart (in Tacoma Central); Vintage (in Tacoma Mall); and City View



Townhomes, and Elks on Broadway/McMenamins (in Downtown Tacoma). In terms of trends, Ms. Spadoni indicated that staff continues to receive applications for Accessory Dwelling Units (ADUs) and inquiries about detached ADUs; there has also been an increase in questions about whether duplex and triplex units have been legally established and an increase in enforcement cases relative to apparent illegal duplex/triplex conversions.

David Johnson, Assistant Division Manager of the Permit Intake Center, reviewed the trends of building permits, comparing the 2011 data to those of the previous 5 years. He indicated that generally, residential is up slightly, commercial is down, health care facility construction is up, senior and aging-in-place type of projects are up, and there has been an upsurge in apartment construction. Mr. Johnson also responded to question on why multiple family dwellings are classified as commercial and not as residential.

The Commissioners appreciated the information presented and requested that staff provide supplemental information on the permitting status for Sound Refining and a proposed sports bar on 6th Avenue, as well as a list of the projects presented by Ms. Spadoni.

2. Critical Areas Preservation Code Update

Stephen Atkinson, Long-Range Planning, presented the draft Letter of Recommendation, the draft Planning Commission's Findings and Recommendations, and the recommended code amendments to TMC 13.11 Critical Areas Preservation and TMC 13.05 Land Use Permit Procedures. He reviewed the intent and goals of the proposed amendments, the rationale behind the development of the proposal, the public involvement and review processes, and the steps taken to harmonize with key elements in other parts of the City Code. Mr. Atkinson requested that the Commission approve the "recommendation package" and forward it to the City Council for consideration for adoption.

Commissioner Beale referred to the proposed code amendments on page 15 of 68 with respect to the additional qualified professionals that are being added to the list of people that may evaluate a hazard tree. He commented that the educational background and training of these professionals may vary, and wondered how the City would ensure the quality of some of the evaluation reports prepared by them. Ms. Karla Kluge responded that there are procedures and guidelines in place to ensure the evaluation reports are prepared up to the City's standards; the City also has a professional arborist and trained personnel on staff to review the reports and address issues as they come up.

The Commission voted unanimously to approve the "recommendation package", as presented, and recommended it to the City Council for consideration for adoption.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following announcements:

1. Port of Tacoma Public Access Plan – Council Environment and Public Works Committee on February 22, 2012, and Public Open House on March 6, 2012.
2. Shoreline Master Program (SMP) Update and supplemental documentations – submitted to the Department of Ecology (DOE) on February 6, 2012.
3. The 2012 Annual Amendment – Informational Session on February 29, 2012, and Planning Commission Public Hearing on March 7, 2012.
4. Planning Commission tentative agendas for March 7 and 21, 2012 meetings.

Mr. Atkinson clarified that the open house for the Port of Tacoma Public Access Plan was being rescheduled. He also stated that the DOE is expected to issue a determination of a complete submittal on the SMP in March-April and establish a course of action for its public comment process, and that staff will keep the Commission abreast of the progress.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Mr. Ian Munce, newly appointed Acting Manager for the Long-Range Planning Division, introduced himself and indicated that he plans to meet with the Commissioners individually within the next few weeks to learn what the Commissioners may have in mind in terms of issues, interests, concerns, and suggestions for improvement.

Mr. Munce reported that the City Council conducted the first reading of ordinance on February 14, 2012, adopting the Commission's recommendations on the Downtown Off-Street Parking Requirements. An amendment was introduced to remove the parking maximum and the final reading of the ordinance, as amended, was set for February 21, 2012.

Mr. Munce addressed the concern on the potential proliferation of undesired on-premise digital signs that the Commission had expressed at the last meeting on February 1, 2012, upon review of the proposed delay on the analysis of *2012 Annual Amendment Application #2012-04 – Sign Code Revisions*. He stated that the delay is due to the reduction and reallocation of staffing resources resulted from the recent budget crisis, and that further cutbacks are anticipated to occur soon. Staff needs additional time to assess the budget situation and will strive to put this priority issue back on the Commission's agenda as early as practical. Mr. Munce also pointed out that a review of the 82 sign permits issued between August 2011 and January 2012 indicated that 4 of them were on-premise digital signs, of which 3 were located on 6th Avenue. Chair Doty commented that his perception is that there are more than that.

Mr. Munce reported that the City Council adopted on February 14, 2012, the Commission's recommendations on land use code revisions in response to the Large Scale Retail Moratorium. The Council introduced two amendments that would change the pre-application meeting from "required" to "recommended" and modify the permit trigger for expansions within the footprint of a building such that it will only apply to new buildings.

Mr. Lihuang Wung reported that about 55 citizens attended the MLK Subarea Plan & EIS Scoping Meeting on February 9, 2012, including Commissioners Lee and Thompson, and about 24 people provided testimony on issues and concerns that should be addressed in the EIS.

COMMENTS BY PLANNING COMMISSION

Commissioner Thompson distributed to all Commissioners a CD of "Economic Impact of Housing in Bonney Lake, Tacoma and Pierce County" prepared for the Master Builders Association of Pierce County by Dr. Elliot Eisenberg of NAHB in November 2011.

ADJOURNMENT

The meeting adjourned at 5:20 p.m.



City of Tacoma
Community and Economic Development Department

TO: Planning Commission
FROM: Brian Boudet, Urban Planner, Long-Range Planning Division
SUBJECT: MLK and South Downtown Subarea Plans – Status Update
DATE: March 1, 2012

At the Planning Commission's next meeting staff will provide updates on both the MLK and South Downtown Subarea Plan/EIS projects (a map of the two areas is provided on the reverse). This will include an overview of the projects' schedules, community outreach done to date, the scoping process and comments received, and the next steps and upcoming community input opportunities.

As the Commission is aware, these areas are within the Downtown Regional Growth Center and are intended to accommodate a significant share of Tacoma's future growth by encouraging a more intense level of development that is well-served by transportation options, housing choices, employment opportunities, and a mix of shops, services and public spaces. These two grant-supported subarea planning projects are designed to build on recent and ongoing work and establish a more detailed growth and community development plan that encourages this type of economic revitalization, growth, and redevelopment, along with enhanced coordination and partnerships for sustained implementation. Both projects also include the preparation of an Environmental Impact Statement (EIS) that will provide upfront environmental review on an area-wide basis, relieving subsequent investors from conducting expensive and often less-effective environmental analysis on a project-by-project basis.

Attached for your information is the current schedule for the MLK Subarea Plan/EIS project and a summary of the key issues raised by the community during the scoping process. Additional information about these projects, including the full text of the oral and written testimony received during the scoping process for each, is available on the projects' web pages:

