



## Legislation Passed February 17, 2015

The Tacoma City Council, at its regular City Council meeting of February 17, 2015, 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. 39115**

A resolution awarding a contract to Fire Training Structures, LLC, in the amount of \$409,995, plus sales tax, budgeted from the Fire Grant Fund, to supply, deliver, and assemble one Live-Fire Training Simulator at the Tacoma Fire Training Center - Specification No. FD14-0649F.

[Roger Edington, Assistant Fire Chief; James P. Duggan, Fire Chief]

### **Resolution No. 39116**

A resolution authorizing the City's membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality.

[Diane Powers, Office of Equity and Human Rights Director; T.C. Broadnax, City Manager]

### **Resolution No. 39117**

A resolution authorizing the execution of an agreement with Pierce Transit, in the amount of \$384,976.20, budgeted from the General Fund, for the purchase of One Regional Card for All (ORCA) business cards, and other ORCA services as part of the Commute Trip Reduction Program for 2015.

[Joy St. Germain, Director, Human Resources]

### **Resolution No. 39118**

A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, which consists of 57 full-time equivalent positions, and provides for a wage increase of 2.2 percent, effective retroactive to January 1, 2015, through December 31, 2017.

[Robin Koch, Labor Relations Manager; Joy St. Germain, Director, Human Resources]

### **Ordinance No. 28280**

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Clerical and Supervisors' Units.

[Tara Schaak, Labor Negotiator; Joy St. Germain, Director, Human Resources]

**Amended Ordinance No. 28281**

An ordinance amending Title 13 of the Municipal Code, entitled Land Use Regulatory Code, to establish permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana; superseding interim regulations enacted pursuant to Substitute Ordinance No. 28182.

[Elliott Barnett, Associate Planner; Peter Huffman, Director, Planning and Development Services]



## RESOLUTION NO. 39115

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 Fire Training Structures, LLC, in the amount of \$409,995.00, plus  
4 applicable sales tax, budgeted from the 1090 Fire Grant Fund, for the  
supply, delivery and assembly of one Live-Fire Training Simulator at the  
Fire Training Center.

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."  
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Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Fire Training Structures, LLC, in the amount of \$409,995.00, plus applicable sales tax, budgeted from the 1090 Fire Grant Fund, for the supply, delivery and assembly of one Live-Fire Training Simulator at the Fire Training Center, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 39116

1 BY REQUEST OF MAYOR STRICKLAND AND COUNCIL MEMBERS CAMPBELL  
2 AND MELLO

3 A RESOLUTION authorizing the City's membership in the Welcoming Cities and  
4 Counties Initiative, which encourages communities to create more  
5 welcoming, immigrant-friendly environments that maximize opportunities  
6 for economic growth and cultural vitality.

7 WHEREAS recent census figures report that 13.4 percent of the City's  
8 population is foreign-born, with the majority immigrating from Asia, Latin America,  
9 and Europe, and that 19 percent of its residents speak a language other than  
10 English in their homes, and

11 WHEREAS the City passed an Equity and Empowerment Initiative that  
12 seeks to (1) have a municipal workforce that reflects the community it serves;  
13 (2) have purposeful community outreach and engagement; (3) provide equitable  
14 service delivery to all residents and visitors; (4) support human rights and  
15 opportunities for every person to achieve their full potential; and (5) commit to  
16 equity in local government decision-making, and

17 WHEREAS the City Council, at its 2014 Annual Work Session, expressed a  
18 desire to make the City a more welcoming place that is inclusive and an  
19 immigrant-friendly place to live, work, and visit, and

20 WHEREAS the City will connect with community partners to share ideas,  
21 develop new tools, give recognition for efforts that create a more welcoming  
22 community, and improve the quality of life and economic potential for immigrants  
23 and non-immigrants alike, and  
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WHEREAS the City wants to foster a knowledgeable, safe, and connected community by including immigrants in conversations surrounding education, business and economic development, arts and culture, local government and the justice system, and social and health services, and

WHEREAS Tacoma has a vested interest in building immigrant leadership, engagement, and inclusion, and encouraging immigrant entrepreneurship; Now, Therefore,

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

That the City Council hereby authorizes the City's membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality, and further, that the City Council supports all efforts to make the City more vibrant, inclusive, and welcoming for all people, including its immigrant community.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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



## RESOLUTION NO. 39117

1 A RESOLUTION relating to the City's Commute Trip Reduction Program;  
2 authorizing the execution of an agreement with Pierce Transit, in the net  
3 amount of \$384,976.20, budgeted from the General Fund, for the purchase  
4 of One Regional Card for All ("ORCA") Business Cards and other ORCA  
5 services as part of the City's Commute Trip Reduction Program for 2015.

6 WHEREAS, since 1996, the City has provided bus pass/vanpool subsidies  
7 for its employees as part of the Commute Trip Reduction ("CTR") Program, and

8 WHEREAS, in 2009, the City transitioned from providing these subsidies to  
9 providing City employees with One Regional Card for All ("ORCA") Business Cards,  
10 and

11 WHEREAS the ORCA Business Cards purchased under the agreement with  
12 Pierce Transit provide employees access to Pierce, Metro, Kitsap, Everett  
13 community, and Sound Transit systems, including the Sound Transit Link Light Rail,  
14 the Seattle Streetcar, and the Sounder; and

15 WHEREAS the agreement with Pierce Transit also provides for ORCA  
16 vanpool and van share services from Pierce, Metro, Kitsap, Everett community, and  
17 Sound Transit systems, and

18 WHEREAS, in 2013, there were approximately 1,059 employee transit  
19 program users per month, and in 2014, approximately 1,127 employee users per  
20 month, which represents approximately 33 percent of the City's work force, and

21 WHEREAS the 2015 agreement, in the net amount of \$384,976.20, includes  
22 a \$426,888.24 annual fee for ORCA transit and vanpool and vanshare services and  
23 a credit of \$41,912.04 for 100 ORCA cards as an offset for Pierce Transit rent, and  
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WHEREAS the 2015 agreement amount is a decrease of \$12,828.12 over 2014 due to overall lower transit costs, as well as a decrease in the vanpool deposit required by Pierce Transit, and

WHEREAS Human Resources staff will continue the oversight of the CTR transit pass program, and

WHEREAS employees receiving an ORCA Business Card will be required to sign an agreement outlining use expectations and requirements, including that the ORCA card is for business use only; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into an agreement with Pierce Transit, in the net amount of \$384,976.20, budgeted from the General Fund, for ORCA Business Cards and vanpool and vanshare services that will be part of the City's Commute Trip Reduction Program for 2015, said document to be substantially in the form of the proposed document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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





## RESOLUTION NO. 39118

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 collective bargaining agreement between the City and the International  
3 Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit,  
4 effective retroactive to January 1, 2015, through December 31, 2017.

4 WHEREAS the City has, for years, adopted the policy of collective  
5 bargaining between the various labor organizations representing employees and  
6 the administration, and

7  
8 WHEREAS this resolution allows for the execution of the proposed three-  
9 year (2015-2017) Collective Bargaining Agreement (“CBA”) between the City and  
10 International Brotherhood of Electrical Workers, Local 483, Water Pollution Control  
11 Unit (“Union”), on behalf of the employees represented by said Union, consisting of  
12 approximately 57 budgeted, full-time equivalent (“FTE”) positions assigned to  
13 General Government, and

14  
15 WHEREAS the proposed CBA includes the following wage provisions:

16 (1) effective retroactive to January 1, 2015, wages shall increase by 2.2 percent;

17 (2) effective January 1, 2016, wages shall increase by 100 percent of the CPI-W,

18 Seattle-Tacoma, June-June index, with a minimum of 2 percent and a maximum of

19 4 percent; and (3) effective January 1, 2017, wages shall increase by 100 percent

20 of the CPI-W, Seattle-Tacoma, June-June index, with a minimum of 2 percent and a  
21 maximum of 4 percent, and  
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23 WHEREAS other CBA provisions include clarification for grievance timelines  
24 to be counted in calendar days; a safety footwear allowance and clarification on  
25 when the allowance will be paid; a modification to Article 13, regarding work hours  
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and scheduling for employees assigned to Treatment Plant 1, to implement earlier start times; and language regarding the formation of a Labor/Management Committee for the purpose of reviewing training programs for Wastewater Treatment Plant Electrician/Instrumentation Technicians, and

WHEREAS it now appears in the best interest of the City that the proposed CBA negotiated by said Union and the City be approved; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute the Collective Bargaining Agreement between the City and International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, effective retroactive to January 1, 2015, through December 31, 2017, 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



# ORDINANCE NO. 28280

1 AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355  
 2 of the Tacoma Municipal Code to implement rates of pay and  
 3 compensation for employees represented by the International Brotherhood  
 4 of Electrical Workers, Local 483, Clerical Unit; and International  
 5 Brotherhood of Electrical Workers, Local 483, Supervisors' Unit; and  
 6 declaring the effective dates thereof to implement rates of pay and  
 7 compensation.

