



NOTICE OF PUBLIC HEARING

PLANNING COMMISSION PUBLIC HEARING

Subject: **Marijuana Use Buffers**
(Proposed Amendment to the Tacoma Municipal Code)

Date/Time: Wednesday, September 6, 2017, 5:00 p.m.

Location: Asia Pacific Cultural Center
4851 S. Tacoma Way
Tacoma, WA 98407

How to provide comments?

1. Testify at the hearing on September 6; and/or
2. Provide written comments by 5:00 p.m. on Monday, September 11, 2017, via:
 - E-mail: planning@cityoftacoma.org; or
 - Letter: Planning Commission
747 Market Street, Room 345
Tacoma, WA 98402

What is the proposal? (Also see the backside)

The proposal would amend the Tacoma Municipal Code, Section 13.06.565 Marijuana Uses, by adding local definitions of “Playground” and “Recreation center or facility” and including “metropolitan parks district” in the ownership paradigm, in order to protect said facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code (WAC) 314-55-010(24)-(27).

What is the proposal intended to achieve?

The City has discovered a gap in the state’s marijuana regulations between the intent to require greater setback buffers for public playgrounds and recreational centers and facilities and the definitions for these sites. This gap arises from the state’s unintended omission of “metropolitan parks districts” from the ownership paradigm in the WAC definitions of “Playground” and “Recreation center or facility.” The City understands that the state intends to correct this omission in its definitions, but it may take some time to do so; in the meantime, adding local definitions into the City’s marijuana regulations for “Playground” and “Recreation center or facility” that include ownership by a metropolitan parks district will alleviate the problems that have arisen in permitting marijuana uses that appear to conform with the state definitions, but not with the state’s intent.

Environmental Review

The proposal entails text amendments to existing regulations resulting in no substantive changes respecting use or modification of the environment, and as such, environmental review for the proposal is exempt, per WAC 197-11-800(19)(b).

Website

For more background information, please visit www.cityoftacoma.org/Planning, and click on “Recent and Completed Projects” and then “Marijuana Regulations”.

Staff Contact

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747 Market Street, Room 345 ■ Tacoma, WA 98402 ■ (253) 591-5682 ■ FAX (253) 591-5433 ■ <http://www.cityoftacoma.org/planning>

Text of the Proposed Amendment to the Tacoma Municipal Code, Section 13.06.565

(Deletions are shown in ~~red-strikethroughs~~
and additions shown in blue underlines)

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13.06.565 Marijuana Uses.

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. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a “medical marijuana endorsement” that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

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 Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

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

(a) "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, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

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