



STANWOOD PLANNING COMMISSION MINUTES

March 26, 2018

Call to Order

Chair Utgard called the meeting to order at 6:30PM with the following Commissioners present: Kelly McGill, Steve Shepro, Marcus Metz, Lance Dennis and Randy Heagle. Commissioner Susan Ronken was excused. Staff present; Community Development Director Ryan Larsen, Community Development Senior Planner Amy Rusko, Planning Commission Clerk Devin Sola. Elected Officials in attendance: Councilmember Judy Williams. Known public in attendance: Ry McDuffy, Cathy and Michael Wooten, Jil Fewell, Andy and Julie Johnson, Bryan Hanson, Christa Lyford, R.Dupree, Mike Satterfield, Tim Schmitt, Aleph Fackenthall, Kate Hansen, Amy Sellers, Darren Sellers, Nancy Hansen, Anna Hansen, Debbie Klein, Scott Amundson, Peggy Kitting, Eric Pilkington, Gary Williams, Nancy Williams, Kathleen Shepro, Cliff Grant, Tim Cooper, Caprice DeGuzman, Ryan Oting, Margie Dubree, Karen Palmer, Wade Grant, Dottie Gorsuch, Melissa Hutsell, Katie Farrey, Fel Farrell, Mike Braley, Tim Poetzl, John Brazier, Erika Lervick, Karin Brazier.

Public Requests or Comments

Cathy Wooten, 27828 84th Ave NW, Stanwood, Mrs. Wooten stated that during the March 8th Community Development Committee meeting there was discussion about changing the bed and breakfast permitting process from a conditional use permit to an administrative conditional use permit. It would cost a citizen \$500 to appeal to the hearing examiner an administrative conditional use permit plus potential additional costs. Changing from a conditional use permit to an administrative conditional use permit limits citizen involvement, and expenses should be the responsibility of the permit applicant.

Minutes

The minutes of the February 26 and March 12, 2018 meetings were approved as presented.

New Business

Trailside 15 Lot Preliminary Plat Public Meeting

City Administrator Ryan Larsen stated that this is an informational meeting for the commissioners to review this application and to provide suggestions for the project. No official action is necessary this evening.

Senior Planner Amy Rusko stated that the plat includes 15 single family residential units. There was a street modification request allowing for a drop curb within the cul-de-sac area only, and regular curb, gutter, and sidewalk everywhere else. The property is zoned multi-family residential. The property is 2.61 acres. The applicant could have done 52 multi-family units on the site, but instead is doing 15 single-family units.

Ry McDuffy – 3605 Colby Ave Everett. Mr. McDuffy spoke on behalf of the applicant, stating that they are doing improvements from 96th to 271st. They are going to look at the drainage system and improving the ditch along Heritage Trail.

Staff answered inquiry from Planning Commission regarding mention of a detention pond. It was clarified that on the north side of the property, there is a trail along the south side of Heritage Park. The applicant will improve the ditch along the south side of the park by widening it and creating a pump system to pump that into our existing drainage. There is no physical detention pond.

Mr. McDuffy answered a question regarding trees shown along Heritage Trail. They will be removing seven trees along the south side in order to move the ditch onto public property.

Staff answered inquiry from Planning Commission regarding pump system. Staff responded this is a city owned pump, and will also help entire downtown drainage system.

Planning Commission asked whether the large tree in the front yard of lot 13 will be removed. Staff and Mr. McDuffy responded that has not been determined yet.

Public Comment:

Cathy Wooten, 27828 84th, Dr., Stanwood, Mrs. Wooten asked if there will still be parking on both sides of the street where the currently paved strip is in front of the library. She would rather give up that parking for safety. She is also wondering if there could be a cross-walk added to the off-site parking lot.

City Administrator Ryan Larsen said he has not seen a physical map so he does not know yet if that parking will still be there.

Julie Johnson, 27126 96th Ave NW, Stanwood, Mrs. Johnson is concerned about drainage and safety. She is wondering if the plan will tax the current drainage system, and if it takes flood events into account. She commented that the traffic study didn't take into account extra traffic during weekends created by sporting events at the sports fields and library traffic. Does the city need a residential development in the downtown flood plain? She made suggestions for improvements to the plan.

Judy Williams, 10520 Saratoga Dr., Stanwood, Councilmember Williams commented that Stanwood is a place for families, and right now we do not have the homes for that. It's important to look at our options. There will be impact anywhere a development is built. Flood insurance is the responsibility of the buyer, so the buyer will be aware of that before the purchase of a home.

Mr. McDuffy stated traffic, drainage, and parking concerns will be taken into consideration and will be discussed at the public hearing.

