DAYTON PLANNING COMMISSION
MEETING MINUTES

111 S. 1st Street, Dayton, WA

Tuesday, May 20, 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 – Leslie provided a correction to the minutes regarding medical marijuana. Leslie made a motion and Candace seconded the motion to accept the minutes for 4/15/2014 with the correction. The commission voted to accept.
4. COMMUNICATIONS FROM CITIZENS – none
5. PUBLIC HEARING 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 A NEW CHAPTER 11-13 DMC MARIJUANA RELATED USES TO INCLUDE PERMITTING THE PRODUCTION, PROCESSING AND/OR RETAILING OF MARIJUANA AS REGULATED PURSUANT TO WASHINGTON STATE INITIATIVE NO. 502 IN DESIGNATED ZONING DISTRICTS, AND ONLY AT FACILITIES THAT HAVE OBTAINED A VALID LICENSE ISSUED BY THE WASHINGTON STATE LIQUOR CONTROL BOARD; LIFTING THE MORATORIUM ON MARIJUANA RELATED USES AND MEDICAL CANNIBAS COLLECTIVE GARDENS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Testimony and Discussion –

Public testifying:

Debra Callahan – 1017 Preston Ave, Waitsburg, WA
Marchand Hovrud, 206 E Park St, Dayton, WA
Rocky Miller, Columbia Co. Sherriff, 324 E Main St, Dayton WA

Debra questioned if the hearing was limited to recreational marijuana only.

Joe answered that the commission's position is that medical marijuana is regulated differently by the state than recreational marijuana and since they are not regulated the same, the commission is looking to only address recreational use of marijuana at this time.

Debra indicated that she chose to educate herself about medical marijuana two years ago as she personally has a number of medical problems for 10 years and was hospitalized in critical condition 3 times. Her goal was to own a medical marijuana business and now is licensed to sell medical marijuana. She serves Vietnam vets, cancer and other patience in Southeast Washington.

Debra stated that there will be a huge mess, "everyone and their dog will be headed to Dayton" if the city chooses not to regulate medical marijuana. She stated that under the guise of collective gardens businesses will be opening everywhere by felons and no business background. She indicated that the Feds will be here in no time to try to clean up the problem.

Debra suggested that the city adopt a conditional use permit process for all collective gardens and recreational marijuana retail sales or a permitting process that requires fingerprinting and background checks just like I-502.

She stated that the city won't be able to restrict the number of shops. Dayton might have 15 medical shops like Spokane. This is something the city doesn't want.

Debra indicated that at some point medical will need to meet I-502 criteria. She recommended the commission review to determine if there is sufficient commercial space for these uses. She indicated that Brian Smith of the State Liquor Control Board has stated that there will be a second round of licensing at the end of the year for retail of recreational marijuana.

Debra stated that as she is on the Waitsburg City Council, she knows that the city can apply to the state for an addition 2% tax for revenues from marijuana to help offset costs.

Karen had a number of questions for Debra.

Debra responded that she recommends a CUP for collective gardens and medical marijuana. Waitsburg only has allowed collective gardens who registered with the city and (grandfathered) now no new collective gardens are allowed. Walla Walla County has a moratorium, and has separated recreational from medical. The City of Walla Walla has allowed recreational in commercial and Industrial. They state that if you don't have a Liquor Control Board License you can't have a marijuana business. In other words, no medical marijuana businesses are allowed, it's illegal. Debra provided the city with the map from the City of Walla Walla showing location of where marijuana is permitted.

Candace requested that staff send the commission a copy of the map.

Marchand stated that the city has worked so hard to make Dayton a Tourist friendly community. She is concerned that there could be unintended consequences by whatever the city chooses to adopt. The city must be very careful in its planning of such uses.

Rocky Miller, Sheriff of Columbia County stated that he would like to see a registration or permitting as Debra had stated. Such information will save on manpower, his office will know where such uses are allowed and won't need to send deputies out when people call in. The State Liquor Control Board does not have the manpower to respond to all the potential requests for information and issues raised by the locals. A registration will help his office so not to be overburdened.

Carol questioned if the 2% tax will help the sheriff's office to defray costs.

Rocky clarified that he does not believe that the state will be bringing in as much money as they predict. The black market who will be selling marijuana for ½ the price as in a legal shop, will continue to do lots of business in the state. The 2% will not offset cost but would help.

Candace asked how many collective gardens there are in the county & city.

Rocky indicated he did not know.

Karen questioned if Rocky has access to Department of Health information/registry regarding medical marijuana.

Rocky responded that he does not believe so.

Debra stated that DOH has no licensing, registry, nothing. Anyone who wants to apply for a state medical marijuana business license can send in their $25 without having a background check. Tax revenue in Spokane has gone up 5% in the last two years & the 15 medical marijuana shops are thought to be a big part in the increase in taxes.

