



STAFF REPORT TO THE PLANNING COMMISSION

Prepared July 10, 2015

HEARING DATE: July 23, 2015

FILE NUMBERS: L15-0007 Marijuana Zoning Code Amendment

APPLICANT: City of Tukwila

REQUEST: The Planning Commission will hold a public hearing on proposed amendment addressing changes to state law regarding medical marijuana

LOCATION: Citywide

NOTIFICATION: Hearing Notice was published in the Seattle Times on July 9, 2015, and posted on the City of Tukwila website on July 9, 2015.

SEPA DETERMINATION: Addendum to E13-0013 DNS

STAFF: Nora Gierloff, Deputy DCD Director

ATTACHMENTS: A. Draft Marijuana Zoning Ordinance
B. Community Affairs and Parks Committee meeting minutes

BACKGROUND

Medical marijuana use in Washington was addressed in SB 5073 passed in 2011. However a partial veto of the bill by the then Governor created a fragmented and inconsistent system of regulation. For this reason the City has had a moratorium prohibiting medical marijuana collective gardens and dispensaries since 2011. Tukwila has waited to create permanent rules for medical marijuana due to a lack of clarity in state laws regarding medical marijuana and a lack of regulation of this industry.

In the fall of 2012 Washington voters passed Initiative 502 (I-502) legalizing the recreational use of marijuana and setting up a framework for regulated producers, processors and retailers. Tukwila adopted zoning regulations allowing recreational marijuana uses in the Heavy Industrial and Tukwila Valley South districts in 2013. Because I-502 was silent about medical marijuana there have been two separate and legally unrelated sets of rules for recreational and medical marijuana.

Recent changes approved by the Washington State Legislature have brought clarity to medical marijuana regulation and will dramatically change the current state medical marijuana laws in phases through July 2016. At the June 22, 2016 Community Affairs and Parks (CAP) meeting the Committee gave direction to the City Attorney and DCD staff to develop a draft ordinance that would ban cooperatives, collective gardens and dispensaries, integrate the medical and recreational marijuana industries in accordance with the new state laws, and establish significant civil penalties for violations.

The draft ordinance was reviewed by CAP on July 13, 2015 and they forwarded it to the Planning Commission for a hearing and recommendation.

FINDINGS

State marijuana regulations and the scope of local control over marijuana uses have been significantly changed by two recently adopted bills. After a partial veto by the Governor the text of SB 5052 is available at:

<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf>

The second change was HB 2136 and it is available at:

<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/2136-S2.SL.pdf>

In response to these bills Tukwila is proposing to end its moratorium on collective gardens and dispensaries and adopt amendments to its Zoning Code regulations regarding marijuana uses. The draft ordinance in Attachment A makes the following changes:

1. Repeals the existing moratorium
2. Updates definitions to match those in the new state law
3. Corrects the omission of marijuana uses from the Tukwila South Overlay (where the underlying zoning is HI or TVS)
4. Accommodates commercial medical marijuana uses within the same location criteria as recreational marijuana uses
5. References state regulations, procedures and restrictions for growth of medical marijuana for personal medical use

6. Prohibits medical marijuana cooperatives, collective gardens and dispensaries
7. Establishes new civil penalties for violations of these regulations

REQUESTED ACTION

The Planning Commission is asked to hold a hearing on the proposed ordinance, develop a recommended version and forward it to the City Council for final action.