

TOPPENISH CITY COUNCIL
Study Session Minutes
October 7, 2013

CALL TO ORDER

Mayor Jiménez called the meeting to order at 5:00 p.m.

ROLL CALL

Present: Mayor Clara Jiménez and Councilmembers Loren Belton, Zachary Dorr, Mark Oaks, Derald Ortloff, and Blaine Thorington.

Absent: Councilmember Randy Taylor.

Staff Present: City Manager William C. Murphy (CM Murphy), William Rathbone (CDD Rathbone), and Executive Assistant/Deputy City Clerk Heidi Riojas.

Councilmember Oaks moved, seconded by Councilmember Ortloff to excuse Councilmember Taylor from the October 7, 2013 Study Session. Motion carried unanimously.

DISCUSSION REGARDING MARIJUANA ZONING REGULATIONS

City Manager Murphy (CM Murphy) reported that Council received a copy of the memo prepared by Community Development Director Rathbone (CDD Rathbone) to solicit input from the City Council regarding whether, and what zoning regulations are appropriate for marijuana sales, processing, and production in the City of Toppenish.

CDD Rathbone summarized the background with the passage of Initiative 502 to legalize the possession of small amounts of marijuana and directed the Washington State Liquor Control Board (the Board) to develop rules to regulate the sale, processing, and production of marijuana. The final rules developed by the Board go into effect on November 16, 2013, the Board will accept applications for licenses on November 18, 2013, and the Board is anticipated to issue licenses to qualified applicants in March or April 2014. It is anticipated that 14 retail licenses will be distributed in Yakima County based on population.

CDD Rathbone reported that staff recommends that all marijuana businesses be subject to a 1000 feet buffer from the property line of an elementary 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 people over 21. A copy of a map illustrating the proposed locations with the 1000 feet buffer in the B2 General Business District or the M2 Heavy Industrial District areas in the City was included with the agenda packet materials. CDD Rathbone stated that it is recommended to zone collective gardens for medical marijuana with the same buffer of 1000 feet and zoning restrictions and to be allowed in either B2 or M2 districts. It is recommended that marijuana retailers be limited to the B2 District and marijuana production and processing be limited to the M2 Heavy Industrial District.

CM Murphy stated that State law directs that the City cannot prohibit and the Federal law directs that the City cannot allow. The concern is how the City resolves the conflict with the State law and Federal law. One solution might be to establish zoning regulations that do not become effective until the conflict between the State law and the Federal law is resolved. It was stated that the City employees are required to abide by the zero tolerance policy pertaining to use of marijuana.

After discussion, CM Murphy stated that prior to the adoption of an ordinance the Planning Commission would need to submit its recommendations to Council for consideration with regard to standards for zoning regulations regarding marijuana businesses.

**SET OCTOBER 28, 2013 AS THE DATE FOR A PUBLIC HEARING REGARDING
THE 2014 TAX LEVY**

Councilmember Ortloff moved, seconded by Councilmember Dorr to set October 28, 2013 as the date for a public hearing regarding the 2014 Tax Levy. Motion carried unanimously.

**SET OCTOBER 28, 2013 AS THE DATE FOR A PUBLIC HEARING REGARDING
THE COMPREHENSIVE PARK PLAN**

Councilmember Ortloff moved, seconded by Councilmember Oaks to set October 28, 2013 as the date for a public hearing regarding the Comprehensive Park Plan. Motion carried unanimously.

**SET TUESDAY, NOVEMBER 12, 2013 AS THE DATE FOR THE FINAL PUBLIC
HEARING REGARDING THE 2014 BUDGET**

Councilmember Oaks moved, seconded by Councilmember Dorr to set Tuesday, November 12, 2013 as the date for the final public hearing regarding the 2014 Budget. Motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:24 p.m.

CLARA R. JIMÉNEZ, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK