



City of Tacoma
Planning Commission

October 16, 2013

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the proposed Interim Land Use Regulations for Recreational Marijuana Uses, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, October 16, 2013* (attached).

The Planning Commission supports the City Council's intent (per Resolution No. 38743, October 1, 2013) to impose interim regulations in response to the voter-approved Initiative 502. With the interim regulations, the City of Tacoma should be well poised to review those marijuana license applications within the City limits that are expected to come forward from the Washington State Liquor Control Board in November-December 2013. In addition, the Commission recommends the inclusion of two additional development standards to better ensure that retail operations are limited to their licensed locations and to limit product visibility to the general public.

The Planning Commission acknowledges the complexity of the issues associated with recreational marijuana and the fact that the impacts of marijuana production, processing, and retailing uses under a licensed system are still largely unknown. It is thus appropriate to impose the interim regulations for 12-months instead of the standard 6-months. This additional duration will allow adequate time for the City to monitor the effects of these new marijuana uses within the City, in coordination with other affected jurisdictions as appropriate, and contemplate more permanent solutions that take into account the impacts of this brand new industry and untested regulatory scheme. Further, 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.

The Planning Commission also understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with Initiative 502 and effectively mitigate potential impacts to the community. The proposed interim regulations are designed to complement other future response measures going forward. Furthermore, the Planning Commission believes the proposed interim 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 marijuana interim regulations for 12-months, as recommended.

Sincerely,

SEAN GAFFNEY
Chair

Enclosure



RECREATIONAL MARIJUANA USES INTERIM LAND USE REGULATIONS

TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS OCTOBER 16, 2013

A. SUBJECT:

Proposed Interim Land Use Regulations regarding Recreational Marijuana Uses.

B. SUMMARY OF PROPOSED AMENDMENT:

The Proposed Marijuana Interim Regulations, as shown in Exhibit “A”, would amend the Tacoma Municipal Code, Chapters 13.06 – Zoning, 13.06A – Downtown Tacoma, and 13.10 – Shoreline Management, with the following provisions:

- Define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50;
- Prohibit all marijuana uses in residential and shoreline districts;
- 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;
- Prohibit 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;
- Prohibit marijuana uses from locating within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers;
- Require 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
- Add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

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”) is tasked with establishing rules and procedures to implement Initiative 502. According to the WSLCB’s current timeline, the rules will become effective on November 16 and the State will begin accepting applications for all

license types on November 18, 2013. The City Council adopted Resolution No. 38743 on October 1, 2013, initiating the process for imposing marijuana interim land use regulations and setting October 22, 2013 as the date for a public hearing. The Planning Commission is required to make a recommendation to the City Council concerning the appropriate duration and scope for the interim regulations.

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. According to the WSLCB's current timeline, the draft Rules released on September 4, 2013 will be finalized and become effective on November 16 and the State will begin accepting applications for all license types on November 18, 2013.
3. Per WSLCB's draft Rules, the total number of marijuana retail outlets is 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. Presumably, local land use and zoning regulations will apply to the siting of marijuana growing, processing, and retail locations. All producers, processors, and retailers of marijuana will require a license issued by the WSLCB. Cities will have the ability to object to the granting of a proposed license.
5. Unless the City acts immediately to address marijuana-related uses, such uses may be able to locate in the City without regulation and thereby have adverse impacts on the City and its citizens.
6. 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.
7. While the full impacts of Initiative 502 are still largely unknown, the City Council has been contemplating various response options pending the State's adoption of the licensing regulations and procedures and/or the resolution of the underlying conflict with federal law.
8. Many jurisdictions around the state have responded to Initiative 502 with a moratorium (e.g., Fife, Olympia, Bellingham, and Puyallup), interim zoning (e.g., Pierce County, Everett, Bellevue, and Spokane), or permanent zoning (e.g., Seattle, Tukwila, and Lacey).

9. 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.
10. In response to these community issues, the City Council has 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 that are expected to come forward from the WSLCB in November-December 2013.
11. 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.
12. 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.
13. Pursuant to TMC 13.02.055, the City Council-initiated interim zoning shall be 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 shall address 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.
14. 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 finds that a 6-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 to 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.
15. The City Council's Committee of the Whole has 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 has 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.

