

UNION GAP PLANNING COMMISSION
REGULAR MEETING OF
September 24, 2013

Call to Order: The Regular and Study Session Meeting of the Union Gap Planning Commission was called to order by Chairman Pro Tem Mark Carney at 7:00 p.m.

Planning Commission Members Present: Chairman Pro Tem Mark Carney, Commissioner Rick Cecil, Commissioner Sandy Dailey and Commissioner Dave Hansen were present.

Staff Present: David L. Spurlock, Director; and Andrea Ely, Administrative Secretary were present.

APPROVAL OF MINUTES: Motion by Commissioner Cecil, second by Commissioner Dailey to approve the Regular & Study Session Meeting Minutes of July 23rd, 2013; motion carried unanimously.
July 23rd, 2013

REGULAR MEETING

Discussion The Director wanted it noted the agenda items are discussion items. Regarding agenda
Medical Marijuana item *B* the zoning ordinance for medical marijuana; many jurisdictions are going to a moratorium. It is not to prohibit actions, but allow time to assess appropriate measures.
& Currently in the City any applications which are received and not zoned will fall automatically under a class 3 zoning review. The Director suggested to the Planning Commission (PC) to motion for a recommendation to the Council to enact a moratorium on I-502. This legislation will allow time for review. Commissioner Cecil asked how much time the moratorium would give. The Director stated six months initially and if the PC wishes to extend it, there must be justifiable reasons to do so.
Discussion
I-502 Moratorium

Chairman Pro Tem Carney stated that sales will not start until June of 2014. The Director replied it might be Spring of next year, but December 31st will be when state rules go in effect. The earliest processing of applications will be spring or summer, but there is not a set date that he is aware of. The Liquor Control Board (LCB) sent out a survey asking each jurisdiction what their current actions are. They are inquiring who has an ordinance or not. The Director submitted comments last week.

Commissioner Hansen asked if the Director wanted it mandated. The Director stated that the PC should motion for a six month moratorium, in which he would put a letter together on behalf of the PC to the City Attorney and City Council.

Chairman Pro Tem Carney inquired as to when the final rules will be applied. The Director answered December for a final set of rules and believes the PC will be good on a zoning level by then. There will be details to work out (e.g. 1000 foot setbacks and walking routes). Some citizens find the rules too restrictive; being close to schools and the LCB has already received some complaints on zoning.

Chairman Pro Tem Carney stated this has been an existing issue. The Director agreed that this was a typical buffering ordinance, parallel to adult business ordinances or siting criteria. Most typical zoning does not allow along the walking route or driving route. In response to Commissioner Hansen's question; the Director believes a zoning ordinance within six months is attainable.

Commissioner Hansen asked if a progress report would be required for Council. The Director stated I-502 and Medical processes will need to be addressed at the same time, but are separate issues. Chairman Pro Tem Carney asked if they were medical or recreational inquiries from citizens. The Director replied mostly in the medical retail, but more recently—a few on the recreational side. None on the growing or processing side.

Chairman Pro Tem Carney asked for a motion for a moratorium. The Director clarified the motion is for the PC to make a recommendation to the City Council for a six-month moratorium to establish a development ordinance. Motion by Commissioner Hansen, 2nd by Commissioner Cecil; motion carried unanimously.

COMMUNICATIONS

The Director stated that the City Council has formed several committees (e.g. Community & Economic Development, Finance, Public Works and Public Safety). The Finance Committee sent a memo out to all departments and committees asking the PC for any budget recommendations or priorities for 2014.

2014 Budget Recommendations

Chairman Pro Tem Carney would like to see email addresses for the PC members. The Director agreed and should be initiated right away; the accounts can be transitioned after IT services switch over. Commissioner Hansen asked if IT staff can do that. The Director stated the City does not have IT staff, but can contact the service provider to get set up. The next scheduled appointment we will get members a Google email and The addresses begin with the first initial and last name (@cityofuniongap.com) and can be accessed from anywhere. (e.g. dspurlock@cityofuniongap.com).

The Director suggested training would be a good budget recommendation. Three members that are present attended *A Short Course on Local Planning* in Zillah last month. The Director noted that it was beneficial and worthwhile for the City for members and staff to attend trainings. Commissioner Hansen stated there were many things to take in and gave him a lot to concentrate on.

The Director recently stated to the Council how important case law is to land use decisions; land use law and court cases generate change in processes. This is also where appeals come from. As these processes are defined (for I-502 and medical marijuana) our records must be clear. Washington Cities Insurance Authority (WCIA) has three-day trainings and registration is free. Chairman Pro Tem Carney asked if any were in Hawaii. The Director replied they are mostly within the state held by attorneys which specialize in land use cases.

