

**City of Benton City
Planning Commission Board Meeting Minutes
July 22nd, 2014**

CALL TO ORDER – (20/4/780*Audio recording begins) Vice Chair Allen called the July 22nd, 2014 Planning Commission Board Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG/U.S. – Commissioner I. Howard led the Board and audience in the Pledge of Allegiance - (22/2/036*)

ROLL CALL – (34/4/519*) **Commissioners Present:**

Commissioner Gary Robins
Commissioner Don Allen (Vice Chair)
Commissioner Ivan Howard
Board Vacancy

Commissioners Absent:

Commission Chair Kyle Norris

City Professionals Present:

Stephanie Haug, Clerk of Board

Citizens in Attendance:

Carolyn Mason, Owner, Lets Deal
Harold Mason, Owner, Lets Deal
Randy Rutledge, Consultant, Benton City E.D.C.

APPROVAL OF MINUTES FOR MAY 27TH, 2014 PLANNING COMMISSION BOARD MEETING
(44/2/373*)

Commissioner Robins: I'd like to approve the Minutes of the last meeting.

Commissioner Howard: Second it.

MOTION #1 – C. G. Robins moved and C. I. Howard seconded to approve the Minutes of the May 27th, 2014 Planning Commission Board Meeting as presented.

VOICE VOTE #1 – C. I. Howard, C. D. Allen, C. G. Robins
ALL YEAS. Motion carried.

DISCUSSION – AUTO-ORIENTED USES - (57/4/918*)

Vice Chair Allen – Any comments on auto-oriented uses

Mrs. Mason – Car lot at 1204 Horne – In 1991 – Went wholesale for year – Closed 2012 – Multiple licenses there under Lets Deal – Leased 1,500 sq. ft. – Between Lot 2 and Lot 3 – Where mini-storage and car lot – Modified two end units into office space - Want to reopen – New codes require we pave both lots – No problem with drainage – Can't invest \$150,000 won't be able to recoup - Small town – Mom & Pop - Five to fifteen cars at most – Attorney suggested modifying the Code – Set with the State for business – Taking on a partner – No other changes to structure – Lease 1,500 feet to taco truck – Want Code modified so don't have to paving – Can beautify some other way – Work with me – Not going to pave it – Depends whether we sell everything and get out of Dodge or what – Need to get it opened – Approved through auctions – Can put on a lot but can't sell – Tell me what to do – I need the license – Any concerns I can answer

Commissioner Howard – What did they make you do for taco truck?

Mrs. Mason – Nothing – The Laundromat was not required either – Red Mtn. RV Rentals there for two years prior – Didn't have to do anything – Taco truck didn't have to do anything – When Laundromat sold – Not required to do anything

Commissioner Howard – Why are we making them do something – No different than other businesses

Mrs. Mason – In Code now – When was this Code passed?

Ms. Haug – In effect since 2003

Mrs. Mason – Red Mtn. RV Rentals there 2011 to 2012 – Bought Laundromat in 2013

Ms. Haug – Code wasn't being applied – Auto oriented use – Why now before Planning Commission for clarification – Revisions to Code itself

Mrs. Mason – Modify – Limit number of cars – Understand if you don't want to see cars jammed in lot – Okay with being limited to fifteen to twenty cars - Understand

Commissioner Robins – Service area?

Mrs. Mason – No - Might wash them off occasionally

Mr. Mason – Been there 18 years – Continuously been used – Rented RV – Sold RVs – Had U-Haul there – Asphalt is hazardous waste – Compact gravel – Have chemical to put on spill to disperse oil – It's compact cracked gravel – No complaints about dirt – Not as hot as asphalt - Can't afford to blacktop – Would like to have car lot here – Helped lots of people – We can't afford to do that and put cars on it – In your hands – Not like Kennewick – We're Benton City – One time wanted to model ourselves after Dayton – Let's be like Benton City and make things happen

Commissioner Howard – **Organism** - Used at reactor to clean up oil – Sprinkled on site – Developed locally – Worked well – Good stuff

Mr. Mason – Pretty simple thing here – Are we going to have to pave it or can we open our doors and go the way we are – We cannot afford – Approximately \$150,000 to pave it

