



**MINUTES** (Approved as Amended on 1-6-16)

**TIME:** Wednesday, December 16, 2015, 4:00 p.m.  
**PLACE:** Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402  
**PRESENT:** Chris Beale (Chair), Stephen Wamback (Vice-Chair), Donald Erickson, Meredith Neal,  
Anna Petersen, Brett Santhuff, Scott Winship  
**ABSENT:** Dorian Waller

**A. CALL TO ORDER AND QUORUM CALL**

Chair Beale called the meeting to order at 4:03 p.m. A quorum was declared.

**B. APPROVAL OF AGENDA**

The agenda was amended to move item E-2 ahead of E-1. The agenda was approved as amended.

**C. APPROVAL OF MINUTES**

The minutes of the regular meeting on December 2, 2015 were reviewed and approved as submitted.

**D. PUBLIC COMMENTS**

No members of the public came forward to provide comments.

**E. DISCUSSION ITEMS**

**1. Marijuana Regulations**

Molly Harris, Planning Services Division, facilitated a discussion on issues related to medical marijuana cooperatives and potential changes to the Land Use Regulatory Code to implement the new State laws. Ms. Harris reviewed that Cooperatives could have up to 4 qualifying patients and/or designated providers; may grow up to 60 plants; members must share responsibility for production and processing; must be in a domicile of one of the participants; must be registered with the Washington State Liquor and Cannabis Board (WSLCB); must be at least one mile from existing retailers and 1,000 feet from sensitive uses; must wait 60 days before a new member may fill a vacancy; may produce marijuana only for the medical use of members; and minors could not participate. Chair Beale asked if licensing would require proof of local permits. Ms. Harris responded that the State did require compliance with local regulations.

Medical Marijuana was discussed. Ms. Harris reported that according to new State laws qualifying patients or designated providers could obtain medicinal marijuana from retailers; qualifying patients or designated providers could grow 6 plants or up to 15 plants with the authorization of a health care professional; qualifying patients who chose not to register with the State medical database could have only 4 plants; and medical marijuana was exempt from State retail sales taxes.

Dan McConaughy, Code Compliance, reported that for over two years they had been enforcing the code on store front collective gardens and home collective gardens. He reported that there had been issues with unpermitted and substandard work especially in single family dwellings. Mr. McConaughy discussed health risks associated with collective gardens including mold and mildew from poor ventilation; the use of cooking products to extract oils; risks to children in the homes; smoke odor; improper discarding of materials; storage and handling of butane, hexane, propane and other chemicals and gases in a residential setting; and hazards to abutting property owners. Additional issues included increased foot

traffic in residential areas; 60 plants being too many for a residential setting; and smoke and odor complaints being difficult to enforce. Mr. McConaughy commented that enforcement of cooperatives would be difficult due to right of entry limitations and staff resources being limited. Commissioner Erickson asked if there were similar risks for individuals growing their own plants outside of a cooperative. Mr. McConaughy commented that the risks remained, but dropped with the number of plants.

Lieutenant Fred Scruggs, Tacoma Police Department, commented that grow operations often comprise a hazardous environment and tactics teams with special equipment including breathing apparatuses to investigate because grow operations are often in an enclosed oxygen deficient environment with mold and mildew present. He commented that grow operations can also be fire hazards, noting that in the last year at least three homes had caught fire due to efforts to extract oil using butane. Lieutenant Scruggs expressed concern that a home with 60 plants would not be livable and that homes would be rented solely to be used for grow operations. Lieutenant Scruggs added that individual grows of up to 15 plants would still comprise a hazardous environment and issues with ventilation would remain.

Commissioners provided the following comments and questions:

- Commissioner Winship asked if an average home's electrical service would be sufficient for 60 plants. Mr. McConaughay responded that the necessary equipment, including lighting and ventilators, would overload the system when combined.
- Chair Beale asked if there had been any outreach to encourage people to apply for permits. Brian Boudet, Planning Services Division Manager, responded that they provide information on permitting requirements during the licensing process. He commented that for the cooperatives it was unknown how much opportunity the registration at the State level would provide for outreach.
- Commissioner Petersen asked if individual grows would need to be a mile from retailers. Ms. Harris responded that there were no location restrictions for individuals growing their own plants.
- Commissioner Petersen asked if all production and processing for cooperatives would have to occur at the same site. Ms. Harris responded that to her knowledge it would have to occur at a single location. She added that the State had regulations on the kinds of processing allowed in single family homes, but they could add additional regulations at the City level.
- Commissioner Erickson asked if the state would share resources to cover some of the expenses of enforcement and inspection. Ms. Harris responded that the State had yet to do so, but it had been requested.
- Commissioner Neal asked if it would be possible to have the Tacoma Fire Department inspect cooperatives. Ms. Harris responded that the Fire Department had indicated that they do not routinely conduct inspections of people's homes and would not want to start doing that.