Karen clarified that with the 1000' setback from schools, parks, library and daycare in Dayton, recreational marijuana will not be able to locate in the central portion of the city. Such uses would only be allowed on the far east and west areas on Main St. It is questionable if the General Store would be defined as an arcade.

Candace questioned how the draft ordinance aligns with the County.

Karen indicated that she was unable to actually have a sit down meeting with the County as most representatives did not respond to email requests. She did speak to Rocky regarding his thoughts on the draft and city's the criminal code and need for update the provisions regarding marijuana. However, the criminal code is not a Planning Commission item.

Candace questioned what Walla Walla County is doing.

Debra responded that they don't have a draft yet but plan to begin hearings in June. There is a current moratorium for recreation but not medical in Walla Walla County. The only license for medical marijuana is a business license, Liquor Control & DOH do not license. Debra spoke to DOH about the number of shops in Spokane and was told that it is a local issue and "tolerance by the locals".

Karen explained the Exhibits given to the commission to date and information available on the City website, issuance of the SEPA determination of non-significance, notice given about the public hearing.

Candace asked Debra how one qualifies for medical marijuana.

Debra explained that there are about 10 types of conditions which qualifies and that a physician must document/certify your condition and makes recommendations for a medical marijuana certificate and other remedies. Debra also explained that medical marijuana has a different balance of chemicals than recreational marijuana. For recreational marijuana, a consumer will be allowed an ounce whether it has THC at 1% or 25%. Since the legislature did not address

combining medical and recreational regulations in 2014, they will most likely not address this until 2016.

Greg questioned the number of recreational retail outlets allowed by the state.

Karen clarified that one retail outlet is allowed for Columbia Co, including Dayton & Starbuck.

Leslie stated concern over privacy. Should someone need to register their medical cabinet with local law enforcement? Where is the protection for the person who has the license?

Debra stated the City would be the one to require a CUP. She stated that she thinks everything needs to be very transparent to reduce the potential for illegal activity and associated risk.

Rocky stated that this need for a CUP or license should be in association with collective gardens, not the individual who grows for his or her personal medical use. He used the analogy that the person making a pain medication is licensed but the individual user is not licensed. Also, an individual can have 15 plants.

Debra clarified that the law limits a collective garden to up to 10 people at one time, so people sign in and sign out (you join, buy the product and then sign out). There is never over 10 people as members at any one time, but the collective garden may actually serve well over 10 people. Also, an individual can go to more than one collective garden to purchase marijuana.

Joe stated that he sees that there is really two separate issues, the zoning regulation of recreational use of marijuana and regulation of medical marijuana. He indicated that since the state has not brought the two together, probably the city of Dayton should kept them separate as well.

Karen spoke to the need for many of the same requirements applying to both recreational and medical marijuana because the land use impacts are the same. They one difference is that the state has specific requirements for establishing a recreational marijuana business (registration, license, fingerprinting and security) and none for medical.

Candace questioned if growing in a home would have a long term effect on the structure and future inhabitants.

Debra stated no, unless the grower was using a strong pesticide. The smell could be a problem, where someone wanting to sell the home would need to completely repaint, etc. (similar to a home with cats, cigarette smokers, etc.).

Marchand voiced concern over the potential for unintentional consequences by the choices of regulations that the City ultimately adopts.

Joe stated that an inside grow is almost required to address security. And since the city does not have large parcels, Joe indicated he is leaning to requiring all growing be indoors.

Karen explained that the two options for City tracking of medical is to require a CUP or to require a business license. Current the City does not issue business licenses and there is little support to begin business licensing. CUP's as of 11/2013 require a public hearing with the hearing examiner and the applicant paying for costs ($150 per hr).

Karen wasn't sure whether the limiting of the number of collective gardens would be a legal application of zoning.

Joe indicated that with continuing changes to laws and information, the commission may never get the perfect, full perspective on which to make a recommendation to the council, but must do our best to address the needs of the community.

The commission determined that the Public Hearing be continued to the next regularly scheduled Planning Commission meeting. The commission also directed staff to consider the testimony to date, review how other jurisdictions have used the CUP process and/or other methods to address the issues of tracking, impacts to neighbors and limiting the potential number of medical marijuana collective gardens.

6. NEW BUSINESS: none

7. OTHER:
   Shorelines Master Plan Update: Karen provided an update to the commission and an update on the City GIS project.

8. MEETING ADJOURNED at 7:45pm. Next Meeting & Continuation of the Public Hearing – June 17, 2014 @ 6:30 pm.

Joe Huether, PC Chair — Date Signed 6-17-14

Karen J Scharer, Planning Director — Date Signed 6/17/14