

**GRANT COUNTY
PLANNING COMMISSION**

Chairman: Bill Bailey
 Vice Chairman: Jim Fleming
 Board Members: Carol Dawson, Terry Dorsing, Ann Drader, Blair Fuglie and Kevin Richards
 Secretary: Doris Long

COMMISSIONERS' HEARING ROOM - GRANT COUNTY COURTHOUSE, EPHRATA, WASHINGTON

DECEMBER 7, 2016 @ 7:00 P.M.

2016 Attendance

NAME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
BAILEY	NM	NM	NM	P	NM	P	NM	NM	NM	NM	NM	P
DAWSON	NM	NM	NM	P	NM	P	NM	NM	NM	NM	NM	P
DORSING	NM	NM	NM	P	NM	P	NM	NM	NM	NM	NM	A
DRADER	NM	NM	NM	A	NM	P	NM	NM	NM	NM	NM	P
FLEMING	NM	NM	NM	P	NM	P	NM	NM	NM	NM	NM	P
FUGLIE	NM	NM	NM	P	NM	P	NM	NM	NM	NM	NM	P
RICHARDS	NM	NM	NM	P	NM	A	NM	NM	NM	NM	NM	A

P=Present

A=Absent

C=Canceled

NM=No Meeting Held

Chairman, Bill Bailey, opens the meeting.

moment of silence is taken to honor those who lost their lives in the 1941 attack of Pearl Harbor.

Board Action:

Approval of June 22, 2016 Planning Commission Workshop Minutes.

ACTION: Jim Fleming moves to approve the meeting minutes as presented. Ann Drader seconds the motion.

Voted on and passes unanimously.

Planning Commission Workshop – discuss 2017 Unified Development Code Amendments.

Planning Director, Damien Hooper, will be presenting the information for discussion. He begins by presenting a couple of housekeeping items.

Grant County is required to have their Growth Management Act Plan updated by June of 2018. There is funding in the 2017 budget dedicated to the update process.

Mr. Hooper reports on the Hirst decision, which is a Whatcom County Growth Management case that affected the use of exempt water withdrawals, specifically in areas that have instream flow rules for streams or watersheds, or have a closed watershed for new appropriation of groundwater. The decision revolved around Whatcom County's provisions that allowed location of exempt wells to serve new developments of single family homes under the provisions of the exempt well statute inside the Nooksack watershed. The most recent Supreme Court decision determined that instream flow rules are a prior appropriation of groundwater right and they cannot be impaired. The Supreme Court has decided that the exempt wells that were going in to serve the new development have the potential to impact senior water rights, and are not an allowable use inside the sed areas.

He explains that Grant County does not have instream flow rules or closed water resource inventory areas (WRIA), with the exception of a very small portion of WRIA 44, the Douglas Creek drainage area. This area is

closed to groundwater appropriation. Grant County will be working with the Department of Ecology to develop a water availability map to demonstrate that there is water available through exempt withdrawals that will not impair senior water rights. There will have to be a statement in the GMA update that addresses groundwater in Grant County to reflect that there is, or is not, groundwater available through exempt wells.

Mr. Hooper reports that the County has entered into development agreements with a couple of large developments, one of those being Dune Lakes. This agreement will extend the development window for a period of 20 years. The other is Columbia Bluffs, a Planned Unit Development, located on Silica Road.

Mr. Hooper provides a brief history on the County's position and the approval of I-502 (cannabis recreational use).

The County Commissioners chose not to adopt a moratorium on 502, which would have allowed the necessary time to develop regulations for cannabis uses. This required staff to interpret the existing Code, and match the three recreational use components, production licenses, processing licenses and retail sales, to existing provisions. Grant County Code allows for agricultural uses and activities, which covered the production component. It also contains a specific line item for agricultural processing, and a specific line item in the zoning code for retail sales of AG uses. The thought was that those three items were consistent with the licenses that the State was issuing. There is not any specific development regulations to manage 502 businesses.