Key Issues were discussed. Ms. Harris reviewed that the Commission could consider restricting or banning Cooperatives. On the issue of limiting the total number of retailers, Ms. Harris reported that their allotment was going from 8 to 16 retail stores and that they were recommending a cap at the City level even if it was the same as the State cap. Vice-Chair Wamback asked why there were nine stores even though the cap was currently eight. Ms. Harris responded that we believe this was due to an appeal concerning the results of the lottery for new stores which resulted in the State issuing an additional license. Vice-Chair Wamback commented that the number of unlicensed medical marijuana store fronts operating in the City indicated that the market could support more than 16 stores. Chair Beale reviewed that the Commission had stated that it was inconsistent with other land uses in the city to have a cap on the number of retail marijuana stores [\(as noted in the Commission's letter of recommendation to the City Council, dated January 7, 2015, concerning Permanent Land Use Regulations for Recreational Marijuana Uses\)](#). Commissioner Erickson concurred, expressing support for eliminating the cap.

Maps of potential retail marijuana locations were reviewed with 1,000 and 2,500 foot dispersion buffers discussed. Ms. Harris noted that both dispersion buffers resulted in limited available space where cooperatives could be allowed. Ms. Harris reviewed that they were recommending a larger public notice radius for new retail stores, based on the buffer from sensitive uses.

Vice-Chair Wamback requested that an alternative perspective be provided to balance out what had been presented so far and included in handouts. He commented that he would not be voting in favor of sending any proposal out for public review unless time for an alternative perspective was provided.

## **2. Environmental Action Plan**

Kristin Lynett, Office of Environmental Policy and Sustainability, provided a presentation on the status of the Environmental Action Plan and Performance Measure Report. Ms. Lynett stated that the original Climate Action Plan from 2008 needed to be updated and expanded to include issues with a less direct connection to greenhouse gas reduction. She reported that they had hired consultants, created an inter-department and agency advisory committee, and held stakeholder meetings. The funding for the plan was coming from Environmental Services, Tacoma Public Utilities, and General Government.

Ms. Lynett discussed how the Environmental Action Plan (EAP) would fit within the context of other planning documents and existing policies. She noted that the EAP had two components, one oriented around actions and one focused on indicator metrics. The plan included six categories: Natural Systems, Transportation, Materials, Buildings and Energy, and the new Air and Food and Climate Resiliency categories. The framework would break actions into three categories: Serving Our Community, City Leading by Example, and Individual Choices Matter. The framework would also include baseline metric indicators and 5 year targets for those indicators.

Ms. Lynett reported that the actions included in the draft plan had been determined with prioritization criteria including whether the plan implements an existing goal or policy; the lifecycle costs including benefits per dollar; the scale of greenhouse gas reductions; and how much the actions would benefit the local economy, local environment, health, and help to advance equity. Ms. Lynett reviewed examples of how the plan's six categories would be broken into the three categories of actions, a baseline metric indicator, and a 5 year target. Comprehensive Plan synergy was discussed and actions were noted that had connection to or were directly from the Comprehensive Plan.

Chair Beale asked how they would address encouraging community participation in actions like restoring native open spaces. Ms. Lynett responded that one of the draft metric indicators for the Natural Systems category is the number of volunteers involved in stewardship activities. Chair Beale then asked how the Habitat Corridors program would be incorporated into the plan and if funding issues would be addressed. Stephen Atkinson, Planning Services Division, responded that they had transferred ownership of open spaces to Environmental Services and a rate increase had been passed to fund the management and enhancement of those open spaces. Chair Beale asked for clarification on whether there were new funding sources for open space acquisition and Mr. Atkinson suggested that staff could follow up with additional information on that topic.

## **F. COMMUNICATION ITEMS & OTHER BUSINESS**

Brian Boudet, Planning Services Division Manager, provided updates on the following items:

- The January 6, 2016 Planning Commission meeting agenda tentatively included the Tacoma Mall Neighborhood Subarea Plan and the 2016 Annual Amendment.
- The recent meeting of the Infrastructure, Planning, and Sustainability Committee had included the annual report on Planning Commission accomplishments and the upcoming work program. Council Members provided some thoughts including concerns about consistency and quality of notifications; interest in TDRs and how it relates to LCLIP; concern about the outcome of the Narrowmoor Conservation District proposal; and interest in more subarea planning processes particularly for the 34<sup>th</sup> and Pacific Avenue mixed-use center. Public comments included design review, electronic onsite signage, public notification, and enforcement of infill proposals.
- Invitations had been sent out to Commissioners for individual lunch meetings.
- The Infrastructure, Planning, and Sustainability Committee had recommended a new Commissioner to fill the Planning Commission's current vacancy.

## **G. ADJOURNMENT**

At 5:39 p.m., the meeting of the Planning Commission was concluded.