MLK Subarea Plan

www.cityoftacoma.org/mlkplan

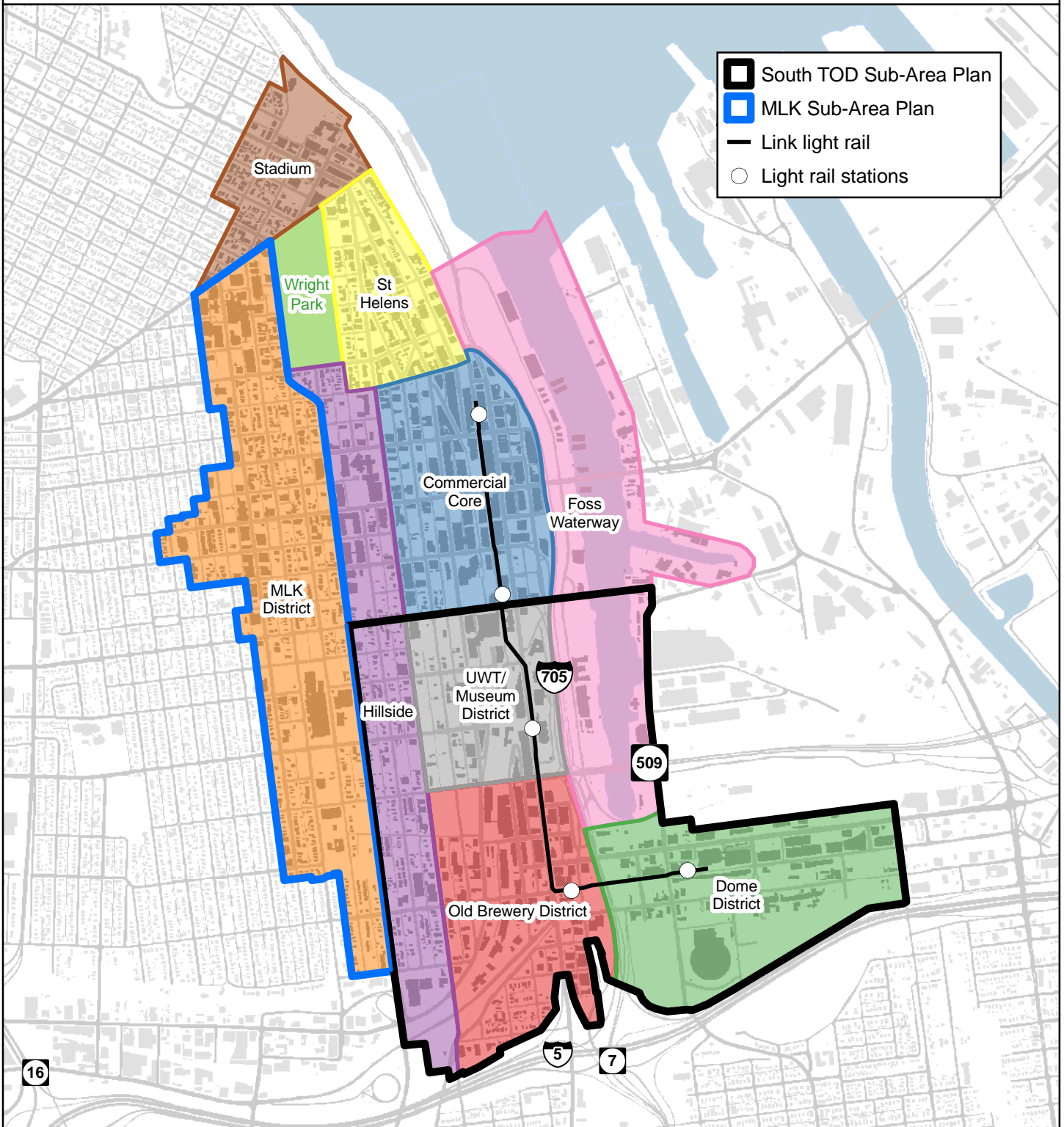
South Downtown Subarea Plan





www.cityoftacoma.org/planning (click on "South Downtown Subarea Plan & EIS")

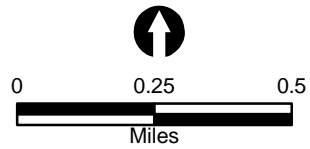
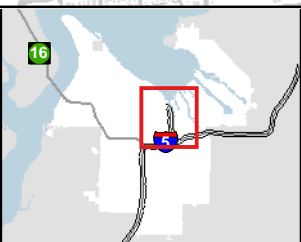
If you have any questions or requests regarding the MLK Subarea Plan, please contact Brian Boudet at (253) 573-2389 or bboudet@cityoftacoma.org. For questions or requests regarding the South Downtown Subarea Plan, please contact Ian Munce at (253) 573-2478 or imunce@cityoftacoma.org.

c. Peter Huffman, Assistant Director

Tacoma Downtown Districts (in Color) and Two Sub-Area Planning Areas



-  South TOD Sub-Area Plan
-  MLK Sub-Area Plan
-  Link light rail
-  Light rail stations

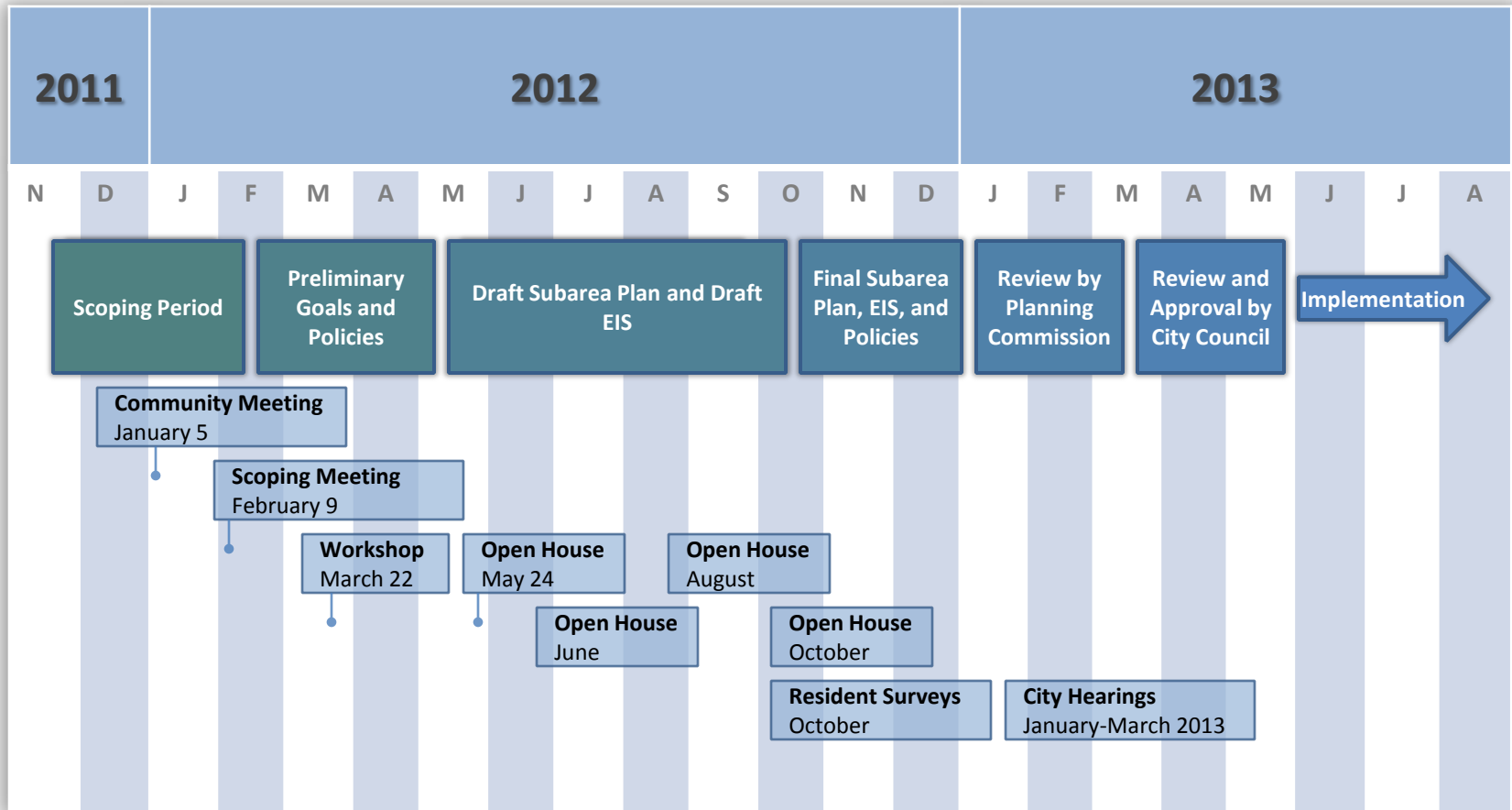


Map is for reference only.





Project Schedule
March 1, 2012





MLK Subarea Plan Scoping Comments

The following is a summary of the written comments that were received and the oral testimony that was given at the February 9th Scoping Meeting.

General

- It was recommended that policies and public input from former work in the MLK area be incorporated into this process, as to include ideas and priorities that were previously highlighted by the community.
- There are concerns that the idea of the “Medical Mile” will manifest itself in the form of medical facilities dominating the area between the two large hospitals and displacing important elements that contribute to the neighborhood character.
- This planning process should be inclusive of the neighborhoods adjacent to the subarea, paying close attention to demographic shifts and connectivity issues.
- There is a desire for development to be sustainable by including green building techniques, low-impact development, and to have more buildings with LEED certification.
- It would be helpful for this process to include studies on existing health, employment, and quality of life conditions of the current residents.
- Different development models should be studied and considered throughout this process to ensure the result is as comprehensive as possible.
- A large focus should be placed on infrastructure improvements that are appropriate for, and proportional to, the expected growth.
- There are questions generally about Transfer of Development Rights (TDR) policies, and a desire to change those policies was expressed.
- Government transparency and accountability are critical to the success of this process.

