



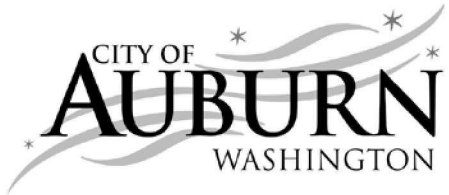
PLANNING COMMISSION MEETING

March 4, 2014
AGENDA

- I. CALL TO ORDER – 7:00 p.m., Council Chambers**
- II. ROLL CALL/ESTABLISHMENT OF QUORUM**
- III. APPROVAL OF MINUTES**
 - A. February 4, 2014**
- IV. PUBLIC COMMENT**
 - Comment from the audience on any item not listed on the agenda for public hearing.*
- V. PLANNING DEPARTMENT REPORT**
 - Update on Planning and Development Department activities.*
- VI. OTHER BUSINESS**
 - A. Recreational Marijuana* (Jones)**
 - Summary: Review and discuss proposed options for regulating State licensed marijuana uses in the City.
- VII. ADJOURNMENT**

The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.



DRAFT
PLANNING COMMISSION

February 4, 2014

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.

II. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Couture, Commissioner Mason, Commissioner Baggett, Commissioner Pondelick, and Commissioner Smith.

Staff present included: City Attorney Dan Heid, Planning Services Manager Elizabeth Chamberlain, Principal Planner Jeff Dixon, and Planning Secretary Tina Kriss.

Members of the public present were: Kahn Tran, Coni Orvis, Del Goad, and Senior Project Engineer Jacob Sweeting.

APPROVAL OF MINUTES

A. January 22, 2014

Staff pointed out two scrivener's errors that have been corrected in the January 22, 2014 minutes. Commissioner Pondelick was added to Roll Call and the word "a" has been removed from the second line of the last paragraph, page 2.

Commissioner Copple moved and Commissioner Mason seconded to approve the minutes from the January 22, 2014 meeting as corrected.

Motion carried unanimously. 7-0

III. PUBLIC COMMENT

There were no public comments on any item not listed on the agenda for discussion or public hear.

IV. PLANNING DEPARTMENT REPORT

Planning Services Manager Elizabeth Chamberlain provided the following updates:

Green River Community College has begun their Student Life Project. As part of the project, 5 buildings will be demolished and a student life building will be constructed. The pre-construction meeting will be held Wednesday, February 5, 2014, with construction starting within two weeks.

Ms. Chamberlain reviewed the new webpage for the "Imagine Auburn" visioning work that has begun as part of the Comprehensive Plan update. The logo, "Imagine Auburn, Dream today, Shape tomorrow" will be used on all the materials published for the update. The webpage can be found at www.auburnwa.gov/imaaineauburn, a dedicated

page where a community questionnaire will be posted in the next several days. An invitation has also been sent out to the City's GovDelivery list serve about neighborhoods hosting workshops or having the city staff visit Homeowners Association meetings in February and March if requested. A dedicated email has also been established at imagineauburn@auburnwa.gov

The foundation, or pier supports for the Trek building are completed, they will begin constructing the next phase of the project.

V. PUBLIC HEARING

A. City-Initiated Rezone (Zoning Code map Amendment, Auburn Way S and Hemlock ST SE)

Principal Planner Jeff Dixon explained that the City identified the Comprehensive Plan Map Amendment and associated step of rezoning these two parcels as part of the items for consideration for the annual Comprehensive Plan amendments. This City-initiated proposal consists of changing the designation of the following two contiguous properties:

- 3210 Auburn Way S, Parcel # 2815000010, 0.51 acres owned by Coni Orvis
- 3216 Auburn Way S, parcel # 2121059073, 1.06 acres owned by Khanh Tran

The combined land area of the two subject parcels is approximately 1.56 acres. The requested rezone change, is from the "R5, Residential" to "C1, Light Commercial" zone.

Principal Planner Dixon reviewed the related comprehensive plan amendment and rezone process and a staff analysis of the City-Initiated Rezone with the criteria. On December 2, 2013, the City Council approved Ordinance No. 6489 changing the Comprehensive Plan designation of the subject properties to "Light Commercial".

Rezoning the subject property from "R5, Residential" to "C1, Light Commercial" will align the zoning district to the already changed Comprehensive Plan designation. The zoning change will assist in implementing these goals benefitting the community and general welfare to meet community and growth management goals as noted in Chapter 3, "Land Use", and Chapter 14, "The Comprehensive Plan Map".

Based upon the application, Findings of Fact, and Conclusions of the staff report, Principal Planner Dixon stated staff recommends that the Planning Commission recommend to the City Council approval of the rezone without conditions.

The Commission and staff discussed the Tippin's property, next to the properties subject to the rezone proposal, and the zoning of the Tippin's property.

Chair Roland opened the public hearing on the City-Initiated Rezone, REZ13-0004, at 7:29 p.m.

Coni Orvis, 3210 Auburn Way S, Auburn

Ms. Orvis stated she supported the change in zone for the future sale of her property. She asked the question, if she was occupying her property as residential but the zoning change went through as commercial, would her property taxes be impacted. Staff explained that taxation is set by the county and the City is not involved in those assessments. If a change is made, there is a process to appeal tax assessments through the county.

Ms. Orvis stated she is thankful for the Planning Commission's time and would appreciate the zoning change to commercial.

With no other comments from the public Chair Roland closed the public hearing on the City-Initiated Rezone, REZ13-0004 at 7:29 p.m.

Commissioner Copple moved and Commissioner Smith seconded moving the City-Initiated Rezone, REZ13-0004, to full Council for approval.

Commissioner Couture asked if the Tippin's property could be included in the rezone. City Attorney Heid explained that the Planning Commission could include the Tippin's property within the recommendation but it would not be necessary given the property is currently compatible with any use needed by the City, should the City obtain the property.

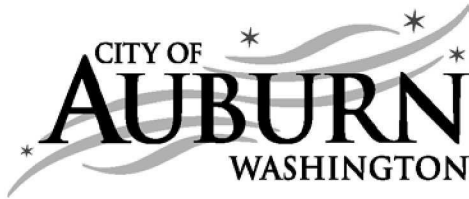
Motion approved. 6-1

Commissioner Couture voted no.

The next Planning Commission meeting will be held March 4, 2014.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 7:41 p.m.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

CC: Mayor Nancy Backus
Jeff Tate, Assistant Director, Community Development Services
Elizabeth Chamberlain, AICP, Planning Services Manager

FROM: David L. Jones, AICP, Senior Planner

DATE: March 4, 2014

RE: **RECREATIONAL MARIJUANA (CANNABIS) cont. discussion**

Overview

On January 22, 2014, City Planning and Legal staff presented additional review and analysis materials for the Planning Commission regarding State Initiative 502 (I-502) which allows the State to license and regulate cannabis production, processing, distribution, and possession for persons over 21. As part of the continued discussion of these materials, the Planning Commission identified a need for additional information.

The following items were identified by the Commission as needing additional analysis:

1. Additional analysis of cannabis waste disposal, specifically amounts allowed on-site
2. Matrix of zoning for those zones that would allow cannabis use
3. Cannabis related arrest data
4. Example of review/processing of State licensed cannabis uses
5. Revise map showing areas of the City where licensed cannabis uses can locate based on the 1,000-foot buffer requirement per WAC 314-55-050(10)

Disposal

The disposal of solid and liquid cannabis waste is covered in WAC Section 314-55-097. This section details the requirements that all 3 license types must follow regarding the disposal of cannabis waste.

Further review of this WAC Section provided no additional information regarding the storage of marijuana waste product prior to mixing with either compost or refuse materials to comply with the mandated 50/50 mixture and that waste materials must be handled in accordance with the State Waste Handling Standards (WAC 173-350), as well as the requirements outlined in WAC Section 314-55-097.

Current Zoning Overview for Cannabis Related Uses

Please refer to Attachments A and B.

Cannabis Related Police Activity

The numbers below reflect the City of Auburn Police Departments total number of cannabis related arrests for past three years.

