



DAYTON PLANNING COMMISSION MEETING & PUBLIC HEARING MINUTES

111 S. 1st Street, Dayton, WA

Tuesday, July 15, 2014

1. CALL TO ORDER by Joe Huether at 6:43 pm
2. ROLL CALL: Joe Huether, Chair; Greg Abramson, Vice Chair;
Leslie Sweetwood and Carol Rahn present. Candace Jones absence was excused.
Also: Karen Scharer, Dayton Planning Director
3. MINUTES REVIEW & APPROVAL – Greg moved to accept the minutes of 6/17/2014. The motion was seconded and approved by voice vote.
4. COMMUNICATIONS FROM CITIZENS – none
5. PUBLIC HEARING continued from 5/20/2014 and 6/17/2014 to 7/15/2014 for:
AN ORDINANCE OF THE CITY OF DAYTON WASHINGTON, ADOPTING REGULATIONS AND OFFICIAL CONTROLS PURSUANT TO RCW 36.70A.390 RELATING TO LAND USE AND ZONING FOR STATE ALLOWED MARIJUANA RELATED USES; ADDING NEW CHAPTERS: DMC 11-13 RECREATIONAL MARIJUANA RELATED USES AS REGULATED PURSUANT TO WASHINGTON STATE INITIATIVE NO. 502, DMC 11-14 MEDICAL CANNABIS AS REGULATED BY RCW 69.51A AND DMC 3-6 ESTABLISHING A COLLECTIVE GARDEN SAFETY LICENSE; LIFTING THE MORATORIUM ON MARIJUANA RELATED USES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
(Updated description)

Citizens Testifying 7/15/2014:

Doug Johnson, Dayton School District, 506 S. 1st St., Dayton, WA 99328

Dave Bailey, 306 E Washington Ave, Dayton, WA 99328

Cheryl Voth, 36301 Hwy 12, Dayton, WA 99328

Debra Callahan, 1017 Preston Ave, Waitsburg, WA 99361

Ronald Schirman, PO Box 181, Dayton, WA 99328

Barbara Carlton, 1515 S. 5th St., Dayton WA 99328 Peggy Gutierrez, Blue Mountain Counseling, 221 E Washington, Dayton, WA 99328

Hearing Testimony

- Joe opened the hearing continued from 6/17/2014.
- Joe explained that the public hearing is not about the legality of marijuana. That issue was answered with passage of Initiative 502. Those who disagree, should speak to your state legislative representatives and neighbors. Also, this hearing is not about the personal use of recreational marijuana or individual growing for personal medical use.
The Planning Commission is addressing medical use as it relates to collective gardens and recreational use involving retail, processing and production.
- Karen stated that the city staff is recommending that fees and penalties for collective garden safety licenses be included in a companion resolution rather than in the ordinance.

- Doug Johnson, Dayton School District Superintendent, urged the City to continue the moratorium. Doug stated that the majority of the citizens in Columbia County voted against legalizing marijuana. Doug explained that the negative effects of drug use in homes by adults and students is evident in the classrooms. Tax dollars are being stretched thin serving the needs of children's education. He has not seen any study which links marijuana with improved student achievement. While community individuals are trying to create a higher level of accountability for children's education, how can these same individuals knowingly allow and support marijuana use in the city and thereby increasing the availability to minors. Doug cited the recent study by the University of Washington, Alcohol and Drug Institute – Study has linked adolescent use of marijuana to a range of problems: memory, attention, ability to think clearly, learn new things and make decisions. American Academy of Child and Adolescent Psychiatry states that the active ingredients in marijuana, THC affects the brain's control of emotions, thinking and coordination, this can lead to difficulties in school, including memory and concentration problems.

