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 25, 2017 @ 7:00 P.M.

2017 Attendance

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

P=Present A=Absent C=Canceled NM=No Meeting Held

Chairman, Bill Bailey, opens the meeting at 7:01 PM.

Mr. Bailey explains how the meeting will be conducted.

Board Action:
Approval of January 4, 2017 Planning Commission Workshop Minutes.
ACTION: Terry Dorsing moves to approve the meeting minutes as presented. Blair Fuglie seconds the motion. Voted on and passes unanimously.

Planning Director, Damien Hooper, is presenting tonight's information. He explains that he will be reviewing the revisions that were requested at the January 4th workshop.

PUBLIC HEARING – Grant County – File #P 16-0427 – Unified Development Code Text Amendment – to Chapter 23.04 Zoning Districts, Chapter 23.08 Performance and Use Standards, Chapter 25.02 Definitions and Chapter 25.08 Conditional Uses and Variances.

Mr. Hooper begins with Chapter 23.08 (specifically 23.08.245 item 5).

23.08.245 Marijuana Production and Processing

(5) Marijuana production, processing and retail sales in all zones, where allowed, shall be within an entirely enclosed building, or rigid greenhouse (reference WAC 314-55-075(1)(b), except that outdoor production may be permitted in the Agriculture and Rural Remote zoning districts subject to the following buffers:

a. At least one-mile (5,280 feet) from the following: any urban growth area boundary, any property lines of any off-premise residence, any residential zoning district, any shoreline development district, the

Rural Community zoning district, the Recreational Development zoning district, as well as the park facilities listed in GCC 23.08.245(6).

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.

c. Non-rigid greenhouses shall be considered outdoor production operations.

Mr. Hooper explains this is the marijuana production, processing and retail section. Item 5 contains the allowance for outdoor grows in the AG and Rural Remote zones, subject to a certain buffer. The buffer was increased to 1 mile per the Planning Commission's recommendation. Language was added relative to rigid greenhouses used as an indoor grow, and non-rigid greenhouses used as an outdoor grow. The language used is from the WAC that the State adopted.

(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. Indoor production operations shall limit total building façade and roof fenestration to no more than 10 percent.

Mr. Hooper moves to item 7, which is the lighting section. He reads the item, and reports the line *"Indoor production operations shall limit total building façade and roof fenestration to no more than 10 percent"* was added as a result of a discussion from the previous workshop, but he is not sure the wording is what was intended.

Mr. Bailey comments that the 1-mile buffer and the10 percent were both numbers that were discussed, and revisions that the Planning Commission intended to have made.

Chapter 25.02 – Definitions

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. For purposes of categorization for the Grant County Code, marijuana production facilities shall be considered an industrial use.*

Marijuana Processing: *as defined in WAC 314-55-077 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. For purposes of categorization for the Grant County Code, marijuana processing facilities shall be considered an industrial use.*

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. For purposes of categorization for the Grant County Code, marijuana retail facilities shall be considered a commercial use.*

Mr. Hooper states next is the Definitions Chapter 25.02. During the previous workshop, the Planning Commission requested, for purposes of categorization under the Grant County Code, that marijuana production and processing be considered as industrial uses. The definitions now reflect that, and that marijuana retail is a commercial use.

Mr. Hooper reports those revisions were the significant discussion items coming from the last workshop. Additionally, due to many phone calls and conversations he has had since the workshop, he wanted to dispel any ideas that Grant County is prohibiting marijuana uses across the board. That has never been the focus, or a proposal of the regulations. This is not a retroactive zoning ordinance that would affect existing uses. If those uses were to expand, the expansion would have to comply with the new regulations, once the regulations are adopted, as well as any new facilities that are established.

Mr. Hooper states that Staff is recommending the Planning Commission provide the Board of County Commissioners a recommendation of approval with 14 Findings of Fact.

Mr. Bailey explains that the Planning Commission has held study sessions to review the proposed amendments of the Code. They made recommendations for possible revisions of the proposed amendments, and that is what is being presented tonight.
Mr. Bailey swears in those wishing to testify at this hearing en masse:
Do you hereby swear or affirm under penalty of perjury under the laws of the State of Washington that the testimony that you give is truthful and accurate to the best of your knowledge and belief?

Mr. Bailey opens the public hearing at 7:18 p.m.

