



**RECREATIONAL MARIJUANA PERMANENT REGULATIONS
PROPOSED AMENDMENTS TO THE LAND USE REGULATORY CODE**

**Summary of Oral Testimony
Received at Planning Commission Public Hearing**

December 3, 2014

(1) Dan Barnes:

Mr. Barnes said that the Planning Commission has a responsibility to the citizens of Tacoma to make recommendations based on input from residents of Tacoma and not state laws. He specifically disagreed with limiting the hours of operation as it characterized use of marijuana as bad. He expressed concern that changes would affect medical patients, and that negating the necessities of medical would show lack of consideration for the residents of Tacoma.

(2) Patrick Seifert, Veterans for Medical Cannabis Access and Americans for Safe Access:

Mr. Seifert spoke on behalf of Tacoma veterans and wanted to express how important access is for veterans. He voiced concern that the number of total locations would be reduced from 56 medical collectives down to 8 recreational shops which would make it difficult for veterans to obtain their medicine. He commented that collective owners had been referred to as "bootleggers" in a news article. He said that there was a major difference between recreational shops and medicinal collectives: one is about money while the other is about compassion. He noted 22 veterans a day commit suicide and that suicide rates for veterans are lower in states with medicinal collectives.

(3) Christine Emineth:

Ms. Emineth introduced her daughter Tristin and commented that she could not imagine taking her daughter to a recreational store to obtain her medicine. She felt that medicinal collectives were safe and secure and that the medicine had been tested. She stated that she did not feel comfortable taking her daughter to an I-502 store for the medicine that was saving her life.

(4) Kari Boiter, Americans for Safe Access:

Ms. Boiter said the recreational marijuana system will not work for patients because the recreational stores would have prices 4-5 times higher and that non-intoxicating products like topical ointments and tinctures would be unavailable. Also unavailable would be high CBD concentrates that people like Tristin and Christine need. Donations would be unavailable because state law prohibits recreational stores from selling anything for less than what they paid. Caregiver advice about how to use those products is also prohibited at recreational stores. She suggested that if they were going to be moved into I-502 stores that they should make sure that those stores are going to provide the service that they have available now. She shared that health insurance does not help her pay for her medicine and that it is the reason that she is healthy and productive enough to testify.

(5) Chris Horyn, Patient Cannabis Exchange:

Mr. Horyn expressed concern about the proposed regulations for recreational marijuana, specifically the complications for the city with the possibility of litigation resulting from the authority to deny for compliance to code. He believed that the rules for code compliance and hours of operation set forth by the state should be enough. He also expressed concern about distance requirements making access difficult for people with limited mobility and that there are no such requirements for liquor stores.

(6) Byron Kelley:

Mr. Kelley stated that patients need their medication at an affordable price. There are cancer patients who are unable to afford Phoenix Tears Oil and many medicinal businesses have provided it to them at little to no cost. He added that recreational rules would deny children medication until they are 21. He stated that there is a legitimate practice and care that goes into the medicinal facilities and that many of them are more like doctors' offices. He raised the point that there were not enough I-502 shops to employ all of the people who would be out of work if the dispensaries are closed. He expressed concern that many patients cannot cultivate their own cannabis.

(7) **Andrea Sulusi, Elements of Sunshine:**

Ms. Sulusi, a stage 4 cancer survivor, commented on using cannabis and being cancer free for ten years. She was concerned that recreational would not be able to fulfill her needs and would take her medicine away from her. Being the owner of the Elements of Sunshine dispensary, she commented that replacing medicinal with recreational was taking away the highest use of the plant. She added that she wasn't looking to get rich but only to spread healing and love. She asked the Commission, when considering zoning, to also consider what they are looking to annihilate: the entire Tacoma community.

(8) **Pastor Bobby Lemmon, House of Prayer:**

Mr. Lemmon stated that he does not use marijuana but is concerned about where the shops are located, specifically a dispensary near his church. He said that he didn't want to spend his life trying to keep young people off of drugs only to have it right in front of them when they go outside. He also expressed frustration over having to explain to children the odor near his church. He stated that marijuana should not be so accessible for children, since it makes it difficult to influence them to make the right decisions when it is so readily available. He added that the marijuana retailer near him was supposed to have closed a year ago, but is thriving.