Transportation/Connectivity

- In several comments there was a clear desire to have improved transit which would better serve the needs of those in the community. This could include increased frequency of existing transit or, of greater focus, is the hope of reintroducing a street car/trolley to the area, possibly by bringing the existing LINK Light Rail up the hill directly to MLK.
- Importance was placed on having improved walkability, a more advanced system of bike paths, increased wayfinding, and meeting the Complete Streets guidelines in general.
- There are concerns and questions about how the traffic and parking issues, which will accompany growth, will be addressed.
- Although this project is focusing on developing a single community, there is a desire to ensure interconnectivity remains between the MLK area and other neighborhoods. It was mentioned



that the Subarea boundaries used by the city were not necessarily indicative of what people felt was their community.

Housing

- Several community members felt quite strongly that there should be a significant amount of affordable housing available. Concerns were raised over the ratio between owner-occupied and renter-occupied housing, and the desire to have this ratio be more balanced.
- In response to the high rate of rental properties and lack of upkeep in places, it was suggested that owners of new buildings be required to live in their residential developments for a period of time.
- There was overall support for increased density and, although leery of massive condos, the comments received generally agreed that density and the idea of a walkable city were desirable, if done tastefully.
- Comments were made which expressed concern for the aging population. Community members want to ensure that suitable accommodations, such as housing and ease of access to services, are made for the elderly.
- There is also a desire to provide short and long term housing opportunities for the homeless.
- The community would like to see a wide range of housing available in the area, varying in size, cost, type (house, condo, apartment), and make-up (single family, multi family, single, etc.).

Social Environment and Education

- It was voiced that considerations be made for populations such as homeless, aging, young adults, students, mentally ill, and veterans. There is concern that, given the diverse character of the neighborhood, the needs of these populations could be easily overlooked and unrepresented.
- One of the more frequent comments focused on retaining the neighborhood's integrity and diversity (importance of having a "sense of place").
- There is a desire to ensure good access to social and community services such as childcare, community centers, and education.
- It was frequently commented that job training should be offered in order to prepare the existing population for future jobs and help them to help themselves.
- It was suggested that having a community which is active and alive at all hours of all days would make it more safe and vibrant. When there are businesses open and public transportation running, there are more people around the neighborhood and it becomes safer through self governance and "eyes on the street."

Land Use

- Development should be balanced in a way that recognizes the individual and collective importance of commercial, residential, and institutional uses.



- A focus on mixed-use development was encouraged by respondents. In order to have a walkable and dense community, buildings should serve multiple functions meeting both commercial and residential needs.
- It was proposed that the use of substantial setbacks be implemented on the periphery of the commercial areas to serve as a buffer for the residential neighborhood.
- There was concern voiced, and at times strong opposition to, the zero setbacks allowed for certain commercial development.

Historic and Cultural Preservation

- Participants want to ensure that this project is done with sensitivity to ethnic and cultural groups. This is a very diverse neighborhood and there is concern that this project could ignore the present population while looking towards the future.
- In order to maintain the historical value of the neighborhood, it was suggested that the city conduct an inventory of existing structures with historic significance. These buildings should be restored as necessary and, where possible, refitted and reused prior to building new structures. It is also believed that this type of adaptive reuse could be promoted through incentives.

Employment

- There is a desire to promote quality, living wage jobs. In addition to long term employment opportunities, there is a belief that priority should be given to MLK residents for the anticipated developments, as well.
- Respondents expressed a desire to maintain the small-business character of the neighborhood that currently exists.
- Light manufacturing was suggested as a potential revenue builder and source of living wage employment.
- It was suggested that studies be gathered to better determine the types, wages, quantities, and locations of existing employment. This information would be useful in determining what is needed for the community as well as a reference for future studies assessing the long-term impacts on the neighborhood.

Public Spaces

- Public spaces need to be expanded and enhanced by providing adequate green space, adding more trees, and creating community gardens.
- There have been several comments which support the use of native vegetation in parks and grassy areas. These plants are generally low maintenance, help with the absorption of water, and represent sustainability.

Aesthetics

- Several comments communicated a strong interest in public spaces where the community can gather. Suggestions were made to include specialized parks which could include skate parks,



bike parks, or water-feature parks. The use of unique features was also suggested as a means to increase interest and help beautify the neighborhood.

- It has been suggested that local artists be commissioned to create outdoor art pieces which would help in maintaining a sense of local culture while also fostering the general beautification of the MLK neighborhood.
- It is extremely important to the community that the streetscapes and architectural styles be attractive. Several people mentioned the importance of green grass and open areas with desire to avoid excessively large or unattractive structures that may affect the “feel” of the neighborhood.



City of Tacoma
Community and Economic Development Department

TO: Planning Commission

FROM: William D. Osborne, AICP,
Planning Consultant for Long-Range Planning Division

SUBJECT: Medical Cannabis Moratorium

DATE: March 1, 2012

At the next meeting on March 7, 2012, the Planning Commission will continue the discussion of issues concerning the Medical Cannabis Moratorium. The Commission will review information pertaining to legislative background and major issues, the project schedule (Attachment A), a working draft of Medical Cannabis Task Force considerations with staff commentary (Attachment B), results of research on benchmarking jurisdictions, and a menu of options for generating a proposed amendment of land use regulations (Attachment C, maps as Attachments C-1 through C-6).

Staff intends to seek the Commission's feedback and direction on regulating specific land use code issues, including:

- Distinction of collective garden functions (cultivation, processing, and distribution) as separate land uses, and any appropriate limitation on size of on-site operations;
- Identifying one or more appropriate zoning districts for siting (functions of) collective gardens; and
- Identifying 'sensitive land uses' and separation distances from medical cannabis land uses.

Background information about the moratorium can be viewed at www.cityoftacoma.org/planning (under HOT TOPICS, click on "Medical Cannabis Moratorium"). In short, the moratorium was enacted by the City Council on August 2, 2011, per Ordinance No. 28010, effective for 6 months, through January 29, 2012. The Planning Commission conducted a public hearing on September 7, 2011, and recommended to the City Council that the moratorium was needed and should be extended to 12 months. The Council conducted a public hearing on September 27 and adopted Ordinance No. 28021 on October 4, 2011 to retain the moratorium and extend it to 12 months, to expire on August 1, 2012. In response to the moratorium, the Commission is requested to develop and recommend appropriate revisions to the land use code by May 2012.

If you have any questions, please contact Lucas Shadduck at (253) 594-7975 or lshadduc@cityoftacoma.org, or myself at osborneplanning@gmail.com.

Attachments (3)

c: Peter Huffman, Assistant Director



Medical Cannabis Moratorium

PROPOSED 12-MONTH WORK PLAN (Revised February 29, 2012)

Color Code:

Light Orange	City Council actions
Light Blue	Public Safety Committee actions
White	Planning Commission/Staff actions
Light Tan	Medical Cannabis Task Force actions

2011

Date	Event
August 2, 2011	City Council adopted emergency, 6-month moratorium (Ordinance No. 28010).
August 11	City Council’s Public Safety, Human Services, and Education Committee (“Public Safety Committee”) discussed the establishment of the Medical Cannabis Task Force.
September 7	Planning Commission conducted a public hearing on the need for and duration of the moratorium, and recommended the moratorium be extended to 12 months.
October 4	After conducting a public hearing, City Council adopted Ordinance No. 28021, extending the emergency moratorium to 12 months expiring August 1, 2012.
October 12	Medical Cannabis Task Force, est. on August 23, 2011 by Council Resolution No. 38318, convened their 1 st meeting.
October 13	Public Safety Committee extended the Medical Cannabis Task Force’s term to May 1, 2012.
November 9	Medical Cannabis Task Force conducted the 2 nd meeting, reviewed issues, and established four subcommittees.
December 14	Medical Cannabis Task Force conducted the 3 rd meeting, received subcommittee reports, and reviewed 2012 timeline.

2012

Date	Event
January – July 2012	Staff review of and coordination with other City efforts on regulating, licensing, and taxing medical cannabis.
January 11	Medical Cannabis Task Force review of subcommittee reports and work assignments for 2012.
February 1	Planning Commission review of (1) benchmarking report of other jurisdictions’ approaches, (2) key issues identified, and (3) schedule.