Year 2011: 177 cannabis related arrests

Year 2012: 107 cannabis related arrests

Year 2013: 16 cannabis related arrests

These are arrestees where cannabis was present in the case. This does not mean that all of these arrestees were necessarily charged with cannabis related crimes.

The drop-off in 2013 is most likely due to the anticipation of the new law and the changes that the prosecutor's office made as a result.

Process of Application per Options Provided

At the December 3, 2013 Planning Commission meeting, staff presented three (3) options to the Commission for their consideration. At that meeting, it was requested that staff provide a pro/con analysis of the options based on feedback from the Commissioners at that meeting.

During the January 22, 2014 Planning Commission meeting, staff presented the pro/con analysis for each of the three options to the Commission for their consideration. At that meeting, it was requested that staff prepare a draft of the City's application review process for State licensed cannabis uses, detailing the process for each option.

The following is a high level overview of the processes that would occur based on each option:

Option 1: Prohibition of Cannabis Uses

- Amendment to Auburn City Code (ACC) Chapter 9.22 prohibiting State licensed cannabis uses.
- No approval action would be taken on any State license. All State licensed cannabis uses would be prohibited in the City.
- Send the ACC Chapter section detailing the City's prohibition language to the Liquor Control Board (LCB).

Option 2: Comply with State Requirements Only

- Amendment to ACC Chapter 5.10 detailing exceptions to City licensing requirements.
- City would review applications received by the LCB for appropriateness and send findings to the LCB within 20 days.
- City would not regulate beyond the scope of I-502, the WAC, or the RCW.
- City would not approve any licenses that action would be at the State level; the City would just enforce compliance with State regulations.
- Business could begin operation under the provisions of State law.

Option 3: Adopt Additional City Zoning Requirements to State Requirements

- Amendments to ACC Chapters 18.23, (based on current knowledge, Chapters to be amended could increase)
- City would review applications received by the LCB for appropriateness and send findings to the LCB within 20 days. This review would include review of the additional regulating criteria as established in the ACC for State licensed cannabis related uses.

- The City would treat the review and processing of cannabis related uses as it would any other permitted use in the City, including, but not limited to: business licensing, development regulations, zoning compliance, building code compliance, etc.
- City could approve applications, issue permits and business licenses.
- Business could begin operation if found to be in compliance with local and State regulations.

NOTE: The major difference between Option 2 and Option 3 is that while both would result in cannabis uses/businesses being able to operate, under Option 2 the City is not granting any permits or approving any activity that is illegal under federal law. Under Option 3, the City would be granting approvals that would conflict with current federal law.

Next Steps

Staff anticipated bringing back to the Commission a recommendation on how to proceed forward at the April 8, 2014 meeting.

Staff has outlined the following questions for the Planning Commission to discuss and provide feedback to Staff:

1. Based on the information provided, does the Commission wish to add elements to the Options as presented?
2. Are there any additional items the Commission wishes Staff to consider at this time?

Attachments:

Attachment A – Zoning Matrix

Attachment B - Potential State Licensed Locations for Cannabis Uses

State Licensed Cannabis Use Zones (Based on 1,000-foot Buffer Requirements per I-502)

P = Permitted A = Administrative C = Conditional Use X = Not Permitted

	C1	C3	CN	M1	M2	UNC
Producer¹	X	P	X	P	P	X
Producer²	X	X	X	P	P	X
Producer³	X	X	X	X	A	X
Processor¹	X	P	X	P	P	X
Processor²	X	A	X	P	P	X
Processor³	X	X	X	X	A	X
Retailer⁴	P	P	A	P	P	P
Retailer⁵	P	P	P	P	X	P

¹Classified as LIGHT INTENSITY Manufacturing, Assembling and Packaging.

