DAYTON PLANNING COMMISSION
MEETING MINUTES

111 S. 1st Street, Dayton, WA

Tuesday, June 17, 2014

1. CALL TO ORDER by Joe Huether at 6:30 pm
2. ROLL CALL: Joe Huether, Chair; Greg Abramson, Vice Chair; Candace Jones, Leslie Sweetwood and Carol Rahn all present.
   Also: Karen Scharer, Dayton Planning Director
3. MINUTES REVIEW & APPROVAL – Greg provided two corrections to the minutes. Candace moved to accept the minutes for 5/20/2014 with the correction. The motion was seconded and approved by voice vote.
4. COMMUNICATIONS FROM CITIZENS – none
5. Final Approval of SP01-2012 – Quade Short Plat. Karen presented the final short plat. Carol moved to approve the short plat as presented. The motion was seconded and approved by voice. Joe signed the Mylar and two conformed copies of the short plat.
6. PUBLIC HEARING continued from 5/20/2014 to 6/17/2014 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)*

   Testifying 6/17/2014:

   Paul Hendrickson, 628 Strom Rd, Dayton, WA 99328-9680
   Terry Healey, 16th District office, 26 East Main Suite 205, Walla Walla, WA 99362
   Peggy Gutierrez, Blue Mountain Counseling, 221 E Washington, Dayton WA 99328

   - Joe opened the continued hearing.
   - Karen provided background on the research completed since May 20th and introduced new exhibits. Her research concentrated on medical cannabis and how other jurisdictions in Washington are regulating medical cannabis. A handout was prepared which shows how Walla Walla, Cheney, Ellensburg and Issaquah are addressing medical cannabis.
     - The revisions to the draft ordinance include a chapter specific to zoning standards for medical cannabis and a chapter which requires a safety license for collective gardens.

Additional definitions are included regarding medical cannabis including medical dispensaries.

- Limiting the number of recreational marijuana and medical cannabis facilities – MRSC advised that under zoning, the City cannot limit the number of collective gardens or other uses directly. However a city can indirectly limit uses by limiting the number of the zones it is allowed in, requiring separation between each facility and separation from other uses (parks, schools, etc.). Some jurisdictions have not taken MRSC's advice, and they are limiting the number of recreational marijuana and medical cannabis uses allowed in the city.
- For medical cannabis, most jurisdictions agree with having a setback from parks and schools, the use should be within an enclosed structure, odor should not offend someone with average sensitivities.
- Personal Use – Jurisdictions are not addressing personal use of medical cannabis, however the "Model Ord." does include provisions regarding personal use.
- Karen recommends to follow Cheney and Walla Walla for medical cannabis and require Liquor Control Board Licensing for a dispensary and/or production and/or processing. As a result, until the State addresses the issues associated with medical cannabis these uses would not be permitted.

- Carol asked for clarification on whether Karen was talking about both recreational marijuana and medical cannabis. Karen explained that the changes to the draft since the last meeting speak to medical cannabis since that was the area of concern raised on May 20th. The ordinance still includes provisions addressing recreational marijuana, but that portion of the proposed ordinance has not changed.
- Karen stated that it is unclear whether the state will address the medical laws this next year or year after.
- Leslie asked if she had missed a meeting as she thought that medical cannabis was not going to be addressed in the ordinance. Specific direction was given at the beginning of the meeting. Carol agreed with Leslie. Karen responded that the draft revisions being proposed by staff are in response to the direction given by the PC to address the concerns raised by the testimony in the hearing on May 20th and review how other communities are regulating medical cannabis.
- Joe stated that the current draft being presented closes loopholes and deals with the subject matter in a comprehensive manner. Candace agreed.
- Karen stated that the 2% tax discussed on May 20th is tax associated with a City's B&O tax. Dayton does not have a B&O tax so this 2% tax doesn't apply to Dayton at this time.
- Paul Hendrickson, Pharmacist at Elk Drug provided testimony stating:
  - He is opposed to growth, processing and retail of marijuana and medical cannabis.
  - In 47 years He has seen devastation to people due to the misuse of mind altering drugs When more is available, then it is more likely the youth will have access.
  - New England Medical Journal recently stated the damage to young adults who use marijuana resulting in lower IQ's and they suffer other neurological damage.
  - Medical products are already available with the same active ingredients as medical cannabis.

- Joe stated he wanted to be on the record that today it is recognized that marijuana is addictive. He was impressed by the presentation by Ms. Walker who spoke regarding marijuana and youth. The ordinance should provide for restriction and control for recreational marijuana and medical cannabis in the community. The commission needs to be addressing the "greater good" of the community.
- Paul stated that he is still opposed to the ordinance to allow these uses.
- Terry Nealey, 16th District State Rep. stated that the legislature punted the issue last session, however because of issues raised by cities across the state, this will be a big topic in January 2015.
- Peggy Gutierrez – Director for Youth and Families Coalition in Dayton stated:
  - They realize that whether legal or not, the coalition must do all they can to protect the youth of this community. They have provided a variety of youth training regarding drug issues.
  - Marketing is targeting youth with attractive packaging.
  - Peggy urged the PC and city to provide for enforcement for any new marijuana related codes.
- Karen provided an overview of the timeline and stated if the PC wishes to move forward with the draft presented 6/17, then she will need to update SEPA and notice to the Department of Commerce. Additionally, there is time for the PC to further review and consider before making a recommendation to the City Council.
- The commission discussed continuing the hearing until July 15th and possibly issue a recommendation to the City Council at that time.
- Joe offered the following edit: Page 14, under definition of "Qualifying patient", add that the health care professional must be "licensed by the State of Washington".
- Leslie asked what a collective garden operator will get for their $250 Safety License fee. Joe stated that this would help people who are doing things the right way to operate and those who want to operate with a revolving door for collective garden members will not be able to do so in Dayton.
- Leslie stated that marijuana has helped many people and stated concern that possibly someone would not be able to provide a family member with medication.
- Karen explained that the license only applies to a collective garden, and not growing for personal use.
- Karen pointed out that the draft actually does not include a separation between collective gardens. Joe clarified that a separation between gardens should be included as was shown on the table.
- Candace asked for clarification on next steps. Joe stated the hearing would be continued. Karen stated that she would update SEPA and notice to the Department of Commerce.
- Candace asked what the County is doing. Karen responded that Kim Lyonnais with Columbia County recently stated that nothing new has been done at the county and when questioned if their moratorium would be extended, Kim responded "No".

7. NEW BUSINESS – none

8. MEETING ADJOURNED – 7:49 PM ------- Next Meeting and July 15, 2014 @ 6:30 pm

7-15-14

Joe Huether, PC Chair — Date Signed

7/15/14

Karen J Scharer, Planning Director — Date Signed

Public Hearing Participation to date:

Debra Callahan – 1017 Preston Ave, Waitsburg, WA
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
Rocky Miller, Columbia Co. Sherriff, 324 E Main St, Dayton WA