



## Legislation Passed November 5, 2013

The Tacoma City Council, at its regular City Council meeting of November 5, 2013, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 38763**

A resolution setting Tuesday, November 19, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council regarding the surplus and proposed sale of 27,499 square feet of Tacoma Water property located at 7704 6th Avenue, to David A. Sizemore, in the amount of \$22,500.

### **Resolution No. 38764**

A resolution setting Tuesday, November 19, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council regarding the proposed sale of four former substation sites located at 5001 North Visscher Street, 1801 North Orchard Street, 4924 North 31st Street, and 1009 South 35th Street, owned by Tacoma Power, previously declared as surplus, to Reggie Brown for the cumulative amount of \$317,000.

### **Resolution No. 38765**

A resolution appointing Chris Beale to serve on the Planning Commission, representing Council District No. 5, to fill an unexpired term through June 30, 2015.

### **Resolution No. 38766**

A resolution awarding a contract to David Evans and Associates, Inc., in the amount of \$267,854, sales tax not applicable, budgeted from the Solid Waste Fund, for engineering services for the Tacoma Landfill Site Traffic Circulation Improvements - Specification No. CT12-0001F.

### **Resolution No. 38767**

A resolution authorizing the execution of an agreement with Moss Adams LLP, in the amount of \$1,196,000, for component unit audits for the City's Power, Water, Rail, Wastewater and Surface Water, and Solid Waste Management utilities, budgeted from said utilities, for the years 2013 through 2017 with the option to renew for three additional one-year terms.

**Resolution No. 38768**

A resolution accepting the donation of three parcels of real property owned by DJL Investments, LLC, located in Northeast Tacoma, for ongoing routine maintenance of the stormwater facilities on the parcels.

**Resolution No. 38769**

A resolution establishing four additional taxicab stands in the following locations: 6th Avenue and Anderson Street; 6th Avenue and Pine Street; 2403 6th Avenue; and Court C between South 21st and 23rd Streets.

**Amended Substitute Ordinance No. 28182**

An ordinance amending Title 13 of the Municipal Code, entitled "Land Use Regulatory Code", to adopt interim regulations regarding the production, processing, and retail sale of recreational marijuana associated with Initiative 502.

**Substitute Ordinance No. 28183**

An ordinance amending Chapter 8.30 of the Municipal Code, relating to public nuisances, to identify nuisance activities related to recreational marijuana.



## RESOLUTION NO. 38763

1 A RESOLUTION relating to utility-owned surplus property; setting Tuesday,  
2 November 19, 2013, as the date for a public hearing regarding the proposed  
3 sale of 27,499 square feet of property, located at 7704 6th Avenue, acquired  
4 by the Department of Public Utilities, Water Division (d.b.a. "Tacoma  
Water") and now surplus to its needs, to David A. Sizemore for a mutually  
negotiated price of \$22,500.

5 WHEREAS, in 1965, the Department of Public Utilities, Water Division  
6 (d.b.a. "Tacoma Water") acquired a .63 acre (27,499 square feet) parcel of  
7 property located at 7704 6th Avenue in Tacoma, Washington ("Property"), from  
8 the City of Tacoma Public Works Department, and  
9

10 WHEREAS the Property was originally purchased to construct a low  
11 service reservoir which would have sufficient capacity to provide for predicted  
12 area growth; however, the anticipated reservoir system was never developed  
13 and the Property has not been utilized for Tacoma Water operations, and  
14

15 WHEREAS the Property is triangular in shape and has no augmenting  
16 easement which would allow legal access for ingress, egress, or utilities,  
17 thereby rendering the Property landlocked, and  
18

19 WHEREAS there is no foreseeable need for continued ownership of the  
20 Property and a negotiated sale would be in the best interests of the City, and  
21

22 WHEREAS a Purchase and Sale Agreement has been negotiated with  
23 an abutting property owner, David A. Sizemore, to purchase the Property at  
24 the mutually agreed-upon price of \$22,500, and  
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WHEREAS notice of the surplus action and upcoming sale were sent to interested parties and governmental entities, as well as owners and residents within a 300-foot radius of the Property, and

WHEREAS, on October 23, 2013, by adoption of Public Utility Board Resolution No. U-10664, the Property was declared surplus to Tacoma Water's needs and approved for sale, pending confirmation from the City Council, and

WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City Council shall conduct a public hearing on the proposed sale of City-owned real property; Now, Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

Section 1. That a public hearing on the sale of 27,499 square feet of property owned by the Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"), located at 7704 6th Avenue in Tacoma, Washington, to David A. Sizemore, for the amount of \$22,500, shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, November 19, 2013, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.