16. The Planning Commission has 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.
17. 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.
18. The proposed 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.
19. 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 would also apply the 1,000-foot buffering to correctional facilities, court houses, and drug rehabilitation facilities, substance abuse facilities, or detoxification centers. The resultant potential locations for marijuana use are generally illustrated in Exhibit “B”.
20. While it is the Commission’s understanding that the state rules are designed to ensure that retail sales operations are limited to the licensed locations and designed to limit the prominence of marijuana, particularly as it relates to children, the proposed rules do not sufficiently address these issues. Clearer prohibitions on off-site and outdoor sales and on the prominent display of marijuana and related paraphernalia should be included. With these additional standards, the Commission’s proposed interim land use regulations are provided in Exhibit “A” (the two additional recommended standards are highlighted).
21. 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 Interim Regulations has been issued on October 3, 2013 (SEPA File Number SEP2013-40000207255), 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 October 4, 2013. Comments must be submitted by 5:00 p.m. on October 22, 2013. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. Unless modified by the City, this determination will become final on November 5, 2013.
22. Public Hearing Notice – The City Council’s public hearing on the Proposed Marijuana Interim Regulations has been set for October 22, 2013, and written comments are due to the City Clerk’s Office by 4:00 p.m., on October 22, 2013. The notice of the public hearing has been published in the Tacoma Daily Index on October 4, 2013, as part of the legal notice regarding the Preliminary Determination of Environmental Nonsignificance; posted on the

Planning Services Division’s website at www.cityoftacoma.org/planning (under the link “Recreational Marijuana”); posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building; and widely disseminated to the following entities: marijuana-related stakeholders and interested parties, Planning Commission agenda recipients, 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, and other known interested individuals or groups.

23. The Proposed Marijuana Interim Regulations, and the City Council’s intent and schedule for adopting the proposal, were filed with the State Department of Commerce on October 3, 2013, pursuant to RCW 36.70A.106(3)(b), and an expedited state agency review of the proposal under the Growth Management Act has been requested.
24. The Planning Commission acknowledges the complexity of the issues associated with recreational marijuana and the fact that this is a completely new industry and the impacts of marijuana production, processing, and retailing uses under this untested licensing and regulatory system are still largely unknown. Imposing the proposed interim regulations for six months would allow adequate time for the City to monitor the effects of the marijuana uses within the City, in coordination with other affected jurisdictions as appropriate, and contemplate more permanent solutions correspondingly.
25. The Planning Commission also understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with Initiative 502 and effectively mitigate potential impacts to the community. The proposed interim regulations are designed to complement other future response measures going forward.

E. CONCLUSIONS:

The Planning Commission concludes that:

- (a) There is an imminent need to impose interim zoning controls in response to Initiative 502 and the associated rules and requirements to be adopted and implemented by the Washington State Liquor Control Board (WSLCB);
- (b) The Proposed Marijuana Interim Regulations (Amendments to Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10) as set forth in Exhibit “A”, if adopted in early November 2013, will provide appropriate and timely policy and regulatory guidance for the City’s review of marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013 and to better ensure that any new recreational marijuana uses are developed consistent with this community standards;
- (c) The Proposed Marijuana Interim Regulations should be in effect for 12-months (approximately November 2013 through November 2014), during which timeframe a more permanent land use regulatory solution can and should be developed;

- (d) The Proposed Marijuana Interim Regulations support the City’s strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity; and
- (e) The Proposed Marijuana Interim 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 Marijuana Interim Regulations (Amendments to Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10) as set forth in Exhibit “A” and that such interim regulations be in effect for 12-months during which permanent regulations can be considered.

F. EXHIBITS:

- “A”: Proposed Marijuana Interim Regulations
(Amendments to the Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10)
- “B”: Preliminary Map of Allowed Zoning and Required Buffering for Marijuana Uses



RECREATIONAL MARIJUANA USES

PROPOSED INTERIM LAND USE REGULATORY CODE AMENDMENTS

October 16, 2013

Chapter 13.06 – Zoning

- 13.06.100 – Residential Districts
- 13.06.200 – Commercial Districts
- 13.06.300 – Mixed-Use Center Districts
- 13.06.400 – Industrial Districts
- 13.06.565 – Marijuana Businesses (*New Section*)
- 13.06.700 – Definitions and Illustrations

Chapter 13.06A – Downtown Tacoma

- 13.06A.050 – Additional Use regulations

Chapter 13.10 – Shoreline Management

- Section 7.2 – Prohibited Uses

Note – These amendments show all of the changes to the *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 is deleted is shown in ~~strikethrough~~. The two specific additional development standards recommended by the Planning Commission are also **highlighted**.

