



PLANNING COMMISSION

May 2, 2017

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Commissioner Mason, Commissioner Stephens, Commissioner Copple, Commissioner Moutzouris, and Commissioner Smith. Commissioner Shin and Commissioner Lee were excused.

Staff present included: City Attorney Dan Heid; Director of Community Development and Public Works Kevin Snyder; Assistant City Attorney Jessica Leiser; Assistant Director of Community Development Services Jeff Tate; and Administrative Assistant Tina Kriss.

Members of the public present: Kirk Edwards, Philip Dawdy, and David Osgood.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. April 4, 2017

Commissioner Copple moved and Commissioner Smith seconded to approve the minutes from the April 4, 2017 meeting minutes as written.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

No public hearing items were brought forward.

V. OTHER BUSINESS

A. Proposed Ordinance No. 6642, Regulations of Marijuana Related Business and Cooperatives within the City of Auburn

Assistant Director Tate provided background information on proposed Ordinance No. 6642. He reminded Commission that at the April 4, 2017 meeting the Commission asked staff to return to the next meeting (May 2, 2017) with additional information on the marijuana business regulation survey and to report on any actions taken by the Washington State Legislature during the 2017 legislative session.

Staff explained that the next steps are to hold a public hearing on draft Ordinance No. 6642 when the Commission is comfortable moving forward. Staff asked the Commission to consider a public hearing date of June 6, 2017 after holding tonight's discussion if the Commission feels they are ready to go forward.

Assistant Director Tate stated the marijuana business regulation survey remained open until today. An updated report was compiled today, May 2, 2017, staff distributed the current survey results. Mr. Tate explained that approximately four (4) additional responses were noted since providing the last survey report, March 21, 2017 and there was a slight variation to the results which were similar to the March 21, 2017 report.

Assistant City Attorney Jessica Leiser reported that the 2017 Washington State Legislature is in special session and based on information from the Association of Washington Cities (AWC) the special session is expected to run into July, 2017. Ms. Leiser stated, currently the budget appears to be the item moving forward and that of the marijuana bills introduced to the legislature, only one appears to have made it to the finish line, predominately housekeeping in nature. It is theoretically possible to see language that effects local marijuana regulations resurrected in the form of a substitute bill but because the focus is on the budget it is unlikely. She added, it is fair to say that at least for the next year we do have legislative certainty that the landscape will not change in the Washington State Legislature although rule making from the Washington State Liquor Cannabis Board (WSLCB) may take place but it does not appear that those rules will affect local regulations.

Staff reviewed additional proposed modifications to Ordinance No. 6642 based on the Planning Commission's March 21, 2017 recommendations.

1. Page 11 (5.20.250.B.4) – add to the business license chapter of city code a cross reference to ACC 18.59.110. ACC 18.59.110 is the section of the draft regulations that outlines when a public review meeting is required and the standards for how it is noticed and conducted.
2. Page 29 (18.04.120) – the prior version of draft Ordinance No. 6642 provided a new definition for "Game Arcade". Upon further review, Chapter 18.04 already utilizes and defines "Arcade". Rather than creating a new definition, staff proposes to modify the existing definition of "Arcade".
3. Page 33 (18.59.020.B) – adds language that a retail establishment no longer operating under a State or City license is grounds for determining that a retail establishment has lost its standing as one of the authorized retail activities.
4. Pages 34 – 35 (18.59.030.C) – for each of the 3 separation options, consolidate items #1 and #2 that distinguish between public and private schools. Also, add language that requires schools that are planned for construction be considered when applying the separation standards.
5. Page 35 (18.59.030.D) – clarify that a right-of-way line can be used when measuring distance under the separation requirements.
6. Page 35 (18.59.030.E) – moving this section to 18.59.090 because it does not pertain to separation requirements.
7. Pages 35 – 36 (18.59.050) – modify term for consistency with rest of chapter.

8. Pages 36 – 37 (18.59.060 and 18.59.060.G) – add a section related to “non-conforming uses.” Section G clarifies that legally established, existing uses are not “non-conforming uses” as that term is used in ACC 18.54.
9. Page 37 (18.59.090.B) – further clarify that existing producers and processors that are less than 4,000 square feet are legal conforming uses.
10. Page 38 (18.59.100) – clarify that the permitting milestone for the pre-application conference is that prior to submittal of a business license (as opposed to other types of licenses and permit applications).
11. Page 38 (18.59.110.A) – clarify that the public meeting requirements are also applicable to existing businesses seeking to relocate to a different tax parcel.
12. Page 38 (18.59.110.C) – clarify that the public review meeting must occur prior to submittal of a business license (as opposed to other types of licenses and permit applications).
13. Page 38 (18.59.110.E) – require that the subject matter of the meeting be included in the notification of the public meeting.
14. Page 39 (18.59.110.J) – clarify that all of the public meeting information must be submitted with the business license application (as opposed to other types of licenses and permit applications).

The Commission and staff discussed the public notification process for a Public Review Meeting under 18.59.110.A. and E. Staff explained that a public review meeting would be required and the meeting would need to be held in a publicly accessible location within one (1) mile of the proposed business site as proposed in the ordinance.

Staff also explained that the existing businesses do not need to reapply or renotece irrespective of the separation requirements as they would be considered, under proposed Ordinance No. 6642, to be legal, existing, and conforming.

A discussion was held as to which policies an existing or conforming marijuana business would be subject to. Staff explained that policies laid out under proposed Ordinance No. 6642 would be applied to new marijuana business activities but clarified it does not mean that existing businesses would not have to be subject to City of Auburn code such as public nuisances as an example. Under Auburn City Code, Chapter 8, Public Nuisances, if an existing business is contributing to a public nuisance the City would still have the ability to approach that business and seek resolution of that nuisance. The same would be true for City of Auburn zoning ordinances.

The Commission and staff discussed the City of Auburn legislative history of I-502 and the merging of the medical and recreational marijuana businesses within the State of Washington and how the WSLCB made the determination to move the allowance of two (2) marijuana retail licenses to four (4) for Auburn. Staff pointed out that as the WSLCB has a better understanding of what and where the needs are the state may increase the number of licenses at a future time.

Commissioner Mason asked if there were any additional statistics to show if the city has experienced any additional health risks to our youth, or negative impacts to the city's public health since legalizing and allowing marijuana retail businesses to

operate. Director Snyder stated that specific data from school districts and medical facilities has not been gathered and at this point in the process the data would be subjectively observational or antidotal verses factual.

Director Snyder stated that Assistant Police Chief Pierson provided information to the Commission at previous meetings addressing the legalization of marijuana and potential impacts. Assistant City Attorney Leiser explained that a link was provided to the Commission in the memorandum provided in the March 21, 2017 meeting packet to The Washington State Marijuana Impact Report by the Northwest High Intensity Drug Trafficking Area. Ms. Leiser stated the reports do not provide enough data and precision to the data collected to determine specific impacts to the community. Mr. Snyder stated that he will reach out to local folks to see if any other factual data is available and report to back to the Commission prior to the public hearing.

The Commission and staff discussed the current number of marijuana related businesses located in the City and the number allowed by the WSLCB. Director Snyder explained to the Commission that they are not under any legal obligation to recommend a specific number of licenses allowed in the City. He stated that the Commission, as part of their recommendation to City Council, can concur with staff's recommendations on the number of marijuana related businesses allowed, decide to recommend a specific number of licenses within the City, or can decline to recommend any number as part of their specific recommendation leaving it up to City Council.

Assistant Director Tate reported that the maps depicting options 1, 2, and 3 within proposed Ordinance No. 6642 continue to be refined to include parcel specific information. They will be transmitted to the Commission by May 12, 2017, several weeks prior to the public hearing if the Commission is comfortable with that timeline. The Commission concurred to hold the public hearing June 6, 2017 and asked staff to provide the maps ahead of the public hearing.

B. Planning Commission Rules and Procedures

Assistant Director of Community Development Services, Jeff Tate, reviewed the modifications to the proposed Rules and Procedures made per the recommendations of the Planning Commission at their April 4, 2017 meeting.

City Attorney Dan Heid recommended that under section XII.E. CONFLICT OF INTEREST, the word "heard" be changed to "reviewed" to read: "No member may participate in any decision if the member had not reviewed the staff reports and testimony presented at the hearing on the matter".

Commissioner Mason moved and Commissioner Moutzouris seconded to approve the 2017 amended Planning Commission Rules and Procedures as amended.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Discussion on Planning Commission Email

Chair Roland asked if the Planning Commission could receive a formal Planning Commission email address through the City of Auburn. Assistant Director Tate stated staff is working on this request.

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate reported that the 2015 Comprehensive Plan is being compiled into an e-book format making it more functional for those that want to review those documents electronically. A professional editor has finished with the document and electronic and hard copy versions will be provided to the Commission Members shortly.

At the May 1st, 2017 City Council Meeting Mayor Backus announced that the City of Auburn, Valley Cities Counseling, and the Auburn Food Bank will be opening day and night services for the homeless and underserved in Auburn at the end of May, 2017. The facility will be located at I Street NE and 26th Street NE. The property located at 915 26th Street NE, The Phoenix Rising Group Residence Facility common building, is proposed to be utilized to provide nighttime services. The property to the south across the street from the Phoenix Rising Group Residence Facility is proposed to be utilized to provide daytime services by adding a temporary, portable building that provides shelter and services.

Staff explained that Valley Cities Counseling owns the property, the Auburn Food Bank and Catholic Community Services will separately run the day and night services.

Director Snyder stated future conversations will continue to be held as the program continues to operate and provide an opportunity to assess the operations, needs, and ability to see what other partnerships become available. The Temporary Use Permit is approved for 24 months.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:09 p.m.