Mrs. Mason – Looking at 15,000 sq. ft. front lot and almost 25,000 sq. ft. second lot we'd have to pave – Have engineer design drainage system – Plus have someone come in and install it – How would we ever recoup that kind of money in Benton City – There's no way

Mr. Mason – Seems to escalate – First came into City Hall - Needs to be to scale – Made it to scale – Brought in to City Hall - Not on graph paper – Had engineer do it to scale – Won't work – Not on graph paper – Not done on graph paper anymore – Don't on computer - Now have to pave – What other hoops will be have to jump through

Mr. Rutledge – E.D.C. Coordinator – Needed business in town – Tax base within – Hard compact gravel – Allow – Limit the number of cars – Get the corner working – Need the businesses – Also don't see the difference between RVs and cars – Been here long time – Good reputation

Vice Chair Allen – Did some checking on own – This is an individual build a case – Variance in each one – We don't make decisions - Just make a recommendation to Council – Looked at Codes elsewhere for car lots – Big cities can do big things in regards to car lots - Oil leakage and transmission leakage don't want in ground – If you have issue like that on your lot - Right thing to do is Correct before it goes on lot – Might be to your advantage – Put pan underneath

Mrs. Mason – You don't sell a car that's leaking oil – There are things like that to correct sort of thing – Without using hazardous waste like asphalt – Drainage system that collects any oil that does leak – Concentrates it down deeper into soil

Commissioner Howard – Come to lot in morning - Do an inspection to check for leaks

Vice Chair Allen – Expensive to pave – Anything else

Mrs. Mason – City attorney recommends revision – Bottom line - We're not going to pave it – Whatever you want to recommend – We'll go before Council

Vice Chair Allen – Waste management aspect – To your advantage to go before Council with plan

Mrs. Mason – Have done so – Have talked to Linda Lehman regarding situation

Commissioner Robins – No service station – Oil changes –

Mr. Mason – Do maintenance out at house – Periodic inspections okay – Looks good for us

Commissioner Robins – What is out there for dust control?

Mr. Mason – Nine acres of irrigation

Mrs. Mason – Detail somewhere else – Has someone that details – Occasionally wash off dust – Not done regularly

Commissioner Robins – Site specific – Sales – Case by case review

Vice Chair Allen – Any other questions? Thank you for your time – Do we make a motion for what we want to do?

Ms. Haug – At this point – Been on Planning Commission discussion hoping to get direction of how to amend code – Send to City attorney to draft an ordinance amendment – Would come back to Planning Commission for Public Hearing

Commissioner Robins – How do we do that? Have no problem with not requiring paving

Vice Chair Allen – I recommend they do not need to put down asphalt

Commissioner Howard – I agree

Commissioner Robins – I agree

Ms. Haug – Remember this is not a site specific – This is regulation that is City wide – That's what you're looking at – Whether or not to amend – In Staff Report – Items for Consideration – Based on what the City attorney has stated at Council Meetings as well as comments made by Council – What to add or subtract from Code – May or may not affect Mason's development – Remember – This is not site specific – General regulation for all

Vice Chair Allen – Clarification of Code as written

Commissioner Robins – No saying we can't go to site specific on this – Not really issue

Ms. Haug – To remember – These regulations will be applied to anyone wanting to open an auto-oriented business – While may be impractical here

Commissioner Robins – How did RV park get by with it? Curious

Ms. Haug – Continued use – Code allows for grandfather – Cease use for year – Lose grandfather – Apply to do something – Everything has to be done to code – That's current situation we are in

Vice Chair Allen – This was passed in '04? '03.

Commissioner Robins – Still there wasn't anything on that corner for year – Where RV park is today – Don't really see difference between RV park – RV service there – Other things as well – Tractors – How as Commission can we word this to allow something to go on – Get the right wording before we agree

Ms. Haug – Idea is to get Planning Commission to come to consensus what ideas would like to be seen in Code – Sent to attorney to use the language to accomplish what you're trying to say

Commissioner Robins – Almost have to have in there site specific – Personally – Everybody has own need and ideas – As it stands now – Not an option – Think there needs to be one

Different usage – Size – Car business – Rebuild motors – Car sales – RV rentals - Has to be site specific