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Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney

Requested by Public Utility Board  
Resolution No. U-10664



## RESOLUTION NO. 38764

1 A RESOLUTION relating to utility-owned surplus property; setting Tuesday,  
2 November 19, 2013, as the date for a public hearing on the proposed sale  
3 of four former substation sites owned by the Department of Public Utilities,  
4 Light Division (d.b.a. "Tacoma Power"), previously declared surplus  
pursuant to Resolution No. 37730, to Reggie Brown for the cumulative  
amount of \$317,000.

5 WHEREAS the Department of Public Utilities, Light Division (d.b.a. "Tacoma  
6 Power") has owned and operated nine former electrical substation sites ("Sites") on  
7 various properties located throughout the City of Tacoma and Pierce County, and  
8

9 WHEREAS the Sites were used to support the 4.2 kV electrical distribution  
10 system, but became obsolete once the electrical distribution system was upgraded,  
11 and

12 WHEREAS the former equipment has been removed and the Sites have  
13 been inspected and remediated as necessary to ensure applicable environmental  
14 standards, and

15 WHEREAS, pursuant to Resolution No. 37730, adopted February 19,  
16 2009, the Sites were declared surplus to the City's needs and no longer required  
17 for providing continued public utility service, and

18 WHEREAS the Sites have been marketed on the City's surplus website  
19 for the last four years and have received minimal third-party interest, and

20 WHEREAS Reggie Brown has expressed his desire to purchase four of the  
21 Sites, as follows: 5001 North Visscher Street (Parcel No. 345000210), in the  
22 amount of \$87,000; 1801 North Orchard Street (Parcel No. 7475022110), in the  
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1 amount of \$123,000; 4924 North 31st Street (Parcel No. 3755000100), in the  
2 amount of \$77,000; and 1009 South 35th Street (Parcel No. 5275000720), in the  
3 amount of \$30,000, for residential redevelopment, and has agreed to pay fair  
4 market value in the cumulative amount of \$317,000 as determined by in-house  
5 valuations and third-party appraisals, and

6 WHEREAS the properties have been declared surplus to the needs of the  
7 City and a negotiated sale would be in the best interests of the City, and

8 WHEREAS, on October 23, 2013, by adoption of Public Utility Board  
9 Resolution No. U-10663, the Sites were approved for sale, pending confirmation  
10 from the City Council, and

11 WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City  
12 Council shall conduct a public hearing on the proposed sale of City-owned real  
13 property; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That a public hearing on the proposed sale of four substation  
16 sites owned by the Department of Public Utilities, Light Division (d.b.a. "Tacoma  
17 Power"), located at 5001 North Visscher Street (Parcel No. 3450000210), in the  
18 amount of \$87,000; 1801 North Orchard Street (Parcel No. 7475022110), in the  
19 amount of \$123,000; 4924 North 31st Street (Parcel No. 3755000100), in the  
20 amount of \$77,000; and 1009 South 35th Street (Parcel No. 5275000720), in the  
21 amount of \$30,000, previously declared surplus pursuant to Resolution No. 37730,  
22 to Reggie Brown for the cumulative amount of \$317,000, shall be held before the  
23 City Council in the Council Chambers on the first floor of the Tacoma Municipal  
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1 Building, 747 Market Street, Tacoma, Washington, on Tuesday, November 19,  
 2 2013, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.

3 Section 2. That the Clerk of the City of Tacoma shall give proper notice  
 4 of the time and place of said hearing.  
 5

6 Adopted \_\_\_\_\_  
 7

8 \_\_\_\_\_  
 Mayor

9 Attest:  
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 11 \_\_\_\_\_  
 City Clerk

12 Approved as to form:  
 13  
 14 \_\_\_\_\_  
 15 Chief Deputy City Attorney

16 Requested by Public Utility Board  
 17 Resolution No. U-10663

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# RESOLUTION NO. 38765

1 BY REQUEST OF COUNCIL MEMBERS BOE, IBSEN, MELLO, AND WALKER

2 A RESOLUTION relating to committees, boards, and commissions; appointing an  
3 individual to the Planning Commission.

4 WHEREAS a vacancy exists on the Planning Commission, and

5 WHEREAS, at its meeting of October 23, 2013, the Infrastructure, Planning,  
6 and Sustainability Committee interviewed and recommended the appointment of  
7 Chris Beale to said commission, and

8 WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and  
9 Procedures of the City Council, Chris Beale has been nominated to serve on the  
10 Planning Commission; Now, Therefore,

11 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

12 That Chris Beale is hereby confirmed and appointed as a member of the  
13 Planning Commission, representing Council District No. 5, to fill an unexpired term  
14 to expire June 30, 2015.