8 BE IT ORDAINED BY THE CITY OF TACOMA:

9 Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby  
 10 amended, effective retroactive to January 1, 2015, to read as follows:

Code	A	Job Title	1	2	3	4	5
0508		Accountant	<u>27.20</u>	<u>28.56</u>	<u>29.99</u>	<u>31.49</u>	<u>33.06</u>
0514		Accountant, Senior	<u>31.28</u>	<u>32.84</u>	<u>34.49</u>	<u>36.21</u>	<u>38.02</u>
0737		Administrative Assistant	<u>22.02</u>	<u>23.12</u>	<u>24.28</u>	<u>25.49</u>	<u>26.77</u>
0547		Benefit Specialist (Retirement)	<u>22.02</u>	<u>23.12</u>	<u>24.28</u>	<u>25.49</u>	<u>26.77</u>
0504		Financial Assistant	<u>22.02</u>	<u>23.12</u>	<u>24.28</u>	<u>25.49</u>	<u>26.77</u>
0006		Office Assistant	<u>19.15</u>	<u>20.11</u>	<u>21.12</u>	<u>22.17</u>	<u>23.28</u>

Code	A	Job Title	1	2	3	4	5
0508		Accountant	<u>27.80</u>	<u>29.19</u>	<u>30.65</u>	<u>32.18</u>	<u>33.79</u>
0514		Accountant, Senior	<u>31.97</u>	<u>33.56</u>	<u>35.25</u>	<u>37.01</u>	<u>38.86</u>
0737		Administrative Assistant	<u>22.50</u>	<u>23.63</u>	<u>24.81</u>	<u>26.05</u>	<u>27.36</u>
0547		Benefit Specialist (Retirement)	<u>22.50</u>	<u>23.63</u>	<u>24.81</u>	<u>26.05</u>	<u>27.36</u>
0504		Financial Assistant	<u>22.50</u>	<u>23.63</u>	<u>24.81</u>	<u>26.05</u>	<u>27.36</u>
0006		Office Assistant	<u>19.57</u>	<u>20.55</u>	<u>21.58</u>	<u>22.66</u>	<u>23.79</u>

14 Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby  
 15 amended, effective retroactive to January 1, 2015, to read as follows:

Code	A	Job Title	1	2	3	4	5
5097		Biosolids Supervisor	<u>34.11</u>	<u>35.82</u>	<u>37.61</u>	<u>39.49</u>	<u>41.46</u>
0041		Customer Accounts Supervisor	<u>33.46</u>	<u>35.13</u>	<u>36.88</u>	<u>38.73</u>	<u>40.67</u>
5271		Fire Electrical Maintenance Supervisor	<u>48.75</u>	<u>51.18</u>	<u>53.74</u>	<u>56.43</u>	<u>59.25</u>
5519		Telecommunications Supervisor, Assistant	<u>29.13</u>	<u>30.59</u>	<u>32.12</u>	<u>33.72</u>	<u>35.41</u>
5276		Traffic Field Operations Supervisor	<u>48.75</u>	<u>51.18</u>	<u>53.74</u>	<u>56.43</u>	<u>59.25</u>



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Code	A	Job Title	1	2	3	4	5
5097		Biosolids Supervisor	<u>34.86</u>	<u>36.61</u>	<u>38.44</u>	<u>40.36</u>	<u>42.37</u>
0041		Customer Accounts Supervisor	<u>34.20</u>	<u>35.90</u>	<u>37.69</u>	<u>39.58</u>	<u>41.56</u>
5271		Fire Electrical Maintenance Supervisor	<u>49.82</u>	<u>52.31</u>	<u>54.92</u>	<u>57.67</u>	<u>60.55</u>
5519		Telecommunications Supervisor, Assistant	<u>29.77</u>	<u>31.26</u>	<u>32.83</u>	<u>34.46</u>	<u>36.19</u>
5276		Traffic Field Operations Supervisor	<u>49.82</u>	<u>52.31</u>	<u>54.92</u>	<u>57.67</u>	<u>60.55</u>

Section 3. That Sections 1 and 2 of this ordinance shall become effective retroactive to January 1, 2015.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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



## ORDINANCE NO. 28281

1 AN ORDINANCE relating to land use regulations associated with Initiative 502;  
2 amending Title 13 of the Tacoma Municipal Code to establish permanent  
3 land use regulations concerning the production, processing, and retail sale  
4 of recreational marijuana; and superseding the City's interim recreational  
5 marijuana regulations enacted pursuant to Substitute Ordinance No. 28182.