Vice Chair Allen – Each individual is different – Individual applications – Based on property and what can be done with it – See where trying to come up with something more specific – Needs to be more individual – All these types of things included in this - Big grab bag – Have to be item specific each and every time comes up - Everything – What would be done – How you're going to do it

Ms. Haug – Along those lines – There would need to still be – Each application is always reviewed specific for what it is – Compared to what Code says – Tire shop – These would be parameters – Car sales lot – These would be development regulation – If that is direction Planning commission is wanting to go - Discuss what specific criteria would be for car lot versus gas station versus quick lube business

Mrs. Mason – Each car lot is not exactly the same either

Vice Chair Allen – Each and every application – All the different things and way can be used – Numerous – Understand what asking – Extremely hard to come up with something for that – Many variables – Would need to look at each individual for that specific application and what was to be done with it and how it was to be done – Fencing – More security due to contents – Real can of worms – Nothing specific – Case by case – No set rules

Commissioner Howard – Don't understand – Why are we trying to head things off before it even happens – Hand-cuffing ourselves – Why have Code for different things – If leaking happens – EPA can step in or City can – Why try to head something off before it even happens – Don't even know if it's going to happen – Selling cars – Not detailing – Not changing oil – Selling cars – No different than selling RV or renting U - Haul – It is a product trying to sell – Just happens this product contains fluids – So do all the port-a-lets – They don't have to be on concrete pads everywhere they go

Ms. Haug – What you are saying – This section of code should be eliminated? That's where this whole situation comes from – This Code has been adopted – Maybe the recommendation of the Planning Commission is not to have this regulation on auto-oriented uses specific

Commissioner Howard – How can you have one and the other – Either going to do this on a case-by-case basis or we're going to have a set standard for everybody – Just the way it's going to be – All you are saying – City is not going to bend – It's our way or the highway – Guarantee the highway will be the one they take – This town will stay the same – Never going to grow – Always be a little hick town – All because we refuse to move or sway a little bit – A tree that don't bend will soon break – No sense in going down that path – That's been proven in history – Let's do a little bending

Vice Chair Allen – See your point – Another point Steph is coming up with – Appreciate what you are saying - Agree with your point – Looking at something else – Example – Someone trying to do storage unit – Putting units in – Individual – Puts application in - Not going to meet criteria – Each case is an individual case – No parameters stating one way or others – Got to have boundaries – Environmentally protected – Want to see City grown – Entertain idea of what attempting to do – Steph pointing out City has ordinance now on books – Don't know what to do with because don't understand it – Very vague – Could be used in so many difference ways – Variance – Says has to be paved - Shouldn't be in concrete that's the way it has to be – So what are we going to do? How are we going to make it so they are able to do it and someone else is able to do something like that – Come in here and do what needs to be done

Commissioner Robins – How would an attorney interpret what we are saying – Obviously has to be done legally – How do we figure how that would work – By the criteria we're setting here – Could we put that in front of an attorney?

Ms. Haug – Even if you say you want case-by-case – Still have to have some sort of review criteria to evaluate each application on – Which we do as Planning Commission – Evaluate for public safety – Environment issues – Look at that – Have to be careful we don't draft regulations that could be interpreted to be biased – Not giving better treatment to one application over another – Need something that shows and facts – Review application to meet criteria – Not just "This sounded good today, let's say yes!"

Vice Chair Allen – Could we go to the attorney and bring up our concerns – He could check with other cities to see what they're doing – Smaller cities – Get feedback on different ways to do things – Can go in many different directions

Mrs. Mason – Stephanie is right – Can't just delete it – Have to have some type of criteria - Have to have parameters – You as Planning Commission should be reviewing - All shouldn't be putting in codes and statutes – What good are you guys? What are you doing? You're supposed to be reviewing and approving – Make sure this okay – You should set criteria – Should be something in there saying on these certain areas – Or certain businesses – Talk to Lee Kerr

Vice Chair Allen – That's what we're trying to do

Mr. Rutledge – Seems to be number of cars – Twenty cars or less – No detailing – No maintenance, etc. – Showroom – Balance of that – Gas station requires all environmental protections

Vice Chair Allen – Could there be some type of a guide – Brought up – Different uses – Lee could find different ways to amend

Ms. Haug – One of the things been touched on – Environmental aspect – If general impacts of this type of development – Other areas Planning Commission can see this development?

Commissioner Robins – Look at current Code 20.60.040 Auto-oriented uses – Sentence B – Except for landscape areas the entire service area shall be paved with a permanent surface of concrete or asphalt – Can we revise to say there shall be maintained in a, some type of fashion – I'm saying we change this sentence right here – The entire service area – Because you're not having a service area – But reading this if I'm not wrong – The entire service area shall be paved with a permanent surface of concrete or asphalt – We'll just put another wording in there – Maintained in an orderly fashion – Like substantial gravel – Obviously what they have there now – And may be paved or have concrete on there – A little bit of wording change here would help a lot of things out – Landscape – Sentence C – Except for necessary openings - Talking about auto washing - Hydraulic waste pits – Lubricating - Food prep – What does that have to do with an auto-oriented use? There are a lot of things thrown in this – Understand if you have an office – Employees eating in there – Probably where food thing came up with – Talking about all washing ingredients should be bio-degradable - Think we should be able to change wording in sentences to make lot better – Fencing – Paragraph D - Except - Talking about chain link fence no higher than thirty-six inches high shall be erected - Why? May be erected – I think some changes of the wording in here may prove more beneficial than us rewriting how to make the wheel – Just on a few wordings here – Could make this site specific – It's here just worded to point we're handcuffed – My personal opinion

Vice Chair Allen – Big difference between shall and may

Ms. Haug – When use may makes enforcement more difficult – Get having some flexibility – Maybe incorporate service area needs to be paved except for sale area of car lots with less than twenty cars - Or make exceptions – Specific exceptions – Leave it open to may – Then have no authority to enforce – Not a requirement – Might want to do that

Commissioner Robins – For instance – Coffee shop down here doesn't have a fence – The taco truck doesn't have fence – It says it shall – As I read this – Think a few wording changes here would allow for better

Ms. Haug – That's only required is abutting a Residential district – Buffer between the car lot next to

Commissioner Robins – Not how I read it – Has it in there regarding lights shining towards bedroom windows – Tells me you shall have a fence – If that's the case – They shall have a fence – Every other business in town shall have a fence

Vice Chair Allen – Example – Used car lot – Items specifics for used car lot – Item specifics for car wash – Items specific for each case and what's necessary for each one of those – so if items specifics for each particular thing doing with your property that's connected to auto-orientated uses – Would be individual case for individual depending on what you are doing – If they are doing fifteen cars – You need to do this – If you have twenty-five cars – Then you need to do that – If you're not selling cars – You're just out there for show – Not selling – That's another specific – How many specifics are you going to have? But you got to have something – You need direction of what is expected from of you – What you need to do and what not to do – Same with City Council - That's what makes this so hard – So many different variables – Do we want Lee Kerr to come up with item specifics of what the properties are going to be used for in auto-oriented uses – Are they going to be – This is what you're going to do – You're going to sell cars – This is what needs to be done – Maybe in their case due to facts – Can look at it – Say okay – Gravel and that type of thing is within parameters – We can do that – But if something else that requires paving – Then so be it – But doesn't include that – Items specific to the application – Maybe that's a way we can go – So many variables

Commissioner Howard – How did this code come about – Every city has one? So we just have one? If we didn't have a car lot at all – Would still have this on our books?

Ms. Haug - Always have to be aware – At any time – Any business could decide maybe – Use Russ Dean as example – Maybe Benton City is their next location for their auto-plex – So City is prepared – Don't create bad situations because we didn't prepare some sort of regulations to protect – Fence protects neighbors adjacent to Residential zone – Basic regulations that help protect property owners around

Vice Chair Allen – If some big organization wanted to come in here and do that – We need to have something specific that relates to what they want to do – We don't have that – We have a very vague