Doug explained that the result of a bad school experience no matter what the cause can have lifelong consequences. Hans Rider, a professor at Northwestern University of Medicine, states that marijuana is the ideal compound to screw up a kid. Marijuana hurts the brain circuitry whether you're an athlete, chess player, member of the debate team or artist. Norah Willcal, head of the National Institute on Drug Abuse take a different view, the evidence today clearly shows the current legal drugs are already taking a much bigger toll on our society than the illegal drugs, therefore, the legalization of marijuana will continue that trend. It is wishful thinking to believe that a drug that makes you feel good will have no harmful consequences. Dr. Steven Ross Director of Addiction and Psychiatry at New York University, states that we really don't know enough about the damage that marijuana might cause. We need more research to know how harmful marijuana might be. Frances Jenson, Professor of Neurology at Boston and Harvard Medical Schools states that wider access to marijuana for adults will by default will make marijuana more available and acceptable for children. The teenage brain is not just an adult brain with fewer miles on it. It is a paradoxical time for development. Teenagers need time to develop free from the potential negative effects of marijuana.
- Joe commented that extension of the moratorium is the purview of the City Council not the Planning Council. Extension of the moratorium should be addressed at the City Council meeting. They meet each 2nd and 4th Monday of the month.
- Dave Bailey testified that looking at this, there is no upside to allowing marijuana in our city. Is it going to lead to a stronger more vibrant city? Is it going to help build stronger families? Is it going to help our youth become more productive citizens? The only upside is for the people who are in the business and making money off this. There will be added costs to social services. Dave urged the PC to recommend banning marijuana.
- Cheryl Voth, Special Ed. Teacher, stated she 2nds with the previous speakers. From a personal perspective, Cheryl explained that she watched her normal 18 yr. old cousin begin associating with people using marijuana. He started not caring for his job. He was staying with her mom and became belligerent. They were going to need to remove him from the home because of him changed attitude, temperament and his desire to do anything. It totally changed him. He ended up being killed in a car accident. There is no upside to allowing marijuana in this county.

There will be more law enforcement problems. The county didn't vote for marijuana and we don't want it here.

- Joe commented that it is not the purpose of the Planning Commission to encourage or promote the production, processing and retail sale of marijuana. One of the things we cannot do is an outright ban because that will lead to litigation and then we (the city) would be stuck with whatever the courts would say. If you carefully read the proposed regulations, what you will find is that it fairly aggressively discourages anyone from getting involved with the production, processing, and sales of marijuana. The reality is that we already have a lot of marijuana already growing illegally right here in Dayton and Columbia County. It is completely unregulated, law enforcement does not know where it is, and they would like to know. If they had a better understanding of what is going on, they could do a better job. This is the hope, that by carefully regulating, we will have a better control of this addictive substance than we have now. Right here in Columbia County we have had the largest grow [operation seizure] in the state.

If you look at the regulations, you will see that there are very limited areas where production, processing, and retail may locate. Even collective gardens would be required to be separated so that there would not be a concentration of activity in one area. That is about as far as we can go, if the city outright prohibits these uses, this will invite litigation.

- Dave Bailey questioned if Joe was sure about the potential for litigation. He stated that there are other counties who have banned marijuana and have not been sued.
- Joe stated that any prohibition outright must come from the City Council. Our charge here is to say how you're going to manage it if it is legal under state law. If we don't write regulations, we are abandoning our responsibilities in this area. The commission will be making a recommendation to the City Council to adopt the proposed regulations. Then the City Council gets to decide what to do with it. Joe recommended that citizens go to the City Council meeting because they have the authority. Joe indicated that there may be some errors in his assertions, but that is the direction the Planning Commission is taking. The commission would like to hear specific testimony regarding the proposed regulations.
- Dave Bailey asked how the commission is dealing with the activity being prohibited by Federal law.
- Joe responded that the Commission isn't addressing the legality. The state has decided to allow marijuana use and the issue will get argued out at some other body, not the City Planning Commission or City Council. We are trying to address the zoning issues as best we can. The PC started by thinking we don't want to address medical marijuana, but came to realize that there needed to be a more comprehensive plan for medical [marijuana growing activities]. Medical collective gardens will be required to be indoors. They will be tightened up and be required to have security, licensing, background checks and finger prints. If you need to have your medical marijuana, that will be possible, but the City will make sure the public safety is met. We have gone as far as we can before getting the City into a situation of litigation.
- Debra Callahan testified that the Washington St. Association of Cities Conf. addressed a couple of these issues. All the cities that have outright banned, including the Tri Cities, are now facing litigation. They will be tied up in court for quite some time. It was announced at the conference that those cities banning marijuana will not receive tax dollars from the Liquor

Control Board for enforcement and administrative issues. The AWC is trying to work with cities in the implementation of marijuana business issues.

- Ronald Schirman spoke stating that the illegal use will continue and the fear of being caught will not change. Ronald questioned how the security and other provisions will be implemented and enforced. His personal choice would be to ban and risk the chance of litigation. Roland indicated that he appreciates the work done by the PC, having a set of regulations ready should the Council choose to approve.
- Joe stated that Rocky [our county sheriff] indicated he currently does not have information regarding location of collective gardens, and that was the reason to require a safety license. Joe also indicated that he believes there is not a large market for retail sale of marijuana within Columbia County and that locating production and processing operations greater distances from larger potential markets on the West side of the state does not make much sense from a business/economic point of view either. Sales would be limited.
- Barbara Carlton, stated that she agrees with most of what Doug Johnson said. The illegal market and grows will continue, this will not affect them. She is in favor of a ban.
- Cheryl Voth questioned if whether this goes against the grain of the American spirit to have to have marijuana in the city or the city will be taken to court?
- Joe recommended to Cheryl that her comment be given to the City Council. The City Council can say yes or no and the Planning Commission says where it would be appropriate to locate and be least offensive.
- Peggy Gutierrez, Director for Youth and Families Coalition stated there is a need to eliminate youth access. How will the City enforce regulations? This is the biggest issue. The City should extend the moratorium until it is totally litigated everywhere.
\$2.25 million will go to the Liquor Control Board administration, \$125, 000 goes to the Dept. of Social and Health Services for youth survey, \$50,000 to the Dept. of Social and Health Services to contract with WA St. Institute for Public Policy for a cost benefit evaluation, \$5000 to the University of Washington Alcohol and Drug Abuse Institute for web based production of educational materials. All this must come out before dollars can go to any other funding. No dollars are set aside for law enforcement.
- Joe commented that other testimony has also been [provided] that there will not be funding for enforcement. From Joe's observation as a School Board representative also, there continues to be a 30-year trend of unfunded mandates from the state where local communities are increasingly being left responsible for funding these mandates.
- Joe stated that the commission appreciates the input from all who chose to speak and would like to hear more comments.
- Karen asked if the PC would want to make any changes to the draft given the testimony provided, or if the commission wants her to provide further research.
- Peggy Gutierrez stated that you can go online and get a medical card for marijuana without seeing a doctor and never having an exam.
- Joe stated that the city can't deal with the individual cards but in association with a collective garden activities the city will require that a qualified medical professional from the State of Washington examine the patient before a license is granted. So that will preclude out of state licensing from the internet.

