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

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

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

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

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

WHEREAS the interim regulations were also intended to provide adequate time for the City to evaluate the operations and impacts of licensed marijuana businesses and allow the state to rectify outstanding problems with the existing, largely unregulated medical marijuana system, before deliberating on a permanent local regulatory solution, and
WHEREAS the WSLCB began issuing marijuana production and processing licenses in March 2014 and marijuana retailing licenses in July 2014, and

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

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

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

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

WHEREAS the proposed amendments clarify that all licensed marijuana uses must comply with City requirements, and expand areas where marijuana production, processing, and urban horticulture are permitted, to include the M-1 Light Industrial and the CIX Commercial Industrial Mixed-Use Districts, and
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 FEB 17 2015

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney