

Written Comments

Received through December 5, 2014

**Subject: Recreational Marijuana Permanent Regulations –
Proposed Amendments to the Land Use Regulatory Code**

Process: Planning Commission Public Hearing, December 3, 2014

From: Deborah Cade [mailto:dlcade@comcast.net]
Sent: Friday, December 05, 2014 1:18 PM
To: elliot.barnett@cityoftacoma.org
Subject: Marijuana regs

I support the draft regulations with a minimum of 1,000 feet between licensed cannabis retailers. I live near the section of 6th Avenue that now has four retailers (two licensed and two illegal "medical") within less than a three block area, right next to a residential neighborhood. This should not be allowed. My preference would be for the code to limit them to one per mixed use area. People in this neighborhood , both homeowners and business owners, have worked so hard for so many years to improve this neighborhood. It now has nice restaurants and shops. I don't want it to become the "pot district."

Deborah Cade
908 North M St
Tacoma, WA 98403

Sent from my Verizon Wireless 4G LTE DROID

From: steve [mailto:cfscosc@gmail.com]
Sent: Wednesday, December 03, 2014 3:35 PM
To: Planning
Subject: planning commission meeting

hell-o

i am a active medical cannabis user as well is my oldest son that was diagnosed with stage 1 throat cancer on november 21 st of this year.what do you expect to gain in depriving the sick, the elderly and others that use cannabis for the treatment? do not further hurt the ones that are allready hurting. its inhumane!

thank you
steven crites

From: Susan Cruise [mailto:susanmcruise@gmail.com]
Sent: Friday, December 05, 2014 8:45 AM
To: Planning; elliot.barnett@cityoftacoma.org; Susan Cruise
Subject: Draft Regulations Retail Marijuana - Public Comments

I am providing the following 2 links to the U S Dept. of Justice's (USDOJ) Marijuana Enforcement Policy dated August 29, 2013 directed to states such as Colorado and Washington that have authorized sales of retail marijuana:

<http://www.justice.gov/opa/pr/justice-department-announces-update-marijuana-enforcement-policy>

<http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

In its August 29, 2013 Marijuana Enforcement Policy the USDOJ focuses on 8 enforcement priorities that it expects Colorado and Washington to observe. The USDOJ 's number one and highest priority is preventing distribution of marijuana to minors. The City of Tacoma's placement of marijuana stores on 6th Avenue in the midst of residential neighborhoods where families and children live is out of line with the USDOJ's Marijuana Enforcement Policy. Tacoma is unnecessarily allowing sales of marijuana near areas frequented by children and teenagers, namely their neighborhoods and homes. This is unnecessary because Tacoma can easily restrict retail marijuana sales to areas that children and teenagers do not frequent or rarely frequent such as industrial and light industrial zones, unlike their neighborhoods and homes. Several cities such as Aberdeen, Mountlake Terrace and Bellingham restrict marijuana sales to industrial/light industrial areas.

The USDOJ "expects these states [Washington] to establish strict regulatory schemes that protect the eight federal interests identified" in this policy. The USDOJ further states that this regulatory scheme must be "tough in practice, not just on paper" and must include strong based enforcement effects. It provides that If any of the eight stated harms materialize the federal government will act aggressively to bring federal prosecutions. Although on paper Tacoma's zoning that allows marijuana sales in commercial and mixed used districts such as 6th Avenue may give the appearance of being "tough on paper" because they are in "commercial" and "mixed use" areas, it is not "tough in practice." It is a sham. The two retail stores operating within a few blocks of each other in in such commercial/mixed use districts as the 6th Ave. Business District are essentially operating in a very small low density area of small stores and businesses with blocks and blocks of established single family homes and small apartment buildings surrounding both sides of 6th Ave.

Please access the links and print out the 2 documents to make them part of the record of my public comments regarding the draft retail marijuana regulations being considered by the Planning Commission. I spoke with Elliott Barnett while we were both at the Planning Commission's hearing on December 3, 2014. Elliott suggested that by my providing a link to these documents he or the City of Tacoma could print them and make them part of the public record.

Thank you for considering my comments.

Susan Cruise
615 S. Madison St.
Tacoma, WA 98405

JUSTICE NEWS

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, August 29, 2013

Justice Department Announces Update to Marijuana Enforcement Policy

Today, the U.S. Department of Justice announced an update to its federal marijuana enforcement policy in light of recent state ballot initiatives that legalize, under state law, the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale.

In a new memorandum outlining the policy, the Department makes clear that marijuana remains an illegal drug under the Controlled Substances Act and that federal prosecutors will continue to aggressively enforce this statute. To this end, the Department identifies eight (8) enforcement areas that federal prosecutors should prioritize. These are the same enforcement priorities that have traditionally driven the Department's efforts in this area.

Outside of these enforcement priorities, however, the federal government has traditionally relied on state and local authorities to address marijuana activity through enforcement of their own narcotics laws. This guidance continues that policy.

For states such as Colorado and Washington that have enacted laws to authorize the production, distribution and possession of marijuana, the Department expects these states to establish strict regulatory schemes that protect the eight federal interests identified in the Department's guidance. These schemes must be tough in practice, not just on paper, and include strong, state-based enforcement efforts, backed by adequate funding. Based on assurances that those states will impose an appropriately strict regulatory system, the Department has informed the governors of both states that it is deferring its right to challenge their legalization laws at this time. But if any of the stated harms do materialize—either despite a strict regulatory scheme or because of the lack of one—federal prosecutors will act aggressively to bring individual prosecutions focused on federal enforcement priorities and the Department may challenge the regulatory scheme themselves in these states.

A copy of the memorandum, sent to all United States Attorneys by Deputy Attorney General James M. Cole, is available below.

Related Materials:

[DAG Memo 8-29-13](#)

13-974

[Office of Public Affairs](#)



The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole 
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.¹

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

¹ These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch
United States Attorney
Eastern District of New York
Chair, Attorney General's Advisory Committee

Michele M. Leonhart
Administrator
Drug Enforcement Administration

H. Marshall Jarrett
Director
Executive Office for United States Attorneys

Ronald T. Hosko
Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation

Charles Farnsworth
2522 N. Proctor Street, #117
Tacoma, WA 98406

December 5, 2014

VIA: Emailed to elliott.barnett@ci.tacoma.wa.us for distribution

Dear Esteemed Commissioners, Council, and Staff,

My name is Charles Farnsworth and I'm a consultant to several I-502 retail and processing and production companies. I'm also a resident and University of Puget Sound Alumni.

I have been researching both the medical and recreational space for almost 3 years intensively under the request of some venture capital representatives. I was in the middle of the train wreck when medical and recreational collided and have a unique perspective from being in the wreck and watching it unfold in slow motion.

My motivation is for both recreational and medical to coexist in the near future and I believe they can if you begin laying a proper groundwork for their mutual existence. Part of that groundwork is setting priorities to allow one to set up and then the other built around it without causing harm to each other. Recreational is the clear priority right now with full support of the State and medical will likely be built around it shortly. Recreational is currently the head of the dog not the tail.

I attended the Planning Meeting on 11/19/14 and was pleased to see the level of support and encouragement from the City. New industries can bring a rich diversity of other ancillary business, opportunities for tenancy, employment, and taxation to a City that is willing to embrace them with a holistic vision that is congruent and therefore effective.

I also attend the Planning meeting on 12/3/14 and was compassionate to your situation.

The meetings seemed focused on restricting of I-502 industries and locations. If I could be so kind to offer up some information that may be helpful to your decision making process.

- 1) The first restriction imposed on any location is the whether or not a federally insured (FDIC) mortgage has been secured against the property. This has nothing to do with planning or zoning. It is a restrictive overlay that exists that no other business must navigate. It has created the largest single obstacle to securing a location. FDIC Banks may not lend to these industries, medical or recreational. The level of research required to determine which properties are secured by FDIC bank mortgages is costly and intensive for both the City and any beginning cottage industry to undertake. It is largely the reason a location is difficult to find in very

expensive locations like Bellevue, most expensive locations required bank financing in order to be achieved and therefore also an obstacle for this industry.

It should be interesting to question why are so many medicals able to open with this same restriction? There are 56 Medical Coops in the City and they open overnight everywhere, but 3 of the 8 recreational stores are still having trouble finding a location. Because Landlords and Tenants are colluding to not tell the banks and allowing them in. Under the regulated recreational market collusion is difficult to take place. Much of what occurs in the medical happens under the guise of a "grey market". Defined by partially legitimate in some systems and not in others so to navigate properly you make up your own rules. Many of these rules are based in verbal or written agreements that are not enforceable in a court of law because of the changing nature of the laws in the industry and because it is "kind of" legal.

This is a pivotal question and why I'm offering my very basic suggestion in my summary below. Why would Landlords take the risk if to rent to the Medical Coops? That is likely a product of low tenancy because the City policies are unable to attract tenants and the economy has become very depressed. New industries can fix these problems. There are very few times in economic history where "new pie" is created out of nothing. Value has been created where it didn't exist before and for any City to not embrace an economic opportunity like this so concerning to me.

- 2) Zoning. The city has set forth areas for this new industry. From review of the zoning maps they are helpful. However they are not in alignment with the criteria set forth in 1). In order to have these maps be truly useful to any business person assessing the situation, the buildings should be color coded to find out if an FDIC mortgage has been secured against it. This is not something I believe the City wants to provide to the public nor has the budget to do so. However without this information the zoning maps provided to the public for this industry are not a true indication of what can be done in those zones. You need a FDIC mortgage overlay on those zones to see what you are really offering to the industry as usable locations. You may find what you are offering is actually not feasible and a failed plan and essentially bad policy which nobody should be using tax dollars to implement and administrate.
- 3) There are also distance restrictions from schools, parks, rehab clinics, and other "public places" that are continually changing. These restrictions are an additional overlay that affects the banking restrictions set forth in 1) and the zoning restrictions set forth in 2). This overlay should be researched as well from an effective policy perspective and less intensive than 1) and may be able to be accomplished in an affordable way.
- 4) The latest proposition on I-502 set forth by the Council was to add another restriction of 1000 feet from another retail location. This last overlay may make it very difficult for a location to be found if you are subject to 1), 2) and 3) above. Until you do a FDIC mortgage overlay over the current zoning, you don't know the true impact of this proposed 1000 foot rule.
- 5) The State has put another restriction of only 8 locations in the City of Tacoma. That restriction alone will stabilize the impact this industry will have on the City once the Medical Coops are addressed. With the Medical Coops addressed you may not want to put any further restrictions

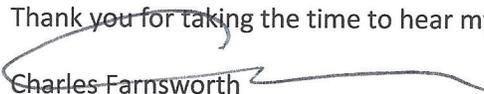
on recreational to let the seedling attempt to take root on its own. Private market factors have not been able to take root with all this regulation which helps naturally regulate them through healthy competition. If you want to see the real benefits of what a new industry can bring to a City the private sector must feel safe to enter and compete. All the ancillary business that will be needed will find it difficult take root in this highly regulated and changing atmosphere and therefore the City is losing the opportunity of the real benefits of new businesses, increased tenancy, employment, and taxation that a new healthy and thriving industry can bring to a supportive City. Instead of worrying about recreational which is already highly, highly regulated, begin focusing on the resurgence of the Medical Coops and find a way for them to co-exist with a thriving recreational market.

In summary, although all the points are important, 1) is a big problem that may not be mitigated and an immovable object policy should be crafted around to be effective. I strongly believe the City must take additional steps to obtain information to apply a FDIC mortgage overlay to the current zoning so the City has accurate information to make effective decisions and create effective policies. The information does not need to be made available to the public, but it is important that the research has been done when making policies or the policies will be ineffective in producing the desired effect.

I suspect you will find that if you apply 1), 2), 3) and the proposed 4) you will find very few places I-502 retail can go in the current zoning provided. In its efforts to restrict the industry, without this FDIC mortgage overlay taken into consideration, the City may accidentally zone the industry out of the City entirely and miss any opportunity to develop an industry that is looking for a receptive City to participate with. The City will then lose out on all the ancillary businesses, tenancy, employment, and taxation.

If the City is unable to do this research prior making proposed changes, I recommend at a minimum you reduce the distance between any type, medical or recreational, outlet to 500 feet. Primary reason is, I do not believe the City has the resources to do a FDIC mortgage overlay to make informed decisions. It is not practical and therefore more logical to error on the side of less restrictive in order create policies that do what they are intended to do...allow an industry in. It is also likely that medical could resurface under different regulatory guidelines and the proximity issues along with the already restrictive zoning issues will make it difficult to find any location for any of them.

Thank you for taking the time to hear my comments.

 Charles Farnsworth

Independent Consultant

808.371.8679

charles.farnsworth@gmail.com

From: Rob Flath [mailto:robflath96@gmail.com]
Sent: Wednesday, December 03, 2014 10:43 AM
To: Planning
Subject: Comments about zoning i 502

M1 zoning should be allowed as long as there is no significant impact and a reasonable request to allow is made. Light industrial fits the scope of I 502 producer/processor use. Furthermore the city approach to a reasonable request for allowance is a proactive approach. Cant talk on behalf of the city, but do understand that impacts are concerns of the city planning department. City of Tacoma planning and development has done a good job with planning of I 502 regulations and zoning and have been very accessible for questions. Our planners are setting the standards and should be recognized for a sensible approach and willingness to help support Tacoma economic climate. Tacoma is business friendly and with a this proactive approach, can attract small business development. Other cities should be taking notes and adopt the same make sense approach.

Keep up the good work,

Sincerely,

Robert Flath
1520 Center Street
Tacoma, WA 98409
Cresswell Properties., LLc.

From: Tim Fretz [mailto:wahusker64@gmail.com]

Sent: Friday, December 05, 2014 11:22 AM

To: Planning

Subject: Good plan to shut down medical marijuana dispensaries until statewide regulations are made

Hello,

Good Morning,

I live in Olympia and read about Tacoma's decision to cease medical marijuana operations next summer. This pleases me that you are taking the right stand.

I have had my life recently invaded by a huge medical marijuana market move in next door to me on 10/1/14. Over the past 8 weeks I have learned more about this states marijuana issues that I ever thought I would. Here is a link to the huge market that invaded my neighborhood on 10/4/14. It is evident to us that 75% of these customers are Black Market buyers since no medical card is required at entry.

<https://www.youtube.com/watch?v=5lZLEp3gu9o>

(PLEASE watch this video to understand what my neighborhood dealt with - obviously there is a lot of black market activity hiding behind the MMJ card)

To summarize what has happened since 10/4/14, here is a copy of a letter to the editor to the Olympian that I wrote 2 days ago.

"As a landowner in Thurston County, I would like to thank the Resource Stewardship Department and the county Health and Public Safety Department for their efforts in protecting my rights and the rights of all of my neighbors.

Recently, an unpermitted and unregulated cooperative garden/dispensary moved in next door and instantly impacted our rights as neighbors and landowners with an every Saturday market featuring 30-plus marijuana vendors, 300-plus customers, 6½ hours of live music, a smoking lounge, loitering and excessive traffic.

Can you imagine your new next-door neighbor doing such a thing?

As neighbors we turned to the county, discovering this operation exists without any permits. With the swift and diligent effort of our county commissioners, the planning department manager and the prosecuting attorney's office, our rights were immediately protected.

The shutdown and order to cease has to do with public safety, the character of our rural community, and the failure to obtain proper permits for such a large and disruptive operation.

Safe access means many things: safe, public-approved water supply; safe and adequate septic system; safe built-to-code handicapped facilities; safe fire-marshall-approved buildings; safe food with actual health department permits; safe roadways designed to handle the traffic; and safe parking areas designed and engineered to protect the environment by handling the contaminating runoff from the excessive vehicles.

In order to provide safe access, you can't just say you offer it, you actually have to."

Now that we have our neighborhood back, I feel a need to provide my input on how I believe legislators can regulate and prevent this type of invasion in other neighborhoods state wide. Again, I encourage your stand against medical marijuana, giving our states legitimate retailers a chance and make the State of Washington come up with uniform regulations to eliminate the black market.

Thank you for taking the time to read my opinion and feel free to call me if you have any questions.

Sincerely,

Tim Fretz

[360-265-5065](tel:360-265-5065)

From: Jay garden [mailto:jzabo83@gmail.com]
Sent: Wednesday, December 03, 2014 9:23 PM
To: Planning
Subject: please read this and get rid of medical marijuana

i say get rid of these stupid medical marijuana retail stores lower the tax on recreational marijuana and make it fair game to anyone in the black market to come out of it and pay taxes like an american! does this not that make sense? or america needs a revolution to put us all back on the same track...because our elected officials are not doing a good job does not take a rocket scientist to figure this out seriously let anyone grow it and bring it to market and pay tax on it!! its the only way!!

From: Amy Gibson [mailto:gamy@wcpsolutions.com]
Sent: Monday, November 24, 2014 10:21 AM
To: Planning
Subject: Medical Dispensaries

To Whom It May Concern:

My name is Amy Gibson and I work with several 502 regulated producer processors for retail packaging. It is hard to see these companies struggle to abide by all the rules and regulations when the medical market is still not being held by any rules.

What is being done about the numerous Medical Marijuana Dispensaries and Collective Gardens being opened in Tacoma? They have become a blight on the face of the City and hamper law bidding business that are paying taxes and playing by the rules.

Thank you for listening.

Amy Gibson | Account Manager

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From: dee fernandez [mailto:deefernandez1@gmail.com]

Sent: Thursday, December 04, 2014 5:51 PM

To: Planning

Subject: Dispensary Closings

to whom it may concern, i am writhing this in regards to the recent meeting concerning the closing of the dispensary's in the Tacoma area. I am a patient, i also volunteer with a patient organization the Cannabis Action Coalition and i am a court support coordinator for The Human Solution a human rights organization that does outreach to prisoners of the war on cannabis. i am asking that the dispensary's be allowed to stay open, the patients need safe places to get their cannabis from and with knowledgeable staff who can help them, please don't put the sick and disabled in a precarious situation concerning the places that they go to get the medicine they need. when deciding what to do, please remember the sick and disabled rely on these places, that closing them will put thousands of patients in a bad place with out a place to get the medicine they need, and you will be putting hundreds of dispensary workers out of a job, which will over all have a large negative impact economically on the communities that they serve. please don't put patients who are vulnerable and most on fixed incomes in harms way by shutting down the places they go to get the cannabis they need.

thank you and have a good day

Dana Greetham

November 23, 2014

Staff Note:

Supportive Housing Association

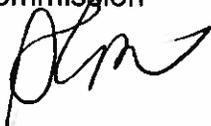
P.O. Box 769

Puyallup, WA 98371-0069

Received 11-25-14



TO: Tacoma Planning Commission

FROM: Susanne Marten 

RE: Recreational Marijuana regulations

The items presented below are followed by a suggestion for either a change in language or standard for your consideration.

Current (Interim) Marijuana Regulations Summary

- Amend the above title to read: **Recreational Marijuana Regulations Summary**

Establishes locations where marijuana businesses are permitted:

- Amend the above statement: where **Recreational marijuana businesses are permitted**

Prohibited in residential and shoreline districts

- City of Tacoma currently has issued business licenses to marijuana (i.e. medical marijuana providers) businesses in residential and shoreline districts

Producers and processors permitted outright in intensive industrial zones

- What if the industrial zone contains schools, libraries, etc.? If so, an "outright" permit would not be possible.

Retailers permitted outright in most commercial, mixed-use, industrial, and downtown zones

- Again, to meet Federal Law it would not be possible to "permit outright" if the described zones contained schools, libraries, etc.

Prohibited 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;

- How will staff be kept informed of this requirement? Presumably, GIS applications could be used as a cross reference?

Retail prohibited within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, or detoxification centers;

- Again, how will this requirement be implemented?

Requires compliance with standards including odor controls, size, hours of operation, display, signage and advertisement.

- Specific standards to ensure theft and fire safety peculiar to this product should be defined.

From: gnome [mailto:gnome253@gmail.com]
Sent: Wednesday, December 03, 2014 7:34 AM
To: elliot.barnett@cityoftacoma.org
Cc: Thoms, Robert; Ibsen, Anders; Strickland, Marilyn
Subject: Public comment for proposed regulations due 12-5-14

Dear Mr. Barnett,

I too am Tacoma's number one fan and I was optimistic of the planning commission's insight on the proposed recreational marijuana regulations. I was hoping this was an oversight, but with the smart minds on the commission, it appears that the proposed regulations accomplish exactly what they intend to—nothing.

The clever use of the word “new” in the regulation works to effectively omit all of the 8 licensed retailers from the regulation. All of the eight retailers in Tacoma will be licensed and operating by the (effective date). With only eight slated for Tacoma, for which “new” retailers would the rules apply?

The 1,000 foot buffer zone, which currently only affects the two retail pot shops on 6th Avenue, is irrelevant because the proposed shop, Emerald Leaves, will be grandfathered in.

What is the purpose of writing regulations that have no impact? If the public and the city believe that a 1,000 foot buffer zone between retail locations is a good idea, then the regulations should apply consistently, not just for new businesses. This inconsistent application makes the regulations meaningless.

As a longtime resident of 6th Ave, I am not okay with the proposed regulations. The commission has forgotten one minor detail—the interests of the residents. Enforcing a buffer zone for all operating shops would give us a chance at maintaining the character of the livable neighborhood we've been fostering for many years.

Disappointed,

Mary Pangborn

From: [liisa Pangborn](#)
To: elliott.barnett@cityoftacoma.org
Subject: Marijuana Regulation Comments
Date: Friday, December 05, 2014 3:11:25 PM
Attachments: [Seattle Medical lqg.pdf](#)

Dear Mr. Barnett,

While I appreciate the work of the Planning Commission on these regulations they do not go far enough to support and protect Tacoma residents. Issues that need to be addressed are:

- Clustering of recreational and medical stores: the proposed location for Emerald Leaves (unlicensed) is within 1000' of another existing retail store, and 2 medical stores. This clustering of businesses puts an unfair burden on the neighborhood. Existing medical marijuana stores should be included within the buffer zone. Both Seattle and Bellevue do not allow this type of destiny of similar business types (see below and attached).
- Parking requirements: If retail locations are purchase-and-go businesses then having a onsite parking requirement for customers makes sense. The old liqueur store on 6th Ave had several parking spaces provided on private property.
- Demand influx: If the Council's intention is to close the medical stores ([TNT 12/2/2014](#)), then what happens when 56+ medical stores close and all that demand is driven to 8 retail locations? A neighborhood isn't set up to handle that type of traffic, however commercial and industrial zones are. Please consider the wisdom of allowing retail stores in mixed use neighborhoods at all. There are so many conflicts of interest to balance and many alternative options in other zones.

I support the limitation on operating hours but the other modifications need more work. These regulations will have a huge impact on our quality of life and trust in your thoughtful consideration on the matter.

Sincerely,

Liisa Pangborn
Resident since 2002

Nov 4, 2014
PSBJ

Greensun Group LLC wants to open a Greenside Recreational store at 10600 Main St. in downtown Bellevue. But Green Theory, another marijuana retail store, got the city's first license and [opened on Oct. 6](#) less than 1,000 feet away from Greensun's location. Bellevue passed an ordinance that mandates that marijuana shops need to be located more than 1,000 feet away from each other, so the city didn't grant Greenside Recreational a license to open because it was less than 1,000 feet away from Green Theory at 10697 Main St.

From the Puget Sound Business Journal

:<http://www.bizjournals.com/seattle/blog/health-care-inc/2014/11/mayor-s-office-drafts-medical-marijuana-dispensary.html>

Mayor's office drafts medical marijuana dispensary legislation

Nov 24, 2014, 2:53pm PST Updated: Nov 25, 2014, 12:51pm PST



[Sarah Aitchison](#)

Staff Writer- Puget Sound Business Journal

[Email](#)

The Mayor of Seattle proposed new zoning, packaging and testing legislation for medical marijuana dispensaries, Monday.

The legislation comes after a [symposium last week](#) where the mayor's office heard from panels of experts.

"We want to strike the balance of protecting patients, ensuring access to medical marijuana and responding to concerns about the location of density of dispensaries," [Murray](#) said in a press release. "We know the state legislature will be considering bills this session, but in the absence of state framework, Seattle must act."

[Murray](#) said it is unlikely medical marijuana reform will come from Olympia before 2016.

Until now, the medical marijuana industry in Seattle has been difficult to regulate, because nobody is really sure what is covered under Washington's recreational marijuana laws and what is not.

Marijuana is still illegal under federal law.

While the feds have made it pretty clear they won't get involved, they are more likely to react to businesses located within 1,000 feet of schools or other places children congregate, said [Brian Stevens](#), spokesman for the Seattle Department of Planning and Development.

The mayor's proposal would not allow dispensaries to be within 500 feet of child care centers, schools, parks and similar facilities.

Dispensaries with storefronts would also not be allowed within 1,000 feet from each other to avoid clustering.

The ordinance would also require criminal background checks for operators and testing marijuana for THC levels, molds, pesticides and other impurities.