Calvin McDowall, 4896 McConihe Road NE, Moses Lake, has been sworn in.
Mr. McDowall states he was at the last meeting, and what was discussed is not what is in the handout. The laws and rules are being stretched a lot farther than necessary. He hopes these are not the regulations they are going to go by, and that there is a bunch more discussion about them before the final decision is made.

Lindsay Weidenbach, 4898 Hurst Landing Shores, East Wenatchee, has been sworn in.
Ms. Weidenbach reports she is an attorney in Wenatchee and represents a lot of growers in the County.
The assertion that marijuana is not recognized by the State as agriculture is wrong. In the Department of Revenue's code sections, the definition of agricultural and agriculture ties into the Department of Revenue tax breaks. When I-502 was written they didn't want the cannabis industry to get tax breaks.
The Department of Ecology and L & I recognize this as agricultural. Growers are agricultural employees, and must comply with all of the agricultural rules.
If outdoor grows are located in the Rural Industrial and Agriculture zone, these folks should be used to this type of odor. Why are the buffers necessary when it is only going to make it impossible for the outdoor guys to grow?
The one mile radius is too lengthy, especially if there is employee housing right outside of the property line. This would effectively shut everyone down.
She doesn't understand the 100' from the property line. Seems to be more of a security issue.
How is eliminating direct lighting across the property line going to be enforced? Seems to be making it unfair for some folks dependent on where they are at within their parcel.
Urges the Planning Commission to balance in a fair manner when thinking long term about the industry.

Mark Fancher, 301 East Inglewood Drive, Moses Lake, has been sworn in.
Mr. Fancher reports the one mile buffer is a big deal. Buffers in the UGA presents issues. This is something new that everyone is going to have to get used to. Hops are very odorous and agricultural, and would not be here without the beer industry. Buffers makes sense, but a mile is way too far.

Bob Fancher, 6726 North Frontage Road East, Moses Lake, has been sworn in. Provided 2 maps to the Planning Commission, which will be entered into the record as Exhibit 1 and Exhibit 2.
Mr. Fancher explains one map shows an industrial property in the County, and, to the north, industrial property in the City of Moses Lake. The UGA boundary runs between the two properties. There are two stars which represent outside grow facilities on the property. He is an owner of the 1,500 acre industrial park that is located part in the City, and part in the County, and is all zoned industrial. The UGA boundary runs through the middle of the property. Their grows are located a mile from the property lines. If they have to be a mile from the UGA boundary, then there would be no way to have a grow site on the 1,500 acre industrial park.

Bruce Buckles, Aging and Adult Care of Central Washington, 50 Simon Street SE, East Wenatchee, has been sworn in.
Mr. Buckles reports he is speaking as an advocate for the Seniors and Disabled Group North Central Washington, and represents the interest of aging and adult services of 6 North Central Washington Counties.

Including the interest of the federal government in terms of assuring that the interest of seniors are met from the perspective of health, housing, transportation and security. He addresses the concerns under the Older Americans Act 1965.
There have been concerns raised regarding respiratory and neurological health issues. He does not know what in-put the Health Department has had at the local, State or Federal level, but it seems that this would be a requirement in order to fully proceed. There are seniors who live adjacent to, or close to, growing or processing facilities that are concerned about the effect it has on the value of their property. They are concerned about crime and security issues.

Stephen J. Holestine, 13902 Road 6.9, Moses Lake, has been sworn in.
Mr. Holestine explains he has a wife and 2 kids, and is the head grower at one of the farms. These rules would effectively stop his job.
Mr. Holestine reads from a statement his boss wrote regarding the odor of marijuana. Cannabis smell comes from an organic compound called terpenes. They are created most exclusively from plants and, are a key component from their essential oils. The most common terpenes are found in cannabis that derive the overwhelming majority of the smell, and are identical to the exact same terpenes found in, but not limited to, pine needles, lavender, black pepper, cloves, fruit rinds, rosemary, peppermint, mangos, lemongrass, thyme, hops, the list goes on and on.
He feels that the things that are in cannabis plants are growing in peoples' front yard. This would be unfair to a lot of people and cut off a ton of jobs.

Mr. Bailey comments, so that those in attendance understands, that this is not a retroactive action. The existing operations are basically grandfathered in.

