



Meeting Minutes

Planning Commission

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Todd Stamm
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Monday, September 22, 2014

6:30 PM

Room 207

1. CALL TO ORDER

Chair Brown called the meeting to order at 6:30 p.m.

ROLL CALL

Present: 8 - Chair Max Brown, Vice Chair Kim Andresen, Commissioner Roger Horn, Commissioner Missy Watts, Commissioner Judy Bardin, Commissioner Darrell Hoppe, Commissioner Jerome Parker, and Commissioner Carole Richmond

Excused: 1 - Commissioner Jessica Bateman

OTHERS PRESENT

Community Planning and Development Director Keith Stahley
Principle Planner Steve Friddle
Associate Planner Amy Buckler
Code Enforcement Officer Chris Grabowski
Deputy City Attorney Darren Nienaber
Kenyon Disend PLLC Consultant Chris Bacha
AT&T Attorney Ken Lyons

2. APPROVAL OF AGENDA

The agenda was approved.

3. APPROVAL OF MINUTES

[14-0908](#) Approval of September 8, 2014 Planning Commission Meeting Minutes

The minutes were approved.

4. PUBLIC COMMENT - None

5. ANNOUNCEMENTS

Ms. Buckler gave a development update about the Village at Mill Pond. She announced a General Government Committee meeting with advisory board chairs on October 21, 2014 and reminded the Commission that the final City Council work

session to discuss the Comprehensive Plan will be on October 7, 2014 at 5:30 p.m.

6. INFORMATION REQUESTS

There was a request for more information regarding the appropriate use of City email accounts.

Ms. Buckler suggested viewing the Open Government Training online video which should answer any answers, or email her with questions.

7. BUSINESS ITEMS

[14-0899](#) Recommendation Regarding Permanent Retail Marijuana Regulations

Discussion:

- Decision of the Hearing Examiner regarding signage which prohibits the use of products on premises.
- Why churches were not included on the list.
- Specific questions about the interim ordinances currently adopted by Council.

Mr. Nienaber addressed why there is reluctance to use prohibitive language and how the regulation by the Hearing Examiner is appropriate utilizing a site specific approach. He described recent court decisions which do not favor sign content restriction and how such restriction opens the door to challenges and scrutiny.

Mr. Gabowski explained the decision by the City of Lacey to not add churches onto the list because of the large physical area covered. He outlined how tax revenues are received by the state, but enforcement oversight is the City's responsibility and therefore not directly funded by taxes.

Commissioner Richmond moved, seconded by Commissioner Hoppe, to recommend the Interim Retail Marijuana regulations as written to City Council. The motion passed unanimously.

[14-0916](#) Recommendation to City Council re: Wireless Communications Facility Regulations

Mr. Friddle stated his intention, along with Mr. Bacha and Mr. Nienaber, to discuss the "Questions to Steve Friddle and Other CP&D Staff Regarding the Wireless Communications Facility Regulations" letter from Commissioner Parker.

Commissioner Parker explained why he formulated the letter and its relationship to the Coalition of Neighborhood Associations' (CNA) written response on the issue.

Mr. Friddle and Mr. Bacha explained the legal requirements, the current federal stalemate, the need for balance between local and federal regulation, and the process behind updating the local code to address the complex requirements of all stakeholders.

Mr. Friddle addressed specific concerns of the Commission about the CNA which has formed two subcommittees to deal with questions. Those meetings have been attended by Mr. Friddle.

Mr. Bacha explained what is outside the scope of the City's oversight, discussed some court cases and the possibility of Federal Communications Commission (FCC) regulations regarding service provision and local regulatory control. He explained the efforts of staff to construct effective regulations thus bypassing the need for any changes by the FCC.

Discussion:

- Problem of proceeding when final federal regulations have not been determined.
- Concern the public has had inadequate time to fully review the recommendation.
- The preemption on restricting facilities based on health effects.
- Problems of defining a large number of subscribers.
- Possibility of portion of revenues shared with the neighborhoods.
- Confusion about court decisions.
- Letter from Peter Guttchen from the CNA requesting more time.
- Assessment of new comments from AT&T.
- New ordinance is prejudiced toward orienting on public land.
- How analysis of cumulative electromagnetic energy of collocation will be determined and monitored.
- Changing landscape of underground utilities implies citing on lamp poles as only viable upright structures which is problematic.
- If buffering schools based on health reasons is not allowed, what other basis could be used for denial of permitting.
- The importance of school board position on the issue.
- Questions about cell tower obstruction of historic views.
- Questions about cell tower placement near or on critical habitat areas.

Mr. Lyons discussed Thurston County regulations, buffer zones, and critical area requirements.

Mr. Nienaber explained some legalities of the ordinance.

Chair Brown moved, seconded by Commissioner Parker, to postpone the recommendation until Commissioners have had time to evaluate new material provided by staff to illustrate and explain the substantive changes made by AT&T. The motion passed unanimously.

[14-0911](#) Recommendation on the 2015-2020 Capital Facilities Plan (CFP)

Commissioner Horn discussed the Draft Update of Goals and Policies for the Capital Facilities Element of the Comprehensive Plan.

Discussion:

- Healthy community's imperative and use of the language "well-being" instead of

public health.

- Built environment studies and direct links to health outcomes.
- Reasons for removing land banking language.

Vice Chair Andresen commended the leadership of Commissioner Horn and all staff and Commissioners who have worked on the draft.

Commissioner Horn reviewed the draft recommendation letter and explained the Subcommittee's intention of putting forth new ideas.

Commissioner Richmond discussed the community and neighborhood parks recommendations.

Commissioner Parker discussed the transportation issues and the intention to create policy directed planning rather than perpetuating the old standard and past typical approaches.

Commissioner Bardin discussed her update on urban forestry.

Commissioner Horn recommended adding sea level rise and climate change to the utilities issue. The goal is to have a final version ready for Commission approval at the next meeting and on the agenda for the October 14, 2014 City Council meeting.

The recommendation was discussed and discussion will continue at the next meeting on 10/6/2014.

8. REPORTS

Leadership Team:

Chair Brown gave a report.

Finance Subcommittee:

Commissioner Horn gave a report.

Liaison Assignments:

Commissioner Richmond gave a report on the Utilities Advisory Committee meeting she attended.

Other relevant meetings attended:

Commissioners Parker and Andresen attended the Tacoma Design Series comprehensive update meeting.

Chair Brown and Commissioner Watts attended the Olympia Coalition for Ecosystems Preservation meeting.

Chair Brown attended a new student panel at The Evergreen State College.

Commissioner Horn attended the Council Finance Committee meeting.

Chair Brown announced a lawsuit against Commissioners concerning the Open Public Meetings Act.

9. ADJOURNMENT

The meeting adjourned at 9:17 p.m.