Commissioner Howard – So why not enforce this is we do have the auto-plex in here – Why can't we make a regulation for Mom & Pop place – Understand that this was written due to somebody coming out there and saying "Hey! Benton City's the next hot spot, let's go move out there!" – I can understand that – Why can't we have one for the general public here that is the Mom & Pop that we know – I doubt Harold and Carolyn are going to open up an auto-plex – Worked with Harold for year out there – He's an ironworker – They need help – With things like they've brought us right here – We should have something here for the smaller businesses to kind of get this going – You never know – It may be that the next big car lot will come in and buy him out – He'll go retire someplace in the Bahamas – That big corporation will have the money to do what we're asking – Think he's got his bases covered here – He's not trying to go in here and drain all his oil into the ground – He's prepared if something does happen – He'll be ready to take care of it when it happens

RECOMMENDATIONS OF PLANNING COMMISSION - (683/1/441*)

Commissioner Robins: I make a motion the we have the attorney draft up and/or meet with us at the next meeting and come up with a solution that would amend, possibly amend the auto-oriented

Vice Chair Allen: I think that's probably a, I think that's probably a good idea. We get with him and kind of discuss where we want to go with this and what the options are and how we want to (inaudible) that's for everybody, so because it's wide open, it really is. And we're not trying to hinder anybody, it was just that, the thing of it is when you go to do something like this, you want to know what your options are and what you can do and what you can't do. You don't want to go in there and say, "Well, you didn't say anything about that!" Okay, we got a motion on the, to see if whether or not we can get Lee Kerr to go ahead and meet with us and kind of talk to him about that stuff, Steph?

Ms. Haug – Going to forward the minutes from this meeting to (Lee) - Have him maybe come up with some different options like with the fence amendment - Some different things from other cities – Maybe help direct our next discussion as far as options what regulations you could adopt.

Mr. Mason – What would our move be? Wait another thirty days to come to this committee or would we go to the other committee – We're ninety days into this now – With each little thing – Which way do we go? Do we get let Lee Kerr figure out what it is? Think I know which way you guys are going – Don't want to speak for you – Would Lee Kerr get with the other committee? We have to go to the other committee, right?

Ms. Haug – It would come back to this board – Any changes would need to go for Public Hearing before the Planning Commission – Then their recommendation would go to Council – Two readings of the ordinance to the Council – At least sixty days out before anything is changed in the Code

Mr. Rutledge – Cumbersome from economic development

Commissioner Robins: I make a motion that we have the attorney look this stuff over and bring it in front of us, possibly in a different manner as he might see fit, that we could get this through and get it to Council.

Commissioner Howard: And I'll second.

MOTION #2 – C. G. Robins moved and C. I. Howard seconded to have City Attorney draft up ordinance options for auto-oriented uses and to meet with Planning Commission to create a solution that would amend the section of the Benton City Municipal Code regarding auto-oriented uses.

VOICE VOTE #2 – C. I. Howard, C. D. Allen, C. G. Robins
ALL YEAS. Motion carried.

DISCUSSION – DRAFT MARIJUANA REGULATIONS - (1627/2/899*)

Ms. Haug – Brief overview of draft marijuana regulations

Jackie and Brian Zakrajsek – Retail location – Benton County at Large – Gives us all of Benton County to work with - Moratorium – Prosser decided regulations – Prosser application – No need to saturate Prosser with marijuana stores – Moratorium in Kennewick – Ban in Pasco - Benton City is prime location – Retail/Commercial land – Prefer Benton City location – Security - Benton County allows within community – Would like to buy and build – Have private capital to do what they would like to do – Lucrative business venture – Have been stuck – Limited County locations – Next best option is Benton City – Would catch Tri City's traffic not wanting to go all the way to Prosser – Good for state and good for city

Commissioner Robins – Someplace in mind?

Ms. Zakrajsek – 1,000 linear feet from restricted locations – Schools – Daycares – Children's facilities - Public transportation – Bus depot – Park - Haven't looked at Benton City maps for what area that would entail

Mrs. Zakrajsek – Holding off to see if dust to settle – Rather than coming forward like this – Kind of hoping you guys in city would just kind of come to light and say that this is what is going to happen – Come on board – Now getting to point where have to continue in this process – We do have to find place to do this – Is it going to be a waste of our efforts to be looking in Benton City – Is it something you folks just aren't going to allow – Period – Or should we start focusing some efforts and see if we can work something out with you guys – See if there isn't a location or the ability to move forward

Mrs. Zakrajsek - Only three lottery spots issued to Benton County at Large – Unless City changes how many retail locations allowed – Most ever have is three - One in Prosser already established – Leaves us and one other guy – Other guy has already chosen Prosser but has not acted on it yet – We're hoping to be the Benton City location – Not opening yourself up to ridiculous amount of traffic for this

Mr. Zakrajsek – Not many people can do this - Liquor Board has that all locked down tight – How many and where they can be – Up to cities now to decide whether or how they're going to allow within parameters – Just to let you know somebody wants to – Only going to be three allowed – One in Prosser – One in Benton City hopefully and one somewhere else – It for area - Franklin County said no – As well as City of Pasco

Mrs. Zakrajsek - Benefits us – Will have to come to this side of river to buy

Vice Chair Allen – Do you have anything on that?

Commissioner Howard – Dead set against it – Seen what it does to families – Making it a law doesn't make it right – I don't want to see it come to our town – Just one man

Commissioner Robins – Don't have a problem either way – Do have property available – Does it go to city – Up to us – Say we recommend it?

Vice Chair Allen – Concern – Looking at trying to find Benton City property if anything is available – Can't find it – You're done – No sense going any further one way or other – Goes for anyone?

Mr. Zakrajsek – Right now really limited for three county spots there are – There is no land – Cross that line with Benton City address - Raise a bunch

Mrs. Zakrajsek – Already went through this with Richland and Kennewick lottery spot – Richland – So many parks and schools

Mr. Zakrajsek - Don't have to be right down town – Would prefer not to be right down town – Rather be on quiet developed property within all the regulations – Security – Regulations by state to even have this business

Vice Chair Allen – If you look at map – Very limited as far as Commercial – Other than maybe Industrial Park

Ms. Haug – In packet – Map engineer put together – As far as restricted areas

Commissioner Robins – Across from Kiona area – Where City leveled out about three years ago – Nothing been done yet

Mr. Zakrajsek – Perfectly happy being on other side of highway

Commissioner Robins – Trying to get a draw to come into this town – No saying you're necessarily the draw were looking for – I'm not hearing anything bad going on in Prosser

Mr. Zakrajsek – Hot topic – People either need to come to terms with it – Or kind of understand it

Mrs. Zakrajsek – Not here to sell you on why or why not it should be legal – State already decided it is legal – Only matter of time before legal across nation – Not here to preach

Mr. Zakrajsek – Just want to run legitimate business

Mrs. Zakrajsek – We would be in county except for no commercial property that suits our needs

Mr. Zakrajsek – Maybe that is something we could work on – If there's a large chunk of property already flattened out – If there's nothing going on there - What is it zoned – Can it be rezoned for Commercial strip?

Ms. Haug – It's Commercial – City has specific ideas of what they are trying to market there

Commissioner Robins – So far City hasn't done too well

Ms. Haug – The majority of the rest of land is owned by DNR - Don't have any access to that – Ultimately – Planning Commission sends just a general recommendation to the attorney to draft regulations one way or the other – Will come back before Planning Commission for their review – Then the recommendation to City Council for adoption

Mrs. Zakrajsek – Moratorium runs out in August

Mr. Zakrajsek – So this all has to be decided before then?

Ms. Haug – Not exactly sure when

Commissioner Robins – What City attorney looking for?

Ms. Haug – Which direction you want to draft – We're going to be in it – Within City limits – We'll allow it within certain zones – Any areas

Commissioner Robins – City Council threw that back on us?

Ms. Haug – It has not gone before Council except for the moratorium – Starting here with Planning Commission for discussion for draft ordinances

Vice Chair Allen – Understand our recommendation doesn't

Commissioner Howard – Doesn't mean a whole bunch – We're trying – We're taking the first step

Vice Chair Allen – Thinking – Small town like this – Going to raise bunch of eyebrows for lot of people here – Not saying one way or other – Sure you're aware of that - Right or wrong – Not judging one way or other – Raise a lot of eyebrows

RECOMMENDATIONS OF PLANNING COMMISSION - (2097/4/669*)

Vice Chair Allen – Want to make a recommendation that we do that – Leave it with Lee Kerr – Have him look into it – Come up with some recommendations

Commissioner Robins: Yeah, I'll go with that. I'll make a recommendation that we have the attorney look into the legalities, and or locations, I should say of possible business opening up

Ms. Haug: So you'd like him to look into developing zoning regulations?

