



## Preliminary Determination of Environmental Nonsignificance

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### City of Tacoma Marijuana Interim Regulations Proposed Amendments to the Tacoma Municipal Code

SEPA File Number: SEP2013-40000207255

**TO:** All Departments and Agencies with Jurisdiction

**SUBJECT:** Preliminary Determination of Environmental Nonsignificance

In accordance with WAC 197-11-340, a copy of the Preliminary Determination of Environmental Nonsignificance for the project described below is transmitted:

**Applicant:** City of Tacoma  
Planning and Development Services Department  
747 Market Street, Room 345  
Tacoma, WA 98402

**Proposal:**

The Proposed Interim Regulations would amend Tacoma Municipal Code, Chapters 13.06 – Zoning, 13.06A – Downtown Tacoma, and 13.10 – Shoreline Management, with the following provisions: define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50.101; prohibit all marijuana uses in residential and shoreline districts; allow marijuana producers and marijuana processors outright in intensive industrial zones; allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts; prohibit marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to WAC 314-55; prohibit marijuana uses from locating within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers; require marijuana uses to comply with additional development standards concerning odor controls, drive-throughs, size and hours of operation, signage and advertisement, and other applicable standards; and add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

Copies of the complete text of the proposed Interim Regulations are available from the Planning and Development Services Department at the below address and may also be viewed and downloaded at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (click on “Recreational Marijuana”).

**Location:** City of Tacoma

**Lead Agency:** City of Tacoma

**City Contact:** Lihuang Wung  
Planning and Development Services Department  
747 Market Street, Room 345  
Tacoma, WA 98402  
(253) 591-5682

The lead agency for this proposal has made a preliminary determination that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of an environmental checklist and other information on file with the lead agency. This information is available to the public upon request. This Preliminary Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). **Comments must be submitted by 5:00 p.m. on October 22, 2013.** The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. **Unless modified by the City, this determination will become final on November 5, 2013.** There is no administrative appeal for this determination. Appeals must be filed in conjunction with appeals of the adopted amendments to the Growth Management Hearings Board; appeals shall be taken in accordance with procedures and limitations set forth in RCW 43.21C.075 and WAC 242-02. In addition to Growth Management Hearings Board requirements, a copy of the appeal shall be filed with the Planning and Development Services Department, 747 Market Street, Room 345, Tacoma, Washington 98402.

The Puyallup Tribe is notified that this initiates the consultation process.

Responsible Official: Peter Huffman  
Position/Title: Interim Director, Planning and Development Services Department

Signature: \_\_\_\_\_

SEPA Officer Signature: \_\_\_\_\_

Issue Date: October 3, 2013  
Comment Deadline: October 22, 2013, 5:00 p.m.

**NOTE:** The issuance of this Preliminary Determination of Nonsignificance does not constitute project approval. Future project applicants must comply with all other applicable requirements of the City of Tacoma and other agencies with jurisdiction prior to receiving development permits.

- c: via U.S. Mail:
  - Tacoma Planning and Development Services Department, Reuben McKnight, Shirley Schultz
  - Tacoma Public School District #10, Pete Wall, 3223 South Union Ave., Tacoma, WA 98409
  - Nature and Environment Advisory Council, Terry Larson, 808 North Ainsworth Ave., Tacoma, WA 98403
  - Puyallup Tribe of Indians, Bill Sullivan, Natural Resources Director, 3009 E. Portland Ave., Tacoma, WA 98404
  - Puyallup Tribe of Indians, David Duenos, Building Official, 3009 E. Portland Avenue., Tacoma, WA 98404
  - Puyallup Tribe of Indians, Brandon Reynon, Tribal Historian, 3009 E. Portland Avenue, Tacoma, WA 98404
  - Puyallup Tribe of Indians, Jeffrey Thomas, TFW Program Director, 3009 E. Portland Ave., Tacoma, WA 98404
  - Puyallup Tribe of Indians, Peter Mill, Director of Planning Department, 3009 E. Portland Ave., Tacoma, WA 98404
  - Puyallup Tribe of Indians, Lisa A. Brautigam, Environmental Attorney, 3009 Portland Ave., Tacoma, WA 98404
  - Puyallup Tribe of Indians, Russ Ladley, Tribal Attorney, 3009 Portland Avenue, Tacoma, WA 98404
  - Puyallup Tribe of Indians, Shawn Villegas, 3009 Portland Avenue, Tacoma, WA 98404
  - Puyallup Tribe of Indians, Andrew Stroebel, Land Use Manager, 3009 Portland Avenue, Tacoma, WA 98404

- c: via E-mail:
  - Tacoma Pierce County Health Department, SEPA Review Team, [sepa@tpchd.org](mailto:sepa@tpchd.org)
  - Port of Tacoma, Jason Jordan, [jjordan@portoftacoma.com](mailto:jjordan@portoftacoma.com)
  - Metro Parks, Doug Fraser, [dougfr@tacomaparks.com](mailto:dougfr@tacomaparks.com)
  - Puget Sound Clean Air Agency, Steve Van Slyke, [stevev@pscleanair.org](mailto:stevev@pscleanair.org)
  - Department of Ecology, [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)
  - Department of Transportation, Dale Severson, [dale.severson@wsdot.wa.gov](mailto:dale.severson@wsdot.wa.gov)

