



MINUTES (Approved on 2-17-16)

TIME: Wednesday, February 3, 2016, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Jeff McInnis, Meredith Neal,
Anna Petersen, Brett Santhuff, Dorian Waller, Scott Winship
ABSENT: Donald Erickson

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:02 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF JANUARY 20, 2016

The agenda was approved.

The minutes of the regular meeting on January 20, 2016 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Chair Beale opened the floor for public comments. The following citizens provided comments:

1) **Philip Dawdy:**

Mr. Dawdy commented that he had been a patient advocate on medical cannabis for over six years and was currently a lobbyist for SMP, which had been on the verge of being licensed the previous month. On dispersion and buffers, he expressed concern that his client might have to move due to a dispersion requirement and eliminate potential areas for patient cooperatives. He commented that the one mile buffer for cooperatives was something that he had argued against and that it provided an argument for allowing stores to cluster. He commented that Seattle's buffer reduction example would improve the spread of stores.

2) **Justin Ice:**

Mr. Ice commented that he was a collective owner and that across the street there was a large hillside with a park at the top about 680 feet from his collective. He commented that he had done his best to bring the building back from where it was and had been there for two years. He commented that he might bring a 502 grower in and that he was thinking of dividing his building up into several suites to provide processing, production, and sales in a single building.

3) **Robin Austin:**

Ms. Austin discussed how marijuana had improved the quality and dignity of life for a close friend who was suffering from terminal cancer. She commented that her passion was for the person with stage 4 cancer who is going to a recreational facility to get their medicine. She commented that she wanted medical in recreational, but also for medical to have its own spot. She reported that two of the collectives that she represents are close to a transit station and one is being shut down even though a liquor store is nearby.

4) **Michael Perkins:**

Mr. Perkins asked that they consider that the reason that the next round of licensing opened up was for collective gardens to transition to the recreational system. He commented that to beat the black market they need to allow access in easy to reach areas. He reported that he owned two recreational stores in Seattle and was looking at other cities for a third. He commented that

having stores close to each other hasn't been an issue in the areas that they have been in. He asked the Commission to consider that a one mile buffer would lock him out of every piece of property that he had looked at.

D. DISCUSSION ITEMS

1. Marijuana Moratorium

Molly Harris, Planning Services Division, introduced Ryan Day, Candice Bock, and Alex Cooley. The three speakers were present to discuss issues related to medical marijuana and the history and intent of the recent legislation.

Candice Bock, Association of Washington Cities, commented that she had been working on marijuana related legislation for the past several years on behalf of the cities of Washington. She reported that with recreational marijuana legalized and the existing medical marijuana system in place there was a lot of concern on the part of the legislature that there was a disincentive to use the legalized, regulated, and taxed market. She reviewed that legislature had been sensitive to patient access issues throughout the process, but the goal was to merge the two systems so that there was a regulated and taxed system without the disincentive to participate. SB 5052 had eliminated collectives and created a medical marijuana endorsement that has been already issued to 70% of the existing stores. Cooperatives were included to address patient access issues. HB 2136 had provided local flexibility for a number of jurisdictions to adopt buffers as small as 100 feet, with the exception of schools and playgrounds.

Ryan Day commented that he had been involved in the development of 5052 and that his seven year old son was a medical cannabis patient who prior to medical cannabis had been experiencing over 100 seizures per day. He encouraged the Commission to think about patients as they are considering recommendations for zoning and buffers, as finding high CBD/low THC cannabis had been difficult with the collective garden system. Mr. Day commented that the required one mile buffer from recreational retailers would make it impossible for many people to have cooperatives, adding that people can't move when a new store opens up. He commented that if they do a moratorium on cooperative growing, people will be forced back into the underground. Mr. Day reported that since cooperative grows need to be registered with the Liquor and Cannabis Board (LCB) there will be a degree of control and safeguards. Mr. Day suggested that if they are to create dispersion rules, they set a certain number of stores in a given radius.

Alex Cooley commented that he works for a medical and recreational producer in the City of Seattle and that he has been involved in the discussion since 2011 with Senate Bill 5073. He commented that his facility in Seattle was the first fully permitted facility in the State of Washington and that he had worked with the City to establish rules for cultivation, which had been adopted statewide. He commented that Initiative 502 had not been intended to affect medical cannabis, but that SB 5052 had been designed to kill medical marijuana. Mr. Cooley discussed issues related to collective gardens and how SB 5073 led to the aggregated collective garden model. He noted that buffers originated from efforts to penalize illegal drug retailers for being close to sensitive uses and encouraged the Commission to consider buffers of 1000 feet for schools and playgrounds and 100 feet for everything else. Mr. Cooley reviewed that for dispersion Seattle had allowed two retailers every 1000 feet and that if they do buffers right, dispersion will not be an issue as retailers would prefer to be spread out. He noted that there were no bans on pharmacies or bars in neighborhoods. Mr. Cooley commented that it was about sensible pragmatic and practical policy, because it was very hard to undo these things once they are done.

Commissioners provided the following comments and questions:

- Commissioner McInnis asked if there was a sense for how many medical patients there were in City Tacoma. Ms. Bock commented that the LCB had done market research and that the data might be available.
- Commissioner McInnis asked if there were specifications determining the difference between medical cannabis and recreational. Mr. Day commented that there were certain categories of products that are only available to medical patients. Mr. Cooley commented that there is no official declaration of the difference between the two.

- Commissioner Petersen asked what the incentive was for a person to go to a cooperative instead of growing for themselves. Mr. Day commented that a cooperative allows people to share space and labor, as they are not allowed to share medicinal marijuana. He commented that there are also people who can't afford it, are too weak to work in a garden, or do not have the money for the supplies needed.
- Commissioner Petersen asked if producers/processors could give cannabis away. Mr. Day responded that currently a producer/processor could not give cannabis away themselves, but they could sell to a store at cost and then ask the store to give it away or sell it at cost.
- Commissioner Neal reviewed that the fire department had commented that 60 plants was too many for a single residence. Mr. Day responded that each plant takes up a single square foot and that 60 could fit into a corner of his garage.
- Commissioner Neal asked if they would be concerned about having grows in multifamily units. Mr. Cooley commented that as long as someone is following building code, it would be safe. Ms. Bock commented that according to the law, plants cannot be viewed or smelled from another housing unit.
- Commissioner Winship asked if someone could grow 60 plants without overloading a standard 200 amp board. Mr. Cooley responded that the power draw would be comparable to a vacuum.
- Chair Beale asked if the LCB or local jurisdictions would be responsible for permitting should someone need to install additional wiring or venting. Mr. Cooley responded that it would be up to the local jurisdictions to enforce their code.
- Chair Beale asked if for cooperatives, the one mile buffer from marijuana retailers was the required minimum or if jurisdictions had some flexibility. Mr. Day responded that it was a minimum requirement from the State.
- Chair Beale asked if jurisdictions would be notified when new cooperatives were licensed by the LCB. Mr. Day responded that they would either provide notification or respond to inquiries to their database. Mr. Day added that cooperatives are sensitive locations and they did not want them to be mapped out because of the potential to become targets.

Ms. Harris provided a review of key issues and potential changes to the Land Use Regulatory Code concerning marijuana retail uses and marijuana cooperatives. Maps showing the existing retail marijuana stores, sensitive use buffers, and dispersion were discussed. Ms. Harris noted that significant area would become available if the sensitive use buffer were reduced to 100 feet. Chair Beale requested maps showing a citywide 100 foot buffer for everything except for schools and playgrounds. Vice-Chair Wamback requested clarification on whether cooperatives were affected by sensitive use buffers or only by the buffer from existing retail marijuana stores. He commented that if they were not affected by sensitive use buffers he would like to go forward with no buffers for cooperatives. Commissioner Santhuff expressed interest in allowing a limited number of stores within a given radius.

Ms. Harris asked for direction from the Commission, noting the key issues including potential caps on retail stores, cooperatives, buffers from sensitive uses, and standards for signage, hours of operation, and notification. Commissioner Neal commented that there didn't seem to be a need for further cap as the buffers were limiting the number of stores on their own. Commissioner Santhuff commented that either only a cap or dispersion seemed necessary. Ms. Harris noted that Seattle had supported dispersion to provide equitable access. Mr. Cooley noted that Seattle grandfathered in existing medical operators so that they would not have to move if a new recreational store opened within 1000 feet. Commissioner Petersen asked if there would be different standards, including buffering and dispersion, if a retailer was exclusively selling medical marijuana.

Vice-Chair Wamback suggested that existing stores should not be held to a dispersion requirement and that if they were to have to move, they should be able to move without having to comply with a dispersion requirement. He added that his concern was that jurisdictions surrounding Tacoma had completely banned it and that Tacoma could either be open minded or they could choose to allow the black market to thrive.

Notification was discussed. Ms. Harris commented they had asked the State to provide better notification, but that they could do it locally. Commissioner Petersen expressed support for using the same notification standards as they do for liquor stores. Chair Beale concurred.

Chair Beale recessed the meeting at 5:34 p.m. The meeting resumed at 5:39 p.m.

2. Tacoma Mall Neighborhood Subarea Plan

Elliott Barnett, Planning Services Division, provided a review of the status of the Tacoma Mall Neighborhood Subarea Plan and Environmental Impact Statement (EIS) project. Mr. Barnett reviewed that the Tacoma Mall Neighborhood was a regional growth center, and it had seen a substantial amount of growth over the past 15 years. He commented that there was a lot of interest from the community in seeing the area continue to grow in a positive direction. Key dates were reviewed, with stakeholder meetings scheduled for the next several months and a Draft Plan/EIS being presented to the Commission in July. Conclusions to date included expanding the study area from the current 485 acres to 601 acres total; developing one EIS alternative, rather than two; and the completion of the EIS scoping process.

Julia Walton, 3 Square Blocks, discussed the illustrative vision plan. She reviewed that since last speaking to the Commission in November, they had spent time defining the “bones” of what would become the plan map. The map of the expanded study area was shown and the attributes of the four quadrants were discussed. The Stormwater strategy map was discussed, Ms. Walton noting the purple highlighted areas that were the best locations for infiltration.

Ms. Walton commented that they were interested in looking at the use of streets particularly along the loop road for multiple purposes, such as locating small neighborhood parks. She noted that they were looking at some early implementation strategies including catalyst projects.

The draft land use map was discussed. Ms. Walton commented that they had worked with the illustrative vision and the comments received from the public to develop the map. She commented that they were trying to concentrate development to get the greatest benefit. The urban mixed use area, primarily the mall area and the area along S. 38th Street, would be the focus of the most intense development. Lincoln Heights and the Madison neighborhood would be residential only which was a significant change. Commissioner Neal asked whether the area by Titus Will was within the expanded area. Mr. Barnett responded that it was not included because of the current use and the lack of interest by the current property owners. Commissioner McInnis asked if there was going to be regional storm drainage associated with the plan or if facilities would be project by project. Ms. Walton responded that it would be both. The locations of regional facilities were still being considered. Vice-Chair Wambach commented that there were inconsistencies on how the map addresses existing and proposed structures. He commented that the map should either show every existing building or none of them.

Ms. Walton stated there would be two phases of zoning implementation: interim regulations in 2016 followed by potential development of a hybrid form-based code. Mr. Barnett commented that the intent is to adopt some code changes along with the plan, while recognizing that there could be additional tools considered later to shape future development. The 2016 zoning changes would utilize the existing mixed-use center’s zoning as a template. The largest change would be the streets map that would identify and work towards securing the missing connectivity in the neighborhood.

The draft street system connections map was discussed. Ms. Walton commented that if the City adopted a streets plan the City could build pieces of the three key streets to get the system started, which could then be supplemented with private development. Chair Beale asked how they would implement dedication of new right of way without project level SEPA. Mr. Barnett responded that staff would provide a range of potential options to secure new rights-of-way. Commissioner Santhuff recommended developing further future street connections that expand the Madison street grid across Pine to the mall and add connectivity to the Costco site. Commissioner Santhuff also expressed interest in developing the connections that exist with the trails such as the Water Ditch Trail and the pedestrian connection across Interstate 5.

Chair Beale asked if they were going to work within the framework of existing zoning designations or if they were going to create subarea specific zoning designations that would allow for things like higher residential densities. Mr. Barnett responded that the first phase would be implemented within the current zoning palette. Chair Beale asked if they would be upzoning to allow for additional residential density and how much time they had spent with activity units and PSRC guidelines for regional growth centers. Mr.

Barnett responded that they had gone through the analysis and that the proposal meets all Regional Growth Center targets, such as planning for 45 Activity Units per acre.

Commissioner Santhuff asked why they were downzoning the Madison neighborhood. Ms. Walton responded that it was in response to public comments and was an attempt to limit the scale. Commissioner Santhuff commented that his hope was that future development would keep with the larger scale and eventually become a place that was more welcoming. He commented that the ST3 package included the possibility of two light rail stations on Pine and that he would hope that they were maximizing the residential capacity there. Mr. Barnett commented that with the Madison area the proposal envisions a townhouse, small multifamily type of scale, rather than single-family, and that the neighborhood overall had plenty of development capacity to meet the growth targets. He added that the team is working on proposed light rail station locations and would make sure that they were located in areas with lots of density and transit oriented development.

Vice-Chair Wamback commented that he would be interested in an additional bonus palette being created that would allow any development that has a net reduction of impervious surface to develop more. He added that one of their goals should be to have no more impervious surface ten years from now than they do today.

Mr. Barnett provided an overview on how the plan would be organized. He noted that things like sustainability, equity, and smart growth would be incorporated in all of the sections. Chair Beale commented that public feedback had indicated that equity and maintaining affordable housing in the area were a priority. He suggested considering if it deserves a standalone section or at least should receive a good deal of focus.

Commissioner Petersen noted that one of the comments was on limiting the number of pot shops and liquor stores. She suggested that they consider the neighborhood's wishes and how buffers would help them. It was noted that with the 1000 foot buffer the majority of new retail marijuana stores would be concentrated in specific sections of the city including the mall area.

E. COMMUNICATION ITEMS & OTHER BUSINESS

There were no communication items.

F. ADJOURNMENT

At 6:31 p.m., the meeting of the Planning Commission was concluded.