



## Clark County Planning Commission

Steve Morasch, Chair  
Ron Barca, Vice Chair  
Rick Torres  
Karl Johnson

Matt Swindell  
Robin Grimwade

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### CLARK COUNTY PLANNING COMMISSION THURSDAY, JUNE 6, 2019 MINUTES OF PUBLIC HEARING

Public Service Center  
1300 Franklin Street  
Council Hearing Room, 6<sup>th</sup> Floor  
Vancouver, Washington

6:30 p.m.

#### **CALL TO ORDER**

MORASCH: All right. Well, good evening and welcome to the June 6, 2019, Planning Commission public hearing. I will call the meeting to order and, Sonja, can we get a roll call, please.

#### **ROLL CALL VOTE**

MORASCH: HERE  
GRIMWADE: HERE  
BARCA: HERE  
SWINDELL: HERE  
JOHNSON: HERE  
TORRES: ABSENT

Staff Present: Chris Cook, Chief Deputy Prosecuting Attorney; Colete Anderson, Program Manager II; Jose Alvarez, Planner III; Sonja Wisner, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter.

#### **GENERAL & NEW BUSINESS**

##### **A. Approval of Agenda for June 6, 2019**

MORASCH: All right. With that, we'll move on to our general and new business. First item on the agenda is approval of the agenda. Can I get a motion to approve the agenda.

JOHNSON: I'll give a **MOTION** to approve the agenda.

SWINDELL: I'll **Second** it.

MORASCH: It's been moved and seconded. All in favor say aye?

EVERYBODY: AYE

MORASCH: Opposed? All right. We have approved our agenda.

## **B. Communications from the Public**

MORASCH: We'll move on to communications from the public. Now is the time for anyone that's a member of the public that would like to address the Planning Commission on a matter not on our printed agenda tonight, please come forward now. All right. Seeing no one, we will move to the public hearing portion of our agenda. And I do have an opening statement for the public hearing.

### **Opening Statement**

MORASCH: First I'll ask, is there anyone on the Commission that has any conflicts of interest to disclose? All right.

So the procedures that we will use tonight for our public hearing, we'll begin with the staff report. The Planning Commission members will then ask staff questions if they have any at that point. And then I will open the public hearing for public testimony.

Members of the audience who wish to testify should sign in on the sheets at the back of the room, and then I will call you by name to come forward to the table. I have discretion to limit the time period to three minutes a person, we don't have a huge crowd so I probably won't do that, but I will ask people to be brief and on point and, you know, if anyone rambles on for more than five minutes, I may ask you to hurry it up or wrap it up.

If you have any exhibits that you'd like us to consider such as a copy of your written testimony, photographs or any other physical items, please hand it to staff and then they can distribute it to us and include it as part of our record. Your testimony should relate to applicable standards for the hearing item and the relevant standards are set out in the staff report which should be available in the back of the room.

When you testify, you must sit at the front table, speak clearly into the microphone so the court reporter can record your testimony. State your name and spell your last name for the record and speak clearly and try not to speak too fast because our court reporter won't be able to

keep up with you. Be relevant and concise and don't repeat yourself or others, feel free to, you know, say I agree with, you know, whoever just testified before you if you agree with them and you don't need to repeat the testimony.

Then once everyone has had a chance to speak, I will close the public testimony portion of the hearing and we may have follow-up questions for staff and then the Planning Commission will deliberate and make a recommendation. Our recommendation will be forwarded to the Board of County Councilors who has the final decision-making authority on this matter.

So if you're interested in this matter, I would highly recommend that you find out when the Board of County Councilors will hold their hearing and attend their hearing as well because they will actually make the final decision. So with that, I will turn it over to staff for the staff report.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:**

**CPZ2019-00019 Clark County Unified Development Code (Title 40) Amendments**

No.	Title/Chapter/Section	Description
1	40.260.115	Amend CCC 40.260.115 (Marijuana Facilities) to delete the text associated with the issuance of permits; amending “control” to “cannabis;” adding a definition for “marijuana”, “medical marijuana cooperative”, and “substance use disorder treatment program;” amending the locational criteria from “1,000 ft.” to “750 ft.” except for elementary or secondary schools and public playgrounds; allow the sale of paraphernalia; and amend closing time from “8 p.m.” to “11 p.m.”
2	40.100.070	Amend CCC 40.100.070 (Definitions) to delete “collective garden”
3	40.210.010	Amend CCC 40.210.010 (Forest, Agriculture and Agricultural-Wildlife Districts) to amend the use table to delete “collective gardens” and add “cooperative;” add production facilities in FR-40 and AG-20; and add processor I facilities to AG-20 districts.
4	40.210.020	Amend CCC 40.210.020 (Rural Districts) to amend the use table to delete “collective gardens” and add “cooperative.”
5	40.210.030	Amend CCC 40.210.030 (Rural Center Residential Districts) to amend the use table to delete “collective gardens” and add “cooperative.”
6	40.210.050	Amend CCC 40.210.050 (Rural Commercial Districts) to amend the use table to delete “collective gardens” and add “cooperative;” add retail facilities in CR-2 district.
7	40.220.010	Amend CCC 40.220.010 (Single-Family Residential Districts) to amend the use table to delete “collective gardens” and add “cooperative.”
8	40.220.020	Amend CCC 40.220.020 (Residential and Office Residential

		Districts) to amend the use table to delete “collective gardens” and add “cooperative”
9	40.230.010	Amend CCC 40.210.050 (Rural Commercial Districts) to amend the use table to delete “collective gardens” and add “cooperative;” add retail facilities in CC and GC districts.
10	40.230.020	Amend CCC 40.230.020 (Mixed Use District) to amend the use table to delete “collective gardens” and add “cooperative.”
11	40.230.050	Amend CCC 40.230.050 (University District) to amend the use table to delete “collective gardens” and add “cooperative.”
12	40.230.060	Amend CCC 40.230.060 (Airport District) to amend the use table to delete “collective gardens” and add “cooperative.”
13	40.230.085	Amend CCC 40.230.085 (Employment Districts) to amend the use table to delete “collective gardens” and add “cooperative;” add production facilities in IL, IH, IR; add processor I facilities IL, IH, IR, BP; and add processor II facilities in IL, IH, IR, BP districts.
14	40.250.110	Amend CCC 40.250.110 (Urban Holding District) to amend the use table to delete “collective gardens” and add “cooperative.”

**Staff Contact:** [Colete.Anderson@clark.wa.gov](mailto:Colete.Anderson@clark.wa.gov) or (564) 397-4516

ANDERSON: Good evening, Commissioners. Colete Anderson with Community Planning. We're here this evening to discuss CPZ2019-00019 which is a Clark County Code Title 40 Amendment for marijuana.

The history of marijuana in the State of Washington started in 1998 with Initiative 692 to legalize the possession of medical marijuana. Since then, there was a number of limited amendments that didn't involve Clark County's land use jurisdiction until 2011 when they allowed the creation of collective gardens. In 2011, Clark County initiated several resolutions to prevent land use actions while they went through the process of deciding what they were going to do about collective gardens. By 2014, they had adopted an ordinance which prohibited collective gardens throughout the county.

In 2013, another Initiative, I-502, was approved by the voters which allowed recreational marijuana. At that point the County started a different process on how to deal with that type of marijuana usage. In 2015, there was legislation that basically combined medical and recreational marijuana.

Where we are today is to take a look at the actions that were taken by the County, what we'd like to change and how we move forward. So in 2014 Clark County adopted an ordinance which allowed recreational marijuana in several land use zones, production or growers in AG-20 and Forest 40 if you had a minimum of ten acres, light industrial, heavy industrial or railroad industrial.

Processors would be allowed in AG-20 and Forest 40 if you were an accessory to the growing operation or you could have it in light industrial, heavy industrial, railroad industrial or business

park. Processors Number II, which is a more heavier intensive use would only be allowed in light industrial, heavy industrial, railroad industrial and business park. Retail or the sale of marijuana would be limited to general commercial, community commercial and in the rural center CR-2 commercial zone. Medical marijuana cooperative would continue to be prohibited.

Marijuana Code in Clark County, as you can tell, has been around for quite some time, the land use component started in 2011, the prohibited cooperative in 2013, they initiated the recreational marijuana prohibition in 2014, in 2015 we had new legislation come forward.

Since then, Clark County Council has had a series of work sessions on an annual basis to check in to see how marijuana has been implemented in Clark County and other jurisdictions and what's been going on. This year they had a work session on April 3rd and May 1st. We went to DEAB on May 2nd. We had a long conversation with Planning Commission a couple weeks ago. We've done our SEPA and our Commerce notification and here we are this evening.

Our goal is to make code amendments reflected of what was done in 2014, where instead of prohibiting, we're actually allowing it in those uses. Following this hearing, we will be at a work session at the end of June and a Council hearing on July 2nd.

MORASCH: All right. Is that it? Any questions for the staff before we open the public hearing? All right. Hearing none, I will open the public hearing on this matter, and the first person who has signed up is Dan Durringer.

### **PUBLIC TESTIMONY**

DURINGER: Good evening, Commission. So I'm here to speak on this issue. I --

MORASCH: Can you spell your last name, please.

DURINGER: D-u-r-i-n-g-e-r.

MORASCH: Thank you.

DURINGER: And I oppose the County Council lifting the ban on marijuana, but I know that's not what we're here for tonight. We're here to put together some code in case they do pass the lifting of the ban and I want to remind the Council that the County voted quite heavily against allowing marijuana to be legalized in the county areas and I have a map of the results that, that we put together.

I don't know if you can see it, but all the red areas is a vote of no vote for marijuana and to different degrees, but it is -- but the County voted solidly against having marijuana legalized in

2012. And so I would ask the Commission here to make recommendations on code that reflect the population in the county and what they would want.

I've already heard Councilors speak in a way that is opposed to that principle. Councilor Blom has said that he doesn't see if it's legal on one side of the street why it shouldn't be legal on the other side of the street; in other words, it is sort of a colonization of areas. I'm for the principle that local political units should be able to govern themselves, I think that that is a solid political principle and the Commission here should take that to heart, that the County should be able to govern itself, they don't want the marijuana so the code should reflect that.

Also I think in one of your codes here one of the Councilors I believe made the request that the hours of operation of the stores be extended so they match the City of Vancouver. It's again the same kind of concept and language that somehow what they do in Vancouver is what the County has to do and I believe, I suggest to you that that's not a good political principle. You really should be doing things what to the population the County wants.

So I do believe that another principle that we should be following is working together for the common good, and that's another well-founded principle and that principle is one where we all collaborate together and the idea is that we negotiate among ourselves so that everybody wins.

And I want to raise that issue with you, I've been raising it with the Council because I don't really feel that that's going on. I cannot communicate a whole lot with the Council, they're not available to communicate with and how do you negotiate and how do they know what our needs are if they're not communicating with us. So that's my impression as a resident here and I think it's a bad impression for government to be making people feel like that you're not being listened to.

MORASCH: All right. Well, thank you. I would encourage you to go to the County Council hearing July 2nd. Is that the, July 2nd, I would encourage you to go and make your --

DURINGER: I've been to the last two Councils too in additional attempts.

MORASCH: All right. Any questions?

BARCA: I do have a question. Mr. Duringer, you said kind of in the spirit of cooperation trying to turn it in a win/win proposal, what would you perceive as a win/win under this circumstance?

DURINGER: Under these circumstances what I see in the Council votes which seem to be that they're going to approve this win/win would be what I explained that the Council here, the Commission here should tailor the code to what the population would want.

BARCA: Okay. So assuming what you said takes place that the Council wishes to go forward

on this, it seems like our job then is to tailor something that meets the population needs, but what I heard you say was the will of the people was to not have any facilities expanded at all.

DURINGER: No.

BARCA: So I'm trying to understand your request for balance and a win/win.

DURINGER: So you are going to make a recommendation to the Council on what the code should be and my recommendation is that it should be conserve- -- it should be restrictive. We don't really want to have the stores open till 11:00 at night.

I work for the school district, I'm a school bus driver, have been since '97, I work with kids and I very much am motivated to have them not have extra opportunity to at night be out and then also have the hours go by that maybe let's find some marijuana later in the night. So I don't think there's a need for the -- I think it's safer to have the earlier closing time.

I also would like to have the greater buffers. I don't -- I would like the 1,000 feet preserved. Everything that is more restrictive, more regulatory on this, I am advocating for.

BARCA: That's helpful. Thank you.

DURINGER: You're welcome.

MORASCH: Any other questions? All right. Well, thank you very much.

DURINGER: You're welcome.

MORASCH: And do go on July 2nd to the County Council --

DURINGER: Okay. I will. Thank you.

MORASCH: -- to the Council hearing. Jeremy Larson.

LARSON: Thank you, Councilors or Commissioners. I appreciate the Commission taking up this issue as well as the County Council and County staff who I think produced a very good draft, and in fact, we are very pleased with almost everything in it. We don't have any objections. The only -- my name's Jeremy Larson by the way, I'm a citizen of Clark County here, L-a-r-s-o-n.

The only issue that we -- the only -- so as far as the distance requirement, we've been working with the Council and the staff as this -- this proposal was brought forward, and the only change that we -- so we presented two options which would be a straight distance reduction requirement or reduction of a certain number of feet or based on keeping 1,000, but changing

the way that that was calculated from the actual land use permitted premises to the licensed premises because the reason for this provision, for the reduction, is that we are already restricting from smaller commercial lots and the larger commercial lots where these are going to be allowed are actually very large, a lot of times taking up entire corner, so the rationale is that because that eliminates a huge portion of the County from even having sited these.

What would happen is these stores would either be bunched up or put in actually conversely to the intent pushed closer into neighborhoods into marginal commercial areas. So the Council -- so staff taking recommendation from the Council put it at sort of, I wouldn't say arbitrarily, but put a number out there of 750 feet and we very much appreciate that, that's a huge step in the right direction.

We actually would request a number lower than that, and I would say I would like to formally request of the Commission to amend that to 700 feet, that opens up a number of areas on some of the main places where I think would be logical and preferable to have these stores far, you know, in commercial areas far away from neighborhoods and marginal areas and so forth and because the supply is already restricted for all the factors that you see in this ordinance.

And additionally, it's further restricted because a lot of times property owners are restricted by their mortgages on properties. So even if they wanted to, such as if they took a small business administration loan for a property, I can think of several that I've personally spoke to who said, look, we would support it but we just can't by the terms of our loan because of all these additional restrictions.

I would hope that -- and because we've actually added some additional ones ourselves such as churches and places of worship, which to my knowledge is not actually being taken out, that is in addition that the County added when this was originally drafted and not -- it is not actually in the State law, because of all those restrictions we would ask for the reduction that's already there be even go a little bit further of at least, at least at a minimum drop it to 700 feet and maybe even a little bit more if the Commission would support that. That's all I have as far as the retail.

I would say that I think one thing that has been shorted so far up to this point that the Council and the staff have been great as far as the retail side, but there hasn't been a lot of discussion as far as the production side, and although that's not my particular forte, I think Mr. Balduff back here who's going to speak shortly does have some words and I would hope that there's some minor changes I think are very important because, again, it's very restricted to certain areas being forced to be inside and also in AG-20 lands.

I don't think it would be actually desirable to have a bunch of grows in industrial areas where these are concrete tilt ups with supply businesses and so forth and fulfillment. I think the appropriate area for the agricultural production of cannabis should be in agricultural areas

similar to how we farm other things. So I hope you'll take Mr. Balduff's words into consideration, I think he has expertise and he personally has a stake in that game, so thank you.

MORASCH: All right. Thank you. Any questions?

SWINDELL: Yes, actually I want to ask a question. I'm not sure if you can hear me there or not. Now, you're saying going from 1,000 feet to 700 feet rather than the 750 recommended, now what would be the benefit in going from to 700 feet what, thank you, what would be the benefit again?

LARSON: So the way, what happens is so these parcels that are community commercial or general commercial are oftentimes very large, we're talking about shopping centers, and these have dozens of businesses in them, so you might have a very small business that actually would, even though it's only a tiny portion of that, it might be back in the corner of the property, it's measured from parcel line to parcel line, so that actually it's not from the door front to door front, which is one of the options that we proposed to the Council.

But what happened is, is they were supportive of having that, but the legal staff they had them consider it and they decided that the State law does not allow such a calculation the way that that 1,000 feet is calculated. So the alternative that we offered was a straight distance reduction and we had proposed originally 500 feet, and I think, I don't know if there was any specific instructions, I'm not aware of any between Council and staff, and I think that they were, they showed support for the reduction, but what happened is they, I mean maybe staff can correct me if I'm wrong, but I think that was just sort of a starting number. So we would ask for at a minimum drop it 50 more feet to 700 or even go even another 100 if the Commission would support that.

SWINDELL: And if it doesn't, if that doesn't happen, I guess thank you for explaining that, if it doesn't happen, you said it would force those retail outlets to be somewhere else --

LARSON: Yeah. So, excuse me.

SWINDELL: -- where we don't want them? That's what I'm trying to understand is --

LARSON: Well, so what would happen is a lot of properties that would otherwise qualify won't because they are, because of the parcel line to parcel line and the thing is a lot of the properties where you would want to have these stores on commercial properties far away from residential areas and so forth are, would actually be excluded, so it would have the sort of the perverse effect actually push them towards say a smaller commercial property that can tolerate that that doesn't have huge bound -- parcel -- parcel boundaries compared to the actual establishment itself, so the business might be very small but it's based on the parcel. So what they would look for is smaller parcels and a lot of times those end up being in marginal

commercial areas which actually are closer in to residential areas a lot of times.

SWINDELL: Okay. And from a business standpoint that wouldn't be better to be closer to the residential?

LARSON: No. I think it would definitely be much more preferable to just be in a standard commercial area with say, you know, our store is located on Highway 99, so that would be I think a typical area. I can think of a few other ones in the county, but I mean I think you can kind of see on some of the city stores you can sort of see where they ended up as somewhat illustrative of that sort of odd areas to have a store, although they've made it work really well, but I think a couple of them are in close in to residential areas and I think having them in standard commercial areas they're surrounded rather similar businesses would be preferable.

SWINDELL: Thank you.

MORASCH: All right. Thank you.

LARSON: Thank you.

MORASCH: Maybe before we take any more testimony, I have a question for legal counsel on what Mr. Larson just said. I think he heard -- I think I heard him say there was some legal reason why we couldn't measure the distance between the door to door or the nearest point on the building to something and we had to do it property line to property line, is that accurate or do we have the --

COOK: Yes.

ANDERSON: It's in the WAC.

MORASCH: It's in the WAC.

COOK: It's in the WAC, which is Chapter 314-55. Do you know which provision it is? Conducting legal research on my phone here it's a little cumbersome.

ANDERSON: I believe it's 050.

COOK: 050. Okay. Let's see. Distance shall be measured as the shortest straight line distance from the property line of the proposed building or business location to the property line of the entities listed below, that's 314-55-050 Sub (10).

MORASCH: And does the WAC contain a minimum distance?

COOK: Yes, it does. There's a minimum distance of 1,000 feet between the marijuana facility and elementary and secondary schools and a minimum distance of 1,000 feet to playgrounds. Then other areas that are mentioned in the WAC are recreation centers or facilities, child care centers, public parks, public transit centers, libraries or any game arcade not restricted to people ages 21 or older, and for those I believe that the minimum is 250 feet, 100 feet, sorry, so...

MORASCH: Okay. But our code includes 1,000 feet for all that in current form?

COOK: No. Well, currently, yeah, the reduction to 100 feet is a recent change in the WAC, more recent than our code and since our, this is the first time we've looked at the code since that was changed, so the proposal now is I believe 750 feet for the places where it can be less than 1,000.

MORASCH: All right. Thank you. Any other questions for legal counsel at this point? All right. Well, thanks, that's helpful.

COOK: You're so welcome.

MORASCH: We will move on to the next person on our agenda, Taylor Balduff.

BALDUFF: Good evening, Commissioners. My name's Taylor Balduff, spelling of my last name is B-a-l-d-u-f-f. I'm here to suggest some minor changes to the ordinance or the draft that has been put in place. First of all, I think all in all that is a really good draft.

A little background about myself. I'm a Tier 3 producer/processor here in Washington. I have a farm in Shelton, processing center in Tacoma and I have a lease on a greenhouse here in Clark County. Very nice beautiful greenhouse, used to be a tulip farm and has gone out of business. It's a glass greenhouse constructed from steel and glass, sits on two parcels zoned agriculture.

A couple of the parcels or one of the parcels is much smaller than the other and it kind of cuts through the greenhouse and the warehouse or the parcel lines which would restrict me from producing and part of that greenhouse and part of that warehouse under the ten-acre minimum.

All in all this is the location where, you know, marijuana should be produced. It is not near in a warehouse, not, you know, I can produce a low carbon footprint very economically, you know, if allowed to proceed and produce here in Clark County probably within the first year I'll have over 50 employees at that location, hopefully growing to upwards of 100 employees within two years. We are currently the number one selling concentrate company in the state and have been for the last eight months in a row and in the top 20 producer/processors for

sales here in Washington.

Bottom line is, you know, marijuana is a crop, it is agricultural and it should be looked at that way and should be grown in that fashion. There's no reason that we should be pushed into areas of incorporated areas of the county, you know, we should be allowed to be produced in more rural settings, more farm like settings. I would, you know, love for you guys to take a moment to look at my suggestions that I've proposed to the Councilors and hopefully you guys agree with them and I can, you know, move on with this business and this production facility here in Clark County.

The other thing I would like to bring up is under National Building Code, greenhouses are an exempt structure and my facility in Shelton was built under those classifications. The current facility was built in 1990 under those classifications and under some of the wording, under -- sorry, I'm loss words here -- but some of the wording sounds like I may have to come to standards of similar to a warehouse because this isn't considered agricultural, which means that potentially I would have to somehow get a greenhouse that was built in 1990 exempt from the National Building Code permitted and then potentially put in a fire system in a greenhouse that is built 100 percent of noncombustible materials and potentially cost me hundreds of thousands of dollars and may not make this a viable option for me. I'm here to bring jobs to this county and be a good representative of the marijuana community here. So that's basically what I have for you guys.

MORASCH: Any questions?

BARCA: Can you go over again the current condition of your grow facility in the Shelton area.

BALDUFF: Current condition, when you say condition?

BARCA: The zoning that it's in and the process, how big the parcel was surrounding it.

BALDUFF: Yeah. So to be a hundred percent honest, that is located in a rural residential number five which I don't recommend that. I've had some issues from that and, you know, I think, you know, zoned ag on true farm land is a little more appropriate.

As far as conditions goes, I had some backlashes early on from some neighbors and some protesting and now I have multiple neighbors that work for me at that location and I used to be back in 2014, you know, everybody was scared of marijuana and now I get stopped as I drive in to the road and people say hi and, you know, it's that fear has gone away. They've -- the how new it was to everybody was very intimidating and I think they've -- even the opponents of it back then have come to realize it's a nice small little farm.

BARCA: How big is it, is it a full five-acre parcel?

BALDUFF: It is a full five-acre parcel.

BARCA: And what processing number are you at, are you a 1, a 2?

BALDUFF: I'm a Tier 3 producer.

BARCA: Tier 3 producer at that location.

BALDUFF: Yeah, I don't do any processing at that location, that is all done at my Tacoma facility.

BARCA: And is your Tacoma facility in an industrial or commercial?

BALDUFF: That is zoned industrial where I do all my extractions and I think extractions and, you know, you look at Number 2, that goes along the lines of, you know, your guy's draft and having that processor 2 in industrial areas is appropriate.

BARCA: Okay. And I think what I'm trying to actually get at is there's a variety of different functions in the zoning and I think for the Planning Commission, I think it's worth us understanding the different functions that are taking place.

BALDUFF: Yeah. Yeah. So my farm in Shelton is strictly a farm weed grow and then it's shipped for drying and processing to the Tacoma location. Does that make sense?

BARCA: Okay. Yeah, that makes sense. You're not using the railroad, are you?

BALDUFF: No, we are not.

BARCA: Okay. Thanks.

BALDUFF: Any other questions?

MORASCH: All right. Well, thank you very much for coming.

BALDUFF: Yep.

MORASCH: Christy Stanley.

STANLEY: Good evening, Commissioners. My name is Christy Stanley, Stanley spelled just the way it sounds. I want to start out by saying that I have successfully worked with the City of Tacoma, Kitsap County and the City of University Place Planning Department.

With the City of Tacoma, we were able to ascertain during the initial lowering of the buffer zones from 1,000 feet down to 100 feet, a particular head start facility which then kept different properties on their marijuana map, their zoning map. We also discovered that if a certain property deeded ten feet on one side of I-5 of their property to the City that thus opened up that property for marijuana usage because the high school was across I-5 and that's on the 38th Street corridor. So that is the situation in Tacoma that I have familiarized myself with.

I also know that clustering of marijuana stores was a problem there because the City of Tacoma attempted initially after 502 passage to keep them in what is known as adult zone uses. It really upset a lot of neighbors, but there was really nothing that marijuana retailers could do about it because we are restricted to the zones where these jurisdictions tell us that we're allowed to go.

Now, moving forward to the next project that I worked on with Kitsap County. Kitsap County initially placed retail stores in the same zones as producer/processors which put my store in an industrial zone. It put my store in an industrial zone that was unsafe. There were fork lifts driving by, heavy machinery, bails of large wire, and so for ten months I refused to open even though I was licensed, and I also committed myself to proposals to the Planning Department at that time of their comprehensive plan update to add general commercial zones, I'm sorry, neighborhood commercial zones to their comprehensive plan update which we successfully did, which thus opened up a very safe area in neighborhood commercial zones for retail cannabis stores to locate which I thus moved my store to and I now am located in a true retail setting where I have an anchor store which is Albertsons and I am surrounded by neighbors who welcome me in the community, feel very safe coming to my store, there's handicap parking, there's a lighted intersection where people can do left-hand turn lanes safely. Where I was stuck in the industrial park, that wasn't the case.

I provided Department of Transportation safety statistics for that particular turn off, and out of 16,000 cars per day that pass that location where they would have to turn off without a safe left-hand turn lane, there were 80 percent rear-end collisions at that location, so I really wouldn't have been able to live with myself if anyone coming to that establishment killed themselves or hurt someone else.

Now, lastly myself and a couple of other people worked with the City of University Place Planning Department, and with that we managed to over a year and a half time lower the buffer zones around production and processing facilities down to as little as 100 feet. Now, University Place has high population density but their area size is very small.

Before we began the process of talking with the Planning Department, there existed no placement for production processing facility. So in them doing their recommendations to the council which the council thus adopted, it opened up a very small area in their industrial park

for a small Tier 1 producer/processor to locate, not to say that that particular landlord or property owner did lease to a producer/processor, but it opened up that area; however, since I am the only allotment for University Place, they didn't really see the need to reduce the buffer zones around retail stores, I was the only one and there was just a small area with which I could locate, so that's where I am there. They are currently still under a ban.

I am really recommending that you reduce the buffer zones around retail stores, particularly in Clark County because you have four of us sitting out here waiting to get licensed. I have been doing diligently a search of all available properties in the three zones, general commercial, community commercial and CR-2.

As Jeremy Larson had alluded to earlier, it's very, very difficult to meet the criteria of Number 1, the 1,000-foot buffer zones that the State mandates on K through 12, day cares, parks, recreation centers, transfer centers, et cetera. What I do know is that in the WAC code you as Planning Department can recommend down to as little as 100 feet on buffer zones around all entities other than K through 12, so those are the only ones you can't touch, they have to stay at 1,000 and it is as the crow flies.

I want to say that it is so difficult in the Number 1, restrictions for the State, the restrictions of the County, the restrictions by the FDIC insured properties where the landlords cannot lease even though they'd like to. I support Mr. Larson's suggestions about looking at the larger commercial properties where for instance where I am in Kitsap County in the Albertsons shopping plaza, you know, there's at least 30 of us there and I am just one small business, but that boundary line is always going to be measured from the closest portion to any restricted entities.

So in this case, you know, Clark County with the Highway 99 corridor and then some properties out towards Orchard is very, very restrictive and, you know, I really want to commend the Council for taking this up, I mean the Commissioners for taking this up and I look forward to seeing what happens.

I've been waiting for three years and paying rent and kind of stuck out in the CR-2 zone which is fine, but I'm planning on moving to a different location because of a few property issues with that particular property owner that I wasn't aware of. Do you have any questions for me?

BARCA: I do. You said that there's four of us hanging out waiting, is that all for retail?

STANLEY: Retail. Retail.

BARCA: No processing, no grow?

STANLEY: No. I believe, from the studies that I've done, I believe there is about eight

producer/processors and I have to support what the previous speaker said about it's true ag land, it's a plant and it grows just like any other crop and it is soon to become a commodity once this goes federally legal which is poised to do.

Hemp is now legalized through the farm bill and, you know, hundreds and hundreds of acres are now being utilized for hemp production. I know personally, I just got back from New Mexico and there's a 300-acre hemp farm being utilized on the Navajo Indian Reservation. Navajo as well as other tribes are taking advantage of their status as a sovereign nation to jump on this and jump on it early.

This is a commodity, it should be treated as such. It's very costly for producers and processors to be in rigid wall buildings and have certain ANSI codes on greenhouses and engineering stamps and eight-foot tall fences and obscure and cameras, I mean it's very costly.

But, you know, if the County were to look at this as a commodity, this is a plant, keep it away from the residential areas, people will complain. I'm not out to make anybody angry for the smell of the plant, it doesn't smell the best, okay. So if you put it out in the farm land where it truly belongs, that's going to be the best all the way around for everybody in Clark County, and as the first speaker was alluding to, to me that's a win/win situation.

BARCA: Okay. I think just for the record though I want to make sure we're really clear, we're not talking about hemp production in this case.

STANLEY: Correct, we're not, we're talking about cannabis.

BARCA: Okay. Yeah. And so the open field growing concept isn't part of what we're looking at here.

STANLEY: No, we're not, but what I'm suggesting is that the plant is a plant and thrives best under agricultural conditions in farm land areas, in greenhouses or even open field, they do it in Chimacum with the State mandated eight-foot tall fences around the perimeter of whatever size grow you have either Tier 1, 2 or 3, they do it in Eastern Washington open air as well, and it's just best for everybody, it keeps it away from the kids, it keeps it away from the neighbors, the smell drifts in the breeze, it's just better that way.

BARCA: Okay.

MORASCH: Any other questions? All right. Well, thank you very much.

STANLEY: Thank you.

MORASCH: Now we have Jim Mullen.

MULLEN: Good evening, and thank you for the opportunity to speak tonight. My name is Jim Mullen. I'm a resident of Clark County. I've been here since 1998, also co-owner of the Herbery which has three retail locations in Vancouver and I'm the president of the Washington Cannabis Business Association, we have about 80 members and work with the legislatures quite heavily throughout the state but specifically in this area.

I just came tonight to support the allowance of cannabis retail and producing and processing. I would support specifically the hours of 8:00 to 11:00 to mirror Vancouver. We on the producer/processor side would say even though we cannot grow, we cannot process as retailers, they're completely separate.

I would agree with and confirm what the prior testimony was, I think that the cannabis should be able to be grown in agricultural areas, but more specifically the ten-acre minimum requirement is excessive and very prohibitive and the reason I say that is because if you look at the Vancouver Tier 1, 2 and 3 growers you've got Fairwinds, Cedar Creek, Sunshine Farming, Vancouver Weed Company, you had Going Green, Agrijuana who's out in Battle Ground, they're all under five acres.

