To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: Public Hearing – Marijuana Regulations (Permanent)
Meeting Date: December 17, 2014
Memo Date: December 10, 2014

At the next meeting on December 17, 2014, the Planning Commission will discuss oral and written comments received regarding the public review draft of proposed permanent land use regulations concerning the production, processing and retail sale of recreational marijuana. The Planning Commission received a total of 50 comments.

The proposed permanent regulations would replace the current interim regulations that were initially enacted in November 2013 in response to the voter approved Initiative 502. The one-year interim regulations were recently extended through May 2015 to allow adequate time for the City to evaluate the operations and impacts of the licensed marijuana businesses and for the State to rectify the outstanding problems with the existing, largely unregulated medical marijuana system. The City Council also expressed the imminent need and desire to replace the interim regulations with enhanced, permanent regulatory provisions.

Attached is a Public Comments and Staff Responses and Suggestions Report, including a list of commenters, summary of the oral comments made at the public hearing, and a compilation of the written comments received. The report seeks to provide structure to the Planning Commission's discussion, and includes staff analysis and recommendations for potential changes to the public review draft proposal.

In addition, the Planning Commission requested analysis of additional issues, including the potential to require recreational marijuana businesses to treat religious institutions as a buffered use, and the potential to allow recreational marijuana production and processing in some light industrial areas. In response, staff have prepared two maps depicting potential modifications to the marijuana business and zoning map previously prepared. One adds the locations of known religious institutions and a potential 1000 foot buffer around them. The second shows the location of zoning districts which could potentially be considered appropriate for recreational marijuana production and processing.

If you have any questions, please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachments:
Map Exhibits
Public Comments and Staff Responses and Suggestions Report and appendices

c: Peter Huffman, Director
Map depicting the locations of known religious institutions and a potential 1,000 foot buffer.
Map depicting the locations of zoning districts which could potentially be considered appropriate for recreational marijuana production/processing.
The Planning Commission conducted a public hearing on December 3, 2014, concerning Proposed Marijuana Business Permanent Regulations to the Land Use Regulatory Code and kept the record open through December 5, 2014 to accept written comments.

A Public Review Document was compiled and made available for public review prior to the public hearing. The document includes the complete text and staff analysis of the proposed amendments, the Preliminary Determination of Environmental Nonsignificance and the environmental checklist associated with the proposal, as well as relevant background information. Public notice was provided to Planning Commission lists, marijuana stakeholders, and to property owners in the vicinity of licensed and pending recreational marijuana retail businesses.

This report, prepared for the Planning Commission’s review and discussion on December 17, 2014, summarizes public comments received during the public hearing process, identifies major issues and concerns reflected therein, provides staff responses to the issues and concerns, and suggests modifications, where appropriate, to the proposed amendments as contained in the Public Review Document.

The report includes three appendices. Appendix A provides a list of the commenters; Appendix B summarizes the oral testimony received at the public hearing on December 3, 2014; and Appendix C compiles written comments received through December 5, 2014.

<table>
<thead>
<tr>
<th>Comments</th>
<th>Commenters (Appendix A)</th>
<th>Staff Responses and Suggestions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Supports the proposal</td>
<td></td>
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<tr>
<td>• Supports the proposal overall.</td>
<td>Strand (2), Cade</td>
<td>• Support noted.</td>
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<tr>
<td>2. Opposed to the proposal</td>
<td></td>
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<tr>
<td>• Does not support the proposal.</td>
<td>Taliento, Sarich, Mary Pangborn</td>
<td>• Opposition noted.</td>
</tr>
<tr>
<td>• Tacoma should wait to see the outcomes of</td>
<td>Sarich</td>
<td>• Comment noted. Staff note that from the outset of this effort, it has been recognized that there are unresolved issues at the federal and state levels. However, the City Council has directed that these proposals be developed in order to be able to proactively address proposed recreational marijuana businesses, to replace the interim regulations, to prepare Tacoma for potential state action, and to address community concerns.</td>
</tr>
</tbody>
</table>
- The City does not have the authority to regulate recreational marijuana – against state and federal laws

Sarich

- Comment noted. Staff note that local authority to regulate recreational marijuana has been well established, pursuant to Initiative 502, as part of the WSLCB licensing process and within the framework of RCW 69.50 and WAC 314-55.

