

**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

JANUARY 4, 2017 @ 7:00 P.M.

2017 Attendance

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

P=Present

A=Absent

C=Canceled

NM=No Meeting Held

Chairman, Bill Bailey, opens the meeting.

Board Action:

Approval of December 7, 2016 Planning Commission Workshop Minutes.

ACTION: Kevin Richards moves to approve the meeting minutes as presented. Blair Fuglie seconds the motion. Voted on and passes unanimously.

Election of 2017 Planning Commission Officers and re-appointment of Secretary

Mr. Fleming moves for Mr. Bailey to retain his position as Planning Commission Chairman.

Mr. Fuglie seconds the motion.

ACTION: Jim Fleming moves for Bill Bailey to act as Planning Commission Chairman for the year 2017. Blair Fuglie seconds the motion.

Mr. Fuglie nominates Mr. Fleming to retain his position as Planning Commission Vice-Chairman.

Mr. Dorsing seconds the motion.

ACTION: Blair Fuglie nominates Jim Fleming to act as Planning Commission Vice-Chairman for the year 2017. Terry Dorsing seconds the motion.

Mr. Fleming moves for Doris Long to continue as Secretary.

Mr. Dorsing seconds the motion.

ACTION: Jim Fleming moves for Doris Long to retain the position of Planning Commission Secretary for the year 2017. Terry Dorsing seconds the motion.

The three nominations are voted on and pass unanimously.

Planning Commission Workshop – discuss Unified Development Code amendments related to marijuana operations.

Planning Commission Chairman, Bill Bailey, explains that a meeting was held a month ago during which they discussed issues related to the production, processing and sales of marijuana, and the possibility of addressing those issues through Code amendments. It was requested that the Planning Department staff research what other areas are doing to address issues, and then present the information for review at tonight's workshop. If possible the Planning Commission will schedule to meet on January 18th to review the proposed Code amendments resulting from tonight's workshop, and make their recommendation to the Board of County Commissioners

Planning Director, Damien Hooper, will be presenting tonight's information, and reports that a public hearing has already been advertised for the evening of January 18th. The State has been notified of the County's intentions regarding the regulations.

Chapter 25.02 – Definitions

Mr. Hooper explains that he will be starting with the proposed amendments for Chapter 25.02 – Definitions. Three definitions are being added for marijuana uses, and are defined specifically as they are identified in the applicable WAC. The three definitions are:

Marijuana Production: as defined in WAC 314-55-075 as now exists or may hereafter be amended.

Marijuana production is not defined as an agricultural activity or use pursuant to RCW 82.04.213.

Marijuana Processing: as defined in WAC 314-655-077 as now exists or may hereafter be amended.

Marijuana processing is not defined as agricultural processing or as an agricultural use pursuant to RCW 82.04.213.

Marijuana Retail: as defined in WAC 314-55-079 as now exists or may hereafter be amended.

Marijuana retail is not defined as retail sales of agricultural products or as an agricultural activity or use pursuant to RCW 82.04.213.

It is important to note that RCW 82.04.213 specifically states "Agricultural product" does not include marijuana, useable marijuana, or marijuana-infused products. The State has removed marijuana from the definition of AG.

The definition of ***Agriculture*** has been amended by adding the sentence:

Agriculture does not include marijuana production, processing, or retail sales.

The definition of ***Agricultural Activities*** has been amended by adding the sentence:

Agriculture activities does not include marijuana production, processing, or retail sales.

Chapter 23.04 - Zoning Districts

Mr. Hooper reports he will be starting with the zoning tables. He explains the tables consists of the Urban Zoning Table (3), Rural Zoning Table (4) and Limited Areas of More Intensive Rural Development (LAMIRD) Table (5). Each table is designed in the same way with the first section being Residential Uses, the second section Commercial Uses and the third section Industrial Uses. In each of the Commercial Uses and Industrial Uses sections Marijuana Retail and Marijuana Production and Processing have been added as land uses. "A" indicates the use is allowed outright and "P" indicates the use would be prohibited within the Zoning Districts.

Table 3, Unincorporated Portions of Urban Growth Area Zoning Districts

Urban Zones are located in Urban Growth Areas, typically surrounding cities.

