



MINUTES (Approved on 12-16-15)

TIME: Wednesday, December 2, 2015, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Meredith Neal
Anna Petersen, Brett Santhuff, Dorian Waller
ABSENT: Donald Erickson, Scott Winship

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:08 p.m. A quorum was declared.

B. APPROVAL OF AGENDA

Brian Boudet, Planning Services Division Manager, requested that the agenda be amended to move Item E-2 ahead of Item E-1. The agenda was approved as amended.

C. APPROVAL OF MINUTES

The minutes of the regular meeting on November 4, 2015 were reviewed and approved as submitted.

D. PUBLIC COMMENTS

No members of the public came forward to provide comments.

E. DISCUSSION ITEMS

1. Marijuana Regulations

Molly Harris, Planning Services Division, provided a review of new State laws, the Washington State Liquor and Cannabis Board's (WSLCB) draft rules, and the key issues for potential amendments.

State Law changes were discussed. Ms. Harris reported that the Second Substitute Senate Bill 5052 was integrating the medical marijuana market into the established recreational system and created "cooperatives" that would allow up to four people to share responsibility for production and processing for medical use. Ms. Harris noted that the tentative recommendation made to City Council was to ban cooperatives due to issues with collective gardens. It was noted that there was a requirement that the members of each cooperative be licensed by the state with a mandatory waiting period for replacing any members. Ms. Harris reported that 2E2SHB 2136 primarily concerned taxation and would provide more sharing of state taxes with local jurisdictions.

City Council comments to the WSLCB were discussed. Ms. Harris noted that staff had provided the following comments and recommendations on the draft rules:

- Provide better public notifications. Ms. Harris reported that the City had asked that the State use a 1000 foot radius for public notice mailings. Ms. Harris noted that the number recommended by staff was similar to what was used in zoning permit applications and the State buffer requirement.
- Establish a cap on retail stores. Ms. Harris commented that there was currently a cap based on population and that staff wanted a cap on both recreational and medicinal retailers.
- Better controls on "nuisance" operators Ms. Harris said this recommendation concerned restricting people with code and civil violations from being able to obtain a license.

- Require clearly labeled packaging. Ms. Harris commented that it is desirable for packaging for medicinal marijuana products to be consistent with the current retail packaging.
- Provide more local funding. Ms. Harris commented that the City is asking for funding due to time spent on enforcement, writing codes, and shutting down unlicensed medical storefronts.
- Ensure strict enforcement and strong penalties. Ms. Harris noted that things like sign code and zoning code were not strictly enforced.
- Ensure Compliance with all local codes before opening. Ms. Harris noted examples of retail storefronts not complying with signage code and transparency requirements.
- Restrict and control “cooperatives”. Ms. Harris commented that the State had some restrictions in place for cooperatives, but that enforcement would be difficult.
- Find alternatives to “all cash” business. Ms. Harris reported that this was due to marijuana not being allowed by federal law, thus not being able to use banks, creating more opportunity for crime.

Ms. Harris reviewed key issues and potential changes including maintaining existing “sensitive use” buffers; requiring retail dispersion; a cap on the total number of stores or the number in a defined area; providing a local mechanism to address “nuisance” operators; banning “cooperatives”; maintaining existing production and processing regulations; and modifying the Nuisance Code for consistency.

Maps with 2,500 foot and 5,000 foot dispersions were discussed. Ms. Harris noted the buffers from existing retail marijuana stores, potential areas where new stores could be allowed, and the sensitive use buffer. It was noted that with a 2,500 foot dispersion there could be a maximum of 41 stores, which is why staff would like the Commission to consider recommending both a cap and dispersion requirement. Mr. Boudet reported that the State had provided an opportunity for local jurisdictions to reduce buffers from most sensitive uses.