(9) **Micah Anderson, Cannabis Action Coalition:**

Mr. Anderson sought clarity on the City's legal intentions and had questions about medical marijuana. He had the following questions: How will the City's codes, public policy and the application for the business license process affect the private sector? Understanding Washington State Constitution forbids the combining of two subjects into one bill such as recreational and medical, what are your plans to protect medical cannabis? Where can I find the RCW permitting the distribution of recreational cannabis? Where can I find the RCW regulating cannabis distribution? Are you aware that I-502 violates both State and Federal statutes and your actions would support criminal enterprises? Do you regularly support unlawful behavior?

(10) **Steve Sarich, Cannabis Action Coalition:**

Mr. Sarich commented that he was involved in a legal action, giving oral argument to the Supreme Court on February 14th (*CAC vs. City of Kent*), that if successful, would make the proceedings irrelevant. He stated that they did not have the right to do this at the local level and that such decisions should be made by the state, going into some detail on failed efforts in the house to create bills against medical marijuana. He added that there are 14 bills that create solutions like eliminating illegitimate clinics and establishing regulation and licensing through the Department of Agriculture. He voiced concern that if the state blocks efforts at good legislation and if they win in Kent there will be chaos. He added that the collective garden law, as written, gives the city no power over collective gardens. He concluded by stating that none of the medicinal marijuana patients would be able to afford to go to a recreational store and that ending collective gardens would only increase the size of the black market.

(11) **Anthony Valenzuela, Equity Capital Funding:**

Mr. Valenzuela discussed his background, having purchased his first commercial building on 6th Avenue in 1992, owning 13 other buildings, and building 7 projects using the multifamily tax abatement. He felt the distance buffer of 1000 feet between recreational businesses was too restrictive and that the 500 foot buffer seemed more appropriate. He added that the city should work with the private business and property owners to make sure that the negative impacts are not allowed in their neighborhood.

(12) **Charles Farnsworth:**

Mr. Farnsworth stated that his concern was with the industry as a whole. He explained that he had worked as a consultant and had looked at the space for venture capital groups so he sees the space from many stakeholders' perspectives. His primary concern was with the zoning and the 1000 foot barrier which neglected to take into consideration the future locations for medical dispensaries. He also recommended that they take a better look at the federal implications, specifically that it is very difficult for him to find space at a location that has a federal mortgage on it. He suggested that if they looked into which properties have a federal mortgage, they would find that they aren't as many spaces available as it may appear.

(13) **Susan Cruise:**

Ms. Cruise noted that retail marijuana shops are allowed in most mixed-use neighborhoods and only in some industrial and light industrial zoned areas. She felt it should be the other way around because mixed-use neighborhoods are surrounded by residential neighborhoods. She stated that the approach was not consistent with the Federal Government's guidelines that were issued to cities that permit marijuana. She shared concern about possible exposure to children. She also felt the distance requirement was too small and could lead to an inappropriate density. She suggested that the requirement for notification of new stores should be increased from 400 feet to 600 feet.

(14) **Katlyne Smith, Advocate from Youth Leading Change:**

Ms. Smith asked how the City of Tacoma is going to limit the access to marijuana for students, adding that marijuana is a problem at her school and seems to be everywhere. She also felt that the current distance requirement from schools was not enough. Ms. Smith shared a personal experience of seeing a man clearly smoking in his car in a store parking lot. She asked how they would discourage people from driving under the influence.

(15) **Jim Sedivy:**

Mr. Sedivy had concerns with the authority to deny an application based on a history of non-compliance and what it will mean in the future for people who were affiliated with medicinal collectives prior to the city ordering them to close. He stated that the people who are being unfairly shut down by the action of the city should have an avenue to get back into business.

(16) **Bea Christophersen:**

Ms. Christophersen highlighted several things that she felt made the law a problem: The medical marijuana industry is not regulated at all and is rife for abuse, creating issues for people with legitimate needs. Medical marijuana is easier to get and also cheaper. Lastly she commented that regulations are needed on medical marijuana to protect the people who legitimately need it. She suggested laws similar to the federal laws that limit how many prescriptions a doctor can write for codeine. She hoped that whatever regulations that are made are clear and enforceable so that there's action to protect those who don't smoke and don't want to be around it.

