

**UNION GAP PLANNING COMMISSION  
REGULAR MEETING OF  
JULY 23<sup>RD</sup>, 2013**

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

**Planning Commission Members Present:** Chairman Mike Moore, Commissioner Mark Carney, 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:** Motion by Commissioner Carney, second by Commissioner Cecil to approve the Regular & Study Session Meeting Minutes of June 25<sup>th</sup>, 2013; motion carried unanimously.  
**June 25<sup>th</sup>, 2013**

Chairman Moore motioned to excuse Commissioner Hansen from the Regular Meeting. Second by Commissioner Carney; motion carried.

**REGULAR MEETING**

**Formal Draft of PC Rules of Procedure** Chairman Moore stated on page 10 (*Section 7, A. Order of Business - Regular meetings*) numbers (*2. Order of roll call*) and (*3. Flag Salute*) should be stricken as meetings are informal and may cross lines of church and state. He also stated on page 12 (*3. A. Public Hearings*) the public should not have to be reminded to sign in. The Director stated that it is more for formal processes and record keeping.

The Director wanted to note that this document will set the foundation for the future procedures, but it is a Planning Commission (PC) document. Commissioner Cecil noted that the document can be revisited if required.

Chairman Moore requested to adopt the Draft with (*2. Order of roll call*) and (*3. Flag Salute*) omitted, and agreed to leave the (*3. A. Public Hearings*) sign-in section. Motion by Commissioner Cecil, second by Chairman Moore; motion carried.

**I-502/Medical Marijuana** The Director clarified that I-502 and Medical Marijuana are separate issues. He stated that when Medical Marijuana was first passed, a draft ordinance was organized by the Director and the City Attorney, based off a model issued by MRSC. The Director presented two other documents to the PC; the first from AWC FAQ's issued in July of 2011 and is a bit outdated. The second is an ordinance from the City of Yakima and is an example of another approach. They declared they are not going to permit, zone or issue anything against federal law.

The Director stated MRSE has a table on their website different approaches that other jurisdictions have taken; all different and inconsistent between each jurisdiction, especially from Western and Eastern Washington. Commissioner Carney asked if there was a way to limit the misuse of marijuana (e.g. minor back pain). The Director replied that is an inconsistency within the medical field. There are medical professionals who advocate use, some who advertise and even promote local events.

Commissioner Carney asked if the PC would only allow local practitioners to prescribe within the City. Chairman Moore commented that would cross doctor/patient rights. The Director stated that the City has no jurisdiction over a field that is already regulated. Chairman Moore added that it may cause discrimination and/or legal issues for medical privacy.

Chairman Moore would like to see the PC take the approach of applying taxes and siting criteria, like what was proposed with adult businesses. The Director stated that in order for taxes to be applied, it has to be permitted or licensed. Commissioner Cecil asked if

someone has a collective garden, currently they are not required to register it with the City at this time. The Director stated that was correct as the City's moratorium is expired.

Chairman Moore asked who will be allowed to view the registration information and what will the City Attorney ask of the PC regarding confidentiality. The Director replied the City Attorney is concerned about the Federal aspect. With I-502 and medical marijuana laws put our City staff in a position of violating federal laws. Commissioner Cecil suggested the PC should review what the new Governor's actions will be after meeting with Washington DC to avoid any discrepancies.

The Director stated that Governor Gregoire also spoke with Washington DC on removing the applications from the Type I list. The options that the Planning Commission will need decide will be to deny, allow, or allow with conditions. Chairman Moore said he would like to table that discussion until I-502 becomes ratified into law. The Director contradicted; Sept. 16<sup>th</sup> is when the Liquor Control Board opens up for applications for I-502 for 30-day window.

Chairman Moore wanted to know if the City can tax it without consequence. The Director stated the PC can go in that direction if wanted. Commissioner Carney wanted to know if providers charge a growing fee for their patients. Commission Cecil replied they are donations, which are non-taxable.