- Peggy Gutierrez stated that the legislature will be working on this in January.
- Joe stated that there are many people on many levels working on these issues.
- Karen clarified that the provision regarding requiring that a Washington State licensed medical professional Joe referenced is found on page 14 regarding the definition of a qualified patient.
- Joe commented on a presentation on this subject by Dr. Walker at the theater last week and one of her positive points was that, with legalization of an addictive substance, we can then better actively deal with the issues openly.
- Joe asked if the other commissioners have questions or wish to comment before the public hearing is closed.
- Carol stated that currently illegal marijuana is available to anyone if they want it. If we can control it through regulating, then people like gangs don't have the power.
- Carol moved to close the hearing and the motion was seconded.
- Karen explained that the next steps would be for the commission to discuss, agree to any changes, ask for further research, or wait until the next meeting before making a recommendation to the City Council. Or, if ready, the commission could choose to make a recommendation tonight.
- Joe stated that he would like to forward the draft ordinance to the City Council and have staff correct the typos, formatting and other minor changes.
- Carol moved and Joe seconded the motion to recommend approval of the draft ordinance with minor corrections to be made by staff.
- Leslie asked for conformation on whether the ordinance refers to just collective gardens and not personal use.
- Joe confirmed the ordinance does not regulate personal use.
- The Planning Commission unanimously approved recommendation of the draft ordinance with minor corrections to be made by staff.
- Karen explained that she will make the corrections and provide copies to the Commission and Council, meet with the Planning Committee of the Council, and recommend that the City Council also hold a public meeting before taking action. The Planning Committee may have their own recommendation they wish to forward.
- Carol added that she is aware of a case where a family moved to Colorado after their daughter almost died. The oils in the marijuana cost \$600 for a two month supply, but the girl is now better. Violent crime is down in Colorado by 40% and they have seen a huge increase to tax dollars from marijuana sales.
- Leslie stated that it isn't clear whether violent individuals being talked about were on something more than marijuana.
- Joe stated that anytime you try to prohibit something it is driven underground.

6. NEW BUSINESS –

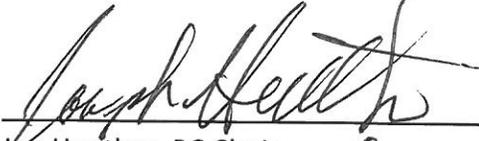
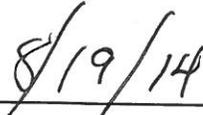
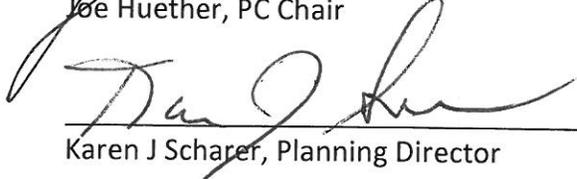
a. Shoreline Update Visioning/Open House –

Joe stated that 9/4/14 is week of the Columbia County Fair. He recommended that the meeting be held a different date. Karen indicated that she would discuss the date with the consultant.

b. Open Meeting Training – Joe asked if training through the OMA training he received as a School Board member would meet the requirement for the PC as well. Karen stated that it would, but that the City wants a record of who provided the training, when the training occurred, name of the course, etc. A form was sent to everyone should they choose to do training elsewhere or online.

7. MEETING ADJOURNED – Joe adjourned the meeting at 7:58 PM

Next Meeting and August 19, 2014 @ 6:30 pm

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|  Joe Huether, PC Chair |  Date Signed |
|  Karen J Scharer, Planning Director |  Date Signed |

Public Hearing Participation to date:

Dave Bailey, 306 E Washington Ave, Dayton, WA 99328
Debra Callahan – 1017 Preston Ave, Waitsburg, WA 99361
Barbara Carlton, 1515 S. 5th St., Dayton WA 99328
Larry and Candyce Conley, 510 E Washington Ave, Dayton WA 99328
Peggy Gutierrez, Blue Mountain Counseling, 221 E Washington, Dayton WA 99328
Terry Healey, 16th District office, 26 East Main Suite 205, Walla Walla, WA 99362
Paul Hendrickson, 628 Strom Rd, Dayton, WA 99328-9680
Marchand Hovrud, 206 E Park St, Dayton, WA 99328
Doug Johnson, Dayton School District, 506 S. 1st St., Dayton, WA 99328
Rocky Miller, Columbia Co. Sherriff, 324 E Main St, Dayton WA
Ronald Schirman, PO Box 181, Dayton, WA 99328
Cheryl Voth, 36301 Hwy 12, Dayton, WA 99328