



Columbia County Planning Commission
114 South 2nd Street, Dayton, Washington 99328
Meeting Agenda
Monday, November 26th, 2018 @ 5:30 PM

- 1) Call to Order
- 2) Roll Call and Establish Quorum
- 3) Approval of Meeting Minutes
 - a. October 22nd, 2018
- 4) Public Hearings
 - a. None scheduled
- 5) New Business
 - a. Presentation of Final Comprehensive Plan work schedule
 - b. Comp. Plan initial workshop: Nov., 29th @ 6PM, Youth Building
 - c. Chapter 2.115 edits—by request of BOCC and Prosecuting Attorney
 - i. *Request for public hearing to be scheduled for December 10th, 2018 at 5:35 pm*
 - d. Updated Parks Plan—final for review
 - i. *Request for public hearing to be scheduled for December 10th, 2018 at 5:45 pm*
- 6) Old Business
 - a. Final review on zoning amendments
 - i. *Request for public hearing to be scheduled December 10th, 2018 at 5:55 pm*
- 7) Commissioner Reports
- 8) Director Report
- 9) Comments from the public and items not present on the agenda
- 10) Adjournment
 - a. Next meeting: Monday, December 10th, 2018 @ 5:30PM



Columbia County Planning Commission
114 South 2nd Street, Dayton, Washington 99328
Meeting Minutes
Monday, October 22nd, 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 5:30PM.
- 2) Roll Call and Establish Quorum
 - A. Members present: Jay Ball, Jason Towery
Staff: Meagan Bailey, Dena Martin
Commissioner: Merle Jackson
Public: Approximately 60 members of the public were in attendance
- 3) Approval of Meeting Minutes
 - A. October 8th, 2018
 1. Ball motion to approve the meeting minutes as presented, Towery seconded the motion; none opposed. Motion carries.
- 4) Public Hearing – Development Agreement 2018-001: Dayton Data Center
 - A. *Martin opened the public hearing at 5:35 p.m. and asked applicant representative Leonard Ruff to provide a summary of the proposal.*
 1. Leonard Ruff (applicant representative) – The facility is specifically designed to mine Bitcoin. The project will be developed in two phases on three acres on Patit Road. The project would use up to 20 megawatts of power. Prefabricated 20’ x8’ modules (20 in phase one and 20 in phase two) would be placed on pads, hooked up to power and communications. No staff on site. Owner will probably lease office space in town for administration staff. Construction work would happen locally to develop site and infrastructure in two phases. No emissions, standby generators, diesel, smoke, etc. Boxes are cooled with evaporative cooling

process which is very energy efficient. The water cooling system runs only during high heat in the summer months. Twenty modules running 16 hrs./day for would use 1.6 million gallons of water. Three acres of corn uses 1.8 million gallons of water. Discharge is clean with no chemical additives. Water will discharge into retaining pond and trickle back into the aquifer.

2. Barbara Gibson – How is water use calculated? (*Ruff – 1.6 million is summer of first phase; double for phase two.*)
3. Nancy March – Can water be recycled? (*Ruff – Some can be recycled but solids will prevent some recycling.*)
4. Linda Miller – How can you cool computers with water? (*Ruff explains process.*)
5. Julia Mead – Will use a lot of natural resources. Do we have the services and support available for what we will get back? Will prices go up? (*Ruff – Applicant will pay for all upgrades and site is located next to substation.*)
6. Dan Andrews (Columbia REA) – Will only impact existing members positively. Agency is nonprofit and income will come back to members. Win for us – win for membership.

B. Martin opened the floor to those wishing to speak in favor of the application.

1. Kathryn Witherington (Port of Columbia) – Read official statement from Port of Columbia.
2. Kathryn Witherington – Innovation and technology are part of today's society and we need to be open to change.
3. Greg Davis – Cannery used far more water than this when running.
4. James Witherington – If the water resource allocation issue is addressed then it's all a positive gain as far as tax revenue and economics. Community is resistant to change.