A processor needs a warehouse. There are many processors out there that are working in 4,000-square foot warehouses. It depends on the magnitude of their operation, but ten acres will restrict a number of businesses from even wanting to look at coming into Clark County.

Around the state, the producer/processors have been allowed to lease the space that they need and then grow, you know, if they start out with more, but ten acres, only the largest producer/processors around the state have ten acres or more. I've been to large farms that are not ten acres, but I would ask that you consider removing the ten-acre requirement and allowing producer/processors to move into a space that they believe is feasible and suitable for their needs because they do have a lot of challenges with the State.

We have on the zoning aspect of it, I would like to work with the Commission and Council if zoning were to be reduced. As you've heard in prior testimony, the opportunities for retail are very limited in the unincorporated county. There is basically nothing west of I-5 up in Salmon Creek, Ridgefield, Felida and, yes, that's a lot of residential area, but the commercial area that's up there is very limited in the opportunities for retail.

I think if the County wants to move forward with this and they want to maximize job opportunities and revenues, that they should take a look at what the opportunities are for the businesses to move in to maximize the jobs and revenues by allowing all six retailers to open. And, you know, we have also been doing our research, there are locations out there, a lot of them are empty parcels which would be a year and a half or two years for a build-out, so just a couple of things to consider.

Because if you look on St. Johns Road up at 99th or up to Caples, you've got some light industrial and a lot of empty parcels. If you look up at Salmon Creek, most of the issues there are that landlords have mortgages and their banks won't let them take cannabis money because it's federally illegal and we're money launderers. Hazel Dell provides a good opportunity, but with the addition of treatment centers and churches it definitely knocks out a couple of parcels that would otherwise be compliant, and in the other sections around the county where we believe under, you know, the zoning that we understand from the Council and the Commission, you know, guessing what's going to be happening, there are a lot of areas that are just knocked out because of the number of schools and day cares and playgrounds and certainly, you know, we need to be away from those, we believe in restricting and prohibiting access to minors and we think that that can be accomplished.

Otherwise we don't have an issue specifically with any of the restricted entities, but we would like you to take a look at the zoning to open all six. I'm not sure what the allowance should be, but otherwise, you know, we're very supportive of you moving forward with this and thank you for the time and energy you're putting into it.

MORASCH: All right. Any questions? All right. Well, thank you very much.

STANLEY: Thank you.

MORASCH: Ken Loehlein.

MORASCH: Loehlein. I couldn't tell if that was an h or a k.

LOEHLEIN: Well, thank you for having me here tonight. My name is Ken Loehlein, it's spelled L-o-e-h-l-e-i-n, that's German. Thanks for having me here tonight to listen to my comments.

I probably should have been to earlier meetings dealing with this, I probably would have had a better idea of what, how much support and how much, how many people were against the proposal to allow marijuana facilities in Clark County. I'm a newer resident to Clark County, my wife and I moved here almost two years ago and we live in Hazel Dell and pretty close to the closed retail facility on Highway 99.

I think I support the proposal to allow marijuana retail sales in the unincorporated areas like Hazel Dell. I think it's good that we take advantage in Clark County of the tax revenues from retail sales of marijuana and I think, I thought that was kind of amusing when I first moved here that this facility on Highway 99 was open for a while, then closed and until this these proposed changes go through it will remain closed. I think that we should allow retail sales on lands that are zoned CR-2, rural commercial, CC, community commercial, and GC, general commercial.

The only other comment I would have is that it seems like 1,000 feet separation between facilities seems excessive. I don't have a figure in mind what it should be, but I think it should be lower than 1000 feet. I think basically, and maybe it's too late to make this comment, that marijuana sales should be handled similar to liquor sales and I don't think there's any kind of big restriction on distance between liquor, retail liquor sales as there are with marijuana. So thank you again for listening to my comments. If you have any questions, I'd be glad to answer them.

MORASCH: Any questions?

BARCA: I have a question. Do you have a thought since you're in the Hazel Dell area about the hours of operation?

LOEHLEIN: I think the hours between 8:00 a.m. and 11:00 p.m. are good. It's kind of similar to what other retail operations are going by, so I would say I'd support that.

BARCA: Okay. Thank you.

LOEHLEIN: Thank you.

MORASCH: All right. Thank you. Richard Zahler.

ZAHLER: I just signed up. I have no comments.

MORASCH: No comments. Okay. Stan Greene.

GREENE: Stan Greene, G-r-e-e-n-e, and my contact information is on the record. Good evening, gentlemen. I would strongly recommend that Clark County continue the present zoning codes wherein Clark -- wherein the marijuana facilities are prohibited from all unincorporated areas of Clark County. I submitted a written dissertation. I'm not going to get into that part, I'm going to discuss something different.

Few residents of Clark County are aware that Clark County could cause marijuana growing processing and retail sales to be near our homes, churches or where we shop. Clark County has failed to openly notify the residents of rural Clark County about the marijuana proposal.

A decision on the marijuana proliferation proposal should be postponed until only the citizens of unincorporated Clark County may vote on the proposal or at least until community open house meetings and public advertising and notices are made available to all residents of unincorporated Clark County. The residents of rural Clark County must be informed about the marijuana proposal so that they may have a choice --

BARCA: Stan, Stan, excuse me, can you slow down a little bit.

GREENE: Okay.

BARCA: Okay. Take all the time you need. All right.

GREENE: Okay. Thank you, Ron. Okay. I'll repeat.

BARCA: You don't need to repeat it. I think we're caught up, but just go a little slower.

GREENE: Okay. I'm thinking of the three minutes.

BARCA: No time limit.

MORASCH: I didn't impose the three limits. I asked everybody to stay around five minutes and so far everybody's been doing that so go ahead.

GREENE: Please do not rush a proposal to approve without a majority of the rural residents of Clark County becoming aware of the proposal. Why do I say this?

I'm a member of a church that has about 6,000 attendees and several congregations who are residents in Clark County. Our church leadership was not informed by Clark County about the marijuana proposal and how it would affect our churches. The leadership of other churches was not informed by Clark County about the marijuana proposal and how it would affect their churches.

I've spoken to about 35 or 45 people in the church congregations that I attend, not one person was aware of the marijuana proposal and how it would affect them, their children and their families. Every person I spoke with who attends these church congregations was strongly opposed to Clark County's proposal, marijuana proposal, and that's not just the congregations of the church that I attend, it's other churches.

I've interviewed several persons of the general public and stores who are on the sidewalks of Battle Ground and none were aware of Clark County's marijuana proposal. I was surprised of all those who I interviewed, including those in their 20s and nonchurch attendees where in some form or another opposed to the marijuana proposal. Clark County has made it difficult for the citizens of Clark County to become informed about the marijuana proposal.

I discovered and persons with whom I spoke about looking on the Clark County website told me that only after searching through many documents and getting discouraged was it discovered that one must go down to the fifth document Number 5 and before you begin to discover all the facts about Clark County's marijuana proposal.

Previously when this was addressed back in 2013 and 2014 there were open house community meetings in Camas and La Center and other areas, Clark County failed to hold these open house meetings in 2019 to inform the Clark County residents especially north county residents about the marijuana proliferation proposal and it affects all of us especially us north county ones and that's why you don't see a lot of people here because they didn't know about it.

Clark County failed to notify property owners of land parcels in Clark County which are zoned Forest Reserve 40 and Agricultural 20 that this proposal would change the uses and the zoning codes to allow the growing and processing of marijuana on these parcels. There's many grandfathered nonconforming residences situated on these parcels of FR-40 and AG-20. The majority of these property owners do not want marijuana growing and processing on their land, I certainly don't.

I grew up in California and I could tell you a lot about it, and also my sister ran a treatment facility for 26 years and I attended many sessions with written permission that I know about the damage that the marijuana does to the youth that were placed there by the California Youth Authority from ages 13 through 17.

There are many residential homes located near those areas and people don't want it. Okay.

I repeat it. Clark County failed to notify the residents who live near or shop in rural areas that Clark County is proposing to change the zoning where the marijuana could be in CR-2 commercial, rural commercial, and CC, community commercial and there's many homes and lands with, near these zones who would be opposed, people that live near there opposed to that marijuana proposal.

Clark County failed to notify residents that marijuana sales on land could occur in rural commercial or community areas in Brush Prairie which are zoned CR-2 Hockinson on the east side of 182nd Avenue, in Amboy and Fargher Lake in Chelatchie Prairie, on 424th Street in Dollars Corner, the rural center where the CR-2 zoning is and in Duluth in the rural center where the CR-2 rural commercial is on both sides of Highway 502 and especially in Meadow Glade which is zoned rural commercial, CR-2 on Cramer Road near a senior care facility.

Clark County failed to notify the leadership of the churches and religious facilities that Clark County proposes to change the distance and measurement from churches and religious facilities to marijuana facilities from 1,000 feet to 750.

Clark County failed to notify residents of Clark County that Clark County is proposing to change these distances also for recreational facilities, event centers, child care, public parks, transit centers, library, game arcades.

Failed to notify us that two signs each being 12-foot square at retail stores with a separate

off-site large billboard for advertising could be allowed and about the time changing of the operations to 11:00 p.m. and the sale of marijuana paraphernalia and also for people that the small business owners and tenants with businesses and offices located in business park zones were not notified that processing 1 and 2 types could occur in business parks.

And I don't understand why Clark County is proposing an expansion of marijuana facilities when there's a surplus of marijuana in Washington and Oregon and it can be probably produced in other counties at a lower cost. And I would also state that I would expect and us like Eric and Dan that are here and others that we would receive equal treatment.

In other words, I was surprised to hear that two people spoke that they worked with the Planning Department and worked with people, you proponents did, well, we're opponents and we should have equal treatment and we should be allowed to work with County staff too and present our ideas.

And I do believe, and please, equal people correct me if I'm wrong, I thought that marijuana is listed under the RCWs and the WACs as not an agricultural product, and if we were to compromise on this it seems that if one followed what Vancouver does and has the City of Vancouver and has the Type 1 and 2 growing and processing within an industrial zone and then for the retail stores it would be in, as much as I don't want to see it spread, but in the general commercial areas such as Hazel Dell and those areas that are classed general commercial and the CR-2 and the rural areas, which I've already previously named would be excluded, and us tree farmers and us in the rural areas, we don't want to have the problems of this going on.

