



RESOLUTION NO. 39742

1 BY REQUEST OF DEPUTY MAYOR THOMS

2 A RESOLUTION relating to interim zoning; requesting that the Planning
3 Commission consider amending Chapter 13.06 of the Tacoma Municipal
4 Code, relating to the zoning of marijuana uses, on an interim basis, by
5 adding local definitions of "Playground" and "Recreation center or facility,"
6 in order to protect Metro Parks Tacoma-owned playgrounds and
7 recreation centers and facilities to the level intended by the state, but
8 currently not covered by state definitions.

9 WHEREAS the City's marijuana land use regulations, as set forth in
10 Amended Ordinance No. 28361, adopted on May 24, 2016, and found at
11 Section 13.06.565 of the Tacoma Municipal Code, are barely a year old, and

12 WHEREAS Washington State's regulatory framework for licensing and
13 regulating the production, processing and retail sale of marijuana is also relatively
14 new, and

15 WHEREAS City staff has discovered a gap between the state's intent to
16 require greater setback buffers for public playgrounds and recreational centers and
17 facilities and the state's definitions for these sites, found at Washington
18 Administrative Code ("WAC") 314-55-010(24)-(27), and

19 WHEREAS this gap arises from the state's unintended omission of
20 "metropolitan parks districts" from the ownership paradigm in the WAC definitions
21 of "Playground" and "Recreation center or facility," and

22 WHEREAS the City understands that the state intends to correct this
23 omission in its definitions, but it may take some time to do so; in the meantime, the
24 City can prevent conflicts from arising in local permitting, as has already happened,
25 by adding these two definitions in the TMC on an interim basis, and
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WHEREAS 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, until such time as the state corrects its own definitions; Now,
Therefore,

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

That the City Council hereby requests that the Planning Commission
consider amending Chapter 13.06 of the Tacoma Municipal Code, relating to
Zoning, on an interim basis, by adding local definitions of “Playground” and
“Recreation center or facility” as shown in Exhibit “A” hereto, in order to protect
Metro Parks Tacoma-owned playgrounds and recreation centers and facilities to
the level intended by the state, but currently not covered by state definitions.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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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.