

**UNION GAP PLANNING COMMISSION
REGULAR MEETING OF
December 17th, 2013**

Call to Order:

The Regular and Study Session Meeting of the Union Gap Planning Commission was called to order by Chairman Mike Moore at 7:00 p.m.

**Planning Commission
Members Present:**

Chairman Mike Moore, Commissioner Dave Hansen, Commissioner Rick Cecil, and Commissioner Sandy Dailey were present.

Staff Present:

David L. Spurlock, Director and Andrea Ely, Administrative Secretary were present.

**APPROVAL OF MINUTES:
October 29th, 2013**

Motion by Commissioner Hansen, second by Commissioner Dailey to approve the Regular & Study Session Meeting Minutes of October 29th, 2013; motion carried unanimously.

Chairman Moore requested to a motion to appoint a new Pro-Tem as Commissioner Carney has been selected for City Council which leaves a Planning Commission vacancy. The Director stated that the vacancy was being advertised for already in the newsletter. A motion to approve Commissioner Hansen as Pro-Tem Chair by Commissioner Cecil, second by Commissioner Dailey; motion carried unanimously.

REGULAR MEETING

**Medical Cannabis Draft
Ordinance**

Commissioner Moore (relieved Chair to Commissioner Hansen) expressed his concern about the legal age listed in the draft, which was stated at 18 and thought it was to be 21. The Director reiterated that 18 is the correct age that the medical marijuana state law references; on the recreational side it is 21. The Director said the two separate legislations contradict on some aspects; age is one of them.

The Director attached two maps for siting review and both are set at 1000' buffer zones. In the original draft ordinance it states 750' for the buffers, but the Director suggested it should be 1000' and consistent with the Adult Business ordinance. The two maps presented have the 1000' buffer, from schools, parks, child care, and daycare facilities. The difference between the two maps is the first (pink) is considering residential zones and references the draft ordinance, and the second (blue and green) is considering what I-502 will look like without residential buffer zoning. As seen, this leaves a central light industrial areas open. The Director recommends the 1000' buffer as community gardens would meet those industrial criteria.

The Director clarified if the Planning Commission (PC) wished to move forward with the 1000' buffer zoning, next steps would be to send the amendment out for environmental review, issue a 60-day notice to the Department of Commerce, schedule a public hearing (which can be hosted at a Planning Commission meeting) and present it to Council. Commissioner Hansen motioned to amend the 750' buffer to 1000' buffer and proceed, second by Commissioner Dailey; motion carried unanimously.

COMMUNICATIONS

I-502 Discussion

The Director reminded members of the six-month moratorium on medical and recreational marijuana which began in November. The latest update from the Liquor Control Board (LCB) on I-502 is their request for a statement from the state Attorney General (AG). They would like to know if a jurisdiction can preempt a state law; or can a jurisdiction ban a land use that is permitted under state law. Some cities have gone to banning recreational marijuana and caused this question to be addressed. There is confusion and some fear of liability. An answer will not be anticipated until late January or February of next year.

The Director wanted to note staff will be doing research on what other ordinances are doing. Tukwila is similar to the city—predominately commercial/industrial and less residential. They are similar in our medical marijuana, specifically in regards to residential. Processing, selling or growing is not allowed in residential, but there is no buffer in the LCB proposal. Tukwila said residential is included in the buffer, applying it

to medical and recreational. Some adopted ordinances and accepted the state laws as written, others have banned them completely.

The Director clarified staff is currently not in a good position to make a recommendation until the AG offers a response statement. However if a recommendation was to be made the Director stated it should be similar to Tukwila; using the 1000' buffer and include residential. If the AG states that can be applied the City can move forward. The ordinance and land use can also be adjusted, if deemed necessary, at a later time.

Commissioner Hansen asked if the PC can modify it to the maximum restrictions, and then adjust after a statement is made. Chairman Moore stated that because there is a six-month moratorium it should allow sufficient time to consider the decision, but concurs with Commissioner Hansen's idea. The Director added that the goal should be for land use and codes to stay consistent.

Commissioner Dailey asked if after the decision has been made and changes were desired, would an addendum be required or would the PC have start over. The Director replied that the purpose of the PC is to make those very changes. As long as the PC has a rationale behind the adjustments made and includes open public process, the PC is fulfilling their role. Discussion and changes are made through the PC and then recommended to Council.

Commissioner Hansen stated these decisions could be revisited anytime. The Director stated measured action should be taken within the five months remaining of the moratorium. Staff will start working on a draft ordinance; some things may be changed if the AG states something other than expected. Chairman Moore asked if a proposal for a mock draft could be done. The Director replied that the staff will have a draft ordinance on recreational marijuana will be presented at the next regular PC meeting.

With no further discussion of I-502, the Director asked members to look at the new city webpage (www.cityofuniongap.com); the old website address (www.ci.union-gap.wa.us) will also redirect you to the new site. It is an evolving process and additions are being made frequently.

NEXT MEETING AGENDA

Chairman Moore stated the next meeting will be on January 28th, 2014 and will include the I-502 draft ordinance. End of January meeting okay will have the I-502 Draft. The Director wanted to include the Annual Report (draft) on the agenda as well.

The Director also wanted to inquire if the meetings should change to 6pm from 7pm. Council meetings have been moved to 6pm and PC meetings mirrored them. If there was time change to be made, this would be the time to change it.

Commissioner Hansen likes the 7pm; Chairman Moore said either way is fine with him, but inquired about staff working late. Staff is off work at 6pm, but allows time to get the room ready. Commissioner Hansen asked about staff overtime; the Director is on salary and the Administrative Secretary is on hourly rate.

MEETING ADJOURNED

There being no further discussion, the meeting adjourned at 7:28p.m.

Chairman, Mike Moore

ATTEST:

Andrea Ely, Administrative Secretary