

## Planning Commission Regular Meeting Minutes

Wednesday,  
February 1, 2017  
7:00 p.m. to 9:00 p.m.  
Town Hall Meeting Room

*Note: The Action Minutes represent a summary of presentations given and actions taken. For a more detailed record, the audio recording of the meeting can be accessed through the City Clerk's Office, City of University Place. Contact Emy Genetia at (253) 460-2511.*

### **1. Call to Order (7:05)**

Acting Chair Boykin called the meeting to order.

### **2. Roll Call (7:05)**

#### **Planning Commission Members Present**

Mr. Frank Boykin – Acting Chair  
Mr. Steve Smith – Co Vice Chair  
Mr. David Graybill  
Mr. Ken Campbell

#### **Planning Commission Members Excused**

Mr. Cliff Quisenberry – Chair  
Mr. Tony Paulson

#### **Staff Present**

David Swindale, Director of Planning and  
Development Services  
Jeff Boers, Principal Planner  
Becky Metcalf, Project Assistant

### **3. Approval of Minutes – January 18, 2017 (7:06)**

**MOTION: by Commissioner Graybill and seconded by Commissioner Smith to approve the minutes of the January 18, 2017 meeting as submitted. The motion was approved unanimously.**

### **4. Public Comment (7:07)**

Acting Chair Boykin opened the meeting to public comment on any item not to be addressed in the meeting agenda. He also shared information regarding how the public hearing on the Zoning Review for Marijuana Uses will be conducted. There being no public comment, Acting Chair Boykin closed the public comment section of the meeting.

### **5. Public Hearing: Zoning Review for Marijuana Uses (7:10)**

Director Swindale reviewed the staff report and attachments for this item as found in the agenda packet. He stated that the Planning Commission is not being asked to recommend whether or not to lift the current ban on marijuana uses, only to make recommendations as to conditions and development standards should the Council allow state licensed and regulated marijuana uses.

Commission discussion covered the following issues:

- Director Swindale displayed a map that presents the location of the 1,000 foot buffers in the mixed use zones. Should a protected use close, it may open up additional allowable locations.
- Processors and producers are only allowed in the light industrial zone with a 100 foot buffer. These uses would be indoors.
- There is one state-approved license for retail sales in University Place that is waiting for the ban to be lifted. Currently no processor or producer applications have been received.

The following individuals spoke regarding zoning for marijuana uses.

(An effort is made to convey each speaker's main point. To hear testimony in its entirety, the Commission meeting's recorded proceedings can be requested.)

*Jessica Cope*, urged the Commission to recommend a permanent ban on marijuana uses in UP, citing issues of increased crime and reduced safety.

Staff reminded those present that the Commission will not be recommending whether or not to lift the ban, only what conditions or development standards should govern uses, should the Council decide to allow these uses.

*David Tischler, 6100 Lakewood Drive W*, stated that he is pro-business. Marijuana is highly regulated like alcohol and tobacco.

*Robert Nunes, 4223 68<sup>th</sup> Ave Ct W*, urged Commission not to reduce the 1,000 foot buffer for production and processing.

*Stacy McClain, 5212 66<sup>th</sup> Ave Ct W., Senior Pastor of 1<sup>st</sup> Baptist Church in UP*, urged the Commission to include churches in the list of sensitive receptors which require a 1,000 foot buffer.

*Dr. Amanda Wood, 6406 46<sup>th</sup> St Ct W*, stated that marijuana can have a significant impact on children, and it is important that churches and other places that may have children present be included in the 1,000 foot ban.

*Dan Conroy 2610 Louise St W*, expressed concern that with the understaffed police force, there will be increased crime and need for public safety if marijuana uses are allowed. Why allow in multi-use zone? He encouraged the Commission to only allow uses in the Commercial zone, as residential uses are allowed in the Multi-Use Zone.

*Matthew Morvec, 2101 MacArthur St W*, urged the Commission to make regulations as restrictive as possible, add churches to the sensitive receptors that require the buffer zone, put the uses in the Commercial zone, and add a memo to City Council recommendation that citizens do not want these uses in University Place. Proximity to a marijuana use may affect home values, which will result in decreased property tax to the City. Based on his door to door canvassing of neighbors on Louise St., about 1/3 don't care whether a use is in the neighborhood, and the rest don't want or really don't want a use there.