I will say that in our areas -- I grew up in California, I've been shot at, I've been -- accidentally walked near areas where it was grown, yes, it was grown illegally then but legal down there now, two people that I spoke with, I don't even know their names, I know the name first, one first name of one person, and these were just general public people that I asked in the store, one was a store clerk. He said where he lives, and it's in a rural area of Clark County, there's a medical marijuana facility near him, but he said the teenagers, the police come there often because the teenagers break into this facility and the police have to come. The other person he said he enjoys drinking his beer but he doesn't want marijuana, the smell of it, grown near where he lives in the rural areas.

So we know how damaging marijuana is to the youth and I'll tell you something that happened to me last year, and this is absolutely true and I was absolutely shocked that it occurred. I came out of a fast-food restaurant in Battle Ground, walked out to my car and a teenager approached me and he said, sir, would you like to make \$5? I'll give you the money to buy me some marijuana and plus you can have \$5 if you drive me over to the store. And I said, no, that's wrong. Can I ask your name? And he walked away.

And the other event that I saw that occurred where it passed to a young person, I was headed

west on Main Street in Battle Ground and stopped at the stop signal and I glanced over at the store and in the parking lot I saw an adult had come out with a bag of marijuana that he purchased and there was a teenager there and he looked to me like he had some folded money, handed it to this person and received the bag of marijuana. I assume it was marijuana because he came out of the store, I couldn't of course see what was in the bag, and when the signal changed I went around the block because I wanted to get the license number so to make a report to law enforcement, but they had departed in their separate ways.

So I've spoken a long time, but I'll tell you, I've sat in many sessions at my sister's treatment center where she had 18 people in the staff and those kids started with marijuana at a young age and they moved to other drugs and they all committed crimes.

And I have a far distant relative that started at age 15 with marijuana and he moved into other drugs and he's incorrigible now, he's had many crimes that he's committed, robberies to get money for drugs, including for marijuana and he lives homeless in a major city in another state. And so I'm open to questions now and thank you for your patience with me, I'm sorry I'm such a poor speaker.

MORASCH: That's all right. So any questions? All right. Well, thank you very much for coming. And you're the last person on our sheet. Is there anyone that didn't get a chance to sign the sheet that wants to come up and talk before we close the public hearing? All right. Seeing no one, I will close the public hearing and turn it over to the Planning Commission for deliberation and questions.

And I do have one question following up on Mr. Greene's testimony about public notice, can staff summarize what public notice was done for this matter for us.

ANDERSON: Be glad to. We met all the legal requirements of noticing for this CPZ this evening. There has been notice in the paper of record, we've had work sessions, our website and so forth. We have also made sure that we notified Commerce as well as our e-mail list that go back many, many, many years including the ones that participated in the marijuana processing before.

MORASCH: Anything in the newspaper?

ANDERSON: Yes.

MORASCH: Paper of record you said. Okay.

ANDERSON: Paper of record.

MORASCH: I'm sorry, you said that really fast, I couldn't quite -- okay.

ANDERSON: In both the Columbian and the Reflector.

MORASCH: Columbian and Reflector. Okay. Any other questions of staff?

GRIMWADE: Yeah, I have one. The majority of public playgrounds are located in parks, does the 1,000-foot measurement apply from the property line of the park in which the playground is in or does it apply from some predetermined distance around the playground?

ANDERSON: It applies to the property line around the park that the playground is in.

GRIMWADE: So in essence the majority of parks would have the 1,000-foot limit around?

ANDERSON: Yes.

GRIMWADE: Okay. Thanks.

SWINDELL: And I don't know if you can answer this question, but currently the way that it's written, and I've listened to testimony so, in that the way it is currently written is very limiting and it would restrict the number of retail outlets, does anybody -- has anybody actually looked at the map to say with the way it's currently written where and how many retail locations could there be, does this restrict it where there's like two or can anybody answer that, has anybody looked at that?

ALVAREZ: And we are working with our GIS to come up with mapping of that and I think there was a mapping done in 2014 that had some locations. The other, I guess issue, from looking at the commercial properties, there's usually not a in the general commercial, community commercial, there's no minimum lot size so parcels could be divided.

There are adjustments that could be made through the Assessor's Office for property lines, so I don't know there may be other avenues for people to be able to reduce that or to narrow the concern that they have with larger commercial areas when you have multi-tenant facilities, but, yeah, but I don't have a specific number of --

SWINDELL: They put their hands up back there, would it be okay to listen to what they have to say, is that if they give testimony again (inaudible) --

MORASCH: I can reopen the public hearing if you'd like to --

SWINDELL: Well, if they'd done some research, I'm sorry, I didn't -- that thought didn't occur to me until later what's written now whether --

MORASCH: All right. Do you both want to come up or does one of you want to come up?

I'll reopen the public hearing just on the limited purpose of answering the Commissioner's question. And please restate your name and spell your last name again for the record.

LARSON: Hello again, Commissioners. My name is Jeremy Larson, L-a-r-s-o-n. And all I wanted to say was that I believe Mr. Mullen's actually had a detailed map produced and sent to the Councilors and it's even more restrictive than the previous map that was made in 2014 that was presented to this Commission, it's very restrictive, so a good guide. And I think would actually be more liberal in its allowance would be the 2014 map, it's only gotten worse since then.

MORASCH: So you sent it to the Councilors. Did we get it at the Planning Commission? I don't remember seeing a map.

ANDERSON: I haven't seen it.

BARCA: Nobody's aware of it.

ANDERSON: No. No.

LARSON: Thank you.

MORASCH: Is that Mr. Mullen's raising your hand? Do you have a copy of the map with you today?

MULLEN: I can e-mail one to you.

BARCA: We'll be done.

MORASCH: We'll be done by this evening, so... For future reference, you might want to bring your written documents to the Planning Commission or submit them to the Planning Commission if you'd like us to, you know, review them because we can only review what you bring here to our hearing or what gets submitted in advance to the Planning Commission, we do not get everything that goes straight to the Board of County Councilors. Yeah.

STANLEY: Hi. Christy Stanley again. Just about four weeks ago I went down to the GIS and for \$20 I asked them to make me 11-by-17 maps which I didn't bring tonight, but I have them, of the GC, CC and CR-2 zones, they're very restrictive and I also have the GIS outline the City of Vancouver for me so I could see all the different features as to sometimes it jogs south and sometimes it goes north, so it's pretty easy to just go down and ask them to make these maps.

What I would suggest would be very helpful is based upon what your recommendations become too if you could put whatever buffer zones you are going to decide on as circles around

the restricted entities. I know other counties have done it and I could provide you sometime in the next week with those types of maps where they actually do buffer zones but that's just pretty easy to do.

SWINDELL: Thank you.

STANLEY: Thank you.

MULLEN: Jim Mullen. I just wanted to say that the zoning is one aspect of it. The more challenging aspect is finding landlords or property owners, there are a few that own their own properties that are willing to work with us.

So the map itself is I think a good first start, but to identify the number of parcels that are available for retailers to open is an extremely complicated question to answer because you literally have to go to each property owner or landlord and ask them are you willing to work with cannabis. So the map is a starting point, but the filter that you use to go beyond that even makes it more restrictive for us.

MORASCH: All right. Thank you. Any other questions?

SWINDELL: No. Thank you.

MORASCH: All right. With that, I'm going to go ahead and close the, well, you're an opponent, we let three -- we let three proponents speak, so I'll let you speak to this issue only though of the map.

DURINGER: Dan Durringer, D-u-r-i-n-g-e-r, and I didn't realize the Commission here had not seen the mapping of the restrictions. We've been through this with Camas and I've, you know, I've been out there talking with them at times in the past.

I don't see how you, you know, you can -- it's kind of hard to understand how you guys can make a judgment or make any sort of a recommendation without seeing how the buffer zones affect the placements of these operations and I think, I don't know if you need to make a decision tonight, but I would think that would be very critical information to understand what the actual buffer zone distances do and I would recommend that you do -- I don't know if you have to make some recommendation tonight, but I don't see how you can do that.

MORASCH: Yeah. All right. Well, thank you. Any questions? No. Yeah, the maps definitely would have been helpful.

GREENE: Stan Greene. Requesting equal treatment. Any way --

MORASCH: All right. But you had longer to speak than anyone else, so I'd ask you to keep real brief, okay.

GREENE: I know. Okay. As far as the notification, probably the legal notification was met but those are like in the legal notices --

MORASCH: Right.

GREENE: -- the general public doesn't read those. And the open houses when this first started that was beneficial because people could come and both sides could talk, and if we had open houses more people would know but, boy, the people in North Clark County and east county we didn't know about it, how did I know, because I was one on the few on the e-mail list.

MORASCH: All right. Well, understood.

GREENE: Again, compromise would be as I spoke before we don't want it up in our rural areas and next to our tree farms. Thank you.

BARCA: Mr. Greene, in regard to feeling as if the notice is inadequate, I would certainly encourage you then to flood the newspapers and the letters to the editor explaining exactly the considerations that you think have been missed and you have time to do that before there's going to be the meeting with the County Council.

GREENE: I agree with you, but it's not my job to notify the citizens of Clark County. I can only do so much. I'm retired, I'm disabled, I'm on limited income, I'm a recent crime victim, and all these things are going on and I'm just overwhelmed, but I thank you for that, that's a good idea, but I wish Clark County would do it just to have an ad or an open house or something. Thank you, Ron.

MORASCH: All right. Thank you. With that, I will close the public hearing once again. And legal counsel has come up, did you have something you wish to add before we deliberate?

COOK: Yes. Thank you, Chair Morasch. I understand that Mr. Mullen is e-mailing or has e-mailed his map to the clerk of this hearing and hopefully she'll be able to project it. So if that happens that would be perhaps useful.

I'd also like to clarify Mr. Larson said oh, it's much worse than it was in 2014, so some of the distances have been reduced, perhaps some of the restrictive areas that didn't exist in 2014 have been built like if there's a new school for example that would create a restricted area.

Also County Council has made it clear that they want to include drug treatment centers and

rehabilitation facilities on the list that must be kept apart from retail facilities as well, so that would have created additional restrictions, so... Can't get it.

BARCA: Mr. Chairman, can we have a ten-minute recess while we try and pull this thing up?

MORASCH: Is it possible to print them real quick for us?

WISER: We got it.

BARCA: You got it?

MORASCH: You got it? All right. We don't see it there. There it is. We're waiting for it. There it is. It's popped up. Okay.

BARCA: What are we looking at?

MORASCH: Can we zoom in on the top left corner so we can see the legend, you know, what the colors mean. There we go. We're having technical difficulties here. Oh, now it's gone. So pink is the potential retail zoning, green is park land, it looks like this is just a map for the retail zoning sites.

SWINDELL: That's what I was curious about what my question was, so it actually might help give me a perspective.

MORASCH: And so we've seen the legend, I think we can zoom back out to see the whole map now.

