

**Oak Harbor Planning Commission
Regular Meeting Minutes
June 28, 2016**

1. Call to Order

2. Roll Call

Present:

Greg Wasinger
Bruce Freeman
Jes Walker-Wyse
Cecil Pierce
Hal Hovey
Alyssa Merriman

Staff Present:

Steve Powers, Development Services Director
Dennis Lefevre, Senior Planner

3. Approval of Minutes – May 24, 2016

Motion: Jes Walker-Wyse moved to approve the May 24, 2016 minutes as presented. Motion seconded by Bruce Freeman, majority approved.

4. Public Comment

No comments.

5. IMPACT FEE DEFERRAL CODE AMENDMENT - Public Hearing

The public hearing was opened at 7:34 p.m.

Mr. Lefevre explained that the Growth Management Act (GMA) authorizes impact fees for jurisdictions planning under the GMA. The City of Oak Harbor has parks and transportation impact fees. These impact fees are an assessment on new developments that help off-set cost impacts on public facilities such as parks, streets, schools and emergency services. The timing for impact fee collection is at the time the building permit is issued.

Mr. Lefevre reported that the Washington State Legislature passed Engrossed Senate Bill (ESB) 5923 requiring counties and cities administering an impact fee program to provide an option for impact fee deferment assessed on single-family detached and attached new residential construction. ESB 5923 allows the City certain discretion, including the time for deferral and the collection of an administrative fee. A deferral system must include one or more of the following timing options:

- Defer impact fee collection until final inspection;
- Defer impact fee collection until certificate of occupancy; and/or,
- Defer impact fee collection until the time of closing of the first sale of the property occurring after issuance of the building permit.

City staff met to discuss these options and included the first two options in the code amendment (final inspection and certificate of occupancy) Mr. Lefevre also summarized the impact fee lien process.

Mr. Lefevre concluded by asking the Planning Commission to forward a recommendation to the City Council to approve Ordinance No. 1772 amending Oak Harbor Municipal Code Chapter 3.63, Impact Fees and Resolution No. 16-20 amending the City of Oak Harbors' Schedule A, Master Fee Schedule.

Commissioners asked staff how the impact fee deferral process would be applied to a development that has infrastructure installed but no buildings are built for several years. Mr. Lefevre explained that once the developer proposes to build structures on the individual parcels if the developer applied for this deferral process the impact fee would be collected upon final inspection or certificate of occupancy of each individual building. Mr. Powers added that there is no impact to the park system or the transportation system until a building is occupied and the impact fee would only be collected at after a building permit was issued.

There being no public comment the public hearing was closed at 7:45 p.m.

Motion: Hal Hovey moved to forward a recommendation to the City Council to approve Ordinance No. 1772 amending Oak Harbor Municipal Code Chapter 3.63, Impact Fees. Motion seconded by Bruce Freeman, majority approved.

Motion: Hal Hovey moved to forward a recommendation to the City Council to approve Resolution No. 16-26 amending the City of Oak Harbor's Schedule A, Master Fee Schedule. Motion seconded by Councilmember Jes Walker-Wyse, majority approved.

6. MARIJUANA RELATED USES CODE AMENDMENT - Public Hearing

Mr. Lefevre displayed a PowerPoint presentation (Attachment 1) and summarized the City's implementation of regulations for recreational marijuana since the State's passage of I-502 which legalized recreational marijuana. While waiting for the State to take action on medical marijuana the City passed a moratorium on the establishment of medical marijuana dispensaries and collective gardens for one year and extended it an additional on year. The one-year extension provided an opportunity to monitor amendments and new legislation pertaining to the Cannabis Patient Protection Act (CPPA) passed in April 2015.

Mr. Lefevre summarized the CPPA implementation steps taken by the Washington State Liquor and Cannabis Board (LCB) and Department of Health (DOH). Mr. Lefevre stated that the proposed code amendments to OHMC Chapter 19.22 are consistent with the State approach which parallels the framework established for recreational marijuana regulations and siting restrictions. Mr. Lefevre noted that Cannabis Patient Protection Act (CPPA) prohibits collective gardens as of July 1, 2016 and replaces them with cooperatives. All potential licensed cooperatives must be locally approved.