Collective gardens would also have to validate authorizations for medical marijuana with the issuing health care provider.

Stevens said it is still up in the air whether dispensaries already situated would need to abide by the new zoning regulations.

The mayor will be refining the draft in coming days before it is sent to the City Council for review.

General Assignment Intern

From: Pamela Paul [mailto:ppp98465@gmail.com]
Sent: Monday, December 01, 2014 12:53 PM
To: Planning
Subject: Medical marijuana dispensaries

I would like to add my name to the list of people opposed to unrestricted dispensaries for medical marijuana. I work at a retail processing plant and my employment is at risk due to the competition of medical dispensaries who are not required to pay the same taxes or meet the same regulations as retail stores.

Medical dispensaries are not serving just medical patients - medical dispensaries have become a legal source of marijuana for regular street users who do not have legitimate medical needs. If anything, medical stores should be held to a higher standard than retail stores and currently they are not. Please adopt new zoning codes to restrict the proliferation of these dispensaries and if you can, impose the same regulations to medical dispensaries that retail producers and sellers must meet. Thank you.

Sincerely,

Pamela Paul
1207 S. Crystal Springs Place
Tacoma, WA 98465

From: Lynn Severy [mailto:lydsmom@gmail.com]
Sent: Tuesday, December 02, 2014 12:27 PM
To: Planning
Subject: Recreational Marijuana Permanent Regulations

To Whom It May Concern,

I want to register my testimony **AGAINST** keeping unregulated Medical Marijuana continuing to thrive in the city of Tacoma. The number of dispensaries is astounding and they keep cropping up. No one, in my opinion, seems to be determining if they are within their proper zoning or if they are too close to parks, schools, etc. With the amount of taxpayer money being spent on regulating the recreational industry, it seems that in order for us to get a return on that money, we need to support the recreation industry by dismantling the medical. No pharmacy is unregulated and they are not allowed to crop up all over the place, so why should medical marijuana be any different. The actual need for the medical strains is much lower than the number of dispensaries out there. Don't be fooled into believing EVERYONE needs medical marijuana like vitamins....

From: Lynn Severy [mailto:lydsmom@gmail.com]
Sent: Thursday, December 04, 2014 11:21 AM
To: Planning
Subject: Regulations for Recreational Marijuana

To Whom It May Concern,

-I support opening up WR 1 and Light Industrial Zones to Recreational Marijuana Grows. This can bring jobs out of the heavy Industrial complex and closer to where transit lines and neighborhoods intersect. It also opens up Industrial space for industrial users.

-I don't think a 1000 foot buffer is necessary, there are only 8 licenses to begin with and this sort of regulation is excessive and necessary only if Medical Dispensaries were to stay open. It is also a unfair regulation on one type of business, this is not required of anyone else so why arbitrarily apply it here?

-I support the decision to ensure only 502 State Licensed businesses operate in my City. Create a good atmosphere for these businesses, they bring revenue, good paying jobs and more importantly their existence will help snuff out a black market.

Lynn Severy



3113 South Pine St UNIT C1
Tacoma, WA. 98409

To: City of Tacoma Planning Commission
From: Tyler Severy
Date: 11/24/2014
Subject: Recreational Marijuana Public Hearing

I am writing to be sure that as a I502 Licensed Producer and Processer my voice is heard. The City is over run with Marijuana Dispensaries and Collective Gardens; this untaxed; unregulated and illegal market is hindering our ability to conduct legitimate business. The pretense of Medical Marijuana and Collective Gardens are false for the majority of the so-called patients. I am not trying to trivialize the patient issue but I had a "card carrying patient" who worked for me and would share his "medicine" on his lunch break until we found out about this. There are many bills before the legislature that will deal with patient's rights; this should not be a concern of the City at this time. The City should reign in these unlawful businesses and shut them down using whatever instrument is available. Collective Gardens and Dispensaries simply abuse the original intent of allowing people to grow and supply medicine to legitimately sick individuals. Most of the product they sell still comes from Mexico, California and northern Oregon. These so called Collective Gardens operate near child care facilities, schools, in neighborhoods and do so without adhering to any Building, Waste-water, Fire or Electrical Code, they and Dispensaries also work against any sort of long term Master Plan we have for Neighborhoods and Mixed Use Development.

There is an equally sized issue of zoning. I502 puts us all in Industrial areas and the City has made our use code F1 –Manufacturing. Perhaps this is the only zone we fit in but we are not manufactures anymore than a Christmas tree farm is. The Planning commission should open up more space such as Warehouse Residential, Light Industrial and any other potential area for our growth. There are many reasons for this; we are not offensive or obtrusive, no outside operations, no smell, no retail sales or excess personnel. By lumping all Cannabis growers together you are choking out real Industrial users who actually need this space to be close to the port, trucking, foundries, suppliers, etc.

Labor is another issue to be dealt with, as we pay our Labor and Industries, Employment Security, Federal and State Tax, the Collectives and Dispensaries can pay in cash. As 15NOW starts to target the city and if minimum wage gets increased this becomes a much larger problem, as the playing field just got further apart and more difficult for law biding businesses.

Respectfully,

Tyler Severy
Director

From: Tyler Severy [mailto:tyler@torchnw.com]
Sent: Wednesday, November 26, 2014 8:04 AM
To: Barnett, Elliott
Subject: Medical vs/ 502 talking points

Elliott,

Thank you for taking the time to come down yesterday. I imagine you are flooded with work right now and it says a lot that you can clear your schedule to get out on the street. My partner and I have formulated some talking points that we are working with and submitting to the Mayor of Seattle. I want to forward them to you so perhaps you can forward them off as they are all germane to the conversation as to why the City needs to act on Dispensaries, Collective Gardens and Recreational issues.

Thanks again and feel free to forward or even include as part of my public comment.

Tyler Severy
Director of Operations
253.306.4164



“Medical” growers aren’t operating with business licenses and aren’t legally employing people. They aren’t paying minimum wages, providing any benefits like sick days, or paid time off, overtime, health insurance, and they aren’t paying payroll taxes, don’t have labor standards, health and safety standards, and then on top of that don’t meet zoning rules, building standards, community planning, ADA standards, etc. When city planners talk about mixed use buildings, etc, these businesses aren’t part of the conversation. Grow houses are operating in the middle of neighborhoods in people’s garages and basements, retailers are opening next to each other in growing business districts keeping other businesses away and hurting development.

502 growers and retailers, not only have to follow all city, county and state labor standards, but also WISHA standards, ADA standards, meet building codes, fire codes, planning and land use zoning, neighborhood masters plans. As a result, the 502 business has to invest much more into infrastructure, permits, payroll, not to mention the additional taxes put on them from 502.

Legal 502 growers, processors and retailers have to compete with the “medical” business that operates outside of the system originally set up for medical, and so can sell untaxed, untested, and unregulated weed at lower prices.

Because the “medical” business isn’t licensed and can’t bank like 502 businesses can, we are seeing home invasions, dispensary robberies, and further crime that results from

unregulated cash businesses. Legalization was done in part to keep this from happening, and will, but “medical” creates these issues.

Further, the "medical" side of the pot business is illegally selling to anyone and everyone, including minors, people without medical cards, and people without true medical needs. “Medical” cars are handed out without regulation

Many dispensaries are charging sales tax and not paying it, which is dishonest and illegal, robbing both their customers and the state

Most aren't paying any taxes at all, and as the overabundance of "medical" shops takes sales away from legal shops, they are robbing the state of the taxes promised by the legalization of marijuana.

Dispensaries are **buying** marijuana, which violates the medical law that only allows medical patients to donate to dispensaries from collective gardens.

Dispensaries are also buying from out of state, including some from Mexican cartels, some would say most purchases are from out of state. No way that the small grow houses are completely supporting the hundreds and hundreds of medical shops

The growers are also not paying taxes on their illegal sales to dispensaries, which robs the state of even more tax revenues.

There are no standards about who can invest in a medical operation, allowing organized crime to be involved.

The marijuana that "medical" is selling is anything but medical. It has no testing or packaging requirements and is often intentionally mislabeled, and has toxic chemicals, mold, fungus, pesticides, and the THC levels are mislabeled. Here's a great article from San Francisco on recent testing of so called "medical" marijuana and how bad it is - <http://tinyurl.com/l4p8kmm> and at http://seattletimes.com/html/localnews/2023759490_pottestingxml.html

502 marijuana is tested for THC and CBD levels which are then clearly printed on the package, mold, fungus, moisture so it won't mold on the shelf, and pesticides, and can't be sold if it contains those things. So it's consistent, well regulated and safe.

Think of regulated food that has labeling requirements, where the processing plants and inspected and regulated, vs. food coming from an unregulated street vendor in a 3rd world country.

It pays tons of taxes at 3 different levels, on growers, processors, and retailers

It would be ok to let some dispensaries stay as long as they follow the 502 rules, pay all the taxes and buy from 502 regulated producers and processors, where there are

testing and traceability guidelines.

True patients in need of medical marijuana should not have to pay sales tax, and it would be easy to allow that if someone has a well regulated medical card.

We need to have better standards about medical cards, and regulate the reasons why someone can qualify for a card, and have real fines for doctors who give them out without a real medical need.'

From: Tyler Severy [mailto:tyler@torchnw.com]
Sent: Wednesday, November 26, 2014 8:18 AM
To: Planning
Subject: Recreational Marijuana

I have already submitted some comments but wasn't aware the 1000 foot store to store rule was still enacted. I feel this will limit and hamper business and growth in this industry. There are not many places to open stores or even grow for that matter, 1000 feet can cut down any future licensing efforts by the State. We don't know the future of Medical and 1000 feet eats up precious real estate. Besides, you don't require this of any other business so why single out one industry with a arbitrary number that has no basis behind it.

Respectfully,

Tyler Severy
Director of Operations
253.306.4164



From: [Royal Tree](#)
To: elliott.barnett@cityoftacoma.org
Subject: Recreational Marijuana Permanent Regulations
Date: Friday, December 05, 2014 1:24:49 PM

Elliott,

Firstly, thank you for having the public meeting last Wednesday, it was a great chance to hear what Tacoma citizens had to say, even if most comments were regarding medical cannabis shops.

As a recently licensed recreational cannabis producer/processor in Tacoma, I have extensive experience dealing with the current rules and regulations surrounding this business, and it is clear to me that something needs to change.

I wanted to reiterate that the city really needs to adopt a standard set of rules and regulations for all cannabis related businesses. Dealing with the various city departments was time consuming and very difficult at times. The businesses that decided to not go through the proper channels were rewarded, while we were punished for properly dealing with the city permitting department from the outset. Perhaps hopefully cannabis facilities should be allowed a special meeting with the various departments of the planning department to ensure that all considerations are made at the outset of the process, rather than all at the end, as we experienced.

Medical grow operations and retail shops should be held to the same level of scrutiny as any recreational facility as well. The best way to not anger the medical community could be to give these businesses the opportunity to get their facilities in line with municipal building, mechanical, and electrical codes.

Any marijuana business operating within city limits that is not properly permitted and therefore does not have a C.O. should not be allowed to continue operations. I know first hand of one I502 production facility that decided not to get a single permit before starting their operations, and when the city realized this they were given a substantial grace period during which to begin the process of permitting their premises. This is not the way to deal with businesses that are cutting corners if the cannabis industry in Washington State and the City of Tacoma is to become more legitimate.

Because the state, specifically the Liquor Control Board, has no authority to ensure that licensed cannabis facilities are properly built in accordance with the building codes, it is up to the city to ensure that they are. No manufacturing facility would be allowed to operate without permitted and inspected electrical work, but many, many marijuana businesses continue to function in this way. It is a public safety issue at the heart of it.

Beyond these points, I think the planning commission is off to a great start in drafting permanent regulations for the City of Tacoma. Hopefully the next businesses that want to start operations in this fair city will have an easier time of it.

I wish the planning committee the best of luck in setting up permanent recommendations for recreational cannabis facilities.

Kind regards,

--



Ryan Strand

Owner/Manager, Royal Tree Gardens

p: (253) 503-1674 | m: (206) 550-5835 | e: royaltreeinc@gmail.com

w: www.royaltreegardens.com

a: 2602 S 38th St PMB #31, Tacoma, WA 98409

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From: KBG Farmer [mailto:kgb_farmer@yahoo.com]

Sent: Wednesday, December 03, 2014 11:30 PM

To: Planning

Subject: Safe Access Saves Lives

someone in america dies ever 19 seconds from prescription drug overdose. this statistic is lower in states with safe legal access to medical cannabis...washington is one of those states. i moved my family 2300 miles to be able to access our medication without fear of being sent to prison. please please please keep tacoma's medical cannabis access points open.

Damen Tanner

(registered WA voter and medical cannabis patient)

From: Samantha Yeun [mailto:samanthay@wamail.net]
Sent: Monday, December 01, 2014 2:29 PM
To: Barnett, Elliott
Subject: RE: Feedback on proposed rulings
Importance: High

Hi Elliot,

If any of these already mention in the proposed rulings, please let me know where to look for it.

I would like the Commission to include the followings:

1. "faith-based facilities" as places to receive notification and location requirement.
2. Cap-off or Limited # of retail outlets within the City of Tacoma.
3. Clarify – any ruling on using MJ in public places, food infuse or smoke.
4. Clarify - who responsible for person overdose, intoxicate or crime related to use.
5. Clarify – youth illegal possession and access. We will see more of these due to availability. We see it with alcohol, prescription drugs, tobacco and other substances.

Thanks,
Samantha

From: Barnett, Elliott [mailto:elliott.barnett@ci.tacoma.wa.us]
Sent: Monday, November 24, 2014 5:12 PM
To: Samantha Yeun
Subject: RE: marijuana regulations

Hi Samantha,

You can provide written comments or verbal comments at the Planning Commission's public hearing next Wednesday at 5pm. You are welcome to send emails directly to me or to the email below.

HOW TO PROVIDE COMMENTS?

You can provide oral testimony at the public hearing on December 3, 2014 or provide written comments using the return address on this card no later than 5:00 p.m. on December 5, 2014, by facsimile at (253) 591-5433 or via e-mail to planning@cityoftacoma.org

The public hearing is:

PLANNING COMMISSION PUBLIC HEARING

Wednesday, December 3, 2014 5:00 p.m. City Council Chambers
Tacoma Municipal Building, 747 Market Street, 1st Floor

I'm happy to answer any questions.

Sincerely,
Elliott Barnett

From: Samantha Yeun [mailto:samanthay@wamail.net]
Sent: Monday, November 24, 2014 5:05 PM
To: Barnett, Elliott
Subject: RE: marijuana regulations

Thank you Elliott. How do I provide feedback on this proposal?

From: Barnett, Elliott [<mailto:elliott.barnett@ci.tacoma.wa.us>]

Sent: Monday, November 24, 2014 4:32 PM

To: samanthay@wamail.net

Subject: marijuana regulations

Here is the a link to the project webpage, www.cityoftacoma.org/planning, select Recreational Marijuana Permanent Regulations, then take a look at the public notice and public review documents. Please let me know any questions.

Sincerely,
Elliott Barnett

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