SWINDELL: So this is the current zoning, correct, the way it is now? Yes. Okay.

MORASCH: Okay. So those pink areas are the areas that are allowable for retail according to this map. So any other questions of staff?

BARCA: Give me just a moment to digest this a little further, please.

JOHNSON: Is this a reasonable representation of what you -- I'm not asking you to be specific but, because I don't know what I'm looking at here.

ALVAREZ: I think it's a map that was produced by our GIS department, yeah.

JOHNSON: That's what I wanted to know. Thank you.

BARCA: So rural centers are in there. General commercial is in there. What else? And

community commercial. Okay. I'm kind of surprised that Highway 99 isn't vacant because it is. Why is that, Highway 99 seems extremely empty?

ANDERSON: There's quite a few schools in the neighborhood area and there's some parks too, so it's probably --

BARCA: Schools and parks.

ANDERSON: Yeah.

MORASCH: All right. So has everyone had a chance to look at the map?

BARCA: Yeah.

MORASCH: So any further questions of staff? Ron, you look like you have a question.

BARCA: No, I don't know if I have a question. I mean --

MORASCH: Well, if you don't have a question, would you like to move to deliberation?

BARCA: How does everybody feel about this?

GRIMWADE: Well, one thing that concerns me is that it's definitely a contentious issue within the community and I'm not sure that the County did enough on the stakeholder engagement side to really bring in a good balanced discussion as part of its deliberations in putting this document forward, that concerns me. I think it's in these day and ages we should be setting a new standard for community engagement.

BARCA: I can agree with that. Yeah. And I do think that there's a lot of concern about the retail component as a general issue about not wanting to have that retail aspect be put right next door to anything that a person feels like is part of their normal routine or livelihood, but looking at the map and understanding how many licenses potentially are going to go out is a very limited number, I don't see that as the biggest issue in comparison to if we open up ag land or forest land on the potentials of the grow side.

I mean, obviously, yes, this is a moral issue that we're bringing forward from the context of trying to normalize what the State has already said can be normalized and any county can choose to remain dry which is what the County has chosen in the past. Obviously that doesn't eliminate it from the County, it puts it squarely in the hands of any particular city that chooses to participate in it.

North county right now, retail has their Battle Ground outlet, there's only going to be a few

north county opportunities looking at what's on the map as far as additional retail anyway goes, but I heard a lot of discussion about the idea of is there compromise and win/win type scenarios and I think if we're going to not choose just to remain dry and to try and implement something that is acknowledging many peoples dislike and distrust of the industry, then we have to have some forms of compromise on what we're willing to do in the form of restrictions.

So I think from what the County proposed to the idea of just prohibiting all together, maybe we can work on some ideas that are middle of the road and somewhere in between and still make it viable enough that it is able to go forward. I'm open to starting to talk about that if it isn't just prohibition or the other choice of taking staff recommendation at face value. Do we have any thoughts about that?

SWINDELL: Well, I have to say that based on testimony tonight, I mean just to say I don't know a lot about the marijuana community in general of how it all works and the grow and the retail and whatnot, I'm learning and getting educated here, but based on what I'm seeing the staff bringing forward, and believe me staff worked really hard on this, you can see by the amount of trees that we killed, so I don't want to take away how hard everybody worked to put this together.

Listening to some of the things and the proposals that are being brought, I mean some of the things makes sense that we're hearing testimony on to me, you know, I mean 750, or I mean 1,000 feet sounds good, it gets further away but then it, if we're going to talk about this as in, okay, what's it going to look like going forward if we're going to talk about that and have that conversation, 1,000 feet sounds good on paper but then in reality when you look at it what does that actually make the retailer do, where does that put him.

I guess that's where I'm finding myself now saying, okay, well, am I -- if I'm against the idea of shrinking it, right, and I'm thinking, okay, farther distance is better. I'm hearing testimony that, well, maybe farther distance isn't better because it's creating a situation now where they can't be where really we kind of want them to be in that bigger retail area in that more I'm going to say open and more public view if that's the correct statement to say.

I mean, if we're going to have that conversation if we're not going to be a I wouldn't say dry, I'd say smoke-free community, but if we're going to look at that, I'm really struggling with that because the idea before this testimony to me was smaller buffers, no, and now I'm hearing, well, maybe those smaller buffers actually might help the situation with if it's going to move forward. Does that make sense? Am I making any sense at all? I'm just really struggling with that.

BARCA: I follow your logic.

SWINDELL: I think out of everything I'm struggling with that. Also hearing the testimony

about, you know, putting this further, the grow further out and not having the grow in an industrial area, you know, in a concrete building, putting it out further in the rural.

It's almost like saying, well, if you're going to have chicken farms, you're going to have the chicken farms in an industrial area because that's an industrial product, you know, no, no, we don't want that, but I'm struggling with those two issues, really I am, and I just don't even, I'm struggling with those.

GRIMWADE: Yeah, I agree because before tonight I was probably very firmly of the view that why would we want to tamper with the 1,000-foot limit, which the State had actually recommended and step away from the State even though there was the ability to adjust, but like my colleague here, I feel that there's still quite a lot of restrictive forces at play which may create situations that none of us actually want to see, whether we're in opposition or support of the development and I feel somewhat like we're being pressured to make a decision one way or the other when perhaps a very short period of community consultation, some clear maps which indicate this is what would happen under this scenario, this scenario.

I'm certainly open to further discussion around the agricultural zoning. It is an agricultural crop, probably not legally, but an agricultural person would say you're growing a plant on a production basis, we're in agricultural, we're in horticulture and I just feel that we need a little bit more information before we could make a really sort of good recommendation to the City or County Commissioners.

MORASCH: How hard would it be to generate some alternative maps that show what it would look like at 1,000 feet for all uses versus 750 feet for the uses that we're going to reduce it maybe versus 650 feet because there was a request to reduce it just a little bit more, is that something GIS could put together for us if we postponed our decision until another meeting?

ALVAREZ: That's possible.

COOK: Can that decision be postponed? I don't know according to our schedule that that can occur. Could I intrude with a comment?

MORASCH: Sure.

COOK: The exclusionary is that the County has, that the Council has suggested they would like staff to propose that are at 1,000 feet are the ones that are required by the State to be at 1,000 feet. The County does not have the option to make those smaller.

MORASCH: Right. But we're talking about the other ones that can be made smaller.

COOK: There are other ones.

MORASCH: And I think the question was, what, what would the alternative maps look like at various numbers of feet, 1,000, 750 and then maybe 650 or something a little less than 750 for the uses that can be made smaller than 1,000 feet.

COOK: Also, Mr. Greene was very, would very much like me to say that the WACs define marijuana as something other than agriculture.

MORASCH: The WACs do?

COOK: Yeah. Though, you probably can't define it as something other than a plant.

BARCA: But we can put it in a place that grows plants.

COOK: Yes.

BARCA: Yeah. Okay.

GRIMWADE: So it's a way that could be determined as an unwanted plant in a particular area.

COOK: If it's a weed, it's probably growing in my front lawn, but I haven't noticed it.

BARCA: I imagine you're licensed then.

SWINDELL: Well, I know that the County Council wants to move forward, but I mean where I sit right now I'm going to be very honest and very frank, I am not -- I am not a proponent of having retail in Clark County, but I am open to looking at it from a realistic point of view of what's coming and what we need to look at as a compromise if it's going to happen and if it's going to happen it's not our decision, it's their decision and if we're going to put something forward to them, I would like to have a better look at what reality is when we look at the ground.

COOK: So I don't believe there's time to publicly notice a hearing for the next time the Planning Commission meets. Now, presumably this could be continued to a time and date certain. There's not time to do notice because it requires a 15-day notice.

ALVAREZ: Correct.

COOK: But is July 2nd a hearing?

ANDERSON: Yes.

COOK: And is there a work session before then?

ANDERSON: Yes, on the 26th.

COOK: On the 26th. Okay.

ANDERSON: So at best we could continue this hearing to June 20th.

COOK: Noting that you all have had this for a couple of weeks already and the same kinds of questions were not generated at the work session.

ANDERSON: Right.

JOHNSON: It's a bit of a complicated issue.

COOK: It is complicated.

JOHNSON: Okay. So that was -- if I may add. So I always come at it for those in the audience, I'm a school teacher, a middle school teacher, and so my perspective is from children and I understand that what we're melding here is a very personal decision versus a static planning decision or whatever we're going to do.

I will tell you that we are struggling in the schools more now with all kinds of marijuana issues that are not, and I've taught for 15 years, I haven't taught for that long but, and the issues are more prevalent and they are becoming things like, well, Mr. Johnson, I brought marijuana because my dad has marijuana and he says it's legal.

So I, when I tell you -- I understand that we're trying to figure our way through this and my no would be there's too much pink, let's get that clear, the hours are too long, so if we want to go to the static side of this I want to regulate it as tight as I can or recommend that we regulate it as tight as we can and I've always felt that way.

The last time I passionately plead that you try to think of this from the other side. It's amazing to me that we had one testimony that said look at the Clark County map and I'm assuming that's a GIS map that was shown and then we have -- we have another group and we're looking at all this pink as if that isn't enough, but we didn't look at that Clark County map and say, wait a minute, Clark County said this is not what we wanted collectively, now I understand the State wanted it and I understand that that is what we have to deal with, but I think that we need to be prudent and make it as restrictive as possible.

The unintended consequences, Robin, always scare me because in my rigid mind here I'm going, uh-oh, what if I, what I really want doesn't, but I think when you start talking about 1,000 feet and the thing that Chris said was Council said was it's the schools and things like that we're

not going to change and I am glad to hear that. The other ones were the County wanted the -- was it a church?

COOK: So there's a list of eight areas, exclusion areas that are in the State, that are in the WAC and then in addition when the County drafted the code in 2016, '15, whatever.

ANDERSON: '14.

COOK: '14, okay, the County added churches and this year the Council is considering adding also drug treatment and rehabilitation facilities.

JOHNSON: So those two would be the only ones that if we could change we would be able to discuss in change, correct, because the other ones are mandated by the State; correct?

COOK: The other ones are mandated though the distance is not mandated, except for it has to be 100 feet for all of them, except for schools and playgrounds and those have to be 1,000 feet.

JOHNSON: 1,000 feet, yeah. And again, I look at it like, you know, we have an industry that is, to quote laundered, that, you know, do we trust or not, just because of the nature of it, it's a drug and it can be called agriculture too, but at the same time I just think that when we're going down this path that we need to take the part that's in our hearts and say, no, we don't want this to be the wild wild west and be very careful with it.