Commissioner Dailey asked if there was an outline of the previous budget expenditures, which may give an idea on what needs expansion on. The Director stated he can help provide departmental budget information and added to the existing budget. Commissioner Hansen agreed that would help give the PC something to work with.

Chairman Pro Tem Carney stated hardware would be good, but was concerned about being a volunteer board. The Director was not able to answer that specific question, but added the department budget was around \$360,000 mark which included two different budgets. The first (524 fund) for Building & Code Enforcement and the second (558 fund) for Planning & Community Development. Budgeting is done between both departments, (e.g. Hearing Examiner/salaries/professional services). In 2011 the department used all funding and in 2012 used most of the funding. This year funding is still available.

Commissioner Dailey asked where the funding goes if it is not used. The Director responded that all funds go back in the general fund. The department is frugal in spending, covering necessities. In summary, the department budget is operations. Training historically has been budgeted for staff to maintain certifications; consisting of 10-12 trainings annually. PC training has not been included in the budget to date.

Commissioner Hansen asked if vehicles were included in the budget. The Director replied that vehicles are difficult area for the City as a whole. The City budget for this year is looking into depreciation of vehicles. The department has two vehicles, bought in 2006 and 2000 and one was used by the Fire Department prior.

Commissioner Hansen asked if there was an expiration mandate on the length of time to keep the vehicles. The Director replied no, but they possess a surplus life-span. When the maintenance costs more than the operations, then surplus should be an option. The department possesses a thirteen year old vehicle that used to run at high speeds through intersections; under the Fire Department it obtained 70,000 miles. It will need to be replaced within 2 years.

Commissioner Cecil asked who maintains the vehicles for the City. The Director stated service providers such as Cascade Lube & Oil, Old Town Garage; any local businesses if possible. There are other contracts such as tires which go from Joel's Tires, Franks Tires, and Firestone; each department may have their own specific vendors.

The Director continued that the City has not budgeted for that. The department will budget two years out for the current vehicle; ideally it should be seven to eight years per vehicle although it may vary for each department.

Commissioner Hansen wanted to clarify what kind of items the Finance Committee is looking for. The Director replied within the CED committee—budgeting for public hearings, fliers, mailings, newsletters, and paper are all types of expenses. Chairman Pro Tem Carney referred back to the hardware for the advisory duties the PC is responsible for. Commissioner Cecil agreed training is essential. The Director stated he will also look into tablets.

**City of Union Gap
Signage**

Commissioner Dailey proposed funding for signage in hopes the public meetings can be advertised to the citizens. This may assist in expanding on community involvement. Layman's has a sign which may allow rental messaging time. Commissioner Cecil asked if the City owned a sign, in which the Director replied no. Commissioner Cecil added that the community and schools could benefit from messages. It might be good to pair it with the Main Street revitalization project and look into donated time.

Commissioner Dailey stated that even as PC members meeting reminders are helpful. It would be a good to seek out those in the community interested. The Director stated the school has a board, yet for long term and Main Street/Ahtanum the PC will be involved with that. Funding is available from Main Street to Franklin, from Valley Mall Blvd. Ahtanum is the gateway into south Main Street; this intersection will set the theme and tone. The jurisdiction could purchase unusable land and use the corners; picking up the corner of Main Street and Ahtanum from Layman's and use it for an feature, that incorporates Union Gap, water, or electric sign.

Commissioner Cecil inquired if Main Street needed widening for trucks heading west. The Director stated the long term goal is narrowing the road to make it with wider sidewalks, patios for dining, and more pedestrian friendly. The Director believes the beltway project is not far off, and has been discussed for years.

Commissioner Hansen stated Union Gap for Progress talked about this project before. Chairman Pro Tem Carney asked if there was any documentation of the project. Commissioner Hansen was not able to guarantee that, regardless he would like to see this project transpire. Chairman Pro Tem Carney thought maybe the change of government might move it along.

The Director added that this is a new age for the City. Union Gap is not any different than other governments—when City Manager, City Mayor or Council member changes occur. An official comes in passionate about a project; four years later a new official comes in with a new project, dismissing the previous one. It takes more than four years to put a shovel in the ground. Chairman Pro Tem Carney stated to use that time to be good stewards to the community. The Director added that by the time, there is a lot of momentum on the management and City Council side. Yet it will take the community to sustain it.

Chairman Pro Tem Carney stated that Council seems to be fully invested into projects, but needs strong guidance from the community. Commissioner Hansen stated that some of these projects are not readily addressed, and that it takes time to build. The Director agrees and can be apply that City-wide. Commissioner Hansen stated that the newsletter is a great start. The Director stated that the website will also aid that soon.