Mr. Lefevre reported that the proposed code amendments have no additional restrictions outside of the restrictions contained in the CPPA for cooperatives and medical marijuana producers, processors, and retailers are subject to the same restrictions required for recreational marijuana facilities.

Mr. Lefevre asked the Planning Commission to recommend that the City Council approve Ordinance No. 1773 amending Oak Harbor Municipal Code Chapter 19.22, Marijuana Related Uses.

Planning Commission questioned staff about status of Oak Harbor's current marijuana retailers, whether there was enough area open for cooperatives, whether the State will change the restrictions, whether the distance requirements apply to private parks, and asked what would happen if a cooperative was established and a retailer wanted to locate in a commercial space near the cooperative would the retailer be denied occupying that space. Mr. Lefevre explained that the space available to cooperatives followed the State guidelines, the State has the option to change the restrictions, distance requirements do not apply to private parks and a marijuana retailer would not be denied occupying a commercial space near a cooperative, the distance rule only applies to cooperatives.

Public hearing was opened at 8:05. Seeing none the public hearing was closed.

Motion: Cecil Pierce moved to forward a recommendation to the City Council to approve Ordinance No. 1773 amending Oak Harbor Municipal Code Chapter 19.22 Marijuana Related Uses. Motion seconded by Hal Hovey, majority approved.

Meeting adjourned at 8:06 p.m.

Katherine Gifford,
Development Services
Administrative Assistant

Medical Marijuana Regulations

Code Amendment



Planning Commission

6/28/2016



Background

- I-502 (Nov, 2012)
- OHMC Chapter 19.22 (Feb, 2014)
- COH (Ord Nos. 1666, 1686, 1692, 1740)
- 2SSB 5052 (CPPA) (Apr, 2015)



