



Columbia County Planning Commission
114 South 2nd Street, Dayton, Washington 99328
Meeting Agenda
Monday, July 9th, 2018 @ 5:30 PM

- 1) Call to Order
- 2) Roll Call and Establish Quorum
- 3) Approval of Meeting Minutes
 - a. June 11th, 2018
- 4) Public Hearings
 - a. None scheduled
- 5) New Business
 - a. Review proposed marijuana amendments
- 6) Old Business
 - a. Update on Comprehensive Plan Statement of Qualifications received
 - b. Discussion on Air B&B's
 - i. Continued review of staff proposed changes for AIR B&B regulations
- 7) Commissioner Reports
- 8) Director Report
- 9) Comments from the public and items not present on the agenda
- 10) Adjournment
 - a. Next meeting: Monday, August 13th, 2018 @ 5:30 PM.



Columbia County Planning Commission
114 South 2nd Street, Dayton, Washington 99328
Meeting Minutes
Monday, June 11th, 2018 @ 5:30 PM

- 1) Call to Order
 - a. Chair Bryan Martin called to order the Regular Meeting of the Columbia County Planning Commission at 5:33PM.
- 2) Roll Call and Establish Quorum
 - a. Members present: Chair Bryan Martin, Jay Ball, and Swan Eaton. Staff: Meagan Bailey
- 3) Approval of Meeting Minutes
 - a. May 14th, 2018
 - i. Ball motioned to approve the meeting minutes as presented. Eaton second, none opposed. Motion carries.
- 4) Public Hearings
 - a. None scheduled
- 5) New Business
 - i. Update on status of Comprehensive Plan
 1. Staff provided an update to the Planning Commission of the current status of the Comprehensive Plan, including that RFQ's have been sent out. Additional information will be provided as it becomes available.
 - ii. Introduction on draft Comprehensive Plan Docket list
 1. Staff provided copies of the draft docket list for the Columbia County Comprehensive Plan. Forms were provided to the Planning Commission to generate additional ideas, concerns, or requests for the update. All information is also available online, with the option to submit items for the docket list made available via email.

- 6) Old Business
 - a. Discussion on Air B&B's
 - i. Staff presentation of potential changes to the zoning code to allow Air B&B's with a Conditional Use Permit
 - ii. Planning Commission members requested additional time to review the proposed code amendments and follow up at the next meeting with additional recommendations and/or feedback.
 - b. Discussion on Tiny Homes
 - i. Staff presented the current status of Tiny Home regulations within Columbia County. As the Building Codes and zoning laws currently illustrate, Tiny Homes on chassis are not permitted to be lived in, and must follow the regulations regarding Recreational Vehicles. Staff will continue working on the Tiny Homes handout to ensure clear and accurate information is made available to the public regarding these regulations.
- 7) Commissioner Reports
 - a. None presented.
- 8) Director Report
 - a. Bailey provided the Planning Commission with general information regarding budget and monthly expenditures, per the Planning Commission request.
- 9) Comments from the public and items not present on the agenda
 - a. None.
- 10) Adjournment
 - a. Swan motion to adjourn the regular meeting of the Columbia County Planning Commission at 6:55 PM, Ball second. Meeting adjourned
 - b. Next meeting: Monday, July 9th, 2018 @ 5:30 PM.

Approved July 9th, 2018

Bryan Martin, Columbia County Planning Commission Chair; Date

Attest:

Meagan Bailey, Planning Director

Chapter 18.150 MARIJUANA

18.150.010 Purpose

The purpose of this chapter is to establish zoning regulations that provide for state licensed recreational and medical marijuana land uses consistent with Washington State law, including but not limited to Chapters 46.61, 69.50 and 69.51 RCW, and Chapter 69.51A RCW, Medical Cannabis, and Chapter 314-55 WAC, adding local standards to address potential public health, safety and welfare considerations.

18.150.020 Authority

Section 69.50.500 RCW states that it is “the duty of the state board of pharmacy, the department of health, the state liquor control board, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of Chapter 69.50 . . .”, including those specific to medical marijuana. The implementing rules of Chapter 314-55 WAC defer to the roles of those enforcement agencies adding, however, that “[t]he issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances, including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.” WAC 314-55-020(aa). While an approved license does not circumvent local ordinances, the state will also not deny a license based solely on noncompliance with local land use regulations. Therefore, it is incumbent upon Columbia County to adopt the ordinance codified in this section as the county’s policies and procedures with respect to marijuana as allowed.

18.150.030 Definitions

- A. Unless the context clearly requires otherwise, the definitions of CCC 18.10.010 apply herein.
- B. Definitions from RCW 69.50.101 and WAC 315-55-010, as further amended, are adopted herein for the purpose of this chapter only.