February 8	Medical Cannabis Task Force review and comment on benchmarking and options to the Planning Commission and the Public Safety Committee.
February 15	Planning Commission review of (1) potential land use issues, and (2) potential regulatory approach.
March 7	Planning Commission review of (1) key land use issues, (2) proposed regulatory approach, and (3) discussion of preliminary draft code amendments.
March 14	Medical Cannabis Task Force review and comment on preliminary draft code amendments.
March 22	Public Safety Committee review of draft land use code amendments.
April 4	Planning Commission review of draft code amendments.
April 11	Medical Cannabis Task Force review of draft land use code amendments.
April 18	Planning Commission authorizes draft land use code amendments for public review and sets a public hearing date.
April 23	Distribution of public notice for Planning Commission public hearing.
April 27	Submittal of the Notice of Intent for Adoption to the State
May 1	Medical Cannabis Task Force sunsets.
May 10	Public Safety Committee review of preliminary recommendation.
May 16	Planning Commission public hearing on draft land use code amendments.
May 18	Deadline for written comments to Planning Commission.
May 30 (<i>optional special meeting</i>)	Planning Commission review of hearing testimony, staff responses, and possible revisions to draft land use code amendments
June 5	City Council sets hearing date on Planning Commission recommendation.
June 6	Planning Commission recommendation to Council.
June 14	Public Safety Committee review of Planning Commission recommendation.
June 26	City Council conducts public hearing on Land Use Regulatory Code amendments as recommended with findings by the Planning Commission.
June 28	Public Safety Committee recommendation on the proposed code amendments.
July 10	City Council – first reading of ordinance(s) to adopt code amendments.
July 17	City Council – final reading and adoption of amendments.
July 27	Submit the adopted amendments to State.
July 30	Effective date of amendments.
August 1, 2012	Moratorium expires.

	Medical Cannabis Task Force Recommendations	Osborne Planning + Design	Staff Considerations
	Land Use Regulations		
Distance	<p>1,000 foot minimum distance from churches, schools and day-cares in existence at the time of the application. Following the permitting of any network member distribution center, those entities or individuals wanting to establish a church, school, or day-care must do so subject to the existing member network distribution centers' location.</p>	<p>Development regulations could be differentiated for each function by zoning district, to include suitable separation buffer distances from sensitive uses such as daycares, schools, parks, playgrounds, churches, juvenile detention facilities, and drug and alcohol detoxification facilities.</p>	<p>Medical Cannabis Task Force does not address distance between medical cannabis facilities. Task Force may want to review recommendations made by Osborne Planning + Design.</p>
		<p>Separation from other medical cannabis facilities could also be included. The benchmark sensitive uses are schools and uses particularly for children under 18 years of age. The federal guidance has been a 1,000 foot minimum separation between medical cannabis uses and schools for children, though many states have adopted lesser distances with language supporting local determination of appropriate regulation. Most jurisdictions enacting interim or permanent medical cannabis use siting regulations use 1,000 feet, with very few jurisdictions explicitly reducing separation to as low as 300 feet. Several jurisdictions reserve the greatest separation distance to apply to other medical cannabis uses- from 1,000 feet to one mile (Phoenix, AZ)</p>	
Zoning	<p>Distribution Center: Zoning where use is allowed are to be commercial, industrial or downtown. Selected mixed use zones may be considered if of sufficient size to allow the network member distribution center to be reasonably unobtrusive.</p>	<p>No action: Taking no action essentially prohibits all existing dispensaries within Tacoma, even if claimed or registered as a collective garden. State law would still provide an affirmative defense for collective gardens consisting of a residential grow network of participating qualified patients or designated providers, as well as for one-on-one qualified patient-to-designated provider relations. The negative impacts of medical cannabis land uses might be addressed through law enforcement action, or perhaps licensing.</p>	<p>Medical Cannabis Task Force does not address 'Self-Growing' or One-to-One distribution in residential neighborhoods.</p>
	<p>Collective Garden: Collective gardens shall be located in an industrial use zone only.</p>	<p>Separately permitted functions: This option would have each of the functions of a non-profit collective garden separated by use intensity and impact. The production, cultivation or growing of cannabis for medical use could be restricted to one or more industrial zoning districts. The processing, preparation and packaging of cannabis for medical use could be restricted to one or more industrial or even commercial zoning districts. The provision of medical cannabis to qualifying patients could be restricted to one or more commercial districts.</p> <p>Collective Gardens with all functions in one location: In this option, all functions of collective gardens, from production (growing), processing (preparation for medical use, including but not limited to infusing tinctures and baked goods), to dispensing (not for retail) could be limited to single parcels and permitted only in the more isolated industrial areas of the city, such as the Port or in the Nalley Valley. Existing dispensary locations outside of chosen industrial areas would be permanently closed.</p>	<p>Osborne states that commercially operated dispensaries are not generally understood as being legal following the Governor's partial veto of E2SSB 5073 and thus primarily addresses collective gardens and their functions. The Task Force will need to address the distinction and make their recommendations accordingly.</p>

Size	Size for brick and mortar facilities to be no greater than 2,000 square feet and no less than 500 square feet if offering only distribution of medical cannabis to patients.	Several jurisdictions outside of Washington State have adopted floor area restrictions on medical cannabis use. For distribution uses, the numbers provided at left are consistent with those found in the ordinances of Phoenix, AZ, Sacramento, CA and Boulder, CO.	The Medical Cannabis Task Force may want to provide some benchmarking information to demonstrate that these suggestions have worked in other jurisdictions.
	Size for brick and mortar facilities to be no greater than 3,000 square feet, within which up to 1,500 square feet can be used for distribution , if in addition to distributing medical cannabis other services (i.e. educational classes, health services), are provided. Up to 150 square feet of the distribution center space may be devoted to sale of marijuana delivery products.		The Medical Cannabis Task Force may want to provide some benchmarking information to demonstrate that these suggestions have worked in other jurisdictions.
	Licensing		
A maximum of six collective gardens may be located within any given real estate parcel number.	Similar to other cities throughout the country, some Washington jurisdictions have limited the number of medical cannabis facilities on one legal parcel to one. The regulation of the number of users (in collective gardens) is perhaps best addressed in licensing. A parcel is zoned to allow a use, the development regulations would determine how much of a use could be built in terms of structure, parking, landscaping, and so on.	Through what process would this requirement be regulated? Would each individual garden apply for a license, or is the parcel licensed for collective garden activity?	
Ten individual collective members may combine to support one collective garden. The number of collective gardens on any given real estate parcel number shall not increase until the existing collective gardens have the full allotment of ten individuals supporting the existing garden.			

City of Tacoma Draft Medical Cannabis Land Use Regulations

INTRODUCTION

The City of Tacoma recognizes that any cannabis use is illegal in view of Federal law. Consistent with the Washington State Growth Management Act (GMA) and the Washington State Medical Use of Marijuana Act (renamed Medical Cannabis Act), the City Council adopted a 6-month moratorium on August 2, 2011, and amended the moratorium to a 12-month duration on the recommendation of the Planning Commission. The moratorium expires on August 1, 2012.

Under this moratorium, in addition to considering the regulation of other aspects of medical cannabis, the City of Tacoma is considering how it might regulate the anticipated negative land use impacts of medical cannabis dispensaries, collective gardens, and person-to-person arrangements as an exercise of the police powers to protect the public health, safety and general welfare of all Tacomans. Every jurisdiction that has adopted medical cannabis land use regulations has done so in order to provide safe access for qualified patients under state law while addressing impacts on the larger community. While approaches and regulatory tools adopted by other cities are broadly consistent with applicable state laws, there is much variance among regulations between communities. There are few clearly correct or incorrect answers, but the City is tasked with providing answers two months before the end of the moratorium (see *Attachment A*).

BACKGROUND

On February 1st, staff provided the Planning Commission with background about medical cannabis regulation in other states and cities in Washington, a summary of land use issues discussed on January 26th by the Land Use & Siting Subcommittee of the Medical Cannabis Task Force, and the timetable for adopting an ordinance effective prior to August 1st. The Commission commented on a few of the identified issues and made a few suggestions, but asked staff to obtain further clarification from the Medical Cannabis Task Force about its recommendations before moving forward.

Medical Cannabis Task Force Recommendations

Although the Medical Cannabis Task Force did not make final recommendations on land use and siting at its February meeting, some ~~modifications and~~ clarifications ~~and modifications~~ were offered, outlined in *Medical Cannabis Comparison* (see *Attachment B*). The commentary featured in this document regarding medical cannabis regulation should help ~~to~~ distinguish consideration of land use regulations from licensing and enforcement.

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LAND USE ISSUES AND MEDICAL CANNABIS

At the February 1st meeting, staff provided comparable medical cannabis land use regulations of other jurisdictions. These should be considered as guide points in selecting among a menu of land use regulations that might be appropriate for Tacoma. Throughout this document, the term *safe access* is used in abbreviation of safe access for qualified medical cannabis patients and their designated providers to distribution locations where cannabis for medical use may be obtained – whether these locations are called dispensaries, collective gardens, collective garden-distribution points, network distribution centers, or some other term. The key issues the Planning Commission must consider with regards to medical cannabis land use regulations are whether or not to separate the functions of collective gardens, locating collective gardens and their functions in appropriate zoning districts, providing separation distance buffers from sensitive uses, and restricting floor area of medical cannabis land uses.

Splitting medical cannabis Collective Gardens into separate functions. The character and impacts of cultivation, processing/infusing, and distribution may be considered quite different from another. Separate functions of a collective garden could be considered as distinct land uses or as a subtype of an existing land use based on general character (e.g. distribution-retail), to be zoned and otherwise regulated differently than the other medical cannabis operational functions.

Collective Garden functions	Pro	Con
Do not split	Easier to regulate at single location; might be infeasible to split if a large number of sensitive uses with 1,000 ft. buffers are considered	Greater impact and incompatibility possible; individual members still might cultivate; some qualified patients may have accessibility issues if locations restricted by zoning to industrial areas
Split & separate	Less concentration of impacts, may improve accessibility for qualified patients	More difficulty in tracking through permitting & licensing

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Zoning. Under the assumption that medical cannabis uses are generally incompatible with other uses, especially residential use, some cities restrict medical cannabis land uses to one or a few zoning districts; usually in industrial or commercial areas. As noted above, some functions under the umbrella of a single medical cannabis operation may be appropriate in scale and impact as distinct land uses in some zoning districts and not others. Some jurisdictions do not apply any zoning-based restriction on medical cannabis land use locations; instead relying on proximity/separation distances as described below.

Appropriate Zoning for Collective Gardens	Pro	Con
Don't restrict by zoning	Qualified patients may have most convenient, safe access to cannabis	Assumes other regulations sufficient to guide siting and development or space use while addressing safe access and concerns of the larger community; possible ambiguously commercial uses in residential areas
Locate ALL Collective Garden functions in one or more industrial zones	Easier enforcement with fewer locations for non-personal cultivation; efficiency of scale for operations; less impact on residential neighborhoods	Likely negative impact on safe access to and from industrial areas with limited transit service; increased risk for exceeding state and federal law on cultivation limits
Locate Collective Garden cannabis cultivation in one or more industrial zones	Easier local enforcement for non-personal cultivation; efficiency for cultivation; depending on distribution location, may improve safe access	Increased risk for exceeding state and federal law on cultivation limits; may negatively impact safe access for those responsible for cultivation activities
Locate Collective Garden cannabis cultivation, processing and product infusion in one or more industrial zones	Easier local enforcement for non-personal cultivation, processing and the making of cannabis-infused products	Some production and infusion activities may pose public health hazards where chemical interactions are involved – proximity to residential may be problematic
Locate Collective Garden cannabis processing and product infusion in one or more industrial and/or commercial zones	Easier local enforcement for non-personal processing and the making of cannabis-infused products; similar uses may include commercial kitchen, craft food and non-alcoholic beverage, light manufacturing	Some production and infusion activities may pose public health hazards where chemical interactions are involved – proximity to residential may be problematic
Locate Collective Garden cannabis distribution in one or more commercial and/or mixed use zones	Most convenient safe access; more 'eyes-on-the street' in busy mixed use zones; similar uses (pharmacies, liquor stores) may be found in these zones.	Commercial zones may be near residential zones, and mixed use zones are supposed to contain residential development.

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Buffering separation from youth-oriented land uses and other medical cannabis land uses. The federal enforcement of increased criminal sentencing for drug-related crimes within 1,000 feet of schools (Drug-Free School Zones) has been readily translated by many cities regulating medical cannabis as a minimum separation distance between medical cannabis uses and schools for children under 18 years of age. There is as much variance in buffering separation as there are differences in community values. Many cities have expanded separation requirements to apply to one or more other sensitive uses, such as daycares, parks, community/recreation centers, libraries and other medical cannabis land uses. Some cities have differentiated separation distances based on medical cannabis land use function, and the sensitive use(s).

Sensitive Uses & Buffering	Pro	Con
Don't apply buffers	Qualified patients may have easier safe access to cannabis; market-orientation; easier administration	Doesn't address community concerns; heightened risk of federal enforcement action, especially without other siting regulations
Apply buffers of 1,000 feet to Schools ONLY (see <i>Attachment C-1</i>)	Consistent with federal Drug-Free School Zones; limits visibility and access to school-aged children during school hours	May have some impact on locating medical cannabis land uses in commercial and industrial zones
Apply buffers of 1,000 ft. to Schools and Daycares (see <i>Attachment C-2</i>)	Expands limited visibility and access for children under 18 years old (pre-school and elementary school age) during adult working hours	Decreases opportunities to locate safe access medical cannabis land uses in a few small areas zoned commercial south and east of the Nalley Valley, uphill in the Eastside, and near the Wedge District and MultiCare TG
Apply a buffer of 1,000 ft. to Schools , and a buffer of 500 ft. to Daycares (see <i>Attachment C-2</i>)	As above; with a reduced distance as daycares typically have smaller sites	As above, though to a lesser extent
Apply buffers of 1,000 ft. to Schools, Daycares, and Religious Uses (see <i>Attachment C-3</i>)	Expands limited visibility and access to children under 18 years old (pre-school and elementary school age) during adult working hours; some additional religious schools; adults occupying a variety of properties with religious affiliation – including churches, rectories, convents, social and human services would also protected	Significantly limits the ability to locate safe access to medical cannabis outside of the Port of Tacoma

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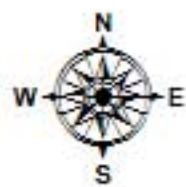
<p>Apply buffers of 1,000 ft. to Other Medical Cannabis Uses (see <i>Attachments C-4, C-5, C-6</i>)</p>	<p>Limits over-concentration of medical cannabis land uses; if collective garden functions separated, a larger buffer may be more appropriate for collective garden-cultivation and collective garden-processing uses</p>	<p>If schools, daycares, and religious service uses are defined as sensitive uses, the application of a 1,000 ft. buffer on medical cannabis land uses would limit locations to very small portions of commercial zones outside of Downtown, the Nalley Valley, near TCC, and the Tacoma Mall.</p>
<p>Apply buffers of 500 ft. to Other Medical Cannabis Uses (see <i>Attachments C-4, C-5, C-6</i>)</p>	<p>Limits over-concentration of medical cannabis land uses; if collective garden functions separated, a lesser buffer may be more appropriate for collective garden-distribution</p>	<p>As above, to a lesser extent.</p>

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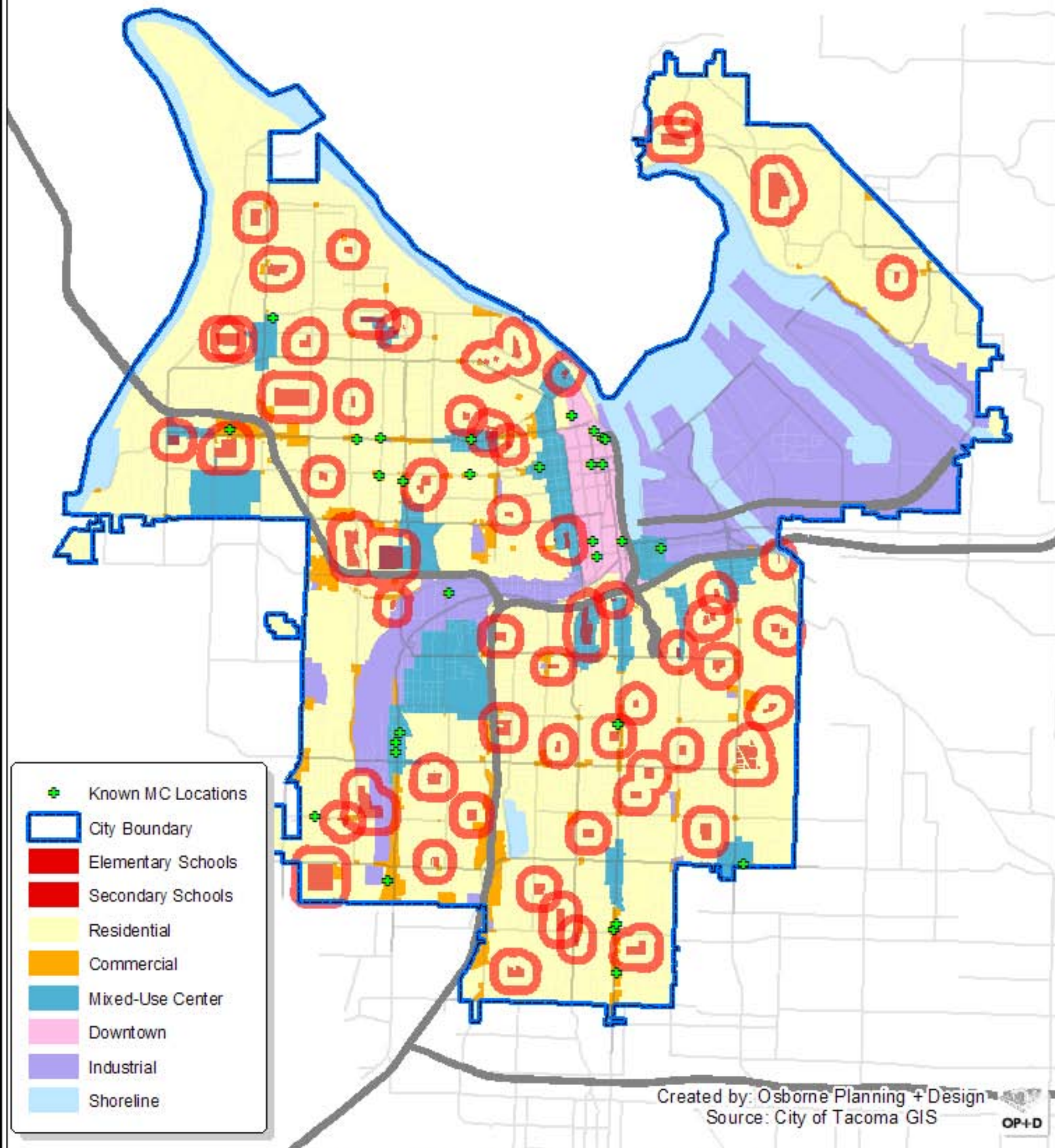
Floor area limits. Used frequently in California jurisdictions, the more common size limits focus on the amount of area used for cultivation and/or distribution. An area limit may serve as a proxy for estimating the amount of cannabis that could be cultivated, processed or sold. A few jurisdictions in California have limited the number of operations, as a function of licensing.

Floor area limits	Pro	Con
Minimum floor area of 500 square feet (s.f.) for collective garden-distribution use	Jurisdictions in other states have used floor area regulations for medical cannabis uses	
Maximum floor area of 2,000 s.f. for collective garden-distribution use		
Maximum floor area of 3,000 s.f. for shared occupancy with health- and wellness-oriented uses: collective garden-distribution use limited to 1,500 s.f.		
Allow 150 s.f. of paraphernalia sales in collective garden-distribution uses	Safe access environment	Existing shops provide such goods
Depending on products, treat collective garden-processing similarly to: craft food and non-alcoholic beverage use or commercial kitchen		

Sensitive Uses (Schools Only) with Buffers of 500' and 1,000' and Pre-Moratorium Medical Cannabis Business Locations



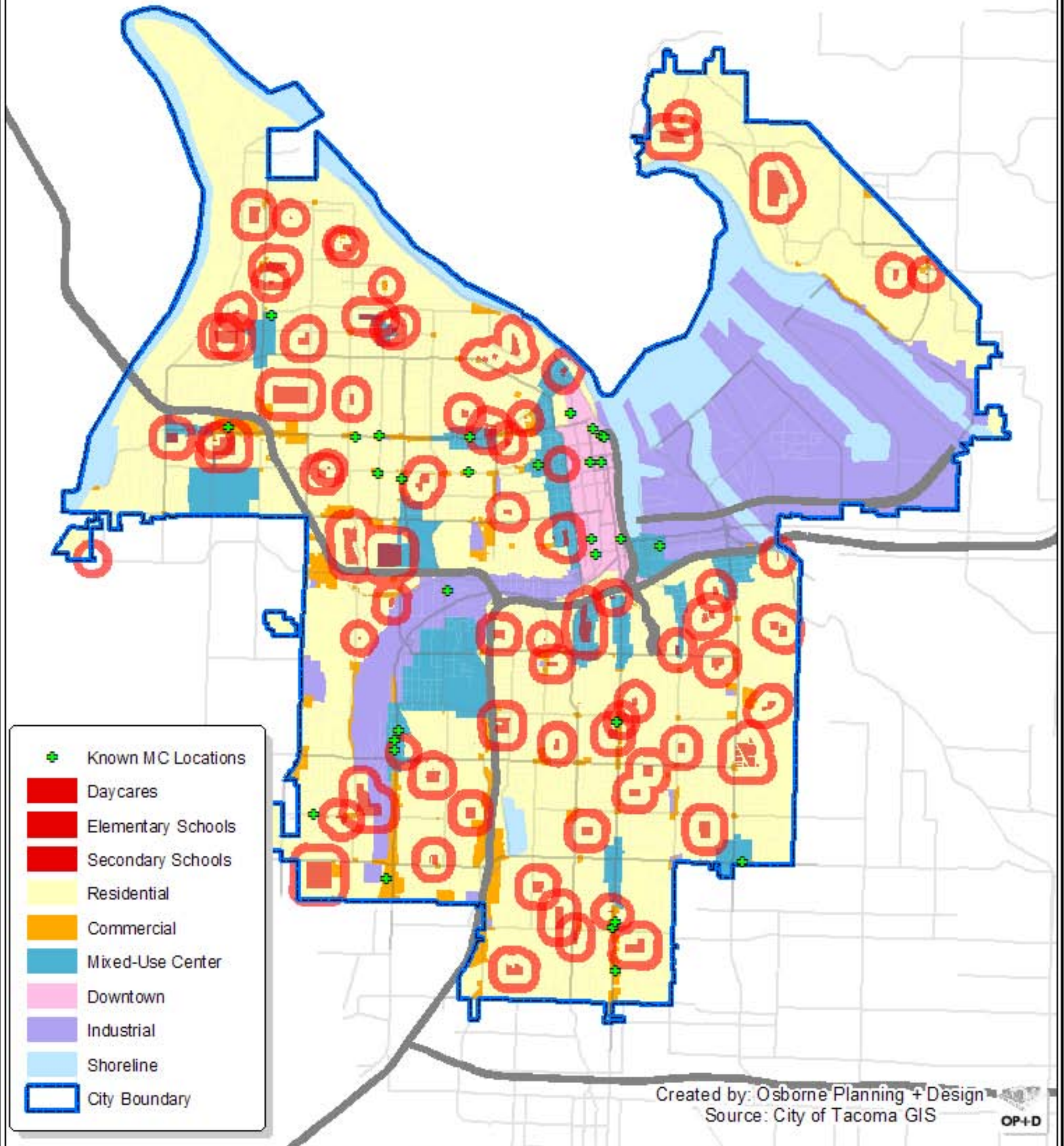
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Sensitive Uses (School & Daycares) with Buffers of 500' and 1,000' and Pre-Moratorium Medical Cannabis Business Locations