There are approximately 60 producer licenses active in the County. The operations vary from being fairly primitive outdoor growing sites to hi-tech completely enclosed growing sites. Complaints are now starting to be heard, which are mostly related to the odor that comes from the production sites. The Board of County Commissioners have directed the Planning Department to develop regulations for recreational cannabis uses. Mr. Hooper explains one of the issues that has been identified, and which they plan to eliminate as part of the proposed Code amendment, is 502 production uses in Rural Residential zones. The County contains an ample amount of Rural Remote (1 home to 20 acres) and Agriculture (1 home to 40 acres) zoned property, which is more appropriate for the production uses.

The majority of the licenses sent through from the Liquor Control Board (LCB) is for both production and processing. This allows applicants to grow and deliver the product to retailers, or do some other level of processing. The Rural Remote zone only allows for growing, and not processing. The AG zone allows for all three uses; growing, processing and selling. The intention is to clean up the code in areas relating to the 502 uses, and resolve these issues.

Mr. Bailey asks about the water being used to irrigate the grow operations.

Mr. Hooper explains if a person were to obtain a State water right, they would be allowed to do as they wish with that water right. If an operation was established at a location where a single family home exists using an exempt well, the provision of using an additional 5,000 gallons of water per day for industrial use (irrigation) would not be allowed on top of the residential use. Bureau water is not available to the operations either. The water is a valid concern that needs to be kept in mind during the development of Code.

There is discussion regarding the use of water as irrigation.

Mr. Hooper reports staff have been paying close attention to some neighboring Counties, and how they are managing 502 issues. One idea Douglas County has is to require Conditional Use Permits, which would allow adjacent property owners the opportunity to comment. The State has already set requirements. The County does not want to be redundant, or add to those requirements, but there are areas that have not been adequately addressed. One of those being sensitive user separation for special district parks, such as recreational facilities established by the Grant County PUD along the River. The State did not recognize these areas as parks, therefore they are not protected by siting requirements from the LCB.

There is discussion.

Mr. Bailey states it is his understanding that there is very little regulation regarding the chemicals used by the growers on the cannabis plants. As well as the odor produced, the residual chemical particles left in the air would be a concern to neighboring properties.

Mr. Hooper replies that this could be the point that the County no longer looks at cannabis production as an AG related activity. The State considers it an Industrial activity, possibly due to the way the tax structure was set.

Discussion takes place, including the working relationship between the State, LCB and County, and how Code Enforcement is managed for cannabis related issues.

Issues the Planning Commission would like to have staff look at are odor, use of water, night time activities, possibly classifying as an Industrial activity, eliminating the activity in Residential zones, separation standards for sensitive users and initiate some structure and definition for better administration.

Mr. Bailey suggests that the activity could be compared to feedlots, and some of those regulations could work for this issue.

Discussion takes place.

Mr. Hooper explains that due to some required administrative steps, there is physically not enough days to be able to have a Code amendment completed in time for the next Planning Commission meeting. He suggests that another workshop be held on the January 4th meeting date, where a proposed set of code standards could be presented for discussion. The Planning Commission could make a recommendation for the Board of County Commissioners during the February hearing.

Mr. Bailey would like to have two meetings in January.

s. Drader states she will not be available for the meeting on January 4th.

After discussion it is decided a workshop will be held on January 4th, and the hearing will tentatively be set for January 18th.

Discussion takes place.

Mr. Hooper provides a brief explanation as to what the Planning Commission can expect to see in the coming year, including a number of amendments to clean up the Code and the Comp Plan update.

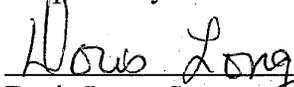
Mr. Bailey asks if the large amount of land in the County, which does not fit the definition of AG, but is designated as AG, going to be changed to a more appropriate designation.

Mr. Hooper replies that the Comp Plan update process would allow for a Comp Plan designation to be created that would be more fitting for the land.

There is general discussion.

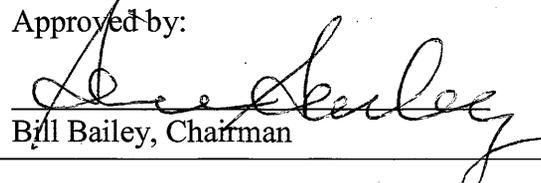
Meeting adjourned at 8:15 PM.

Respectfully submitted:



Doris Long, Secretary

Approved by:



Bill Bailey, Chairman