

**Town of Eatonville  
PLANNING COMMISSION MEETING  
Monday, November 3<sup>rd</sup>, 2014  
COMMUNITY CENTER  
305 CENTER STREET WEST**

**CALL TO ORDER**

**Chairman Lambert** called the meeting to order at 7:00 PM.

**ROLL CALL**

Present: **Commissioners** Beach, Bertoia, Craig, Justice and Miller were present.

STAFF PRESENT: Mayor Schaub, Kerri Murphy and Doug Beagle.

**OPENING CEREMONIES**

**Commissioner Justice** led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Commissioner Beach** move to approve the agenda. **Commissioner Justice** seconded. All in favor. (AIF)

**APPROVAL OF MINUTES**

Minutes of the October 6<sup>th</sup>, 2014. **Commissioner Beach** move to approve minutes as written. **Commissioner Justice** seconded. AIF

**COMMUNICATIONS OR ANNOUCEMENTS**

There were no comments from the citizens or commissioners.

**NEW BUSINESS**

**Public Hearing - Ordinance 2014-3 Marijuana Regulations / 2013-15 Sale of Retail Marijuana**

**Chairman Lambert** opened the public hearing portion of the meeting.

**Dixie Walter, 140 Antonie Ave N.,** - She explained that she is neither proponent nor opponent to the recreational marijuana. She is middle of the road but stated that she is a very strong proponent of democracy. The people voted this in. If the town can figure out a way not to close every avenue that could be open in the future for bringing money into the town, she thinks it would be very smart. She has done a lot of research, and the Association of Washington Cities sent out a newsletter last month with very interesting facts that they have studied for municipalities. She added that she does not know all the issues but she is a proponent of Eatonville. She would like to see Eatonville to someday get some of that money. This is new; nobody has ever done this before. Things are going to change in a few years. She knows that the county has all kinds of qualms and won't do anything now but it doesn't mean that they won't in a couple of years. Nothing is carved in stone, it's an experiment. Her thought is "let's don't slam any doors, because the people of Washington State did vote 45 to 55 for recreational marijuana. Some of the biggest outspoken opponents were people in the medical marijuana, patients and people who grew and stuff. It wasn't like you might think, heavy duty religious groups or whatever, it was actual marijuana proponents, but for medical. So, it passed, we have to live with that and so she just worries that Eatonville can be a little closed off and she thinks that there is money down the line. She thinks it will be real

smart not to shut every door. Things change, it's politics but people are not going to change their mind about marijuana. The latest polls nationally have like 52% of American people think it should be legalized and that will just climb. It was not made illegal until 1937, it was legal until then.

**Chairman Lambert** asked for any additional comments. There were none.

**Commissioner Beach** wrote a letter to the Commissioners which was not distributed because he was going to be available for this meeting. The last meeting of October 20<sup>th</sup> was postponed until today. He said he did not know if he was for it or against it. Commissioner Miller suggested that we might consider a marijuana growing facility on SR 161 coming into town which is the only area under the existing ruling of the council that was adopted, that any kind of marijuana facility could be located. These kinds of growing facilities take a lot of electricity and the towns' electrical system is deficient in a number of regards. One of the ways in which it is deficient is that it has only has one feed into the transformer and it should have at least two feeds into the transformer. If possible (not audible) ... devise a way and put the ordinance into the right form and so on to get some help in getting the second feed given the fact that these growing operations take a lot of electricity. That is one possible benefit to the town for this. That land along SR 161 is also vulnerable to incremental strip development and we have a lot of examples of that kind of development and from his point of view is not a very desirable way of developing land. A growing operation down there might very well take up enough land that would at least mitigate some of it, the danger of that strip mall. Also, of course as would a distribution of marijuana, a selling operation. It would have to be two separate operations as he understands it, not owned by the same people. Either one would bring increased revenue to town, more than what we presently have. Now whether these (not audible) possibilities would compensate for the law enforcement liabilities associated with this, he doesn't know. It may not and that would be something that would certainly have to be looked into. There are a lot of pros and cons to this whole marijuana thing. One thing that he wanted to mention is that this may turn out to be like a situation regarding adult stores. That is that the courts have ruled that a town cannot zone itself in such a way that there is not the possibility of an adult store. That doesn't mean that it has to be on the front of the road that everyone drives up and down but there has to be a place where one can be located. He said that he would not be surprised that in the long run that is what exactly is going to happen regarding the sale of marijuana is that the town cannot in fact preclude some place within the town that such a business could be located. Again we don't necessarily have to (not audible) but there has to be some kind of a place. Otherwise we get involved in a lot of litigation. Of course there is litigation going on now with Fife, and there probably will be with the county and so on as to whether they can in fact just simply preclude a marijuana operation within their jurisdiction. We don't know how that is going to turn out. He would think that there is a good possibility that Fife County will lose in the long run, it may not, who knows. But in any case, we wouldn't want to put the town in a position to have to be involved in some kind of litigation that would be quite expensive. He does not know if he favors this or not. He does not know if he favors the growing or the sales in the town, he is not making a case for it one way or another. He is just saying that these are some of the issues and possibly some others that we will have to consider in making a recommendation to the town.

**Commissioner Miller** said he is neither for nor against it. If it was to happen the area picked out north of town, as far as zoning goes seems like the perfect area. It is away from the store and the schools, all the stuff where kids would see it. If you are going to have a grower, it's close to the substation. He believes that the town probably has the capacity. With a little bit of rate restructuring like maybe the demand charge on the power use, because they are big power hogs. You could probably generate enough revenue to eventually have a second feeder in town and maybe tie into that Mashell Prairie sub of Ohop Mutual somehow if you need primary and get it from them. Just because you zone it in, doesn't mean that they will come. Eatonville does have very competitive electricity rates; the real estate is pretty reasonably priced. There are a lot of these growers in the Tacoma and Spanaway areas and they are nice quiet neighbors as far as he can see. The revenue from electricity has been tremendous. They have to pay in cash and sometimes bring in \$36,000.00 every two months for their electric bills and these are not huge operations. As far as he is concerned with the way they do the ordinance he would be in favor of it, he would approve that.

**Commissioner Craig** said that he did some research and was surprised at what he found out. First, when it passed in the State of Washington, they had thousands of applications for retail shops. The State of Washington issued 344 permits state wide. As of two weeks ago, there was between 45 and 50 stores open. This is going very slowly. Probably for several reasons, one being lack of product, the grower is taxed 25%; the packager, 25% and the

retailer is taxed 25%. So, 75 cents of every dollar goes to the state. What they have now are 344 permits that are issued. Those folks can open a shop but because it is going so slow, it will probably be 3 or 4 years before all 344 are open. There are no applications that they are accepting at this time. Each application is assigned a agent that looks over the application and they dissect you. They look at everything about your life and especially location. He asked if there was an application in Eatonville, there are none. There are no applications in South Pierce County so maybe we are putting the cart before the horse. If in a few years if and when these shops are all open and they start accepting a few more applications, those come on after the 344 are opened. Currently no one has applied in Eatonville. If someone did, in 3 or 4 years and the state gave them the green light to go, then they have to go to Pierce County. The reason that Fife is having an issue is because Pierce County zoned all of that to be an urban industrial area. That is all in the north end of the county. The farthest south it is about 176<sup>th</sup> and the Frederickson area, which is the cutoff for production, packaging or retail shops nothing south of here. It costs thousands of dollars to get through the permitting process to be ok'd by the state. They are taking a big chance because the county can tell them "no", it is not zoned. You can open a shop but it has to be north of here. That could change down the road. As Mrs. Walter said this is kind of an experiment and it's not working so well because essentially it is too expensive. The black market is much cheaper. People can get it out here a lot cheaper than in a retail shop. It is going very slow and it will be a long time before this area will even be allowed to have it. He said he was surprised, thinking that this was an urgent issue but nothing is going to happen for years. He stated that he is for democracy and added that on a personal note he has seen the effects of alcoholism run rampant through communities and destroy. Personally it wouldn't break his heart if the liquor store left and the bars closed. But this is a democracy and the State of Washington citizens want that so he will have to accept and learn to live with that and it does not affect his life at all. The same with the retail marijuana shops, if it does not affect you, don't shop there, don't get it. But the revenue, he was a little disappointed, thinking this could be a good thing for the town but it's not going to happen anytime soon. So whether this is really a moot point and so Fife is having that problem because it is zoned for that area, it's not out here. It's a great idea if we can put in a grow operation out here and make a lot of money but it's not where the county wants it. I will say that I would ere on the caution of just saying "No". That kind of sends a message that we are not listening to the people of Washington, the citizens in this area that voted for it, and the majority that voted for it. We need to be a little more careful. He does not believe that decisions need to be made right now; nothing is going to happen anytime soon. Absolutely nothing is going to happen.

**Doug Beagle** said that the town put in interim regulations for six months. During that first six months which expired on June 9<sup>th</sup>, 2014, the town had not gone through the public hearing process and bringing it to the Planning Commission to make recommendation to the council. So the sense of the urgency we have till December 8<sup>th</sup>, 2014 to get something from the Planning Commission to Council on your recommendations. That is that side of the sense of urgency. Or Council would have to extend it another six months, but we are now having that hearing.

**Commissioner Beach** made motion to recommend to the town council that they extend the interim ordinance two years.

**Motion dies for lack of a second.**

**Chairman Lambert** closed the public hearing portion of the meeting.

**There were no comments from citizens or commissioners.**

**Mr. Beagle** explained that the town had allowed an off premise sign to be placed at NW Dock Systems AKA Erv's Boats for people that own Ohop Ridge U-Cut Christmas Trees. Staff wanted to keep the Planning Commission advised when discretion was used.

**Commissioner Beach** shared a little light heartedness....saying that he lived in Chicago in the late 1950's. It was alleged that the Daley Machine told their followers to vote early and often. Not sure if this is true or not. The machine did run the city council in a way that he is sure Mayor Schaub would envy. Chicago is a big city. There were a lot of items on the agenda and the Mayor would say...All those in favor of items 1-10 say "aye" and they would go on ....items 11-20 say "aye" and so on... this was very efficient time wise but not terribly democratic.

**Commissioner Miller** said he wanted to clarify that the ordinance in front of us has to do with the area and zoning for any potential marijuana business. This is basically what we are talking about.

**Chairman Lambert** confirmed that is the way he read it.

**Mayor Schaub** said that the prior administration felt that it was important to define in the town where the businesses would go. They had different schools, churches, daycares and identified different types of businesses where there would be children. The planning consultant put a 1,000 radius around those different businesses and it was determined that there were two different areas where these businesses could be placed that were outside residential areas that would allow for businesses outside of the 1,000 foot boundaries. In case there were any applicants and to avoid the possibility of any litigation or lawsuit against the town, the town went forward with a temporary ordinance. This ordinance established where these types of business could be located. The town wanted to be prepared. We wanted to make sure we were in compliance with the Liquor Control Boards ever changing, ever dynamic rules that they continue to put forward on this new adventure. If you look around the United States, there were three states that had the legalization of marijuana on their ballot this year. It was mentioned earlier that the same people cannot have the growing, manufacturing and retail businesses. They are taxing it rather heavily. AWC is going forth trying to take a piece of that revenue to help assist municipalities in funding law enforcement.

**Commissioner Miller** reiterated that he is ok with this ordinance as he understands it. The area seems to be the ideal location. The only down side that he can see is the people that live in that area now that might have some objections to it should come to the meeting and speak while they have a chance. Does not see why the town cannot make that December 8<sup>th</sup> deadline. The only thing that he can see that might go sideways, is somebody that lives there adamantly against it. That would be a legitimate concern and as a commissioner he would certainly be willing to listen to them and take that into consideration. At this point he has not heard anything negative or derogatory from anybody in that area or really anyone else in town.