File: Planning and Development Services

# ***SEPA ENVIRONMENTAL CHECKLIST***

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*City of Tacoma*

## ***Marijuana Interim Regulations***

***Proposed Amendments to the Tacoma Municipal Code***

**SEPA File Number:**

**SEP2013-40000207255**

**October 3, 2013**

**City of Tacoma  
Planning and Development Services Department  
747 Market Street, Room 345  
Tacoma, WA 98402-3701  
253-591-5030**



## A. BACKGROUND

### 1. Name of proposed project, if applicable:

Marijuana Interim Regulations – Proposed Amendments to the Tacoma Municipal Code

### 2. Proponent/applicant:

City of Tacoma – Planning and Development Services Department

### 3. Contact:

Lihuang Wung  
City of Tacoma  
Planning and Development Services Department  
747 Market Street, Room 345  
Tacoma, WA 98402-3701  
Phone: (253) 591-5682  
E-mail: [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org)

### 4. Date checklist prepared:

October 3, 2013

### 5. Agency requesting checklist:

City of Tacoma – Planning and Development Services Department

### 6. Proposed timing or schedule (including phasing, if applicable):

October 1, 2013	City Council initiates the interim regulations
October 22, 2013	City Council public hearing
October 29, 2013	City Council first reading of ordinance
November 5, 2013	City Council final reading of ordinance adopting the Interim Regulations
November 17, 2013	Interim Regulations become effective (for 6 months, through May 16, 2014)

### 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The City may consider imposing permanent regulations concerning recreational marijuana upon the expiration of the interim regulations in May 2014.

### 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The following environmental documents are posted on the website of the Washington State Liquor Control Board (WSLCB) at <http://lcb.wa.gov/marijuana/l-502>:

Environmental Risks and Opportunities in Cannabis Cultivation, a white paper prepared for the WSLCB by Michael O'Hare, BOTEC Analysis, UC Berkeley, Daniel L. Sanchez, UC Berkeley, and Peter Alstone, UC Berkeley, dated June 28, 2013.

SEPA Environmental Checklist for the Proposed Rulemaking for WAC 314-55 Marijuana Licenses, Application Process, Requirements, and Reporting, prepared by the WSLCB on July 1, 2013.

Determination of Nonsignificance (DNS) concerning the Proposed Rulemaking for WAC 314-55 Marijuana Licenses, Application Process, Requirements, and Reporting, issued on July 12, 2013.

Revised DNS and Addendum to Environmental Checklist concerning the Proposed Rulemaking for WAC 314-55 Marijuana Licenses, Application Process, Requirements, and Reporting, issued on September 26, 2013

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

No.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

The Interim Regulations – proposed amendments to the Tacoma Municipal Code – will be adopted by the City Council by ordinance, i.e. through the legislative process.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.**

The Proposed Interim Regulations would amend Tacoma Municipal Code, Chapters 13.06 – Zoning, 13.06A – Downtown Tacoma, and 13.10 – Shoreline Management, with the following provisions:

- Define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50.101;
- Prohibit all marijuana uses in residential and shoreline districts;
- Allow marijuana producers and marijuana processors outright in intensive industrial zones;
- Allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts;
- Prohibit marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to WAC 314-55;
- Prohibit marijuana uses from locating within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers;
- Require marijuana uses to comply with additional development standards concerning odor controls, drive-throughs, size and hours of operation, signage and advertisement, and other applicable standards; and
- Add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

The Interim Regulations are intended to provide policy and regulatory guidance to facilitate the City's review, in a proactive and timely manner, of those marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013. The WSLCB has been tasked with establishing rules and procedures to implement Initiative 502 approved by Washington voters in November 2012 that provides a framework for licensing and regulating the production, processing, and retailing uses of recreational marijuana.

**12. Location of the Proposal: (Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, provide the range or boundaries of the site(s).)**


The proposed Interim Regulations will apply citywide.

**13. Assessor Parcel Number:**

Affected parcels are located throughout the city and are too numerous to list.

## C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: Lihuang Wung  
Position and Agency/Organization: Senior Planner, City of Tacoma  
Date Submitted: October 3, 2013

## D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

The responses to the questions below were compiled based on the information contained in the *SEPA Environmental Checklist for the Proposed Rulemaking for WAC 314-55 Marijuana Licenses, Applications Process, Requirements and Reporting*, prepared by the WSLCB on July 1, 2013. The WSLCB's checklist was compiled based on *Environmental Risks and Opportunities in Cannabis Cultivation*, a white paper prepared for the WSLCB by BOTEK Analysis Company. It is anticipated that the potential impacts identified in the WSLCB's checklist would be experienced in Tacoma, but at a much less extensive level.

### 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

**Water Quality** – Current indoor cultivation often employs pesticides and herbicides. Water quality impacts can be associated with application drift and water (runoff and groundwater) pollution by these agricultural chemicals. Hydroponic pollution is also a concern for indoor cultivation. In addition to higher water demand, hydroponic systems produce more nutrient pollution than other growing methods.

