Chris Beale, Chair
Scott Winship, Vice-Chair
Donald Erickson
Benjamin Fields
Sean Gaffney
Meredith Neal
Anna Petersen
Erle Thompson
Stephen Wamback

City of Tacoma
Planning Commission

# AGENDA

**MEETING:** Regular Meeting

**TIME:** Wednesday, January 7, 2015, 4:00 p.m.

**LOCATION:** Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

## A. Call to Order

## B. Quorum Call

## C. Approval of Minutes – Regular Meeting of December 17, 2014

## D. Discussion Items

### 1. Recreational Marijuana Regulations

Make a recommendation to the City Council on the proposed recreational marijuana regulations by approving the draft Findings of Fact and Recommendations Report and the draft Letter of Recommendation.
(See "Agenda Item D-1"; Elliott Barnett, 591-5389, elliott.barnett@cityoftacoma.org)

### 2. Land Use Designation – Phase 2

Continue the discussion on December 3, 2014, concerning the incorporation of the Land Use Designation Framework into the Comprehensive Plan.
(See "Agenda Item D-2"; Stephen Atkinson, 591-5531, satkinson@cityoftacoma.org)

## E. Communication Items & Other Business

(1) City Council Public Hearing on Enforcement Strategy Options for Non-Licensed Marijuana Operations, Tuesday, January 6, 2015, 5:30 p.m., Council Chambers (See "Agenda Item E-1")

(2) Tideflats Emergency Response and Intelligent Transportation System Study – Public Meeting, Monday, January 12, 2015, 5:00 p.m., Fabulich Center, 3600 Port of Tacoma Road (See "Agenda Item E-2")

(3) Letter to the Community, from Brian Boudet, Planning Manager, December 30, 2014, regarding Planning Projects and 2015 Annual Amendment (See "Agenda Item E-3")

(4) Infrastructure, Planning and Sustainability Committee meeting, January 14, 2015, 4:30 p.m., Room 16; agenda includes: Water Ditch Trail Update, Land Use Designation, and AHPAG Membership and Tenure Update.

(5) Planning Commission meeting, January 21, 2015, 4:00 p.m., Room 16; agenda may include: Transportation Master Plan, and Mixed-Use Centers Review.

## F. Adjournment

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

Chris Beale, Chair
Scott Winship, Vice-Chair
Donald Erickson
Benjamin Fields
Sean Gaffney
Meredith Neal
Anna Peterson
Erle Thompson
Stephen Wamback

# MINUTES (Draft)

**TIME:** Wednesday, December 17, 2014, 4:00 p.m.

**PLACE:** Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

**PRESENT:** Sean Gaffney (Chair), Scott Winship (Vice-Chair), Chris Beale, Donald Erickson, Benjamin Fields, Meredith Neal, Stephen Wamback

**ABSENT:** Erle Thompson, Anna Peterson

## A. CALL TO ORDER

Chair Sean Gaffney called the meeting to order at 4:01 p.m.

## B. QUORUM CALL

A quorum was declared.

## C. APPROVAL OF MINUTES

The minutes of the regular meeting and public hearing on December 3, 2014 were reviewed and the minutes were approved as submitted.

## D. DISCUSSION ITEMS

### 1. Recreational Marijuana Regulations

Elliott Barnett, Planning Services Division, provided a review of the public comments received at the Planning Commission's public hearing on December 3, 2014 and through the comment period ending on December 5, 2014, and facilitated a discussion of the issues identified regarding the proposed recreational marijuana permanent regulations. Mr. Barnett then solicited Commission direction to develop final code recommendations.

In regards to the proposed review process, Mr. Barnett reported that the staff recommendation was to create an administrative review process rather than formalizing a new certification process in the code. This process would include notification for new marijuana retailers to be provided when the city gets notification from the state. The proposal to take into consideration a pattern of noncompliance was a cause of concern for some of the stakeholders and staff, so at this time they would recommend removing it from the proposed changes.

Mr. Barnett requested direction on the concept of further limiting the hours of operation. The comments in support of limiting the hours were often from people who wanted to reduce the activity associated with the retail locations. The comments against the proposal included concerns from the retail owners as well as comments from people that wanted to treat recreational marijuana storefronts as standard retail businesses. After some discussion, the Commission directed staff to remove the additional limitation from the final proposal and to treat marijuana retailers consistently with other retail businesses.

Mr. Barnett next discussed additional areas where production and processing could be allowed. The M-1 Light Industrial District was highlighted as the most appropriate for expansion. The CIX and WR Districts also allowed light industrial, but are intended to transition towards a pedestrian environment which would

not suit the high level of security that encloses marijuana production and processing facilities. Mr. Barnett also pointed out that in the case of the CIX District, buffered uses effectively preclude marijuana businesses from locating in the areas currently zoned CIX. After some discussion, the Commission directed staff to modify the proposal to allow marijuana production and processing in both the M-1 and the CIX Zoning Districts. Marijuana production and processing display characteristics similar with other uses permitted in these districts.

Mr. Barnett next discussed the concept of adding a buffering requirement for religious uses. He noted that there were a large number of religious uses in the city and new locations can open easily. Buffers illustrated on the included map resulted in a significant elimination of areas available for marijuana businesses. After some discussion, the Commission directed not to include buffers for religious institutions in the final proposal as this would be too restrictive.

Mr. Barnett then moved to the topic of the proposed retail distribution requirement. He noted that the public feedback falls on all sides of the issue. There was a fair amount of support for the 1000 foot distribution requirement, as well as people who felt it was too big, and people who felt it was too small a distance. The Commission discussed the distribution concept at length, and ultimately directed staff to remove any distribution requirement from the final proposal. The Commission noted that distribution requirements would not be consistent with the manner that the City treats similar land uses such as retail, bars and restaurants, would be contrary to the general intent to concentrate retail, and would substantially limit the available space within the City for marijuana businesses to locate. The Commission discussed modifying the distribution distance to 600 feet, but ultimately determined to remove it entirely.

A related issue came up during this discussion regarding whether there is a conflict between the state's restrictions against visible displays of marijuana and associated products, and the City's transparency requirements. Mr. Barnett stated he will analyze this issue for discussion at the next meeting. The Commission discussed the concept that the city could work with some of these businesses and the artistic community for a shared window display approach, similar to the organizations that are revitalizing parts of our city by putting artistic works in window spaces. The City could provide some guidance and link up these business owners with artists to restore vibrancy to the street and still meet the state guidelines.

Mr. Barnett noted that one of the biggest concerns voiced by the recreational business side is the effect that new regulations would have on the three pending retail locations. There were questions specifically about whether changes in the buffering requirement would impact the planned locations of the pending businesses. A permitted business could potentially become nonconforming based on a new buffered use locating nearby. In the City of Tacoma, nonconforming still allows a business to continue to operate but limits things like expansion. Mr. Barnett stated that nothing in the proposal is intended to prevent the pending businesses from moving forward.

Mr. Barnett reported that there had been some comments about what might happen when 56 medical establishments close down and all of the customers are channeled into 8 retail stores. Mr. Barnett added that staff currently had no recommendations for new standards, as existing standards already apply to marijuana businesses. The Commission reiterated their interest in discussing the transparency issue. In addition, the Commission discussed that there should be a pathway to good citizenship for the current medical storefronts. The goal shouldn't be to use buffers to push these stores out of existence but instead provide a path to conformity to make sure everyone is playing by the same rules.

Mr. Barnett noted some of the perspectives heard did not relate directly to the permanent regulations for recreational marijuana. There were also a lot of concerns about the adequacy of enforcement. Additionally, there was significant number of comments relating to medical marijuana, which will be forwarded to the Council.

Mr. Barnett addressed some of the items that the Commission had requested additional information on at the previous meeting. Regarding federal mortgages impacting available locations, Mr. Barnett reported

that federal mortgages likely do limit the availability of locations. Mr. Barnett added that there are undoubtedly many limitations beyond zoning that affect where these businesses can be located. Mr. Barnett added that the city was also continuing to have internal discussions on how to approach the city review process.

Mr. Barnett reviewed the changes that were anticipated to the proposed permanent regulations. For applicability language, there would likely be some alterations made with the legal department. Additional restrictions for retail hours would be removed. M1 and CIX would be added to the list of areas where production and processing are allowed. Mr. Barnett noted that the Commission had also agreed to remove the distribution requirement. Lastly, the commission had also recommended looking into the transparency issue.