C. Martin opened the floor to those wishing to speak against the application.

1. Brenda Hall – Cryptocurrency is an evolving high-risk industry. REA needs slow vs. fast growth. Company is based in China. If door is opened more will come and drive up consumption. Gave examples of negative impacts on other PUDs. Water is in decline and data center will accelerate the decline. Requested a moratorium on crypto data mining in Columbia County until further research can be completed.
2. Amy Amerien – Eastern Mineland has no Internet history except as a VISA lawyer. They have no long-term interest in the County – just out for quick money. They will walk away if unprofitable. Taking water will affect in-stream flows. Project doesn't produce anything of value.
3. Sherry Mason – Energy use is 70 terawatt hours/year which is more than the country of Switzerland and the Czech Republic.
4. Brian Black – County known to have easiest permitting in the state. Used to be a serviceman for Seneca, which didn't use as much power. Wind farms were supposed to provide benefit and yet sewer, hospital, school and EMS need bonds. Project will drain electricity and water. Other counties have placed moratoriums on data centers. Requests that Columbia County do the same.
5. Dave McKinley – Why did the applicant choose Dayton? (*Ruff – Two biggest draws are power availability and low cost. Next to substation with good energy costs, no other centers in area*)
6. Glen Mendel – Application included inadequate water and power usage information. Power use is biggest concern. Project would power 6900-8000 homes for a year. Project will use more capacity over time which will mean higher rates. Recommend not approving and requiring mitigation measures if approved.
7. Dianne McKinley – Green Giant produced food. Project will use what 800-900 people use in a day. Possible water shortage. What are the meaningful benefits to the community? Will it bring families, businesses, students; will they be proactive in commerce? Dayton is not a community of desperation. Need to be proactive and select what is good for us. Who is winner and who is loser?

D. Martin opened the floor for applicant rebuttal to comments.

1. Leonard Ruff – Water will not be dumped in sewer but will be recharged to aquifer. City has told in will-serve letter they have the capacity to provide water for cooling. Water cooling will run only in summer. Evaporative cooling uses half the energy it would cost to cool with electric. Noise will be from a box of computers with cooling fans and probably not be heard from road. No use of generators or huge fans. REA has the power available. The project provides an opportunity to explore a new business direction. Very clean business. No emissions. Water discharge is clean enough to return to aquifer.

E. Martin invited Columbia County Planning Director to provide a summary of the proposal.

1. Meagan Bailey (Planning Director) – Based recommendation of denial off of policies from the 2008 Comprehensive Plan. Bailey listed examples of where Comprehensive Plan policy compliance was attained and not attained.

F. Martin invited the County Assessor to speak to tax implications.

1. Chris Mills (County Assessor) – Would be a totally personal property project. Land will be rented from REA. Equipment will be listed as personal property and depreciated. Computer equipment has five year life before being reduced to 10%. Everything else will reduce to 5%-15% of original cost within 12 years.
2. Jay Ball (Planning Commission) – There will be sales tax on power usage.

G. Martin reopened the floor for questions.

1. Citizen – Are there health concerns about wifi emissions?
(Ruff – project is hard wired. No emissions.)
2. Brian Black – Is there REA franchise money involved? *No one is aware of franchise money.*
3. Barb Gibson – Green Giant provided food and jobs.

4. Stella Powers – Concerned about water use with possible future loss of the dams.
5. James Witherington – Questioned planning director about the use of “discretion” in determining environmental impacts.
Bailey – Too many questions left unanswered. SEPA checklist states low-level noise; no specifics; doesn’t increase employment; not good use for the land.
6. Duane Tasker – What does the community get out of it?
7. Shirley Paulino – Who is the Internet provider? (*Columbia*)
8. Kathryn Witherington – One or two jobs are worth celebration.
9. James Wyatt – There is a limited amount of Bitcoin. It will come here cheap but as there becomes less, the cost of mining goes up, pulling more energy to pull more coins. They will use more over time. Only one man will profit.