*Dr. Margaret Schwarz Moravec, 2101 MacArthur St W*, urged the Commission to make regulations as restrictive as possible. She chose to live in UP because of the quaint small town feel – this business will not contribute to that feeling.

*Kent Hill, 5631 75<sup>th</sup> Ave Ct W*, stated that with Cooperatives being allowed to be sited in residential areas, in spite of restrictions, it will still be known that marijuana is grown there. He would not want one of his neighbors to have a grow operation.

*Jason Light, 3405 Olympic Blvd. W.*, encouraged the Commission to consider the overall vision of what the City is trying to accomplish. He encouraged the addition of churches to the 1,000 foot buffer zone. He encouraged the Commission to look at locations where these uses would be allowed, and ask if this makes the most sense for our vision of the City. If possible, steer these uses toward the light industrial area.

*Samantha Light, 3405 Olympic Blvd. W.*, urged the Commission to keep consider strict restrictions and add churches to the sensitive receptors list.

*Jill Peters, 7621 27<sup>th</sup> St W*, is the owner of the one location in the City that, under current requirements, is allowed to be the location for a retail use. She urged the Commission to remember that the State has defined the rules as far as buffers and restrictions. They are already very restrictive. There is only one license to be allowed in University Place. She encouraged the Commission to reduce boundaries for producers and processors as University Place wants to increase local business. These particular uses will have no signage, no smell, and for security reasons don't want to bring attention to themselves. She stated that the State has done a good job at setting buffers.

*Chris McMannis, 2009 Grandview Dr. W.*, urged the Commission to accept the restrictions as identified by the State and submit as a recommendation to Council. As a reasonable cannabis user, he would like revenue from his purchases to stay in the City.

*Christy Stanley, 7621 27<sup>th</sup> St. W.*, holds the one approved state business license for a retail use in University Place. Besides being the marijuana licensee, she is a church member and has four children. She understands the concerns of those here tonight. Cannabis got her off of narcotic use. She encouraged those present to educate themselves on cannabis.

*Paul White, 5216 95<sup>th</sup> Ave Ct W.* feels the Council's reconsideration of the ban is driven by a desire for more revenue; however, the values of the community are pretty clear. He stated there is no right way to do the wrong thing.

*Jerad McGill, 4602 Merry Lane W*, stated he thinks the regulations are not strict enough. 1,000 feet is not enough to protect children, and churches need to be included as a sensitive receptor. About 7% of users are actual medical users, the rest of recreational. He has seen more people hurt than helped by marijuana. People can go to other places to buy marijuana. Having it available for sale in our community makes it easier for our teens to access it.

*Mandy McGill 4602 Merry Lane W*, is a business owner in UP. She shared her experience of her 17-year old coming home devastated because kids from his team and at church were caught on social media using marijuana. She stated that it turns kids into predators. Actions speak louder than words. We need to protect our children. Advocate for not lifting the ban at all, for those who use it for medicinal purposes, Tacoma is nearby.

*Ed Wood, 6406 46<sup>th</sup> St Ct W* recommended maintaining 1,000 foot buffers, do not decrease to 100 feet. He is concerned about using state law in our code – state law changes. He is concerned about the legal risk to our city as marijuana is still illegal federally.

*Jennifer Webber (unintelligible)* cited information from the Colorado Journal of American Medical Association which showed an increase in cases of pediatrics admitted to ERs due to ingestion of marijuana. She urged the inclusion of churches as a sensitive receptor, and the maintenance of the 1,000 square foot buffer zone.

*Paul White, 95<sup>th</sup> Ave Ct W*, urged the Commission to not reduce 1,000 foot buffers, and recommend an increased buffer. He stated that since children congregate most regularly in homes, add residential areas to the buffer zone.

*Chris McMannis, 2009 Grandview*, confirmed the location of the light industrial area and his understanding that if the buffers not reduced, there would be no allowed location in the light industrial zone.

*Christy Stanley, 7621 27<sup>th</sup> St. W.*, encouraged the Commission to educate themselves on all of the issues that have been raised this evening. She highlighted a Washington State Marijuana Impact Report at the website: [riag.ri.gov](http://riag.ri.gov) that deals with all of the issues raised tonight. She reflected that much concern this evening has been expressed about protecting children. She agrees that marijuana is not for children or pregnant mothers, and that shops are regulated and will not sell to underage persons, and do not allow loitering outside the door.