Bonnie Schonberg, 6884 Bacon Lane, Moses Lake, has been sworn in.
Ms. Schonberg reports that she was not an advocate of cannabis until she started doing research a few years ago. She has been in agriculture for over 30 years with WSU, and has looked at it as a scientist would. She can see way more benefit with the plant than she can see deficit. We are not even talking about Planning when we start talking about safety. The safety issues were all set up by State restrictions. There are huge regulations already imposed by the State. She is frustrated that this industry is being treated differently than any other agricultural crop based on fear factors instead of facts.

Gary Harer, 9321 Stonecrest Road NE, Moses Lake, has been sworn in.
Mr. Harer reports that his comments are restricted to Rural Residential 1, in which he lives. He does not think grows should allowed at all in the Rural Residential 1 zone. The odor does affect people. It is more of a commercial activity than a home occupation. It is extremely important to restrict odor, and all operations should be in enclosed buildings. He understands the grandfather clause, but language should be added that if a new owner/operator takes over they should comply with the rules.

Estella Harer, 9321 Stonecrest Road NE, Moses Lake, has been sworn in.
Mrs. Harer reports that she is affected by the odor, it triggers her asthma. She lives less than a quarter mile away from a grower. She does not think it is fair for people who have breathing problems to be affected by the growing.

Erik Borg, 8801 Stoncrest Road NE, has been sworn in.
Mr. Borg says that he has heard a lot of testimony, and he thinks the growers are going to have to figure out the smell problem. He is affected by the smell also. He is for everybody's rights for their own property, but when the smell starts affecting the property value of his house, and how he lives, then it is wrong.

Grant Guelich, 89 Springhill Drive, East Wenatchee, has been sworn in.
Mr. Guelich states he has a farm on Baird Springs Road. He reads a letter and reports that he comes from a third generation of orchardist, and studied environmental science and sustainable agriculture at the University of Washington. He is married with three children; is an active member of his church and community. He has been an active producer/processor since 2014, and believes in the greater good of what the plant can do. He has treated it as a commercial crop, and taken it seriously, as that was what he would like to see of the industry as a concerned parent. He has briefly reviewed the amended changes, and believes that certain restrictions fall out of the parameters of reasonable constraints. He understands and agrees with some of the subject concerns.
The one mile buffer seems excessive. Either eliminating it or drawing it back seems a logical step. Essentially, a 453 acre property would be needed, with one acre designated exactly in the center of it, to be compliant with the rule. Then the property line would have to be a mile away from others. The 100' buffer from the property line for an outdoor grow; there is a lot of language that seems impractical. He chose his property prudently, and believes that needing to be a mile from someone else's house, on their orchard, seems very excessive.

Dennis Love, Covington Meadows.
Mr. Love states that he understands a lot of his neighbors are upset with him. He apologizes, and says that he did not understand that his little farm would smell as it does. He doesn't notice it that much. He encourages the Planning Commission to make informed decisions. This is a business opportunity, and he relocated to Moses Lake just for this. He has probably spent a half a million dollars for infrastructure, he contracted out his labor and the cost of operating materials, all the money has gone back into the community. You have to take the good with the bad. There is some economic viability to the County, and a ton to the State.

Steve McCombs, 15462 Road 2 NW, has been sworn in.
Mr. McCombs explains he owns MC2 Supply, a licensed producer and processor of marijuana. He is opposed to the proposed changes of the Grant County Unified Development Code.
Chapter 23.08.245 paragraph 4. Does the section referring to no odors at the property line also apply to Rural Remote and AG zoned parcels? If so, this is not uniform and consistent with other activities, and would be considered excessive government regulations.
Paragraph 5(b) – If the enclosure refers to a sight obstruction fence required for outdoor production; 100' setbacks from property lines is not uniform and consistent with other activities. He thinks feedlots are only 10' from the property line for setbacks.
He recently purchased a 5 acre parcel that is zoned Agriculture with the dimensions of 330' x 660'. If the 100' setback was imposed, the production area would be reduced by 70%. That would eliminate his ability to utilize good agricultural practices of rotating his crops.
Chapter 82.04 is referring to a RCW that deals with business and occupation taxes. That RCW does not define marijuana as not being an agricultural activity. It does group it with other items, and activities that are agricultural. It eliminates marijuana from preferential tax treatment that other agricultural products, and activities are allowed to have.

Scott Holman, 9214 Stonecrest Road NE, has been sworn in.
Mr. Holman says that people need to work together, everybody wants to feed their family, and everybody wants to breathe fresh air without being affected. It seems like maybe the statutes aren't explained, or they are, and it is being overlooked. Specifics need to be addressed, instead of generalities.

Terri Homan, 9214 Stonecrest Road NE, has been sworn in.
Mrs. Holman states that her main concern is that if this is going to be designated as commercial or industrial, that they should reside in those areas. Not in residential areas of the County.

Bud Blethen, 8621 Neppel, has been sworn in.

Mr. Blethen explains that he lives in close proximity to a production facility, and he does not see the odor as being any worse than the onion processing, or potato processing, or the manure that is pumped onto the fields through the irrigation system. The odor should not be an issue, because there are other odors that affect people equally as bad.

Russ Torrison, 3107 West Lakeside Drive, Moses Lake, has been sworn in.
Mr. Torrison explains he spent a bit over three million on infrastructure, his payroll for this year will be a bit over six hundred thousand and he will probably spend around three hundred fifty thousand on local supplies. He provides this information to express that he is spending a lot of money locally. Labor and Industries categorizes him as an agricultural business. Only the Department of Revenue does not classify them as agriculture, and that is so they don't take advantage of any benefits.
The hypocrisy in having to contain the light and the smell at the property line is crazy. This is an agricultural community.

Rob Greenlee, 8509 Neppel Road, Moses Lake, has been sworn in.
Mr. Greenlee states that he operates a cannabis farm on Neppel Road. He is opposed to the changes of the rules. When he decided to open the farms, he saw the community as being very open and welcoming to the economic development and the cannabis industry. In the last couple of weeks, they have seen a significant pull back of support for what they are doing in the community. They invested about a half of a million dollars to build their facility, which is an indoor and outdoor facility. They have worked very hard to build long term sustainable relationships with all of their neighbors. They provide jobs to the community.
He appreciates that they are getting a grandfather clause, but it does not reference indoor operations. It only references outdoor. He thinks the changes in the regulations target outdoor, which he understands because it is an odor issue. It appears that the new regulations have not been thought through, and did not involve the growers' community input. They would like to be involved and help. He does not want to be in an adversarial relationship with the County. He would like to refer to the product as cannabis and not marijuana. Marijuana is a Mexican term that refers to prohibition. The plant is agricultural. There is nothing industrial about growing the plant.

Diane Russo, 9207 Stonecrest Road, has been sworn in.
Mrs. Russo explains that she is affected by the odor. She would define a smell as something that is yucky. This is a true odor that affects the vestibular system, and causes her vertigo. She lives about 800' from a grow, and during the harvest season, from August through October she wears a carbon filter gas mask when she is outdoors. She asks that the Commissioners think about WAC 173-400-040(5), which states:
(5) Odors. Any person who shall cause or allow the generation of any odor from any source or activity which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.
A pharmacologist, Dr. Quock, told her that the fumes of cannabis, from grow and harvest, can cross the blood brain barrier through the sinuses causing ill effects, and simulates second hand cigarette smoke. It is biologically possible for some to suffer from it. Property values are a serious consideration too.

Julie LeMaster, 9455 Stonecrest Road, has been sworn in.
Ms. LeMaster states that she is speaking from the point of view as a RR1 resident. While looking at some of the LCB research she discovered that the LCB found there is a higher rate of burglaries in areas where growing occurs, and it creates a high traffic area. LCB has also found a growth in the black market growing.
She feels a 1 mile radius is fair when it comes to enjoying their property. If grandfathering will continue, she urges the changing of existing practices to eliminate the smell that affects neighbors in RR1 properties be considered.

Greg Haynes, 2875 West 1st Street, Warden, WA, has been sworn in.
Mr. Haynes reports that he is involved with three active grows. They have spent about three million dollars on one of the facilities, and close to three hundred thousand dollars on the other two. Right now they have 15 full-time employees, and during the summer about 40 employees for the outdoor grow. They have generated a lot of jobs, and have spent a lot of money in the area. They have tried different things to control the odor. It peels a marine epoxy based paint off of the floor. He doesn't mind his kids working in the facility, but he wouldn't have them work with the stuff they want them to use to cover up the smell.

John Koss, 9090 Stonecrest Road NE, has been sworn in.
Mr. Koss explains he is speaking in support of his neighbors, and he agrees with them. The smell is an issue, and it is there.

Cliff Weichers, 8812 Stonecrest Road NE, has been sworn in.
Mr. Weichers reports that he has a son in-law who grows cannabis for medical purposes. The issue with all of the people who live on Stonecrest is that it is located in the residential area, but what is being proposed is prohibiting that for the future. He gets smells from a dairy that is 7 miles away, but that was there when he built his house. He thinks they are not going far enough with the existing in the residential areas. It is an issue. It is affecting people and possibly property values. It should never be allowed in a residential area. It is great for the State, and it is a great business. He has no problem with it, but where it is located is the big issue.

Viki Aney, 9671 Stonecrest Road NE, has been sworn in.
Ms. Aney states she lives about a half of mile away from the grow in the neighborhood. The odor only affects her area when the wind is blowing towards her house, but she does have to drive through it every day going to and from work. She isn't against the growing. Cannabis is good for medical. She wants the smell to stop, and the lighting as well. There is a very bright light that shines into her bedroom window. From a half of mile away it is like the moon shining in. It is fine to have the light to keep people from stealing, but keep it out of her bedroom. The smell affects her as well; during harvest she doesn't have any pain. So do we really want the children to be breathing this in?

Joe Blevens (?-was not clear), 4480 Road N, Moses Lake, has been sworn in.
Mr. Blevens explains he lives in Moses Lake with his wife and two children. He works in Quincy on a 502 cannabis farm. The proposed zoning ban on outdoor cannabis farms could cause him, and his fellow employees to lose their jobs. The farms supports many local businesses in Grant County. Cannabis is a plant, and should be considered an agricultural product just like any other plant.

Rod Fuchs, 5647 Stratford Road NE, has been sworn in.
Mr. Fuchs reports that he owns a construction business, and has been hired to do a lot of grading/infrastructure work for various grow operations. It has helped employ a lot of employees in Grant County. He wanted to voice an opinion from the outside. He has nothing to do with the growing, buying or selling. He appreciates the people trying to bring added revenue to Grant County. They shouldn't be over regulated and pushed away.

Joe Russo, 9207 Stonecrest Road, has been sworn in.
Mr. Russo agrees with what his neighbors have said. He also wanted to add the point that nobody is asking to ban the production of cannabis. They are just asking for sensible regulation of cannabis in residential areas. It has a place, and that would be in non-residential neighborhoods. Water permits are a big issue also. A legal water source is another consideration.

Public Hearing is closed at 8:35 p.m.

Mr. Bailey explains that the Planning Commission is not in the position to go back and impose new regulations on the operations that are already in business. They are trying to prevent what has happened in some residential areas in the County from happening in the future.

Mr. Bailey suggest that they review the proposed zones where marijuana activity would be allowed.

Mr. Bailey refers to Table 4.
Marijuana Retail is basically prohibited in the Rural Lands.
Marijuana Production and Processing is allowed in AG Lands and Rural Remote.

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
RR2 = Rural Residential 2
RR3 = Rural Residential 3
RRem = Rural Remote
RUR = Rural Urban Reserve
AG = Agriculture
OSC = Open Space Conservation
POS = Public Open Space
MRO = Mineral Resource Overlay
ASO = Airport Safety Overlay
AO = Aerospace Overlay
MPR = Master Planned Resort
MPI = Master Planned Industrial

Mr. Bailey refers to Table 5, and asks Mr. Hooper to briefly explain what a Rural Activity Center is for the public in attendance.
Mr. Hooper explains a Rural Activity Center are LAMIRDS, Limited Areas of More Intensive Rural Development. These are areas within the County that had a certain level of development that didn't reach what was considered Urban, but is more than Rural; such as Desert Aire, Sunland Estates and Crescent Bar.
Mr. Bailey explains that Marijuana Retail is allowed in the Rural Village Commercial, Rural General Commercial and the Rural Freeway Commercial zones.
Marijuana Production and Processing is allowed in the Rural Heavy Industrial and Rural Light Industrial 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	

There is discussion involving the audience. A comment is made regarding the grandfather's clause, and the existing outdoor production and processing facilities. Nowhere does it mention indoor facilities. That needs to be corrected.

Mr. Bailey states they may need to be more definitive. The number one intent was to protect residential areas. That seems to be the major problem. During the workshop they discussed different numbers for the buffer from residential areas, whether it be a quarter of a mile, a half of mile or a mile.