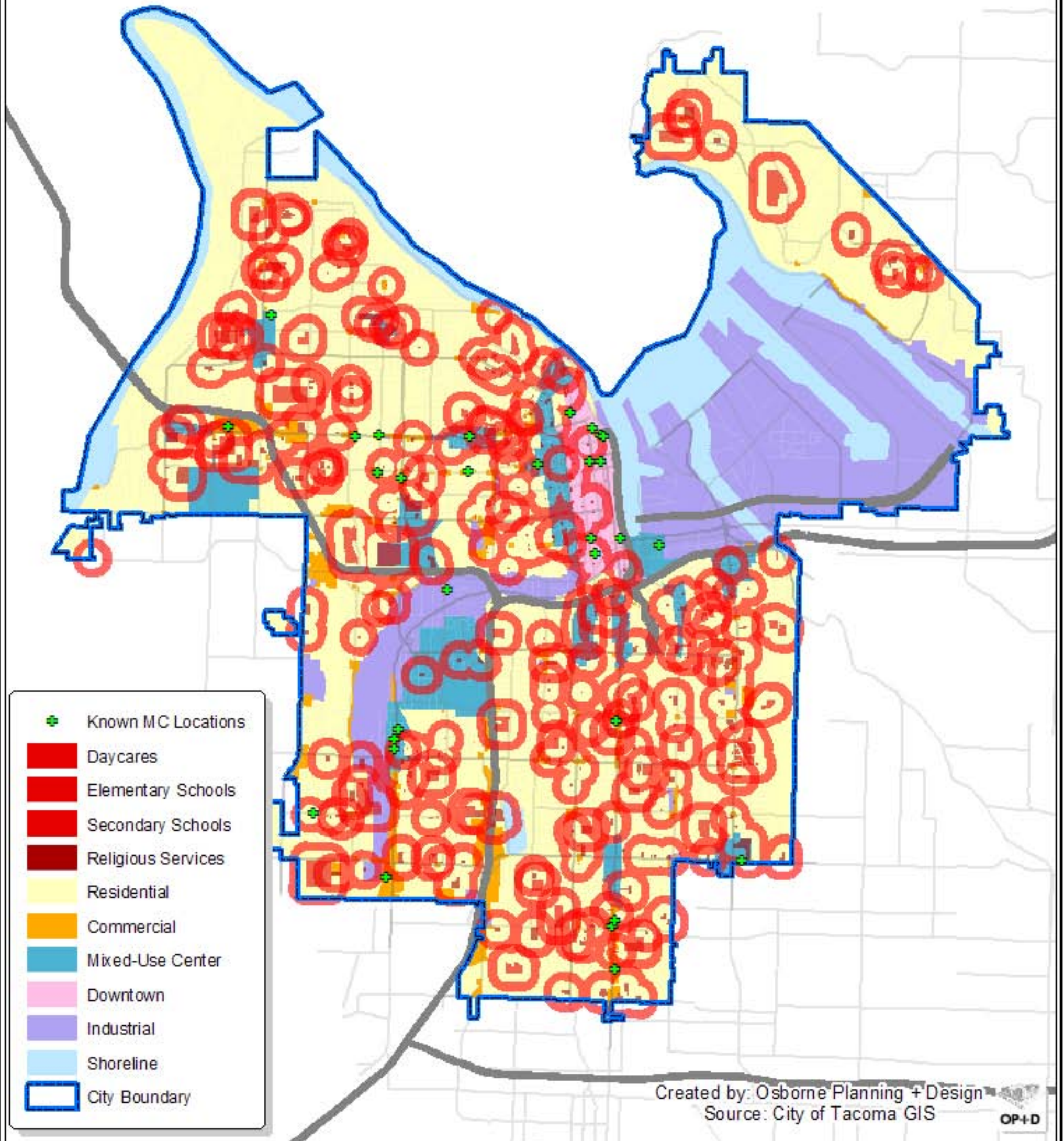
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Sensitive Uses (Schools, Daycares & Religious Services) with Buffers of 500' and 1,000' and Pre-Moratorium Medical Cannabis Business Locations



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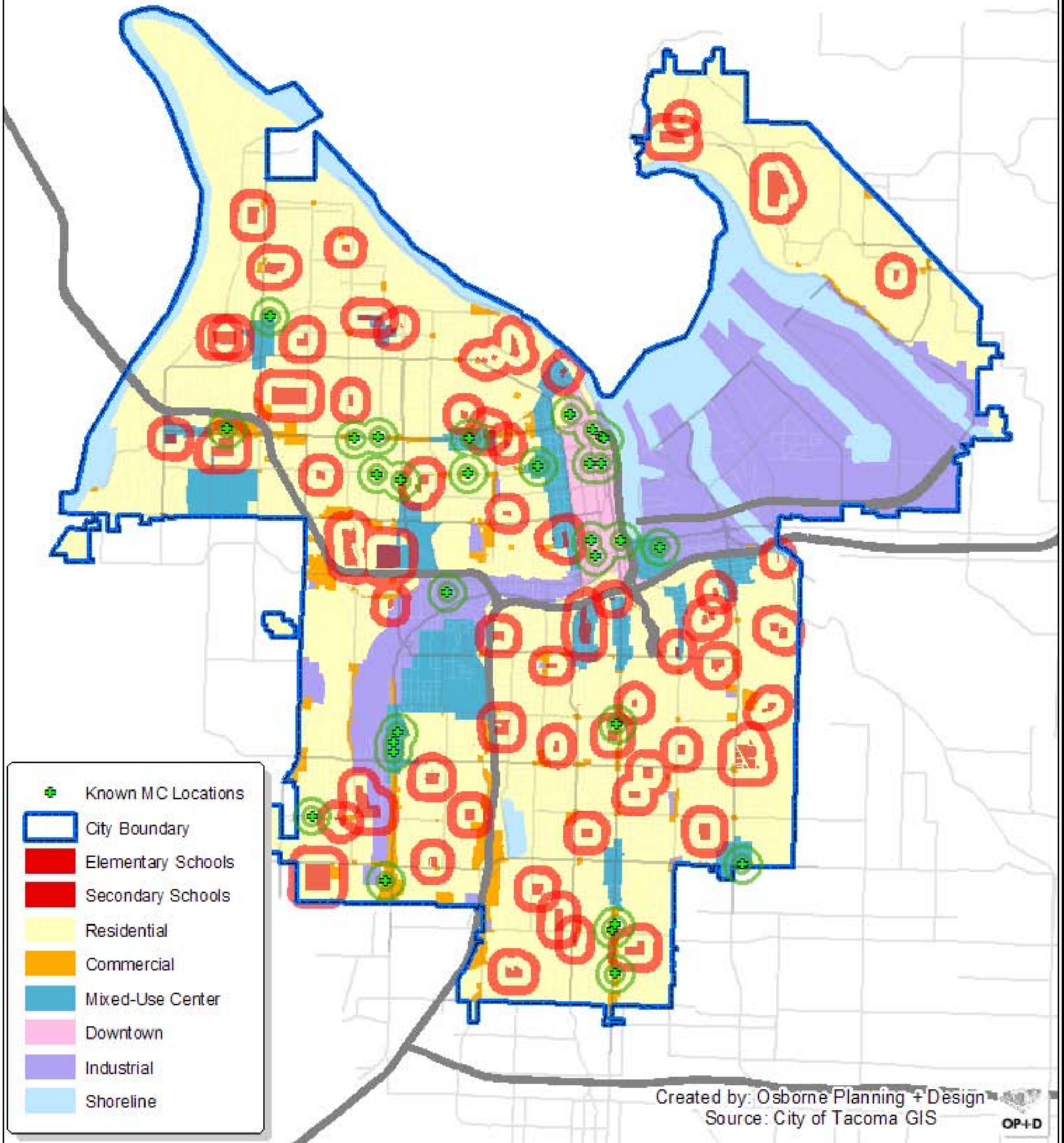


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Sensitive Uses (Schools & Pre-Moratorium Medical Cannabis Business Locations) with Buffers of 500' and 1,000'