Commissioners provided the following comments and questions:

- Chair Beale asked about the distinction between cooperatives and individual grows. Mr. Boudet responded that individual grows had been allowed since the late 1980s, while Cooperatives were a smaller version of collective gardens with some additional controls. It was noted that access and distance from retailers had been one of the considerations in allowing cooperatives.
- Vice-Chair Wamback commented on concerns relating to the WSLCB issuing licenses without taking the local zoning into consideration and providing only 20 days for local jurisdictions to provide comments before defaulting to automatic approval.
- Vice-Chair Wamback suggested that for cooperatives, they be consistent with the regulations on home occupations and consider all relevant sections of the code to prevent potential loopholes.
- Commissioner Neal asked if additional buffers or dispersion requirements could be placed on cooperatives. Ms. Harris responded that they could, but enforcement would be difficult.
- Chair Beale noted that he was not in support of dispersion or caps and that he wanted some certainty on cooperatives before they discuss outright banning them because he did not want to remove opportunities for home grow or suppress the market.

2. Capital Facilities Program Update

Christina Watts, Office of Management and Budget, provided a review of the revised process for the development of the Capital Facilities Program (CFP) and the draft schedule and outline of the CFP for 2017-2012.

Ms. Watts reviewed the process that had been used to develop the most recent CFP. The first step had been to open a database and ask project managers to update the existing projects and request new projects. Staff then worked to determine which projects had funding and which had requested funding. The City Manager had then worked with the City Council to propose the projects that would actually receive funding. In October the information had been presented to the Planning Commission. Ms. Watts reviewed that the process had several weaknesses including limited time for review that did not provide opportunity for meaningful participation.

The new proposed process was discussed. Ms. Watts reported that the budget office had been researching examples from other cities and would be creating a new CFP database. The next CFP would begin in spring of 2016 with staff adding new and current projects to the new database. They would be including new prioritization questions to evaluate and rank projects into tiers as they are submitted. In May the projects recommended for inclusion in the CFP would come to the Planning Commission. In June the Planning Commission would hold the CFP public hearing and in July they would forward their recommendation to the City Council. In August and September the recommendations of the Planning Commission would inform funding decisions as the City Manager works with the City Council to build the budget. The completed document would be presented to the Planning Commission in October for feedback that would be incorporated into the next CFP.

Ms. Watts discussed the prioritization criteria and reviewed the tie-in questions that would provide some guidance to prioritize the projects. She reported that when staff submits a new project they would answer a series of ten questions with narrative explanations for any applicable criteria. Projects would be initially sorted into tiers for the Planning Commission's review with lower ranked items to be included in a future projects list with less detail. Ms. Watts noted that that the Commission could provide feedback to recommend changing criteria, suggesting additional criteria, or emphasizing certain criteria. Staff would provide the opportunity to reevaluate prioritization criteria each year.

Other changes included improved document readability and improved alignment with the Growth Management Act. Document readability would be improved by changing the structure of the document, adding new sections, and simplifying the project section categories. Other changes would include providing individual project sheets for each project and showing financial information with two tables outlining the funding and spending respectively. They were also working to improve the capital budgeting and the CFP processes. Ms. Watts noted that Level of Services (LOS) standards would be an ongoing discussion to make sure that it continues to inform the CFP.

Ms. Watts discussed how the Transportation Improvement Program (TIP) would be rolled into the CFP process with the Transportation Commission updating the TIP earlier in the year and including TIP in the CFP projects presented to the Planning Commission in May. In July, the Planning Commission would submit the prioritized CFP projects, including TIP projects to the City Council.

F. COMMUNICATION ITEMS & OTHER BUSINESS

Brian Boudet, Planning Services Division Manager, provided updates on the following items:

- The Infrastructure, Planning and Sustainability Committee special meeting would be held on December 9, 2015, at 4:30 p.m. The agenda would include Planning Commission Accomplishments in 2015 and interviews of Planning Commission Candidates.
- The December 16 Planning Commission meeting agenda would tentatively include the Environmental Action Plan, Marijuana Regulations, the Tacoma Mall Neighborhood Subarea Plan, and the 2016 Annual Amendment.
- The City Council had adopted the 2015 Annual Amendment package including the Comprehensive Plan, Infill/Affordability proposals with some minor modifications, and Code Cleanups. The Narrowmoor Conservation District had been removed from the Annual Amendment package and defeated.
- Potential billboard regulations had been discussed at the Council Study Session, including discussion of the recent City Council Public Hearing and the staff alternative concept.

G. ADJOURNMENT

At 5:34 p.m., the meeting of the Planning Commission was concluded.