



# City of Olympia

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## Meeting Minutes Planning Commission

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**Monday, September 22, 2014**

**6:30 PM**

**Room 207**

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### **1. CALL TO ORDER**

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

### **1.A 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 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.**

**The recommendation was discussed and closed.**

### 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 CNA's 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 Coalition of Neighborhood Associations (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 it 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 of collocation will be determined.
- 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.

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.**

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

[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 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 law suit against Commissioners concerning the Open Public Meetings Act.

**9. ADJOURNMENT**

The meeting was adjourned at 9:17 p.m.