Chapter 13.06 Zoning

13.06.100 Residential Districts

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C. Land Use Requirements

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4. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Lodging house	N	P	P	P	P	P	P/CU	P/CU	For R-2, R-2SRD, and HMR-SRD lodging is limited to one guest room only, provided such use shall not be in connection with a foster home for children or foster home for adults which may otherwise be authorized. For R-3 and R-4-L, lodging is limited to two guest rooms, provided such use shall not be in connection with a foster home for children, a foster home for adults, or lodging which may otherwise be authorized. For R-4 and R-5, lodging is limited to two guest rooms, provided that lodging with for more than two guest rooms may be allowed subject to the approval of a conditional use permit.
<u>Marijuana processor</u>	<u>N</u>								
<u>Marijuana producer</u>	<u>N</u>								
<u>Marijuana retailer</u>	<u>N</u>								
Master plans for any conditional use	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.							
* * *									
Transportation/ freight terminal	N	N	N	N	N	N	N	N	
<u>Urban Horticulture</u>	<u>N</u>								
Utilities	CU								
* * *									

13.06.200 Commercial districts

* * *

C. Land use requirements.

* * *

4. District use table.

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
* * *						
Juvenile community facility	N	N	N	N	N	Prohibited except as provided for in Section 13.06.530.
Lodging house	P	P	P	P	P	
<u>Marijuana processor</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Marijuana producer</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Marijuana retailer</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P*</u>	<u>P*</u>	<u>*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.</u> <u>See additional requirements contained in Section 13.06.565</u>
Master plans for any conditional use	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.
* * *						
Transportation/ freight terminal	N	N	P	P	P	
<u>Urban Horticulture</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Utilities	CU	CU	CU	CU	CU	
* * *						

13.06.300 Mixed-Use Center Districts

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D. Land use requirements

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4. District Use Table

Uses	NCX	CCX	UCX	UCX-TD	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
* * *										
Lodging house	P	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. ²
<u>Marijuana processor</u>	<u>N</u>	<u>N</u>	<u>N</u>							
<u>Marijuana producer</u>	<u>N</u>	<u>N</u>	<u>N</u>							
<u>Marijuana retailer</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P*</u>	<u>N</u>	<u>N</u>	<u>*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565</u>
Master plan for any conditional use	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.						
* * *										
Transportation/ freight terminal	P	P	P	P	N	P	P	N	N	
<u>Urban Horticulture</u>	<u>N</u>	<u>N</u>	<u>N</u>							
Utilities	CU	CU	CU							
* * *										

13.06.400 Industrial Districts

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C. Land use requirements.

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4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
* * *				
Lodging House	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
<u>Marijuana processor</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>See additional requirements contained in Section 13.06.565</u>
<u>Marijuana producer</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>See additional requirements contained in Section 13.06.565</u>
<u>Marijuana retailer</u>	<u>P~</u>	<u>P~</u>	<u>P*</u>	<u>*Limited to 7,000 square feet of floor area, per development site, in the PMI District.</u> <u>~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.</u> <u>See additional requirements contained in Section 13.06.565</u>
Master plan for any conditional use	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.
* * *				
Transportation/freight terminal	P	P	P	
<u>Urban Horticulture</u>	<u>N</u>	<u>P</u>	<u>P</u>	
Utilities	P	P	P	
* * *				

13.06.565 Marijuana Businesses (New Section)

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.

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.

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. No exterior or off-site sales are permitted.

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

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

c. The methodology for measuring the buffers outlined above in subsections 8.a and 8.b. shall be as provided in WAC 314-55.

c. 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 8.a and 8.b.

d. 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.

13.06.700 Definitions and illustrations

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13.06.700 M

Main building and principal use.

1. Building. The primary building or other structure on a lot designed or used to accommodate the principal use to which the premises are devoted. Where a principal use involves more than one building or structure designed or used for the principal use, as in the case of group dwellings, each such permitted building or structure on a lot defined by this chapter shall be construed as comprising a main building or structure.

2. Use. The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be lawfully used, occupied, or maintained under this chapter.

Mansard roof. A roof with two slopes or pitches on each of the four sides, the lower slopes steeper than the upper.

Marijuana. As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

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-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.

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.

Microbrewery/winery. An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., “taproom.” This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

Mixed-rate housing. Includes both affordable and market-rate housing units in the same housing or mixed-use development.

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13.06.700 U

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Upper story setback. See “modulation, horizontal.”

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.

Use. The purpose land, building, or structure now serves or for which it is occupied, maintained, arranged, designed, or intended.

* * *

Chapter 13.06A Downtown Tacoma

* * *

13.06A.050 Additional use regulations

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.
2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.
2. Heliports.
3. Work release facilities.
4. Jails and correctional facilities.
5. Billboards.

C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.