15 Adopted \_\_\_\_\_

16 \_\_\_\_\_  
17 Mayor

18 Attest:  
19 \_\_\_\_\_  
20 City Clerk

21 Approved as to form:  
22 \_\_\_\_\_  
23 City Attorney

24



## RESOLUTION NO. 38766

1 A RESOLUTION related to the purchase of materials, supplies or equipment,  
2 and the furnishing of services; authorizing the execution of a contract  
3 with David Evans and Associates, Inc., in the amount of \$267,854, sales  
4 tax not applicable, budgeted from the Environmental Services Solid  
Waste Fund, for engineering services for the Tacoma Landfill Site Traffic  
Circulation Improvements pursuant to Specification No. CT12-0001F.

5 WHEREAS the City has complied with all applicable laws and processes  
6 governing the acquisition of those supplies, and/or the procurement of those  
7 services, inclusive of public works, as is shown by the attached Exhibit "A,"  
8 incorporated herein as though fully set forth, and  
9

10 WHEREAS the Board of Contracts and Awards has concurred with the  
11 recommendation for award as set forth in Exhibit "A"; Now, Therefore,

12 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

13 Section 1. That the Council of the City of Tacoma concurs with the  
14 Board of Contracts and Awards to adopt the recommendation for award as set  
15 forth in the attached Exhibit "A."  
16

17 Section 2. That the proper officers of the City are hereby authorized to  
18 enter into a contract with David Evans and Associates, Inc., in the amount of  
19 \$267,854, sales tax not applicable, budgeted from the Environmental Services  
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1 Solid Waste Fund, for engineering services for the Tacoma Landfill Site Traffic  
2 Circulation Improvements pursuant to Specification No. CT12-0001F, consistent  
3 with Exhibit "A."  
4

5 Adopted \_\_\_\_\_  
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7 \_\_\_\_\_  
8 Mayor

9 Attest:  
10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
13 \_\_\_\_\_  
14 City Attorney

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## RESOLUTION NO. 38767

1 A RESOLUTION relating to the City's audit services; executing an agreement  
2 with Moss Adams LLP, in the amount of \$1,196,000, budgeted from the  
3 Power, Water, Rail, Solid Waste, and Wastewater and Surface Water  
4 Funds, to provide component unit audits for the City's Power, Water,  
5 Rail, Wastewater and Surface Water, and Solid Waste Management  
6 utilities.

7 WHEREAS the City annually prepares a Comprehensive Annual  
8 Financial Report that is audited by the Washington State Auditor's Office, and

9 WHEREAS the financial statements covered by the audit include only  
10 summary level financial information on the City's utilities, and

11 WHEREAS, to provide more comprehensive financial information for  
12 those utilities which have outstanding bonds, the City also prepares component  
13 unit financial reports for Power, Water, Rail, Wastewater and Surface Water,  
14 and Solid Waste Management utilities, which must be separately audited to  
15 make them usable by rating agencies, bondholders, and other external users,  
16 and

17 WHEREAS the Tacoma Public Utility Board approved the proposed  
18 contract at its October 23, 2013 meeting, and

19 WHEREAS it is in the City's best interest to execute an agreement with  
20 Moss Adams LLP to perform component unit audits of the City's utilities for the  
21 years 2013 through 2017, with the option to renew the contract for three  
22 additional one-year terms; Now, Therefore,

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute an agreement with Moss Adams LLP, in the amount of \$1,196,000, budgeted from the Power, Water, Rail, Solid Waste, and Wastewater and Surface Water Funds, to provide component unit audits for years 2013 through 2017, for the City's Power, Water, Rail, Wastewater and Surface Water, and Solid Waste Management utilities, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 38768

1 A RESOLUTION relating to real property; authorizing the acceptance of the  
2 donation of three parcels of real property owned by DJL Investments, LLC,  
3 containing public stormwater facilities operated and maintained by the  
4 Environmental Services Department of the City of Tacoma, for the purpose  
of ongoing routine maintenance of the facilities located thereon, said  
properties to be donated at no cost to the City.

5 WHEREAS, when DJL Investments, LLC (“DJL”) platted the Northeast  
6 Tacoma developments of Korosumo in 1992 and Northwood Meadows in 1995,  
7 restrictions in capacity of the downstream stormwater system were known to exist,  
8  
9 and

10 WHEREAS, in order to ensure the developments did not exacerbate  
11 problems associated with the downstream restrictions, DJL installed stormwater  
12 detention facilities to mitigate increased flows to the public stormwater system, and

13 WHEREAS DJL was required to maintain the stormwater facilities for a  
14 period of two years, or until 75 percent of homes were constructed in the plats, and

15 WHEREAS DJL dedicated an easement to the City over a portion of Lot 12  
16 of Korosumo, and dedicated Tract A and an easement over Lots 10 and 11 of  
17 Northwood Meadows, for the purpose of access to and routine maintenance of the  
18 public stormwater facilities, and

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20  
21 WHEREAS, because the facilities serve public roads and are maintained by  
22 the City’s Environmental Services Department (“Environmental Services”), it would  
23 be beneficial for Environmental Services to have full control of the parcels, as  
24 shown on Exhibit “A” hereto, and

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WHEREAS DJL is in agreement and would like to donate the parcels to the City at no cost, and

WHEREAS acquiring a fee ownership interest in the parcels will formalize the City's ownership and responsibility of the public stormwater facilities, and will enable Environmental Services to have full access for all maintenance obligations;

Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City of Tacoma are hereby authorized to accept conveyance of the parcels of real property described herein and as shown on Exhibit "A" from DJL Investments, LLC, for the purposes hereinabove enumerated.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 38769

1 A RESOLUTION relating to the establishment of taxicab stands; authorizing the  
2 establishment of four new taxicab stands to be located on the east side of  
3 Anderson Street north of 6th Avenue, in the existing loading zone; the first  
4 angle parking stall on the east side of Pine Street north of 6th Avenue;  
5 2403 6th Avenue, O'Malley's Pub; and Court C, between South 21st and  
6 South 23rd Streets, near the Holiday Inn Express and University of  
7 Washington Tacoma.

8 WHEREAS local taxicab companies, businesses, and citizens may submit  
9 requests to the City's Finance Department, Tax and License Division, for the  
10 establishment of new taxicab stand locations, and  
11

12 WHEREAS, as requests are received, City staff coordinates the review with  
13 the Public Works Department and determines whether the request should be  
14 brought forward to the City Council for consideration, and  
15

16 WHEREAS, in accordance with Section 6B.220.605 of the Tacoma  
17 Municipal Code, the City Council may establish nonexclusive taxicab stands, and  
18

19 WHEREAS the four proposed locations that would benefit by having taxicab  
20 stands are (1) the east side of Anderson Street north of 6th Avenue, in the existing  
21 loading zone, near several restaurants and bars in the vicinity; (2) the first angle  
22 parking stall on the east side of Pine Street north of 6th Avenue, near several  
23 restaurants and bars in the vicinity; (3) 2403 6th Avenue, O'Malley's Pub; and  
24 (4) Court C, between South 21st and South 23rd Streets, near the Holiday Inn  
25 Express and University of Washington Tacoma, and  
26

27 WHEREAS each location will (1) provide taxicab service to several  
28 businesses in the area, (2) increase the response time from taxicab companies,  
29 (3) promote taxicab business in the general area of each stand, and (4) provide an





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identified location on the side of the street that is safely out of traffic for the taxicabs to wait for customers, and

WHEREAS businesses adjacent to the proposed sites have been contacted and no objections have been received, and

WHEREAS licensed taxicab companies in the City pay a \$175 annual license fee that allows them to sit at a designated stand, and

WHEREAS, to benefit the citizens, the City, local businesses, and the taxicab companies, more taxicab stand locations are necessary; Now, Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

That the proper officers of the City are authorized to establish four new taxicab stands to be located on (1) the east side of Anderson Street north of 6th Avenue, in the existing loading zone; (2) the first angle parking stall on the east side of Pine Street north of 6th Avenue; (3) 2403 6th Avenue, O'Malley's Pub; and (4) Court C, between South 21st and South 23rd Streets, near the Holiday Inn Express and University of Washington Tacoma.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



**SUBSTITUTE  
ORDINANCE NO. 28182**

1 BY REQUEST OF COUNCIL MEMBER BOE

2 AN ORDINANCE relating to land use regulations associated with Initiative 502;  
3 adopting interim land use regulations concerning the production,  
4 processing, and retail sale of recreational marijuana; and amending Title 13  
5 of the Tacoma Municipal Code by amending Chapters 13.06, "Zoning";  
6 13.06.A, "Downtown Tacoma"; and 13.10, "Shoreline Management."

7 WHEREAS Initiative 502 ("I-502"), approved by Washington voters in  
8 November 2012, provides a framework for licensing and regulating the production,  
9 processing, and retail sale of recreational marijuana, and

10 WHEREAS the Washington State Liquor Control Board ("WSLCB") is  
11 tasked with establishing rules and procedures to implement I-502 and determining  
12 a "maximum number of retail outlets that may be licensed in each county," and

13 WHEREAS, according to the WSLCB's current timeline, the rules will  
14 become effective on November 16, 2013, and the state will begin accepting  
15 applications for all license types on November 18, 2013, and

16 WHEREAS, while the impacts of I-502 are largely unknown, in light of the  
17 rules and schedule currently proposed by the WSLCB, it is in the best interest of  
18 the City to pursue land use and zoning options to provide policy and regulatory  
19 guidance to facilitate the review, in a proactive and timely manner, of marijuana  
20 license applications within City limits that are expected to come forward in  
21 November 2013, and

22 WHEREAS, at its Study Session of October 22, 2013, the City Council  
23 reviewed the Planning Commission's recommendation and draft regulations, and a  
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1 hearing was held at the City Council meeting that same day to receive public  
2 testimony on the proposed interim land use regulations, and

3 WHEREAS, at its Study Session of October 29, 2013, the City Council  
4 reviewed the testimony received at the October 22, 2013, public hearing, and

5 WHEREAS the interim land use regulations will adopt marijuana-specific  
6 uses (Marijuana Production, Marijuana Processing, and Marijuana Retail); provide  
7 zoning and development standards concerning each of these three new uses; and  
8 add Urban Horticulture as a new use category, and

9 WHEREAS the Planning Commission has recommended that the Interim  
10 Land Use Regulatory Code Amendments set forth in the attached Exhibit "A"  
11 should be put in effect for a one year period in order to allow time for (a) the  
12 WSLCB licensing program to be fully implemented, (b) licensed businesses to  
13 become operational, (c) the City to better assess the functionality of the interim  
14 regulations, and (d) state medical marijuana regulations to be clarified; Now,  
15  
16 Therefore,

17  
18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 Section 1. That the City Council hereby adopts the Interim Land Use  
20 Regulatory Code Amendments as set forth in the attached Exhibit "A" to be  
21 effective for a period of one year from the effective date of this Ordinance.  
22

23 Section 2. That Title 13 of the Tacoma Municipal Code is hereby amended  
24 by amending Chapters 13.06, "Zoning"; 13.06.A, "Downtown Tacoma"; and  
25 13.10, "Shoreline Management," thereof, as set forth in the attached Exhibit "A."  
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Section 3. That the Planning Commission is hereby directed to develop a work plan relating to the Interim Land Use Regulatory Code Amendments hereby enacted in compliance with RCW 35.63.200.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## RECREATIONAL MARIJUANA USES

### INTERIM LAND USE REGULATORY CODE AMENDMENTS *October 31, 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~~. Specific modifications included in this version (from the previous, October 29<sup>th</sup> draft) are also highlighted.

## Chapter 13.06 Zoning

### 13.06.100 Residential Districts

\* \* \*

#### C. Land Use Requirements

\* \* \*

#### 4. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
* * *									
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.
<a href="#">Marijuana processor</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	
<a href="#">Marijuana producer</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	
<a href="#">Marijuana retailer</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	
Master plans for any conditional use	CU	CU	CU	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	N	N	N	N	N	N	
<a href="#">Urban Horticulture</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	
* * *									

**13.06.200 Commercial districts**

\* \* \*

C. Land use requirements.

\* \* \*

4. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2,3</sup> (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	
<a href="#">Marijuana processor</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<a href="#">Marijuana producer</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<a href="#">Marijuana retailer</a>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P*</u>	<u>P*</u>	<a href="#">*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.</a> <a href="#">See additional requirements contained in Section 13.06.565</a>
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	
<a href="#">Urban Horticulture</a>	<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 <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (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. <sup>2</sup>
<a href="#">Marijuana processor</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<a href="#">Marijuana producer</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<a href="#">Marijuana retailer</a>	<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>	<a href="#">*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565</a>
Master plan for any conditional use	CU	CU	CU	CU	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	P	P	P	P	N	P	P	N	N	
<a href="#">Urban Horticulture</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	
***										



### 13.06.400 Industrial Districts

\* \* \*

C. Land use requirements.

\* \* \*

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
* * *				
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.
<a href="#">Marijuana processor</a>	<u>N</u>	<u>P</u>	<u>P</u>	<a href="#">See additional requirements contained in Section 13.06.565</a>
<a href="#">Marijuana producer</a>	<u>N</u>	<u>P</u>	<u>P</u>	<a href="#">See additional requirements contained in Section 13.06.565</a>
<a href="#">Marijuana retailer</a>	<u>P~</u>	<u>P~</u>	<u>N</u>	<a href="#">~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. See additional requirements contained in Section 13.06.565</a>
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	
<a href="#">Urban Horticulture</a>	<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, 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 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**

\* \* \*

#### 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.

\* \* \*

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

\* \* \*

#### 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 \(marijuana producer, marijuana processor, and marijuana retailer\).](#)

\* \* \*



# SUBSTITUTE ORDINANCE NO. 28183

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AN ORDINANCE relating to public nuisances; amending Chapter 8.30 of the Tacoma Municipal Code by amending Section 8.30.045 thereof to identify nuisance activities related to recreational cannabis.

WHEREAS, pursuant to Substitute Ordinance No. 28083, passed July 31, 2012, the City Council amended Chapter 8.30 of the Tacoma Municipal Code ("TMC") relating to medical cannabis as a public nuisance, and

WHEREAS, with the passage of I-502 in November 2012, relating to recreational cannabis, the state adopted rules and regulations which are required to be in place by December 1, 2013, and

WHEREAS it is necessary to amend the TMC to ensure that any potential secondary impacts arising from the operation of state-licensed recreational cannabis activities can be adequately regulated; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 8.30 of the Tacoma Municipal Code is hereby amended by amending Section 8.30.045 thereof, as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



EXHIBIT "A"

Chapter 8.30  
PUBLIC NUISANCES

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**8.30.045 Cannabis.**

A. Relationship with other laws.

Producing, manufacturing, processing, delivering, distributing, possessing, and using cannabis are crimes under ~~federal law and may be crimes under~~ the municipal code ~~and~~, state law, ~~and federal law. Washington state law, Chapter 69.51A RCW, provides an affirmative defense for certain cannabis related crimes. There is no affirmative defense under federal law.~~ This section is a civil remedy and does not ~~alter or~~ affect any ~~state or federal criminal~~ law governing the production, manufacture, processing, delivery, distribution, possession, or use of cannabis.

~~The production, manufacture, processing, delivery, distribution, possession, or use of cannabis for medical purposes for which there is an affirmative defense under state law may be a nuisance by unreasonably annoying, injuring, or endangering the comfort, repose, health, or safety of others; by being unreasonably offensive to the senses; by being an unlawful act; by resulting in an attractive nuisance; or by otherwise violating the municipal code or state law.~~

B. Definitions.

1. "Cannabis" or "Marijuana" means all parts of the plant Cannabis, commonly known as marijuana, whether growing or not; 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. "Collective Garden" means any place, area, or garden where qualifying patients (as defined in RCW 69.51A.010) share responsibility and engage in the production, processing and/or delivery of cannabis for medical use as set forth in RCW 69.51A.085 and in full compliance with all limitations and requirements set forth in RCW 69.51A.085. "Collective garden" does not include any office, meeting place, or club associated with a collective garden which is not located within the same structure as the collective garden itself.

2. "Medical Cannabis garden" means any place, area, or garden where a qualifying patient or designated provider (as defined in RCW 69.51A.010) produces or processes cannabis for medical use as set forth in RCW 69.51A.040 and in full compliance with all limitations and requirements set forth in RCW 69.51A.040.

23. "Cannabis garden" means any place, area, or garden where cannabis is produced or processed and either (a) the person producing or processing the cannabis is not a qualifying patient or designated provider or (b) a copy or copies of the valid documentation of the qualifying patient(s) who own or share responsibility for the garden is not available at all times on the premises or (c) the number of plants or useable cannabis on the premises exceeds the limits set forth in RCW 69.51A.040(1)(a), RCW 69.51A.040(1)(b), or RCW 69.51A.085, or the garden is not otherwise in full compliance with RCW 69.51A.040(1)(a), RCW 69.51A.040(1)(b), or RCW 69.51A.085. Cannabis garden does not include a state-licensed marijuana producer, processor, or retailer as authorized by RCW 69.50 and operating in compliance therewith.

3. "Collective garden" means any place, area, or garden where qualifying patients (as defined in RCW 69.51A.010) share responsibility and engage in the production, processing, and delivery of cannabis for medical use as set forth in RCW 69.51A.085 and in full compliance with all limitations and requirements set forth in RCW 69.51A.085. "Collective garden" does not include any office, meeting place, or club associated with a collective garden which is not located within the same structure as the collective garden itself.

4. "Dispensary" means any place where cannabis is delivered, sold, or distributed or offered for delivery, sale, or distribution. Dispensary does not include a private residence where a designated provider delivers medical cannabis to his or her qualifying patient or a private residence where a member of a collective garden delivers medical cannabis to another member of the same collective garden. Dispensary does not include a collective



garden, but does include any office, meeting place, club, or other place which is not located within the same structure as the collective garden itself where medical cannabis is delivered regardless of whether the delivery is made to another member of the collective garden.

45. “Child care center” means an entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours licensed by the Washington State Department of Early Learning under chapter 170-295 WAC. “Cannabis” or “Marijuana” means all parts of the plant Cannabis, commonly known as marijuana, whether growing or not; 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.

45. “Dispensary” means any place where cannabis is delivered, sold, or distributed or offered for delivery, sale, or distribution. Dispensary does not include a state-licensed marijuana retail establishment as authorized by RCW 69.50 and operating in compliance therewith. Dispensary does not include a private residence where a designated provider delivers medical cannabis to his or her qualifying patient or a private residence where a member of a collective garden delivers medical cannabis to another member of the same collective garden. Dispensary does not include a collective garden, but does include any office, meeting place, club, or other place which is not located within the same structure as the collective garden itself where medical cannabis is delivered regardless of whether the delivery is made to another member of the collective garden.

6. “Drop-in center for youth” means an establishment operated by a social service or charity organization that is designed to provide recreational, educational, or counseling services to youth.

7. “Drug rehabilitation facility, substance abuse facility, or detoxification center” means any facility licensed by the Washington State Department of Social and Health Services whose primary focus is treatment for a person with a chemical or drug dependency, whether on an outpatient or inpatient basis.

8. “Elementary school” means a school for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.

9. “Game arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under 21 years of age are not restricted.

10. “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

11. “Medical cannabis garden” means any place, area, or garden where a qualifying patient or designated provider (as defined in RCW 69.51A.010) produces or processes cannabis for medical use as set forth in RCW 69.51A.040 and in full compliance with all limitations and requirements set forth in RCW 69.51A.040.

12. “Perimeter” means a property line that encloses an area.

13. “Playground” means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

14. “Processor” or “licensed processor” shall mean a marijuana processor licensed by the state pursuant to RCW 69.50.325(2).

15. “Producer” or “licensed producer” shall mean a marijuana producer licensed by the state pursuant to RCW 69.50.325 (1).

16. “Public park” or “park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, squares, golf courses, zoos and beaches, owned and/or managed by a city, county, state, federal government, or metropolitan park district, and includes all parks such as squares, docks, piers, moorage buoys and floats, golf courses, zoos, and beaches, playgrounds, and recreation areas and facilities, either developed or undeveloped, owned by the Metropolitan Park District of Tacoma or the City of Tacoma or under the management and control of the Metropolitan Park District of Tacoma or the City of Tacoma. Public park does not include trails.





17. “Public transit center” means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.

18. “Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

19. “Retailer” or “licensed retailer” shall mean a marijuana retailer licensed by the state pursuant to RCW 69.50.325(3).

20. “Secondary school” means a high and/or middle school; a school for students who have completed their primary education, usually attended by children in grades 7 to 12 and recognized by the Washington State Superintendent of Public Instruction.

21. The definitions contained in Chapter 69.50 RCW, ~~and~~ Chapter 69.51A RCW, ~~and~~ WAC 314-55 shall be used to define any term in this section not otherwise defined herein.

C. Nuisance defined.

The production, manufacture, processing, delivery, distribution, possession, or use of cannabis for medical purposes for which there is an affirmative defense under state law, or for other purposes as outlined and regulated in accordance with RCW 69.50 may be a nuisance by unreasonably annoying, injuring, or endangering the comfort, repose, health, or safety of others; by being unreasonably offensive to the senses; by being an unlawful act; by resulting in an attractive nuisance; or by otherwise violating the municipal code or state law.

The following specific acts, omissions, places, and conditions are declared to be a public nuisance, including, but not limited to, any one or more of the following:

1. Any cannabis garden is a nuisance per se.
2. Any dispensary is a nuisance per se.
3. Any cannabis garden, collective garden, dispensary, medical cannabis garden, state licensed processor, producer, or licensed retailer where ~~place where~~ cannabis is directly visible ~~to from~~ the adjacent public right-of-way, or is visible from property owned or leased by another person or entity. This includes smoking cannabis in a manner that it is visible from public property or from property owned or leased by another person or entity.
4. Any cannabis garden, collective garden, dispensary, medical cannabis garden, state licensed processor, producer, or retailer where ~~place that~~ cannabis can be smelled from ~~a the~~ adjacent public right-of-way, ~~place or from a property owned or leased by another person or entity.~~
5. Any collective garden located within 600 feet of the perimeter ~~closer than the distance noted below to~~ of any of the following, whether in or out of the City:
  - a. ~~Within 600 feet of any p~~Public or private elementary or secondary school;
  - b. ~~Within 600 feet of any d~~Daycare, nursery, ~~or~~ preschool, or child care center;
  - c. ~~Within 600 feet of any Public~~ park;
  - d. ~~Within 600 feet of any H~~library;
  - e. ~~Within 600 feet of any d~~Drug rehabilitation facility, substance abuse facility, or detoxification center; or
  - f. ~~Within 600 feet of any d~~Drop-in center for youth.
  - g. The distance shall be measured as the shortest straight line from the closest parcel line in which the collective garden is located to the closest parcel line of any of the uses in this subsection. ~~The separation required between the collective garden and other uses identified in this subsection shall be measured from the nearest edge or corner of the property of each use.~~



6. Any collective garden where any person under the age of ~~eighteen~~ 18 years is present or is permitted to be present.
- 1 7. Any collective garden or medical cannabis garden that is not fully enclosed within a structure.
- 2 8. Any parcel containing more than one collective garden, medical cannabis garden, or combination of
- 3 collective garden and medical cannabis garden.
- 4 9. Any collective garden or cannabis garden where any violation of Chapter 69.50 RCW occurs and for which
- 5 the affirmative defense created by Chapter 69.51A RCW would not apply.
- 6 10. Any place bearing a sign or placard advertising cannabis for sale or delivery, except that a state-licensed
- 7 marijuana retailer is permitted to display a single sign no larger than 1,600 square inches identifying the retail
- 8 outlet by the licensee's business or trade name. No state-licensed marijuana producer, processor, or retailer
- 9 shall place or maintain, or cause to be placed or maintained, an advertisement of marijuana, useable marijuana,
- 10 or a marijuana-infused product in any form or through any medium whatsoever:
- 11 a. Within 1,000 feet of the perimeter of an elementary or secondary school, playground, recreation center or
- 12 facility, child care center, public park, library, public transit center, court house, correctional facility, drug
- 13 rehabilitation facility, substance abuse facility, or detoxification center or any game arcade where admission to
- 14 which is not restricted to persons aged 21 years or older;
- 15 b. On or in a public transit vehicle or public transit shelter; or
- 16 c. On or in a publicly owned or operated property.
- 17 11. Any place where any production, manufacture, processing, delivery, distribution, possession, or use of
- 18 cannabis occurs for which there is ~~not an~~ affirmative defense under state law, or except as expressly authorized
- 19 by Chapter 69.50 RCW.
- 20 12. Any place other than a private residence where cannabis is smoked or ingested.
- 21 13. Any state-licensed cannabis retailer, processor, or producer located within 1,000 feet of the perimeter of
- 22 any of the following, whether in or out of the City:
- 23 a. Playground, recreation center, or facility;
- 24 b. Child care center;
- 25 c. Public park;
- 26 d. Public transit center;
- e. Library;
- f. Game arcade where admission to which is not restricted to persons aged 21 years or older;
- g. Elementary or secondary school;
- h. Any state licensed retailer within 1,000 feet of the perimeter of a cCourt house, ;
- i-cCorrectional facility, ;
- i-dDrug rehabilitation facility, substance abuse facility, or detoxification center.
- ik. The distance shall be measured as the shortest straight line from the closest parcel line in which the state
- licensed cannabis retailer, processor, or producer is located to the closest parcel line of any of the uses in this
- subsection.
14. Any state-licensed cannabis retailer, processor, or producer where any person under the age of 21 years is present or is permitted to be present.
15. Any state-licensed retailers selling products or services other than useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of useable marijuana or marijuana-infused products.



16. Any state-licensed retailers selling useable marijuana, marijuana-infused products, or paraphernalia between 12 a.m. and 8 a.m.

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17. Any unlicensed marijuana retailer, producer, or processor operating within City limits.

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18. Any state licensed producer whose production activities are not within a fully enclosed, secure facility or greenhouse with rigid walls, a roof and doors, or whose outdoor production activities are not enclosed by a sight obscured wall or fence at least eight feet high.

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