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

9 WHEREAS the Washington State Liquor Control Board ("WSLCB") was  
10 tasked with establishing rules and procedures to implement I-502, and, according to  
11 the WSLCB's timeline, the rules became effective on November 16, 2013, and the  
12 state began accepting applications for all license types on November 18, 2013, and

13 WHEREAS, on November 5, 2013, the City Council adopted Substitute  
14 Ordinance No. 28182, enacting interim land use regulations concerning the  
15 production, processing, and retail sale of recreational marijuana, and

16 WHEREAS the interim regulations, codified in Tacoma Municipal  
17 Code ("TMC") Chapters 13.06, 13.06A, and 13.10, were intended to provide policy  
18 and regulatory guidance to facilitate the proactive and timely review of the  
19 marijuana license applications expected to come forward in December 2013, and

20 WHEREAS the interim regulations were also intended to provide adequate  
21 time for the City to evaluate the operations and impacts of licensed marijuana  
22 businesses and allow the state to rectify outstanding problems with the existing,  
23 largely unregulated medical marijuana system, before deliberating on a permanent  
24 local regulatory solution, and  
25  
26



1 WHEREAS the WSLCB began issuing marijuana production and processing  
licenses in March 2014 and marijuana retailing licenses in July 2014, and

2 WHEREAS the state legislature deliberated on potential changes to address  
3 the medical marijuana industry in 2014, but have not yet adopted any changes, and

4  
5 WHEREAS, on September 30, 2014, the City Council adopted Ordinance  
6 No. 28250, extending the interim regulations through May 16, 2015, and directing  
7 City staff and the Planning Commission to expedite the development of  
8 recommendations for permanent regulations prior to expiration of the interim  
9 regulations, and

10  
11 WHEREAS the Planning Commission completed its task of developing  
12 recommendations for permanent recreational marijuana regulations through a  
13 public process, including a public hearing on December 3, 2014, and forwarded its  
14 recommendations to the City Council through the *Planning Commission's Findings*  
15 *of Fact and Recommendation Report* dated January 7, 2015, and

16  
17 WHEREAS the proposed recommendations retain most of the provisions of  
18 the current interim regulations while making modifications to TMC 13.06.300,  
19 Mixed-Use Center Districts; TMC 13.06.400, Industrial Districts; and  
20 TMC 13.06.565, Marijuana Businesses, and

21  
22 WHEREAS the proposed amendments clarify that all licensed marijuana  
23 uses must comply with City requirements, and expand areas where marijuana  
24 production, processing, and urban horticulture are permitted, to include the  
25 M-1 Light Industrial and the CIX Commercial Industrial Mixed-Use Districts, and

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WHEREAS a public hearing was held on February 3, 2015, to receive public comment on the recommendations of the Planning Commission, and

WHEREAS the Washington State Legislature is currently deliberating on potential changes pertaining to both recreational and medical marijuana which could raise new considerations, potentially including an increase in the number of marijuana businesses allowed in Tacoma and which, if enacted, could necessitate further modifications to the City's regulations; once there is clarity regarding state-level changes, the City should convene a joint meeting of the City Council and the Planning Commission to address modifications; Now, Therefore

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 13 of the Tacoma Municipal Code is hereby amended to establish permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana, as set forth in the attached Exhibit "A."

Section 2. That the permanent land use regulations enacted pursuant to this ordinance hereby supersede the interim land use regulations enacted pursuant to Substitute Ordinance No. 28182.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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



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

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LAND USE REGULATORY CODE AMENDMENTS

*February 10, 2015*

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

**Chapter 13.06 – Zoning**

13.06.300 – Mixed-Use Center Districts

13.06.400 – Industrial Districts

13.06.565 – Marijuana Businesses

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.



**13.06.300 Mixed-Use Center Districts.**

\*\*\*

D. Land use requirements.

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

2. Use table abbreviations.

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

3. District use table.

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

**13.06.400 Industrial Districts.**

\*\*\*

**13.06.400.C Land use requirements.**

\*\*\*

3. Use table abbreviations.

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

4. District use table.

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

\*\*\*

### **13.06.565 Marijuana Businesses.**

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. [All licensed marijuana uses are required to fully comply with the provisions of this Section.](#)

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if [appropriately](#) licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

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

9. Location requirements.

- a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.
- b. Marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.
- c. The methodology for measuring the buffers outlined above in subsections 9.a and 9.b. shall be as provided in WAC 314-55.
- d. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 9.a and 9.b.
- e. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.