ORDINANCE NO. 3999

AN ORDINANCE of the City Council of the City of Kent, Washington, declaring an emergency and adopting a six-month moratorium within the city of Kent on the establishment, location, operation, licensing, maintenance or continuation of medical marijuana collective gardens or dispensaries, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51A Revised Code of Washington, or any other laws of the state of Washington, setting a date for a public hearing on the moratorium, and providing that the moratorium will take effect immediately upon passage.

RECITALS and PRELIMINARY FINDINGS

A. The possession or distribution of marijuana has been and continues to be a violation of state law pursuant to Chapter 69.50 Revised Code of Washington (Washington’s Uniform Controlled Substances Act), and federal law, through the Controlled Substances Act (“CSA”).

B. Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as Chapter 69.51A RCW, created a limited defense to marijuana charges under state, not federal, law if the person charged could demonstrate that he or she...
was a qualifying patient or designated provider as those terms are defined in Ch. 69.51A RCW. In 2007, the state legislature amended the law, and again in 2011, the state legislature passed a third amendment to the law, E2SSB 5073, Chapter 181, Laws of 2011, portions of which the Governor vetoed. The newly amended law will take effect on July 22, 2011.

C. Prior to issuing her partial veto, the Governor received a letter signed by Washington's two top U.S. Attorneys, Mike Ormsby and Jenny Durkin. In their letter, they wrote that marijuana is a Schedule I controlled substance under federal law, and as such, "growing, distributing and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities." These U.S. Attorneys also concluded, "state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA." A copy of that letter is attached and incorporated as Exhibit A.

D. Because the Governor vetoed 36 of the 58 sections of the legislature's bill amending Chapter 69.51A RCW, the law, in its final form, understandably has inconsistencies and ambiguities. For example, certain sections that were not vetoed make reference to other sections that were vetoed.

E. Further, as these legislative amendments developed, Kent saw the establishment of medical marijuana “dispensaries” within city limits. These dispensaries offer marijuana and marijuana products to numerous persons, asserting that they are operating as designated providers within the meaning of Chapter 69.51A RCW as it currently exists. These businesses are variously referred to as dispensaries, cooperatives, patient cooperatives, or patient networks, both for profit and not for profit.
These businesses are illegal under both state and federal law, and the city has provided notice to these businesses that they are to cease illegal activity.

F. Persons or entities operating these purported medical marijuana dispensaries interpreted the current law to allow storefront operation of distribution centers for medical marijuana. Many of these dispensaries obtained business licenses to operate their businesses using false, misleading, or vague statements. See Exhibits B through I, attached. The city continues to receive new requests and inquiries from persons interested in operating additional dispensaries in Kent.

G. The recent amendments to Chapter 69.51A RCW change the scope and effect of the law. New sections affect the rights of qualifying patients and their designated providers. The law now allows "collective gardens" that provide for growing and cultivating up to 45 plants to serve no more than 10 qualifying patients. The law also provides other changes to the rights and responsibilities of medical marijuana patients and their designated providers.

H. The operators of medical marijuana dispensaries are already interpreting the newly amended law in ways to assert that they can continue to operate in Kent. See Exhibit J, attached and incorporated by this reference.

I. The new law, however, clearly delegates to cities the authority to implement zoning requirements, business licensing requirements, health and safety requirements, and business taxes as those requirements and taxes relate to the production, processing, or dispensing of medical marijuana. In particular, local regulations could address ambiguities concerning the location and operation of collective gardens.
J. The city council requires time to conduct appropriate research to understand the extent of the changes provided in the new law, to analyze impacts and potential liabilities under federal law, and to determine an appropriate regulatory framework for any new uses that are allowed under these laws. The city must ensure that proposed locations for these operations are appropriate and that any potential secondary impacts arising from the operation of these uses or facilities are minimized and mitigated. These secondary impacts may include, but are not limited to, burglaries associated with the cash and marijuana maintained on the site, or an increase of other illegal activities, such as drug use, within the vicinity of these dispensaries. In particular, and without limitation, staff should analyze the impacts of allowing these uses and facilities in residential zones as well as impacts arising from the proximity of these uses and facilities to schools, daycares, parks, religious and cultural facilities, jails and courthouses. Accordingly, the city council finds that a zoning, licensing, and permitting moratorium should be established, pending local review of appropriate locations and design requirements of these operations, and impacts of the newly amended law and its interaction with federal law.

K. Although the city council determines that a moratorium is necessary for the reasons established above, the city council emphasizes that it understands the needs of persons suffering from debilitating or terminal conditions, as well as the benefits that approved medical use of marijuana may provide these persons. Nevertheless, given the complex legal and regulatory framework surrounding this issue, a moratorium remains necessary until the city council can adequately address the competing interests at play.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
ORDINANCE

SECTION 1. - Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

SECTION 2. - Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the city of Kent the establishment, location, operation, licensing, maintenance, or continuation of any medical marijuana collective garden or any medical marijuana dispensary, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51A RCW, or any other laws of the state of Washington. No building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed above, and no business license shall be granted or accepted while this moratorium is in effect. Any land use permits, business licenses or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force or effect.

As used in this ordinance, the following terms have the meanings set forth below:

A. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to
grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use. A person who is the designated provider for only one qualified patient during any 15 day period and who complies with Chapter 69.51A RCW, shall not be deemed a medical marijuana dispensary for the purposes of this moratorium.

B. “Medical marijuana collective garden” means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources would include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to plant, grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants. A medical marijuana collective garden shall satisfy the above definition regardless of its formation, ownership, management, or operation as a business, agency, organization, cooperative, network, consultation operation, group, or person. A person who is the designated provider for only one qualified patient during any 15 day period and who complies with Chapter 69.51A RCW or a person who is a qualified patient and who complies with 69.51A RCW, shall not be deemed a medical marijuana collective garden for the purposes of this moratorium.

SECTION 3. - No Nonconforming Uses. No use that constitutes or purports to be a medical marijuana dispensary or medical marijuana collective garden as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Kent City Code and that use shall not be entitled to claim legal nonconforming status.
SECTION 4. - Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

SECTION 5. - Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council’s regular meeting, at 7:00 p.m. in Council Chambers, Kent City Hall, on Tuesday, July 19, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

SECTION 6. - Referral to Staff. The planning director is hereby authorized and directed to develop appropriate land use regulations pursuant to the newly amended law for review and recommendation for inclusion in the zoning regulations or other provisions of the Kent City Code. The finance director is hereby authorized and directed to develop appropriate business licensing and other regulations pursuant to the newly amended law for review and recommendation for inclusion in the zoning regulations or other provisions of the Kent City Code.

SECTION 7. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 8. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the
correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**SECTION 9. - Effective Date.** The city council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacober, City Clerk

APPROVED AS TO FORM:

Tom Brumbaugh, City Attorney

Arthur "Pat" Fitzpatrick
Deputy City Attorney
PASSED: 5 day of July, 2011.
APPROVED: 5 day of July, 2011.
PUBLISHED: 8 day of July, 2011.

I hereby certify that this is a true copy of Ordinance No. 3999 passed by the city council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK
(SEAL)
Honorable Christine Gregoire  
Washington State Governor  
P.O. Box 40002  
Olympia, Washington 98504-0002

April 14, 2011

Re: Medical Marijuana Legislative Proposals

Dear Honorable Governor Gregoire:

We write in response to your letter dated April 13, 2011, seeking guidance from the Attorney General and our two offices concerning the practical effect of the legislation currently being considered by the Washington State Legislature concerning medical marijuana. We understand that the proposals being considered by the Legislature would establish a licensing scheme for marijuana growers and dispensaries, and for processors of marijuana-infused foods among other provisions. We have consulted with the Attorney General and the Deputy Attorney General about the proposed legislation. This letter is written to ensure there is no confusion regarding the Department of Justice's view of such a licensing scheme.

As the Department has stated on many occasions, Congress has determined that marijuana is a controlled substance. Congress placed marijuana in Schedule I of the Controlled Substances Act (CSA) and, as such, growing, distributing, and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities.

The prosecution of individuals and organizations involved in the trade of any illegal drugs and the disruption of drug trafficking organizations is a core priority of the Department. This core priority includes prosecution of business enterprises that unlawfully market and sell marijuana. Accordingly, while the Department does not focus its limited resources on seriously ill individuals who use marijuana as part of a medically recommended treatment regimen in compliance with state law as stated in the October 2009 Ogden Memorandum, we maintain the authority to enforce the CSA vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law. The Department's investigative and prosecutorial resources will continue to be directed toward these objectives.
Consistent with federal law, the Department maintains the authority to pursue criminal or civil actions for any CSA violations whenever the Department determines that such legal action is warranted. This includes, but is not limited to, actions to enforce the criminal provisions of the CSA such as:

- 21 U.S.C. § 841 (making it illegal to manufacture, distribute, or possess with intent to distribute any controlled substance including marijuana);

- 21 U.S.C. § 856 (making it unlawful to knowingly open, lease, rent, maintain, or use property for the manufacturing, storing, or distribution of controlled substances);

- 21 U.S.C. § 860 (making it unlawful to distribute or manufacture controlled substances within 1,000 feet of schools, colleges, playgrounds, and public housing facilities, and within 100 feet of any youth centers, public swimming pools, and video arcade facilities);

- 21 U.S.C. § 843 (making it unlawful to use any communication facility to commit felony violations of the CSA); and

- 21 U.S.C. § 846 (making it illegal to conspire to commit any of the crimes set forth in the CSA).

