

Spokane Plan Commission

September 11, 2013

Meeting Minutes: Meeting called to order at 2:00 pm

Attendance

- CPC Members present: Rod Butler, Mike Ekins, Bob Mansfield, Gail Prosser, Kerry Brooks, Brian McClatchey, Dennis Dellwo, F.J. Dullanty & Asher Ernst
 - CPC Members absent: John Dietzman,
 - Liaisons present: Council Member Fagan; Community Assembly Liaison Dave Burnett
 - Staff present: JoAnne Wright - Acting Secretary to the Commission; Brenda Corbett, Ken Pelton, Tirrell Black - Planning and Development Services; James Richman and Mike Piccolo, City Legal Department
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Public Comment Period:

Mike Ekins welcomed the citizens and opened the floor to public comments; having none, the public comment session was closed.

Commission Briefing Session:

A. Reports:

1. City Council Liaison Report:
 - Council Member Fagan briefed on the activities of the Planning Community Economic Development (PCED) and Public Works committees; updated on the Public Works addressing issues regarding the Waste-to-Energy facility & recycling program success.
2. Community Assembly Report:
 - Dave Burnett reported on the Planning & Development Services report to the Community Assembly; report was well received and the Neighborhoods now have a better grasp of timelines.
3. Director's Report:
 - Director at conference in Chelan; bring to attention SRTC comment period through the middle of November as recommendations to be presented to the advisory board are on fast track.
4. President's Report:
 - Tomorrow APA Transportation Symposium, Kerry Brooks plans to attend.
 - City Council/Plan Commission Joint Meeting is schedule for November 25th at 9 a.m., in the City Council Briefing Center
 - Updated Work Program provided as of September 11, 2013

B. Approval of minutes

- **Bob made a motion to approve August 14, 2013 minutes as amended; M/S Rod. Passed unanimously.**

C. Future agenda items:

- SRTC report to be placed on the Plan Commission agenda for timely reporting & feedback.
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Commission Workshop

Jo Anne Wright updated the Commission regarding current Comprehensive Plan/Planning efforts with the Focus Group input for policies, duplication, introductions and to make it more streamlined. Jo Anne will provide the edits to Commission from each Focus Group as the process evolves. Presentation to the Community Assembly and the plan to solicit neighborhood involvement; reported the Transportation Plan Chapter Four Update is moving along and an executive summary will be prepared later in the process.

- Commission request copies of graphs and working drafts be e-mailed to them.

- **Bob M made a motion to recess until 4:00 p.m. Public Hearing; M/S Asher Ernst; passed unanimously.**
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Public Hearings: Called to order at 4:00 p.m. A quorum of Plan Commission Members were present; absent: John Dietzman

1. Ordinance C 35008 Medical Cannabis Collective Garden Regulatory licensing & State Licensed Marijuana Producers,
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Processors and Retailers. Mike Piccolo and Ken Pelton presented the Staff Summary of the draft ordinance that reflects the current language to be submitted to City Council. This will replace the interim ordinance that City Council has in place (90 days).

Public Testimony:

- Dr. Delbert S. McHenry - Support patient rights to treatment without prejudice; allow use with no undue restrictions within 1,000 feet of Drug Treatment Centers/bars/taverns; copy of written testimony provided.
- Robert Metzger - Medical use/rights should not be restricted or discriminated against in CC1 or 1,000-foot within the vicinity of Drug Treatment Centers.
- Paul Lugo - Supports medical patient's rights to access in the Garland Business District & submitted petition from District Businesses.
- Troy Brower - Supports patient's rights for treatment in CC1 Zone - should start process all over to avoid lawsuits.
- Jessica McPhail - does not support this ordinance as written, request action plan to protect gardens and medial dispensaries from persecution by Federal Government.
- Sean Green - Supports medical ordinance if in compliance with Washington State Liquor Control Board (WSLCB) for licensing; allowance for CC1 access; drug treatment facility restrictions should be removed.
- Scott Phillips - Need to conform to the state language for direct-route accessibility; submitted folder.

Plan Commission President closed the public testimony;

Plan Commission deliberations:

- **Kerry Brooks made a motion to accept Findings of Fact A-J as written. M/S Rod Butler. Passed unanimously.**
- **F. J. Dullanty made a motion to accept Conclusions A as written. M/S Bob Mansfield. Vote 8/1, motion passed, Kerry Brooks voting against**
- **Kerry Brooks made a motion to accept the Recommendations A-D; M/S Rod Butler. Passed unanimously.**
- **F.J. Dullanty made a motion that the ordinance should include protections for the owner/operator to secure assets and property and an appropriate hearing opportunity in the event of an enforcement action by City departments; M/S Dennis Dellwo. Passed unanimously.**
- **F.J. Dullanty made a motion to remove the restrictions for CC1 and the one thousand-foot perimeter of any other licensed medical cannabis collective garden operator or delivery site; any marijuana processor, producer or retailer licensed by the Washington State liquor Control Board; and any drug treatment facility certified by the State of Washington; M/S Dennis Dellwo. Vote 7/2 motion passed, Kerry Brooks and Asher Ernst voting against.**
- **Brian McClatchey made a motion to add a section to reflect the method of measuring distance of separation should be amended to be consistent with the method of measure set forth in the Final Liquor Control Board's regulations for state-licensed producers, processors and retailers. M/S Bob Mansfield. Passed unanimously.**
- **F.J. Dullanty made a motion to accept the amended changes by the Plan Commission as recommended in the Ordinance C35008 and Recommendations A-H; and to be forwarded to the City Council for consideration. M/S Dennis Dellwo. Passed unanimously.**
- **Rod Butler made a motion for Commission President to sign these documents after amended; M/S Bob Mansfield. Passed Unanimously.**

Adjournment:

- **Mike Ekins made a motion to adjourn. M/S Asher Ernst. Passed unanimously.**
Meeting adjourned at 6:15 p.m.



Scott Chesney, AICP, Secretary