There is discussion relating to the 1 mile buffer, and how it could adversely affect the grow operations.

Mr. Dorsing comments that he likes the economics that it brings to the County. The Planning Commission was given this duty to come up with some type of regulations to be able to not only protect the businesses, and the people in those businesses, but at the same type protect the people of the County. Not only for today, but also down the road. We have a little bit of history now. From that history we see there is positives, but at the same time there are negatives. The Planning Commission has to come up with something that is fair to both sides. Not everyone is going to agree, but they will do the best they can.

Mr. Richards agrees with Mr. Dorsing's comments. He explains that there have been a lot of good points brought up by people who were not present at previous meetings. Those additional comments will be taken into consideration as well.

Mr. Bailey asks Mr. Hooper about a buffer for farming that is set for new residential areas.

Mr. Hooper answers that if property is subdivided, in the AG zone, creating new residential lots, those residential lots have a 100' buffer. This is so the homes that are built on the residential lots don't encroach on existing AG.

Mr. Bailey comments that the 1 mile buffer and 100' buffer, in the Agriculture and Rural Remote zones, seem to be creating the most controversy.

Mr. Fleming thinks the 1 mile is a little bit long. A ½ mile would be more accurate, then a grow could be put in the center of one Section, otherwise four sections would be required.

Ms. Drader states she is feeling that way too. From the presentations tonight the 1 mile may be too far.

There is discussion, involving the audience, regarding the 1 mile buffer, the size of grow operations and the odor.

Mr. Richards would like to explore the 1 mile buffer being attached to the RR1 zoning boundary, and not a dwelling. That would increase the possibility for placing grows in a lot of different places, but not in RR1, or anywhere near RR1.

There is discussion, involving the audience, related to regulations for AG activities, new and existing, and odor of existing grows.

Mr. Bailey states that he likes the 1 mile buffer from the Rural Residential zone boundary.

Mr. Richards suggests that it could also be a ½ mile from a residence in the AG zone. It would then be ½ mile in the zones that the activity is permitted, but 1 mile away from any zone that it is not permitted.

There is discussion, involving the audience, regarding this option, and the odor created by other AG activities.

Mr. Bailey reports the next issue is the 100' buffer. It doesn't seem to be an unrealistic distance. The idea was to set the outdoor grow operation back a little bit, so it wasn't directly next to another property. This would also help with the lighting issues.

Mr. Richards states that this is dealing with large pieces of ground, so 100' is less consequential.

There is discussion, involving the audience, regarding the 100' buffer.

Ms. Drader states that the properties are more rural, and residences aren't so close, so maybe 100' is too much.

There is discussion, involving the audience, as to what would be a realistic buffer. It was suggested to use the current setback for fences.

Mr. Richards states there is already a 100' farming setback for residential that comes in contact with a farming unit.

Mr. Hooper explains developing an AG zoned property, with a single family home, would require a 5' side yard setback.

Mr. Richards replies that he was thinking of the "right to farm" 100' buffer.

Mr. Hooper answers that buffer is on a subdivision if someone were to create new lots in the AG zone. Those residential lots have a 100' buffer so they don't encroach.

Mr. Richards explains he is suggesting this would be the new use. The 100' buffer would be on the onus of the producer, versus putting it on the 2 acre lot that is in the middle of a farm unit. Put the 100' buffer on the property line of the producer. It makes more sense rurally and agriculturally than it does on smaller property.

There is discussion regarding property size and grow sizes.

Mr. Dorsing comments that in agriculture, he looks for sites that he can do what he needs to do on. Just because it is in his backyard, and it is one acre, doesn't mean that that is where he needs to be.

Mr. Bailey reports that there should be plenty of room on the Rural Remote and Agriculture lot sizes, and he thinks that the 100' buffer is not a huge issue.

Mr. Bailey moves on to discuss the UGA (Urban Growth Area). Mr. Hooper displays the Wheeler corridor, to refer to during the discussion.

Mr. Richards states he feels that the Industrial zoning is very appropriate for this activity.

Mr. Bailey states he thought the issues were with the setbacks.

Mr. Hooper explains that with the way the regulations are drafted, the buffers and additional setbacks apply only to outdoor grows in AG and Rural Remote. So the underlying zoning standards, for an indoor grow operation in the Urban Heavy Industrial, would be whatever the setback requirements are for that zone.