In addition, Federal money laundering and related statutes which prohibit a variety of different types of financial activity involving the movement of drug proceeds may likewise be utilized. The Government may also pursue civil injunctions, and the forfeiture of drug proceeds, property traceable to such proceeds, and property used to facilitate drug violations.

The Washington legislative proposals will create a licensing scheme that permits large-scale marijuana cultivation and distribution. This would authorize conduct contrary to federal law and thus, would undermine the federal government's efforts to regulate the possession, manufacturing, and trafficking of controlled substances. Accordingly, the Department could consider civil and criminal legal remedies regarding those who set up marijuana growing facilities and dispensaries as they will be doing so in violation of federal law. Others who knowingly facilitate the actions of the licensees, including property owners, landlords, and financiers should also know that their conduct violates federal law. In addition, state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA. Potential actions the Department could consider include injunctive actions to prevent cultivation and distribution of marijuana and other associated violations of the CSA; civil fines; criminal prosecution; and the forfeiture of any
property used to facilitate a violation of the CSA. As the Attorney General has repeatedly stated, the Department of Justice remains firmly committed to enforcing the CSA in all states.

We hope this letter assists the State of Washington and potential licensees in making informed decisions regarding the cultivation, manufacture, and distribution of marijuana.

Very truly yours,

Jenny A. Durkan  
United States Attorney  
Western District of Washington

Michael C. Ormsby  
United States Attorney  
Eastern District of Washington
City of Kent Contractor License

Date: 10-18-10

1. Name of Business: Sue's
   Business Address: 19329 3rd Ave W
   City: Bothell WA 98012-6710 State: WA ZIP: 98012-6710
   Phone: ( ) 206 533 3507 FAX ( )
   Mailing Address: PO Box 27437
   City: Seattle WA State: WA ZIP: 98115-2743

2. WA State UBI#: 603048780

3. TRN (Tax reporting number): 

4. □ Indiv. □ Partnership □ LLC □ Corporation Provide ownership information: include supplemental list if needed.
   Owner(s) Name(s): Jessica King
   Business Address: 19329 3rd Ave W
   City: Bothell WA 98012-6710 State: ZIP:
   Phone: ( ) 206 533 3507 FAX ( )
   Owner(s) Name(s): 
   Business Address: 
   City: 
   Phone: ( ) 
   FAX ( )

5. Contact Person: 
   Phone ( ) E-mail:

6. Description of Business: Medical Patient to Patient Networking Service

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW 42.17.260. I understand that issuance of this license is conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the City of Kent and the State of Washington. The issuance of this business license does not imply compliance with the Zoning, Uniform Fire and Building Codes.

Signature: Jessica King Print Name: Jessica King Date: 10-18-10
Title: OWNER

Incomplete applications will not be processed.

For Office Use Only: BLOC #: 200770 Date Rec'd: 10/18/10 Date Mailed: 

TR #: Amt. Paid: $50.00 Other: 

RevNo 1559_7_19 White BL File Generator Applicant's Receipt Copy
# City of Kent Commercial Business Application

**Exhibit C**

**City of Kent Commercial Business Application**

**Ordinance No. 3035**

**Fee Must Accompany Application**

(Circle One)

- New Business: $154.00
- New Owner: $154.00
- Indep. Contractor: $100.00
- Multiple Dwelling: $100.00

**Opening:** July 1 or after

- Non-Profit: No Charge
- 501(c)(3)Req: No Charge

**Relocation In Kent:** No Charge

**Prior Address:**

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Business</td>
<td>$154.00</td>
</tr>
<tr>
<td>New Owner</td>
<td>$154.00</td>
</tr>
<tr>
<td>Indep. Contractor</td>
<td>$100.00</td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**PLEASE TYPE OR PRESS FIRMLY**

**Black or Dark Blue Ink Only**

All licenses expire December 31. Renewal Invoices mailed in December.