18.150.050 Recreational Marijuana Production, Processing and Retail Sales – Conditional Use

- A. Zones wherein recreational marijuana land use is conditionally allowed:
 - 1. Recreational marijuana production land uses may only be allowed subject to conditional use approval in A-1, A-2, and A-3 areas identified by the Columbia County Zoning Ordinance Title 18.
 - 2. Recreational marijuana processing may only be allowed subject to conditional use approval in LI-1 and HI-1 areas identified by the Columbia County Zoning Ordinance Title 18.
 - 3. Recreational marijuana retail sales may only be allowed subject to conditional use approval in C-1 Commercial zone areas identified by the Columbia County Zoning Ordinance Title 18.
- B. The Determinations on conditional uses shall be made utilizing the hearing by the hearing examiner pursuant to chapter 18.80 and decision made on conditional uses for marijuana production, processing and/or retail sales shall be afforded substantial weight on review.
- C. Approval of the required conditional use permit shall be only for one year and must be renewed annually.
- D. Recreational marijuana production, processing, and retail sales land use may be allowed if, among other factors, they meet the stated purpose and general intent of the zone in which the uses are proposed to be located and share characteristics common with and not be of greater intensity, density or generate more environmental impact than those uses listed in the land use zone in which they are to be located.
- E. Recreational marijuana production, processing and retail sales land use are subject to and must comply with all currently adopted codes and ordinances.

- F. Where there is a conflict of designations between the land use ordinance and the Comprehensive Plan, the land use ordinance designation shall prevail.
- G. Buildings where cannabis is grown, stored, or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- H. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.
- I. For signage, marijuana retail, processing and production businesses shall be subject to the substantive requirements of chapter 314-55-155 WAC. **No off-premises signage is permitted.**
- J. The Planning Commission may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

18.150.060 Recreational Marijuana Standards

In addition to all requirements set forth in Title 18, and in addition to any special conditions of approval applied to a recreational marijuana conditional use permit, the following standards shall apply:

A. Marijuana Production

- 1. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
- 2. Outdoor production is prohibited, unless a setback of 500’ can be obtained from any adjacent property line or county road. If outdoor production is allowed based on the above, the following requirements shall be implemented to mitigate against nuisance:
 - i. *Outdoor production must be enclosed by a sight-obscuring wall or fence at least eight feet high, being at least 100 feet from any neighboring residential dwelling unit.*
 - ii. *Given the height of the fence, engineering must be submitted in conjuncture with a building permit application prior to the construction of the fence.*
 - iii. *Where there are grow lights located inside the building, curtains and/or other materials should be used to ensure no light escapes through windows, especially at night.*
- 3. No more than **XXX** marijuana growers shall be allowed within the County.
- 4. Marijuana producers must meet requirements of 314-55 WAC.

B. Marijuana Processing

- 1. Processing must take place within a fully enclosed secure indoor facility.
- 2. Marijuana processing must take place at least 500’ away from any neighboring residential dwelling unit and/or residential zones per the Columbia County zoning map.
- 3. No more than **XXX** marijuana processors shall be allowed within the County.
- 4. Marijuana processing must meet requirements of 314-55 WAC.

C. Marijuana Retail

- 1. Retailers must ensure that the business does not unnecessarily disrupt neighboring land use through sufficient customer parking, retail space to accommodate anticipated customers inside the retail store, and discouragement of loitering before or after retail transaction.
- 2. Licensed retail sales may not be located within another business and must have a separate entrance.
- 3. No more than **XXX** retail marijuana retail businesses shall be allowed within the County.
- 4. Marijuana retailer sales must meet requirements of 314-55 WAC.

18.150.070 Medical Marijuana Standards

This chapter shall not supersede rights and obligations under Washington law for individuals medically authorized users to grow marijuana for their use on private property, or designate individual parties to do so on their behalf

pursuant to RCW 69.51A. Unless otherwise specified by state law, facilities associated with the production, processing, transporting, and delivering of cannabis for medical use, including but not limited to collective gardens, must adhere to the following requirements.

- A. The use or facility must be licensed by the State of Washington and must at all times be in compliance with all the laws of Washington State, including, but not limited to the provisions of Chapter 69.51A RCW.
- B. Licensees must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations.
- C. All facilities and uses must be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
- D. Buildings where cannabis is grown, stored, or dispensed must be equipped with ventilation/air filtration systems so that no doors are detectable off premises.
- E. No medically authorized user shall grow more than the number of marijuana plants specified on their recognition card up to a maximum of six medically authorized marijuana plants.
- F. No more than 15 medically authorized marijuana plants may be grown, processed or possessed in a housing unit with multiple medically authorized marijuana user residents.
- G. No portion of these activities may be seen by normal unaided vision, or smelled from a public place or private housing residence.
- H. Subject to applicable federal, state, and local laws, any owner, lessor, or leasing agent may request or require disclosure of a renter or lessee's desire to produce or process marijuana within a rented or leased dwelling unit.
- I. Production or processing of marijuana or marijuana infused products or storage or growing of plants in residence, pursuant to RCW 69.51A, that can be readily seen by normal unaided vision, or readily smelled, from a public place or private residence shall constitute a nuisance for enforcement purposes.

18.150.080 No Non-Conforming Uses

No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been legally established use under the provisions of Columbia County Code and that use shall not be entitled to claim legal non-conforming status.

18.150.90 Violations

Any violations of this chapter may be enforced as set forth in Columbia County Code Title 19, Code Enforcement; 69.50 RCW; 314-55 WAC, or other applicable regulation or law. Enforcement and prosecution authority contained herein is nonexclusive to any and all other available enforcement and prosecution available at law.

Proposed zoning amendments regarding Air B&B's in Columbia County

Chapter 18.10—Definitions (*New Definition*)

“Short Term Rental” is where bedrooms or an entire residential dwelling unit are rented to overnight guests for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month; commonly known as *Air B&B's*.

Section 18.15.045—Use Matrix (*New Use Line*)

Use	A-1	A-2	A-3	AR-1	AR-2	C-1	LI-1	HI-1	R-1	W-1
Short Term Rentals	C	C	C	C	C					

Section 18.80.070—Administrative Approvals (*Minor Adjustment to Section*)

A. Use permit applications for projects that the planning director finds to be minor in scale or with limited potential impacts, localized in nature, such as abandoned and existing home sites, three-acre rock quarries, commercial communication towers, temporary portable sawmill operations, **Short Term Rentals**, veterinary clinics, minor amendments to existing CUPs and similar uses that the planning director may determine that the decision on an application for a use permit will be made through an administrative process.

Chapter 18.126—Short Term Rentals (*New Chapter*)

Sections:

- 18.126.010 Purpose.
- 18.126.020 Definitions.
- 18.126.030 General requirements.
- 18.126.040 Application requirements.
- 18.126.050 Development standards.
- 18.126.060 Operating without permit and nuisance complaints.
- 18.126.070 Appeal.

18.126.010 Purpose.

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the Columbia County. It does not apply to hotels, motels, and bed and breakfasts.

B. The provisions of this chapter are necessary to promote tourism and economic development while simultaneously preventing unreasonable burdens on services and impacts on residential neighborhoods posed by short-term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential and agricultural uses.

18.126.020 Definitions.

The definitions set forth in this section shall apply to short-term rental properties.

A. “Authorized agent” is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

B. “Event” means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.

C. “Local contact” means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short-term rental.

D. “Owner” means the person that owns and holds legal and/or equitable title to the property.

E. “Principal residence” means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.

F. “Short-term rental” means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.

G. “Renter” means the individual(s) paying monies to reside at the short-term rental unit.

18.126.030 General requirements.

No owner or property within unincorporated Columbia County may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without an approved Conditional Use Permit. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

18.126.040 Application requirements.

An application to operate a short term rental within the unincorporated areas of Columbia County must comply with the requirements as outlined in CCC Chapter 18.80.

18.126.050 Development standards.

A. One designated parking space must be provided specifically for the renter and cannot be used by the authorized agent, local contact, and/or the owner during the entire length of stay by the renter.

B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short-term rentals.

C. Owner must have property insurance and liability coverage for the short-term rental.

D. If the unit is not an owner occupied short-term rental, then a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints.

E. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).

F. Functioning fire extinguisher(s) shall be installed within the short-term rental. Number and location will be determined based on the size of the structure during the application and permitting process.

G. If the short-term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

18.126.060 Operating without permit and nuisance complaints.

A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within unincorporated Columbia County without first obtaining a Conditional Use Permit. If a short-term rental is found to be renting, offering for rent, or advertising for rent without a Conditional Use Permit, the property is subject to the provisions in Title 19: Code Enforcement

B. Nuisance complaints will be processed as follows, within any time period for the life of the Conditional Use Permit:

- A. First complaint—citation with applicable fee.
- B. Second complaint—citation with applicable fee.
- C. Third complaint—citation with applicable fee and immediate revocation of Conditional Use Permit by the Planning Director.

20.139.090 Appeal.

Decisions regarding short-term rentals may be appealed to the Hearing Examiner per CCC 18.05.080 (K.3): Procedures for Hearings on an Appeal from Planning Director Decision.