*Cynthia Crosby, 4403 Memory Lane W*, stated that Excel Sports Academy is located in the light industrial zone and is off the beaten path, yet kids congregate there. She asked Commission to please maintain the 1,000 foot buffer for producers and processors.

*Pat Downey, 3530 Locust Ave W*, – processing areas – please keep the buffers at 1,000. Fumes cannot be contained. Kids go to church – lets include 1,000 – place where kids congregation

*Shane Masko, a deputy with the Sheriff's Department*, stated that the 1,000 buffer zone is not enough. He encouraged the Commission to keep the buffer zone at 1,000 feet.

*Mari Levitt, 5514 Ave Ct W.*, expressed appreciation that the Planning Commission is taking the time to study this issue and ensure that the public is heard. There should be no restriction on Planning Commission taking the time to do their job well. She asked if there was any way for written public comment to be allowed within a reasonable time frame?

*Susan Perong, 706 Galloway, Steilacoom*, shared her personal experience with the effects of drugs and substance abuse problems.

Chair Boykin closed the public hearing.

Commissioner discussion included the following:

- If processors and producers are allowed to operate within a 100 foot buffer to identified receptors, then locations for these uses will be available in the light industrial zone.
- City Council asked that this issue be prioritized. It has taken longer than anticipated to get to this point.
- A member of the public asked if a map had been generated showing the impact of 100 foot buffers. Director Swindale answered that such a map has not been generated.

Director Swindale stated that the fourth provision in the Resolution assigning this issue to the Planning Commission provides a timeframe in responding to the Council. The Council would like to know if there will be a decision made tonight or at a later date.

Commissioner discussion included the following:

- Can the Commission add to the list of sensitive receptors? Staff expressed caution about use of the term church, proposing “religious institution” instead.
- Acting Chair Boykin felt it is important not to belabor action on this item beyond the next meeting. He is open to hearing more written communication but thinks action should be taken at the next meeting.
- Commissioner Campbell is conflicted that the City Council is not required to hold a public hearing. He stated that the Commission should spend some time reflecting on the opinions expressed at this meeting, and may want to consider an addendum to the Commission’s recommendation. Action should be taken at the next meeting.
- Commission consensus is that time be spent on this item at one more meeting, and then a decision should be made regarding a recommendation to Council.

#### **6. Discussion: Fred Axe Proposed Zoning Text Amendment (8:42)**

Principal Planner Boers reviewed the information found in the agenda packet for this item. He stated that a public hearing will be scheduled for March 1 if the Commission is comfortable with this proposal.

Commissioner discussion included the following:

- There are 20 other non-conforming units, and this action would bring them into conformance. No new single family will be allowed.
- What about substantially remodeling existing structure? Yes, that could be done.
- There are other commercial zones that have residences.
- It is not an option to revoke the previous permit because it has been acted upon.
- Will this be a detriment to the development of this area as a commercial zone? Over the past 19 years, there has been no move for the area to become more commercial.
- Businesses operating from old homes would have no impact from this change.

**MOTION: by Commissioner Boykin and seconded by Commissioner Smith to extend the meeting by 10 minutes was approved unanimously. (9:08)**

*Fred Axe, 10023 98<sup>th</sup> St SW, Lakewood, gave a history of his ownership of the property and its usage. Recently in attempting to sell the property, most interested parties would like to live in the house and maintain an office in the garage.*

Commissioner discussion included the following:

- Director Swindale stated that there would be a public notice of a hearing, but not communication with each of the impacted property owners. Commissioner Graybill encouraged staff to place a prominent sign, and Look into the option of notifying the affected property owners.

The Commission’s consensus is to hold a public hearing on this proposal at the March 1 meeting.

**7. Staff Comments (9:05)**

Director Swindale reported that the City Council is scheduled to consider the streamlining of zoning and comprehensive map processes at their meeting on February 6. Also the floodplain amendments will be brought forward at that meeting. Consideration of the Planning Commission work plan has been postponed.

Study session for Chambers Landing proposal will be study session on Feb. 6.

**8. Commission and Liaison Comments (9:07)**

None.

**9. Adjourn (9:08)**

**MOTION: by Commissioner Graybill and seconded by Commissioner Smith to adjourn the meeting was approved unanimously. (9:08)**

Submitted by:

Becky Metcalf, Project Assistant  
Community and Economic Development

Approved as submitted: February 15, 2017