



MINUTES (Approved on 1-7-15)

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.