Commissioner Hansen asked if there was a decision made on the billboard issue. Commissioner Dailey asked if a follow-up item should be added to the next agenda. The Director replied he has a Directors meeting on Monday morning; they discuss items and can bring it to their attention. From there it would go to a CED Committee meeting, which has three Council members, and then before the Council then could be proposed within the budget.

NEXT MEETING AGENDA

Chairman Pro Tem Carney asked if the next meeting should contain the two discussion items for next meeting. He believes the medical should be discussed. The Director suggested that medical marijuana be placed as an action item, to discuss the draft medical marijuana ordinance. After that a Public Hearing will need to be set and advertise, to start the development of the ordinance process. The Director stated the big question will be where the City will allow collective gardens in the community.

The Director continued, after those steps a 60-day review process would be started, which will be similar to the Critical Areas Ordinance process. That would allow the next meeting would be dedicated for a draft ordinance. That will allow the Planning Commission to stagger I-502 and medical marijuana.

Commissioner Cecil asked if a person possesses an approved medical marijuana card, that person is not required to go to a dispensary. They can purchase privately (by donation) or grow it themselves. The question would be will their grower/designated provider be required to get a license if they have fewer than 15 plants. Chairman Pro Tem Carney clarified as a collective member there is a max of 45 plants, which means that if the 15 per person rule applies, then that is 3 persons. Commissioner Cecil stated that currently a designated provider could grow the minimum without going through the collective garden application.

The Director stated under the current law, a person possessing a medical marijuana card can grow up to 15 plants on their own. If the person is not able to grow their own, they are allowed to have a designated provider which can only provide for one person. That designated provider does not have to be specially licensed or go through the City. The only time that a provider will need to register is when they have a collective garden. You can have up to 9 individuals that come together to grow a collective garden for patients, with a maximum of 45 plants.

Commissioner Dailey inquired about the individual and what protects them for growing. Chairman Pro Tem Carney stated that they would need to sign a contract, and the Director added the intent of the law was to protect them from prosecution. For example, if a medical marijuana card holder wanted to grow 15 plants or less, they cannot be prosecuted. If a grower does not possess a medical marijuana card but grows for patients, they must have documentation to show they are a designated provider. Commissioner Dailey further inquired where the forms are completed. The Director stated The State Department of Health completes those.

Commissioner Dailey asked if the PC will be completing both I-502 and medical marijuana simultaneously. Chairman Pro Tem Carney stated that it will be staggered but separated, not mixing any ideas. The Director stated that the PC must be very clear on public hearings and be aware of the confusion between the two. Chairman Pro Tem Carney asked if it was an initiative that passed medical marijuana. The Director believed it was passed in 1997, which he stated was in the draft ordinance that was worked on prior. Chairman Pro Tem Carney stated that it would be good to have that information; the Director agreed that lineage must be shown.

Commissioner Hansen wanted to share he was approached regarding new permit fees for a home. If a citizen has multiple projects can it become a collective discounted package. The Director replied that we do apply it into projects, if the customer comes in at the same time. When an application comes in separately, administrative fees will apply. Commissioner Hansen stated for a six month permit to be considered active, and suggested better pricing. Commissioner Cecil stated that every permit requires fees, (E.g. fencing, mechanical).

The Director stated if you combine them you get one administrative fee. Every time you issue a building permit the state collects \$4.50 per building permit. Chairman Pro Tem Carney asked if there was a way to reverse the fees or keep the permit open. The Director stated that there is a supplemental permit which could be added. For example a mechanical permit has a base fee of around \$25.00, if another mechanical permit is applied for at a later date the administrative fee would be charged again.

Commissioner Carney asked if it was to be included in entirety, all permits covered under the same project. The Director reiterated that the department does that already, which allows customers to come in and add permits to their project. Commissioner

Hansen argued that all permits are charged an administrative fee regardless. Commissioner Cecil asked if the three permits applied for within or without a project, if the fees would be the same. The Director stated yes, and that we were unable to charge less fees for the sole reason of multiple permits, and it would be considered gifting of public funds. Any changes to those laws would have to be legislative.

Chairman Pro Tem asked how the permit fees would be considered gifting if they were not received yet. The Director replied that the funds fall under a tax law, which would fall under tax relief. Under state laws, the department is unable to change the fees. The Administrative fees might be able to shift them around, but the department cannot waive a fee that is in the ordinance.

MEETING ADJOURNED

There being no further discussion, the meeting adjourned at 8:06 p.m.

Chairman Pro Tem, Mark Carney

ATTEST:

Andrea Ely, Administrative Secretary