Commissioner Robins: Correct. I mean, this has to go in front of the City – So how does that reach City Council?

Ms. Haug: So he'll put a draft ordinance together, which it would be a zoning ordinance, so it would come back to the Planning Commission for a Public Hearing and then for fact finding...

Vice Chair Allen: For review?

Ms. Haug: And then, recommendation, one way or the other would be sent to the City Council for their final decision.

Vice Chair Allen: We can look at the whole picture from there; see what we want to do.

Mr. Zakrajsek: Appreciate it.

Vice Chair Allen: Got a second on that?

Commissioner Howard: Oh, sorry! Yes, I will second that.

Commissioner Robins: I move to recommend to the Benton City Council look into developing zoning regulations

Commissioner Howard: I will do that.

MOTION #3 – C. G. Robins moved and C. I. Howard seconded to recommend to the Benton City Council approval of the Area-Wide Rezoning with the findings, conclusions and recommendations found in the staff report.

VOICE VOTE #3 – C. I. Howard, C. D. Allen, C. G. Robins
ALL YEAS. Motion carried.

Commissioner Howard – There's not a lot of Commercial property

Commissioner Robins – The only property I know I would recommend – Would be on that side of highway – great way to get City opened up to – Put one of those up there – Put a gas station next to it like everybody's wanted to for last three or four years – It's on that side of the road – You've got a great (inaudible) coming in and out of here – You got a better tax base – Not that that's the right way to go – At least something coming around to look at something – Seems to me the City's chased everything away out of here for the last four or five year

Commissioner Howard – Just my opinion - Seen what it does to families – I have yet in my years – Never seen it just stay at marijuana – Once that no longer serves their purpose - Move on to something else – Just progressively gets worse and worse – Sure it's legal – Can see crime rate going up – People are going to get the money to get that stuff – Even though it's legal – Doesn't mean its legal they way they're going to go out and get the money – Even if it means breaking into people's home and things of that nature – I don't agree with it – I own 2,500 shares of Cannabis Science – I own 3,500 of Nuvilex – Both marijuana companies – Those products are being made – Cell in a box – Extracting certain parts of plants – Injecting directly into cancerous tumors – For medical purposes not recreational use – Wife says I'm a hypocrite – If we find something to cure cancer – God made it – Must be good – God made lead too – But he didn't made it good when you form it into a bullet and shoot someone between the eyeballs – So lead has it purposes like everything else – Just how we determine how to use it – Done preaching now

Commissioner Robins – Had a brother-in-law retire just three months ago – He's traveled and hit few of these establishments - Curious to see how Prosser reacts over the next few months – See how Prosser changes – Limiting what they sell here – No limit in upper end of state – They're flocking to it

Commissioner Howard – Moratorium – Can't leave it in moratorium – We have to make a decision one way or the other - Is there a time limit on that? Do we have to do it by the next meeting or August or?

Commissioner Robins – Yes or no

Ms. Haug – We have to keep moving forward – Part of adopting moratorium is having a work plan basically saying you're not just going to sit on it so it's not allowed here

Commissioner Howard – What would be wrong with sitting on it for four or five months – See what happens to Prosser?

Ms. Haug – We've already been sitting on it for a year

Commissioner Robins – But we can kind of play with it – Not saying we've got to act – Am I reading this right? We don't have to say "Okay, let's bring it on" or "Let's shut it off" – We can kind of play with this – Kind of stretch it on through the attorney and meetings – Correct?

Ms. Haug – Ideally we have to make a decision one way or another – Currently have Code in place prohibiting issuance of business licenses for any federally illegal business – Technically...

Commissioner Howard – And that is still federally illegal – Just state

Ms. Haug – Correct – Technically – Not necessarily going to – If our moratorium expires and somebody comes in and applies – City doesn't really have much to say – Better for City to be proactive – Have something in place before

Commissioner Howard – Agree – We've got one already set up in Prosser – Why not watch it a little bit – If we see the crime rate start to go up in Prosser – We'll know – We haven't adjourned yet – We're allowed to do this?