---

## Contact Information

- **City of Kent Customer Services**
  - 224 Fourth Avenue S.
  - Kent, WA 98032-5895
  - Phone: (253) 856-5210
  - Fax: (253) 856-6200

## Business Information

**Name of Business:** Suzie Q's

**Address:** 19435 68th Ave S, Suite 506

**City:** Kent, WA

**Zip:** 98032

**Phone:** (206) 583-6567

Fax: ( )

---

## Owner Information

- **Owner(s) Name(s):** Jessica King
- **Home Address:** 19329 3rd Ave W
- **City:** Bothell
- **State:** WA
- **Zip:** 98012

**Contact Person:** Jessica King

---

## Business Details

**Date Opened In Kent:** 2/1/11

**Type of Building Occupied:** Single-Tenant

**Floor Space Occupied by Business In Square Feet:**

**Address(es) of Warehouse/Distribution Centers in Kent:**

---

**Type of Business:** Alternative Medical Consulting

**Description of Business:**

- **NAICS Code:** 811010

**Prior Address:**

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Business</td>
<td>$154.00</td>
</tr>
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<td>$154.00</td>
</tr>
<tr>
<td>Indep. Contractor</td>
<td>$100.00</td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

---

**Emergency Information for Fire & Police Departments:**

**Two After Hours Local Names & Phone Numbers:**

**Name:**

**Phone:**

**Name:**

**Phone:**

---

**Type of Business:**

- Wholesale Trade
- Retail Trade
- Service
- Manufacturing
- Construction
- Govt.
- Transp./Commun./Util.
- Finance/Insur./RE
- Education
- Health Industry
- Sales/Mktg.
- Rental Housing # Units
- Other

**Do You Share a Location with Another Business?**

- No
- Yes

**Who?**

**Include Working Owners—Total # Full Time Employees:**

**Total # Part Time Employees:**

---

**Type of Building Occupied:**

- Single-Tenant
- Multi-Tenant
- Single-Tenant Warehouse
- Multi-Tenant Warehouse
- Mixed-Use-List mixed-uses:

**Floor Space Occupied by Business In Square Feet:**

**Address(es) of Warehouse/Distribution Centers in Kent:**

**Are there any hazardous materials used or stored at location?**

- Yes
- No

---

**I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge.**

**I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW 42.17.260.**

**I understand that issuance of this license is conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the City of Kent and the State of Washington. The issuance of this business license does not imply compliance with the Zoning, Uniform Fire and Building Codes.**

**Signed:**

**Print Name:** Jessica King

**Title:** President

**Date:** 2/1/11

---

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

---

**FOR OFFICE USE ONLY:**

- Master Control #: 12108
- Date Rec'd: 2/17/11
- Date Mailed:

---

**White: IL File**

**Genera'l: Applicant's Receipt Copy**

**BLAP 2.2.0238**
City of Kent Commercial Business Application

Exhibit D

City of Kent Customer Services
220 Fourth Avenue S.,
Kent, WA 98032-5866
(253) 856-5210 Fax (253) 856-6200

PLEASE TYPE OR PRESS FIRMLY
Black or Dark Blue Ink Only
All licenses expire December 31. Renewal invoices mailed in December.

1. WA State UBI# 603047697
2. NAICS
3. Date Opened in Kent / / 
4. Indiv. Partnership LLC Corporation
Owner(s) Name(s) Home Address Address Name of Business Suite City State Zip Phone
Sasha Vince 2541 139th Ave SE Sunbelt Medical Center 103 Kent, WA 98032 (425) 248-9066
5. Contact Person: Sasha Vince
6. Name of Business Center/Apartment Complex, if Applicable
7. Parent Company Name, if Applicable:
8. Independent Contractor? Yes No
9. Billing Address: 2541 139th Ave SE City/State Kent Zip 98032
10. Description of Business: Medical consultation service for people with out insurance
11. Type of Business: (Check those which apply)
   □ Wholesale Trade □ Retail Trade □ Service □ Manufacturing □ Construction □ Govt.
   □ Transp./Commun./Util. □ Finance/Insur./RE □ Education □ Health Industry □ Sales/Mktg.
   □ Rental Housing # Units Other
12. Do You Share a Location with Another Business? No Yes Who?
13. Include Working Owners—Total # Full Time Employees: Total # Part Time Employees: 0
14. Emergency Information for Fire & Police Departments: TWO after hours LOCAL names & phone numbers:
   Name Dina Bany Phone (253) 577-9553 Name Ashley Vance Phone (253) 751-1061
15. Type of Building Occupied: Single-Tenant Multi-Tenant Multi-Tenant Warehouse
   □ Single-Tenant Warehouse □ Mixed-Use-List mixed-uses:
16. Floor Space Occupied by Business In Square Feet
17. Address(es) of Warehouse/Distribution Centers in Kent
18. Are there any hazardous materials used or stored at location? Yes No
   If Yes, explain

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW 42.17.260. I understand that issuance of this license is conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the City of Kent and the State of Washington. The issuance of this business license does not imply compliance with the Zoning, Uniform Fire and Building Codes.