Planning Commission

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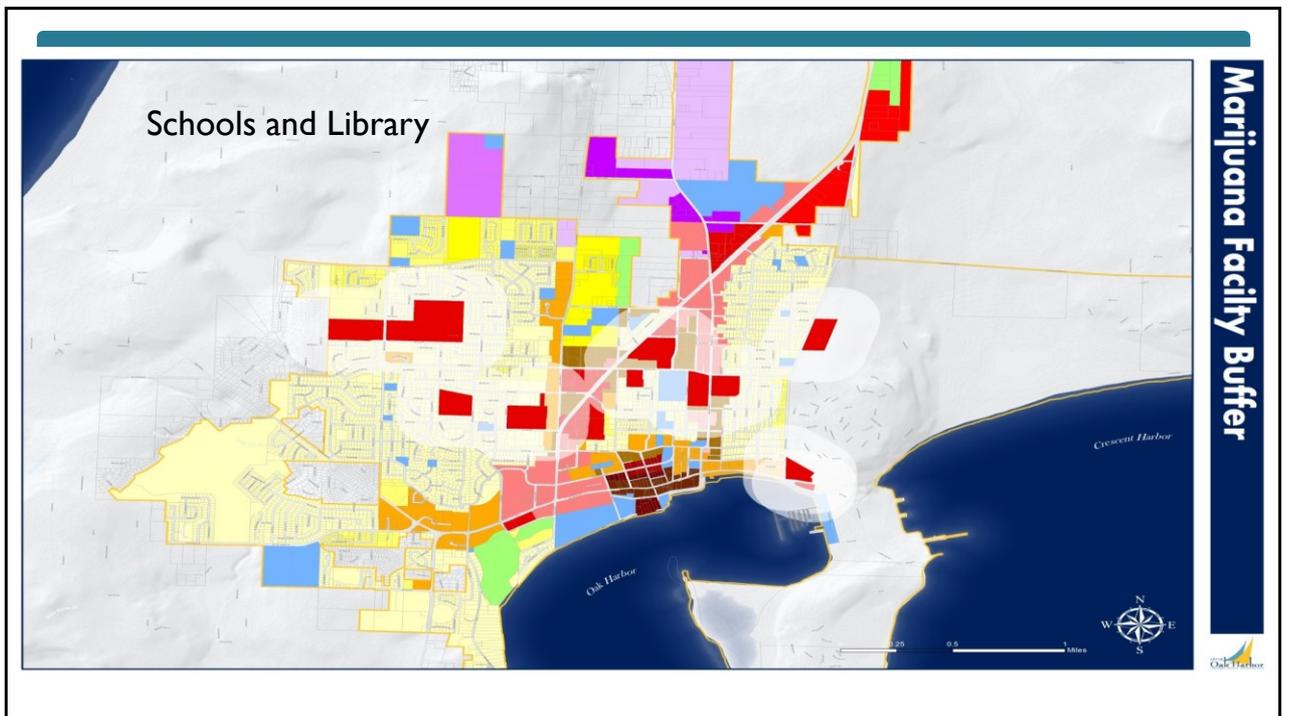
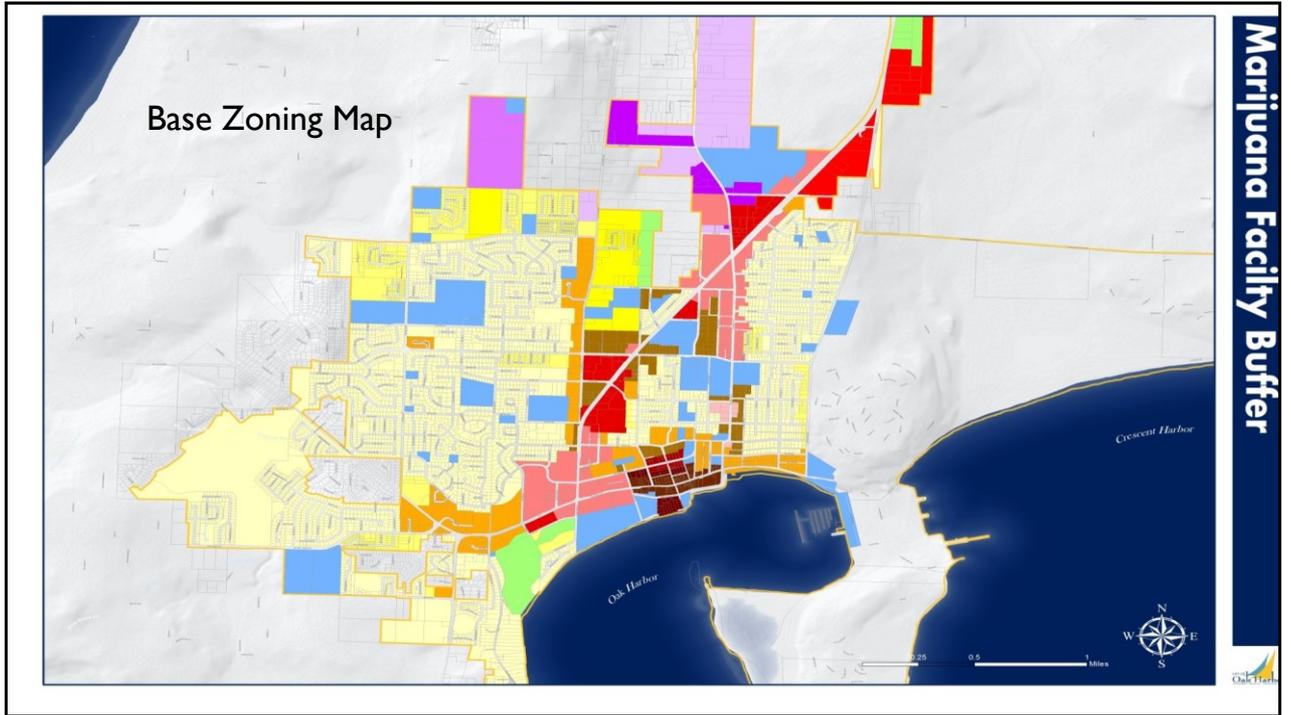
CPPA Summary

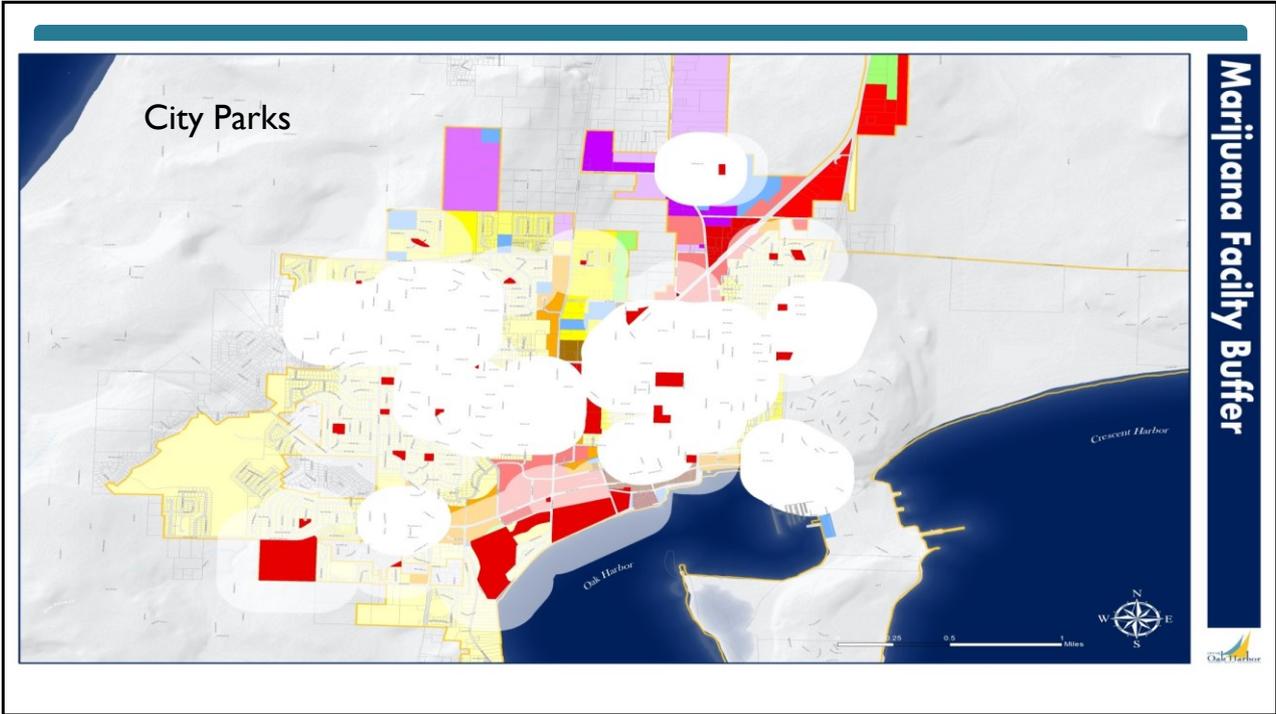
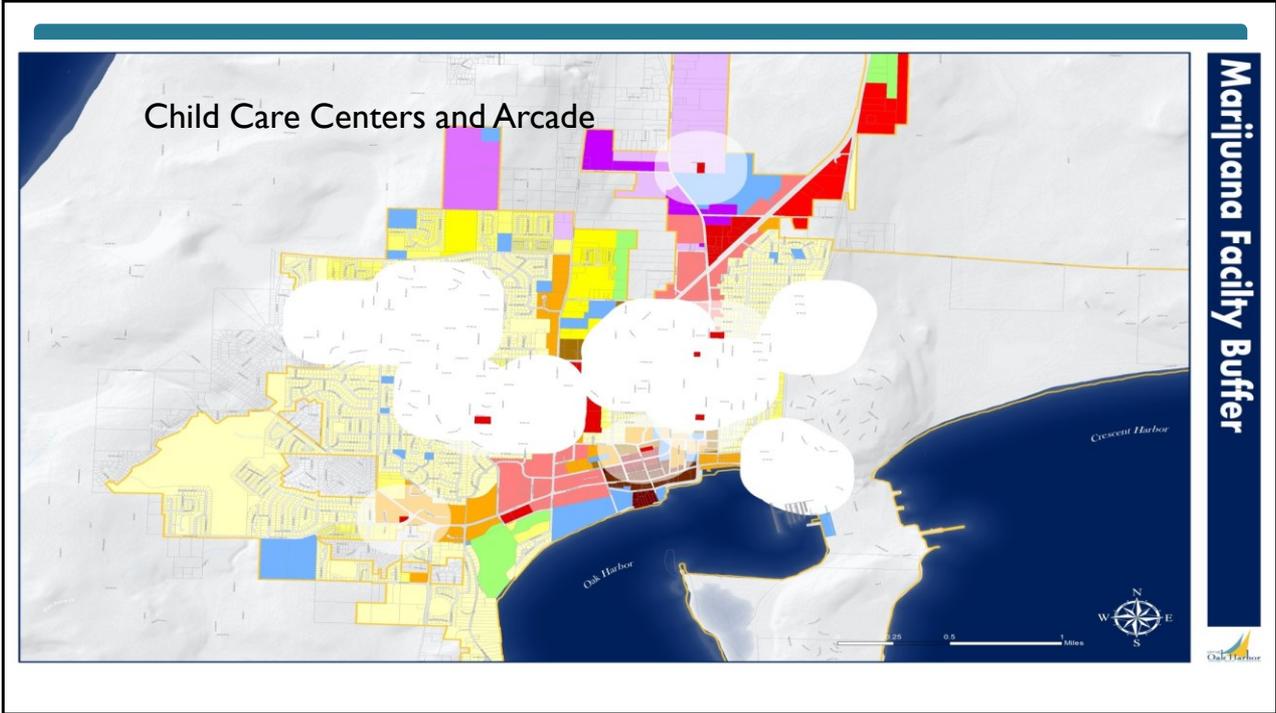
- Marijuana license increase
- Authorization database (qualifying patients)
- Collective gardens (out) Cooperatives (in) July 1
- DOH = process for medical endorsement
- DOH = specialty clinic recommendation

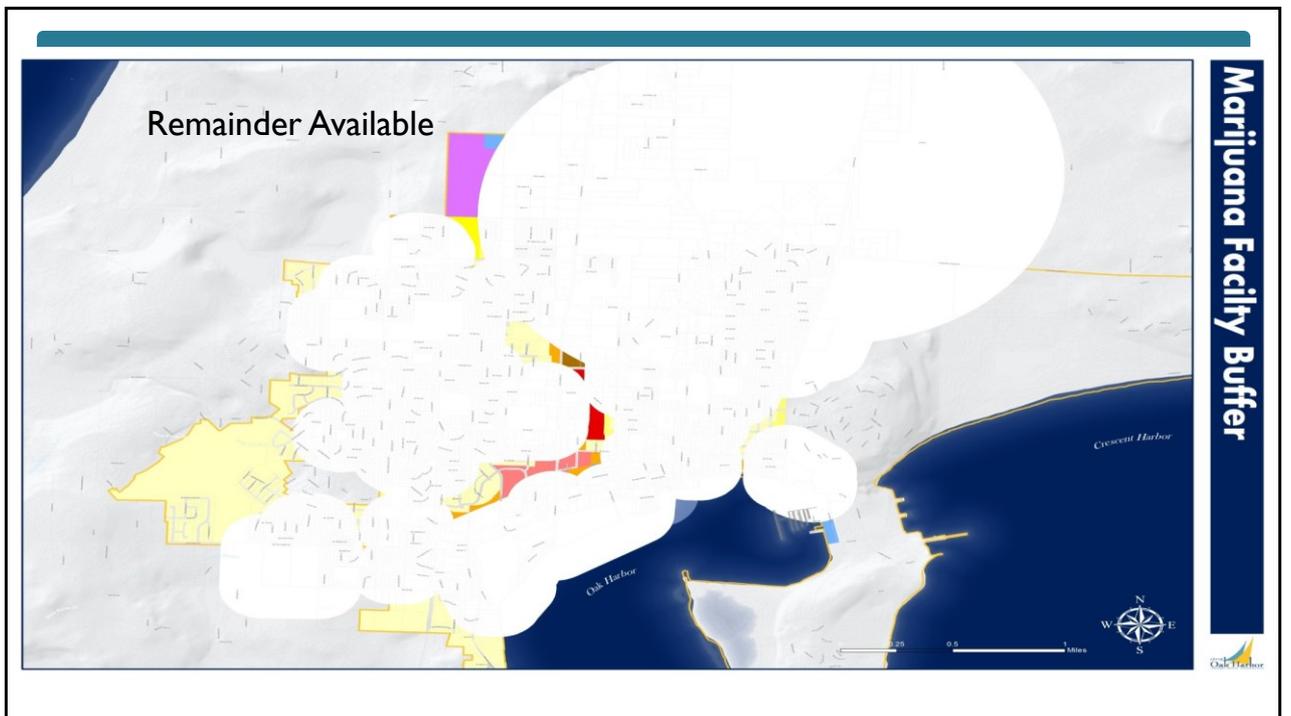
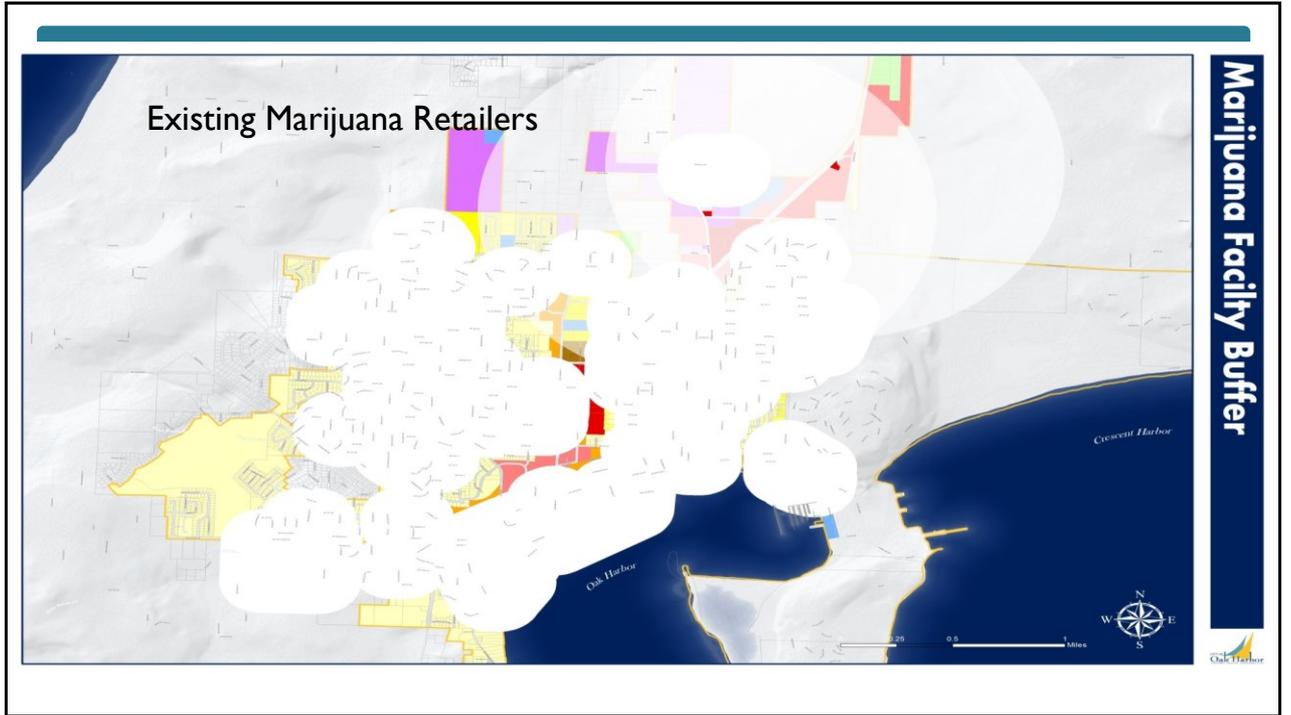


Local Conditions

- Licenses allocated = 2 Retailers
- Both medically endorsed
- Medical locational restrictions = recreational
- Cooperative restrictions (1,000'; 1 mile)
- Cooperative application = local review









NEXT STEPS:

- Planning Commission questions
- Planning Commission recommendation
- City Council workshop: July 27
- City Council adoption: August 3