3. City review process for marijuana businesses (proposed)

- Supports more clarity in the code and a clearer review process for marijuana businesses.

Strand (1 & 2)

- Support noted.

- Don’t make City process duplicative of state review
- Don’t allocate City resources for things that are not the highest priority

Horyn

- Staff concur with these comments, and are consulting with City departmental reviewers to finalize the proposed approach. Remaining considerations include whether the review process will be set up as a land use administrative certification or a regulatory business license, whether annual renewal will be required, what fees will be charged, and whether public notification and review of applicants’ patterns of prior code noncompliance will be included. Staff will solicit Commission direction to formulate the final details of this review process.

4. City review to consider applicant pattern of code noncompliance (proposed)

- Concerned about this proposal
- Should not hold limit former medical marijuana workers from entering the legitimate market
- Could lead to litigation
- State already has regulations with respect to previous noncompliance or criminal activities

Horyn, Sedivy

- Comments noted. Staff note that this proposal has generated questions and concerns. Staff will seek input internally, and will request direction at the Planning Commission’s next meeting. The Planning Commission’s options include retaining this proposal, modifying it in some manner based on the issues raised, or removing it from the proposal.

In any case, staff note that there are provisions in the City’s Tax & License Code granting the City some authority to revoke business licenses on the grounds of noncompliance with City code or criminal activity. However, these generally apply to the new business/site, rather than to prior actions by the project proponent(s).

5. Required public notification for new recreational marijuana retail businesses (proposed)

- Provide notification to faith-based facilities

Yeun

- Comment noted. Staff note that the City honors requests from individuals or organizations wishing to receive standard notifications. Should any organization wish to receive notification regarding recreational marijuana retail business proposals, they could inform the City at this time or in the future.

- Increase notification distance to 600 feet

Cruise (1)

- Comment noted. Staff note that from an administrative perspective, and in order to be consistent with other City practice, there is some value in mirroring existing land use notification processes. The City utilizes 400 feet as the most common land use notice distance. In addition, notice is sent to Neighborhood Councils and to any other stakeholder which has requested to receive them.
### 6. Reduction in permitted recreational marijuana retail business hours of operation (proposed)

- Opposed to further limiting retail hours
- Will negatively impact on businesses, income and employment
- State already regulates hours

Dunn, Barnes, Horyn

- Comments noted. Staff note that this proposal has raised concerns and has not garnered substantial support through the public comment period.

In response, staff suggests that there are three options for the Commission to consider: (a.) include imposing the reduced hours of retail business operation as proposed; (b.) maintain the hours of operation as currently required by state regulations and Tacoma’s interim code; (c.) modify the proposal in some manner.

### 7. Permitted locations for production, processing and retail marijuana businesses (interim regulations and proposed modifications)

- Appreciate that Tacoma is more permissive than some other jurisdictions
- Recreational marijuana can create business opportunities, generate economic development, and create jobs and tax base

Lehouillier, Flath, Farnsworth (1 & 2)

- Comments noted.

- There is not enough space in Tacoma where marijuana businesses may locate
- The limitation on available sites drives up the price of real estate

Meyer

- Comments noted. See below.

- Should not impose more restrictions as this would limit the ability of the new industry to thrive
- Federal (FDIC) mortgages are the largest single obstacle to finding locations for marijuana businesses.
- Recreational marijuana businesses must compete with medical coops, which are not meeting the same standards
- Creating new buffer requirements affects financing
- Once you apply all the restrictions, there are very few places marijuana businesses can locate

Farnsworth (1 & 2)

- Comments noted.
- Staff note that in terms of recreational marijuana retail stores, currently the Washington State Liquor Control Board (WSLCB) limitation of no more than eight in Tacoma is the controlling factor. At this time, pending state license approval, there is no indication that requirements and restrictions currently in place have prevented these eight from moving forward.
- Staff note that in terms of recreational marijuana production and processing, the fact that there are 4 licensed and 21 pending businesses in Tacoma seems to indicate that there is sufficient space for such businesses to locate. However, see the following discussion.
- Production and processing should be allowed in light industrial locations
- Some mixed-use areas are not characterized by walkability, mixed-use today, but rezoning them to allow marijuana production/processing is challenging
- Leave room in heavy industrial zones for "real" industrial users