H. Martin closed the public hearing at 6:35 p.m.

I. Planning Commission engages in discussion on the proposal.

1. Anderson-Perry Engineer Adam-Schmitgall addresses commission regarding water and the City’s ability to serve. The 40-unit proposal will use approximately 25% of the available City water.

J. Ball motions to approve the application with conditions 1-3 as presented in the staff report. No second; motion fails.

K. Towery motions to deny the application due to comprehensive plan noncompliance and lack of information. Ball seconds; motion passes. Application denied.

5) New Business

- A. No new business.

6) Old Business

- A. Discussion of Member Terms

1. Martin wishes to retain his seat on commission. Planning staff will draw straws to set staggered terms.

- 7) Commissioner Reports
 - A. None presented.
- 8) Comments from the public and items not present on the agenda
 - A. No comments.
- 9) Adjournment
 - A. Towery motioned to adjourn the regular meeting of the Columbia County Planning Commission at 6:54 p.m. Ball seconded. Meeting adjourned.
 - B. Next meeting: Monday, November 26th, 2018 @ 5:30 PM.

Approved November 26th, 2018

Bryan Martin, Columbia County Planning Commission Chair; Date

Attest:

Meagan Bailey, Planning Director



County of Columbia County

Public Participation Plan

Periodic Comprehensive Plan Updates and Plan Amendments

INTRODUCTION & BACKGROUND

The Columbia County Comprehensive Plan is a long-range planning document containing goals and policies, which are intended to be a guide concerning future land use, extensions of community services and facilities, parks and recreation, designation of environmentally sensitive areas and prime and unique farm lands, and economic development goals for the County. Periodic review and update of the county's comprehensive plan and development regulations is necessary to reflect current laws, local needs, new data, correct errors, and/or clarify intent. As Columbia County continues to grow and change, the county's comprehensive plan is intended to change and reflect the needs and vision of the community. Additionally, annually the county provides opportunity for amending the plan.

Columbia County recognizes that an effective participation process is a vital element in the updating and implementation of the comprehensive plan. The Columbia County Public Participation Plan (PPP) is a document that guides the county on how to reach out to the public and outlines methods and resources used to do so. Columbia County is committed to providing opportunities to engage the public in the planning, development and implementation phases of the comprehensive planning process.

The PPP aids Columbia County by providing a framework for information distribution, public notice and input on key comprehensive planning decisions. It is important to Columbia County to ensure local governments and agencies, state and federal partners, and the public are aware of the county's planning activities. This plan provides an outline of those activities.

The Washington State Growth Management Act (GMA) Revised Code of Washington (RCW) 36.70A, sets forth several state planning goals. Included in the statewide goals is RCW 36.70A.020 (11), which states in part, "Citizen Participation and coordination. Encourage the involvement of citizens in the planning process...". Citizen participation is further addressed in RCW 36.70A.035 Public Participation – Notice Provisions and 36.70A.140 Comprehensive plans – Ensure Public Participation.

RCW 36.70A.140 of the GMA requires each county planning under the GMA to "establish and broadly disseminate to the public a public participation program." This section of the GMA further requires the county to provide for "early and continuous public participation in the development" of the county's comprehensive plan or any amendments.

The development of the public participation program is a responsibility of Columbia County as long as the program meets the requirements noted above. The Washington Administrative Code (WAC) 365-196- 600(3) provides recommendations for meeting the public participation requirements of the GMA.

INTENDED OUTCOMES

The public participation effort is intended to achieve specific desired outcomes, which include:

- A public involvement process that provides clear information to the public on the purpose of the comprehensive plan update and how the update process works;
- Public meetings and events designed to provide opportunities for all interested parties to be heard, and for people to listen and learn from one another;
- Broad participation of all interested groups and individuals; and,
- A transparent process which clearly documents all public input and makes it available for any and all to review

EARLY AND CONTINUOUS PUBLIC INVOLVEMENT

Columbia County is committed to encouraging early and continuous public involvement in the update of the comprehensive plan. Methods to encourage public involvement include: a dedicated webpage on the county's website, consistent and regular notification to interested parties throughout the process, Columbia County Planning Commission (Planning Commission) meetings which are open to the public, open houses (hosted by the Planning Commission) to solicit public comments, and public hearings before the Planning Commission.