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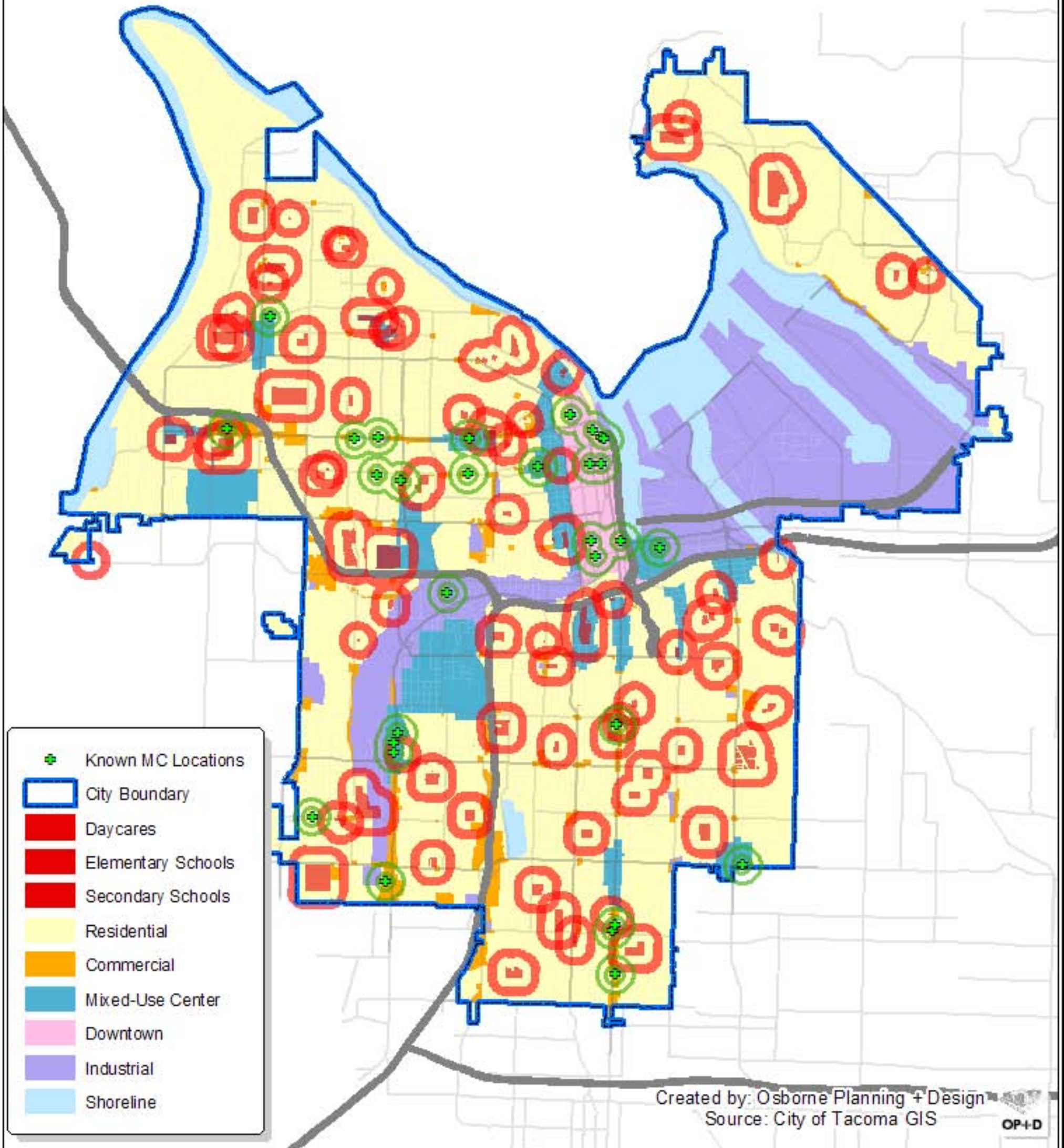


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Sensitive Uses (School, Daycares & Pre-Moratorium Medical Cannabis Business Locations) with Buffers of 500' and 1,000'



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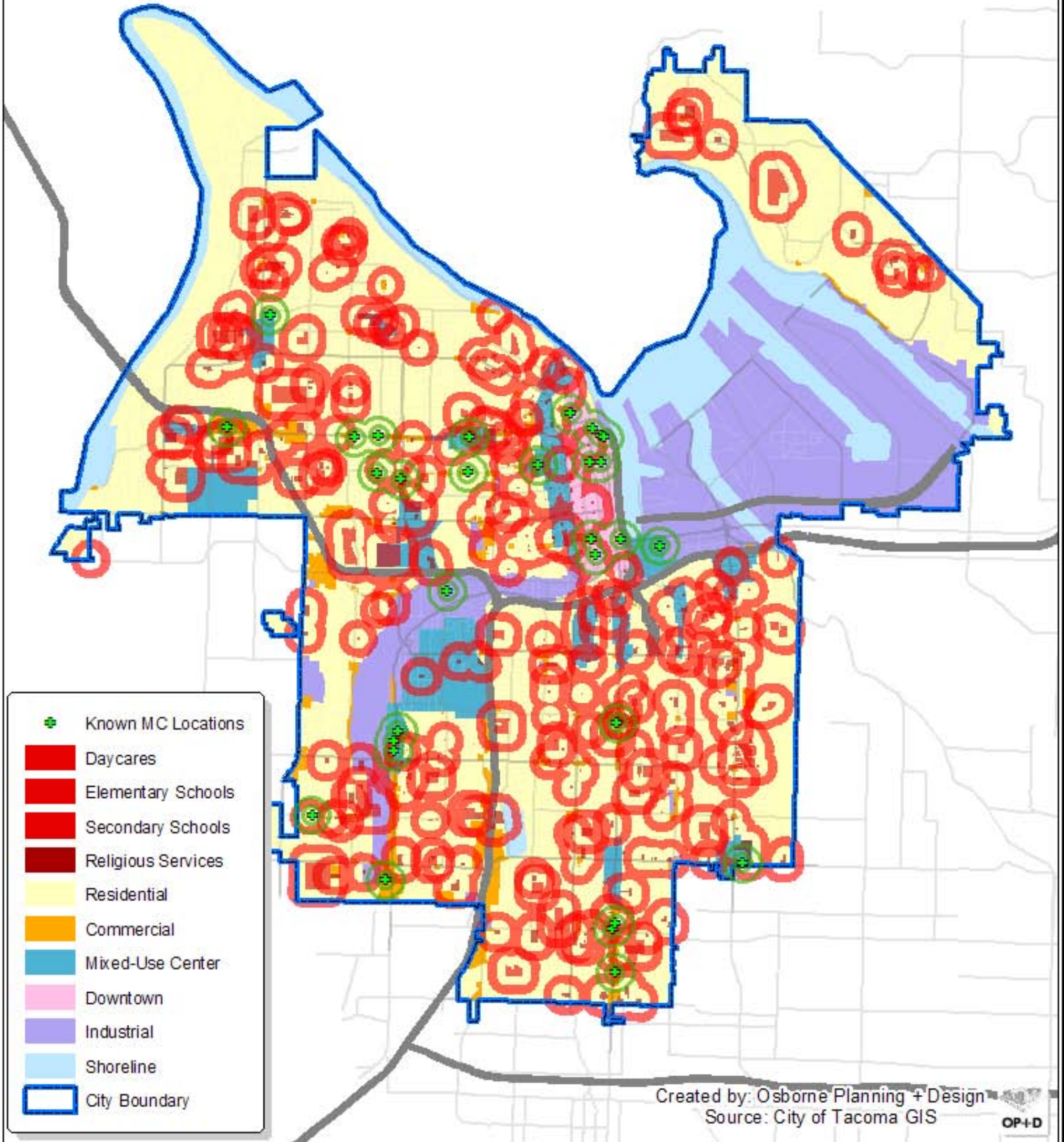
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Sensitive Uses (School, Daycares, Religious Services & Pre-Moratorium Medical Cannabis Business Locations) with Buffers of 500' and 1,000'



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City of Tacoma
Community and Economic Development Department

TO: Planning Commission

FROM: Lihuang Wung, Senior Planner, Long-Range Planning Division

SUBJECT: Public Hearing on 2012 Annual Amendment Package

DATE: March 1, 2012

The Planning Commission will conduct a public hearing on March 7, 2012, concerning the *Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012* (the “Annual Amendment Package”). The public hearing record will remain open to receive written comments through March 16, 2012.

The Annual Amendment Package consists of the following three applications:

- #2012-02 – Housing Element
- #2012-03 – Transportation Element
- #2012-07 – Minor Amendments and Refinements

A public review document (a.k.a., the “Blue Book”) has been compiled, containing background information and staff analysis associated with each of the applications as well as the preliminary environmental determination for the proposed amendments. The Blue Book has been distributed to the Commissioners for their use and reference during and after the public hearing.

Notice of the public hearing has been distributed to Neighborhood Councils, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, the Tacoma Library System, and other known interested individuals or groups. The notice was also published in The News Tribune on February 22, 2012.

In addition, staff distributed e-mails to representatives of Neighborhood Councils, Neighborhood Business District Associations and various community groups, drawing their attention to some of the details of the proposed amendments that may not be explicitly obvious to them as shown on the public hearing notice. Also, staff conducted an Informational Session on February 29, 2012, at 5:00 p.m., to provide an opportunity for interested citizens to learn more about the proposed amendments and ask questions.

The public hearing notice, the Blue Book, as well as other pertinent information associated with the annual amendment are posted at www.cityoftacoma.org/planning (click on “2012 Annual Amendment”).

If you have any questions, please contact me at 591-5682 or lwung@cityoftacoma.org.

c. Peter Huffman, Assistant Director