The Director clarified that dispensaries are illegal on the medical side. Personal use and growing is allowed, having a designated provider is also legal. The reason for designated providers would be for those with terminal illness and unable to grow their own. Commissioner Carney stated there is no mechanism for services provided. If there is no fee then taxes are immaterial. The Director stated taxes could apply with the I-502 aspect; it is recreation use issue and taxable like liquor.

The Director believes siting criteria suggested at 750 feet from schools, public places, etc., with conditions can help regulate it. Chairman Moore stated he would go along with conditions as set.

Commissioner Carney would like to see a couple of changes made. Regarding the changing of designated provider timelines, the 30 day transfer from provider to provider he would like to see longer. The Director replied that time frame falls along the same lines as the State.

Commissioner Cecil asked if a patient can go to whatever collective garden that they choose. The Director replied that was the way the law was written by the State. People were signing up for a designated provider, moments later disposed of the form and another was obtained causing the loophole. The State stepped in and enforced a time frame for providers.

Commissioner Cecil also stated that a patient can have up to 15 plants per collective garden; Commissioner Carney added there are only 45 plants per collective garden allowed. Commissioner Cecil noted that there is no limitation for how many collective gardens a patient may be a member of. Chairman Moore clarified; 24oz of cannabis per patient, up to a total of 72oz. is allowed. Commissioner Cecil said a dispensary could have 10 members if they wanted to but only up to 45 plants.

Commissioner Carney did not agree with the registration fee; \$25.00 per register seemed low and he suggested \$25.00 per patient was more reasonable. The Director stated that charging per patient could be a violation of HIPPA laws. Chairman Moore agreed that the Planning Commission cannot ask for the patients registered, but that the Police Department (PD) could obtain them. The Director clarified that PD can know where the business is located but cannot ask for personal medical records.

The Director said the fee can be raised, but needs to be rationalized for doing so. Starting fee could be \$75.00 and may be adjusted. Commissioner Dailey asked where the fee goes to. Commissioner Carney and Chairman Moore replied it goes to the City and registration is good for one year. The Director reiterated it is important to note it is not a permit, but a registration.

If the Planning Commission decides to pass this, a public notice will need to be released, a SEPA and public hearing. It will go through a 60-day review with the Department of Commerce; similar to the Critical Areas process. It may be at least two months before adoption. Those that are existing would have to come into compliance or be subject to code enforcement.

Commissioner Dailey asked if the fee was what Commissioner Carney wanted to change. Commissioner Carney stated the \$25.00 was too low and that \$75.00 was better. The Director stated that building permits may also apply for the facility and utilities. Chairman Moore added that the City also collects taxes on Pacific Power & Light usage, which from his understanding might be significant. Commissioner Carney stated that many might be outside growers.

Chairman Moore mentioned that the Mayor and City Attorney of Seattle stated that 59% of their criminal cases were related to marijuana. He is curious what the City's percentage and if the City has a criminal problem with marijuana usage. The Director stated that the west side and east side differ in social and economic issues, yet in Seattle many cases were dismissed which cut in court costs.

Chairman Moore would like to know if the PC can see statistics. Commissioner Cecil stated the PC would need all statistics, car thefts, drunk driving, etc. Commissioner Dailey agreed that if documentation is to be retrieved for validation, so should alcohol. The Director forwarded the question—should these statistics change how the PC approaches the ordinance.

Commissioner Carney stated that he supported for the medical marijuana for concerns like terminal illness, but was not in support of it recreationally. Chairman Moore added that he is curious if Seattle has seen criminal influence since they have changed the law. The Director stated it is probably too early to tell.

Commissioner Carney wanted to reference the Findings & Facts (Exhibit "A") on the City of Yakima Ordinance No. 2012.03; chapter 11 (pg. 3). It states the increase in crime effects from the *White Paper on Marijuana Dispensaries* from April of 2009. Commissioner Carney believes the City may be the hub due to the agricultural industry in the northwest. The Director stated that due to the demographics (Canada, Mexico & Hawaii) the City is central. Chairman Moore clarified that this issue will need to be tabled to the next meeting, but fees can be adjusted.