* * *

Chapter 13.10 Shoreline Management

* * *

Chapter 7 General Use Policies and Regulations

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Section 7.2 Prohibited Uses

The following uses are prohibited in all shoreline environments:

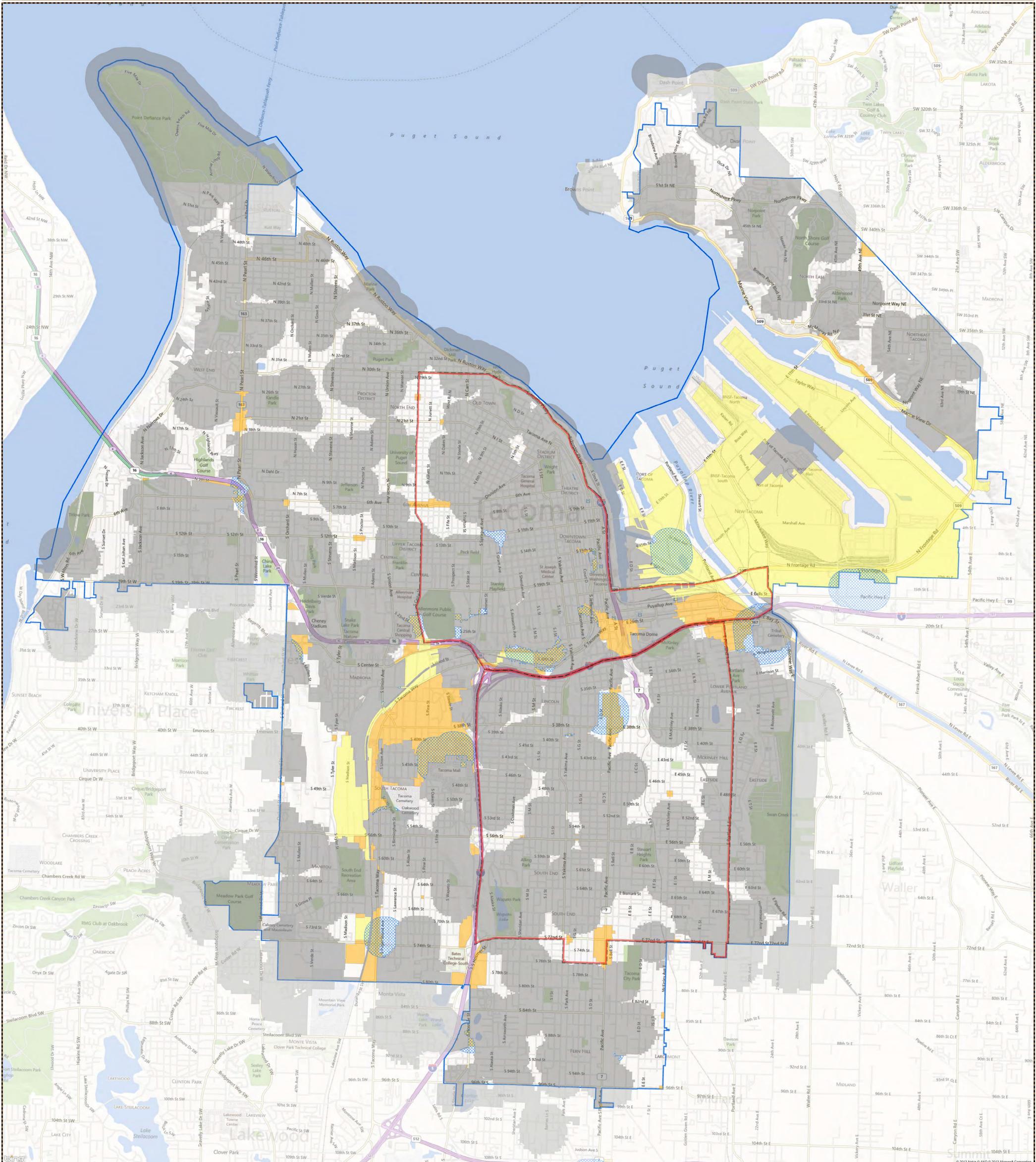
1. Agriculture;
2. Forest Practices; ~~and~~
3. Mining; ~~and~~
4. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer).

* * *

Recreational Marijuana Uses

City of Tacoma

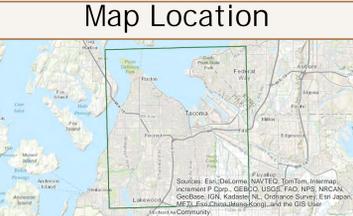
Exhibit B



Legend

1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630	1631	1632	1633	1634	1635	1636	1637	1638	1639	1640	1641	1642	1643	1644	1645	1646	1647	1648	1649	1650	1651	1652	1653	1654	1655	1656	1657	1658	1659	1660	1661	1662	1663	1664	1665	1666	1667	1668	1669	1670	1671	1672	1673	1674	1675	1676	1677	1678	1679	1680	1681	1682	1683	1684	1685	1686	1687	1688	1689	1690	1691	1692	1693	1694	1695	1696	1697	1698	1699	1700
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This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.



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

2400 0 2400 4800 7200
Feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. It is to be used for reference purposes only.