Public Hearing: Zoning Edits to Title 17 related to Retail Marijuana

Chair Utgard opened the public hearing.

City Administrator Ryan Larsen gave the staff report on edits to Title 17 related to retail marijuana. The City Council in January asked staff to look at the issue of retail marijuana. Some rules in the proposed ordinance include a limit of two retail businesses in Stanwood,

and a 1,000 foot distance from any parcel containing an elementary school or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older. Shops may not locate within 2,500 feet of each other. Customer parking rules were discussed, as well as front façade materials consistent with design standards in that zone. Design standards could apply if located in a zone that does not have them. The proposed zoning locations include Mainstreet Business I and II, and the General Commercial Zone. City staff has contacted several cities and have found a range of approximately \$25,000 to \$45,000 annually in retail sales and tax revenue. Some part of distribution is based on excise tax on retail sales.

Planning Commission discussed:

- Once a retail shop is approved downtown, it's to the exclusion of any other establishment in that area, creating a monopoly
- Requested names of cities contacted regarding their revenue dollars – will need to discuss with legal counsel to see if those can be disclosed because revenue sales are proprietary within city
- Do those cities have more than one retail establishment? Only one

Public Comment:

Scott Amundson, 27210 103rd Dr. NW Stanwood, Mr. Amundson is owner of Amundson Auction's. As a local business owner, he is all for any additional revenue that the city can obtain within a respectable manner, however, he does not believe it should be on mainstreet in our tourism area. Those that partake in recreational marijuana who live in Stanwood are currently bringing their dollars outside the city.

Cathy Wooten, 27828 84th Ave NW Stanwood, Mrs. Wooten stated she is not speaking for or against marijuana. She is concerned that staff is proposing to add retail sales as an administrative use permit not a conditional use, which would mean a public hearing would not be required.

Commission and City Administrator discussed language in the staff report from the February 26th meeting and from today's meeting and determined there was a typo regarding administrative use permit instead of administrative conditional use permit in today's staff report.

Amy Sellers, 27820 73rd Ave NW, Stanwood, Mrs. Sellers is not in favor of a retail marijuana store. She shared statistics from a report done by the Rocky Mountain High Intensity Drug Traffic Force who have done five in depth reports in Colorado. She asked that the Commission research this issue more. The safety of the community is more important than revenue.

Kate Hansen, 28714 75th DR NW, Mrs. Hansen read a summary of Ordinance 1376 passed in 2014 which included reasons why the council decided against marijuana at that time. She believes all of these reasons still apply and does not see a reason to make this sudden change regarding this topic. She suggested we wait to hear more about the topic before acting.

Commission asked that in the future if there is an ordinance that speaks directly to an issue that it be cited somewhere in the staff report.

Mike Satterfield, 30400 15th Ave NE, Stanwood, Mr. Satterfield stated that it was decided just a couple years ago that marijuana would not be allowed, so assurances regarding buffer zones don't mean anything to him. He stated that marijuana is not harmless and listed harmful side effects of the drug. He also stated THC content in marijuana is increasing.

Peggy Kitting, 7229 286th PL NW, Stanwood, Mrs. Kitting opposes a marijuana retail shop in Stanwood. Her main concern is the abuse of marijuana and youth using marijuana. She asked if we really want a pot shop in the heart of Stanwood. She asked that this be brought to a public vote.

Michael Wooten, 27828 84th AVE NW, Stanwood, Mr. Wooten stated we are looking at a very small zoning area for a shop to go. He pointed out on a map where the recommended zones are located. The most likely spot for a shop to locate within the proposed zones is on mainstreet. He believes people are feeling disenfranchised.

Karen Brazier, 26517 Fox Hill Dr. N, Stanwood, Mrs. Brazier stated she is using marijuana for medical issues. She used to be on pain medication that is no longer prescribed due to abuse of opioids. When she is in the Bud Hut buying marijuana, most of the other customers are also purchasing marijuana for medical reasons. Children are going to get it, and it's all about educating children. It would be great to just allow medical marijuana, but we don't have that option.

Dottie Gorsuch, 27519 80th Dr. NW, Stanwood, Mrs. Gorsuch stated that when she was growing up, the council supported whatever the parents supported. The goal was to raise children in a safe environment. She asked that the commission slow this process down and take time to think about what has been shared.

Commissioner Shepro asked if Mrs. Gorsuch was on council when Ordinance 1376 was passed and asked who the author of the ordinance was. Mrs. Gorsuch responded she was on council at the time but is not aware who the author was.

Caprice DeGuzman, 2315 Blanch Way, Camano Island, Mrs. DeGuzman is not in support of marijuana in Stanwood. She understands it's all about revenue. Her family was directly affected by marijuana. Stanwood has a long history of losing youth, and she asked why bring one more thing into the city that will affect our youth.

Ed Farrey, 27313 Pioneer Hwy, Stanwood, Mr. Farrey spoke in favor of marijuana. He doesn't think having a store downtown will affect black market pot that is already available to children. By the time kids are in middle school and high school, we need to be supporting kids in learning how to protect themselves. We have elected a council, and if you do not like how they vote, vote them out.

Katie Farrey, 27313 Pioneer Hwy, Stanwood, Mrs. Farrey stated we need to teach our kids to be responsible and we cannot do this by isolating them. She is a retired teacher, and taught in Stanwood for 30 years. She uses marijuana for severe arthritis in her hand, and was impressed with security in a marijuana shop in Seattle.

Aleph Fackenthall, 6108 284th, Stanwood, Mr. Fackenthall stated we may soon have a solution for medical marijuana patients who are homebound. The City Council should not

consider a decision without public support. He suggested the Planning Commission recommend an advisory vote, or form a sub-committee to study what has worked well for other cities. He also stated there would be more support if this was allowed in Light Industrial instead of mainstreet.

Bryan Hanson, 28714 75th Dr. NW, Stanwood, Mr. Hanson stated his wife and daughter were verbally berated at a hearing a couple years ago on the marijuana issue. He has not seen the rationale for the 180 degree change from the previous ordinance on marijuana. Not enough time has passed since marijuana has been legal for enough research to have been conducted. He would like to see a sub-committee formed to look at this more thoroughly.

Cliff Grant, 8201 283rd St NW, Stanwood, Mr. Grant stated that the proposal for retail marijuana appears to be in conflict with the city's comprehensive plan, including the vision for the city and the downtown plan. He is also concerned with the permit method. He would like the Planning Commission to reconsider creating a sub-committee to discuss options.

Tim Schmitt, 27308 101st Ave NW, Stanwood, Mr. Schmitt is against an advisory vote because of the cost to put the issue on the ballot, and because people have already had the chance to voice their concerns, and this is what the Planning Commission is for.

Christa Lyford, 27928 80th Ave, Stanwood, Ms. Lyford is a college student and is not in support of marijuana. She works here and is involved with youth ministries here. She is concerned that one proposed location is near her church. Having a marijuana shop in downtown will normalize it.

Mike Braley, 28003 85th Dr. NW, Stanwood, Mr. Braley stated he was not here to take a side either way, but believes we should have an advisory vote on the issue. He stated that the MRSC.org website has a section that can estimate tax revenue.

Commissioner McGill asked if Mr. Braley has seen a correlation between marijuana and encampments. Mr. Braley declined to comment on that, he came to the meeting as a citizen.

Erika Lervik, 28921 64th Ave NW, Stanwood, Mrs. Lervik stated that she does not mind going out of town to buy her underwear, therefore it shouldn't be a problem to go out of town to buy marijuana. Stanwood is a small hometown and shouldn't conform.

Tim Poetzl, 28448 71st Dr. NW, Stanwood, Mr. Poetzl stated the biggest issue is zoning. He doesn't think downtown is the best place for a shop.

Judy Williams, 10520 Saratoga Dr., Stanwood, Councilmember Williams asked how many people are planning to go home and have a glass of wine tonight. She commented that everyone seems to be fine with that. She thinks this is an emotional issue, but we have to not be fearful in the decisions that we make. Alcohol is just as deadly as marijuana.

Commissioner McGill stated that he believes alcohol is far worse than marijuana. The issue for him is where we put a shop. Is there a way we can forge a compromise where people in this town in need can get marijuana?

Commissioner – stated that when there is an issue we are against, we tend to show up in force. He encouraged everyone to put as much consideration into working to do positive things in the community in a proactive way as opposed to a defensive way.

Chair Utgard closed the public hearing.

Commissioner Shepro made a motion to refer the matter to a special committee. Motion seconded.

Chair Utgard clarified there is a motion and second to form a sub-committee of the Planning Commission members to study this issue further. Dennis-abstain, Metz-no, McGill-yes, Utgard-no, Shepro-yes, Heagle-no. Motion failed.

Commissioner Heagle made a motion to move this along to City Council for a vote. Motion seconded.

Chair Utgard clarified there is a motion and second to refer this issue back to the City Council without a recommendation. Dennis-yes, Metz-yes, McGill-abstain, Utgard-yes, Shepro-no, Heagle-yes. Motion passes.

No Old Business

No Miscellaneous Business & Upcoming Items

Adjourn

The meeting adjourned at 8:30 PM.

Devin M. Sola, City of Stanwood