The Columbia County website has a page designed to provide information on the comprehensive plan update, publicize the proposed amendments as they are presented to the Planning Commission, and invite and encourage public comments. The website also provides an opportunity for people to sign up to receive email notifications when proposed amendments are added to the website and are available for review, as well as notification of upcoming Planning Commission and Board of County Commissioner meetings where the proposed amendments will be discussed.

The Planning Commission will serve as the primary working group and advisory body for the plan update and will review and provide input on the proposed amendments in a series of work sessions before holding a public hearing. The Planning Commission meetings are typically held on the second and fourth Mondays of the month. These meetings are open to the public and provide an opportunity for public comment. Written and email comments regarding proposed comprehensive plan amendments will also be provided to the Planning Commission for consideration.

An introductory open house will be held prior to any Planning Commission work sessions to provide an overview of the planning process and to introduce proposed amendment topics. A second open house will be conducted following the Planning Commission work sessions and prior to the issuance of a State Environmental Policy Act (SEPA) Threshold Determination for the proposed amendments. The invitation to the open houses will be distributed through all public notification avenues available to the county including postings at the Planning and Building Department, the Columbia County Courthouse, the Dayton Memorial Library, the county's website, email/USPS notifications to established mailing lists, and legal notices in the Dayton Chronicle.

A public hearing will be conducted by the Planning Commission to solicit public comments on proposed amendments prior to forwarding a recommendation to the Columbia County Board of Commissioners

PARTICIPATION TECHNIQUES:

Several recommendations for meeting the GMA public participation requirements are included in WAC 365-196-600(3.a), which emphasizes the importance of involving the broadest cross-section of the community into the planning process. Moreover, the WAC encourages jurisdictions to involve groups not previously involved in planning to become involved in the comprehensive plan process. The following are the events proposed for Columbia County citizen participation process.

1. **Communications Programs & Informational Services** – As staff and budgetary resources allow, include the following citizen participation techniques in the county’s citizen participation strategy:
 - a. **Interest Groups** – Contact local interest groups (i.e. Chamber of Commerce, “Friends” groups, service clubs, etc.) regarding proposed comprehensive plan amendments and public hearings/meetings.
 - b. **Open Houses** – Conduct open houses, hosted by the Planning Commission, to encourage county-wide participation in the development of comprehensive plan amendments.
 - c. **Legal Notices in the Dayton Chronicle** – Send legal notices to promote significant events related to the comprehensive plan.
2. **Public Meetings** - Conduct a series of public meetings hosted by the Planning Commission on the preliminary draft comprehensive plan amendments. This ensures that the county will meet the requirement for “early and continuous” public participation in the comprehensive planning process.
3. **Public Hearing** - Hold public hearings and provide public notice that meets the requirements of RCW 36.70A.020, .035, and .140 and WAC 365-196-200.
4. **Written Comment** - Provide continuous opportunity for citizens to provide written comment. Written comments may be in the form of letters and other correspondence to the County Planning Department or can be submitted via email to Planning Director Meagan Bailey at Meagan_bailey@co.columbia.wa.us.
5. **Tracking Events and Actions** - Maintain a log of all public participation meetings, events and actions that the county engages in to provide documentation on the county’s effort to meet the requirements of the GMA.

BROAD AND EFFECTIVE NOTICING

The public participation requirements of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals of proposed amendments to the comprehensive plan and development regulation. Examples of notice provisions include:

1. Posting notice at the Columbia County Courthouse, the Planning and Building Department and the Dayton Memorial Library;
2. Publishing a notice in the Dayton Chronicle, the county’s designated newspaper of general circulation;
3. Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
4. Sending notice to relevant mailing lists, including general lists or lists for specific

proposals or subject areas.