**Mayor Schaub** said it was up to the town to put something in place so that if someone did come forward it could be addressed.

**Commissioner Miller** said that he was not sure about the boundaries but that he knew that there are several on 224<sup>th</sup> St. and some are pretty big. He felt that within the town limits the town would have the authority to do what we want not Pierce County.

**Chairman Lambert** said he would assume that the town does need some input ...(not audible)

**Mr. Beagle** said that instead of waiting till the absolute last day, we would prefer that you come to last meeting in November with a recommendation from the planning commission so that if council chooses to table it for further discussion there is still time. This is the recommendation from staff.

**Chairman Lambert** stated that at this point Commissioner Beach's motion died due to a lack of a second. He asked for any further discussion from the planning commissioners.

**Commissioner Miller** motion to accept Ordinance 2013-15 as written and let the council accept the testimony from residents. He called for a roll call vote.

**Chairman Lambert** asked for clarification of whether the ordinance was to remain temporary or long term.

**Commissioner Miller** said he would be willing to get his recommendation at this time and vote on it, and let the council do what they will.

**Chairman Lambert** asked for a second.

**Commissioner Beach** said he did not understand the motion.

**Commissioner Miller** said the motion is to accept or reject the ordinance as written.

**Commissioner Beach** asked Commissioner Miller why you don't say one or the other and vote on it. He said he did not understand where it would get them by the nature of the motion itself. He said he just didn't understand it.

**Chairman Lambert** asked Commissioner Miller to confirm that his motion is to approve Ordinance 2013-15 as a recommendation to the town council.

**Commissioner Miller** said he would vote for that...yes.

**Commissioner Beach** asked how that was different from the motion that he made.

**Commissioner Miller** said that he thought Commissioner Beach's motion was to extend the current temporary for two years.

**Commissioner Beach** said it was to do that. But if one thought it should be permanent then one could make an amendment to that motion to make it permanent. He added that he did not understand what it was that he wanted to do. He does not know that he is opposed to it, he just does understand. We had a motion, and it was not seconded, so I assumed that people were not ready to vote on something of that kind. If they were ready to vote, there would at least have been a second for it and we would have voted it up or down. Now you are essentially making what seems to him to be the same motion.

**Commissioner Miller** said he did not think so. His original intent was to have a roll call vote, that's a good way to poll the commission.

**Commissioner Beach** asked what they were being polled about.

**Commissioner Miller** explained it was about accepting the ordinance as written. His understanding is that it has to do with the area which he is trying to vote for as he previously stated and he sees nothing in the ordinance to delay the commission's recommendation to the council.

**Commissioner Beach** said that the existing ordinance has a time limit on it and he was just attempting to extend the time limit leaving the ordinance in place. Approving the ordinance as it's written, it's got that time limit in it and it just seems to him that the town council can do that all by themselves.

**Commissioner Miller** said he just does not see the difference with what Commissioner Beach is saying.

**Commissioner Miller** said he would like to make a motion to approve it.

**Chairman Lambert** asked if it would be clearer if the current ordinance is adopted without the time restrictions on it.

**Commissioner Beach** said it is not going to be an interim ordinance. It has not time restrictions.

**Chairman Lambert** said correct. He asked for a second on Commissioner Miller's motion. The motion died for lack of a second. He asked if any of the commissioners had any further thoughts on this ordinance. There were no comments.

**Commissioner Beach** move to put it on the agenda for the next meeting. (November 17<sup>th</sup>, 2014)

**Commissioner Miller** seconded the motion. AIF

**Kerri Murphy** announced that there will be a dedication for the Bud Blancher Trail on November 7<sup>th</sup>, 2014 at 1:00 p.m. at the Weyerhaeuser Rd. S. pedestrian bridge.

#### **ADJOURNMENT**

**Chairman Lambert** adjourned the meeting at 7:45 p.m.

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Chairman Chris Lambert

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Secretary David Craig

ATTEST:

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Kerri Murphy, Recording Secretary