<table>
<thead>
<tr>
<th>Lehouillier, Flath, Lynn Severy (2), Tyler Severy (1)</th>
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<tbody>
<tr>
<td>Comments noted. The City’s current code permits recreational marijuana production and processing in heavy industrial zones (M-2 and PMI). These comments call for consideration of expanding areas allowing such businesses to include light industrial zones.</td>
</tr>
<tr>
<td>Should the Commission determine to allow production and processing in additional areas, staff suggest that there are up to three zoning districts which could potentially be considered appropriate for recreational marijuana production and processing, but that there are significant distinctions in the policy framework for each of these areas.</td>
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<tr>
<td>The most likely fit in terms of Tacoma's growth and land use policies is the M-1 Light Industrial District. This district is intended to serve as a buffer between heavier industrial areas and less intensive commercial and residential areas.</td>
</tr>
<tr>
<td>The Commercial Industrial Mixed-Use and the Downtown Warehouse Residential Districts could also be considered. However, the long range vision for both of these districts is for the areas to transition into a mixed-use, pedestrian-oriented character. Marijuana production and processing, by state requirements, must be enclosed and secured, with no transparency from the street. This may not be entirely compatible with that intent.</td>
</tr>
<tr>
<td>In addition, the Commission could consider further limitations on the size or number of production and processing businesses in these zones.</td>
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<thead>
<tr>
<th>Lisa Pangborn, Cruise (1 &amp; 2)</th>
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<tbody>
<tr>
<td>Comments noted. Staff note that Tacoma’s current recreational marijuana business locational and buffer requirements are based in large part on the state’s requirements to buffer from sensitive uses, as well as the locally added buffers from other locations where it is anticipated there will be populations sensitive to drug addiction or misuse issues.</td>
</tr>
<tr>
<td>In addition, the state’s rigorous requirements for security, customer identification, and customer age are intended to prevent young people from securing marijuana from recreational marijuana retail businesses.</td>
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<tr>
<td>Recreational marijuana retail businesses have only been in operation for a matter of months. However, to date, there have been no code enforcement or official complaints filed against them.</td>
</tr>
</tbody>
</table>

- Retail should be more limited in mixed-use areas, and directed to industrial areas
- Tacoma’s regulations are not protecting children from getting access.
- Children are more prevalent in neighborhoods and near homes.
- Federal priority identified by US Dept. of Justice is to avoid exposure to children, which occurs in mixed-use areas
- Some cities restrict sales to more industrial areas.
- Consider location on a case by case basis
  - Lehouillier, Taliento, Valenzuela
- Comments noted. Staff note that within the framework of zoning, it is challenging to allow for a case by case review of proposed development and land use changes.
  
  One avenue to move in this direction would be a Conditional Use Permit process. Early on in Planning Commission’s discussions, the Commission’s direction was to avoid creating a discretionary land use process, but instead to follow an administrative process with straightforward requirements and standards.

### 8. Buffered uses

- Churches should be added to the list of buffered uses
  - Lemmon, Hutchenson, Davis-King, Lee, Yeun
- A church is the location for children, substance abuse support services, community gathering
- Comments noted. Staff note that while this is feasible, it would significantly reduce the areas available for marijuana businesses, and add to the complexity of the review process. There are many categories and types of religious institutions, and staff are not aware of a definitive listing of them (the Associated Ministries of Pierce County does maintain what is probably the most definitive list).
  
  Based on these considerations, staff do not recommend including religious institutions to the list of buffered uses.

- Children / students are sensitive and should not be exposed to marijuana, marijuana in a school zone
  - Lemmon, Lee, Cruise (1 & 2), Smith, Carlton
- Comments noted. Staff note the regulations (existing and proposed) are intended to prevent youth exposure to marijuana through recreational marijuana businesses.

- How will staff keep up with the locations of buffered uses?
  - Marten
- Staff note that given the number of buffered uses required by the state and the City, it is no simple task to track and compile a complete inventory.
  