Commissioner Carney asked if the 30 day time frame (provider to provider) can be adjusted. Commissioner Cecil thought that might prevent patients from receiving their medication. Commissioner Carney stated he wanted to resemble and allowance. Chairman Moore stated that can be discussed at the next meeting as well. Commissioner Cecil motioned to table this issue to the next meeting, second by Commissioner Dailey; motion carried unanimously.

## **COMMUNICATIONS**

**Airport Overlay** Chairman Moore stated the City of Yakima released voted to extend the airport runway to 8000 feet; he would like to know what effects this will have on the City of Union Gap. The Director replied none as all the expansions will run North; he has been in touch with the Airport manager. All the requirements for any landing or takeoffs would require his approval. It was all going to be contained in the Airport property.

The Director continued there are some impacts to the runway to the east (#27 that runs southeast to northwest) is sustained where it is. The City has never adopted overlay zoning and will need to address it. It doesn't change impacts today, but needs to be reviewed; making sure schools and/or warehouses near the airport are accounted.

The Director noted a review for a Verizon tower is just under completion with a tower near the runway in which they worked out an 80' height. Chairman Moore thought that was high for being in the flight line. The Director stated it started at 100 feet; and that locations are difficult to place. Commissioner Carney stated it would have been better on the roof. The Director stated that bringing back the ordinance of roof top placement might be good for discussion.

Chairman Moore asked what else needed to be discussed under communications. The Director stated that aside from medical marijuana, I-502 will need to have siting criteria added an additional column titled *Marijuana Dispensary* to the zoning table.

The Director noted that Commissioner Carney and Commissioner Dailey are subcommittees. The Council has chosen 3 members to start subcommittee meetings, such as Finance, Community & Economic Development (CED), etc. These are regular meetings which inform the Council members of any issues and are open to the public. The first CED meeting is August 5<sup>th</sup>. Commissioner Cecil asked if will be on the newsletter, the Director replied it should be and that they are sent out quarterly. The Director also wanted to note that the CED department will have a highlight insert in the August edition.

**Website &  
Internet Technologies**

Commissioner Carney stated he would like to see the website to look that well. Chairman Moore asked if the newsletter will cease when the website is accessible. Commissioner Carney stated that it would be good to see Yakima County complete the website. The Director stated that the City of Yakima was originally chosen to consolidate IT concerns like the website and general IT services. Commissioner Carney stated he was concerned about the service. The Director assured him that if anything malicious comes from their services, he will submit his comments to the Council immediately. He added that the website is currently being worked on and should be accessible shortly.

Commissioner Dailey asked how long the contract will be. The Director stated the City of Yakima will be hosting the website. At any time we can discontinue if the hosting is not adequate. He stated the web developer is very good at design and informational setup. Commissioner Carney stated he was unable to find code links on the City of Yakima's website. The Director replied that every department is required to provide web content. The web developer can see how many times a webpage is viewed; departments that don't have good content won't be visited as much.

Commissioner Dailey stated that Scott was hired by the City and he has a website for tourism, she wanted to know if that was reviewed prior to choosing the City of Yakima. The Director stated that Tourism is like its own department. The website is an IT issue, whereas tourism is more promotional. The Director stated that there are documentation requirements for public record purposes, security concerns, insurance issues that come with websites; this was considered in the decision making. It was not intended to take business away from private companies, but in reality is a service that is difficult to find locally.

**NEXT MEETING AGENDA**

Chairman Moore stated that the next meeting agenda will include Medical Marijuana, possibilities to the Airport Zoning Overlay, I-502 Growing - Processing – Retail, 17.04 Zoning code.

**MEETING ADJOURNED**

There being no further discussion, the meeting adjourned at 7:42 p.m.

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Chairman, Mike Moore

ATTEST:

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Andrea Ely, Administrative Secretary