In addition to the noticing techniques listed above, the county will maintain a dedicated page on the county's website on the comprehensive plan update, which may include meeting agendas, minutes, staff reports, etc.

ANTICIPATED SCHEDULE

The following is the predicted schedule of public participation events for the 2020 Columbia County Comprehensive Plan update and is subject to change as needs dictate, following appropriate notice.

1. Initial Open House: Introduction to the Comprehensive Planning Process to be held by the County Planning Commission, with support by the Consultant Project Manager and Planning Staff. To be held November 29, 2018.
2. Works Sessions: The Planning Commission, supported by Planning Staff, will hold a series of work sessions to discuss and evaluate individual docket items and to write draft comprehensive plan amendments. Work sessions will be open to the public and held during the Planning Commission regular meetings. To be held December 2018 through February 2019.
3. Follow-Up Open House: A discussion and review of the proposed amendment/plan update items to be held by the Planning Commission, with support by the Consultant Project Manager and Planning Staff. To be held in February, 2019.

Public Hearing: The Planning Commission, supported by Planning Staff, will hold a public hearing on the proposed comprehensive plan draft amendments prior to recommending the amendments to the Board of County Commissioners. To be held in March, 2019.

INTER-JURISDICTIONAL COORDINATION

While Columbia County, the City of Dayton and the Town of Starbuck will individually review and update their respective comprehensive plans, the jurisdictions will work together to develop plans that are consistent and cohesive.

Planning Department staff will attend Planning Commission, City Council and County Commissioner board meetings and apprise each jurisdiction, and the attending public, of updates and progress made by the other jurisdictions.

Note: Email notification will take precedence where email addresses are available. USPS notification will be used as a secondary notification method where email addresses are absent.

JOIN US!

COMPREHENSIVE PLAN

COLUMBIA CO.

KICKOFF OPEN HOUSE

THURS. @ YOUTH

NOV. 29 BUILDING

FAIRGOUNDS

6PM

Please join Planning Staff and the County Planning Commission to talk about your ideas for the future of Columbia County.

**For more information, please contact the planning dept.
509-382-4676 or Meagan_bailey@co.columbia.wa.us**

Check out our website: columbiaco.com

Chapter 2.115

PLANNING COMMISSION

Sections:

2.115.010 Planning commission rules and procedures.

2.115.010 Planning commission rules and procedures.

The board of commissioners hereby affirms the continuance of the planning agency and commission in its duties under the Planning Enabling Act, Chapter 36.70 RCW. The board of county commissioners hereby adopts the following rules of composition, organization and operation of the planning commission:

A. The commission shall consist of five numbered member seats with a minimum of one seat from each county commissioner district. The remaining two seats shall serve as “float seats” to fill any district, not to exceed three members from one district.

B. Planning commission members shall be residents of Columbia County and eligible to vote in the county.

C. Length of term of service shall be four years.

D. Terms shall be staggered so that no more than two member seat terms shall expire in any year. Following the adoption of the ordinance codified in this section, the board of county commissioners shall reappoint, by minute action, the current planning commission members so that their terms, and those of any vacant seats, are consistent with this section. The planning director may recommend a staggered reappointment in the event two or more seats are to expire within one calendar year. Recommendation will be brought to the board of county commissioners, with final reappointment and terms by motion.

E. Members shall be appointed by formal motion by the chair of the board of county commissioners with the approval of the other board members.

F. Vacancies shall be filled to complete the unexpired term of the vacant seat in a manner that keeps the distribution established in subsection (A) of this section. Appointments shall be made from a list submitted by the county commissioner representing the district from which the seat shall be filled.

G. Whereas a member’s seat is expiring, the expiring term shall be advertised to solicit for applications to fill said seat. If the current member request reappointment, their request shall be presented at the same time new applications are presented to the BOCC. Appointments shall be made from a list submitted by the county commissioner representing the district from which the seat shall be filled

H.G. Members may be removed from the planning commission by the chairman of the board of county commissioners with the approval of the board, following a public hearing for inefficiency, neglect of duty, misfeasance in office, or malfeasance in office. The commission secretary shall report regularly-regularly on the attendance record of members.

H.I. The Columbia County planning director shall serve as secretary to the planning commission.

H.J. -The board of county commissioners approves the “Planning Commission Rules of Procedure” as iterated in adopted resolution as codified in this section, subject to adoption by the planning commission.

Compiled Title 18 Amendments—Draft

Chapter 18.10—Definitions **PC APPROVED**

“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 **UNDER REVIEW**

All uses in the following zones shall either be permitted as a principal use, as an accessory use, or as a conditional use, or prohibited as indicated within the use matrix below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use which is permitted as a similar use.

NEW LINE ITEMS:

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					
Data Centers / Cryptocurrency	X	X	X	X	X	X	X	X	X	X

Section 18.80.070—Administrative Approvals **PC APPROVED**

- 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 **PC APPROVED**

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. PC APPROVED

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. PC APPROVED

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. PC APPROVED

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. PC APPROVED

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. PC APPROVED

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. PC APPROVED

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. PC APPROVED

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.

Chapter 18.150—Marijuana **UNDER REVIEW**

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 permit approval in A-1, A-2, and A-3 areas identified by the Columbia County Zoning Ordinance Title 18, **and whereas the land is not within a designated Urban Growth Area as adopted within the official zoning map.**
 - 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, **and whereas the land is not within a designated Urban Growth Area as adopted within official the zoning map.**

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, **and whereas the land is not within a designated Urban Growth Area as adopted within the official zoning map.**
- 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 Hearing Examiner may revoke conditional use permits based on a finding that the provisions of this section have not been met per CCC 18.08.080(H)3.

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, and shall include the following improvements:**

- i. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC; and,
 - ii. Marijuana plants, products, and equipment utilized for production shall not be visible from outside the building; and,
 - iii. Ventilation and air filtration systems must be installed to ensure no odor escapes the structure; and,
 - iv. Black-out curtains shall be utilized to ensure no light pollution from growing lights affects neighboring landowners; and,
 - v. Any/all buildings utilized for production must meet a setback of at least two times the minimum required per Title 18; and,
 - vi. Existing structures that do not meet the setback requirement cannot be utilized as a marijuana production space; and,
 - vii. The land utilized for processing must be a stand-alone property, with no other uses existing on the parcel/ lot.
2. Outdoor production is prohibited entirely.
 3. No more than three marijuana producers shall be allowed within the County, with spatial separation by one marijuana producer per Commissioner District.

B. Marijuana Processing

1. Marijuana processing must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors, and shall include the following improvements:
 - i. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC; and,
 - ii. Marijuana plants, products, and equipment utilized for processing shall not be visible from outside the building; and,
 - iii. Ventilation and air filtration systems must be installed to ensure no odor escapes the structure; and,
 - iv. Black-out curtains shall be utilized to ensure no visibility from outside the building; and,
 - v. Any/all buildings utilized for processing must meet a setback of at least two times the minimum required per Title 18; and,
 - vi. Existing structures that do not meet the setback requirement cannot be utilized as a marijuana processing space; and,
 - vii. The land utilized for processing must be a stand-alone property, with no other uses existing on the parcel/ lot.

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 three marijuana processors shall be allowed within the County, with spatial separation by one producer per Commissioner District.

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. Marijuana retail must take place within a fully enclosed secure indoor facility, and shall include the following improvements:
 - i. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC; and,
 - ii. Any/all buildings utilized for processing must meet a setback of at least two times the minimum required per Title 18; and,
 - iii. Existing structures that do not meet the setback requirement cannot be utilized as a marijuana processing space.
3. No more than the allowed number of retailer licenses shall be permitted per the Washington State Liquor and Cannabis Board.

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.