Commercial Uses section - proposes that Marijuana Retail be allowed outright in the Urban Commercial 1 and Urban Commercial 2 zones, and prohibited in all other Urban zones.

Industrial Uses section - proposes that Marijuana Production and Processing be allowed outright in the Urban Heavy Industrial and Urban Light Industrial zones, and prohibited in all other Urban zones.

Table 3
Allowable Land Uses for Unincorporated Portions of Urban Growth Area Zoning Districts

Land Use	Urban Zoning District											
	Residential				Commercial		Industrial		Other			
	UR1	UR2	UR3	UR4	UC1	UC2	UHI	ULI	AP	OSR	PF	UR
Commercial Uses												
Marijuana Retail	P	P	P	P	A	A	P	P	See Airport	P	P	P
Industrial Uses												
Marijuana Production & Processing	P	P	P	P	P	P	A	A	Land Use Plan	P	P	P

Urban Growth Area Zoning Districts:

UR1 = Urban Residential 1

UR4 = Urban Residential 4

UHI = Urban Heavy Industrial

PF = Public Facility

UR2 = Urban Residential 2

UC1 = Urban Commercial 1

ULI = Urban Light Industrial

UR = Urban Reserve

UR3 = Urban Residential 3

UC2 = Urban Commercial 2

OSR = Open Space/Recreation

AP = Grant County International Airport

Table 4, Rural Lands, Special Overlay Districts and Resource Lands Zoning Districts

Commercial Uses section - proposes that Marijuana Retail be prohibited in all of the Rural zones.

Industrial Uses section - proposes that Marijuana Production and Processing be allowed outright in the Rural Remote and Agriculture zones, and prohibited in all other Rural/Special/Overlay District zones.

Table 4
Allowable Land Uses for Rural Lands, Special and Overlay Districts, & Resource Lands Zoning Districts

Land Use	Zoning District													
	Rural Lands						Special/Overlay Districts						Resource Lands	
	RR1	RR2	RR3	RRem	RUR	POS	OSC	MPR ⁷	MPI	MRO	ASO	AO	AG	
Commercial Uses														
Marijuana Retail	P	P	P		P	P	P	P	PA	P	Same as Underlying Zone		P	
Industrial Uses														
Marijuana Production and Processing	P	P	P		A	P	P	P	P	P	Same as Underlying Zone		A	

Rural Lands, Resource Lands, and Special and Overlay Zoning Districts:

RR1 = Rural Residential 1

RRem = Rural Remote

OSC = Open Space Conservation

ASO = Airport Safety Overlay

MPI = Master Planned Industrial

RR2 = Rural Residential 2

RUR = Rural Urban Reserve

POS = Public Open Space

AO = Aerospace Overlay

RR3 = Rural Residential 3

AG = Agriculture

MRO = Mineral Resource Overlay

MPR = Master Planned Resort

Table 5, Land Uses for Rural Activity Center Zoning Districts

Table 5 is the LAMIRD table. These are areas that are not located inside and Urban Growth Area, they are located within the unincorporated portions of the County and typically have development characteristics that are more than rural, but not quite urban by definition. (Desert Aire, Sunland Estates, Crescent Bar, Royal Camp)

All of the Rural Village zoning districts pertain specifically to Desert Aire.

Commercial Uses Section – proposes that Marijuana Retail be allowed in the Rural Village Commercial, Rural General Commercial and Rural Freeway Commercial zones, and prohibited in all other zones.
 Industrial Uses section - proposes that Marijuana Production and Processing be allowed outright in the Urban Heavy Industrial and Urban Light Industrial zones, and prohibited in all other zones.
 Industrial Uses section - proposes that Marijuana Production and Processing be allowed outright in the Rural Heavy Industrial and Rural Light Industrial zones, and prohibited in all other zones.

Table 5
Allowable Land Uses for Rural Activity Center Zoning Districts

Land Use	Zoning District ⁶																
	Rural Activity Centers																
	RVR1	RVR2	RVOSC	RVC	RVI	RC	ASC	RD	SD1	SD2	SD3	SD4	RGC	RNC	RFC	RHI	RLI
Commercial Uses																	
Marijuana Retail	P	P	P	A	P	P	P	P	P	P	P	P	A	P	A	P	P
Industrial Uses																	
Marijuana Production and Processing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A

Rural Activity Center Zoning Districts:

- | | | |
|-------------------------------------|-------------------------------------|-----------------------------------|
| RVR1 = Rural Village Residential 1 | RVR2 = Rural Village Residential 2 | RVC = Rural Village Commercial |
| RVI = Rural Village Industrial | RC = Rural Community | ASC = Agricultural Service Center |
| RD = Recreational Development | SD1 = Shoreline Development 1 | SD2 = Shoreline Development 2 |
| SD3 = Shoreline Development 3 | SD4 = Shoreline Development 4 | RGC = Rural General Commercial |
| RNC = Rural Neighborhood Commercial | RFC = Rural Freeway Commercial | RHI = Rural Heavy Industrial |
| RLI = Rural Light Industrial | RRC = Rural Recreational Commercial | |

Chapter 23.08 Performance and Use Standards

Mr. Hooper reads through the language being proposed to be added to Chapter 23.08, Performance and Use Standards, for Marijuana Production and Processing.

23.08.245 Marijuana Production and Processing

(a) Marijuana production and processing may be permitted as specified in Tables 3, 4, and 5 of GCC 23.04; provided that:

(1) Marijuana production and processing operations are subject to the requirements of Site Plan Review found in GCC 23.04.140 regardless of the zoning district in which they are located.

Mr. Hooper explains a Site Plan Review is an administrative permit review with no hearing being required. The proposed site plan, and other pertinent information, is submitted to and processed by the Planning Department,. It is in turn sent to other agencies for review. This process allows the Department to ensure that the operation will be consistent with the proposed performance standards.

(2) Marijuana producers, processors and retailers shall be subject to the development standards of the underlying zoning district, the Grant County Code, and all other local and state laws except as modified in this chapter.

(3) No marijuana producer, processor, or retailer shall be permitted within a dwelling unit or within a building physically attached to a dwelling unit.

(4) No marijuana producer, processor, or retailer shall emit odors detectable at any lot line of the property of the marijuana producer, processor, or retailer. Production and processing facilities shall utilize any and all appropriate ventilation systems or air quality control systems to ensure that odors associated with the operation are not detectable at the property line.

Mr. Hooper explains this is an attempt to mitigate the associated odor.

(5) Marijuana production, processing and retail sales in all zones where allowed shall be within an entirely enclosed building, except that outdoor production may be permitted in the Agriculture and Rural Remote zoning districts subject to the following buffers:

a. At least one-quarter mile (1,320 feet) from the following: any urban growth area boundary, any off-premise residence, any residential zoning district, any shoreline development district, the Rural Community zoning district, and the Recreational Development zoning district.

b. The enclosure in which the outdoor production operation is located shall be at least one hundred (100) feet from any property line of the parcel on which the marijuana production, processing, and retail use is located.

Mr. Hooper explains the one-quarter mile is a number to be used as a starting point, and warrants discussion.

Melissa Neighbors, 9207 Stonecrest Road, Moses Lake.

Ms. Neighbors reports that she lives about 800 feet from a growing operation and the odor is extreme. She is not sure 1,320 feet will be enough of a distance.

Mr. Hooper responds that the property being referred to is zoned Rural Residential 1. If these proposed changes are approved, the activity would not be allowed in that zone in the future.

There is discussion involving staff, Planning Commission and attending public.

Mr. Fuglie asks Mr. Hooper if staff had a chance to research what other jurisdictions have done.

Mr. Hooper replies, not too many of the neighboring counties have done much, outside of Douglas County, and he thought their number was a half of mile.

Mr. Dorsing states he would like to see at least a half of mile.

More discussion takes place.

The decision is that the distance of one-quarter mile (1,320 feet) will be changed to one mile.

Diane Russo, 9207 Stonecrest Road NE, Moses Lake.

