Planning Commission Meeting Minutes
January 27, 2014

COMMISSIONERS:
Present: Gil Michael, Annette Stewart, Trish Tierney, Dee Coppola, Stephanie Bailey, Robert Baglio.
Absent: Tadina Crouch, Tim Drury

STAFF PRESENT:
City Development Director Nick Bond, Associate Planner Tom Bonsell

1. CALL TO ORDER:
Chairman Annette Stewart called the meeting to order at 7:04 p.m.

2. AUDIENCE COMMENTS: Kathy Hartwell, Gary Chrey and Marc Islam present
None.

3. PUBLIC HEARINGS:
   a. Marijuana Regulations;
   Community Development Director Nick Bond began the discussion by explaining that this is a public
   hearing to make the interim ordinance permanent. Mr. Bond further explained that the interim
   regulations are set to expire on May 12, 2014. Mr. Bond explained that no changes to the interim
   ordinances were necessary. The regulations enact the requirements founds in the state regulations. Mr.
   Bond also explained that the marijuana ordinance was reviewed by the City Attorney and have been sent
   to the Washington State Department of Commerce for review with expected approval on February 20,
   2014. Mr. Bond also explained the attached AGO opinion that stated that if a city so chose, the city did not
   have to adopt marijuana ordinances. Mr. Bond did state that not allowing marijuana businesses in the city
   could generate law suits.

   A brief discussion occurred regarding that if the city wanted to disallow recreational marijuana in the city
   a paper from the State AGO said the city could. Mr. Baglio asked Bond if the City attorney has reviewed
   the AGO's information sheet. Mr. Bond replied by saying that they had discussed it, but were still
   concerned about future legal action if the city wanted to disallow the use. In order to minimize attorney
   fees, some sort of marijuana regulations should be passed. Chair Stewart asked if any licenses are
   pending with the City and Mr. Bond said we have a number pending waiting on the LCB lottery and
   license approval. Commissioner Tierney asked if these permanent regulations are more restrictive than
   the state regulations. Per Mr. Bond, we are not adding any additional regulations except to formalize state
   regulations.

   Audience member Kathy Hartwell asked if exclusion buffers are movable with the opening and closing of
   businesses. Mr. Bond said potentially yes but if a daycare etc., moved into unrestricted area that would
   not force existing marijuana businesses to close. Mr. Bond said that if daycares or schools were to close
   that could open the unrestricted area.

   Commissioner Michael was concerned about the attached map and asked about the excluded areas and
   how was the exclusion zones created. Mr. Bond explained how marijuana businesses could not be located
   within 1,000 feet of parks, schools and daycares facilities. Mr. Michaels asked if the exclusion zones were
   calculated from private parks. Mr. Bond did not believe that it was since the parks were private, were not
   used in calculating the exclusion zones. Mr. Michaels asked if we had a “Park” definition in code. Mr.
   Bond read from POMC 16.08.532 that left some ambiguity because it said that parks are open to the
   public and private parks are not. Mr. Michael suggested that the public hearing be held-over until next
   month to give staff time to resolve the question of private parks. Mr. Bond explained that the ordinance is
   not approving the map, only the language.
Kathy Hartwell spoke in favor of adopting the ordinance as written for various reasons.

Mr. Bond read the definition for “parks” and a park created and maintained for private use is not a park by definition.

Commissioner Baglio suggested that the public hearing should be closed and the ordinance be voted on and meanwhile staff could do research on the issue and if necessary the map could be revised before sending the recommendation to the City Council for a decision.

Robert Baglio made a motion to approve the resolution without amendments, seconded by Commissioner Tierney, Votes for Baglio, Bailey, Coppola and Tierney, votes against, Michaels.

At this point the Planning Commission Chairperson decided to conduct the public meeting on the BP uses change rather than stay with the agenda order.

b. Downtown Overlay District (DOD) Uses;

Mr. Bond introduced the agenda item and stated that the city attorney had reviewed the draft ordinance and made some minor edits and that the ordinance was ready for a planning commission recommendation. Chair Stewart opened the public hearing. No public testimony on the proposed ordinance was provided. Chair Stuart closed the public hearing.

4. BUSINESS ITEMS:

a. Business Professional (BP) Uses:

Associate Planner Tom Bonsell began by giving a brief recap of the last meeting and how Commissioner Michaels had asked if the affected property owners had been notified about pending changes and Mr. Bonsell had said they had said not but that would be remedied by the January meeting. Mr. Bonsell explained that as suggested, a notice of public meeting was placed in the paper, put on the city website and a mailing was completed to all parcel owners with 1,000 fee of the BP II zoning designation. Commissioner Michaels ask how many comments were received and Mr. Bonsell explained that except for a few comments there were none and the few that called or came by the Planning Department were not going to be affected and not concerned.

Mr. Baglio asked about the vacant building. Mr. Bonsell indicated the approximate vacancy rate but the information was challenged by Mr. Baglio. Baglio thought there was one totally vacant building and after discussion, upon reflection Bonsell accepted Baglio assertion. Bonsell said that was more reason to aloe more permitted uses.

Marc Islam spoke to his memo where he suggests increasing permitted uses. Islam went through his memo line by line and spoke to each suggestion.

Commissioner Tierney suggested Veterinary’s would be appropriate for the zone.

Commissioner Michaels made suggestion to eliminate most of the suggested commercial uses

Commissioner Baglio asked how to proceed on the changes suggested by Marc Islam and Gary Chrey. It was decided that the Planning Commission would review both lists and take informal votes. Discussions ensued regarding office use and nondestructive testing. The following is the list of Planning Commission recommended changes: Creation of a Business Professional (BP II) Computer photography of portraits, debt counseling or adjustment services to individuals, hair removal salons, diet workshops, genealogical investigation services, hair weighing or replacement services, quilting for individuals, scalp treatments, Construction and trade (limited to office use) (equipment and material staging and overnight parking prohibited) Individual transportation and taxi (equipment and material staging prohibited), trucking and currier service (equipment and material staging prohibited), transportation services (equipment and material staging prohibited),outdoor advertising services (limited to office use) Research development and testing (nondestructive testing only with no loud noises or odors), Daycare, Veterinary Clinic (no
burning of animals or boarding not associated with vet services), Specialized instruction school (limited to 6,000 sq. ft.), School district administrative facility (limited to 6,000 sq. ft. and no outside instruction), eating and drinking places (limited to 2,000 sq. ft. no franchise sandwich shops and drive thru not permitted.

b. Reschedule February and June Planning Commission Meetings:
The planning commission voted that the because of the holiday on February 17, 2014 that the meeting will be moved to February 24, 2014.

The Planning Commission also agreed that even though the Director of Community Development would not be able to attend the June 16, 2014 meeting that it would be held as planned.

c. Selection of Planning Commission chair:
Commissioner Annett Stewart was nominated to return a chair person. The vote was unanimous in favor.

5. APPROVAL OF MINUTES December 16, 2014:
Planning Commissioner Robert Baglio made the motion to approve the minutes. Commissioner Trish Tierney seconded the motion. Upon vote, motion passed unanimously, 4 – 0.

6. ADJOURN:
Chairman Annett Stewart adjourned the meeting at 9:10 p.m.

[Signatures]
Annette Stewart, Chairman
Nick Bond, City Development Director