**Water Quantity** – Indoor cultivation of cannabis is water-intensive, particularly when it is hydroponic. Mills estimates that one cultivation room (22 m<sup>2</sup>) requires 151 L/day (Mills 2012). This is equivalent to 2.5 m of water per year (98 in./yr.) of application.

**Toxic Waste** – Lighting materials used in indoor cannabis cultivation have environmental risks if not properly managed for disposal. High-intensity discharge (HID) bulbs are not recyclable; each bulb contains approximately 30 mg of mercury and other toxins. Mercury is a neurotoxin, and is recognized as extremely toxic, particularly in gaseous form. The Okanogan Cannabis Association estimates that indoor cultivation of cannabis could produce 46,000 HID bulbs each year in Washington (Moberg and Mazzetti 2013). According to the productivity assumptions in Mills, it is estimated that there is the potential for 30 mg of mercury pollution per kg of cannabis product if proper disposal is not practiced.

#### **Proposed measures to avoid or reduce such increases are:**

Under the WSLCB rules, all usable cannabis for sale must carry a warning that discloses all pesticides, herbicides, fungicides or other compounds used for pest control or plant disease in production or processing. In the future the WSLCB could require proper bulb recycling/disposal system for indoor cultivation.

**Aesthetics** – Cultivation of marijuana can also result in private or public nuisances. Whether grown indoors or outdoors, marijuana plants, particularly as they mature, produce a distinctive odor that is often detectable far beyond property boundaries. This strong, distinctive odor can interfere with neighboring owners' use and enjoyment of their property. In addition, this odor of growing or "green"

marijuana may alert malefactors to the location where marijuana is grown and creating the risk of burglary and robbery at that location.

**Proposed measures to reduce or control aesthetic impacts, if any:**

Marijuana production may take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors. Outdoor production may take place in non-rigid green house, other structures, or an expanse of open or cleared ground enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high.

**Proposed measures to reduce or control odor/emissions impacts, if any:**

The proposed interim regulations include specific requirements to ensure that new marijuana uses include controls and features to prevent odors from travelling off-site.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The following pests are commonly associated with hemp cultivation and could be an indication of the types of crop pests that could be introduced into the area:

- a. Pseudomonas syringae pv. cannabina (bacteriosis of hemp)
- b. Xanthomonas campestris pv. cannabis (leaf spot of hemp)
- c. Fusarium oxysporum f.sp. cannabis
- d. Pseudoperonospora cannabina (downy mildew of hemp)
- e. Orobanche spp. (broomrape)

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Proper use of pesticides, herbicides and chemicals

**3. How would the proposal be likely to deplete energy or natural resources?**

The BOTEC white paper reports an estimate that the indoor production of 186 thousand pounds of cannabis, one estimate of state production, would release about 0.4 million metric tons of CO<sub>2</sub>. For comparison, Washington State's overall carbon emissions were 101 million metric tons CO<sub>2</sub>-eq in 2008. The table below illustrates energy and climate intensity of different cultivation methods in kWh/kg product based on greenhouse gas emissions from electricity use in Washington State:

	Energy kWh/kg		GHG kgCO <sub>2</sub> -eq/kg	
	Low (minimal)	High (minimal)	Low (minimal)	High (minimal)
Outdoor	6	580	1	282
Greenhouse	4400	6100	590	3000

**Proposed measures to protect or conserve energy and natural resources are:**

Outdoor cultivation would be allowed in addition to greenhouse and indoor growing of marijuana.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The Interim Regulations would restrict a business from locating within a 1,000 feet of public parks, parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, as required by the WSLCB Rules. The Interim Regulations would also apply the 1,000-foot buffering to additional sensitive uses, such as rehabilitation/detox centers, jails, courts, residential zones/uses, special needs housing, religious facilities, public open space, historic districts, and other marijuana uses.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

The buffering requirement is intended to reduce the impacts to sensitive uses or areas. In addition, the proposed local zoning approach, which restricts marijuana uses to commercial, mixed-use and industrial areas and prohibits them from shoreline and residential areas, will reduce potential impacts as commercial, mixed-use and industrial areas within Tacoma generally contain fewer environmentally sensitive areas.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The Interim Regulations have taken into account the concern of land use compatibility by allowing marijuana production and processing only in intensive industrial zones and allowing marijuana retail only in commercial, mixed-use and industrial zones. Marijuana related uses would not be allowed in shoreline districts.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

Additional land use regulations may be imposed as necessary pending the implementation of the Interim Regulations.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The licensed cultivation, processing and selling of marijuana will not have a probable adverse impact on transportation or utility services. Due to the high monetary value placed upon marijuana, areas may experience a number of home invasion robberies, thefts, and murders related to marijuana cultivation which impacts law enforcement/services.

**Proposed measures to reduce or respond to such demand(s) are:**

Marijuana related uses would not be allowed in residential areas or shoreline districts where law enforcement access, without notice or cause, may be limited.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The Interim Regulations do not conflict with local, state, or federal laws, concerning the protection of the environment.