So I am, I will tell you if we vote tonight I am no because I will not I can't in conscious, it's a conscious vote, that it is not based on whether we've done, we haven't done enough, so, you know, my mind is opening at 8:00 and closing at 8:30 a.m., I'm kidding. But, you get where I'm at, so I am not afraid to say no because it's that, so think about the bigger picture too.

SWINDELL: No, I agree that if voting tonight I would absolutely be right there with you, I would have to say no.

MORASCH: Well, I mean that's certainly an option. I mean, we'll have to have a motion later and vote on it, but I think we have a range of options. We can say no, we can say yes, we could say we recommend no until you go back and do these things, more public notice, more information on the maps, I mean we give them our recommendation, we don't have to recommend no or yes or something in the middle or we can say no unless you take these steps first.

COOK: So I understand also if I could that the e-mail went out to how many people?

ANDERSON: It was over 1,000. I don't remember the exact number.

COOK: Over 1,000. Are any of those folks rural north county residents?

ANDERSON: Oh, absolutely. It's our comprehensive plan e-mail list and it covers everybody.

JOHNSON: I want to be --

MORASCH: You want to say that into the microphone.

JOHNSON: Yeah. I'm a rural guy and I knew this was coming besides the Planning Commission from the hospital bed. No, I'm kidding. I want to tell you that it's not -- I think a lot of this is, it's not a reflection on whether staff is doing this or not, I think you hear, you know these things are coming and what is this, what is this, we've been here numerous nights on the issues that nobody's here, nobody's here and then all of a sudden a contentious issue comes up and everybody, so I just want to throw that one out there. I'm sure you contacted, because I was contacted or I read about it, so...

BARCA: So I'd like to keep the dialogue rolling and talk about the idea of, you know, what do I perceive as rational compromise towards the conditions where some people believe that they don't want it in the community and what I'm looking at is in the context of retail, the CR-2 which is in the rural centers.

It seems like we could restrict that to a greater degree to make it more palatable to the community without ending the opportunity for a business to open up a business where they believe they will be received amiably and that's obviously going to be a business owner's decision on whether they want to enter into a community or not.

But if we recognize the idea, the north county, their voting record, their conservative nature of the people of that way, we could look at the idea of the rural centers, which is the only fingers of retail that would be out into that area and we could choose to be more restrictive with that, we could reduce the number of hours, we could keep the 1,000-foot buffering as an acknowledgment that we wanted to be restrictive without ending the opportunity for business.

I think in the context of the grow facilities, it's not rational to tell any business that they have to consume a parcel much greater than their needs to do business. And I think we should be looking at the idea that anybody who we choose to permit, we should be permitting them as if we're hoping that they'll be successful, and part of that is not wasting their resources on the idea of having to buy a bigger parcel than is necessary or lease a bigger parcel than is necessary to put up more distance between them and somebody else in a restricted zone than is necessary.

And I would look at the idea that for the grow facilities I think we could get down to the

five-acre parcels and find people that would be willing to lease to them or allow them to grow amiably, and they do produce jobs.

And I know that when we talk on one side we say, well, jobs isn't the issue, this is the moral issue, and I'm going to get back to the idea that you can always just vote no and regardless, but I am looking at this from there are a lot of businesses that personally I find not big contributors to the community, but we let them go through. If there's something that irks me, maybe storage units on industrial and commercial property where we're generating like two jobs for 20 acres, it's a use that the public needs and we go forward with it.

If the county wants to remain dry, smoke free, the county can choose to do that and then they will have been heard by everybody and that's the choice they make, but if they're entertaining the idea of opening it up, I think we should be giving them opportunities to be successful and not tell them hypocritically that we're going to allow them to do business and then put the screws to them to the point that they can't actually do business. So vote no, but let's not pretend like we're going to give them the opportunity to do business if that's not the intention.

From my point of view, the intention is that I think we could do that. I think in the CR-2 we reduce the amount of hours, we keep the buffers greater and we put that opportunity to go into commercial, general commercial and community commercial where by reducing those buffers somewhat, I think as Matt pointed out, we put them back into strip malls and larger commercial developments where they're normalized and they don't stand out. I've driven by a lot of facilities in Vancouver and the ones that stand out are the facilities that stand alone with their own parking lot and their flags are out. It's really easy to see those places compared to someplace that fits in in a commercial development where they're just 1 of 25 doors and they're able to do business without drawing attention to themselves, without being a red flag all by themselves and I think that's what we're really trying to get at.

So if we're going to measure from boundary line to boundary line and we're putting them into commercial settings that are normalized and away from residential, we do have to think that, you know, some of these places have 15 acres of parking and the door front is a long way away. So I would be looking at the idea of giving them shorter boundaries in general commercial and community commercial but not in the rural centers, the CR-2s.

And I think in that regard the other thing that I think is hypocritical is putting them in industrial railroad land at all unless they're going to have railroad cars servicing them which we believe is the criteria, they should just be prohibited because when we start bringing in railroad cars of marijuana we're going to have a whole different discussion I think. So I would suggest that that comes out.

So these are some ideas that I've written down during the time to say that I think we could tailor this for the idea of having a vote that tries to reach some sort of compromise. I know

that it's not a winner for either side completely, but we have to be straight up on are we prohibiting or are we actually permitting.

SWINDELL: Very well said.

GRIMWADE: Yeah.

BARCA: So do we need more time?

GRIMWADE: No. I agree with you. I think our job is to find some reasonable solution and make that recommendation. The issue is can we formulate that recommendation in the time frame tonight and give it to City Council because there's clearly some complexity when we start moving some of these things around and I agree with you, there's nothing worse than someone being forced to take more land than they want because more often than not they cause more destruction than they need to because they're mismanaging a large part of that land. So I'm certainly open to looking at stuff below the ten acres.

SWINDELL: So do you have a proposal you'd like to place forward tonight for us to vote like an amended version of this or are you proposing that we take and put this off until the 20th and have time for staff to put things together?

BARCA: Well, the reason I went into that lengthy discussion is because I think there are some elements that we could talk through, and if we're comfortable talking through them, then I think we actually formulate a proposal rather than me just giving one out and it's a yes or no.

How does everybody feel about the concept of more restriction in the rural center CR-2 land parcels, does that seem like a rational compromise?

SWINDELL: I like that idea.

MORASCH: Do we even need the retail facilities in that zone?

WISER: Can you talk in the mic.

MORASCH: Do we even need the retail facilities in that zone? I mean, if we're eliminating the industrial, railroad industrial zones, we could eliminate that zone and then we wouldn't need more restriction, we could have the 750 as it is and we wouldn't have to have two tiers of restriction, we could just not allow it in that particular zone.

BARCA: Certainly that is one proposal. I was only putting it out in the context that that is the only retail zoning that really reaches out --

MORASCH: Into the rural zones.

BARCA: -- into the rural lands.

MORASCH: Right. And it seems like the retail is probably going to be of the three different types probably the more objectionable to the north county residents than a processing facility where they're not going to really be seen, a lot of individual people coming out all the time that are, you know, using the marijuana, they're just a few employees that may or may not even use it.

Whereas the retail it seems like the more concerning to the neighbors, and so if we were going to try to protect the north county from the uses, it seems like just pulling the retail back into the urban area, but letting the processing go out maybe on the five-acre lots. I'm just throwing that out as a compromise.

BARCA: Okay. Yeah. Right. And I think that that's what I'm really kind of hoping for is some dialogue around that thought process.

MORASCH: Karl's not going to compromise.

JOHNSON: No. I like the first one, I don't like the second one. Five-acre lots up there in the north county, you know, we're all on five-acre lots, you know, and so that's -- and, again, you know, I appreciate the spirit of trying to figure this out, but again any time we're moving forward to trying to look at the dark red on that map, how dark the red was in the north county too, there is a large contingency of people that do not want marijuana in the north county period, so I would be opposed to that, but that's just me.

BARCA: Right. And without being offensive, I think under these circumstances regardless of what compromise we came up with, your vote would remain the same.

JOHNSON: You know what you said that was really cool was the let's not be hypocritical and that's what I was saying, I was agreeing with you that this is no to me or even if I put -- even if -- because I was ready tonight even if we said, okay, let's vote on it, I would have said no and, because the other side of my coin is, well, if this comes aboard, if the Councilors bring it aboard, right, I want it as regulated as I can.

So anything is better than -- so I understand what we're trying to do here, it's very scary for me, but it's something that I just and in good conscious cannot, so I'm the guy that says we should just vote no, no, it should be a dry county.

BARCA: Okay. So we worked out --

GRIMWADE: Retail.

BARCA: -- one potential element.

GRIMWADE: Yeah. So on processing, what's the thoughts there?

BARCA: In industrial lands, other than my heartache with the industrial railroad property, I don't see a processing issue, there's no acreage requirement in the industrial lands. But in the AG-20, 40, I think for processing Type 1 there is a ten-acre minimum and I would see that going to five because your processing facility is going to be much smaller than -- what's 42,000 times 5? It's a bunch, yeah, that's how many --

MORASCH: 200,000.

BARCA: 200,000-square feet, yeah.

MORASCH: 200 plus.

BARCA: Yeah. Yeah. So we're talking about the needs, you know, for 10,000-square feet, get crazy and call it 20,000-square feet, we don't really need to hold them to ten acres.

GRIMWADE: And when you say if we drop that to five acres in AG-20, are we also saying that's five acres in the FR-40?

BARCA: That would be my thought process because the overlying zoning of Resource Forest 40, it's still back to is it processing or growing and we're not going to end up with ten or more acres being utilized.

GRIMWADE: And also in that they say that if we went in the AG-20 or the FR-40, it says but only as accessory to a licensed production facility, so does that still occur within the five acres or do you need five acres for production and X acres for the processing facility?

BARCA: So those are different licenses, you're talking about growing and then processing?

GRIMWADE: Yeah. I'm looking at 1.b. where it says Marijuana processing facilities be allowed on legal parcels as follows: Processor facilities, on legal conforming parcels zoned IL, IH, IR, and BP; Processor facilities on parcels of at least ten acres in size zoned AG-20 and FR-40, but only as accessory to licensed production facilities.

So I'm saying someone growing the crop and processing the crop on the same block of land and does that then mean five acres is too restrictive or do you need ten acres for that?

ANDERSON: So basically the way I understand the request would be is that we would reduce the ten acres on both lines of code to five. So you could do both the grow and a processor on five acres. So to kind of summarize what I've been hearing so far is that the proposal would be to amend the code to go down to five acres on Line 7. Also on Line 11 we would remove all reference to IR and CR-2.

GRIMWADE: Yeah.

ANDERSON: Right. So the only thing left on the list that you've been talking about that I don't have a resolution to is for the retail and general commercial and community commercial, would you -- are you looking at change in the 750 distance to something else, leave it at 1,000, change it to 750, go lower? You can't go lower than 100.

GRIMWADE: I would leave it at 750 not knowing what the impact might be at this point in time based on the information in front of us, I would stay at 750.

BARCA: Yeah, I think without having those detailed maps in front of us it's kind of difficult to understand exactly what the number means. I wrote down 700 some time back.

JOHNSON: Did you say it's at 1,000 right now or is it at 750 right now?

ANDERSON: The current code is at 1,000.

JOHNSON: So you want to change it to 750?

ANDERSON: Well, that's the proposal.

GRIMWADE: That's the proposal.

ANDERSON: And the other thing I want to make mention is, I failed to say earlier because I rushed through the presentation, there's only three active licenses, retail licenses right now and there's three pending, that's it.

SWINDELL: And how many total can there be?

ANDERSON: Six.

SWINDELL: Six total.

ANDERSON: Yeah.

SWINDELL: So I just want to make sure that because this is where I get just bottled up right

here, 1,000 feet down to the 750, I'm hearing 500 would be better in that. The 1,000 feet is restricting them to places that puts them possibly where we don't want them to be, they don't want to be. The 1,000 foot is creating a situation where it sounds good.

1,000 feet, it's a long ways away, but then it puts them in a situation where it puts them in a place they don't want to be, where other people aren't going to want to be, but if you lower that, and that's where I'm having a struggle without seeing the map and what does that actually mean to lower from 1,000 to 700 which I heard in testimony possibly to 500, what does that look like, how does that affect the community, what does that look like, I just can't make a decision without seeing --

MORASCH: The map that we saw, was that 1,000 feet or was that 750?

ALVAREZ: That was 1,000.

MORASCH: 1,000.

SWINDELL: But to me it's, okay, what's in that 1,000, you know, if you've got to zip down inside that and you got to look and I can't see that from where I'm at today.

ANDERSON: So it's my understanding the way the map was created by GIS that you saw this evening, it was -- it had the 1,000-foot buffers for schools and parks which is the requirement, right, so I don't believe those areas are going to change much based on that, you have to have the 1,000-foot buffer between schools and parks and that's how the map was created.

MORASCH: But do you know what the buffer was from the other things there were shown on the map because the legend had more than just schools and parks?

ANDERSON: Right, it had the other things but it noted on there.

SWINDELL: It was all 1,000 feet, currently the way it's written today, it was all 1,000 feet?

ANDERSON: That's how I read it.

SWINDELL: And so if you limit it to 700 --

MORASCH: But what if it were a bigger map potentially?

ANDERSON: Maybe, maybe because you still have to deal with the schools and parks, so it depends on where those are located you're going to have that restriction no matter what, so it may bump out, you know, a parcel here or a parcel there, I don't think you're going to gain much, that's just --

MORASCH: We won't know until we see.

BARCA: Yeah, that's why we'd like to see the maps produced for the sake at least for County Council to review and the basis of our discussion they can see whether our choice pays any dividend toward the business community or doesn't really mitigate any risk because the risk is still around the schools and parks and that isn't changing.

ANDERSON: Right.

BARCA: So what's the number, 700, 750?

GRIMWADE: Let's stay with 750, it's what the staff had put forward in their report and if the County Council can see maps, then any change on that is their decision.

BARCA: Would you be willing to produce maps that go 5, 6, 7, 750 just to see what it happens and, yeah, and the five-mile radius that Karl was looking for, five miles not enough.

SWINDELL: I mean, if we're voting on it tonight, I mean do we need those maps?

BARCA: No, I think based on Robin's discussion is we'll present the staff recommendation, but offer the maps for additional modification at Council's decision.

ANDERSON: So based on what we're hearing that should you vote tonight for a certain range, we would have for Council's work session on June 26th a conversation about what you discussed this evening and we would provide them with a map, I don't know, 100, 200, 300, 750 and so they can see the difference and the concern was is that this evening we didn't expect too much change, but you had the concern you wanted to make sure they took note of it. Did I capsule that okay?

GRIMWADE: You captured that, yeah.

MORASCH: That's the other thing we haven't talked about.

BARCA: Oh, the hours, yes.

GRIMWADE: Hours.

MORASCH: Are we comfortable with, if we pull out CR-2, are we comfortable with the 8:00 to 11:00 or do we want to do 8:00 to 8:00 or something?

JOHNSON: 8:00 to 5:00.

EVERYBODY TALKING

HOLLEY: I'm trying to take the minutes down here.

MORASCH: 8:00 to 5:00, that's my -- that's my opinion.

BARCA: Well, I wrote down 10:00 and I know it's a long way from 5:00 but it's not 11:00, and why did I put 10:00, because at the time I was still looking at the idea of CR-2 being involved. So I think if we think about it from community commercial and general commercial, when is that strip mall, when is that business park really going to shut down where you would expect traffic, you don't want to be the last facility by hours going on in there if that's our measure.

So, once again, you know, all of my reference is based on what's happening in Vancouver and Battle Ground and Battle Ground closes earlier than the places in Vancouver which to me seems normal. So I could see if we're dealing with the rural areas when do the convenient stores close?

SWINDELL: Well, we roll up our sidewalks in Ridgefield around 8:00 p.m., so...

BARCA: Well, we're not giving you a store then.

ANDERSON: But, guys, given the fact that you're suggesting that we delete the rural center retail outlet, so you're only looking at those areas along Highway 99 and Vancouver, 11:00 p.m. matches the City of Vancouver's hours.

BARCA: Yeah.

GRIMWADE: And wouldn't the reality be, if the hours that we set, the period of time in which the business can trade and if it's not profitable for the business to be open, why in the hell would they want to stay open beyond 8:00 or 5:00 or whatever and isn't that really a business decision?

ANDERSON: Yeah.

BARCA: Yeah.

JOHNSON: Well, if it was strictly just a business decision we wouldn't be here with this whole hearing, and so I keep hearing us going back to that like, okay, let's just treat it like a normal business, it's not a normal business, okay. So my point is that you have a different clientele sometimes.

GRIMWADE: Okay. So it's being administered by the Washington Liquor and Cannabis

group, what's the hours that they put on for those licensed businesses?

ANDERSON: I believe it's midnight. I think it's midnight.

ALVAREZ: 8:00 a.m. to midnight.

GRIMWADE: They're even more generous than what I thought they'd be. They probably want the revenue.

BARCA: And I think because we're going into a semi-urban zoning and I think because that's the situation, I don't see us needing to go outside of the recommended hours and 11:00 is less than --

JOHNSON: Well, you were at 10:00 a minute ago. You changed it?

BARCA: No. I think if you go back and you look at the minutes that will be produced, I said that was when we were dealing with CR-2.

JOHNSON: Okay.

BARCA: Okay.

JOHNSON: Oh, yeah. Yeah. Okay. Yeah.

GRIMWADE: So moved.

BARCA: So I'm open to the --

GRIMWADE: So keep them from 8:00 a.m. to 11:00 p.m., but there is no retail in CR-2.

BARCA: Right.

GRIMWADE: I'm trying to get to a point where we've got something to vote on.

MORASCH: I think we're about there.

JOHNSON: I think we do.

BARCA: So can we recap it or can you recap it for our benefit.

ANDERSON: I can do that. So we're looking at amending the draft code this evening for CCC 40.260.115, Marijuana Facilities, to remove CR-2, IR, reduce the ten-acre restriction to five

acres. Maintain the 750 spacing criteria, except for the elementary, secondary and playground as proposed, and we're maintaining the 11:00 p.m. closing time. Did I get it all?

MORASCH: And you will be showing some maps, additional maps to the Board of County Councilors for their --

ANDERSON: We will have the discussion with Council.

MORASCH: -- review and consideration on the 750-foot distance and whether that should be reduced or increased based on the maps.

ANDERSON: Yes.

MORASCH: All right. Someone want to move that we approve what was just stated.

BARCA: I'd like to make that motion.

COOK: You have to make the general motion first and then move to amend it.

MORASCH: I don't understand what you're saying. You mean a general motion to approve the staff report as amended? Yeah, I think that was with the motion.

COOK: Not as amended because you just need to make a motion to approve the staff proposal after that seconded, then there could be a motion to amend the --

MORASCH: Why? We've never done that before in the 12 years I've been on the Planning Commission. I mean, why do we need two separate motions? I don't --

COOK: I think that's the way we do it.

MORASCH: Have we ever done it that way?

BARCA: Not in my time.

MORASCH: And Ron's been on longer than me, so neither one of us has ever remembered us ever doing it that way.

BARCA: But what I can do is, I can make a motion to accept staff recommendation with these particular amendments which I will read. So I'd like to make a motion to accept staff recommendation with the following changes and amendment.

We would delete the railroad industrial zoning and the rural commercial type two zoning from

any consideration. We would reduce the ten-acre minimum to five acres on the AG-20 and FR-40 zoning. And we would reduce the buffer minimum of 700 or 1,000 to 750 feet except where State law requires it. And we would uphold staff recommendation for the 11:00 p.m. closing time.

SWINDELL: I'll second it.

MORASCH: It's been moved and seconded. Friendly amendment, I think you forgot to mention that they were going to present the maps because that was part of our motion.

BARCA: I would accept that amendment.

MORASCH: Is there a second for the friendly amendment?

GRIMWADE: I'll second it.

MORASCH: All right. Been moved and seconded. Any discussion on the motion? All right. Can we have a roll call, please.

#### **ROLL CALL VOTE**

MORASCH: AYE

GRIMWADE: AYE

BARCA: AYE

SWINDELL: NO

JOHNSON: NO

MORASCH: All right. I think I lost, did that pass 3 to 2?

BARCA: 3 to 2.

MORASCH: 3 to 2. All right. Well, I want to thank everyone, it's been a very long hearing tonight, and that closes the public hearing.

#### **OLD BUSINESS**

And old business? I don't think we have any old business or new business.

BARCA: Elections.

MORASCH: The election is not on my agenda, I assume because Rick's not here tonight so we will push that off till the next time.

### **NEW BUSINESS**

None.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

Is there any comments from the Planning Commission? Before you jump up, Karl.

BARCA: Fellow Commissioners, I'd like to thank you all for puzzling through this and being able to reach something that we could vote on so everybody is on the record and we didn't have to postpone it for weeks. Thanks.

MORASCH: Yes, I agree, our agenda will be busy enough on the 20th, so... All right.

### **ADJOURNMENT**

MORASCH: With that, thank you all, we are now adjourned.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Television proceedings can be viewed on CTVV on the following web page link:

<http://www.cvtv.org/>

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