  The City has created a map, available at (www.cityoftacoma.org/planning, select Recreational Marijuana Permanent Regulations), which is offered for informational purposes. However, it is the responsibility of project proponents to verify that they are complying with all buffer requirements. Marijuana business proposals are reviewed by both the City and the Washington State Liquor Control Board (WSLCB) which reviews for buffered uses as part of their license review.

### 9. Recreational Marijuana Retail Distribution (proposed)

- Supports proposed 1,000 foot distribution requirement between retailers to limit concentration
  - Cade, Mary Pangborn
- Support noted.
<table>
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<tr>
<th>Suggested Improvement</th>
<th>Commenter(s)</th>
<th>Comments</th>
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<tbody>
<tr>
<td>The 1000 foot distribution requirement should also apply to the eight licensed and pending retail locations</td>
<td>Liisa Pangborn</td>
<td>Comment noted. Staff note that the 1000 foot buffer would apply to all businesses, but its effect for existing businesses would be limited to the business becoming a nonconforming use. What this means is that the City cannot require the business to move (provided the business had its state license accepted based on a disclosed location currently zoned for such use, and was otherwise a legal use). However, other limitations would apply to that business, including a limitation on its future expansion potential.</td>
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<tr>
<td>The required distance between retail locations should be greater</td>
<td>Cruise (1), Smith, Farnsworth (2)</td>
<td>Comments noted.</td>
</tr>
<tr>
<td>The required distance between retail locations should be less (e.g., 500 feet)</td>
<td>Valenzuela, Farnsworth (2)</td>
<td>Comments noted.</td>
</tr>
<tr>
<td>There should be a limit of one marijuana retailer per Mixed-Use Center</td>
<td>Cade</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>Distribution requirement should also be applied to medical locations</td>
<td>Liisa Pangborn</td>
<td>Comment noted. Staff note that this could be challenging from an administrative perspective, since medical locations are unpermitted. Also, given the City Council’s direction to pursue enforcement actions on medical locations, creating a land use buffering requirement on them could be problematic, or have no effect.</td>
</tr>
<tr>
<td>Opposed to creating a retail distribution requirement</td>
<td>Valenzuela, Lynn Severy (2), Tyler Severy (3)</td>
<td>Comments noted.</td>
</tr>
<tr>
<td>Too restrictive and harmful to the businesses</td>
<td></td>
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<tr>
<td>Treat marijuana businesses consistently with other retail</td>
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<tr>
<td>Limits access for people with medical needs</td>
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<tr>
<td>10. Number of marijuana retailers in Tacoma</td>
<td></td>
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<tr>
<td>Uncertain what state will do with medical, or with retail number cap</td>
<td>Horyn</td>
<td>Comments noted.</td>
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<tr>
<td>Want to have option to choose, not have options limited by a cap</td>
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<tr>
<td>Tacoma should cap total number of retail marijuana outlets in Tacoma</td>
<td>Yeun</td>
<td>Comment noted. Staff note that the WSLCB has administratively created a cap at a total of eight retail recreational marijuana stores in Tacoma.</td>
</tr>
</tbody>
</table>
### 11. Standards

- Closing medical will lead to increased demand, greater traffic at retail stores, and greater neighborhood impacts  
  - Comments noted. Staff note that the Planning Commission has considered multiple potential standards to apply to recreational marijuana businesses as part of developing its public review draft proposal. At that time, the City Council had not yet indicated its direction to pursue enforcement actions against unlicensed medical marijuana storefronts. Staff will seek Commission direction whether there are additional standards or requirements necessary to address increased demand at retail locations. At this time, however, staff do not have a recommendation for additional standards.

- Going from 56 medical and 8 retail, to only 8 retail. What will the impact be?  
  - Seifert, Liisa Pangborn

- There should be on-site parking required for marijuana retail businesses  
  - Liisa Pangborn

- Odor and air quality is a concern  
  - Lemmon

### 12. Perspectives on marijuana

- Marijuana not a major concern, don’t let taboo influence decision-making process  
  - Wortinger, Boiter

- Don’t believe state figured everything out before making marijuana legal  
  - Carlton

- Treat marijuana in a manner consistent with other similar uses (liquor, pharmacies)  
  - Horyn, Wortinger, Boiter

- We are treating marijuana inconsistently compared to bars and cigarettes  
  - Bukoski

- Kids getting a hold of marijuana is a problem  
  - Cruise (1 & 2), Smith, Lee, Hutchenson, Yeun

- Recreational marijuana businesses will lead to an increase in illegal possession and use by youths  
  - Yeun
<table>
<thead>
<tr>
<th>13. Enforcement and regulation of marijuana use</th>
</tr>
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<tbody>
<tr>
<td>• Frustration with lack of expedient enforcement against marijuana operations</td>
</tr>
<tr>
<td>• Odor and smoking outside have been a concern</td>
</tr>
<tr>
<td>• Youth are getting access to marijuana</td>
</tr>
<tr>
<td>• Need uniform laws and practices on enforcement</td>
</tr>
<tr>
<td>Lemmon, Christophersen, Smith, Lee, Hutchenson, Yeun</td>
</tr>
<tr>
<td>• Comments noted. Staff note that on December 2nd, the City Council provided direction to staff to develop recommendations for enforcement actions against unlicensed marijuana operations.</td>
</tr>
<tr>
<td>• Staff note the City has not received official nuisance complaints or code compliance issues to date in relation to the newly licensed and operating recreational marijuana businesses.</td>
</tr>
<tr>
<td>Christophersen</td>
</tr>
<tr>
<td>• Comments noted.</td>
</tr>
<tr>
<td>Yeun</td>
</tr>
<tr>
<td>• There should be tracking and rules for how and how many prescriptions doctors make for medical marijuana</td>
</tr>
<tr>
<td>• Worried about abuse on medical side, so easy to get and unregulated/untaxed, which isn’t fair to people who need it legitimately.</td>
</tr>
<tr>
<td>• Clarify rules regarding marijuana use in public spaces</td>
</tr>
<tr>
<td>• Who is responsible for overdoses, intoxication and crimes?</td>
</tr>
<tr>
<td>• Staff note that these questions pertain to matters outside of the purview of the Planning Commission as they are outside of the parameters of recreational marijuana production, processing and retail sale. For information, contact the Tacoma Police Department at (253) 591-5950.</td>
</tr>
</tbody>
</table>
### 14. Medical marijuana (not part of this proposal)

**Support City enforcement actions against medical operations, for one or more of the following reasons:**
- Concentration/proliferation and perceived impacts to business districts and neighborhoods
- Concerns about neighborhoods being perceived as the “pot district”
- Neighborhood impacts including odor, outdoor marijuana usage
- Abuse of the intent of medical marijuana, it is not only serving true medical needs
- Medical marijuana operations are located in proximity to churches, schools and other locations with children present
- City enforcement has not been adequate to prevent impacts
- Medical marijuana production/processing and storefronts are undercutting recreational marijuana businesses
- Medical marijuana operations are not meeting labor laws, obtaining permits or paying taxes
- Minimum wage increases would further exacerbate challenge for legitimate recreational marijuana businesses
- Medical marijuana products are unregulated, untested, unlabeled and there is no quality control
- Medical marijuana products come from out of state
- Medical dispensaries are violating state law by buying marijuana
- Medical marijuana operations invite crime
- There is no mechanism in place to ensure safety and compliance with building, electrical and other standards