Signature

Print Name

Owner

Date

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

FOR OFFICE USE ONLY: Master Control # BL 21010671 Date Rec'd 9-17-10 Date Mailed
T.R. # Amt. Paid 7546 Other
(253) 754-66 A 12/07 White: BL File: Canary: Applicant's Receipt Copy
BUSINESS LICENSE RENEWAL NOTICE
For Licensing Period
January 1, 2011 - December 31, 2011

Date Due: January 31, 2011 Amount Due $100.00 Business License No. BLC-2100671

Check all boxes that apply: ☑ New Owner ☑ Kent Relocation ☑ Out of Business ☑ New Mailing Address

PLEASE MAKE ANY NECESSARY CORRECTIONS. ALL SECTIONS MUST BE COMPLETED

BUSINESS NAME - MAILING ADDRESS
SUN LEAF MEDICAL CENTER
25411 139TH AVE SE
KENT, WA 98042

LOCATION ADDRESS (IF DIFFERENT)
SUN LEAF MEDICAL CENTER
6625 S 190 ST #B-103
KENT, WA 98032

1. Business Phone: 425-248-9066 Fax:

2. Business Owners: (Provide Corporate Officers, if applicable.)
Name: JUSTIN VANCE
Hm Address: 25411 139TH AVE SE
City: KENT State: WA Zip Code: 98042
Hm Phone: 425-248-9066

Name:
Hm Address:
City: State: Zip Code:
Hm Phone:

3. Emergency Contacts:
DIAN IBAY 253-630-2195 Phone:
ASHLEY VANCE 253-551-1061 Phone:

Permit (Item 824):
Customer (Item 754):

4. Description of Business: MEDICAL CONSULTATION SERVICE FOR PEOPLE WITH OUT INSURANCE

5. Employees at Kent Location as of 10/31/2010:
Full Time: 1 Part Time: 0

6. Business Organization:
☐ Individual ☑ Partnership ☑ Corporation ☑ LLC ☑ Other:

7. UBI/Tax#: 6030476978 NAICS Code:

8. Floor Space Used: 950 Sq.Ft

10. Mark if any of the following are on the premises:
☐ Amusement Devices ☐ Gambling* ☐ Karaoke/Cabaret
*Pull Tabs, Punch Boards, Card Room

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW

Signature ___________________________ Title ___________________________ Date ______________
Print Name ___________________________ 

Make a copy of the completed form for your records.

Mail in the enclosed envelope with
Check/Money Order Payable to: City of Kent
(Do Not Include with your Utility Payment)
City of Kent Commercial Business Application

Name of Business: Herbal Choice Caregivers
Address: 1901 68th Ave South Suite A110
Kent, WA 98032
Phone: (206) 931-9253
Fax: (253) 638-3639

1. WA State UBI# 603 002 972
2. NAICS 81
3. Date Opened in Kent 7/1/2018
4. □ Indiv. □ Partnership □ LLC □ Corporation Provide ownership information; include supplemental list if needed.
   Owner(s) Name(s) Home Address City State Zip Phone Deryck Tsang 2123 43rd P.S. Kent WA 98032 ( )
5. Contact Person: Deryck Tsang
6. Name of Business Center/Apartment Complex, if Applicable
7. Parent Company Name, if Applicable:
8. Independent Contractor? □ Yes [ ] No
9. Billing Address: City/State Zip
10. Description of Business: "provide education, information and alternative herbal remedies"
11. Type of Business: (Check those which apply)
   □ Wholesale Trade □ Retail Trade □ Service □ Manufacturing □ Construction □ Govt. □ Transp./Commun./Util. □ Finance/Insur./RE □ Education □ Health Industry □ Sales/Mktg. □ Rental Housing # Units □ Other
12. Do You Share a Location with Another Business? □ No [ ] Yes Who?
13. Include Working Owners—Total # Full Time Employees: □ Total # Part Time Employees:
14. Emergency Information for Fire & Police Departments: TWO after hours LOCAL names & phone numbers:
   Name Deryck Tsang Phone 206 931-9253 Name Phone
15. Type of Building Occupied: □ Single-Tenant □ Multi-Tenant □ Single-Tenant Warehouse
   □ Multi-Tenant Warehouse □ Mixed-Use—List mixed-uses:
16. Floor Space Occupied by Business in Square Feet __ 700 sq ft
17. Address(es) of Warehouse/Distribution Centers In Kent
18. Are there any hazardous materials used or stored at location □ Yes □ No
   If Yes, explain

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW 42.17.260. I understand that issuance of this license is conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the City of Kent and the State of Washington. The issuance of this business license does not imply compliance with the Zoning, Uniform Fire and Building Codes.