(17) **Cam Lehouillier:**

Mr. Lehouillier commented on owning a currently unrented building surrounded by light industrial that is zoned mixed-use commercial. He felt it would be perfect for processing and was hoping the Planning Commission could help him with getting the zoning changed. He added that there is an opportunity that by locating businesses in the correct areas it will encourage creation of enterprises to service those industries. He suggested that the location of production facilities should be done on a case by case basis or the zoning considerations should be more flexible.

(18) **Joseph Taliento:**

Mr. Taliento expressed support for the other speakers but felt deceived by the City Council and members of the Planning Commission for interpreting the medical businesses as illegal. He felt that was wrong and that they were legal in every way. He asked the Commissioners for their personal opinion on whether medical marijuana should be illegal. He added that he sought to see medical remain as-is and didn't support the new regulations.

(19) **Elder Mark Hutchenson:**

Mr. Hutchenson voiced concern over the locations of recreational retailers. He noted that the current list of sensitive uses requiring a buffer included playgrounds and detox centers, but churches were absent. He felt that churches served a variety of functions, including being detox centers and playgrounds for children and that marijuana retailers should not be nearby. With the smell in the air, kids have to be taken away from their place for play.

(20) **Duane Dunn:**

Mr. Dunn stated that he was the owner of a pending retail location and was concerned about limiting the hours of operation and how it would impact employees. He commented that the reduction in available hours for work could result in a significant loss of income for the people who work there.

(21) **Dianna Davis-King:**

Ms. Davis-King commented that church is very important in the community. She added that they do good work for their community and only ask the marijuana be moved to another location.

(22) **Louise Lee:**

Ms. Lee spoke on behalf of the church and expressed concern about the difficulty of setting a positive example for children when marijuana is readily accessible. She also agreed that it should be moved outside of the community.

(23) **Amelia Carlton:**

Ms. Carlton spoke as a member of the House of Prayer Church. She didn't believe that the state took everything into consideration before making marijuana legal. She noted that there is a double standard where selling drugs is illegal in school zones for dealers, but retail locations are allowed there.

(24) **Sarah Fassett:**

Ms. Fassett commented on benefitting from medical cannabis and that taking it away would be personally detrimental and contradictory to the concept of medical marijuana as a whole. Only having recreational shops would make her a criminal since she is under age. Noting the concerns voiced about the proximity of medicinal collectives to children, she suggested that children should be educated about the medical uses. She shared that she had recently finished 15 months chemotherapy, has the right to access medicinal cannabis and that at 18 years old she would not have access to recreational retailers.

(25) **Holly Bukoski:**

Ms. Bukoski stated that she was also a medical marijuana patient and was concerned about zoning distances and noted that other things like bars do not have to comply with such regulations. She was also concerned that by eliminating medicinal safe access points, damage would be done to the community and the black market would be encouraged. She noted that there would be issues with lack of supply if all of the medicinal patients were forced to rely on the available recreational retailers. Lastly, she also spoke for veterans who would be having their medicine taken away.

(26) **Beth Wortinger:**

Ms. Wortinger commented that there is a taboo attached to marijuana that is affecting the decisions made regarding it. We need to compare the number of people killed by alcohol and prescription drugs against marijuana. She asked the Commission to take into consideration of how many people are homeless because of alcohol while marijuana bears the stigma of being considered a drug. She emphasized that marijuana is not a drug anymore and that she uses it while functioning fully.

(27) **Ryan Strand:**

Mr. Strand, a medical marijuana patient and a licensed I-502 processor, asked for clarity on people who are getting licenses in the city, adding that the process had been a long difficult struggle with a lack of clear guidance. He added that it would help people in his situation if there was more clarity in code.

(28) **Justin Meyer:**

Mr. Meyer spoke on being a consultant for I-502 and having been on a steering committee for Proposition No. 1. He commented that there is not a lot of zoning and what is there is ridiculously expensive and that it is essentially shutting out money for the city. He added the main point he had heard was that people don't want to get their medical marijuana at recreational stores.

(29) **Dayn Addington:**

Mr. Addinton stated he was on a neutral side, agreeing with both the church and the medical sides, and was concerned about the presence of the black market. He commented that we need to be fair and do what we can to please both sides.