Finally, Mr. Barnett noted that this was an opportunity for the commission to consider any message that they want to convey to the City Council. Commissioners provided the following comments:

- Facilities like Spinning Heads, which are the kind of businesses we want to encourage, are expensive. If places like that are going to survive, lower quality places will need to move out of the way.
- The recommendation letter should expound on the fact that we spent a great deal of time considering our recommendation to remove the retail distribution requirement.
- Unless the city is willing to consider buffering all sorts of uses that have land use impacts including bars, schools and coffee houses we shouldn't be buffering uses. The notion of buffers is the antithesis of sound urban planning. If we want to be an urban center, we should not be buffering uses.

Mr. Barnett thanked the Commissioners for their time and reported that he would return on January 7, 2015.

## 2. Election of Officers for 2015

Lihuang Wung, Planning Services Division, briefed the Commission on the previous discussion in June 2014 where the Commission directed staff to delay electing officers until there was a full complement of Commissioners. He suggested three options for the Commission:

1) Electing a Chair and Vice-Chair for the remainder of the year, which would end in June of 2015. Mr. Wung noted that according to the bylaws they typically do the nominations at one meeting and hold the election at the next; but they could consider taking both actions today if they went with the option.
2) Deferring the election until June of 2015 which would give the elected officers a full twelve month term (from July 2015 to June 2016).
3) Modifying the bylaws to establish a different timeframe for the officers' terms, if so desired.

The Commission chose to hold the election at the current meeting. Commissioner Wamback nominated Commissioner Beale as the Chair. Commissioner Erickson seconded the nomination. There was a vote unanimously supporting the election of Commissioner Beale as the Chair. Chair Gaffney nominated Vice-Chair Winship to retain his position. Commissioner Erickson seconded the nomination. There was unanimous approval for Vice-Chair Winship to retain his position. Mr. Wung clarified that the term would only be from January through June of 2015.

Mr. Wung also brought up an issue relating to the quorum as provided in the bylaws as well as in the Tacoma Municipal Code (TMC), Chapter 13.02 – Planning Commission. TMC 13.02 states that a majority of the membership of the Commission constitutes a quorum. Mr. Wung suggested that as part of the 2015 Annual Amendment the Commission consider a modification of that provision to a simple majority of filled positions. The Commission generally concurred with the suggestion. The Commission also suggested, for further discussion, potentially amending the bylaws to add a public comment period at the end of each meeting.

## E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Wung reported that the City Council would conduct a public hearing on the enforcement strategy options for non-licensed marijuana operations on January 6, 2015.

Noting that it was the final meeting of 2014, Mr. Wung thanked the Planning Commission for their work including four public hearings and consideration of a large number of issues. Mr. Boudet also thanked the Commission for their professional conduct and hard work.

Commissioner Beale thanked Chair Gaffney for being a great role model as a Chair, in addition to Commissioner Erickson and former Commissioner Jeremy Doty who were also noted for providing excellent leadership.

## F. ADJOURNMENT:

At 5:22 p.m., the meeting of the Planning Commission was concluded.

**Agenda Item D-1**

City of Tacoma
Planning and Development Services

**To:** Planning Commission

**From:** Elliott Barnett, Planning Services Division

**Subject:** **Final Recommendations – Marijuana Regulations (Permanent)**

**Meeting Date:** January 7, 2015

**Memo Date:** December 30, 2014

At the next meeting on January 7, 2015, the Planning Commission will discuss finalizing its recommendations to the City Council regarding permanent recreational marijuana regulations.

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 additional time for the City to evaluate the operations and impacts of the new licensed marijuana businesses. The City Council also expressed the imminent need and desire to replace the interim regulations with enhanced, permanent regulatory provisions.

Attached is a draft Letter of Recommendation, draft Findings and Recommendations Report, draft code changes, and a draft Marijuana Zoning Map. Staff will seek direction to finalize and forward these documents to the City Council.

In addition, the Planning Commission requested analysis regarding any potential conflicts between state regulations prohibiting the display of marijuana products and City regulations requiring building transparency along street frontages. Staff will provide an overview on these issues but are not recommending code changes at this time.

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

Attachments:
Draft Letter of Recommendation
Draft Findings and Recommendations Report
Draft code changes
Draft Marijuana Zoning Map

c: Peter Huffman, Director

City of Tacoma
Planning Commission

January 7, 2015 – DRAFT

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the proposed Permanent Land Use Regulations for Recreational Marijuana Uses, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, January 7, 2015* (attached).

Over the past three months, the Commission has conducted an expedited public process regarding recreational marijuana in Tacoma, benchmarked the work of other jurisdictions wrestling with these issues, developed and vetted policy approaches, and engaged with stakeholders and the public. On November 20, 2014, the Commission released a public review draft proposal, and held a public hearing on December 3rd. The public review proposal generated significant interest, including a total of fifty comments on the record. The Commission has now considered those comments and formulated our final proposal for the Council's consideration (attached).

Though the Council directed the Commission to focus specifically on recreational marijuana, the discussion has been overshadowed by the ongoing uncertainty and community concerns regarding the status of "medical" marijuana operations. City staff research indicates that there are 56 "medical" marijuana storefronts (and likely more) operating in apparent conflict with state law. These operations are largely unregulated, untaxed, and have become concentrated in certain locations. While the matter ultimately requires clarification at the state level, the Commission applauds the City Council's initiative to take more proactive enforcement actions. The proliferation of these unlicensed storefronts not only complicates and confuses the discussion of recreational marijuana businesses, it also undercuts the potential to bring marijuana into the open marketplace as called for by I-502. On the other hand, the Commission notes that access for legitimate medical marijuana users is also a high priority and heard significant concerns from the community about whether or not the recreational facilities can realistically, affordably and sensitively meet the needs of the medical community. We sincerely hope that action during the upcoming session by the State Legislature regarding medical marijuana, recreational marijuana, or both will soon resolve these issues in a reasonable and balanced manner.

The Commission's starting point in this effort was Tacoma's existing interim marijuana businesses code, which has been in effect for just over one year. The Commission feels that the interim code has largely met its intent, providing reasonable regulatory oversight and predictability for licensed marijuana businesses as well as the public. The interim code has now overseen the licensing and commencement of operations of five recreational marijuana retail stores and four production and processing facilities. The Commission notes that while the City has received numerous concerns regarding medical storefronts, to date there have been no official complaints or code violations for these new recreational marijuana facilities.

The public comments received demonstrate that the topic of marijuana generates strongly held perspectives on all sides of the issue. The Commission recognizes concerns held by some members of our community, particularly in regards to potential neighborhood impacts and access to marijuana by

children. At the same time, there is substantial support for steps toward normalizing this new industry as a method to reflect the will of the voters, and as a more desirable alternative to the grey and black markets. Ultimately, the Commission's recommendations are informed primarily by the latter perspective, as well as by the belief that the state and City regulatory approaches will reasonably limit negative impacts on our community.

The Planning Commission's final permanent regulations proposal includes the following components:

- Retain the interim provisions of the City's Marijuana Business code and make them permanent;
- Clarify that all licensed marijuana businesses must comply with the provisions of the City's Marijuana Businesses regulations. This clarification is intended to lay the groundwork to consistently regulate any future categories of marijuana business licenses that may be created by the State Legislature; and,
- Expand the areas where recreational marijuana production and processing, as well as Urban Horticulture, is allowed, to include the M-1 Light Industrial District and the CIX Commercial Industrial Mixed-Use Districts (this is in addition to the heavy industrial districts where it currently allowed). This change would make the City's approach to marijuana production and processing more consistent with similar land uses which are already permitted in these zones, as well as provide additional potential space for growth.

The Commission also considered, but does not recommend, potential updates including the following:

- Creating a distribution requirement between retail marijuana stores;
- Adding new uses to the list of required buffers;
- Further limiting retail marijuana store hours of operation;
- Additional standards for parking; and,
- Creating a formal City marijuana business certification process.

The Commission would like to emphasize that we have thoroughly evaluated and discussed the likely effects of these potential actions. After careful consideration, the Commission feels they would be overly restrictive, inconsistent with the City's approach to similar land uses, inconsistent with the intent of I-502, and would needlessly hamper the development of this new industry. The Commission feels strongly that retail distribution or new buffering requirements, new limitations on hours, or new standards should not be added to the City's recreational marijuana regulations.

In regards to the proposal to create a new City review process, staff have indicated the objectives can be accomplished administratively through the development of Standard Operating Procedures for review of proposed marijuana businesses, including the provision of informal public notification for retail license applications. We concur that this approach can accomplish the objectives of enhanced City review coordination and public notification in a more straightforward manner.

The Planning Commission understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with I-502. We anticipate other, non-regulatory actions may also be called for in the future. For example, the City should consider working with marijuana retail businesses and the public art community to beautify storefronts where visibility may be limited to meet state regulations. Finally, the City should collaborate

with other jurisdictions to advocate for state level actions on revenue sharing with local jurisdictions, changes in taxation to reduce the cost of marijuana purchased for medical use, and the development of state-level guidance on medical marijuana operations, along with monitoring and enforcement actions.

