

PLANNING COMMISSION PUBLIC HEARING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, January 15, 2014

CALL TO ORDER: 7: 00 pm by Chair Huxford

MEMBERS PRESENT: Chair Janice Huxford, Vice-Chair Gary Petershagen, Linda Hoult, Pam Barnet, Tom Matlack, Jennifer Davis and Sammie Thurber

MEMBERS ABSENT: None

STAFF PRESENT: Planning and Community Development Director Rebecca Ableman, Senior Planner Russ Wright and Planning/Public Works Coordinator Georgine Rosson

OTHERS PRESENT: Chair Huxford welcomed the following members of the public:
Todd DeGabriele
Mark Wakefield
Mike WarHank

Excused Absence: None

Guest Business: None

Action Items:

Approval of Minutes from December 4, 2013: Commissioner Thurber made a motion to approve minutes. Commissioner Davis seconded. Motion passed 6-0-1-0. Commissioner Hoult abstained.

Election of 2014 Planning Commission Officers: Commissioner Hoult made a motion to nominate Vice-Chair Petershagen for Chair. Commissioner Thurber seconded. Motion passed 7-0-0-0.

Commissioner Hoult made a motion to nominate Chair Huxford for Vice-Chair. Commissioner Barnet seconded. Motion passed 7-0-0-0.

Public Hearing:

Staff Presentation: Proposed Code Amendments to Implement I-502, allowing the production, processing and retail sales of marijuana and marijuana products in the City of Lake Stevens - Senior Planner Russ Wright:

Chair Petershagen read the public hearing procedures. Senior Planner Wright presented the draft I-502 regulations, which include proposed regulations for business licensing, definitions, allowed zones, adoption of state regulations and local zoning provisions. Staff noted the proposed permanent regulations are consistent with state

regulations. The local zoning amendments include a minimum separation of 1,000 feet between legally established marijuana facilities and size limitations on production, processing and retail facilities. Senior Planner Wright also discussed the staff memorandum summarizing the January 13th City Council meeting. At that meeting, Council asked staff to clarify the 1,000-foot separation and look at establishing screening requirements along the Centennial Trail. The supplementary staff memorandum included proposed regulations responsive to Council's comments.

Commission's Questions for Staff:

Commissioners asked for clarification on the height of the increased screening requirements. Staff responded it is 20 feet. Commissioners asked about the application of the 1,000-foot separation, specifically if it would apply to production and processing only, since the city has been allocated a single retail outlet. Staff responded it would be between all facilities. Other questions focused on the relationship of medical marijuana to the proposed regulations. Staff responded that the city prohibits medical marijuana facilities; however, legislation may be presented this year giving the Liquor Control Board authority over medical marijuana regulations. Until that occurs, the two issues remain separate. Commissioner Hoult asked if staff looked at gateways to the city when deciding where these facilities would be allowed. Staff responded it did not look specifically at gateways, instead looked at which zonings would best fit the intended use and what other jurisdictions were proposing, taking into consideration the required 1,000 foot buffer from protected areas. Staff discussed outright prohibition briefly. Specifically, staff discussed legal guidance it had received and I-502 voter results. Commissioner Barnet asked if there was a reason Council did not consider interim regulations. Mr. Wright responded the main concern with interim regulations was the possibility of creating a non-conforming use.

Proponent's Comments: None

Comments from the Audience:

Todd DeGabriele, 3109 Mandolin Court, Lake Stevens. Mr. DeGabriele asked several questions including has the Commission and Council considered the possibility of bars opening smoke shops where people could smoke marijuana; is there a policy or code prohibiting smoking in public, have the impacts of stores selling marijuana paraphernalia been considered; are there policies in place for loitering or mobile sales. Mr. DeGabriele also asked what would be the hours of operation for marijuana facilities.

Mark Wakefield, 121 - 95th Dr. SE, Lake Stevens. Mr. Wakefield shared his opinions on how he felt the marijuana regulations would affect the community based on his experiences as a former law enforcement officer. He also responded to the previous speakers comments. He stated the law enforcement community supported the initiative. He also stated schools would receive increased funding from taxes collected from marijuana facilities.

Proponent Rebuttal Comments: None

Close Public Comment Portion of Hearing for Proposed Code Amendments to Implement I-502: Commissioner Hoult made a motion to close the public comment portion of the hearing. Vice-Chair Huxford seconded. Motion passed 7-0-0-0.

Close Public Hearing for Proposed Code Amendments to Implement I-502:
Commissioner Hoult made a motion to close the public hearing portion of the meeting. Vice-Chair Huxford seconded. Motion passed 7-0-0-0.

Discussion by Planning Commission:

Vice-Chair Huxford asked what the city has done with the business license applications it has received. Senior Planner Wright responded, at this point, all requested business licenses have been denied due to the moratorium. They would be eligible to re-apply once regulations are in place. The Commissioners offered their recommendations on the proposed regulations. Commissioner Matlack asked for clarification on what the Commission is recommending. Staff responded that the Planning Commission is recommending approval of the proposed amendments with specific local amendments included in the staff report along with the Council directed changes described in the supplemental memorandum. Vice-Chair Huxford abstained from voting on the recommendation because she owns property in affected zones. Commissioner Hoult would like to see the moratorium extended until the state legislators figure out who has authority; however, she will support the proposed amendments and Council recommendations.

Commission Action by Motion: Commissioner Matlack made a motion to recommend approval of sections 1-8 of the draft regulations and the Council directed changes. Commissioner Barnet seconded. Motion passed 6-0-1-0. Vice-Chair Huxford abstained.

The commission also recommended Council consider/monitor the following issues:

1. Hours of Operation for marijuana businesses,
2. Study the impact to surrounding business; and
3. Study the likelihood of revenue enhancements to the city.

Discussion Items:

Introduction to 2015 Comprehensive Plan – Planning Director Ableman and Senior Planner Russ Wright:

Director Ableman stated the city is required to perform a major comprehensive plan update by June 2015. This is an opportunity for the city to re-examine its vision, making sure everything is still relevant. The process will target public involvement along with heavy involvement from the Planning Commission. Staff presented two videos from the Association of Washington Cities highlighting the importance of the comprehensive plan update. Staff will provide a schedule and work plan at next month's meeting.

2014 Work Program – Planning Director Ableman: Staff will be preparing a work program for Planning Commission's recommendation to City Council. A joint meeting will be set up with Planning Commission and City Council to discuss the major update and work program.

Commissioner Reports:

Commissioner Hoult asked what the next step would be for the proposed marijuana regulations. Senior Planner Wright responded it will go before Council on January 27th and February 10th for public hearing. Commissioner Hoult also wanted to thank Vice-

Chair Huxford and Chair Petershagen for their leadership service this past year. Commissioner Thurber stated she would like to step down as the primary representative to Design Review Board. Commissioner Barnet agreed to be the primary representative and Commissioner Matlack agreed to be the alternate. Commissioner Barnet mentioned a meeting Thursday night focusing on developing a skate park in the city. The Rotary Club is sponsoring the meeting scheduled at the school district offices.


Planning Director's Report:

Planning Director Ableman stated the Park Plan has been certified by the state, which allows the city to apply for grants. Commissioner Hoult asked about the open planning position, Director Ableman responded staff is reviewing applications. Chair Petershagen asked about potential commercial development along 20th St SE. Director Ableman responded staff is continuing to work with a development group.

Adjourn. Commissioner Thurber made a motioned to adjourn at 8:28 p.m. Commissioner Hoult seconded. Motion passed 7-0-0-0.



Gary Petershagen, Chair



Georgine Rosson, Planning/
Public Works Coordinator