Mr. Richards explains his thought pattern is that the UGA is an area designated for future growth of the City. In that situation, should they try to dovetail, to make sure that it is appropriate to what the City's current zoning is? Or have some kind of understanding of what the future potential would be, should the property be annexed in to the City.

Mr. Bailey replies that makes sense to him. In the Urban Growth Area, of several communities in Grant County, a lot of the industrial is AG ground.

Discussion takes place involving the audience and Mr. Hooper. Mr. Hooper clarifies some of the proposed regulations for the Planning Commission.

Mr. Bailey asks Mr. Hooper to display the east end of Wheeler corridor to refer to during discussion.

Mr. Richards explains, as he sees it, the discussion would be to allow for the ½ mile buffer from the Urban Growth Boundary, in the AG zone. There could also be a residential component in the City limits right on the UGA. It seems to be consistent with what has been talked about as a County.

Mr. Bailey wonders if it wouldn't be more realistic to designate a number, such as 2,300', instead of a ½ mile, to use as a buffer.

There is discussion involving the audience.

Mark Fancher asks for clarification. He is concerned about their property that borders a peninsula of County land extending into the UGA which is zoned Urban Reserve.

Mr. Richards explains if the ½ mile UGA buffer were to be approved, then it would affect both sides of their property.

Mr. Fleming states that you aren't going to be able to protect everybody's land.

Discussion takes place with Mr. Hooper regarding what the possible future could be, long range planning, for this peninsula of property.

Mr. Richards asks Mr. Hooper if the Planning Commission could say that the ½ mile buffer did not apply to this portion of the County.

Mr. Hooper replies, yes, if they could craft the language very clearly. They have the ability to come up with whatever recommendation they wish.

Discussion takes place with Mr. Hooper to clarify the proposed regulations, and refine the revisions that are desired by the Planning Commission. A large portion of the discussion focuses on the proposed size of the buffers, and how they are to be applied. There is also input from the audience.

(It is noted for the record that Mr. Fleming must leave for medical reasons.)

Mr. Guelich comments where it states "residence under control by producer/processor" he strongly urges consent by the owner be considered as well. He leases space on a large piece of property for his grow operation. That property also contains 2 houses that are leased by employees of the orchard.

Mr. Richards likes the idea.

Discussion takes place.

Mr. Bailey explains that what they could do is add "or landowner" to the statement, and not consent.

There is additional discussion.

Mr. Bailey requests that Mr. Hooper read through the proposed regulations containing the revisions suggested by the Planning Commission. If the Commissioners are agreeable, they could then make a recommendation for the Board of County Commissioners.

Mr. Harer asks to have the grandfather clause further defined.

Discussion takes place.

Mr. Greenlee reiterates that the grandfather clause only addresses outdoor grows, and requests to have language for indoor grows added.

Mr. Hooper explains that his intention was not to exclude those existing indoor operations as being pre-existing non-conforming, and that additional language should be added.

Mr. Richards asks if they should discuss changing the word marijuana to cannabis.

Mr. Hooper replies that he can appreciate the distinction, but the WAC and LCB both use the word marijuana in their language.

Mr. Hooper reads through the amended regulations.

Chapter 23.08 Performance and Use Standards
23.08.245 Marijuana Production and Processing
(a) Marijuana production and processing and retail may be permitted as specified in Tables 3, 4, and 5 of GCC 23.04; provided that:
Nothing was changed.

(1) Marijuana production and processing and retail 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.
Nothing was changed.

(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.

Nothing was changed.

(3) No marijuana producer, processor, or retailer shall be permitted within a dwelling unit or within a building physically attached to a dwelling unit.
Nothing was changed.

(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.
Nothing was changed.

(5) Marijuana production, processing and retail sales in all zones, where allowed, shall be within an entirely enclosed building, or rigid greenhouse (reference WAC 314-55-075(1)(b), except that outdoor production may be permitted in the Agriculture, Rural Remote ***and Urban Heavy Industrial zoning districts*** subject to the following buffers:

a. At least ***one half mile (2,640 feet)*** from the following: any urban growth area boundary, ***property lines*** of any off-premise residence ***with the exception of residences owned or controlled by the producer/processor or the landowner,*** any residential zoning district, any shoreline development district, the Rural Community zoning district, the Recreational Development zoning district***, as well as the parks. This buffer shall not apply to outdoor grows in Urban Heavy Industrial zone.***

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.
Nothing was changed.
Mr. Hooper reiterates that this buffer does not apply to Urban Heavy Industrial. The underlying zoning is what is being complied with.

c. Non-rigid greenhouses shall be considered outdoor production operations.
Nothing was changed.

