

**Pend Oreille County Washington
Planning Commission Workshop Minutes
December 13, 2016**

Planning Commission Members Present: Vice Chairman Judy Ashton, John Stuart (District 1), Bill Kemp (District 1), Dan Mueller (District 2), and Dennis Osweiler (District 3).

Pend Oreille County Staff Present: Interim Planning Director Andy Huddleston and County Planning Consultant Gregg Dohrn.

Audience: Bob Eugene

Agenda:

1. Public Hearing, Proposed Amendments to the County Development Regulations governing state licensed marijuana facilities.
2. Election of 2017 Planning Commission Officers.
3. Community Development Report:
 - a. Hirst decision;
 - b. Industrial Development proposed by HiTest Sands; and
 - c. Cusick/Usk Urban Growth Area Sub-Area Plan.

Meeting Summary:

Mr. Dohrn presented a staff report on the draft ordinance amending the County Development Regulations governing state licensed facilities to produce, process, and sell marijuana as well as medical marijuana cooperatives. In general terms the draft ordinance permits state licensed medical marijuana cooperatives, permits the production and processing of marijuana as a conditional use, and prohibits the retail sales of marijuana. The draft ordinance also establishes standards applicable to new marijuana related facilities. Mr. Dohrn noted that the draft ordinance had been reviewed by the Pend Oreille PUD as well as the Pend Oreille County Sheriff and Prosecuting Attorney. After the staff report, Vice Chair Ashton convened the public hearing. The only testimony was provided by Mr. Bob Eugene. During his testimony, Mr. Eugene noted:

1. In his opinion, the failure to post the draft ordinance on the County's webpage was a violation of RCW 42.30.077 and that he asked that the hearing be continued until the next meeting of the Planning Commission so that the ordinance could be made available online.
2. That a Whereas clause in the draft ordinance that would describe what actions, if any, that the Town of Metaline had taken with respect to the regulation of marijuana was incomplete.

3. That in his opinion, it was important for Vietnam Era Veterans to be able to legally buy marijuana at sites in the unincorporated areas of the County.
4. That in his opinion, by not permitting the retail sales of marijuana, the County was missing out on a source of state shared revenue.

In response to a question, Mr. Eugene stated that he was in favor of the County permitting retail sales of marijuana in select, remote locations, away from population centers and other uses, that would be a destination to drive to. No other testimony was provided. Mr. Dohrn explained that only the County Prosecuting Attorney could advise the Planning Commission as to whether the public hearing was properly noticed and that he would review the matter with Prosecuting Attorney Hunt, and would report back prior to the next meeting. During a discussion of the draft ordinance the Planning Commission asked that staff prepare language that would require that all growing operations be indoors. Vice Chair Ashton then continued the hearing until the January 10, 2017 meeting.

In accordance with their by-laws, the Vice-Chair opened the floor for nominations of Planning Commission officers for 2017. Don Comins was nominated, seconded, and unanimously elected to continue as the Planning Commission Chair, and Judy Ashton was then nominated, seconded, and elected to another one-year term as Vice Chair.

Mr. Dohrn then briefed the Commission on a recent decision by the Washington State Supreme Court on a lawsuit that originated in Whatcom County. Known as the Hirst decision, the Supreme Court ruled that prior to issuing a building or land use permit, counties fully planning under the requirements of the Growth Management Act, must verify that not only is water factually available to the site but that the applicant has the legal right to use it without impairing the water rights of others. As a result, it may be very difficult, if not impossible, to issue a building permit in watersheds where an in-stream flow requirement has been established such as the Little Spokane River. The County is consulting with the Prosecuting Attorney, special legal counsel, neighboring jurisdictions, and are legislators to determine how to respond to this decision.

Mr Dohrn then described the status of the new industrial development proposed in Usk by HiTest Sands, and then briefed the Planning Commission on the status of the sub-area planning process to be initiated for the Cusick/Usk Urban Growth Area. Two handouts that further explain the sub-area planning process are attached.

The meeting was adjourned at approximately 8:00 pm.

The next Planning Commission meeting is scheduled for Tuesday January 10, 2017 at 6pm.