With the adoption of the code amendments proposed here, along with the non-regulatory actions discussed, the City of Tacoma will be well positioned to responsibly regulate marijuana businesses, as well as to react and anticipate the potential for action at the state level. Furthermore, the proposed permanent regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed permanent marijuana regulations, as recommended.

Sincerely,

CHRIS BEALE
Chair

Enclosure

# TACOMA PLANNING COMMISSION
## FINDINGS OF FACT AND RECOMMENDATIONS
## JANUARY 7, 2015

### A. SUBJECT:

Proposed Permanent Land Use Regulations regarding Recreational Marijuana Uses.

### B. SUMMARY OF PROPOSED AMENDMENT:

The Proposed Marijuana Permanent Regulations, as shown in Exhibit "A", would amend the Tacoma Municipal Code, Chapters 13.06 – Zoning, by replacing the current interim regulations contained in *TMC 13.06.565 Marijuana Businesses* with permanent regulations. The proposal would retain the provisions of the interim code, and make several additions and modifications.

Specifically, the following provisions of the interim code would be retained and incorporated in the permanent regulations contained in *TMC 13.06.565*:

- 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, with applicable standards and requirements;
- Allows marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts, with applicable standards and requirements;
- 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;
- Requires marijuana uses to comply with additional development standards concerning odor controls, drive-throughs, size and hours of operation, signage and advertisement, off-site and outdoor sales, product visibility, and other applicable standards; and,
- As part of the development of the interim code the Council also established Urban Horticulture as a land use in which plants, other than marijuana, are grown or produced indoors for the sale of plants or their products.

In addition to retaining the above provisions, the proposed permanent regulations would incorporate the following modifications:

- Clarify that all licensed marijuana uses must comply with City requirements; and,
- Expand the areas where Marijuana Production and Processing, as well as Urban Horticulture, are permitted to include the M-1 Light Industrial and the CIX Commercial Industrial Mixed-Use Districts.

Finally, the Planning Commission is forwarding recommendations to the City Council to refine the City's administrative process for reviewing marijuana business applications forwarded to the City by the Washington State Liquor Control Board (WSLCB). The recommendations include establishing Standard Operating Procedures to coordinate the review of marijuana license applications, as well as provision of notification of proposed marijuana business retail locations to nearby property owners and community stakeholders. These actions do not require a code change.

## C. BACKGROUND:

Initiative 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 Washington State Liquor Control Board ("WSLCB") was tasked with establishing rules and procedures to implement Initiative 502, including determining the maximum number of retail outlets that may be licensed in each county. The WSLCB 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. The interim regulations 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.

Pursuant to the City Council's direction, from October through December of 2014 the Planning Commission conducted an expedited public process to develop recommendations to update the City's marijuana regulations. 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.

**D. FINDINGS OF FACT:**

1. Initiative 502 was passed by the voters of the State of Washington in November 2012, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington.
2. Under Initiative 502, the Washington State Liquor Control Board (WSLCB) is tasked with the responsibility to adopt rules governing the licensing and operation of marijuana producers, processors, and retailers. *Chapter 314-55 Marijuana Licenses, Application, Process, Requirements, and Reporting* of the Washington Administrative Code was finalized and became effective on November 16, 2013.
3. The WSLCB has set the total number of marijuana retail outlets as limited to 334 statewide and the allocation per county is proportionate to the respective population and marijuana consumption level. The Pierce County allocation is 31, including 8 in the City of Tacoma, 6 in other specific jurisdictions and 17 at-large.
4. Local land use and zoning regulations apply to the siting of marijuana production, processing, and retail locations. All producers, processors, and retailers of marijuana are required to obtain a license issued by the WSLCB. Under WAC 314-55-160, cities have the ability to object to the granting of a proposed license.
5. It is noted that federal law still identifies marijuana as a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides sources of revenue to large-scale criminal enterprises, gangs, and cartels. Washington State residents involved in marijuana production/retailing or marijuana users could still be subject to federal prosecution. However, President Obama has indicated that prosecution of recreational users will not be a priority. The U.S. Department of Justice issued a Memorandum for All United States Attorneys on August 29, 2013 providing "Guidance Regarding Marijuana Enforcement" and indicating that federal prosecutors are not going to interfere with those operating marijuana businesses or using marijuana in accordance with state law.
6. Staff of the Planning and Development Services Department have and continue to outreach to stakeholders and have received inquiries from numerous interested parties and prospective/potential marijuana license applicants. It is clear from this outreach, as well as input from the City Council, that this community is concerned both about the potential negative impacts from this new industry and these types of uses, and interested in respecting the desires of Washington voters in a manner that is consistent with this community's goals and interests.
7. In response to these community issues, the City Council indicated their intent to impose interim regulations in early November 2013 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 expected to come forward from the WSLCB in November-December 2013.

8. 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. The interim regulations 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.
9. RCW 35.63.220 and Tacoma Municipal Code (TMC) 13.02.055 permit the establishment of moratoria or interim zoning when it is found to be necessary as a protective measure. Interim zoning regulations will help provide a temporary, but proactive approach to regulating these types of uses in a manner that reflects this community's desires and unique character and will help maintain regulatory certainty, ensure customer service, and support economic development.
10. The City Council adopted Resolution No. 38743 on October 1, 2013, initiating the process for imposing interim zoning controls regarding recreational marijuana uses and setting October 22, 2013 as the date for a public hearing on the proposed interim regulations.
11. Pursuant to TMC 13.02.055, the City Council-initiated interim zoning was referred to the Planning Commission for findings of fact and a recommendation prior to adopting the interim zoning. As part of its findings of fact and recommendation, the Planning Commission addressed the appropriate duration and scope of the interim zoning and note if a study is expected to develop a permanent solution and the time period by which that study would be concluded.
12. With regards to the duration of the interim regulations, TMC 13.02.055 provides: "Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period." In this case the Commission found that a six month duration would not be sufficient time to evaluate the impacts of this brand new industry and untested regulatory scheme, both at the state-wide and local levels. 12-months would be a more reasonable timeline for the City to monitor the effects of these new marijuana uses within the City, in coordination with other affected jurisdictions as appropriate. Additionally, a 12-month timeframe will better ensure that any permanent regulations are coordinated with the pending rules for medical marijuana, which the State Legislature is expected to address in this next legislative session.
13. The City Council's Committee of the Whole reviewed background information associated with Initiative 502 and the draft Rules proposed by the Washington State Liquor Control Board ("WSLCB") during July-September 2013. The Committee contemplated various response measures, including the approach of imposing interim regulations, and generally concurred with the framework for the potential interim regulations as enunciated in Resolution No. 38743.

14. The Planning Commission also reviewed background information associated with Initiative 502, draft Rules proposed by the WSLCB, and the framework for the potential interim regulations at previous meetings on August 7 and September 18, 2013.
15. Based on the adopted Initiative, the draft Rules proposed by the WSLCB, research and analysis, review of other City codes and standards, initial community outreach, previous discussions with the City Council, and the framework outlined in Resolution No. 38743, staff developed a preliminary draft of the Interim Land Use Regulations.
16. The proposed interim regulations would allow marijuana producers and marijuana processors outright in intensive industrial zones, allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts, further limit their location based on buffering standards from certain sensitive uses, and require them to operate consistent with certain development standards.
17. In addition to the 1,000-foot buffering requirements applicable for certain sensitive uses in accordance with WAC 314-55, the Proposed Marijuana Interim Regulations also applied the 1,000-foot buffering to correctional facilities, court houses, and drug rehabilitation facilities, substance abuse facilities, and detoxification centers.
18. On November 5, 2013, the City Council adopted Substitute Ordinance No. 28182, and enacted the interim land use regulations concerning the production, processing, and retail sale of recreational marijuana, effective for one year from November 17, 2013, to November 16, 2014. These regulations have been codified as *Tacoma Municipal Code 13.06.565 Marijuana Businesses*.
19. The WSLCB did not begin issuing marijuana production and processing licenses until March 2014, and marijuana retailing licenses until July 2014, and as of December 2014 four production/processing licenses and five retail licenses within Tacoma have been issued.
20. The state legislature deliberated regarding potential changes to address the medical marijuana industry in 2014, but has not as yet adopted any changes.
21. On September 30, 2014, the City Council adopted Ordinance No. 28250 extending the interim recreational marijuana land use regulations for a six-month term, until May 16, 2015.
22. As part of the September 30, 2014 Council discussion, the Council directed staff to engage the Planning Commission to develop recommendations for permanent recreational marijuana land use regulations to replace the interim regulations, on an accelerated schedule. The permanent regulations would address issues raised through community discussions, and consider any lessons learned through the newly licensed and operating marijuana businesses.
23. The Planning Commission began its review on October 1, 2014, when it developed a draft schedule for review of the proposal, and has discussed the topic at four regular Planning Commission meetings to date.
24. To support the Commission's process, staff conducted policy analysis, benchmarking of other jurisdictions' regulations, consulted with the WSLCB, conducted site visits, and engaged with staff from multiple City departments, identified stakeholders, business and community groups, and interested members of the community.

25. On November 19, 2014 the Commission authorized the distribution of a public review draft proposal and set a public hearing date of December 3, 2014 with written comments due by December 5, 2014.

26. The Planning Commission public review draft contained the following proposals:

- Reaffirm the provisions of the interim regulations and make them permanent;
- Clarify that all new marijuana businesses must comply with City requirements;
- 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;
- Prohibit new marijuana retail uses within 1,000 feet of existing marijuana retail use(s); and,
- 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.

27. 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.cityotacoma.org/planning (and click on "Recreational Marijuana Permanent Regulations"). In addition, staff has presented to the Cross District Association and Community Council.

28. Environmental Review – Pursuant to WAC 197-11-340(2) and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the Proposed Marijuana Regulations has been issued on November 20, 2014 (SEPA File Number SEP2014-40000235612), based upon a review of an environmental checklist. The DNS and the environmental checklist have been provided or made available to appropriate entities that had received the City Council's public hearing notice, and a legal notice announcing the availability for review was placed in the City's official newspaper, the Tacoma Daily Index, on November 24, 2014. Comments were required by December 5, 2014. The determination became final on December 12, 2014.

29. On December 3, 2014 the Planning Commission held a public hearing on the draft proposal. The Commission received a total of 50 oral and written comments by December 5th. The comments reflect a broad range of strongly held perspectives on all sides of the issues associated with marijuana.

30. On December 17, 2014 the Planning Commission reviewed a staff Comments and Responses Report which summarized the key issues raised in public testimony and provided staff analysis. Copies of all written comments were included in the report and provided to the Planning Commission.

31. On December 17, 2014 the Planning Commission provided direction on changes to the proposal to reflect public input and additional Commission deliberations. The final recommended code changes proposed include:

    - Reaffirm the provisions of the interim regulations and make them permanent;
    - Clarify that all new marijuana businesses must comply with City requirements; and,
    - Allow recreational marijuana production and processing, as well as Urban Horticulture, in the M-1 Light Industrial District and the CIX Commercial Industrial Mixed-Use Districts, in addition to heavy industrial districts as currently allowed. This change would make the City's approach to marijuana production and processing more consistent with similar land uses which are already permitted in these zones, as well as provide additional potential space for growth.

32. In addition to code changes, the Planning Commission is recommending several additional actions, including:

    - Development of Standard Operating Procedures for review of proposed marijuana businesses, including the provision of informal public notification for retail license applications;
    - Consideration of opportunities for collaboration between marijuana retail businesses and the public art community to beautify storefronts where visibility may be limited to meet state requirements;
    - Pursuit of a proactive enforcement strategy in regards to medical marijuana storefronts, while recognizing the needs of medical marijuana users; and,
    - Collaboration with other jurisdictions to advocate for state level actions on revenue sharing with local jurisdictions, changes in taxation to reduce the cost of marijuana purchased for medical use, and the development of state-level guidance on medical marijuana operations, along with monitoring and enforcement actions.

33. On January 7, 2015 the Planning Commission is scheduled to finalize their recommendations and forward them to the City Council for consideration. The tentative dates for Council action is as follows:

    - January 13, 2015 – Council resolution to set public hearing date
    - February 3, 2015 – Council Study Session and Public Hearing

- February 10, 2015 – Council Study Session and first reading of adopting ordinance
- February 17, 2015 – Council final reading of adopting ordinance
- March 2, 2015 – Effective date of permanent regulations

34. On December 2, 2014, the Council Committee of the Whole discussed potential enforcement strategy options for non-licensed marijuana operations and provided direction to staff to further develop recommendations for a proactive enforcement approach.
35. Public Hearing Notice – the City Council public hearing on the enforcement strategy options for non-licensed marijuana operations has been scheduled for Tuesday, January 6, 2015 at approximately 5:30 pm in the City Council Chambers.
36. Modifications to the Shoreline Master Program, formulated as part of the 2013 interim code development, are not final until approved by the Department of Ecology. Ecology staff have indicated that this is an administrative requirement which should not be an issue when submitted as a minor SMP amendment, subsequent to final Council action on these proposals.

## E. CONCLUSIONS:

The Planning Commission concludes that:

(a) Given the provisions of state law allowing for production, processing, and retailing of recreational marijuana under voter-approved I-502, there is need to adopt permanent regulations for recreational marijuana-related land uses, thus eliminating the need to renew the interim regulations upon expiration every six months.

(b) The Proposed Marijuana Permanent Regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity; and,

(c) The Proposed Marijuana Permanent Regulations are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

## E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the proposed amendments to Tacoma Municipal Code, Chapters 13.06 as set forth in Exhibit "A", as well as pursue the other recommendations summarized above.

## F. EXHIBITS:

"A": Proposed Marijuana Interim Permanent Regulations
(Amendments to the Tacoma Municipal Code, Chapters 13.06)

"B": Preliminary Map of Allowed Zoning and Required Buffering for Marijuana Uses

**Exhibit A**

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

DRAFT LAND USE REGULATORY CODE CHANGES

*January 7, 2015*

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

**Chapter 13.06 – Zoning**

13.06.300 – Mixed-Use Center Districts

13.06.400 – Industrial Districts

13.06.565 – 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~~.

**13.06.300 Mixed-Use Center Districts.**

***

B. Districts established. The following specific districts are established to implement the purposes of this section and the goals and policies of Tacoma's Comprehensive Plan:

***

5. CIX Commercial Industrial Mixed-Use District. To provide sites for a mix of commercial establishments and limited industrial activities, including light manufacturing, assembly, distribution, and storage of goods, but no raw materials processing or bulk handling. Larger scale buildings are appropriate. Residential uses are permitted.

***

D. Land use requirements.

1. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

2. Use table abbreviations.

| | | |
|---|---|---|
| P | = | Permitted use in this district. |
| CU | = | Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640. |
| TU | = | Temporary use consistent with Section 13.06.635. |
| N | = | Prohibited use in this district. |

3. District use table.

| **Uses** | **NCX** | **CCX** | **UCX** | **RCX**[1] | **CIX** | **HMX** | **URX** | **NRX** | **Additional Regulations**[3, 4, 5] **(also see footnotes at bottom of table)** |
|---|---|---|---|---|---|---|---|---|---|
| *** | | | | | | | | | |
| Marijuana processor | N | N | N | N | ~~N~~ P | N | N | N | See additional requirements contained in Section 13.06.565 |
| Marijuana producer | N | N | N | N | ~~N~~ P | N | N | N | See additional requirements contained in Section 13.06.565 |
| Marijuana retailer | P | P | P | N | P | P* | N | N | *Limited to 7,000 square feet of floor area, per business, in the HMX District.<br>See additional requirements contained in Section 13.06.565 |
| *** | | | | | | | | | |
| Urban Horticulture | N | N | N | N | ~~N~~ P | N | N | N | |

## 13.06.400 Industrial Districts.

***

## 13.06.400.B Districts established.

M-1 Light Industrial District
M-2 Heavy Industrial District
PMI Port Maritime & Industrial District

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.

***

## 13.06.400.C Land use requirements.

***

3. Use table abbreviations.

| | | |
|---|---|---|
| P | = | Permitted use in this district. |
| CU | = | Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640. |
| TU | = | Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635. |
| N | = | Prohibited use in this district. |

4. District use table.

| Uses | M-1 | M-2 | PMI | Additional Regulations[1] |
|---|---|---|---|---|
| *** | | | | |
| Marijuana processor | ~~N~~ P | P | P | See additional requirements contained in Section 13.06.565 |
| Marijuana producer | ~~N~~ P | P | P | See additional requirements contained in Section 13.06.565 |
| Marijuana retailer | P~ | P~ | N | ~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district.<br>See additional requirements contained in Section 13.06.565 |
| *** | | | | |
| Urban Horticulture | ~~N~~ P | P | P | |

***

**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 licensed marijuana uses are required to 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.

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.

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

d. 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.

e. 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.

# *DEFINITIONS INCLUDED FOR REFERENCE:*

## 13.06.700 Definitions and illustrations.

***

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

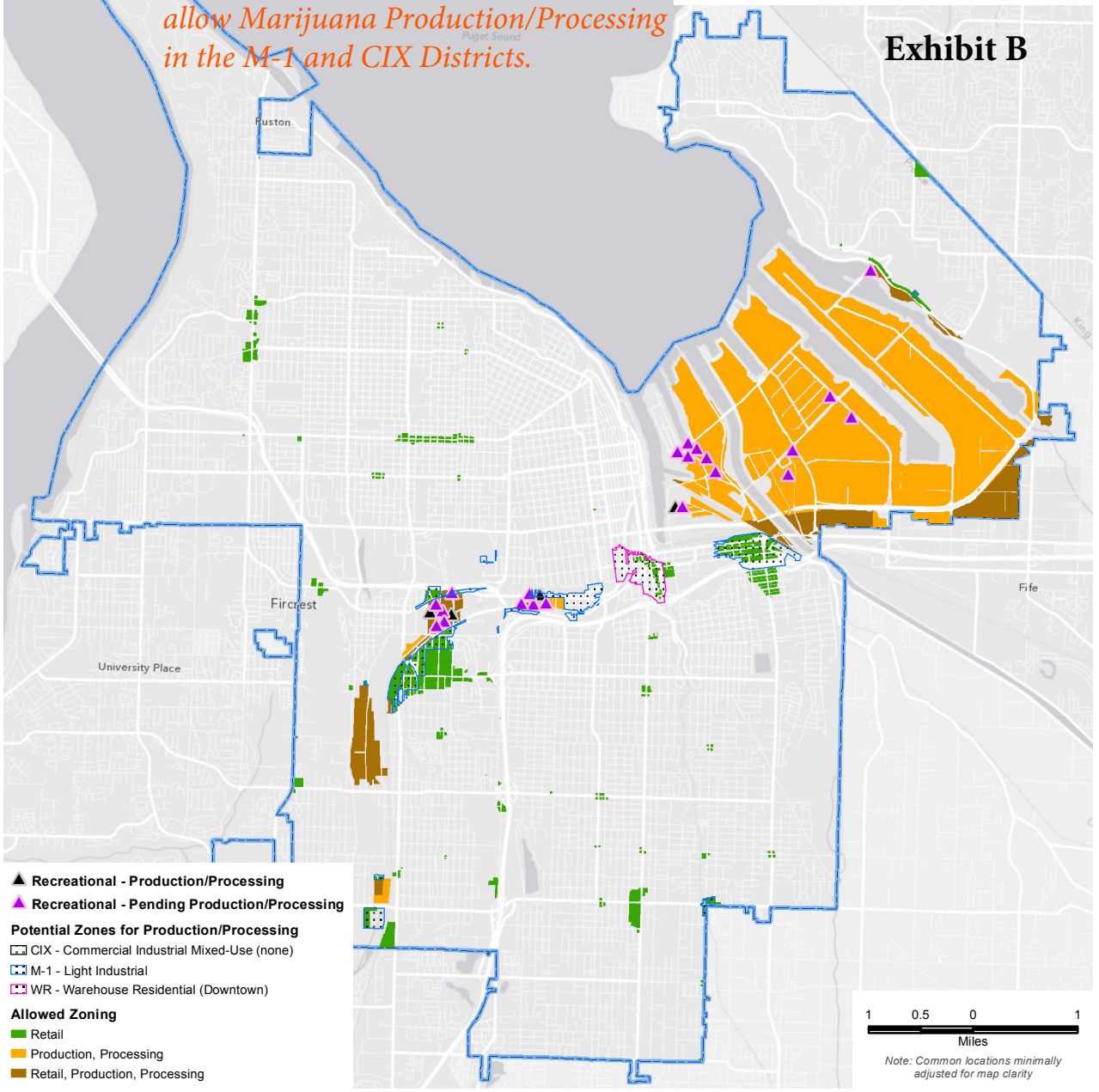
***

Urban Horticulture. A use in which plants are grown or produced indoors for the sale of the plants or their products or for use in any business, including such things as fruits, vegetables, and other crops, flowers, ornamental plants or trees.

*Map will be modified to reflect the Planning Commission's direction to allow Marijuana Production/Processing in the M-1 and CIX Districts.*

# Tacoma Marijuana Industry Locations

## Exhibit B



**Agenda Item D-2**

City of Tacoma
Planning and Development Services

**To:** Planning Commission

**From:** Stephen Atkinson, Associate Planner, Planning Services Division

**Subject:** **Land Use Designations – Phase 2**

**Meeting Date:** January 7, 2015

**Memo Date:** December 30, 2014

At the Planning Commission's meeting on January 7, 2015, staff will continue the land use designation discussion pertaining to institutions and educational facilities, planned residential developments, and parks and open space areas, as well as outline the next steps in the review and application of the new designation system. The intent is to adopt a new generalized land use map in 2015 as part of the Comprehensive Plan update that fully implements the new land use designations adopted by the City Council in 2013.

At the December 3, 2014 meeting, staff recommended a draft Institutional Campus designation that would apply to high schools, higher learning facilities greater than 10 acres in size, as well as hospital campuses. The Commission gave concurrence to continue developing a draft Institutional Campus designation for consideration as part of the 2015 Comprehensive Plan update. In addition, staff and the Commission were not able to complete the review and discussion of the following topics:

- **Planned Residential Developments –** Planned Residential Developments (PRDs) provide additional flexibility within the zoning code and are based on a specific zoning district. As such they are identified vis-à-vis the zone they are permitted under (i.e. R-3 PRD). Multiple Planned Residential Developments are currently inconsistent with the land use intensity in the Generalized Land Use Map. PRDs are typically larger development sites greater than two acres.
- **Park and Open Space Areas** – Currently, the City's parks and open spaces are not identified as such in the Generalized Land Use Map. Many of the City's steep slopes and habitat corridors are designated in the Generalized Land Use Map as low intensity and zoned for single family residential development. The low intensity designation suggests that the steep slopes and habitat corridors are appropriate for low density multifamily development.

At the January 7th meeting, staff will be recommending a general approach to applying the new land use designations to planned residential developments and parks and open space areas, as well as showing the draft maps for the proposed Institutional Campus designation. Attached are the maps provided to the Commission at the December 3rd meeting.

If you have any questions, please contact me at (253) 591-5531 or satkinson@cityoftacoma.org.

Attachments

c. Peter Huffman, Director

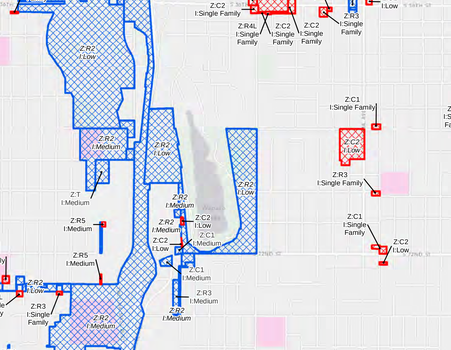
# Land Use Designation Assessment

## Existing Zoning vs Intensity With Educational Uses

**Legend**

- City Boundary
- Zoning > Intensity
- Zoning < Intensity
- Education Facility

### Map Location




### City of Tacoma
### Community & Economic Development Department
### GIS Analysis & Data Services

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Feet

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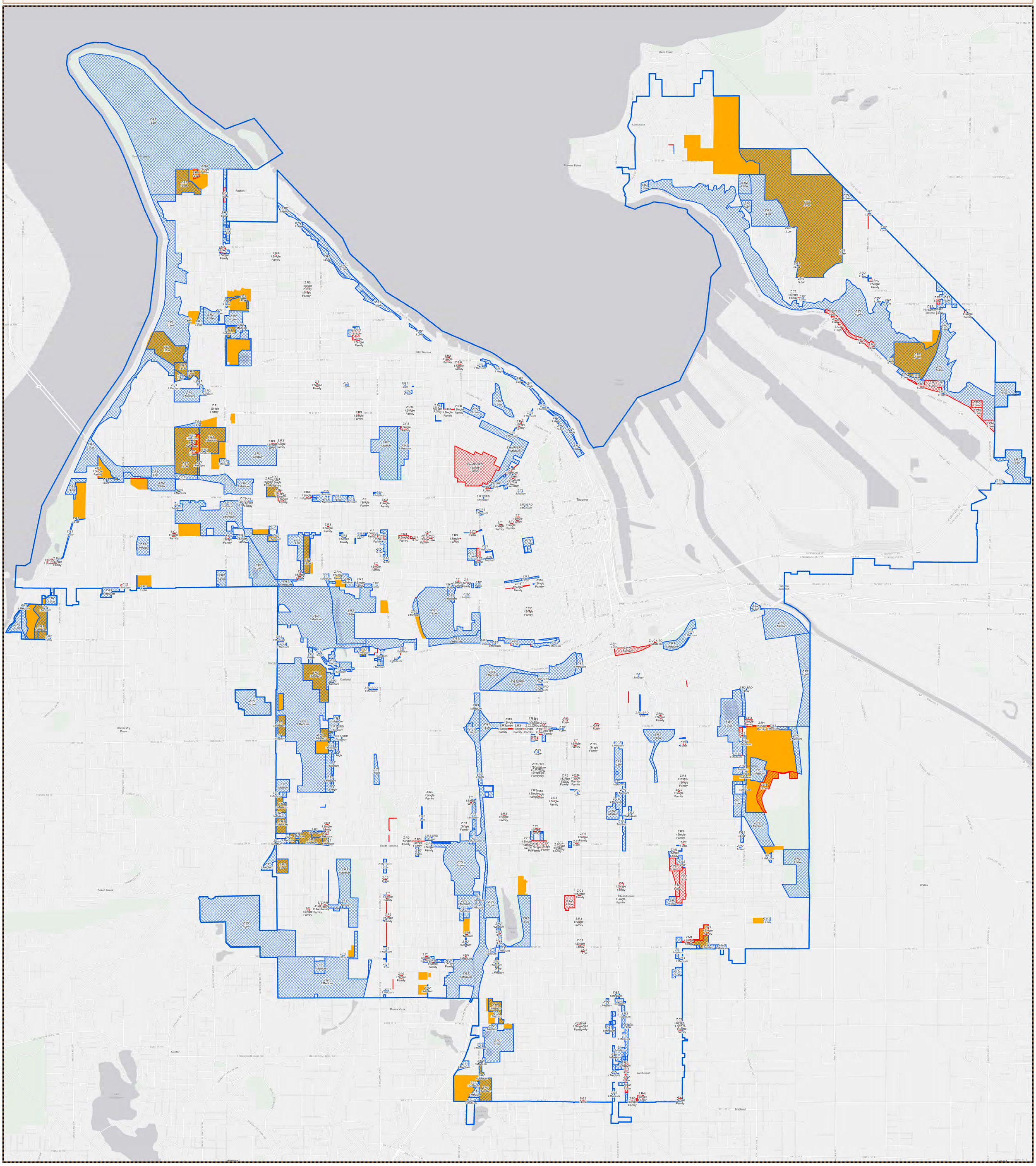
Plot Date: 8/18/2014 File Name: \\Geobase-win\CED\GADS\R2014\R359\4.FLUP_Education.mxd

# Land Use Designation Assessment

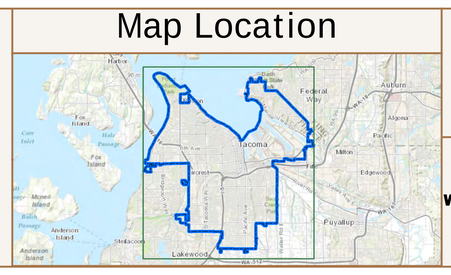
## Existing Zoning vs Intensity With Planned Res Development (PRD) Overlay




**Legend**

- City Boundary
- Zoning > Intensity
- Zoning < Intensity
- PRD Overlay

## Map Location




City of Tacoma
Community & Economic Development Department
GIS Analysis & Data Services

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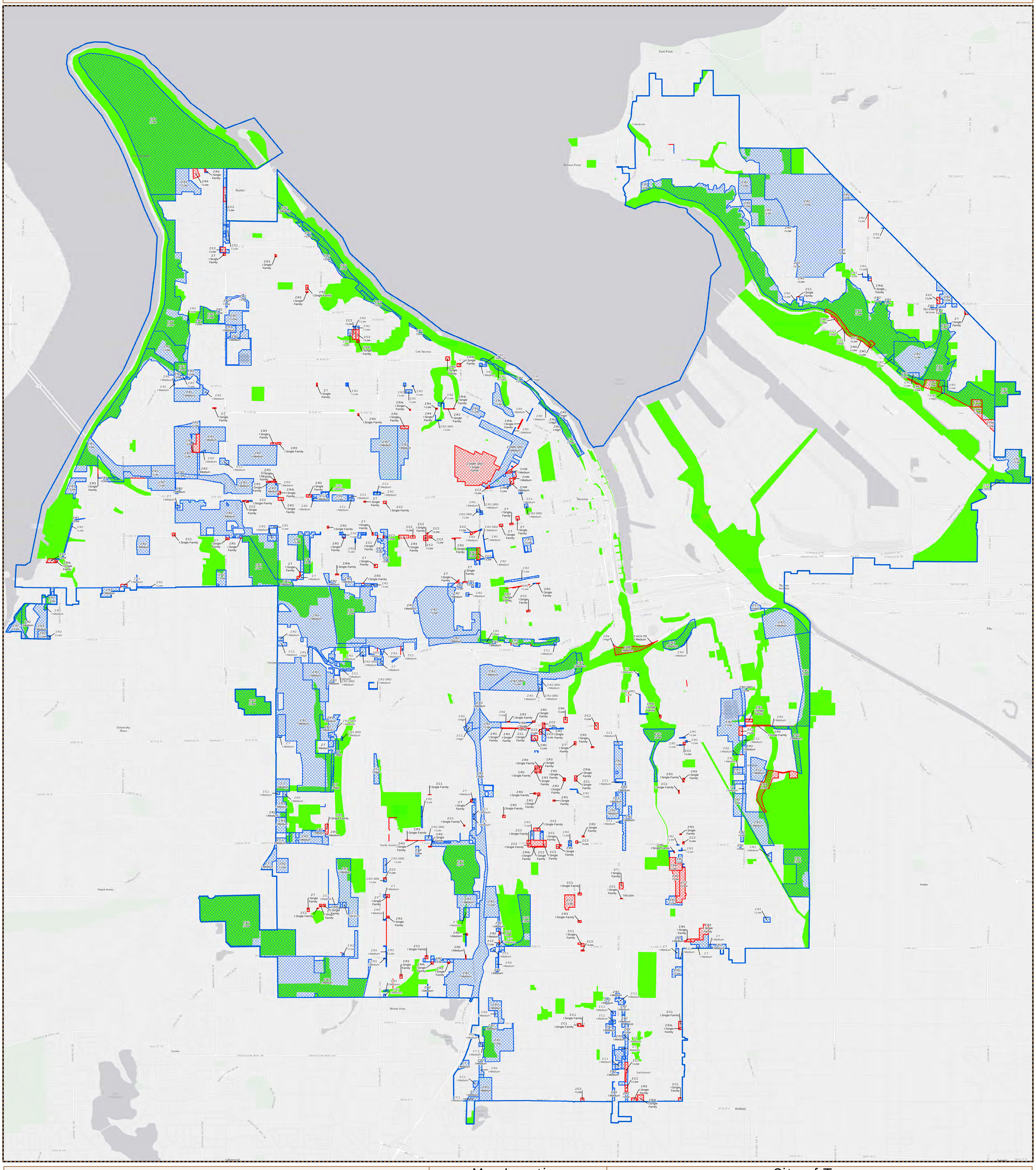
# Land Use Designation Assessment

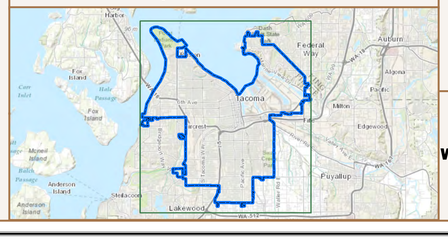
## Existing Zoning vs Intensity With Habitat Corridors & Parks




**Legend**

- Zoning > Intensity
- Zoning < Intensity
- Parks & Habitat Corridors
- City Boundary

## Map Location




## City of Tacoma
## Community & Economic Development Department
## GIS Analysis & Data Services

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Plot Date: 8/18/2014 File Name: \\Geobase-win\CED\GADS\R2014\R359\3.FLUP_ParksandHabitat.mxd

**Agenda Item E-1**

City of Tacoma

# Notice of Public Hearing

December 11, 2014

On Tuesday, January 6, 2015, at approximately 5:30 p.m., the City Council will conduct a public hearing on the enforcement strategy options for non-licensed marijuana operations.

At the December 2, 2014, Committee of the Whole meeting, an update on the City's enforcement strategy for non-licensed marijuana operations since 2012 was given along with several enforcement options for consideration moving forward. The City Council now desires to receive input from citizens regarding the enforcement strategy options for non-licensed marijuana operations.

This hearing will take place in the City Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington. All persons will have an opportunity to present their oral comments at the meeting. Those wishing to submit written comments may do so at the public hearing, or may submit them to the City Clerk's Office at cityclerk@cityoftacoma.org or 733 Market Street, Room 11, Tacoma, WA 98402, by 4:00 p.m., on Tuesday, January 6, 2015.

Resolution No. 39077, which set the public hearing date, can be viewed in its entirety on the City's website at www.cityoftacoma.org/recentlegis by clicking on the link for December 9, 2014, or by requesting a copy from the City Clerk's Office at (253) 591-5505.

For more information, please contact Ms. Elizabeth Pauli at (253) 591-5627.

Doris Sorum
City Clerk

The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.

Agenda Item
E-2

# PUBLIC MEETING

## STATUS OF THE TIDEFLATS EMERGENCY RESPONSE AND INTELLIGENT TRANSPORTATION SYSTEM STUDY

### PUBLIC MEETING

Monday, January 12, 2015 5:00 p.m. Fabulich Center
3600 Port of Tacoma Road, Tacoma, WA 1st Floor

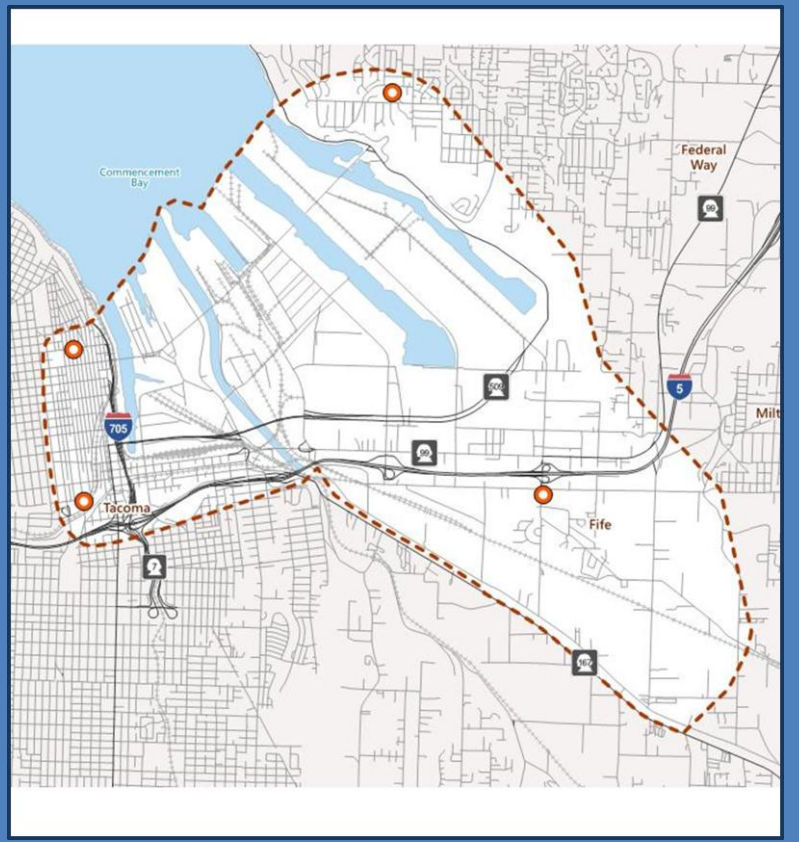
**WHAT IS THE TIDEFLATS EMERGENCY RESPONSE (ER) AND INTELLIGENT TRANSPORTATION SYSTEM (ITS) STUDY?**

The study is assessing the emergency response capabilities within the Tideflats area and the potential applications of Intelligent Transportation System technology. It is intended to serve as a supplement to the Port of Tacoma's Tideflats Area Transportation Study (2011), the Port of Tacoma Land Use and Transportation Plan (2014), the City of Tacoma Comprehensive Plan's Container Port Element (2014), and the City's ongoing update to the Transportation Master Plan. The Tideflats ER/ITS Study is part of a coordinated effort between a number of stakeholders.

**WHAT ARE THE EXPECTED OUTCOMES FROM THE STUDY?**

The study will recommend actions to improve emergency response capacity and transportation operations. The recommendations may include additional emergency response facilities or modifications to current operating procedures. Additional recommendations will include an ITS Strategic Plan and transportation infrastructure improvements to improve both emergency response and traffic operations. The project team, in coordination with the participating stakeholders will prioritize the recommendations and identify funding strategies.

## *ER/ITS Study Area*



## Why the Tideflats Area?

- Acts as the industrial hub of the City of Tacoma
- Port Strategic Plan calls for doubling container volumes and dry bulk throughput
- Increase in automobile import volume by 20%
- Future Tideflats area land uses involve additional risk
- Recent and proposed street vacations have impacted emergency response
- Recent closures of Fire Stations within the Tideflats have impacted emergency response capabilities
- Impacts to travel patterns due to closure of E 11th Street Viaduct
- Increasing congestion along SR509, Port of Tacoma Road and other Tideflats area arterials

## Participating Stakeholders

- City of Tacoma (Planning, Public Works, Fire, Police, Rail)
- Port of Tacoma
- City of Fife
- Washington State Department of Ecology
- Washington State Department of Transportation
- Puget Sound Energy
- Puyallup Tribe
- US Oil
- Targa Sound Terminal
- Totem Ocean Trailer Express

## Additional information

Additional information associated with the study is available at the Planning and Development Services Department, 747 Market Street, Room 345; and on www.cityoftacoma.org/Planning - "Emergency Response/Intelligent Transportation System") If you have additional questions or comments please feel free to contact Shirley Schultz at (253) 591-5121 or shirley.schultz@cityoftacoma.org

*The City of Tacoma does not discriminate on the basis of disabilities in any of its programs or services. Special accommodations can be provided upon request within five (5) business days prior to the hearing. To arrange for these accommodations please contact the Planning and Development Services Department at (253) 591-5030 (voice) or (253) 591-5153 (TDD).*

PLANNING & DEVELOPMENT SERVICES
TACOMA MUNICIPAL BUILDING
747 MARKET STREET, ROOM 345
TACOMA WA 98402-3701
(253) 279-8950

PRSTD STANDARD
US POSTAGE
PAID
TACOMA WA
PERMIT NO 2

**Agenda Item E-3**

City of Tacoma
Planning and Development Services

# *Letter to the Community*
## *Re: Planning Projects and 2015 Annual Amendment*

December 30, 2014

Dear Community Members:

Season's greetings! I hope that 2014 has been a productive year for you all and wish the New Year brings you health, prosperity and happiness.

We in the Planning Services Division look forward to your continued support and shared efforts to realize the City of Tacoma's vision and our goal to guide community growth and development in a manner that protects environmental resources, enhances quality of life, promotes distinctive neighborhoods and a vibrant downtown, and involves citizens in the decisions that affect them.

We also want to keep you informed of some of the significant planning projects we are working on, such as the Tacoma Mall Subarea Plan, Amtrak Station Relocation and Design, Recreational Marijuana Regulations, Billboards Regulations, Prairie Line and Schuster Corridor Trails, and an Emergency Response/Intelligent Transportation System Plan for the Port/Tideflats area, just to name a few. More information about these and many other planning projects can be viewed at the Planning Services Division's home page at www.cityoftacoma.org/Planning.

I would like to draw your attention to the link to the "2015 Annual Amendment" when you browse our home page. As many of you know, every year the City considers amendments to its Comprehensive Plan and Zoning Code through a consolidated package, which we refer to as the "Annual Amendment." The 2015 Annual Amendment package contains the following ten important proposals (or "applications"):

1. 2015 GMA Update
2. Mixed-Use Centers Review
3. Land Use Designations – Phase 2
4. Critical Areas Preservation Code Update
5. Transportation Master Plan
6. Open Space Habitat and Recreation Element
7. Affordable Housing Planning Work Program – Phase 3
8. Electric Vehicle Infrastructure – Phase 2
9. Code Cleanup
10. West Slope Neighborhood Conservation District

The Tacoma Planning Commission is currently in the process of reviewing the staff analyses for individual applications and is scheduled to conduct a public hearing on the entire package during the June-July timeframe in 2015. The Commission will then complete its review and make a recommendation to the City Council in August, and the Council will hold a public hearing and make a final decision on the package in October 2015.

This is an opportune time for you weigh in on the 2015 Annual Amendment or to learn more about the potential changes being considered. Here are just a few ways to get involved or stay informed:

- Visit the Planning Services Division's website at www.cityoftacoma.org/Planning, and click on "2015 Annual Amendment" (or click on any other link to review the various exciting projects);
- E-mail us at planning@cityoftacoma.org or call us at (253) 591-5682;
- Get on the Planning Commission's E-mail Distribution List to receive the Commission's meeting agendas twice a month and other announcements; or
- Request a meeting with staff. You are welcome to visit us at the Tacoma Municipal Building, or we are happy to come to meetings of your affiliations to provide a briefing on any of these subjects and solicit your comments, concerns and suggestions.

Attached for your review is a summary of applications and the project schedule for the 2015 Annual Amendment. If you have any questions about any of these applications or would like additional information about them, please do not hesitate to contact us.

Sincerely,

BRIAN BOUDET, MANAGER
Planning Services Division

Attachments

c: Peter Huffman, Director

*This letter is distributed to the following organizations:*

- Planning Commission (Lihuang Wung)
- Blue Ribbon Panel (Sue Coffman)
- Sustainable Tacoma Commission (Kristin Lynett)
- Transportation Commission (Jennifer Kammerzell)
- Foss Waterway Development Authority (Su Dowie)
- Growth Management Coordination Committee (Toni Fairbanks)
- Tacoma Public Utilities (Vikki Lawson)
- MetroParks Tacoma (Nancy Davis)
- Port of Tacoma (Evette Mason)
- Tacoma School District (Ethelda Burke)
- Bates Technical College (Marty Mattes)
- Tacoma Community College (Pamela Transue)
- University of Washington Tacoma (Milt Tremblay)
- Tacoma-Pierce County Affordable Housing Consortium (Denny Hunthausen)
- Tacoma-Pierce County Chamber of Commerce (Gary Brackett)
- Master Builders Association of Pierce County (Jeremiah LaFranca)
- Association of General Contractors – Southern District (Tim Attebery)
- Cross-Cultural Collaborative of Pierce County (Maria Salado)
- Downtown Merchants Group (Judi Hyman)
- Green Tacoma Partnership – Forterra (Gene Duvernoy)
- Tacoma Urban Land Trust (tacomaurbanlandtrust@gmail.com)
- Hillside Development Council (Milt Tremblay)
- Tacoma Waterfront Association (Jayna Marshall)
- Tacoma-Pierce County Association of Realtors (Catherine Rudolph)
- Walk the Waterfront (Lara Herrmann)
- Citizens for a Healthy Bay (Bill Anderson)
- 6th Avenue Business District (Daniel Smith)
- Dome Business District (Janice McNeal)
- Fern Hill Business District (Kim Anderson)
- Hilltop Business District (Kevin Grossman)
- Lincoln Business District (Debbie Bingham)
- McKinley Hill Business District (Shari Hart)
- Oakland-Madrona Business District (Debbie Bingham)
- Old Town Business District (Ruth Dalenius)
- Pacific Avenue Business District (John Hoover)
- Portland Avenue Business District (Carol Wolfe)
- Proctor Business District (Gail Caldwell)
- Ruston/Point Defiance Business District (John Trueman)
- South Tacoma Business District (Brenda Truman)
- Stadium Business District (Leah Knoll)
- Tacoma Narrows Business District (Shari Hart)
- Cross District Association (Kevin Grossman)
- Central Neighborhood Council (Chair@cnc-tacoma.com)
- Eastside Neighborhood Council (ENACT) (Lynnette Scheidt)
- New Tacoma Neighborhood Council (Elizabeth Burris)
- North End Neighborhood Council (chair@nenc.org)
- Northeast Neighborhood Council (John Thurlow)
- South End Neighborhood Council (Earl Brysdon)
- South Tacoma Neighborhood Council (Skip Vaughn)
- West End Neighborhood Council (Ginny Eberhardt)
- Community Council of Tacoma (Andy Morhorst)
- Tacoma Neighborhoods Together (Bill LaVergne)
- South Sound Military & Communities Partnership (Tiffany Speir)

# DESCRIPTION OF APPLICATIONS (PROPOSALS)

| PROPOSAL | DESCRIPTION OF PROPOSED AMENDMENT |
|---|---|
| **2015 GMA Update** | Review and update the Comprehensive Plan in accordance with the "Periodic Update" requirements of the State Growth Management Act (GMA). This includes a broad review of all elements of the Plan to ensure consistency with community goals and state, regional, and countywide planning policies. |
| **Mixed-Use Centers Review** | A comprehensive review of all Mixed-Use Centers (MUCs), to determine their effectiveness in achieving the City's intent and vision. The project may result in revisions to the number, location and types of designated MUCs, as well as to the vision, growth strategies and development concept as portrayed in the Comprehensive Plan. |
| **Land Use Designations (Phase 2)** | Incorporation of the new Land Use Designation Framework into the Comprehensive Plan, a review of existing and proposed land use patterns and zoning against the new designation framework, rectification of inconsistencies between the intensities and the zoning, and substantial re-designation of properties in the City based on the new framework. |
| **Critical Areas Preservation Code Update** | Conduct an update of the Best Available Science pertaining to designated critical areas, in accordance with the GMA Periodic Update requirements (RCW 36.70A.130), and amend various sections of TMC 13.11 Critical Areas Preservation Code accordingly. |
| **Transportation Master Plan** | Incorporation of the Transportation Master Plan (TMP) into the Comprehensive Plan. The TMP is being developed through the Transportation Commission's review and analysis process and will set forth the City's vision and long-term goals for a cohesive, efficient, and effective multimodal transportation system. |
| **Open Space Habitat and Recreation Element** | This project continues the effort initiated during the 2014 Annual Amendments to update the element and obtain certification from the State Recreation and Conservation Office (RCO) to maintain the City's eligibility for funding programs. |
| **Affordable Housing Planning Work Program (Phase 3)** | This is the third phase of a multi-year effort to implement planning policy tools based on the recommendations of the Affordable Housing Policy Advisory Group (AHPAG). This final phase includes proposals for new residential infill/affordable building types (e.g., detached Accessory Dwelling Units, cottage housing), affordable housing incentive and inclusionary approaches, and regulatory refinements intended to streamline and reduce cost of development permit review. |
| **Electric Vehicle Infrastructure (Phase 2)** | As requested by the City Council. The Sustainable Tacoma Commission will act as the lead in developing recommendations for potential incentives and regulatory measures needed to continue expanding the electric vehicle market in the City of Tacoma and to reduce barriers to entry. |
| **Code Cleanup** | Amend various sections of the Land Use Regulatory Code to update information, address inconsistencies, correct minor errors, provide additional clarity, and improve administrative efficiency. |
| **West Slope Neighborhood Conservation District** | To establish a Conservation District Overlay through the Landmarks Preservation Commission's process to preserve and protect the distinctive character of the area and to protect the neighborhood from unnecessary demolition, inappropriate new construction, and inappropriate additions. |

# 2015 ANNUAL AMENDMENT
# TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

## TENTATIVE SCHEDULE

(As of December 29, 2014)

Keys:

| |
|---|
| City Council |
| Council Standing Committees |
| Planning Commission |
| Staff |

| Date | Actions |
|---|---|
| August 1, 2014 | Applications due |
| September 3 | Planning Commission review and approval of the Assessment Report |
| September 24 | Infrastructure, Planning and Sustainability Committee review of the 2015 Annual Amendment proposals as part of the Planning Work Program for 2014-2016 |
| September 2014 – May 2015 | Technical analyses of the proposals, and Planning Commission's reviews and directions (approx. 15 meetings) |
| September 2014 – June 2015 | Public Outreach (including community workshops, meetings with Neighborhood Councils and stakeholders, and correspondence and online communications) |
| October 2014 – May 2015 | Reviews of individual proposals by the Infrastructure, Planning and Sustainability Committee, the Neighborhood and Housing Committee, and other Council standing committees as appropriate |
| June 3, 2015 | Planning Commission authorizes proposed amendments for public review |
| June 10 | Infrastructure, Planning and Sustainability Committee review of Planning Commission's public hearing proposals |
| June 24 | Community Information Session (pre-hearing) |
| July 1 | Planning Commission Public Hearing |
| July 3 | Planning Commission Public Hearing record closes |
| July 15, August 5 | Planning Commission review of public testimony and considering modifications to the proposals |
| August 19 | Planning Commission recommendations to the City Council |
| August 26 | Infrastructure, Planning and Sustainability Committee review of Planning Commission's recommendations |
| September 1 | City Council resolution setting a public hearing date |
| September 15 | City Council Study Session |
| September 15 | City Council Public Hearing |
| September 23 | Infrastructure, Planning and Sustainability Committee review of public testimony, considering modifications to the proposals, and recommendation |
| September 29 | City Council first reading of ordinances |
| October 6 | City Council final reading of ordinances |
| October 31, 2015 | Effective date of adopted amendments |