<table>
<thead>
<tr>
<th>Lemmon, Lee, Cruise (1 &amp; 2), Carlton, Fretz, Garden, Gibson, Paul, Lynn Severy (1 &amp; 2), Tyler Severy (1 &amp; 2), Strand (2),</th>
<th><strong>Staff note that this proposal does not pertain to medical marijuana operations. Staff will forward this summary to the City Council.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council has scheduled a public hearing on proposed medical marijuana enforcement actions for January 6th, 2015 at 5:30 pm, in the City Council Chambers.</td>
<td><strong>Staff note that this proposal does not pertain to medical marijuana operations. Staff will forward this summary to the City Council.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>The Council has scheduled a public hearing on proposed medical marijuana enforcement actions for January 6th, 2015 at 5:30 pm, in the City Council Chambers.</strong></td>
</tr>
<tr>
<td>Opposition</td>
<td>Writer(s)</td>
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<tr>
<td>---</td>
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</tr>
<tr>
<td>Opposed to City enforcement actions against medical marijuana operations, for one or more of the following reasons:</td>
<td>Taliento, Seifert, Emineth, Boiter, Kelley, Sulusi, Fassett, Bukosi, Sarich, Addington, Crites, Greetham, Tanner</td>
</tr>
<tr>
<td>- Closing medical operations would limit access for people with medical needs, including veterans and children</td>
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<td>- Closing will impact jobs, businesses and employees</td>
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<td>- Closing will encourage the black market</td>
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<td>- Not enough retail locations to serve medical needs</td>
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<td>- Don’t lump all medical together – some are very conscientious, others are less so</td>
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<tr>
<td>- Medical is about compassion, recreational is about making money</td>
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<tr>
<td>- Medical operations provide advice for care givers and a supportive environment</td>
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<tr>
<td>- Recreational retailers are not a supportive environment for medical marijuana users</td>
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<tr>
<td>- Specialized medical products are not available in recreational stores (e.g., medical products that are not intoxicants)</td>
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<td>- Medical collectives allow you to know your grower</td>
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<tr>
<td>- Prices are much higher in recreational retailers</td>
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<td>- Minors are not allowed in recreational marijuana businesses, how will they receive medical marijuana?</td>
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<td>- Treats medical cannabis as a “social” drug not a medicine</td>
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<td>- Highest use of the plant is for medical purposes</td>
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<td>- Marijuana is a medical alternative to prescription drugs</td>
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<tr>
<td>- The City does not have the authority to regulate/enforce against medical marijuana</td>
<td>Anderson, Sarich, Taliento</td>
</tr>
<tr>
<td>- There is litigation ongoing and/or the issue merits state guidance</td>
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<tr>
<td>- Instead of closing medical marijuana operations, the City should lay the groundwork for both recreational and medical to coexist</td>
<td>Farnsworth (2), Tyler Severy (2), Strand (2)</td>
</tr>
<tr>
<td>- Consider the example of Seattle’s effort to develop regulations for medical marijuana</td>
<td>Liisa Pangborn</td>
</tr>
<tr>
<td>- True medical patients should not have to pay taxes for it</td>
<td>Tyler Severy (2)</td>
</tr>
<tr>
<td>- Need better standards about medical cards, establishing medical need, fines for doctors who do not follow that</td>
<td></td>
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</tbody>
</table>

Staff note that this proposal does not pertain to medical marijuana operations. Staff will forward this summary to the City Council.

The Council has scheduled a public hearing on proposed medical marijuana enforcement actions for January 6th, 2015 at 5:30 pm, in the City Council Chambers.
### Appendices:

**A. List of Commenters**

**A-1. Oral Testimony Received on December 3, 2014:**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name (In order of testifying)</th>
<th>Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dan Barnes</td>
<td></td>
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<tr>
<td>2.</td>
<td>Patrick Seifert</td>
<td>Veterans for Medical Cannabis Access and Americans for Safe Access</td>
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<tr>
<td>3.</td>
<td>Christine Emineth</td>
<td></td>
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<tr>
<td>4.</td>
<td>Kari Boiter</td>
<td>Americans for Safe Access</td>
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<tr>
<td>5.</td>
<td>Chris Horyn</td>
<td>Patient Cannabis Exchange</td>
</tr>
<tr>
<td>6.</td>
<td>Byron Kelley</td>
<td></td>
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<tr>
<td>7.</td>
<td>Andrea Sulusi</td>
<td>Elements of Sunshine</td>
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<td>8.</td>
<td>Pastor Bobby Lemmon</td>
<td>House of Prayer</td>
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<tr>
<td>9.</td>
<td>Micah Anderson</td>
<td>Cannabis Action Coalition</td>
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<tr>
<td>10.</td>
<td>Steve Sarich</td>
<td>Cannabis Action Coalition</td>
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<tr>
<td>11.</td>
<td>Anthony Valenzuela</td>
<td>Equity Capital Funding</td>
</tr>
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<td>12.</td>
<td>Charles Farnsworth (1)</td>
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<td>13.</td>
<td>Susan Cruise (1)</td>
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<td>14.</td>
<td>Katlyne Smith</td>
<td>Advocate from Youth Leading Change</td>
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<td>15.</td>
<td>Jim Sedivy</td>
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<td>16.</td>
<td>Bea Christophersen</td>
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<td>17.</td>
<td>Cam Lehouillier</td>
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<td>18.</td>
<td>Joseph Taliento</td>
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<td>19.</td>
<td>Elder Mark Hutchenson</td>
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<td>20.</td>
<td>Duane Dunn</td>
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<td>21.</td>
<td>Dianna Davis-King</td>
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<td>22.</td>
<td>Louise Lee</td>
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<td>23.</td>
<td>Amelia Carlton</td>
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<td>24.</td>
<td>Sarah Fassett</td>
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<td>25.</td>
<td>Holly Bukoski</td>
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<tr>
<td>26.</td>
<td>Beth Wortinger</td>
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<td>27.</td>
<td>Ryan Strand (1)</td>
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<td>28.</td>
<td>Justin Meyer</td>
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<td>29.</td>
<td>Dayn Addington</td>
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A-2. Written Comments Received through December 5, 2014:

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<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Affiliation</th>
<th>Date of Comments / Letter or E-mail</th>
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<tbody>
<tr>
<td>1.</td>
<td>Deborah Cade</td>
<td></td>
<td>12-5-14 / E</td>
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<td>2.</td>
<td>Steven Crites</td>
<td></td>
<td>12-3-14 / E</td>
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<td>3.</td>
<td>Susan Cruise (2)</td>
<td></td>
<td>12-5-14 / E</td>
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<td>4.</td>
<td>Charles Farnsworth (2)</td>
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<td>12-5-14 / L</td>
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<td>5.</td>
<td>Robert Flath</td>
<td>Cresswell Properties., LLc.</td>
<td>12-3-14 / E</td>
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<td>6.</td>
<td>Tim Fretz</td>
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<td>12-5-14 / E</td>
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<td>7.</td>
<td>Jay Garden</td>
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<td>12-3-14 / E</td>
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<td>8.</td>
<td>Amy Gibson</td>
<td>WCP Solutions, Kent (packaging)</td>
<td>11-24-14 / E</td>
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<td>9.</td>
<td>Dana Greetham</td>
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<td>12-4-14 / E</td>
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<td>10.</td>
<td>Susanne Marten</td>
<td>Supportive Housing Association</td>
<td>11-23-14 / L</td>
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<td>11.</td>
<td>Mary Pangborn</td>
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<td>12-3-14 / E</td>
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<td>12.</td>
<td>Liisa Pangborn</td>
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<td>Pamela Paul</td>
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<td>Tyler Severy (2)</td>
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<td>20.</td>
<td>Damen Tanner</td>
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<td>21.</td>
<td>Samantha Yeun</td>
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B. Summary of Oral Testimony Received at the Public Hearing on December 3, 2014

C. Written Comments Received during the Comment Period through December 5, 2014
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 lowers 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 CDB 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. Addington 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.
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 21st 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 already hurting. its inhumane!
thank you
steven crites
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:


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
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 authorizes 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
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 then 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
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. Can 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 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.
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
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 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 biding business that are paying taxes and playing by the rules.

Thank you for listening.

Amy Gibson | Account Manager
WCP Solutions
Paper | Packaging | Jansan | Equipment
da new West Coast Paper enterprise founded in 1930
d: 253.850.1900 ext 2274 c: 253.334.2715 f: 253.850.3032
23200 64th Avenue South, Kent WA 98032-1845

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*****************************************************************************
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

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.
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
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.
Mayor’s office drafts medical marijuana dispensary legislation


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.
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
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....
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
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
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  

TORCH NW  
PREMIERE PROCESSORS
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 a 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.
From: KBG Farmer [mailto:kbg_farmer@yahoo.com]  
Sent: Wednesday, December 03, 2014 11:30 PM  
To: Planning  
Subject: Safe Access Saves Lives  

someone in america dies every 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)
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

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
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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