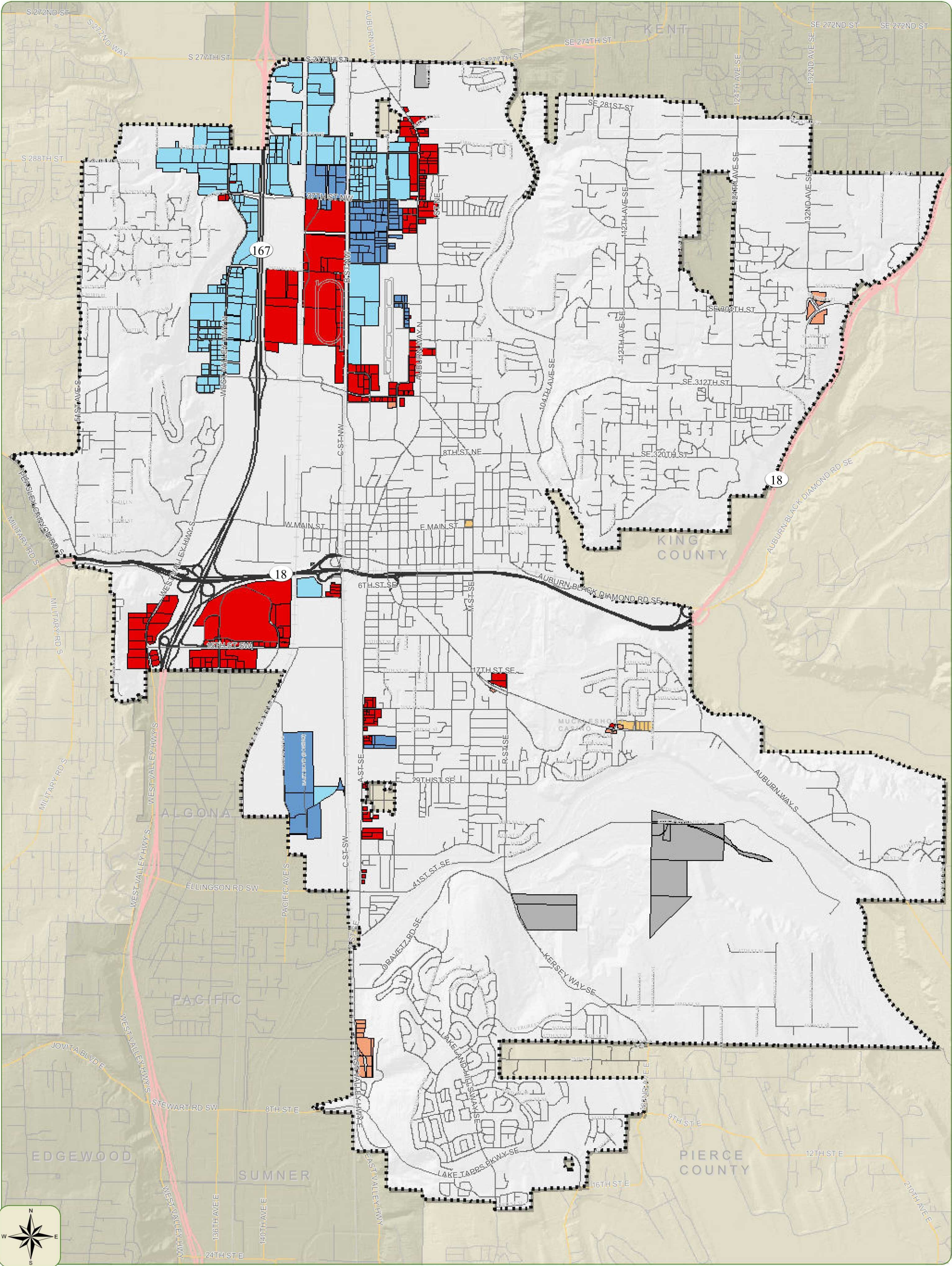
²Classified as MEDIUM INTENSITY Manufacturing, Assembling and Packaging.

³Classified as HEAVY INTENSITY Manufacturing, Assembling and Packaging.

⁴Retailers classified as Community Retail Establishments.

⁵Retailers classified as Groceries, Specialty Food Stores.

Potential State Licensed Locations for Cannabis Uses
(After 1,000 foot Buffer Requirement)



-  City of Auburn
-  C3 Heavy Commercial District
-  M1 Light Industrial District
-  UNC Unclassified Use District
-  C1 Light Commercial District
-  CN Neighborhood Shopping District
-  M2 Heavy Industrial District

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Map ID: 4313

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.