To: Planning Commission  
From: Elliott Barnett, Planning Services Division  
Subject: Marijuana Regulations (Permanent)  
Meeting Date: November 5, 2014  
Memo Date: October 30, 2014

At the next meeting on November 5, 2014, the Planning Commission will review preliminary provisions for permanent land use regulations concerning the production, processing and retail sale of recreational marijuana. The City Council has directed staff and the Planning Commission to develop recommendations to replace the interim regulations currently in place. This item is on an accelerated schedule.

The current interim regulations were enacted in November 2013, effective for one year through November 2014, in response to the voter approved Initiative 502. The City Council recently extended the interim regulations for six months, through May 2015 (per Ordinance No. 28250, adopted on September 30, 2014), to allow adequate time for the City to evaluate the operations and impacts of the licensed marijuana businesses and for the State to rectify the outstanding problems with the existing, largely unregulated medical marijuana system. The City Council also expressed the imminent need and desire to replace the interim regulations with enhanced, permanent regulatory provisions.

At the October 15th meeting, the Commission provided initial direction on code changes, and requested additional information regarding potential distribution and buffering requirements, as well as more perspective on how existing marijuana facilities are functioning.

Attached to facilitate the Commission’s review and discussion on November 5th are an updated summary of key issues along with preliminary recommendations for code changes, a preliminary draft of TMC 13.06.565 Marijuana Businesses, and an updated map illustrating the locations of current and pending recreational marijuana locations as well as potential distribution and buffering modifications. If you have any questions, please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachments

c: Peter Huffman, Director
SCOPE OF WORK: Develop permanent land use regulations governing Recreational Marijuana uses.

SEE OCTOBER 15TH PACKET FOR PROJECT SCHEDULE

CURRENT INTERIM REGULATIONS: Effective November 2013 to May 2015

Purposes, Key Provisions & Licensing Status:

SEE OCTOBER 15TH PACKET

KEY ISSUES:
Planning Commission direction and questions from October 15th meeting:

- Most pressing issues relate to Medical marijuana
- The Interim Marijuana Uses code governing marijuana production, processing and retail, functions fairly well as is
  - It is still early to identify potential changes, given that the first marijuana facilities have only just been licensed
  - Additional changes should be considered once any potential impacts or concerns are identified
  - While recognizing that state law and prior Council actions direct that marijuana uses will be regulated in a specific manner, the Commission in general holds that it is the will of the voters to normalize marijuana-related uses, treating them generally similar to other similar land uses
  - It is important that the City’s permanent regulations are in place and are well-founded, in preparation for potential state action on medical marijuana activities
- Given these considerations, some refinements could be considered to the Interim Code, including the following:
  1. Make it abundantly clear that new marijuana uses must comply with City requirements
  2. Consider adding new land uses requiring the 1,000 foot buffer (potentially including homeless shelters, other land uses that cater to children?)
  3. Consider distribution requirements between retail marijuana establishments
  4. Consider methods to provide notice of new retail marijuana license applications, however the approach should not create a false impression that citizens can prevent such uses from locating where they are permitted
- Other than these items, consideration may be given to other code changes if impacts are identified through the public process
  - Potential issues include parking, hours of operation
Attachment 1

- The Commission requested further information on
  - The current distribution of recreational marijuana uses and on where such uses are permitted
  - Any issues or concerns identified related to currently active marijuana-related uses

Discussion & Analysis:

- Marijuana Industry Locations Map updated (see Attachment 3)
  - To include changes in the locations of buffered activities (changes resulted from opened, closed, newly identified buffered activities)
  - To remove Family Daycares from the map (only Child Care Centers are required to be buffered per the statute)
  - To depict homeless shelter locations and potential 1,000 foot buffers
  - To depict a potential 500, 1000 and 1500 foot retail distribution requirement

- Public notice:
  - The Washington State Liquor Control Board (WSLCB) licensing process does provide some notice, however it is not geographically-based (no notice to neighbors is provided)
    - See http://www.liq.wa.gov/records/frequently-requested-lists
  - Should the Commission decide to create a notice process, potential methods include:
    - Through a new land use process (options include conditional use, administrative review processes)
    - Through a regulatory business license approach

- Performance/complaints to date in regards to recreational marijuana facilities
  - No official complaints/enforcement actions to date on recreational marijuana facilities

- Other issues and concerns expressed since the previous meeting
  - Concerns continue to be expressed about retail marijuana establishments locating in some business districts
  - Additional discussion has taken place in regards to protecting industrial land capacity for other (higher employment density) industrial activities

- Update on medical locations, enforcement approach
  - The most recent count identified about 60 medical cannabis locations
  - At the November 5\textsuperscript{th} meeting, Code Enforcement staff will be present to speak to key issues that have been heard in regards to medical marijuana locations
  - The City’s enforcement strategy is under consideration now, scheduled for finalization in December 2014
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.

C. Standards.

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.

POTENTIAL ADDITION: All new licensed recreational marijuana facilities must comply with the provisions of this section.

POTENTIAL ADDITION: Create a notice requirement. This could consist of a new discretionary or administrative land use process; or, could be enacted through a new regulatory business license approach.

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.

   POTENTIAL ADDITION: Add homeless shelters, or other sensitive uses to this list.

   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.

   POTENTIAL ADDITION: New retail marijuana establishments must meet a minimum distribution requirement from existing retail establishments. Potential distribution requirement: 500 feet, 1000 feet, 1500 feet, other...
Tacoma Marijuana Industry Locations

- Homeless Shelters (9)
- Recreational - Retail (5)
- Recreational - Pending Retail (3)
- Homeless Shelter Buffer (1,000')

Allowed Zoning
- Retail
- Production, Processing
- Retail, Production, Processing

Retail Buffers
- 500'
- 1,000'
- 1,500'

Note: Common locations minimally adjusted for map clarity