

March 16, 2011

**CITY OF WOODLAND
JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING**

The Special Joint Meeting of the Woodland City Council and Planning Commission was held on the above date at the Woodland Community Center, 782 Park Street, Woodland WA. The meeting was called to order by Chair David Simpson at 7:00 p.m. The Pledge of Allegiance was recited.

Planning Commission Present: Chair David Simpson
Commissioner Nancy Trevena
Commissioner Sharon Watt

Absent: Commissioner Murali Amirineni
Commissioner Jim Yount

City Council Present: Councilmember John Burke
Councilmember Marilee McCall
Councilmember Aaron Christopherson
Councilmember Susan Humbyrd
Councilmember Benjamin Fredricks
Councilmember Al Swindell
Councilmember Darwin Rounds

Also Present: Mayor Chuck Blum
Community Development Planner Carolyn Johnson
City Attorney Bill Eling
Clerk JoAnn Heinrichs

I. GAMBLING COMMISSION PRESENTATION

Amy Hunter: Gambling Commission, Legislative Liaison and Administrator for Legal Division was present to answer questions about the City's powers and authority under the Gambling Act.

- Currently there are 61 house banked cardrooms in the State;
- The commission is neither for or against gambling, they are the regulatory agency. Supported by fees, licenses and reimbursement from tribal government;
- Cities and their rights are listed under RCW 9.46.285 and 9.46.295;
- Commission may not regulate the number of gambling houses; if they qualify they will be issued a license;
- In the courts there have been challenges to allow cities to zone gambling, those have failed;
- Commission cannot limit the number of gambling licenses. If gambling is allowed, and the requirements are met, the Gambling Commission must issue the license;
- Local government can only pass ordinances that are consistent with the powers and duties expressly in the Gambling Act;
- Local governments can absolutely prohibit gambling, but may not change the scope of activities. Approximately 60 jurisdictions have banned card rooms;
- If the Gambling Commission receives an application for a jurisdiction where there is no prohibition, the applicant is notified via letter about the city's ordinance. The letter lets them know they may face a legal challenge from the city. The Commission also notifies the City;
- Jurisdictions cannot limit number of tables or betting limits;
- Must be a restaurant where people can actually sit down and eat in order to qualify. Cities can use zoning for food and drink establishments, as long as it is done equally. Cities can also limit through signage and lighting requirements, along with parking restrictions.

QUESTIONS

- Chuck Blum: LaCenter is restricting their cardrooms via parking requirements. Will our Ordinance stand up in court?
- Amy: Unknown at this point.
- Bill Eling: Based on statutes written, it's a gray area, and do not know how courts will interpret this.
- Darwin Rounds: Can we wait until we are challenged?

- Bill Eling: Gambling isn't a property right, but you could be exposing yourself to a possible lawsuit.
- Dave Simpson: Cities can regulate restaurants by zoning?
- Amy: Underlying zoning, if done equally across the board, then you should be OK. Serving liquor is not a requirement. Charitable nonprofits must wait 1 year.
- Carolyn Johnson: What do you look for when granting a license to an eating or drinking establishments?
- Amy: A preopening by Gambling commission is done. All the moneys must be traced to make sure it is "clean". Criminal background checks on applicants and their spouses, along with a pre-operational inspection by one of our agents.
- Bill Eling: If gambling was allowed, and the city decides to not allow it any more. What would happen?
- Amy: Once appeals are exhausted, the Gambling Commission would step in to close the cardroom portion/revoke their license.
- Dave Simpson: What creative ways have municipalities tried to limit cardrooms?
- Amy: LaCenter's old ordinance was creative, by restricting the parking. Not aware of any cities being extremely creative. Tukwila passed an ordinance to prohibit cardrooms starting 2016.
- Marilee McCall: We want to support this business, and have created an overlay zone. How can we limit to that particular area?
- Amy: The way the gambling laws are written right now, it would be difficult to do
- Carolyn Johnson: If a restaurant doesn't do anything structurally, they wouldn't need a building permit. The Gambling Commission would contact us via letter; this could be the only way we would find out that a gambling license is being issued.
- Terry Isom: We support zoning and parking restrictions. Can you combine parking for restaurant/cardroom combinations?
- Amy: I'm not sure you could do that.
- Chuck Blum: Any zone that allows restaurants, they would be able to have a cardroom?
- Amy: Yes
- Dave Simpson: What is a "ball park" cost to start a cardroom.
- Terry Isom: The cost is minimally \$750,000 to \$1,000,000.
- Amy: That does not sound unreasonable at all. I have not heard of anyone opening one for less than \$500,000. It's not economical feasible for small house banked cardrooms, with the security, number of employees needed and all the other requirements.
- JJ Burke: Are there any other special licenses, like cribbage.
- Amy: There are several different types of licenses. A cribbage license would be \$58 annually; there is a whole range of licenses.

Carolyn Johnson or Bill Eling can get take questions and forward them to the Gambling Commission

COMBINED CITY COUNCIL AND PLANNING COMMISSION MEETING

Carolyn explained the materials handed out.

II. LIST OF 2011 PRIORITIES: (these do not include any land use issues that may come up during the year)

1. Establish Historical Preservation Program/Commission and become a Certified Local Government.
 2. Clarify Non-conforming Uses and the Animal code.
 3. Simplify the Appeal process.
 4. Off-site Improvement Standards and Late Comers Fees.
- Walt Hansen has gotten 208 Buckeye listed on the historical building registry as tri-plex.
 - We need to establish a historical commission, to review applications before they go to the state.
 - Need to clarify/define "active" uses.
 - Would like to continue to look at subdivisions that are going to expire soon.
 - Would like to look at pre-existing/nonconforming business, currently they are not allowed to expand. Need to create an avenue for them to get a variance.
 - We successfully got the funding for the diking district, for the levy certification.

ADJOURN:

Commissioner Trevena moved to adjourn to our next regularly scheduled meeting on April 13, 2011, Commissioner Watt seconded the motion. Passed unanimously. The meeting was adjourned at 9:31 p.m.

Charles E Blum, Mayor

Minutes approved: April 20, 2011

Attest: _____

JoAnn Heinrichs, Planning Commission Secretary

These minutes are not a verbatim record of the proceedings.
A recording is available in the office of the Clerk-Treasurer