



PLANNING COMMISSION

March 21, 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 Lee, Vice-Chair Copple, Commissioner Shin, Commissioner Moutzouris, and Commissioner Smith. Commissioner Stephens was excused.

Staff present included: Assistant City Attorney Jessica Leiser; Community Development & Public Works Director Kevin Snyder; Assistant Director of Community Development Jeff Tate; Planning Services Manager Jeff Dixon; Planner II Alexandria Teague; Planner Cecil Malik; and Administrative Assistant Tina Kriss.

Members of the public present: Miles Veal, Shelli Veal, Eric Gaston, Kirk Edwards, David Osgood, Philip Dawdy, and Tim Edwards.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. March 7, 2017

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the March 7, 2017 meeting as written.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

No items were brought forward for public hearing.

V. OTHER BUSINESS

A. Proposed Ordinance No. 6642, Regulations of Marijuana related Businesses and Cooperatives within the City of Auburn* (Snyder)

Assistant Director of Community Development Services, Jeff Tate, presented the staff report for proposed Ordinance No. 6642, regulations of marijuana related business and cooperatives within the City of Auburn. Assistant Director Tate recounted the discussion at their last meeting and provided background information and an overview of the March 14th, 2017 memorandum which included information requested by the Commission at their February 22, 2017 meeting. Included were maps and data as part of the "Heat Map" addressing population health vulnerability

issues that provide additional general information about health conditions in Auburn referenced by Assistant Chief of Police Bill Pierson. Staff reviewed the sales tax information for marijuana retail stores located in Auburn; \$10,000 in 2015, \$29,000 in 2016, and no distribution of dollars in 2017 to date. This is revenue directly received from the State of Washington but not attributed specifically to a percentage of sales tax.

Staff explained that a request was made to the 4 School Districts to identify any known future school sites for potential inclusion in geographic separation options for marijuana businesses. Based on the information received, staff concluded the Kent, Federal Way, and Dieringer School District boundaries are not within close proximity to property that is zoned C-3, M-1, or M-2 and their intentions related to expansion are not located within Auburn. Mr. Tate stated it is the opinion of staff that Auburn is the only school district within relative close proximity to the zoning designations in which the draft regulations allow for various types of marijuana related activities.

Staff responding to the request of the Commission at the last meeting regarding physical separation of marijuana businesses reported that the school district has identified 5 properties owned by the Auburn School District that are not presently operating as a school. Of the 5 properties, only one property located on I Street NE is identified by the Auburn School District as a potential future school site. Mr. Tate stated it is staffs' opinion that the draft language in the Ordinance should be modified in a manner that excludes school district owned properties from the separation requirements unless they are either currently being used as a school, or the property is specifically identified in an adopted in the District's 6-year capital facilities plan, as a future school site.

Commissioner Copple stated he agreed with staff's opinion to use the adopted 6-year capital facilities plan provided by the school district to determine if a property should be excluded from the separation requirement regulations contained in Ordinance No. 6642.

Mr. Tate reminded the Commission that the social impact data from legalizing marijuana was not copied for the packet and hyperlinks were provided to the Commission on reports conducted by the State of Washington and Colorado and the University of Washington.

Assistant Director Tate explained that the public survey recommended to run for 10 days by the Commission at their March 7, 2017 meeting has been conducted. At 2:00 p.m. today, the results were taken and compiled in a report, the survey remains active. A copy of the report was distributed to the Commissioners at the beginning of the meeting. The results were reviewed by staff.

Staff explained, as part of the outreach methods a mass emailing of 10,450 general emails were sent; a Facebook posting with approximately 3,988 Facebook followers was posted; 3,230 emails were sent with the Weekly Mayor's update message; and an ad was placed in the Auburn Reporter (newspaper), circulated to 23,942. Staff stated the city received approximately 75 or so responses to the survey which is much less than the outreach effort.

Staff reminded the Commission that the next steps moving forward would be to continue the discussion on the regulations and when the Commission is satisfied, to schedule a public hearing. Mr. Tate asked the Commission if they are satisfied with the outreach efforts to date or if more work is needed to receive public input.

The Commission and staff discussed the social media outreach and survey efforts and other methods of conducting a survey. After discussion, the Commission determined it would be beneficial to leave the survey active until approximately one week before the public hearing to continue to receive input from the public.

A Commission member asked if an increase in retail and producer activity would change the population health vulnerability issues for Auburn. Community Development and Public Works Director Snyder stated that based on the current data collected the question cannot be answered at this time, more data specific to Auburn would need to be collected.

A discussion was held on the current operating marijuana retail businesses and the zoning districts they are located within and if they comply with the separation requirements proposed under Ordinance No. 6642. Staff confirmed that the C-3 zoning district they are operating within is the appropriate zoning designation under the proposed ordinance, but the separation requirements would not be met for Options 1 and 2 and only 1 business would meet the requirements for Option 3. A retail marijuana business in the Downtown Urban Center (D.U.C.) is an outright prohibited use in the DUC as drafted in the proposed ordinance. Staff pointed out that the Commission has the right in their recommendation to City Council to recommend the proposed ordinance, not accept the draft ordinance, and to modify including changes to allow the businesses conditionally (requiring a conditional use permit).

The Commission asked staff to map out the current retail business locations. Staff stated that they will provide the locations mapped out of each of the current active retail marijuana business and the overall boundaries of where marijuana related business would be permitted under the Options.

The Commission and staff discussed various scenarios of vesting of retail marijuana related businesses and if the proposed ordinance addresses a business moving due to nonconforming issues. Staff explained the current draft ordinance does not likely address in detail if a move is necessary to conform to the separation requirements. Staff will be reviewing the language within Proposed Ordinance No. 6642 with optional language that would address a retail business and provide language for the requirements.

After discussing the conformity of zoning and separation requirements Assistant City Attorney Leiser clarified how a business can continue to operate while not appearing to be conforming under new regulations. Ms. Leiser stated all of the active marijuana related businesses currently in the City of Auburn have City of Auburn business licenses, In the context of conforming vs nonconforming to separation standards it does not apply to business licenses. With regards to the zoning compliance as

proposed with the current Options of 1, 2, and 3 some scenarios where currently existing businesses may not conform to all of the requirements whereby they meet the zoning but not the separation requirements. Should the Commission make a different recommendation so that they did meet the proposed separation requirements. If there were a situation where those businesses don't conform to all of the proposals would necessarily inhibit those businesses as they would be entitled to continue where they are or potentially relocate to another location, where allowed. It would not be a hindrance as a result of subsequently adopted regulations. Legacy land uses occurs routinely and business owners are aware of the zoning and land use regulations.

The Commission confirmed that they would like to continue to keep the public survey regarding marijuana businesses active and have staff report back with the additional survey results and the more information requested by the Commission at their May 2, 2017 meeting.

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate, noting that this is not the regular meeting, did not have a report for this evening.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:13 p.m.