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**CALL TO ORDER** Planning Chairman, Larry McCourtie, called the meeting to order at 6:01 p.m. July 16, 2012.

**ROLL CALL**

Commissioners: Chairman Larry McCourtie, Rex Robins, Terry Thompson

Absent: Claire Lackie

Staff: City Planner, Darryl Piercy and Planning Secretary, Trisha Tolley

Quorum Established.

**APPROVAL OF JANUARY 17, MEETING**

Minutes of January 17, 2012 are approved without discussion M/S Robins/Thompson.

**MARIJUANA GARDENS MORATORIUM**

Darryl Piercy, City Planner gave the planning commission members a background of Medical Marijuana Gardens Moratorium.

The Legislature passed the bill authorizing the placement of Medical Marijuana Gardens in communities. Following several years of laws on the books, which were based on public initiatives that actually allowed for use of medical marijuana in the State of Washington. It was apparent that it was very difficult for some medical marijuana patients to obtain the product that they were using for medical purposes, as there was no provision in the law that allowed them to grow it on their own, or to allow for safe and legal means of actual purchasing marijuana they were using under the authorization for medical marijuana. So in an effort to correct that the Legislature passed a bill that we are dealing with today, that in essence allowed for a number of things. One being the development of Medical Marijuana Gardens where as a collective group of people could get together and grow Medical Marijuana for those that had authorization or those who were caregivers that were authorized to provide Medical Marijuana. The law also allowed for dispensaries, which were called store fronts. The store fronts could sale the product, to modify Medical Marijuana patients that had been recommended by their physicians to relieve their symptoms. There is a list of symptoms that are recognized and allowed under state law. The Governor reviewed the legislation, and looked for legal opinions in regards to what that might mean for both state employees and individuals if they were setting up store fronts and selling marijuana, it was believed that the Medical Marijuana Gardens were consistent with the intent of Medical Marijuana allowment, but the store fronts were not. The store fronts were vetoed, but the Collective Gardens remained. The legislature recognized there was some concerns about the local jurisdictions in the law that passed, and they were prepared to correct some of those issues, the correction or modifications to the existing Medical Marijuana law did not come forward as anticipated, based on the discussions and promises of the legislature. Many Jurisdictions chose to go the Moratorium route initially because they were uncertain as to what the legislature would do to correct some of these concerns. One of the concerns were the legislature allows for the department of agriculture to set regulations of growing operations for this medical marijuana, which was enforced on the phone. So it continues to be left up to the local law enforcement to implement and set those regulations, as well as local land use planners to create zoning regulations that meet the intent of the law and still provide the safeguards for the protection for the community to make it all work.

There are three paths that communities seem to be going down. The first path is to adopt regulations that clearly outline the location and method in which medical marijuana will be grown and how it is going to be distributed consistent with the state law. Mr. Piercy passed out 2 examples for the planning commission to review. Ordinance No. 4595 from the City of Ellensburg and an Ordinance No. 2633 from the City of Issaquah. There are a number of cities that allow for Medical Marijuana Moratoriums, most of them have taken the lead of bigger cities, because they feel that someone is going to challenge the actions of the city. The Second path is to continue with the moratoriums and wait until this gets resolved somewhere in the courts, between the State and Federal Government. The third path is to not allow it.

The legal opinion that the safest route for the city, from a liability standpoint and the threat of law suits is to develop a reasonable set of regulations that under controlled circumstances would allow for the placement and growth of medical marijuana within the City of Othello. Darryl indicated that an initiative that will be on the November ballot is to

regulate marijuana, not just medical marijuana but marijuana across the board, much like we currently regulate alcohol. This took a large amount of signatures to get on the ballot. There is a strong petition that was signed by a number of governors, particular Western states, but some Eastern states and a number of congressmen, asking the Federal Government to reconsider their classification of marijuana as a particular class of narcotics that's regulated and not utilized for any medical purpose or any other purpose like federal law, and asking for some relaxation that would be more in tune with the direction that many states are going with medical marijuana.

Mr. McCourtie wanted to know if anyone from Othello had challenged the city and asked to have a garden. Darryl reported at this time we had not, but nearby cities had. Mr. McCourtie felt that if we ask for another moratorium it would give us another 6 months, but it may be the last one that we can get before someone challenged us. He also felt that we needed to get the public input before we send anything to be accepted at the council level. He also thought it would be interesting to see what the other cities would do if they were challenged. Mr. Thompson was wondering if there had been any studies in this community on how many are using medical marijuana for medical reasons. Darryl indicated there is no registration process with the state, once you have gone to a physician and received a recommendation for medical marijuana use, you receive a letter, and that is between you and your physician and whoever you present that letter to for purchase.

Mr. Piercy, City Planner indicated that the City attorney recommended that if we choose to do the third moratorium, our second extension, is that we have some process underway to show that we are attempting to create a regulation or create a policy that represents the cities position on the issue. Mr. Robins also would like to see more information on our local situation, also he would like to see study's done that capered prohibition and alcohol and things that are associated with that. Darryl indicated that the studies that he has read is that if you compare it to alcohol, and neither were legal, marijuana would probably be legalized and alcohol would not, he read this in more than one study. Rather or not that is conclusive based on scientific evidence, he has no idea. He does know that there are a large body of law enforcement and medical fields that feel we are spending a lot of energy and effort on putting people in jail for marijuana when it in fact doesn't have the impact or affect that we are led to believe. Mr. Robins says there is a valid argument that if you legalize it, it will change everything. If the cost comes down, you don't have the crime to come up with the funds for it. These things need to be looked at and he would like to suggest the idea for the moratorium to give them time to do the research, and have the public hearing to educate the public.

Mr. McCourtie would like to see some literature or to hear from those people who have used marijuana to show the effect on people that need it, good and bad. Mr. Thompson's main concern is to having marijuana readily assessable in the city is the security, theft and fraud, people selling it to their friends fraudulently. Mr. Piercy indicated that one security measure is the facility must have 24 hour video surveillance, which is reviewed and approved by the local law enforcement, and the copies must be kept for 90 days. Another requirement is screening of those that are allowed to participate. These are just a few of the security measures taken.

Rex Robins recommend that we begin a process of investigating the effects of marijuana, the potential dangers of it, and that we get more information and hold a public hearing to get input from the community. He also recommends a moratorium to allow time to process the information and get something meaningful. M/S Robins/Thompson.

#### **ADJOURNMENT**

Having no other business at hand Chairman Larry McCourtie asks for a motion to adjourn the meeting, the next meeting is scheduled for August 20, 2012. Meeting adjourned at 6:47pm. M/S Thompson/Robins

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Trisha Tolley, Planning Secretary

NOTE: These are abbreviated minutes that contain all motions and business conducted. These meetings are taped; a complete record of the minutes may be obtained by contacting the Planning Commission Office or a verbatim copy of these minutes can be ordered at the requestor's expense.