Signature Deryck Tsang Date 9/3/2010
Print Name Deryck Tsang Title Director

Incomplete Applications will not be Processed

For Office Use Only: Master Control 853 8908 94 Date Rec'd 9/10/10 Date Mailed 8/13/11
BUSINESS LICENSE RENEWAL NOTICE

For Licensing Period
January 1, 2011 - December 31, 2011

Date Due: January 31, 2011 Amount Due $100.00 Business License No. BLC-2100524

Check all boxes that apply: ☐ New Owner ☐ Kent Relocation ☐ Out of Business ☐ New Mailing Address

PLEASE MAKE ANY NECESSARY CORRECTIONS. ALL SECTIONS MUST BE COMPLETED

BUSINESS NAME - MAILING ADDRESS

HERBAL CHOICE CAREGIVERS
19011 WEST VALLEY HWY #A110
KENT, WA 98032

LOCATION ADDRESS (IF DIFFERENT)

HERBAL CHOICE CAREGIVERS
19011 WEST VALLEY HWY S #A110
KENT, WA 98032

1. Business Phone: 206-931-9253 Fax: 253-638-3639

2. Business Owners: (Provide Corporate Officers, if applicable.)

Name: DERYCK TSANG
Hm Address: 21628 43RD PL S
City: KENT State: WA Zip Code: 98032
Hm Phone: 206-931-9253
Name: COLAMSA TSANG
Hm Address: 206-852-8980
City: KENT State: WA Zip Code: 98032
Hm Phone: 206-931-9253

3. Emergency Contacts:

DERYCK TSANG 206-931-9253 Phone: __________
COLAMSA TSANG 206-852-8980 Phone: __________

Permit (Item 824) Permit # 2100524
Customer (Item 754) Permit # 136147

4. Description of Business: PROVIDE EDUCATION, INFORMATION & ALTERNATIVE HERBAL REMEDIES

5. Employees at Kent Location as of 10/31/2010: Full Time: 2 Part Time: 2

6. Business Organization:

☐ Individual ☐ Partnership ☑ Corporation ☐ LLC ☐ Other:


8. Permit #:

10. Mark if any of the following are on the premises: ☐ Amusement Devices ☐ Gambling* ☐ Karaoke/Cabaret

*Pull Tabs, Punch Boards, Card Room

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW

Signature ___________________________ Title ___________________________ Date 1/14/11

Print Name ___________________________

Mail in the enclosed envelope with Check/Money Order Payable to: City of Kent (Do Not Include with your Utility Payment)

Make a copy of the completed form for your records.
Exhibit H
City of Kent Commercial Business Application

City of Kent Customer Services
220 Fourth Avenue S
Kent, WA 98032-5595
(253) 856-5210 Fax (253) 856-5200

PLEASE TYPE OR PRESS FIRMLY
Black or Dark Blue Ink Only
All licenses expire December 31. Renewal invoices mailed in December.

1. WA State UBI# 602-99R-799
2. NAICS
3. Date Opened In Kent 5/1/10
4. □ Indiv. □ Partnership □ LLC □ Corporation Provide ownership information; include supplemental list if needed.
   Owner(s) Name(s) Home Address
   CHARLES LAMBERT 925 E. MAPLE ST KENT WA 98032
5. Contact Person: CHARLES LAMBERT
6. Name of Business Center/Apartment Complex, If Applicable CENTRAL AVE. PLAZA
7. Parent Company Name, If Applicable: N/A
8. Independent Contractor? □ Yes □ No
9. Billing Address: 204 N. CENTRAL City/State KENT Zip 98032
10. Description of Business: SUPPLY MEMBERS WITH NATURAL HERBS/HEALTHCARE PRODUCTS
11. Type of Business: (Check those which apply)
   □ Wholesale Trade □ Retail Trade □ Service □ Manufacturing □ Construction □ Govt.
   □ Transp./Commun./Util. □ Finance/Insur./RE □ Education □ Health Industry □ Sales/Mktg.
   □ Rental Housing # Units □ Other
12. Do You Share a Location with Another Business? □ No □ Yes Who?
13. Include Working Owners—Total # Full Time Employees: 2 Total # Part Time Employees:
14. Emergency Information for Fire & Police Departments: TWO after hours LOCAL names & phone numbers:
   Name DAVID TANNISON Phone 253 381-6590 Name THEBA TANNISON Phone 253 381-6570
15. Type of Building Occupied: □ Single-Tenant □ Multi-Tenant □ Single-Tenant Warehouse
   □ Multi-Tenant Warehouse □ Mixed-Use/Build mixed-uses:
16. Floor Space Occupied by Business In Square Feet 870 sq.ft
17. Address(es) of Warehouse/Distribution Centers In Kent N/A
18. Are there any hazardous materials used or stored at location □ Yes □ No
   If Yes, explain