Ms. Haug – Still having a discussion on issue

Commissioner Robins – All I made a motion for was to talk

Ms. Haug – To have Lee draft – Look into developing zoning regulations – To regulate it – So he's going to come up with something

Commissioner Robins – In essence – Starting to look at zoning – Play this out for next four or five months – Making effort to go somewhere without yes and no's or anything of that nature – Need to find out what City Council is doing – We got school teachers – People on this deal got more going on than I do

Ms. Haug – They will have their say – Starts with you – You get to review – You're going to have (inaudible) – Just like your fencing ordinance – Went to them – Completely changed it and redid it – They have that option – You're going to take time to do the best you can – Think what is best option for City – "This is what we give to you" – Important – I'll take notes – Also recorded in Minutes – But note reasons why you're making decisions – As far as we think this because we're concerned about the crime rate – Concerned about the neighbors – Be very specific about why you're making those decisions and recommendations – That's what they're going to look at when they make their decision – They might think something completely different

Commissioner Robins – Curious – What is tax base on cash

Ms. Haug – Cities don't

Commissioner Robins – Don't the cities recoup a little bit from sales of any of that?

Ms. Haug – It all goes to the State

Vice Chair Allen – Sales tax goes to the City

Ms. Haug – I'll have to look into specifically how – Changed around a little bit

Commissioner Howard – Prosser – Their idea was it'll bring people in here – Not just come in here to spend their money there – They're going to be using restaurants and groceries – Looking at revenue through different avenues

Commissioner Robins – Got the wine – Now looking at this other – Would you rather have somebody stoned and driving or drunk and driving – I look at that - Huge difference – I don't care what anybody says - I've been both – Not saying right, wrong or indifferent – Would I rather have somebody buy something and leave – You see buses and all cars sitting up at wineries – You know those people aren't decent driving away from there – Toured that facility – Been designated driver – Watch some people that could barely get to their car and drive out of there – Not a pretty sight

Commissioner Howard – Last thing I want to have somebody come up to me and say "Ivan, you guys made a decision and it cost my child their life" – Riding home on their bicycle or something

Commissioner Robins – Just opened up a bar across the street

Commissioner Howard – Don't even get me started on that – More than enough alcohol in this town

Vice Chair Allen – I do know few people in Prosser – One is police officer – Will talk with him to see what kind of feedback he's getting from people in neighbor

Ms. Haug – On that note – Received application for position on Planning Commission today – He hasn't been confirmed – Feel like he will add whole new element to us – He is City Planner for City of Prosser – Lots of expertise – What he does – He should be at our next meeting – Assuming since we haven't had any other applicants – He will be appointed

Vice Chair Allen – So we'll still be two short?

Ms. Haug – Still haven't heard from Kyle – Called and said he that was what he thought was happening – I asked him to give me formal resignation – Haven't received anything or heard from him – I don't know if he's already gone up north?

Commissioner Howard – Yes and no – He's up north – Still working down here – Him and skill saw got into bit of battle – Don't know how bad – Whatever happened

Ms. Haug – If you talk to him – Not pressing – Obviously more important things going on – Can call or sent me email

NEXT MEETING – TUESDAY, AUGUST 26TH, 2014 (2514/3/358*)

Ms. Haug – There's only three of you – If one of you can't make it - If you know sometime in August you can't make meeting – Please let me know as soon as possible – Will have to reschedule – Have to advertise each meeting – Cost for that – Might have to move meetings to Wednesday – New member has meetings Tuesday

ADJOURNMENT (2574/3/523*)

Vice Chair Allen: Make a motion we adjourn.

Commissioner Robins: I second.

MOTION #4 – C. D. Allen moved and C. G. Robins seconded to adjourn the July 22nd, 2014 Planning Commission Meeting at 7:26 p.m.

**VOICE VOTE #4 – C. I. Howard, C. D. Allen, C. G. Robins
ALL YEAS. Motion carried.**

Planning Commission Meeting ended at 7:26 p.m. (2579/1/508*Audio recording ends)

Donald Allen

Don Allen, Vice Commission Chair
Planning Commission Board

Stephanie Haug
Stephanie Haug, CMC
Clerk of the Board

Date: *Aug 28, 2014*