

**CITY OF COVINGTON
Planning Commission Minutes**

April 21, 2016

City Hall Council Chambers

CALL TO ORDER

Chair Judd called the regular meeting of the Planning Commission to order at 6:35 p.m.

MEMBERS PRESENT

Chele Dimmett, Jennifer Gilbert-Smith, Bill Judd, Paul Max, Krista Bates and Alex White

MEMBERS ABSENT - Jim Langehough

STAFF PRESENT

Brian Bykonen, Associate Planner and Code Enforcement Officer
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA

- **1. Commissioner White moved and Commissioner Bates seconded to approve the February 18, 2016 minutes and agenda. Motion carried 6-0.**

CITIZEN COMMENTS

Colleen O'Rourke, PO Box 6023 Kent, WA 98064, owner of Covington Holistic Medicine located at SE 272nd St and Covington Way. They are currently within the 1000' radius of the Covington Library. She is asking the Planning Commission to consider reducing the radius to 500' for the permanent zoning regulations related to marijuana. They serve the medical users and have been open for over 6 years in Covington.

UNFINISHED BUSINESS - None

PUBLIC HEARING - None

NEW BUSINESS

2. Discussion of Proposed Permanent Zoning Regulations for Marijuana

Community Development Director, Richard Hart shared that the City Council passed a moratorium on medical marijuana after Covington Holistic Medicine opened over 6 years ago. After recreational marijuana was legalized, the City Council passed interim regulations allowing recreational sales in the Mixed Commercial (MC) and General Commercial (GC) zones. Under state law, a 1000' buffer had to be maintained from schools, daycares, transit centers. As part of the interim regulations, production was allowed in the Industrial Zone. The city has until July 1, 2016 to adopt permanent regulations.

Principal Planner, Salina Lyons shared that the city has been waiting to see how the state legislature was going to regulate both the medical and recreational uses. The state Liquor Control Board (LCB) is the regulatory agency responsible for melding the regulations for medical and recreational use. The LCB will not enforce city regulations. They provide the guidance, rules and the lowest buffer required. The LCB gives authority to cities and counties for local control.

A new chapter in Covington Municipal Code (CMC) has been created to codify these requirements. Processors and producers are only allowed in the Industrial (I) Zone. Retailers are permitted in the GC or MC zones. They are not permitted in Mixed Housing/Office (MHO) or Town Center (TC) zones. A map provided to the Planning Commission represents the 1000' buffer. A provision was included in the draft code that a retailer could reduce their buffer to 750' through a Conditional Use Permit (CUP). Staff could then evaluate compatibility of the use with the surrounding uses, public facilities, signage, building design, etc. This process does require a public hearing and the Hearing Examiner would issue the decision. Puget Sound Clean Air has also adopted recent regulations related to odor for production and processing uses.

Commissioner Dimmett asked whether the permanent regulations are similar to the interim regulations. She confirmed that if the permanent regulations are passed with the 1000' buffer, the existing medical marijuana store would not be able to continue to operate. She asked if the Planning Commission could consider recommending the 500' or 750' if the store would be able to remain. Mr. Hart explained that the 1000' would remain the same, but the CUP could allow the buffer to be reduced to 500'. The existing medical facility would have to apply for the CUP and go through the Public Hearing process. They are legal currently up until July 1, 2016. If the City Council adopts the permanent regulations at the June 14, 2016 City Council meeting, the applicant could submit a CUP application June 15, 2016. The review process and Public Hearing could take an estimated 5-6 weeks before a decision is rendered. The existing business would have to shut down during that time. The fee for a CUP is currently \$10,516. The City

Council has the option to consider changing the fee during the Public Hearing. The Planning Commission also has the option to recommend to the City Council to reduce the buffer to 500' by right thereby not requiring a CUP. Legally, the existing business could not be "grandfathered" as all businesses will be required to adhere to the new regulations.

Chair Judd asked about the business license requirement. Enforcement action does not necessarily revoke the business license, but it could if the violations were serious enough.

The Planning Commission also discussed the non-transferability of a CUP.

Commissioner Judd asked about crime data related to the existing medical marijuana facility. Mr. Hart shared that he has spoken with the Police Chief and they have not had any complaints.

ATTENDANCE VOTE

- **Vice Chair Max moved and Commissioner Gilbert-Smith seconded to excuse the absence of Commissioner Langehough. Motion carried 6-0.**

PUBLIC COMMENTS

Colleen O'Rourke, PO Box 6023 Kent, WA 98064 – Ms. O'Rourke shared that the city of Seattle has adopted regulations for buffers from parks and arcades. She believed the regulation was less than 500'. She also asked for consideration of a reduction of the CUP fee.

COMMENTS AND COMMUNICATIONS FROM STAFF

Mr. Hart shared that the next Planning Commission meeting on May 5, 2016 is the Public Hearing for permanent marijuana zoning regulations. The May 19, 2016 meeting may be cancelled. The rough draft for sign code amendments should be ready to present to the Planning Commission in June.

Commissioner White asked about plates on a culvert on SE 256th St. Mr. Hart said Public Works is working to complete these repairs.

Commissioner Bates shared that CEDC is hosting the business breakfast on the Wed, April 27, 2016 at 7:00 am in the Community Room and the speaker is Brad Worthley.

ADJOURN

The April 21, 2016 Planning Commission Meeting adjourned at 7:45 p.m.

Respectfully submitted,



Kelly Thompson, Planning Commission Secretary