(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 parcel containing 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.
Nothing was changed.

(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. Indoor production operations shall limit total building façade and roof fenestration to no more than 10 percent.

Mr. Bailey asks if industrial is not included in this.

Mr. Hooper replies this is across the board.

Ms. Drader comments that this does not fit as well in the Industrial zone.

Mr. Richards agrees.

Mr. Hooper states he will exclude Heavy Industrial from the specific 10 percent lighting requirement, but all of the security lighting, and on site lighting, still needs to be directed in an effort to not be lighting everything up.

Mr. Bailey confirms that is correct.

(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.
Nothing has changed.

(9) Fences, when ancillary to an indoor marijuana production, processing, or retail operation, must comply with applicable setback requirements of the underlying zoning district.
Nothing has changed.

(b) Existing indoor and 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 any existing marijuana operation must comply with all applicable UDC provisions.
Nothing has changed.

(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.
Nothing has changed.

Mr. Hooper reminds the Planning Commission that this action will also include the amendments to Chapter 25.08, Conditional Uses and Variances.

There is a brief discussion.

Mr. Bailey explains they are looking for a motion for a recommendation of approval of File #P 16-0427 to forward to the Board of County Commissioners, including the amendments that were approved this evening.

Mr. Dorsing moves to approve the amendments recommended during tonight's meeting.

Ms. Drader seconds the motion.

The motion is voted on and passes unanimously.

Board Action:

ACTION: TERRY DORSING MOVES TO APPROVE THE AMENDMENTS RECOMMENDED FOR THE PROPOSED AMENDED REGULATIONS PRESENTED BY PLANNING DIRECTOR, DAMIEN HOOPER.
ANN DRADER SECONDS THE MOTION.
VOTED ON AND PASSES UNANIMOUSLY

Mr. Bailey states that we now need a motion to forward the approved amendments to the Board of County Commissioners with a recommendation of approval.

There is discussion regarding revising the Findings of Fact to include the amendments from tonight either by rewording Finding of Fact #2, or adding a 15th Finding.
The decision is to add a 15th Finding of Fact to read: The Planning Commission has considered the amendments to the Code, and made amendments to those amendments, determining they are consistent with the adopted

Comprehensive Plan goals, objectives and policies, and do not create adverse impacts to offsite properties, and do promote flexibility to property use.

Mr. Dorsing moves to forward a recommendation of approval of File #P 16-0427, Grant County Unified Development Code Text Amendment to Chapter 23.04-Zoning Districts, Chapter 23.08-Performance and Use Standards, Chapter 25.02-Definitions and Chapter 25.08-Conditional Uses and Variances to the Board of County Commissioners with 15 Findings of Fact.

Mr. Richards seconds the motion.

The motion is voted on and passes unanimously.

Board Action:

ACTION: TERRY DORSING MOVES TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE GRANT COUNTY UNIFIED DEVELOPMENT CODE TEXT AMENDMENT TO CHAPTER 23.04-ZONING DISTRICTS, CHAPTER 23.08-PERFORMANCE AND USE STANDARDS, CHAPTER 25.02-DEFINITIONS AND CHAPTER 25.08-CONDITIONAL USES AND VARIANCES BE APPROVED WITH THE ORIGINAL 14 FINDINGS OF FACT AND THE ADDITION OF A 15TH READING: THE PLANNING COMMISSION HAS CONSIDERED THE AMENDMENTS TO THE CODE, AND MADE AMENDMENTS TO THOSE AMENDMENTS, DETERMINING THEY ARE CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES, AND DO NOT CREATE ADVERSE IMPACTS TO OFFSITE PROPERTIES, AND DO PROMOTE FLEXIBILITY TO PROPERTY USE.
KEVIN RICHARDS SECONDS THE MOTION.
VOTED ON AND PASSES UNANIMOUSLY

Meeting adjourned at 11:16 PM.

Respectfully submitted:

Doris Long

Doris Long, Secretary

Approved by:

Bill Bailey, Chairman