Mrs. Russo reports that their property is adjacent to a growing operation. This is such a challenging reality, because smell can be an inconvenience or a health issue. She testifies that for her personally it is a health issue. The smell triggers vertigo and she wears a carbon gas mask when outside. It is a real issue for people that have unique scenarios. The distance being decided is a permanent number and needs careful consideration.

(6) In addition to the siting requirements in WAC 314-55-050, all production, processing and retail operations shall be located no less than one-thousand (1,000) feet from a public park owned and/or operated by a city, county, special purpose or utility district, state agency or federal agency. The distance shall be measured as the shortest straight line distance from the property line of the proposed production, processing, retail operation to the property line of the public park.

This is to protect the special utility parks and the Grant County PUD recreational areas along the river, which are not covered by State defined sensitive uses.

There is discussion

Mr. Bailey refers back to 5(a); he would like the distances to be consistent.

Mr. Hooper asks if the Planning Commission would like 5(a) to include parks, and those sort of things.

Mr. Bailey and Mr. Richards confirm that they would.

(7) Lighting for marijuana production, processing and retail operations, including any required security lighting, shall be designed, installed, and maintained so as to eliminate light directly projecting across property lines. Buildings shall also be designed to eliminate fugitive light and glare from being visible off-site.

Mr. Dorsing explains that from his property he can see a feedlot that is 8 miles away. He wonders if lighting that is bothersome to neighboring properties can be addressed.

Mr. Hooper replies that feedlots are agriculture by definition, and are protected. Marijuana activity is no longer considered AG, and does not get the same protections.

Mr. Bailey asks if in the Definitions it should be specifically stated that marijuana production, processing and retail sales are considered as industrial uses in order to remove any question.

Mr. Hooper states it could absolutely be done.

All are in agreement that it should be added.

Mr. Richards questions the lighting and asks if the fugitive light would be considered as a greenhouse that is lit at night. He is not sure this language is strong enough, and would like something more specific.

There is discussion regarding lighting. How it could affect neighboring properties depending on the location of the operation, and the type, whether it be for security or growing the plants.

Steve McCombs, licensed operator, explains that the State only requires the entrance to an outdoor grow be lit to make a 25 foot area visible.

Mrs. Russo asks how much light is required to grow the plants in a greenhouse type structure.

Mr. McCombs replies he separates an indoor grow from a greenhouse. Typically a greenhouse is considered an outdoor grow. A plant does not need 24 hours of light to grow. They are light sensitive, and requires 12 - 13 hours of light and 12 - 13 hours of dark to flower. The flower is the valuable part of the plant. One way to control the fugitive light is to set lighting hours.

Discussion takes place.

Mr. Hooper explains the lighting could be addressed in a few different ways. Restrictions could be set on timing, opaque structures versus solid structures, or that an opaque structure is not allowed.

Discussion takes place. Mr. Bailey refers back to items 5, 5(a) and 5(b).

The Planning Commission would like any structures constructed of a translucent material (greenhouses) to be classified as an outdoor grow.

Enclosed structures will not have any more than 10% of the solid wall or roof area constructed of translucent material (windows and skylights).

(8) Land Use and/or Building permits for structures/properties to be used in marijuana production, processing, and retail sales must be accompanied by documentation that defines the legal source of water for the operation.

Mr. Hooper explains that the documentation, defining the legal source of water, will be required as part of the Site Plan Review application. The source could be an exempt well, which would allow for 5,000 gallons per day of water to be used for industrial use. This cannot be used in conjunction with the domestic 5,000 gallons per day allowed for a single family residence and half an acre of lawn.

Ms. Neighbors questions how the water use is monitored.

Discussion takes place.

(b) Existing outdoor production and processing operations lawfully established and operating prior to (insert effective date of this provision) may continue as is, where is within the terms of any previous approvals granted. Existing fencing and security infrastructure that does not meet the requirements of this or any other applicable provision of the UDC may be maintained with ordinary care. Any expansion of an existing marijuana operation must comply with all applicable UDC provisions.

Mr. Hooper explains that this is a vested rights matter. The new regulations cannot be applied to an existing use that is legally and lawfully established. If any establishment is not actively in place and operating at the time the regulations are adopted, they will be required to comply with these standards.

Ms. Neighbors reports she would like to have language added to regulate the odor created by existing growing operations.

Discussion takes place.

(c) A Washington State Liquor and Cannabis Board (LCB) license does not vest marijuana producer, processor, or retailer to the provisions of the Grant County Unified Development Code. Marijuana producers, processor, and retailers can apply for Site Plan review at any time during their licensing process with the LCB.

Mr. Richards and Mr. Hooper discuss this item for clarification.

Mr. Hooper explains the intent is for a potential applicant to have the opportunity to receive Site Plan Review before receiving the LCB license, so that they could know if the chosen location is acceptable for their operation. Although, there is nothing stopping a potential applicant from coming to the Department, and asking the questions to a Planner, in order to find out what issues might exist before going through the Site Plan Review permitting process.

Discussion takes place.

Chapter 25.08 - Conditional Uses and Variances

Mr. Hooper reports the last proposed amendment to Chapter 25.08 has nothing to do with marijuana.

Mr. Hooper explains that Chapter 25.08 is the Conditional Uses and Variances section of the UDC. It sets the criteria of approval for a Conditional Use or Variance. If an on-site problem were to be discovered, the Code does not provide for any administrative flexibility to allow for minor alterations to site plans after a permit has been granted.

25.08.075 Revisions to Approved Variances and Conditional Use Permits

(a) Minor revisions to an approved conditional use permit may be approved by the Administrative Official, when processed as a Type I ministerial approval. Minor revisions shall be limited to changes to the following:

1. Changes that do not introduce new uses that would require approval of a new conditional use permit; and, Mr. Hooper explains the proposed change could not introduce a new type of use that would require a Conditional Use Permit (CUP) to begin with. If the proposed change wasn't contemplated in the existing CUP, it should be contemplated and processed as a new CUP.

2. Changes that do not expand the approved footprint by more than 25 percent; provided however, that the expansion shall not encroach on any buffer required in the original conditional use permit approval and does not violate any of the adopted performance and development standards applicable to the conditional use.

Mr. Hooper reports the number of 25% is arbitrary, it seemed reasonable.

There is discussion.

Mr. Hooper explains that this proposed change will not alleviate compliance with SEPA. If the activity were to be something that triggers additional SEPA review, then SEPA would need to be dealt with.

Mr. Richards states that he liked giving Mr. Hooper more administrative flexibility as Planning Director. He feels that 25% is an appropriate number.

(b) Requests for revisions determined by the Administrative Official not to be minor in nature shall be processed as a new conditional use permit application pursuant to GCC 25.04 and this chapter. At the Administrative Official's sole discretion, proposed revisions that technically meet the limitations of GCC 25.08.075(a) but are likely to generate additional impacts as a result of the nature of the use, may be required to be reviewed as a Type III permit application.

Mr. Bailey likes seeing that the Administrative Official has the flexibility to determine if the revision is minor in nature and say yes or no accordingly.

Discussion takes place.

Mr. Bailey states he is good with it. The 25% is a starting point, and if it is decided in the future that it is not a good number it can be changed.

(c) Requests for minor revisions to approved conditional use permits shall comply with the requirements of SEPA when applicable, and may result in new threshold determinations being necessary.

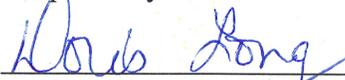
Mr. Hooper explains the steps moving forward. The proposed amendments will receive the recommended revisions, and be presented at the January 18th Planning Commission hearing. Hopefully, at that hearing a recommendation will be made for the Board of County Commissioners. If the Planning Commission feels it is necessary, the recommendation can also come with additional modifications. After a recommendation is made, staff will work with the Clerk of the Board to set a hearing date. The Board will review the recommendation and either agree with it or not.

The recommended changes from tonight's workshop will be made to the proposed Code amendments, and will be sent to the Planning Commission members for review a week before the 18th hearing date.

Mr. McCombs apologizes for arriving late to the meeting, and states he has a handout which explains why he feels marijuana should be treated as an agricultural product. He distributes the handout, which will be entered into the record as Exhibit #1.

Meeting adjourned at 9:06 PM.

Respectfully submitted:



Doris Long, Secretary

Approved by:



Bill Bailey, Chairman