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington RCW 42.17.260. I understand that issuance of this license is conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the City of Kent and the State of Washington. The issuance of this business license does not imply compliance with the Zoning, Uniform Fire and Building Codes.

19. Signature
   Print Name
   Owner 3/24/10

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

FOR OFFICE USE ONLY: Master Control BAR Code 100 Date Received 3/19/10 Date Mailed 3/19/10
CITY OF KENT  
Business Licensing  
220 4th Ave S  
Kant, WA 98032  
(253)856-5210

**BUSINESS LICENSE RENEWAL NOTICE**  
For Licensing Period  
January 1, 2011 - December 31, 2011  

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**Date Due:** January 31, 2011  
**Amount Due:** $100.00  
**Business License No.:** BLC-2100163

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**BUSINESS NAME - MAILING ADDRESS**

**EVERGREEN HOLISTIC CENTER**  
204 CENTRAL AVN #6  
KENT, WA 98032

**LOCATION ADDRESS**

**EVERGREEN HOLISTIC**  
124 CENTRAL AVN #101  
KENT, WA 98030

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1. **Business Phone:**  
2. **Business Owners:**  
   - **Name:** CHARLES LAMBERT  
   - **Hm Phone:** 209-576-5668

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3. **Emergency Contacts**
   - **DAVE TENNYSON 253-332-6966**  
   - **TERESA TENNYSON 253-813-6590**

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4. **Description of Business:** SUPPLY MEMBERS WITH NATURAL HERBS, HEALTH PRODUCTS

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5. **Employees at Kent Location as of 10/31/2010:**  
   - **Full Time:** 2  
   - **Part Time:**

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6. **Business Organization:**  
   - Individual  
   - Partnership  
   - Corporation  
   - LLC  
   - Other:

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7. **UBI/Tax #:**  
8. **NAICS Code:**  
9. **Floor Space Used:** 924 Sq.Ft

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10. **Mark if any of the following are on the premises:**  
   - Amusement Devices  
   - Gambling*  
   - Karaoke/Cabaret

   *Pull Tabs, Punch Boards, Card Rooms

---

I hereby certify that the statements and information furnished by me on this application are true and complete to the best of my knowledge. I also acknowledge that the statements and information furnished by me on this application are public records and are available for public inspection pursuant to State of Washington R.C.W.

**Signature:**  
**Title:**  
**Date:** 1/24/2011

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**Print Name:**  
**Mail in the enclosed envelope with Check/Money Order Payable to:** City of Kent  
(Do Not Include with your Utility Payment)

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**Make a copy of the completed form for your records.**
MEMO - For Discussion Purposes Only

Three Models for Secure Access to Medical Cannabis in Light of the Governor’s Partial Veto of E2SSB 5073

The Governor’s partial veto of E2SSB 5073 (also referred to below as “2011 Wash. Laws, ch. 181”) created uncertainty for local jurisdictions by removing the “guts” of legislation that originally provided clarity to the state’s Medical Marijuana Act, Chapter 69.51A RCW.

This uncertainty is addressed below by identifying and discussing three models for accessing safe, consistent, and secure sources of medical quality cannabis. These three models include: collective gardens, patient networks, and non-profit patient cooperatives. Only the first model is explicitly discussed in 2011 Wash. Laws, ch. 181. The following two models (patient networks and non-profit patient cooperatives) arguably fall within the spirit of the post-veto E2SSB 5073.

Lastly, a short discussion is provided regarding the legislation’s express grant of authority to local jurisdictions with regard to the zoning, licensing, health and safety requirements, and business taxes pertaining to the production and processing of medical cannabis.

A. Collective Gardens

Post-veto E2SSB 5073 allows for patients to form collective gardens. See 2011 Wash. Laws, ch. 181, sec. 403(1) (“Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use[.]”). These gardens are limited to 45 plants and 10 patients. There is no limit, however, to the number of collective gardens that may be located at any physical address and there is no indication on the length of time each patient is required to be a member of a specific collective garden. Presumably, patients may be members of several collective gardens.

In addition, nothing in the post-veto legislation precludes collective gardens from operating a storefront for patients to access their medicine. A storefront would be beneficial not only to patients who may not be able to access a collective garden located in a basement, crawl space or garage, but also to the garden. A storefront avoids excessive human contact with the garden and helps to maintain health and safety concerns in producing medical-quality cannabis. In general, gardens should be protected from human exposure; exposure to multiple patients puts the garden at risks of plant diseases, mites, etc.
Despite the potential flexibility in the number of gardens at any one location and each member's length of involvement in any particular garden, the 10 patient requirement would have to be carefully monitored to assure compliance with Chapter 69.51A RCW.

B. Non-Profit Patient Co-Operatives

Unlike collective gardens, a non-profit patient co-operative is not expressly addressed in 2011 Wash. Laws, ch. 181. This model, however, was endorsed by Dan Satterberg, the King County Prosecutor, in an internal memo.

In our experience, there are cases where groups of individuals share, distribute, and cooperate in the growing and distribution of marijuana to those medically in need. While ideally, all involved would have proper medical documentation, we do not wish to prosecute these operations so long as it is clear that qualifying patients/providers are distributing to other qualifying patients/providers, and that someone in the operation has proper documentation.

Dan Satterberg, Medical Marijuana Case Review Standards (2008)

In general, a non-profit patient cooperative would work with several collective gardens to provide a safe, consistent, and secure source of medical quality cannabis. The co-operative could be zoned, regulated and taxed under 2011 Wash. Laws, ch. 181, sec. 1102 (1)(2) (discussed in more detail below).

This model eliminates the requirement for patients to grow their own medicine, find a patient network, or find an available collective garden in their neighborhood that has ADA access, and clean/safe medicine. The investment of time in cultivating a garden or finding an available, secure collective garden is simply not an option for patients suffering from the sudden onset of a debilitating condition or treatment.

Post-veto E2SSB 5073 limits the number of patients that may participate in a collective garden to ten, but has no requirement for the length of time for membership. Therefore, a non-profit patient co-operative that works with collective gardens may require its patients to temporarily become members of the specific collective garden that produced the selected medicine. When the patient leaves, they sign documentation terminating membership in that specific collective garden. Given the provisional nature of membership, collective gardens associating with non-profit patient cooperatives must be cautious not to exceed the 10 patient limit.

Additionally, each collective garden must be identified at the cooperative, and must not exceed the 45 plant limit. To allow the collective garden to grow 45 plants, at least three patients must be members of the collective garden at all times.
C. Medical Cannabis Patient Networks

Medical cannabis patient networks provide a means for patients to meet and gather. A non-profit “Patient Network” or “Medical Cannabis Club” is not expressly addressed in post-veto E2SSB 5073, but is arguably consistent with the legislation.

A Patient Network would be comprised of a group of authorized medical cannabis patients. This group would have a physical address where they meet. Any authorized medical cannabis patient may become a member. Membership fees would vary depending on building rent and expenses to operate. This type of entity could associate with collective gardens. Members of the Patient Network may also form collective gardens and possess, manufacture, and deliver to other authorized patients within the collective garden. The Patient Network could be subject to zoning restrictions, and health regulations. See Wash. Laws, ch. 181, sec. 1102 (1)(2))

D. Local Authority

2011 Wash. Laws, ch. 181, sec. 1102 is clear that regardless of vetoed portions of the bill, cities and towns may create zoning, licensing, health and safety standards, and business taxes.

Sec. 1102. (1) Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements, and business taxes. Nothing in this act is intended to limit the authority of cities and towns to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.

(2) Counties may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction in locations outside of the corporate limits of any city or town: Zoning requirements, business licensing requirements, and health and safety requirements. Nothing in this act is intended to limit the authority of counties to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.
STATE OF WASHINGTON, COUNTY OF KING
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE
Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Kent Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.
The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:

Public Notice

was published on July 8, 2011.

The full amount of the fee charged for said foregoing publication is the sum of $96.65.

Linda M. Mills
Legal Advertising Representative, Kent Reporter
Subscribed and sworn to me this 8th day of July, 2011.

Kathy Dalseg, Notary Public for the State of Washington, Residing in Covington, Washington
P. O. Number: