

**CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, March 20, 2014**

**Public Services Center
1300 Franklin Street
BOCC Hearing Room, 6th Floor
Vancouver, WA**

6:30 p.m.

I. CALL TO ORDER 6:30 P.M.

BARCA: Okay. Good evening, ladies and gentlemen. Welcome to the Clark County Planning Commission for March 20th, 2014. And can I get a roll call to start, please.

MCCALL: Yes.

II. ROLL CALL

QUIRING: HERE

USKOSKI: HERE

MORASCH: HERE

JOHNSON: HERE

BLOM: HERE

GIZZI: HERE

BARCA: HERE

MCCALL: All present.

III. APPROVAL OF AGENDA & MINUTES FROM NOVEMBER 21 AND DECEMBER 5, 2013

BARCA: Okay. So we have on the agenda for approval of agenda and minutes. And there was earlier discussion about potential change to the agenda. Do I have a motion for change to the agenda?

USKOSKI: I'll motion that we change item Number 3, code change in urban reserve footnotes with Jose to the beginning.

BARCA: So that would --

GIZZI: Second.

CONSENSUS VOTE

BARCA: So that would be moving IV.B in front of IV -- or excuse me -- V.B in front of V.A as the motion. It's been seconded. All those in favor.

EVERYBODY: AYE

BARCA: Okay. So we will change that one item on the agenda. Can we go ahead and get approval of the hearing minutes from November 21st and December 5th, 2013, please.

GIZZI: I make a motion that we approve the minutes from the 21st and December 5th.

USKOSKI: Second.

CONSENSUS VOTE

BARCA: It's been motioned and seconded. Are there any additions? Deletions? Changes? None had. All those in favor.

EVERYBODY: AYE

IV. COMMUNICATIONS FROM THE PUBLIC

BARCA: Okay. So this is the part of the Planning Commission hearing where I invite anybody from the public that wishes to speak on any matters unrelated to tonight's agenda. So any items that are not listed on the agenda this evening, I offer you this opportunity to come forward and speak on any other matters. Is there anybody from the public that wishes to come forward?

Okay. Not seeing any, we're going to go ahead and move right into Item IV -- V.B, Code Change/Urban Reserve Footnote. Jose.

V. PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

B. CODE CHANGE/URBAN RESERVE FOOTNOTE (Item B moved before Item A on the agenda)

ALVAREZ: Good evening, Commissioners. Jose Alvarez with Clark County Community Planning. Before you tonight is a proposed code amendment to Clark County Code 40.210.040 which is the urban reserve district.

This would allow a boundary line adjustment in the urban reserve area if each legal nonconforming lot meets the minimum lot area of the underlying zone.

Brief background. When the comprehensive plan was adopted in 2007, there were some areas that were identified as urban reserve which usually have a 10, 20 and 40-acre minimum, and we usually have a zone for that. In this case, we put an overlay on that property and had an underlying zone, in most cases it's R-5 or R-10.

So there's a particular instance that came up where a property owner wanted to do a boundary line adjustment with both of the lots being nonconforming, so they're less than the minimum 20-acre minimum. And so we find essentially that since the provision for urban reserve is to protect land that's identified from premature land development, doing the boundary line adjustment in these cases for those nonconforming lots wouldn't prevent that, the protection of those lands since they're already nonconforming, and it would allow the property owners some more use of their property. And what's highlighted is essentially the footnote that would be added to the urban reserve section of the code.

BARCA: Any questions for staff?

GIZZI: So, again, we're just talking about boundary line adjustments --

ALVAREZ: Correct.

GIZZI: -- within an existing parcel to change parcel size or lot size within that parcel?

ALVAREZ: Between two parcels. It has to be between two parcels.

GIZZI: Well, correct. But owned by the same person --

ALVAREZ: Yes.

GIZZI: -- so effectively. Yeah. Okay. Yep.

BARCA: Okay. Do we have a sign-up sheet for this item?

MCCALL: Oh, I do believe that we do.

BARCA: Okay. So there's nobody on the sign-up sheet. But I'm going to ask for the public if there is anybody that wants to come forward and speak on the code change for urban reserve footnote, this is your opportunity to come forward. And not seeing anybody, I'll bring it back to the Planning Commission.

QUIRING: I have a clarification on what Mr. Gizzi just said. He said owned by the same property owner. That is not -- is that really --

ALVAREZ: No. It's just contiguous. It's just contiguous.

QUIRING: Yeah, contiguous.

ALVAREZ: It could be, you know --

QUIRING: Okay, thank you.

ALVAREZ: And in a particular case it is, but it doesn't have to be.

QUIRING: But this one is.

GIZZI: Well, now I was under the impression that in order to do a boundary line adjustment you had to own both parcels.

ALVAREZ: You have to have two willing parties.

GIZZI: I didn't realize that. I thought you had to own both parcels.

ALVAREZ: Yeah.

GIZZI: Interesting. Okay, good. Thanks.

BARCA: Okay. So with that clarification, is there discussion on the Board? Okay. Then can I get a motion of some sort, please.

MORASCH: Move to approve.

USKOSKI: Second.

QUIRING: I second it.

ROLL CALL VOTE:

BARCA: Okay. Motion to approve staff recommendation, it's been seconded. Roll call.

BARCA: AYE

BLOM: AYE

GIZZI: AYE

JOHNSON: AYE

MORASCH: AYE

QUIRING: AYE

USKOSKI: AYE

MCCALL: Motion passes.

BARCA: Okay.

ALVAREZ: Thank you.

BARCA: You're very welcome. All right. Now we are going to go to hearing Item V.A. Staff report, please.

**A. ADOPTION OF LAND USE REGULATIONS FOR THE SITING OF MARIJUANA-RELATED FACILITIES
(Item A moved after Item B on the agenda)**

MCCALL: Do you want the staff report on the screen?

EULER: No. You'll need to, Marilee, you'll need to click it when I nod. No. No. Leave it. The PowerPoint was there.

MCCALL: The PowerPoint?

EULER: Yeah, that's what I want.

MCCALL: Oh, that's what you want?

EULER: Yeah.

MCCALL: I apologize.

EULER: Thank you, Mr. Chairman. Good evening, Commissioners. Gordy Euler, Clark County Community Planning for the record. I'll give you a staff report of the hearing that we're about to have on I-502. Next slide.

Our purpose tonight is to basically talk about land use options for recreational marijuana facilities, that's the goal. As a bit of background before we talk about I-502, just so people know, marijuana is still illegal under the Federal Control Substances Act. The Federal government still maintains the right to prosecute. And that's all I'm going to say about that in terms of the context of our discussions here. So next slide.

I-502 was passed by the voters of Washington in November of 2012, and the initiative requires the Liquor Control Board to adopt regulations regarding facilities for the production, processing and retailing of marijuana and marijuana related products. The regulations went into effect last November 16th and are codified in the WACs in Chapter 314-55. The Liquor Control Board then licenses production, processing and retailing facilities, and the initial license application period to the Liquor Control Board closed on December 21st of last year. So next slide.

Local jurisdictions, such as Clark County, are responsible for siting of the facilities. At the moment, the County does not have requirements to allow these types of facilities. As such, the Board adopted a six-month moratorium back in August, and it had an expiration date of February 13th of this year. The Board extended that moratorium on February 11th for four more months to June 11th. And just so you'll by way of background, the County will get six retail licenses out of this. I'll explain more about that in a few minutes. Next slide.

In terms of our timeline. The Board instructed us last year to go out and engage the community and then draft some language, and I'll explain a little bit more about that. Here are the four public meetings that we held last November. We made a presentation to NACCC - the Neighborhood Advisory Council of Clark County - in December. We had another work session with the Board in January.

A key piece of information is that the Attorney General on January 16th issued an opinion - and it's just an opinion - that in his opinion allowed local governments to ban marijuana facilities if they so choose. There was nothing in the statute that was adopted that prohibited that. So we had a Planning Commission work session with you on March 6th. There's the Planning Commission hearing, today's date, and we have a Board hearing tentatively scheduled for April 15th. So next slide.

So with regard to land use options. The WACs allow both indoor and outdoor growing, and the WAC contains explicit language saying that marijuana facilities are prohibited within 1,000 feet of this list of entities. So the question, one of the questions is where to allow production facilities,

that is growing, where to allow processing and where to allow retail facilities. Next slide.

Also hours of operation. The WAC set a limit for retailing facilities from 8:00 a.m. to midnight. The WAC also bans signage that contains any kind of symbols and that sort of thing. We talked at one point about should there be spacing requirements between facilities. Vancouver, for example, adopted an ordinance that said there has to be -- that retailing facilities could not be any closer than 300 feet. And should there be co-location of facilities; in other words, could you grow and process at the same location. And some language we included includes general development kind of language for noise, glare, smoke, odor and that sort of thing. So next slide.

We had 54 people at the open houses. This was when we asked for locations for the kinds of facilities, this is the response that we got. Retail facilities in commercial business park and then the rural commercial, rural commercial zones. Production facilities in industrial, the resource zones, rural commercial, urban reserve, and processing facilities just about everywhere else. So next slide.

Also at the open houses, ban signage, no. Ban symbols and signage, that no is what the people said at the open houses. Although, that again that's a WAC requirement. Distance between facilities, open house response was no. Co-location of facilities, definitely yes. And hours of operation was the WAC limit for retail 8:00 a.m. to 12 midnight. Next slide.

This was the Clark County license applications through the end of 2013. The total in number is the number in the County in total, that includes the cities, and then just in Clark County alone is the number in the right-hand column. So 71 license applications to produce, 48 to process, and 35 to retail. So next slide.

Here's how the information can be broken down by zone. I'm not going to spend a lot of time on this, we can come back to this if you want to see what zones actually the applications were in. So next slide.

So the proposal that we crafted has been on the website since early January is a new code section, 40.260.115 of the Clark County Code. We are also proposing to remove marijuana facilities from the definition of agriculture. And I might add, that question came up at the work session. The legislature, however, passed a bill that just does essentially that, so that the question has been removed from our hands. And I've got the bill number and information if you want more details.

For producing, this is growing, there are the zones that we've proposed. For processing we've split that into industrial and nonindustrial. For nonindustrial purposes, the same zones as producing, this would allow for co-location. If you're doing industrial production, industrial zones and business park. Retailing into commercial zones. Signage we banned except for obviously for retail stores. And we're proposing retail hours of operation from 8:00 a.m. to 8:00 p.m. rather than 8:00 a.m. to midnight. So next slide.

That's the end of the presentation. For those of you watching at home or here in the audience, this is the Clark County website where you can find more information. And I worked on this project as well as Gary and that's our contact information, so... That concludes my staff report.

BARCA: Questions for staff?

QUIRING: Just one question. To clarify, you said that the legislature passed a bill this session, was it regarding the facilities from the definition, removing it from the definition of agriculture, is that what you were saying?

EULER: Correct.

QUIRING: Okay, thank you.

BARCA: And can you cite that for us, please.

EULER: Senate Bill 6505, 63rd Legislature, 2014 Regular Session.

GIZZI: And then, Gordy, you had 54 people at the open houses, how did that split up in regards to strongly opposed, strongly in favor?

EULER: Virtually everybody who came was a potential license applicant and wanted to know when the County was going to have a zoning ordinance in place, so... And we had to say unfortunately that we were under moratorium at that time, we still are. I haven't had a whole lot of feedback from any groups or neighbors or individuals saying that they're opposed to any of this, so...

QUIRING: Excuse me. I noticed on the count of the surveys, on the 25th of November there were actually 25 surveys and 21 people -- or excuse me -- 24 surveys turned in and 21 who actually came with this survey from people who didn't come or maybe came the time before or --

EULER: That could be. What we did is we took a premade kind of a postcard, if you will, a piece of card stock with options on it, and people may have picked up more and turned more in than were there or turned fewer in. I don't know. So we tallied the information that we got.

QUIRING: Okay, thank you.

BARCA: Would you clarify for me, since this is not considered agriculture why there was so much emphasis on putting the processing out into the agricultural and resource lands?

EULER: The reason that we chose to delete marijuana from the definition of agriculture is in Clark County you do not need a building permit for an ag building, and given there's requirements that we'd like to see and the State requirements that these be essentially secured facilities, that's language that we included.

BARCA: Okay, I understand that. I guess I'm wondering why there was a focus on putting them into ag lands and resource lands as opposed to putting producers into industrial, commercial facility.

EULER: We did some research. We looked and seen what other counties have done, and particularly King County, in some senses we followed their lead. And there's no right or wrong answer. If you would like to expand the zones, you're here to hear testimony and then deliberate, and if you choose, make that recommendation. So there is no right or wrong answer. It was our proposal sort of to start the conversation.

BARCA: Okay, and I understand that. I'm just trying to get some information out on the floor so when we do hear testimony, we'll have it to be able to weigh against what we hear in the staff proposal. Are there other questions for staff?

QUIRING: I just I have a question about the legislation. Was it simply written, just a statement?

EULER: It's actually it was part of a fairly lengthy bill, and I copied off the first couple of pages that talked about the saying that agriculture and agricultural did not include marijuana and marijuana related facilities.

QUIRING: Okay. But that it was just a piece, just a small statement within a larger bill, is that what you're --

EULER: Yes. Yes.

QUIRING: All right. Thank you.

BARCA: Well, without other questions of staff, we will go ahead and we'll start taking public testimony. So I'm going to call your name, I'd like you to come up to the microphone, please state your name and address for the record before you begin your testimony. And we will start with Amanda Long. You do not have to testify if you don't wish to.

LONG: No.

BARCA: Okay. And that would be helpful. If you choose -- if you're on the list, but you choose not to testify, just say no thank you or not at this time. Adam Cobbs.

COBBS: No, thank you.

BARCA: All right. Jerry Rausch.

RAUSCH: No, thank you.

BARCA: Okay. Tony, is it Bobin, Bover.

BULLBON: Not at this time.

BARCA: Okay. Diane --

CIOT: Ciot.

BARCA: -- Ciot. Thank you.

CIOT: So the testimony, are you guys accepting questions as well?

BARCA: Absolutely. Please, come forward. Will you please spell your name when you sit down and talk to us.

CIOT: Sure. Full name?

BARCA: Please.

CIOT: Diane Ciot. D-i-a-n-e, last name C-i-o-t.

BARCA: Address.

CIOT: 8621 NE 90th Place, 98662.

BARCA: Thank you. Go ahead.

CIOT: My question was initially on the - and I guess it's more for you - if you guys are allowing the processing and the growing together, why would it not be allowed in a light industrial zoning?

BARCA: Do you have other items you'd like to discuss or is that the --

CIOT: Oh, no, just the question.

BARCA: Just that one question?

CIOT: Yeah.

BARCA: Okay. Well, go ahead and you can step down then and we'll let --

EULER: We'll get you an answer.

BARCA: Yeah.

CIOT: Okay.

EULER: You're addressing the Planning Commission at this point.

BARCA: Yeah. And so we'll get staff to give us the logic behind that shortly then, now.

GIZZI: So now I thought -- and I may not -- can I jump in here. I thought that you had split the processing into two pieces; one was nonindustrial and industrial?

EULER: That's correct.

GIZZI: Okay. So the nonindustrial was allowed out in the ag zoning and the industrial is

constrained to the industrial zones; correct?

EULER: Correct. So the effect of the draft ordinance is you would not be able to co-locate if you wanted to grow and do industrial processing.

GIZZI: Correct.

EULER: All right.

GIZZI: But you could co-locate and do the light industrial processing?

EULER: Or the nonindustrial processing we call it.

GIZZI: Nonindustrial. I'm sorry. Right.

EULER: That's correct. So as Commissioner Barca started out was why did we limit this to rural areas? Basically to get the conversation started. The recommendation could be allow more zones for both processing and growing. So this was a way to get the conversation going.

MORASCH: I have a follow-up. So why are we not allowing production in light industrial zoning? I think that was the question that was asked. Because we've said both in our proposed ordinance and now I guess as a matter of State law that production is not in ag use, so...

EULER: It could be you're --

MORASCH: Why wouldn't it be allowed in a light industrial zoning? I think that was the question that was being asked.

EULER: Yeah, I just answered that. It could be your recommendation that it be allowed in the industrial zone. Again, we put some words down on a page. A lot of it was based on what we heard at the open houses. We looked at King County's ordinance. People said that not all processing is industrial. So we actually modified the ordinance since when we started this, but we just --

MORASCH: Well, no, I understand processing.

EULER: Yes.

MORASCH: Some processing might be allowed in ag and other processing not. My question had to do with the production.

EULER: If you wanted to make the recommendation to have production allowed in any other zones or all zones, that can be your recommendation. Again, we put some words down with some ideas that we had with other research that we did as a way to get the conversation going.

MORASCH: Okay, thank you.

BARCA: Okay. Next on the list is Dan.

LOMNASAN: No, thank you.

BARCA: Okay. Thank you, Dan. James Borken.

BORKEN: No, thank you.

BARCA: No. And is this Foley Abbott.

ABBOTT: Next time.

BARCA: Okay. Chris Gillingham.

GILLINGHAM: Not at this time.

BARCA: Okay. Jeremy Larson.

LARSON: Good evening, everybody. I appreciate this opportunity to testify before you guys. My name is Jeremy Larson, and I live at 5501 NE 49th Street. I am currently in the process to be a producer/processor in the licensing process. So basically I just have a couple of comments and questions about the proposed, the draft ordinance. And I'm going to try not to get into a discussion about, you know, theory and general philosophy regarding this.

Basically, first and foremost, so in the -- so at the work session last time there was some questions by some of you regarding, you know, the decisions that were made, you know, in terms of the language and which zones were chosen - as you've also been talking about this evening - and I have a particular comment about one of the sections.

In Section D.1.a, the draft ordinance says marijuana production facilities may be allowed on legal conforming parcels zoned R-5, R-10, AG-20 and FR-40. Now I'm really concerned. So I've also, by the way, submitted this testimony as in writing a few weeks ago, shortly after the work session.

So I'm really concerned about the use of the term "legal conforming" because basically throughout the county there's a number of ag lots that are zoned AG-20 that don't meet the minimum size of 20 acres. These are -- you know, which means that they are not deemed by the County Code to be legal conforming lots.

Now, this isn't because there's anything wrong with these lots, basically usually because of geographic or geological reasons, the shape of the lot, or they're appropriately zoned agriculture such as they're surrounded by agriculture, et cetera, but they're not the full 20 acres, you know, at the time of the creation of these parcels were in compliance with the zoning code in force at the time.

So the term using the Clark County Code is called legal nonconforming. Now the effect of the legal -- of the language legal conforming would be to exclude these parcels from use of marijuana production. So basically what the affect that this would have is the ordinance would have the -- I would -- I would term it the perverse effect of allowing marijuana production on our five parcels which, you know -- five acres, such as in the Salmon Creek area or whatever, around residential houses, but, you know, in close to homes and so forth. But it would exclude them from their appropriate place which is in an AG-20 area solely for the fact that, let's say, they're 13 acres or 15 acres, you know, and so forth.

I would say that basically, you know, this is kind of not -- I'm not an expert on the zoning law or anything, but I would say this is probably not what the use of the conforming standard was for. I think what -- I'm going to assume what those were originally for was so that future lots were not created that were less than 20 acres if it was at all possible. I don't think that using that conforming standard to dictate the use of that property is what that was intended for. I think it's a mixture, you know, the zoning and the part -- the standards of the parcel are different than the use of the parcel. In fact, in the Clark County Code separately addresses nonconforming parcels and nonconforming uses.

Also I would like to -- so there's been some -- I really, really wanted to -- I had my hand raised and everything at the work session, I know I wasn't able to comment because public comment is not allowed. But I would like to say at this time, there's been some questions about the differences between how the processing between -- well, what's termed in the Draft 1 and 2.

And I can say this, that the reason why it's appropriate to co-locate the first type of processing is because what that means -- see, processing according to the law in the LCB regulations, that could mean anything from, for instance, what I intend to do which is trimming them by -- trimming the marijuana flowers with just little scissors sitting just like this. And, you know, I mean oftentimes in the paper these days you see -- in the Colorado newspapers they always show pictures of guys

sitting there with trays or whatever trimming it up, that is processing.

Now on the other end of the scale, there's processing with flammable chemicals such as butane. Now this is a legitimate process. Any time -- if you guys are familiar with aroma therapy, I mean there's any number of essential oils or whatever that are processed using flammable chemicals such as butane or propane or any number of chemicals. Now, obviously, that is not appropriate for say an R-5 zone or whatever; that is appropriate to have only in an industrial area.

So I think that's important, that it's an important distinction to make in terms of there's, you know, processing where -- a processor basically - the first type - is a person who basically, or a business or whatever, that trims up the flowers, manicures them and then packages them for retail sale. And so that I think that's an important distinction to make in terms of what the difference is. So, therefore, I would strongly urge that -- I think, and actually the draft, the draft actually in a lot of ways has that correct. I mean it doesn't specify why, but I think that is a correct delineation.

Also in terms of the -- okay. So we've been discussing the bill. Now the bill that dictates the definition of agriculture -- I think what the purpose of that bill -- that bill was actually recommended by the Liquor Control Board. For instance, it allows now the retail sale of concentrates to the public, and amongst some other changes, these were changes that were recommended.

Now, that bill, I think the intention was not to define or eliminate the ability for a marijuana grower to be considered agriculture. I think the purpose of the bill was to not allow marijuana producers to be eligible for tax credits. There's a whole -- you know, there's a whole system of tax credits that are, and, you know, benefits that are available to agriculture, and what it's saying is that they are not eligible for those, which is appropriate. But I would -- I would strongly -- now I haven't read the bill, I'm just familiar, you know, in general with it now. But from what I understand basically is that it does not -- it's not -- its definition of agriculture and agricultural products only is for that particular section of the law.

So you'd have to say in terms -- you know, you'd have to be careful to make sure that it isn't a general definition of agriculture. And I've looked in the law, and there is no general term for agriculture in the law. Usually it refers only to whatever title it's talking about in terms of the tax. And I think that when it's talking about agriculture, I think what it's referring to is the tax credits or whatever benefits or whatever are available under that particular title.

So the last thing I would like to say -- so in terms of the definition of agriculture that's in the ordinance -- now I do understand that -- so I do understand that there's an exception to the building - the International Building Code - that allows agricultural buildings to not have to have a permit. Now the thing is I do understand that for a lot of purposes, you know, and appropriately or not, that we're not defining marijuana production as agriculture, but in scientific terms it is agriculture. It is -- particularly it is a subset of agriculture known as horticulture, and horticulture is appropriately a practice usually in say in this particular area in greenhouses or, you know, in similar structures. Now, from what my understanding of the code is, you know, if you want to have a greenhouse, you don't need to have a permit for to have a greenhouse.

Now I would say that it -- that you guys should maybe look a little closer at exactly how you want to put that into the code because, you know, we're talking about using building permits to dictate land use. And there is ways in the code that you can dictate land use permit. You can have a land use permit without having to change the building code so that, you know, there's no -- I don't see a reason why you would need to have a permit to build a greenhouse when, you know, you could -- I think it would be more appropriate to say you need a land use permit which would govern it, whether it's indoors or outdoors, you need a land use permit in order to grow marijuana. I think there's kind of just a mixing of land use and building code, which are actually separate in the code, and I'm not an expert, but as far as I -- the best I can read, that's the way I understand it.

Also I would say that, you know, at the work session there was it seemed that some of you were questioning the limitations on the zones for the various types of businesses and others were wanting to limit that. And I would say that basically when you have an agricultural -- okay.

If this were -- if it were enacted where it was limited only to -- the growing of marijuana was limited only to industrial or commercial areas basically, again you would end up in a perverse situation where the appropriate areas for agricultural use would be excluded from permitting for growing marijuana - which is an agricultural/horticultural activity - while allowing the growing of marijuana in places such as vacant grocery stores or concrete tilt-up buildings, I mean, you know, like a factory. And, I mean, and I would just ask, what other type of plant regardless of species do you guys know of that is grown on a large scale inside buildings?

I mean, we're talking -- so, I mean, I did a calculation. Basically, if you wanted to grow -- so originally they were going to allow 90,000-square feet, three tier, three licenses. I did a calculation of how many 1,000-watt lights and how much electricity that you would need to use, and approximately our electric rates that would cost approximately between 150 and \$210,000 a month in order to for that much electricity. Now that is a massive waste of energy. And I would say that - which goes back to what I was saying - the appropriate place is in a rigid greenhouse or like structure, that would be the ideal place.

Now I understand there's smaller scale operations, Tier 1 and Tier 2 which are 0 to 2,000-square feet or 2 to 10,000-square feet that may benefit, but I don't -- I just cannot honestly see -- and I think that a lot of licensees who were gung ho about this statewide are now figuring out the hard reality that that is a lot of electricity, and requires a huge, not just the lights themselves, but the infrastructure. I mean, you basically have to have your own pad mounted transformer to even do that. Okay. And that's going to take, you know -- Clark Public Utilities is not just going to let you go out and start drawing 2,000 amps of power to grow marijuana.

So I would strongly, you know, consider all these ramifications. I would say that this -- I understand your desire to limit it, but I think there's probably better ways than the rough draft. And I would say that basically it's -- the appropriate place for the actual production of marijuana is in agricultural areas where other products are allowed, and that would -- that's my testimony. Thank you.

BARCA: Are there questions for Mr. Larson? No questions. Thank you.

LARSON: Thank you.

GIZZI: Appreciate it. Thanks.

BARCA: Next on the list is Stan Greene.

GREENE: Good evening, ladies and gentlemen. My name is Stan Greene. I speak for CAMP which is the Citizens Against Marijuana Production, Processing and Proliferation in Clark County. I guess I should start with the complaint and maybe I'll get an explanation. I don't want to get anybody mad at me, but...

On the meetings, I had a discussion with Gordy, he knows that I talked to him for about 45 minutes and I was opposed, and that was at the Camas meeting. And Gary Albrecht was there, and he mentioned it at the work session, that I was there at the work session and asked Ron if he wanted me to speak, and I know I didn't, I wasn't expecting it. But it's just I don't understand why it says a total of 54 people attended 4 open houses and virtually all attendees were licensed applicants wanting to know in which zones and the three types of facilities would be allowed.

Well, accidentally I discovered about this marijuana issue when I was checking another land issue and I ended up talking to Gordon about it, and he knew at that time I was opposed. And I was ill

and I didn't attend the one at Hockinson, but two of my relatives did and another person. So there were three people there that were opposed, and they turned in cards and I don't know why that's not on the list, and I turned in cards at Camas and I don't know why that's not on the list. And I had a long discussion afterwards with Gary and he knew I was opposed, so anyway.

I submitted a long appeal and dissertation and I hope all of you read it. I would prefer that you've read it rather than me go through and read the whole thing. Has each of you been able to read this?

BARCA: This is what you distributed this evening?

GREENE: Yes. Yes. I was ill yesterday and I couldn't get it in. I have strong feelings because the last 18 months that I lived in Northern California, I lived in an area where there was marijuana grown and there were two episodes that were life threatening that happened.

(Telephone ringing.)

BARCA: Mr. Greene, just one moment, please.

GREENE: Sure.

BARCA: Yes, on live television, there you are. Yes. That's a keeper. Okay. Please, Mr. Greene, continue.

GREENE: I was driving on the Forks -- Fourth Road -- Fourth Road - bear with me. I'm a poor speaker and I'm very nervous - and I came apparently across some people that had a marijuana operation, and I was chased by two men on motorcycles and shot at with a .45, and it was very scary. And my next door neighbor - and where we lived in Sonoma County - was a Deputy Sheriff, so I became aware of what was going on.

And, you know, I lived through an area and I don't want to see Clark County end up that way. Anyway, they put a parachute flare from like that you drop out of a plane in Vietnam about three-feet long and eight inches, six to eight inches in diameter that was white phosphorous and magnesium in his car, and got it out in front of our house and it kind of exploded and set on fire. In fact, three fire trucks came and they couldn't put it out, and for quite a while the ammunition from the sheriff's sidearms in his vehicle were going off.

I also worked in Alaska and I had to deal with marijuana up there on the job sites. And I didn't exactly see it happen, but it happened to other people on our shift where people that were smoking marijuana operating (inaudible) crane, dropped a load on two men, one guy died and the other guy had a broken back. So I have strong feelings.

I would say that the previous speaker what he was trying to advocate is -- I'm concerned about where you have underfunded growers and processors and they will cut corners, they could use chemicals, they could not be protecting the water, and I have explained that under concerns in the report that I issued -- that we issued under environmental conditions.

As a retired logger, I know we have to keep the water supply safe. And I'm the father of six kids, some are still -- and the youngest is 12. And I would think that some of you are parents, you Commission members, and/or grandparents, and you'd like to keep your kids away from where marijuana is grown, processed or sold, or have a school bus stop that would be close to where any of these facilities would be located. But I would like you to ask me questions. And I feel real strongly about the water quality, the chemicals and the danger to our children.

Oh, I should say where I mention in there about suggesting that it should be located 1,000 feet from a church, I have gone around, and we have gone around and spoken to several many people from different congregations, and it's not about the religious issue, it's about the children that attend the

churches. Not only is there regular church services, but there's weddings, there's funerals, there's other events that go on, Bible study, and there are large, like, I won't mention denominations, but there's large numbers of children and they will go outside and they wander around. Now if a church was closer to one of these facilities, some of them might be influenced in some way. So we suggest that it would be 1,000 feet from a church.

And we feel really strongly that it should be only in IH, the heavy industrial zoning, for all those reasons that we cited, and some of the things I've lived through and I've seen it. I've seen the woods that have been destroyed and the streams and so on in Northern California. So you'd do best to read it rather than listen to my poor speaking. But, please, each of you ask me whatever questions you'd like to ask.

BARCA: Are there questions for Mr. Greene?

USKOSKI: No, I just have a question for staff.

BARCA: Well, let's get Mr. Greene taken care of. Mr. Greene, I do have a couple of questions for you.

GREENE: Sure.

BARCA: Okay. Just for my clarification, you know, we start off with this draft ordinance that says we're going to be following as a minimum the guidelines from the State law, the WAC, which is 314-55.

GREENE: Yes.

BARCA: Are you familiar with that? Have you read that?

GREENE: Some of it.

BARCA: Because to me there was some clear guidelines about chemicals and how you're able to dispose of any waste products, the discussion about the minimum - which I believe is what staff has followed - as far as away from social areas, parks, schools, things of that nature. I'm hearing you to say that if we added churches to that, would that be satisfactory in your mind as far as a safeguard?

GREENE: That would be one step. Because if you go to a video arcade or you go to some of these churches, you'll see there's many, many more children at the churches outside than at the video arcades. And I did speak to some State lawmakers but I haven't heard back anything on it, and it was just an oversight; it should have been in State law. And when I say "church," I mean mosque, temple, synagogue --

BARCA: Of course.

GREENE: -- whatever it is.

BARCA: Right. So any type of religious facility in that regard.

GREENE: Any type where people worship. And, again, it's not a religious issue, it's to keep the children safe away from it. Now you were asking me about the water quality. Well, one of the processes that we spoke to, as I described in the report, they don't treat -- they don't treat it. It doesn't -- the water that they use in the Level 1 processing just gets goes outside, it doesn't go through a sewer system.

The problem being, if you allow this all through the county, the State Liquor Board is not going to enforce it, the county law enforcement isn't going to. I had a police chief come over and talk to me from one of the cities, they're certainly not going to do it. We don't have the funds. I know the County doesn't have the funds to enforce this. But the water quality, the water that is disposed, the wastewater, the type of chemicals that are used. But if it's done by a well-funded company in

a heavy industrial zone away from school bus stops, away from churches, generally away from the public - and this could be the growing and all types of processing - that will be monitored, it would be safer.

Also the issue about the crime. After one of the meetings here - and I didn't speak at it - I think it was just like a closed meeting -- no, it was -- yes, it was a work session with the Commissioners, I went over to the Sheriff's Department and I spoke to one of the persons there, I'm not going to mention his name, but he was at the meeting, so I went over there and I had a discussion with him. I had a discussion with the city planner at one of the cities in the county and with other law enforcement. And I've listed in there the value of what it is, and I was shocked. A processor did tell us about \$2,000 an ounce, but it's actually worth more than -- or a pound, pardon me I misspoke, it's actually worth more than that, there's a Federal report there from 2011 and it gives the value.

So what law enforcement and the city planner told me, and this particular city planner, his brother is in Colorado in law enforcement, I believe he said at the Federal level, and there will be turf wars, they all told me this, there will be crime occurring. It's better managed where you can have law enforcement close and not cars speeding on our county roads and going passed where the kids are at the bus stop. And, you know, the robbery might not just occur at the growing site, it could occur when they're transporting it. And I have learned that they have to notify the Liquor Control Board 24 hours in advance before it's transported.

Now according to that Federal finding, if it's worth that much, what we put in our letter is kind of low about the amount of money that was -- what that marijuana is worth either at a retail site or at a processor or a growing site. And the sheriff did tell me it's going to happen and he's going to have to spend our taxpayers' money to protect these people even though we're opposed to it. So I'm not saying as much as I don't like it, please put it in an industrial area. I mean that's a starting place, okay.

But once you let it out in the county, and you can read right in here where it said in the WACs, and bear with me, I'll try to find it. It says once it's let out, "The unwise development of natural resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life. It is more costly to remedy the loss of natural resource lands or critical areas than to conserve and protect them from loss of degradation."

And if you have operators out in the county growing marijuana and processing it, and we don't have the staff or anything to enforce this or check up on it, and if they're -- especially if they're underfunded, shortcuts will happen, damage will occur. I know none of you want to see our fish stocks wrecked or our public water sources or private water sources damaged in any way from chemicals or pesticides or rodenticides.

BARCA: Mr. Greene, would you please cite where that quote came from for the record.

GREENE: It comes from WAC 365-190-020, Parts 1, 2 and 3, and I read out of Part 2 and it's underlined in our report. And also this goes to --

MORASCH: I think it's on Page 5.

GREENE: It's on Page 5 in the middle of the page. It's underlined and it's about one, two, three, four, five, five lines from the bottom of that underlined where it says it's more costly to remedy the loss of natural resource. I mean this is right in the WAC.

BARCA: All right. So for the record, it's RCW 36.70A.172.

GREENE: Yes, that's the RCW.

BARCA: Yeah. Okay.

GREENE: So I don't know if I answered your question.

BARCA: Oh, you did.

GREENE: But we're really concerned.

BARCA: Yes, I understand.

GREENE: And, you know, you can always go with the starting place where it's safe. And I know law enforcement here would be less costly for law enforcement and the people that have to monitor the sewer systems and so on to have it in an industrial zone. And it's harder to go backwards as it says here, so...

BARCA: Yes.

GREENE: So please ask.

QUIRING: Mr. Greene --

GREENE: Yes.

QUIRING: -- is your name? First of all, I want to thank you for putting this together, it shows a lot of thought --

GREENE: Thank you.

QUIRING: -- and research. And one of the things I wanted to ask, I didn't look it up myself, I could have but I didn't, so I thank you for noting that 60 percent of the voters in Clark County voted against --

GREENE: Yes.

QUIRING: -- the marijuana initiative, although the State -- no?

EULER: No.

QUIRING: Can you tell me what it is, Gordy?

EULER: 50.3.

QUIRING: Voted against?

EULER: Correct. 49.74.

GREENE: I had a figure of 60. I got it from some written record. Maybe that record was off.

QUIRING: Okay. 50.3 --

EULER: Said no.

QUIRING: -- said no.

GREENE: But what I found is that there's many people opposed but they're afraid to talk about it. I guess I've overcome my fear. I mean the worst thing is I could die and so on. But, you know, I've been shot at over this, I've been around it, I hate it, but the voters passed it, it may happen when the Federal law changes.

But the important thing - and I want to impress upon you - is the coding that you set, the zoning, the decision you make that gets passed on to the Commissioners, that could be set in. So, again, start out safe, small, let's learn what goes on, and if things change later, okay. But to have it spread all over the county, that's not a good idea for, you know, all the reasons, environmental and crime and so on, and that crime can be a great big issue.

QUIRING: Right. Thank you.

BARCA: Thank you, Mr. Greene.

GREENE: Thank you, ladies and gentlemen, for allowing me to address you and thank you for your patience.

BARCA: That concludes the sign-up sheet. Is there anybody else from the crowd that wishes to come forward and testify on this matter?

PASTORI: I would. Sorry. I apologize, I came late.

BARCA: No problem. Just come on up. State your name and address please for the record.

PASTORI: My name is Penny Pastori.

BARCA: Can you come right up to the microphone.

GIZZI: Cindy has to transcribe so she --

PASTORI: My name is Penny Pastori. My address is 36400 NE Holling Avenue, La Center, Washington. So I've been e-mailing a little bit with Mr. Euler regarding -- I have a couple of points I want to make here. One of them has to do with directly with the definitions of Processor I and Processor II.

I was interested in having a Processor I facility be inclusive of any kind of CO2 extraction facilities. They've limited any kind of extractions to a Processor II, and then they further limited that to, like, industrial-type zones; whereas Processor I's are currently in an R-5 property which is what I have just purchased in Clark County. So the difference is that CO2 is a nonflammable extraction process, so...

I think he's forwarded some of those e-mails along to the fire marshal, I'm not sure if that gentleman is here or not, but, anyway, so... I'm looking to have the verbiage of Processor I be inclusive of at least CO2 extraction because it is not a flammable process.

The other things that I want to point out are I kind of am in agreement with the other gentleman who spoke here on some of what he had to say regarding growing on an outdoor -- I'm sorry.

BARCA: There was two gentlemen that preceded you. Can you be more specific.

PASTORI: Yes. Mr. Greene was, you know, I appreciate his objections, of course he's certainly welcome to have those views. I'm speaking with the gentleman who was talking about --

BARCA: Mr. Larson.

PASTORI: Yeah. Yeah.

BARCA: Okay. For the record.

PASTORI: Who spoke before him, for the record, yeah. Situating a grow on an outdoor property and taking advantage of solar gained greenhouses, that type of thing, I mean you can't limit this thing to indoor production. He had some really valid points about, you know, you're not limiting your vineyard growers, et cetera, people to growing that kind of stuff to an indoor facility. It's just -- it's not -- it's not feasible with electricity, et cetera. Why would we want to waste the energy?

So there's already lots of agricultural uses going on in the county. I realize they're not, you know, they're specifically excluding the cannabis from agriculture, but, you know, it's going to have to be kind of a -- it's a whole new entity. It doesn't make any sense to have it all in an indoor facility. So I also wanted to just make that point as well about the outdoor processing or production.

Hopefully nobody's even considering restricting this to any kind of industrial. I mean, I'm looking at the location standards, it's looking like they're going to allow production on R-5, 10, 20, so... Mainly I wanted to make my point about the processor license in particular, so other processor designations here in the county. Thank you.

BARCA: Before you go --

HOLLEY: Can you spell your name for me, please.

PASTORI: P-a-s-t-o-r-i.

HOLLEY: T-o-r-i. Is Penny P-e-n-n-y?

PASTORI: Yeah.

BARCA: So before you go, and I need a clarification on this, Gordy, the WAC specifically says indoor and outdoor growing --

PASTORI: Uh-huh, it does.

BARCA: -- the proposal here is to not allow outdoor growing, but you're just --

PASTORI: No.

EULER: We don't restrict it. The proposal is to require essentially de facto a building permit to have a facility to grow. The WAC allows both indoor and outdoor growing.

PASTORI: As long as it's secured within a fenced eight-foot fence.

BARCA: So I guess this is where I'm trying to get to with that. We're talking about a need to "entirely within an enclosed and secure structure with an engineered foundation, and shall be constructed in compliance with Clark County Code Title 14, (Building and Structure)." To me - I'm trying to clarify - we're still saying greenhouse --

EULER: Correct.

BARCA: -- but definitely indoor a greenhouse.

PASTORI: No. So I thought that your very opening statements -- that's kind of why I wanted to add something to that, because there's some confusion I think going on between what your understanding of what the law is, and I mean at least the way that it's my interpretation of the way that the State has. They're allowing outdoor grows --

BARCA: Yes, they are.

PASTORI: -- in secure areas.

BARCA: Yes.

PASTORI: And as far as I've read anything here does not -- does not go -- fly directly in the face of that as long as it's within a fenced, you know, secure area that you can grow outdoors.

BARCA: And that's what I'm trying to clarify with you right now is I do believe the way the draft is written up is they are saying specifically greenhouse structure is acceptable but you will be indoors of some structure.

EULER: That's correct. Within an enclosed and secured structure with an engineered foundation is what's in the draft.

PASTORI: Oh, yeah. I would testify that's -- no. Like, I'd have to be in agreement with Mr. Larson, I think you said. I think that was his main point, it's, you know. I mean, it's, you know -- I've got a letter that I'm going to be sending off to the Board of Commissioners about this

whole thing.

I mean, it's not -- to me it wasn't really part of this presentation. I was here more to talk about the different processor kind of designations that they're doing here. But I'm going to certainly then have to include more about being able to grow outdoors under an open sky in an eight-foot fenced area which is I think just what the general WAC is.

BARCA: That's what the WAC states.

PASTORI: Yeah. Yeah. So it doesn't make any sense to me to have that be in an enclosed, you know.

BARCA: Okay.

PASTORI: So, yeah, I'm glad I mentioned that. I will be further pursuing that course here.

BARCA: Okay. Any other questions for Ms. Pastori?

QUIRING: No.

BARCA: No?

QUIRING: I don't.

BARCA: Okay. Thank you very much.

PASTORI: Thank you.

BARCA: Is there anybody else from the audience that wishes to come forward and offer testimony? Yes, please come forward then.

ABBOTT: Foley Abbott, 12125 NE 119th Street. Growing outdoors, this is just a FYI, growing outdoors in Clark County, we have a thing called powdery mildew and it grows at a 60 to 80 percent humidity between 60 and 70 degrees, so that's pretty much every spring and every fall which is planting season and harvesting season. So you're just going to have a lot of mold, powdery mildew, unless you use a lot of chemicals. So that's just FYI.

BARCA: So does that mean you're for or against a structure?

ABBOTT: I just wanted to let you know that if you're going to be growing it outdoors, you're going to be dealing with a lot of mold, a lot of powdery mildew, and that's not good for public health. I'm for it. I'm for growing it, but outdoors in our specific area, I don't think it would be very successful personally.

BARCA: So you're saying our draft ordinance will help prevent powdery mildew?

ABBOTT: I know, right, it's silly. But it is a big deal in this industry. And if you're setting everybody up for failure to grow outdoors, that's just something you might want to think about.

BARCA: We can thank staff for preventing that from happening.

QUIRING: I guess the other thing that you said about it was is that in order to prevent that mold, you need a lot of chemicals.

ABBOTT: You do need chemicals, and some people are not going to go all organic with those chemicals or use them correctly. So it's something that you do need -- I feel that it should be factored in our specific area that we're just going to get powdery mildew on that specific plant two points during the year more often than not. So you're either going to be public health by people using it later, or chemicals if people are using them incorrectly to try and -- like, cyanide -- if you got, you know -- or something that you're going to try and kill the powdery mildew before it happens. Not cyanide. It's another chemical. I wasn't very good at science, sorry. But I do know -- I

didn't get that chemical correct, but I do know that it's very important to factor in. Thank you.

JOHNSON: Arsenic, is that it?

QUIRING: Arsenic.

ABBOTT: Arsenic. Sorry.

QUIRING: Oh, arsenic.

ABBOTT: Arsenic.

BARCA: Arsenic. Yeah, that's better.

ABBOTT: But that is bad. Sorry. Not cyanide.

QUIRING: Does it work faster?

ABBOTT: It's not good for you. It's not good for you. It's not good for anything, so...

BARCA: All right. Thank you, Mr. Foley. Oh, sorry, Abbott. Anybody else from the audience wish to come forward?

LARSON: Could I address some of the statements about chemicals?

BARCA: You can come forward and be very specific, please.

LARSON: Thank you. I appreciate that. I recognize it's not normal protocol.

BARCA: Name and address again.

LARSON: Jeremy Larson again. 5501 NE 49th Street. In regards to chemicals. Basically, the WACs have -- so the law states that the Department of Agriculture is required to provide a list of chemicals that are permitted to use on marijuana facilities. And I can assure you that none of these -- first of all, let me remind you that this is an agricultural practice, and it's not any different than any other plant that's grown in Washington State whether it be tomatoes or whatever.

And you are not allowed -- I don't know what the good gentleman is talking about arsenic and cyanide, but I can assure you that those are not allowed anywhere for any reason in the state of Washington including growing marijuana. Now, Mr. Greene, I know we had a discussion after the work session in regards to the whole number of concerns he raised, but I will keep it strictly to chemicals.

You are not -- the Department of Agriculture has provided a list of chemicals you're allowed to use, and you're not even allowed to use fungicides, that like chemical fungicides that other agricultural practices are able to use. Basically, what it comes down to is the growth of marijuana - according to the law - is basically an organic practice according to -- if you look at the list of chemicals, chemicals that are provided by the Department of Agriculture, none of them are the normal fungicides that are used for any number of crops in this state, so...

I do agree with what he said about powdery mildew, and I do agree that it's probably not going to be successful in Western Washington to grow marijuana outdoors because like he said. But there's no way that you're going to use any kind of chemical like that because it's not permitted by the Liquor Control Board. And if you have a product that there's an extremely stringent -- every product you have a five pound lot that you have to send off to a certified board, and if it has any of those chemicals in it, they will require you to destroy the entire lot. There is no way that any licensed producer is going to use any of those chemicals for any reason unless they want to have their business destroyed. Thank you.

BARCA: Thank you, Mr. Larson. Okay. Seeing no other testimony, I would like to bring it back

to the Planning Commission. Are there any additional questions for staff?

USKOSKI: Yes, I do have one. Gordy, regarding the chemical use on the product, on the marijuana, has Ecology weighed in on how they would monitor or regulate, or if they even would? I know, like, whether you're looking at surface mining or if you're looking at industrial use, a lot of those they have stormwater sampling and requirements that they need to meet for different levels of pesticides.

EULER: The answer to that question is I don't know. I'm not -- this is out of the area of what I'm working on here which is the land use part of it, so... I've read the WAC and I've talked to a number of people, but you're going to have to ask somebody who's in the, like, Mr. Larson or one of the applicants what the requirements are. I don't know.

BARCA: Can you state the question again, please.

USKOSKI: Has Ecology weighed on whether or not they would require any sampling or have a permit associated with that type of production. So I don't know whether it would fall -- I know in Eastern Washington it's my understanding they do monitor like crops and things of that nature for different runoff.

EULER: We did have -- I did listen to a presentation at a meeting by a permit specialist - I think was her title - with the Liquor Control Board and which is where we learned a lot about the kinds of chemicals that might be used in processing. I'm guessing there's requirements, but I do not know what they are.

BARCA: My reading on it was there was requirements on waste disposal, and it was both the plant matter, the soil and any disposal of items associated with the processing and production. Specifically you're talking about --

USKOSKI: Stormwater runoff.

BARCA: -- stormwater or which would be out of any kind of drain, and I think it's only at the processor level.

USKOSKI: Well, it would also, when you look at stormwater runoff under some of these permits, you're looking at any time it rains what runs off that land, so not just what comes out of a drain.

BARCA: But we'd be looking at a structure. So the structure is going to have the runoff from the outside of the structure.

USKOSKI: Which would be a different type of runoff, a different class. But now if you were growing outside and you were using chemicals on your crop, then you have a runoff associated with that.

BARCA: And right now we have a prohibition based on the draft preventing any kind of outdoor growing.

USKOSKI: Is that correct, Gordy?

EULER: The intent of the draft is not to prohibit outdoor growing. If that's what it says, we need to reword, as Ms. Pastori said. Let me read you what the, if I may, Mr. Chair --

BARCA: Yeah.

EULER: -- this is what the WAC says. "Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors."

BARCA: So that tells me --

EULER: Let me go on. "Outdoor production may take place in non-rigid greenhouses, other

structures, or an expanse of open or cleared ground fully enclosed by a physical barrier." That's the language we would need to add to the draft.

BARCA: That's what we would have to add, but that isn't what is here at this moment.

EULER: Correct. I'm quoting from WAC 314-55-075.

BARCA: All right.

GIZZI: Okay. Because what is in here would preclude outdoor growing and requires an entirely enclosed and secured structure with an engineered foundation.

EULER: That's the way our current code proposal reads, that's correct.

GIZZI: Okay. All right. Great.

QUIRING: And that was not the intention?

EULER: When the process first started, the original idea this was indoor grow only.

QUIRING: Yes, that's what I understood.

EULER: That's changed since they -- that changed from -- the conversation changed over the course of time, so...

QUIRING: Would that be over the course of two weeks after our work session or --

EULER: No. This was -- this goes back -- they originally looked at the first draft WACs which I think were put out in May it was indoor only. So it's changed, it changed quite a while ago actually.

QUIRING: Okay.

BARCA: So for the Commission, we have the draft language that's in front of us. We have the opportunity to add or delete, change, at our discretion. I would like to talk about on E.7.d which says, "Security. Security measures shall include, at a minimum, the following: Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition." The WAC which is 314-55-083 has a lot more in it than that --

EULER: That's correct.

BARCA: -- and which includes requirement for badges for employees, alarm systems and full surveillance of the exterior and the interior. And I'm wondering if we wouldn't be better off just citing the WAC than to try and pick a few of the items to highlight when there's so much more than any applicant is really going to have to do.

EULER: Somewhere in here, Mr. Chair, is a statement that I'm trying to find that says the WAC requirements are minimum standards.

MORASCH: Under E.1.

JOHNSON: E.1.

EULER: Thank you.

BARCA: Okay. But I didn't see any enhancement with what we put on there I guess is what I'm getting at.

EULER: Again, that's --

BARCA: If we're going to use the minimum standards, then I would say anything that we're adding to it should genuinely be in addition to.

EULER: Fair enough.

MORASCH: I kind of have the same comment with respect to the signs, 5.a, where I think in (1) and (2) we're just repeating what's already in the WAC. And the WAC's got this whacky definition of square feet that based on square inches, and I'd prefer not to put square inches.

And then it also limits symbols which, you know, then they get into this issue of is that a content based distinction to say no symbols. And if that stuff is already in the WAC, I'd rather just leave it. I mean, unless we're adding a new restriction, I think if we're going to go and be more restrictive than the WAC, that should be in here. But anything that's just a minimum that's already in the WAC, I don't know why we just don't rely on the WAC for it.

BARCA: I think that's fair and reasonable. So I would like to poll the Commission on Mr. Greene's request to include churches and religious facilities in areas of prohibition utilizing the 1,000-foot barrier. Is there anybody that would feel like they would not want to include that? Is there a problem with that in anybody's mind?

QUIRING: No.

MORASCH: No, I think we're all in agreement on that.

BARCA: Okay.

MORASCH: On the list of areas D.1 small d, if any of those other ones are not in the WAC, then we might want to list them. But if not, we could just simplify that by saying something like in addition to the areas that are prohibited by the WAC, and then list the ones that we're also going to prohibit which I think is churches and any other that we come to. That would be a simpler way of stating it and shorten our code down, and no need to repeat what's already been provided for in the WAC.

BARCA: Okay. So let's start talking about zoning. We have had proposals to enhance the areas in which production and processing can be put together and done. We've had proposals to limit where production and processing can be done. And I am interested in the opinion of the Commission on this matter.

MORASCH: Well, I guess nobody's jumping in, so I'll jump in. I wouldn't mind eliminating the R zones for production, and then maybe adding the I zones to that list.

PUBLIC: Can you speak up a little bit, we can't hear you.

MORASCH: Is my mic working?

PUBLIC: Yes.

MORASCH: Okay. I'll just try to get a little closer to the mic. I was saying that -- oh, there, my mic was not working and now it is, that explains why you can't hear me. My recommendation would be on Section D.1.a to eliminate the R zones and add the I zones. And I would probably also eliminate the language on legal conforming parcels and just establish a minimum parcel size, and that way you don't get into this issue of, well, you're going to allow in this zone in a smaller parcel and this zone is a bigger parcel. And I think maybe 10 acres is probably where I'm leaning for minimum parcel size in the rural area.

BARCA: So then you're saying eliminate an R-5 designation but leave the R-10?

MORASCH: No, I was suggesting eliminating all the R zones.

BARCA: Okay. But then I heard you say that you would go for 10 acres.

MORASCH: In the AG-20 or FR-40 if it was a legal conforming parcel. So I would delete the word "conforming" or change that to just legal parcel or legal nonconforming, but then also add a

minimum lot size so that you don't have a one or two acre or even a five acre AG-20 parcel. It would need to be at least a 10 acre and be zoned at least AG-20 or FR-40.

BARCA: Can you give me a little rationale behind your choice in that matter, please.

MORASCH: Well, the testimony Mr. Larson was, you know, that we were considering allowing in the draft down to 5 acres and that there are nonconforming legal parcels in the AG-20 zone that might be 10 or 15 acres. And it really didn't make sense to allow it on a R-5 zoned 5-acre parcel but not allow it on a 12-acre AG-20 parcel, and I think that argument made some sense to me.

I think if a person is buying a piece of property to live in and it's zoned one of those R zones, I think they have a reasonable expectation that that's more of a residential area and maybe not appropriate for this type of use which is why I would recommend taking out all the R zones. But I was persuaded by Mr. Larson's testimony that in the AG-20 zone if you had a parcel that was of sufficient size but maybe smaller than 20 acres, that it might make sense to allow it in those zones.

And as far as, you know, what a reasonable minimum lot size is for this type of use, I mean, I just 10 acres just seems like a good number to me. And Mr. Larson didn't give an example of anything less than 10 acres in his testimony, he talked about 12 acres and 15 acres and 13 acres and those are all bigger than 10 acres, so that's why I would suggest 10 acres as the minimum lot size in the rural area. Obviously, if someone wanted to site one of these things on an industrial zoned property in the urban area, then, you know, we'd have to look at an urban lot size in that situation.

GIZZI: So I agree with the striking the language for legal conforming, maybe just getting rid of the word "conforming." But I kind of go in the other direction and feel that given the charter that the Commissioners have placed on all of us, including themselves, of allowing folks on rural pieces of property to make a living, that this goes in that direction and probably is the best opportunity for those of us that live in rural places in the county to actually create some jobs and create some income and I'd like to see the rural zones included or left in, but also bring in the industrial zones. Because, again, you know, we talk about chemicals and we all have a concern about chemicals, but those are part of the industrial processing and that is limited to the industrial areas.

And security is something that folks have talked about and certainly I think it's a valid concern, but then I look at the WAC and the WAC is very specific about how to approach the security issues. And then, you know, we're keeping them away from all of the public facilities that might have children in them. And I just get back to creating opportunities for those of us on rural parcels to make a living on those parcels protects the rural nature of Clark County as opposed to limiting the uses such that no one is able to make a living out there and we end up just destroying the rural nature because the rural people can't survive out there.

So I'm kind of in between some of what Steve talked about. I'd also like to see in B, I think that we may be just a little bit -- I'm sorry. Not in B. I agree with B. So, I mean, that's my input at this point. I agree with citing the WAC for signs and citing the WAC for security measures for sure.

BLOM: I would agree more with Steve that I think striking the rural zones from producing, adding the industrial zones, removing the nonconforming – non-legal conforming lot, I think that argument made a lot of sense that a 12-acre parcel that's AG-20, that's where it should happen. And then I would make that the same for processing. I don't see -- I had a hard time following the logic on why some of the processing and producing wasn't allowed in the same. It seems to make sense that if you have an industrial site, that you can grow and process it there. So I would make producing and processing both FR-40, AG-20, FR-80 and then the three industrial zones.

JOHNSON: Well, again, as I testified earlier, my lens is always through children. As a school teacher, I see an absolute level of hypocrisy by the voters of the state, and that's my problem to deal with. But we've got an epidemic in La Center, in Battle Ground, I see it every day, and legalizing it

sends a mixed message. So, I mean, for the record, I obviously want to restrict it as severely as possible because I see the other side of this and it's not pretty and it's destruction and it's sadness.

So back up to production facilities. I definitely would like to strike R-5, R-10 and R-20. And, you know, I'm with Mr. Greene to limit it to industrial heavy, but I would not be opposed to getting part of my wish. Again, I also feel the same way about processing by eliminating Subsection b.1 there where we eliminate R-5 and R-10 and do the same thing. So, again, I don't think we just -- I think it's a risk reward destroying -- as my esteemed colleague says, destroying rural economics for the sake of destruction of human lives, there's not a rationale that I can see in my mind, so... That's where I stand on the two.

USKOSKI: I would have to agree with Karl.

QUIRING: And so do I. I think that the opportunity for criminal activity is also a factor, as Mr. Greene testified and is showing in his testimony, you know, the various things that are cited in his written things about the value, you know, the value of this product and what kind of -- what can happen if you get near it or try to steal it.

I just it's disappointing to me that our state passed this in the first place. So this is a tough process for me to go through even entertaining the idea that we're setting up ordinances, or, you know, these various definitions and so forth. About the only thing that I agree with on this draft is Number 4.

And my preference would be actually not to do anything except keep the moratorium until such time that there actually is -- until the Federal law is changed, that it's legal for us to do it federally, and then we'll have all of this, you know, ready to discuss again at that point in time, but that's just my feeling.

USKOSKI: Yeah. And I guess to add onto that, Eileen, I think what you say on that makes a lot of sense, that in some level why are we entertaining this if it's still a violation of Federal law.

JOHNSON: If I may add one more thing, too. I think it's a -- there's moments in time where you can place a stamp on who you are. And if you're for or not, this is not a moral judgment, it is a time that we can say, look, this is not who Clark County is, and for the record we can say that. Now, you know, look, I don't know what's going to happen with Federal law and I don't know what's going to happen with the State -- voting -- the State could come back and overwhelmingly again we just -- this is what the State wants. It is close, it is a 50/50 or close to that.

But at the same time I think a statement, especially with other municipalities in our area voting that this is something they'll accept, it is a powerful statement to say, no, this is what Clark County does not accept. And from just, you know, a general consensus of getting one sheriff car up to Amboy or Yacolt or my house, which is above La Center, these problems are going to be up there and we don't have the resources to do that. So I just think it's common sense and for the good of the community.

BARCA: Okay. I need to bring the Commission back for a moment. We have the statement here that clearly states that until the Federal law is changed, Clark County as a governmental agency entity is not going forward. That's not going to change the ability for any city, any municipality in Clark County from passing whatever ordinance they choose to do and they will go forward on their own. So we are not speaking for the entire --

JOHNSON: I never said that.

BARCA: -- county. I understand that. But what I'm trying to get at is every municipality is going through this same struggle right now to come up with something that puts us in compliance with State law. So this is how we're choosing as a land use planning commission to try and order

ourselves to allow people that have legally gone forward and applied for applications of licenses to understand how we will allow them to do business.

USKOSKI: Well, and I think --

QUIRING: When we allow them to do business? I'm sorry.

USKOSKI: Well, I think we also heard from Gordy that State law, that the Attorney General's Office issued the opinion that we still had the right to ban something if we so chose.

EULER: That was an opinion --

USKOSKI: An opinion.

EULER: -- by the Attorney General, it has no legal bearing, it's an opinion. But it was released in January that said there's nothing in the State statute --

QUIRING: That forbids.

EULER: -- that forbids local governments from saying we don't want to play.

BARCA: And that could be a choice that this Planning Commission chooses to not take staff recommendation and create zoning and ordinances to regulate, but to go ahead and just request to ban it entirely, that is going to get passed forward to the County Commissioners.

It's my recommendation that we try and give them enough structure that they have good public record and are able to enter into a reasonable discussion about how they choose to go forward.

MORASCH: Do we want to have a separate vote on the moratorium issue versus if it does go forward, this is what we think, you know, the regulations ought to look like?

JOHNSON: I think that's a prudent path.

GIZZI: Well, I was -- you know, part of the discussion we were sticking on the zoning and we kind of got into the other pieces, but, you know, I know I would be the lone voice, but just say no is a good -- was a good slogan. But what we've done to our kids is told them that marijuana and LSD and heroin and PCP and meth are all in the same category, and when they discover themselves that they're not, we're leading them on to the other drugs.

My motion - which I would be the only one - and I'm not making the motion, but I would like to see Number 4 stricken because I think that we're really causing more problems by trying to keep marijuana as such a controlled substance that it's in the same category as these drugs that are clearly doing damage to our kids, but clearly I would be the only one in that category.

But I feel like I have to say that we are, you know, in a position to show our kids that this is not in the same category as some of the other drugs that they're going to have to choose not to use.

BARCA: So it's my opinion that if we choose to pass this on with no recommendation for ordinance, that we are just advocating the responsibility that we have been put here for.

MORASCH: Just to clarify, that wasn't my suggestion. My suggestion was to have a separate vote. So that we have a vote on whether or not we think there should be a moratorium, and regardless of how that vote results, we have a separate vote on what we think the zoning regulations should be if the Board of Commissioners decide to move forward with an ordinance. That way the Board would have our point of view on both issues, both the regulations and on whether or not we think it's a good idea in the first place. And you wouldn't have the problem of someone feeling like they have to vote no on the ordinance because of this one section.

QUIRING: Right. I agree.

BARCA: Okay. So the request is - I'm paraphrasing here - an advisory vote from the Planning Commission on whether to maintain a moratorium?

USKOSKI: Would it be an actual moratorium or would it --

MORASCH: Well, all our votes are advisory.

BARCA: Well, right. But it's in addition to whether we are making a recommendation to pass forward some specific controls in the form of an ordinance that regulates marijuana facilities.

MORASCH: Yeah, that's correct. We'd have a separate vote on Subsection 4, we'd have one vote on that, yea or nay, do we adopt Subsection 4, and then we would have a vote on the rest of it. So there would be two recommendations. One would be whether or not to adopt Subsection 4, and then another one would be what regulations they should adopt.

GIZZI: So he's pulling Number 4 out separately.

BARCA: Oh, well --

MORASCH: Just for a separate vote on that one issue. But we would still vote on the whole package, just not in a single vote, with two separate votes.

BARCA: And we think that Subsection 4 is in some sort of risk from being taken out of the ordinance?

JOHNSON: It seems it allows us to have a conversation that doesn't -- because there's been some things that have been, even right now, that I want to go, no, that's not true, that's not true, but we're not talking about those things. Going down the path of is this drug a good drug or not, or that's not what --

BARCA: No. I --

JOHNSON: But listen. So my point is is that what this does is let's get our feelings, our statements. Look, if we say it's a moratorium or not, all right, then we're beyond that argument. The argument then becomes -- or the discussion - excuse me - becomes, you know, what type of facilities we are able to have on these points.

Because right now there are things in here that I would say, okay, if this were -- if this had to be law, that I would really start to dig in. And there's things in here and I'd say, okay, for right now - like you said - maybe this thing, we can keep working with this, and, quote, massaging it, that's probably not the right word right now. But the idea here is that we get a more richer discussion on each individual topic.

And I don't know if that needs a motion, but I would be willing to make a motion --

BARCA: Yes.

JOHNSON: -- to pull out on the draft Subsection 4, Recreational marijuana-related permits will not be approved until such time that marijuana is no longer listed as a federally controlled substance in accordance with 21 U.S.C Section 812(c).

QUIRING: And that motion was to have a separate vote --

JOHNSON: Yes.

QUIRING: -- on Subsection 4?

JOHNSON: Yes.

GIZZI: I thought you said pull it out.

JOHNSON: Pull it out and have a vote on it, excuse me.

USKOSKI: I would second that to vote on that.

QUIRING: Yes.

BARCA: Yeah. I never heard anybody object to keeping it into the ordinance, draft ordinance, but...

GIZZI: No, I didn't either.

QUIRING: Well, Mr. Chair, you're misunderstanding the purpose of this.

BARCA: I'm sorry, Eileen, I am. I am. So, please.

QUIRING: So let me try to restate what has already been stated I think fairly clearly, but I'll try and --

BARCA: Thank you.

QUIRING: -- see if I can say it. I think that what we'd like to do as a Commission, as a Planning Commission, is have sort of a conscious statement prior to moving into saying, well, if we do it, this is how we want to do it.

It would make me feel more clean to be able to say there should be a moratorium. It would make me feel better about even working on this whole thing if I were able to say how I really feel about this is there should be a moratorium, and I really don't even care about the other stuff because there's a moratorium and we can revisit it later.

But, actually, we're all here and we have that responsibility to look at this, and, you know, if we have a chance to have our input, and that way, then we'll go forward with that. But I think it gives the Commissioners as Planning Commissioners the ability to say whether we agree with Number 4, Subsection 4 by itself.

BARCA: Make the motion.

JOHNSON: Too late.

USKOSKI: That's what I think Karl made and that's what I seconded.

MORASCH: It was made and seconded.

QUIRING: That was the motion. That was just part of the discussion I guess.

BARCA: So the motion is to accept the draft wording of Subsection 4 as-is by itself, that's the motion?

JOHNSON: The motion that I made - for clarification here - was to pull out Subsection 4 for a specific up or down vote, and I won't read it again, but...

BARCA: Yeah. So to accept Subsection 4 as --

MORASCH: Well, I think you actually added -- I think you added a cite to the specific U.S.C Code which is not in the draft, but I think I heard you also add that cite. And I don't have that code memorized, but it sounds like you do because you had -- you rattled it right off.

JOHNSON: I'm reading.

QUIRING: I think it's an older draft.

JOHNSON: I was just reading it.

GIZZI: We have a different handout than what's in the book.

MORASCH: Oh, okay. Because my book handout doesn't specify.

GIZZI: Right, mine didn't either.

MORASCH: I was pretty impressed.

JOHNSON: Steve, I'm not (inaudible). Okay. Sorry.

QUIRING: I second it.

JOHNSON: It's been seconded.

BARCA: Okay. So there's been a motion and it's been seconded. So roll call on Subsection 4.

EULER: A point of clarification, Mr. Chair. What are you voting on?

MORASCH: I think we're voting on whether to have a separate vote, not whether to adopt Section 4 --

QUIRING: Right. Yes.

MORASCH: -- that would be yet another vote.

QUIRING: Yes. Right. It actually is about having a separate vote.

BLOM: We did this with surface mining. I don't understand why it's so complicated now to have an independent vote on this one section, do we approve of this section or not.

QUIRING: Yes.

BARCA: Yeah. So we're going to pass this ordinance in pieces and this is the first piece that we're going to pass or reject. I understand this is what --

MORASCH: Well, I think the confusion is the motion was to have a separate vote. So are we voting now whether to have a separate vote or are we voting up or down on Subsection 4?

BARCA: Up or down on Subsection 4 as was the motion.

MORASCH: Okay. Because that -- that's not -- well, that wasn't the motion. The motion was whether to have a separate vote on Subsection 4.

JOHNSON: I'm sorry for my misstatement, because that's what it was for. The motion was can we have a separate vote --

MORASCH: Right.

JOHNSON: -- on Subsection 4. And we can do that any way you want.

MORASCH: I just want to be clear what we're voting on before I vote.

GIZZI: I think Gordy is looking to --

BARCA: Yeah, me too.

EULER: Just maybe an attempt to refrain this. To me you have three options, and some of these are may be time related. One is you can adopt the ordinance with the changes you want to make and send that to the Board. If you don't like the -- if you want to -- if you like the provision about that's in B.4, leave it in. And what that's going to do is you're going to say we like this zoning ordinance with these changes, but we agree that we're not going to issue permits until it's legal at the Federal level. Or you can take Section 4 out and just say have at it, Clark County, we're going to adopt the ordinance as it is without this. The third option is you could just say we want to recommend to the Board a total ban and not even consider what's in here. So to me those are the three ways to look at this one. And they're may be a fourth option, but those are the three that I see.

GIZZI: There's a request --

QUIRING: The attorney.

GIZZI: -- for input over here.

QUIRING: Our legal.

BARCA: Please.

COOK: I respectfully disagree with staff. I think I would agree with Commissioner Blom that it makes sense to pull things apart if you need to do that in order to think about them, just as they were pulled apart in the surface mining overlay consideration, and that's what this looks like to me. And I know it's not the way staff thought about this originally, but I don't think it hurts. Sorry.

QUIRING: Right.

MCCALL: So you have a motion on the floor.

BARCA: Yes, we do have a motion on the floor. And the way that I would like to proceed is to make this the first component of the ordinance that we're going to review and pass with amendments, changes, however we'd like to choose to, and we will tackle this one as was requested to break it out separately. Is that acceptable?

USKOSKI: Yes.

BLOM: Yes.

JOHNSON: Yes.

QUIRING: Yes.

ROLL CALL VOTE: (ACCEPT OR DENY SECTION B.4)

BARCA: Okay. So that being said, we have a motion to accept or deny Section B.4 of the draft ordinance from staff. Can I get a roll call, please.

MORASCH: ABSTAIN

QUIRING: YES

USKOSKI: YES

GIZZI: NO

JOHNSON: YES

BLOM: YES

BARCA: YES

MCCALL: I have 1 abstain, 5 yes, 1 no.

BARCA: Okay. So Section B.4 is passed forward to staff.

MORASCH: And if I could explain my abstention. I don't feel this is really a planning issue, I feel this is more of an issue for the elected officials, and so I think it goes beyond the scope of what I was appointed to do as a Planning Commissioner.

And it raises legal issues of States' rights versus Federal rights, issues of Federalism, commerce clause, jurisdiction of the Federal government, and some cases that the U.S. Supreme Court decided shortly after FDR packed the court with a bunch of new people, a whole bunch of stuff that I just don't have an opinion on as a Planning Commissioner, and don't wish to vote one way or another for that reason on Subsection 4.

BARCA: Thank you, Commissioner Morasch. All right. So going back then to the beginning of 40.100.070 from DEFINITIONS all the way up through C. I would like to say, are we capable of having a motion for that and get that out of the way, and then we will proceed into zoning after that?

GIZZI: Maybe we'd better go with smaller pieces.

BARCA: Oh, my gosh.

BLOM: No. You're including C in that? Just so I'm clear. Is it inclusive of C or up to C?

BARCA: Inclusive of C, stopping prior to Location Standards.

GIZZI: Oh, okay. I thought you meant C.

BLOM: I don't see anything in there that's controversial.

GIZZI: I gotcha. Okay.

BARCA: Okay?

GIZZI: Yeah.

BARCA: Make a motion then.

MOTION: (SECTIONS A-C)

BLOM: I make a motion that we accept staff recommendation of Sections A through C including C.

JOHNSON: I second that motion.

BARCA: Okay. Seconded. And discussion about agriculture?

MORASCH: I had a question for staff or Counsel on this. There was an issue raised during the public testimony about the legislature and how they adopted some new statute that says that marijuana growing is not agriculture. And my question is, did that statute that was adopted, did that amend any part of Chapter 36.70A, the Growth Management Act?

COOK: Looks like it amended RCW 82.04.213 which is tax.

MORASCH: Tax. So that sounds like we could go either way. It doesn't sound like that statute would prevent us from defining it as agriculture for purposes of our zoning. It wouldn't prevent us from adopting the code as-is that says it's not agriculture. It doesn't sound like it applies one way or another. Does that sound correct?

COOK: I don't think it affects a GMA based decision, yeah.

MORASCH: Yeah. Okay. Well, that being said, I think I still support the proposed language that says that marijuana processor is not agriculture. I know at the work session I was wondering whether we could just go into the specific code provisions, you know, that deal with agriculture and decide whether marijuana processing was appropriate for that section or not, but it sounds like there's a whole bunch of different places where that might affect other codes and that we might be better off just to adopt this definition here. So I guess I would support approval of the staff recommendation for the first part of this ordinance up to I think Subsection C.

BARCA: Okay. So we do have a motion on the floor, it has been seconded. We're getting clarification about the terminology for agriculture.

MORASCH: And discussion on the motion.

BARCA: Exactly. Okay. Any other discussion? All right. Roll call, please.

ROLL CALL VOTE: (SECTIONS A-C)

BARCA: AYE

BLOM: AYE

GIZZI: AYE

JOHNSON: AYE

MORASCH: AYE

QUIRING: NO

USKOSKI: NO

MCCALL: I have 5 in favor, 2 against.

BARCA: Okay. So now we are at Location Standards. This seems to be what there was a lot of testimony about. We have D that goes through 1.a, b, c, and then at D.1.d, and then we also get into a list of facilities that we're trying to create barriers around with permits -- or perimeters, excuse me. Can we take D.1.a through c and then tackle D.1.d separately? So just zoning, and then deal with the areas in which we want to create a perimeter.

JOHNSON: Yes.

BARCA: There's been a lot of discussion about what zones are or are not appropriate.

EULER: Just a point of clarification, Mr. Chair, on the screen before you and the audience is seeing, these are the zones that we actually have applications in. We prepared this in case you would be interested in that, so...

BARCA: Okay. So basically what we're saying is for the sake of producers, if we rule out the Rural 5, 10 and 20, we have 29 --

GIZZI: That's eliminated 50 percent.

EULER: That's half the applications, that's correct.

GIZZI: Yes, that's correct.

BARCA: That's half of the applications. Can you explain to me why the bottom four items are highlighted?

EULER: Yes. These are zones that we did not include in the draft ordinance.

BARCA: I see. So basically we're saying those are prohibited right out of the shoot.

EULER: What we would have to do is if you -- depending on what you allow in which zones, we will have to amend, we will go back and amend each zoning district use table to say what's allowed and what's not. So we have to get to an agreement that these facilities, which facilities will be allowed in which zones in an adopting ordinance, then we'll flush this out.

BARCA: Okay. Thank you very much for pointing that out. So there's been discussion from different members of the Commission about their feelings on what zones are appropriate or aren't. I think this is a good representation about what it is that we're up against, where most of the people interested on getting licenses, where they intended to do their business.

And I think the other component of us to discuss and the idea was the opportunity to put Processor I type facilities and marry them up with production facilities. With what we have right now is I think that would need a modification of the wording for us to be able to have that opportunity put together.

GIZZI: Actually I think it's included in D.b.(2), is it not?

BARCA: Well, so if we don't change the wording but we remove rural, we would say the only opportunity to have production facilities and Processor 1 facilities would be if they co-locate in an AG-20 or an FR-40 location --

GIZZI: Correct.

BARCA: -- as the way the wording is.

MORASCH: Well, not if we add the industrial zones.

BARCA: Which is one potential solution. I'm just saying if we do nothing but eliminate the rural locations.

MORASCH: Yeah, that's correct.

BARCA: Yeah. Okay. So before we get a motion, is there any additional discussion for the record that anybody from the Commission would like to put or speak to?

GIZZI: No, we've talked about these already I think.

QUIRING: And you're adding the industrial?

MORASCH: No, there's not been a motion yet.

BARCA: There's not been a motion. There has not been a motion yet. I think I would like just then to get on the record and just say, you know, looking at where the applicants come from and seeing the R-5, 10 and 20 applications, the vast majority of them are R-5.

MORASCH: I think that's R-10.

BARCA: No.

MORASCH: Is it R-5?

BARCA: It is R-5.

MORASCH: Yep, you're right. My eyes are bad.

BARCA: Yeah. So that's roughly half of the available ones right there since we lose 11 of them to zonings that were not included. It seems like this is kind of late for the licensing process for us to pull this on the people. We already are telling them not until such time as the federally controlled substance is lifted that there will be an opportunity, but then that anything that they've already put out in the way of infrastructure and money expended on creating a business is going to be for not as well.

So it's my opinion that, you know, perhaps it's more of a libertarian ban than others, I think we should give them the opportunity to have a business just like we give everybody else in the county opportunities to have a business.

BLOM: I disagree. I mean, we don't do that.

BARCA: Certainly that is your right to disagree, John. I will just be brief.

BLOM: Okay.

BARCA: Okay. I know there's a lot of social implications that go with this, and trying to do this just in the context of saying where do we want to have businesses located, I think there's actually a lot of security in the idea of going further out than in business parks and such. But if we drive them into industrial and business parks, we will have different kinds of issues, so... I don't know all the issues. Actually, there's a lot of people who think they know the issues, and perhaps they do, but I think a lot of it is speculation. So if we look at what's going on in Colorado as an example, it may give us a different clue, but perhaps Washington is different than Colorado. So that's my

input about the choices, and everybody's going to get to vote. We don't even have a motion on the floor yet.

MORASCH: Can I ask a question of staff. And I know that, Gordy, you told us in the beginning but I can't remember, how many of those 71 applications, how many producer permits are actually going to be issued in Clark County?

EULER: If they're qualified, all of them.

MORASCH: All of them?

EULER: Yes.

MORASCH: Okay. So there's no limit on the number of producer permits?

EULER: Correct.

MORASCH: It's just retail permits that are limited?

EULER: That's correct. I should say having said that that the Liquor Control Board received almost 2900 applications statewide for producing. The statute limits the available grow area to two million, canopy to two million square feet, and the number of licenses exceeded that. So because producers are allowed to apply for up to three licenses, the Liquor Control Board took the action of limiting, to start with, the first run, limiting one license per applicant.

MORASCH: Okay, thank you.

EULER: And so I think that turned out to be about, if I read the press release right, about 70 percent of the available space. But there's no limit in the statute on the number of, at least going in, on the number of producer and processor licenses, only the number of retail. Obviously you can see here if Clark County has 35 and we get 6, there will be a lottery, and there's provisions underway right now to set that up.

MORASCH: But that's only for the retail. The producer --

EULER: That's correct.

MORASCH: But there's some overall square footage limit that may come into effect at some time.

EULER: Statewide there is, and the Liquor Control Board, as I just said, has already addressed that.

MORASCH: Okay, thank you.

BLOM: My disagreement was, I have disagreements on a number of issues, but primarily we have not in the past made planning decisions based primarily on what people want to use their land for, we look at how it impacts the people around them, and I have concerns about the impact of producing in the rural zones.

If someone wanted to - just it's fresh in memory - do surface mining on R-5, we would say no, not because -- I mean they maybe have an economic opportunity there, but it's going to have a negative impact on the people around them. And I have concerns about the impact that growing, producing in the rural zones could have on neighbors.

So I think approaching this from, well, this is where people want to do it so that's where we're going to allow it, to me that's not the way that we've approached any decision before and I don't know why we'd start doing that on this issue.

USKOSKI: And I'd just add on to that. I understand that there may be business expenses that people have already put out with the idea that this may go forward and be an opportunity; however, to kind of add on to what John was saying, I don't think we're in the business of planning what

happens based on what somebody speculated on, that's a risk that you take when you develop your business plan.

And at some point if I buy what I consider to be the perfect piece of property with the best resource in the world that doesn't have a surface mining overlay, is it right to expect that the County should add that overlay because I have put out an expenditure that was purely speculative, that there was no zoning, there was no -- nothing grandfathered or no -- no guarantee that I would be able to. But because I bought that with that in mind, or I made certain expenditures, that I should be allowed to do it at that point. We haven't done that before, and I am not inclined to start doing that for any industry whatsoever at this point.

BARCA: Can I get a motion.

MORASCH: You want a motion?

BLOM: I agree with what you said.

GIZZI: I'm going to make a motion that we strike the word "conforming" from D.1.a and b.

BARCA: And accept the rest?

GIZZI: I was just going to focus on the word conforming at this point. I was leaving the rest for a second vote because I think we're going to have to go through a couple of pieces and iterations.

BLOM: I couldn't make a decision on that until we know the other ones, that one has to come in my opinion last.

GIZZI: Okay. Okay. I was just trying to get things started.

BLOM: I support what you're saying, unless we go a different way on --

GIZZI: Yep. Yep. Well, I'll let somebody else throw something out there.

MORASCH: All right. Well, I'll try a motion and we'll see how it does. I move that we strike all of the R zones from D.1.a and D.1.b, and that we add the word "non"-- or, no, just strike the word "conforming" in 1.a and 1.b.

EULER: C.

MORASCH: No, I think I'd leave c alone. That we add the industrial and business park zones to 1.a and 1.b., I guess it would be 1.b.(1) to replace the residential zones that were dropped.

BLOM: Did you add the industrial zones to (inaudible) or did I miss it?

MORASCH: Oh, and add the industrial zones to --

BLOM: No, to this one.

MORASCH: To b?

BLOM: Did you add it to 1.a?

MORASCH: No. Oh, 1.a. 1.a and 1.b. I added it to 1.b.(1), I meant to also add it to 1.a. And then also on 1.a and b.(2) I would add a 10-acre minimum lot size in the rural area.

BLOM: Can I offer-- or second. I need to second before I make a friendly amendment?

MORASCH: Sure.

BLOM: I'll second that. I would just remove, offer that we remove the business park from -- did you add that to production or processing?

BARCA: He did.

MORASCH: I did. Did you not want to add that?

BLOM: I would not add it in production.

MORASCH: Okay. I'm okay with that. I'll accept that friendly amendment.

BARCA: So point of clarification. For D.1.b.(2), Processor I facilities on parcels zoned AG-20 and Forest 40, but only as accessory to licensed production facilities, you were not adding any of the industrial to that one as well?

MORASCH: No, because they're being added to b.(1) which would just allow processing outright on the industrial zones.

BARCA: So we're saying that we would be striking b.(2) then because they become superfluous?

MORASCH: No. B.(2) is still there but it's the AG zones. The AG zones are in b.(2). They're treated differently than the industrial because you're only going to allow processing in the AG zones if it's accessory to production, whereas in the industrial zones you're going to allow processing regardless of whether it's accessory to production.

BARCA: Okay. So the way I heard you give that, though, is 1.a struck the rural zones, but I don't believe you struck the AG or the Forest 40. So if they're still there for production, and then we go down to b.(2), you can only co-locate when you have facilities out in the AG-20 or Forest 40. You're preventing co-location of production and processing other than those two zones.

MORASCH: I don't believe so because you're allowing both production and processing outright in the industrial zones.

BLOM: So as I understood what he proposed, in AG-20 and Forest 40 you can co-locate, produce, and you can -- I'm sorry -- you can produce and you can process if you're producing there. In the industrial zones that he added in both, you can produce independently or you can process --

MORASCH: Or both --

BLOM: -- independently or you can do both because they're both allowed.

MORASCH: -- because they're both allowed.

BARCA: Okay. But let's be clear. These are two separate licensed actions, and so unless we specifically allow them to co-locate, we are prohibiting them from co-locating.

MORASCH: I don't think so. I might ask legal counsel about that.

EULER: We need to be specific in here as to where we're allowing co-location.

BARCA: Yeah.

GIZZI: So maybe we instead of trying to do D.1.a, b.(1), (2) and (3), why don't we tackle like D.1.a first and then we can jump into b. Does that make more sense? Although we have a motion and a second right now.

BARCA: Well, we have a motion and a second right now.

GIZZI: Yeah, I know it.

BARCA: So we're at the friendly amendment opportunity or we vote on it as it's been motioned.

MORASCH: Well, I guess I would move to amend the motion to specify that co-location would be allowed in any location where both processing and production are allowed, and, you know, staff could figure out how to actually draft that up. I don't know that we need to --

EULER: That's actually in Section D.2 on the next page.

BLOM: So we really don't need -- so we're good as the motion was made.

MORASCH: So we're good as the motion was originally made then.

BLOM: The lawyer says yes.

ROLL CALL VOTE: (SECTION D.1)

BARCA: Okay. So we are removing Rural-5, 10 and 20, adding the industrial properties for production and processing at Processing I facilities.

GIZZI: And then there was some --

BARCA: And then the changing of the wording, eliminating the word "conforming" from D.1.a and b.

MORASCH: And adding 10-acre minimum lot size in the rural area.

BARCA: Is everybody clear? All right. Roll call, please.

JOHNSON: AYE

MORASCH: AYE

QUIRING: NO

USKOSKI: NO

BARCA: NO

BLOM: AYE

GIZZI: NO

MCCALL: I have 4 no and 3 yes. Motion fails.

BARCA: Okay. That was a nice try.

MORASCH: Almost got it. Now it's Jim's turn.

GIZZI: No, not Jim. Jim's would be voted down.

BARCA: Now let me just say, I think for me to vote yes on one of those items we have to open it up some. Taking the business park out, taking the rural out is just too restrictive. I understand. As soon as we do this vote, then we will definitely give you what you deserve. All right.

QUIRING: Mr. Chair --

BARCA: Yes.

QUIRING: -- I'm going to ask permission to change my vote on the last motion.

BARCA: I don't think we do that.

QUIRING: It's not in Robert's Rules? You can do it in the legislature.

COOK: Typically you can change your -- well, in general those sorts of things are permitted when -- you know, I just don't know the rules well enough to give you a definite answer on that.

MORASCH: Can we move to vote again?

COOK: A move for reconsideration.

QUIRING: I second that. Yes, reconsideration.

COOK: A move for reconsideration has to come from someone who supported.

BLOM: I move to --

MORASCH: I -- oh, go ahead.

BLOM: I move to reconsider.

MORASCH: Second.

QUIRING: Are we going to vote to reconsider?

BARCA: Just one moment, please.

GIZZI: Apologies. I'm having medical emergencies at home.

BARCA: All right. Everything all right?

GIZZI: I don't know.

BARCA: Are you staying here?

GIZZI: Yes.

ROLL CALL VOTE: (RECONSIDERATION OF PREVIOUS MOTION)

BARCA: Okay. So there has been a motion to reconsider the previous motion of the location standards, and we're going to vote on whether to reconsider what we just went through.

GIZZI: Okay.

BARCA: Okay. Roll call on the reconsideration.

BARCA: NO

BLOM: AYE

GIZZI: NO

JOHNSON: AYE

MORASCH: AYE

QUIRING: AYE

USKOSKI: AYE

MCCALL: 5 in favor, 2 against. Motion passes.

BARCA: Okay. So now we have reconsideration. No more discussion? We will vote again on the previous motion.

ROLL CALL VOTE: (SECTION D.1)

QUIRING: AYE

USKOSKI: NO

BARCA: NO

BLOM: AYE

GIZZI: NO

JOHNSON: AYE

MORASCH: AYE

MCCALL: 4 in favor, 3 against. Motion passes.

BARCA: Okay. So we're that far along. We're going to go ahead and take a break. We'll take about 15 minutes for the break and we'll come back at 9:00 and start again.

(Pause in proceedings.)

BARCA: Ladies and gentlemen, we are going to go ahead and resume the hearing. Commissioner Morasch. Mr. Euler. Okay. So please let the record show that Commissioner Gizzi has had to leave and we will resume the hearing with the six of us that remain. Well, remember where we left off.

JOHNSON: D.

BARCA: We stopped at D.1.d., and there was a proposal to add church and religious facilities to the list. There was also another proposal to just cite the WAC 314-55 with the perimeter exclusions that were already listed there, and then only add additional ones beyond the WAC requirement. And that's what I had for notes. Does anybody else have anything that was part of the discussion?

JOHNSON: I'd like to make a motion first that we add churches to the list on D.1, excuse me, make sure I get this right, D.1.d that churches is added to entities listed below.

BLOM: I second.

BARCA: A friendly amendment. There was a discussion about other religious facilities besides just churches.

JOHNSON: Yeah, I'm fine with that. Yeah, I'm fine with that, churches and religious facilities.

BARCA: Is the second okay with that?

BLOM: Yeah, absolutely.

BARCA: Okay. Well, let's start with that, and that would take us all the way down D.1.d.

ROLL CALL VOTE: (D.1.d.)

BARCA: AYE

BLOM: AYE

JOHNSON: AYE

MORASCH: AYE

QUIRING: NO

USKOSKI: NO

MCCALL: I have 4 in favor, 2 against. Motion passes.

BARCA: Okay. So we now go to D.2. And are we capable of going into E, Development Standards, as well which would take us all the way --

USKOSKI: Why don't you just throw F and G in there.

BARCA: Well, I was just going to say. And can we get to F and G which would basically round out the entire document? So what I have for notes was the idea of in E.5.a., Signs, to utilize WAC language on signage as a suggestion, or we specifically create our own standard. And the idea of no symbols I believe is already in the WAC language and we are not going to be able to modify that, so that was E.5.a.(1).

MORASCH: Yeah. I think that was my recommendation to just refer to the WAC for signs rather than repeat it, because it's got that ban on symbols and, you know, we're getting into regulating the

content of what a sign says. And if the State wants to do that, I think that's fine, I'm not sure that we want to separately do it. We might want to just refer to the State reg, and then that way if anybody wants to challenge that as being kind of a content base, then they're challenging the State reg instead of challenging our reg.

JOHNSON: I understand that, and at some level I probably agree with it, other than the spirit of the law obviously it seems to be something like a marijuana leaf or something like that on a sign that -- I don't know what the WAC says on signage as a symbol in regard to this, and if it's too vague, I would disagree only because of obviously that's what we're looking at here. I mean a big 12 foot, let me make sure I get this right, a 12-square foot marijuana leaf is not -- I know we all don't want that, but that's I think the spirit of a symbol. Am I correct in saying that?

BARCA: And symbols are prohibited in the WAC.

JOHNSON: Are they? That's my question.

BARCA: Yes.

MORASCH: Yeah, I believe that was what the testimony was.

BARCA: Yeah.

MORASCH: And my only thought was if it's already in the WAC, we don't really need to repeat it especially when it gets into kind of a First Amendment issue. And also the next part about 1600-square inches, that's just a bizarre way to measure a sign. And if that's what's in the WAC, then that's what it is, but I don't know why we need to specifically repeat it in the code when we could just refer to the WAC and say they've got to comply with, you know, State law.

EULER: Part of our effort, Commissioner, was to make this somewhat a standalone section, so that somebody that should have read the WAC but hasn't. We're often redundant, and part of this was to put language in. I agree with you on the 1600-square inches, that's 11.1111111111-square feet, so we rounded it up to 12, we could make it 12-square feet. Did you get down how many ones I said? Okay.

MORASCH: And I guess my thought on that is, you know, the people that are applying for these things, they're going to be very familiar with the WAC, because, you know, liquor control, they're, you know, they're in charge of this whole thing, so...

EULER: Commissioner, this is not the Liquor Control Board, this is a land use ordinance for Clark County. And so we do regulate signs, that's why the language is here. So we can take it out if you so choose, but it's part of our recommendation is to make sure that because we do regulate signs under the sign code, that's why the information is here, so...

MORASCH: And if we refer to the WAC, anybody that's not familiar with it can Google it and look it up pretty darn easily.

EULER: We can certainly do that.

BARCA: And that brings me to E.7.d where I find us in the same kind of situation. If a person uses this ordinance to try and make decisions, the WAC is actually more restrictive about what type of security and surveillance equipment is required. And I would prefer us to utilize the security and surveillance language either directly out of the WAC, or refer them to the WAC so we don't find ourselves in a position of somebody spending almost enough money, but not spending enough money to meet that requirement.

MORASCH: Yeah, I agree with just referring to the WAC. Unless we're going to add something additional to what the WAC requires, then I would put the additional requirement in our code obviously. But if we're just going to -- I don't see a lot of point into repeating everything that's in

the WAC when we could just say for security and for signs, they need to comply with the WAC and then cite the portion of the WAC and let them go read the WAC.

BARCA: And we heard no testimony whatsoever in opposition to the hours of operation. So I am working with the thought process that there's been no reason to change what staff recommendation is on that, but this would be a great time to discuss it if there was.

BLOM: Just to go back on the WAC.

BARCA: Certainly.

BLOM: I don't feel super strongly about this, but I don't -- because we don't control the WAC, I don't see an issue in some cases of making sure we list out our own requirements because the WAC can change. Not that it's going to change and go lower than any of these standards in the immediate future, but I don't see an issue with redundancy and making someone do their homework if they want to start a small business.

BARCA: I'm not quite sure what it is you're saying then.

BLOM: Okay. So we've listed out some security measurements that we think are important here that are mostly redundant with the WAC at this point, but five years from now, two years from now the WAC could change and go below those standards theoretically. I don't think it hurts to have this as a fallback for these are Clark County's minimum standards regardless of what the State says, but I understand the point that Steve's making as well.

MORASCH: Well, I don't feel as strongly about the security stuff as I do about the signs just because I do see a problem with potentially regulating content of signs. So for that reason, I'm uncomfortable putting that in our code, or at least recommending that they do that. With respect to the security issues, that's just a redundancy issue. So, I mean, I kind of prefer just to refer to the WAC, but I don't feel as strongly about it on security as I do on the symbols.

USKOSKI: Well, Steve, I have a question for you on the signage and like the Freedom of Speech when that comes in, if somebody challenges that, does the County have to defend against that or does the State defend against that?

MORASCH: That's probably more of a question for Chris.

COOK: Depends on who they sue. If they sue the County, we would attempt to get out of the suit and say the devil made us do it, you know, it's a State regulation, there's nothing we can do about it, go after the State.

USKOSKI: So if we reference the WAC directly, we would have that option; however, if we do not reference the WAC directly, we would be on the hook?

COOK: No, I don't think so. If the State requires that we do something, and regardless of whether we mention it or not, I think that we can bring that up as a reasonable defense.

BARCA: Would you like to say something, Gordy?

EULER: Sir, I just wanted to add that the first sentence under (1) -- I'm sorry -- the second sentence under (1) where it says "No symbols of any kind are allowed," and this is under 5.a.(1), and 5.a.(2), so the second sentence of (1) and 5.a.(2) are from the WAC. 5.a.(1) the first sentence and b are language we added.

MORASCH: Can you repeat that. I don't think I understood what you just said. Are you saying that the restriction on no signs at all for processing and production is something that we added?

EULER: That's correct. And the one sign is allowed limited to business or trade name, that's also our limit. But no signs -- symbols of any kind and the sign should not exceed the number of square

inches are in the WAC. So we've gone beyond essentially I guess is the point I'm trying to make, we've gone beyond what the WAC requires here.

MORASCH: So we could write, in addition to the requirements for signs in the WAC --

EULER: Certainly, and cite that section.

MORASCH: And cite that section. -- signs are only allowed for retail facilities, no signs for production and processing facilities are allowed.

EULER: Sure.

QUIRING: I have a question on regarding the security again. Did I understand that the WAC is more -- requires more than the County is stating here?

EULER: I can't say, Commissioner. What I can say is we have said in here that the WAC is the minimum standards, and if any of these things go beyond that, we're requiring them.

QUIRING: Yes, I just I was thinking it was.

BARCA: So the WAC on Security is 314-55-083. It requires all employees to be badged, it requires an alarm systems, it requires specifics about not only the alarm systems and monitoring, but full-time 24-hour surveillance in and out of the facilities.

QUIRING: Yeah. So it sounds a whole lot more detailed. So would that be cited?

COOK: Yeah, that would be cited.

BARCA: Okay. More discussion?

EULER: One additional point, Mr. Chair. There was testimony about in E.2 about making sure that we included outdoor grows in there, so... I'm assuming that or maybe you don't want to include that, but that was part of the testimony.

MORASCH: That was part of the testimony. In the discussion I didn't hear anybody supporting that.

EULER: It's allowed in the WAC. I quoted you from the WAC earlier. So it's the WAC is --

BARCA: Yes, you did.

EULER: Right now we're more restrictive than what the WAC allows.

BARCA: Right.

EULER: Okay.

BARCA: Okay. So is there a motion that would take us from D.2 through the end of the ordinance which would be G with whatever modifications, deletions the motion might offer.

MORASCH: All right. I'll try one and see if this works. So I move to adopt the remainder of the ordinance with the following changes: On 5.a I would add the words -- in the beginning I would add the words "in addition to the requirements in WAC" and then cite the WAC for signs. And then I would strike -- I would put a period after retail facilities and strike the Number (1) and the Number (2) underneath that, and then I would leave b.

And then on the security measures - I'm trying to see if I can do something that will get a majority of the votes here - I would add the other security measures that are listed in the WAC to the list to make sure that our list contains everything that the WAC lists for security.

BLOM: I'll second.

USKOSKI: I just have one point of clarification. On 5.a.(1), that first part with that one sign is

allowed limited to that limitation in the first line of that, is that something that Clark County added or is that part of the WAC?

EULER: We added that.

USKOSKI: Okay. So, Steve, was it your intention to delete that additional requirement limiting them to one sign per business or trade name?

MORASCH: No, I thought that was in the WAC. If that's additional, then I would include that language and just delete the rest of Subsection (1) and Subsection (2) that is in the WAC. My intention was to keep everything that we had added, but to delete reference to everything that's already in the WAC for signs and just refer to the WAC.

EULER: Gotcha.

BLOM: Yeah, I'm good with that.

BARCA: Okay. So if there's no more discussion, then roll call.

ROLL CALL VOTE: (E. F. G.)

BARCA: AYE

BLOM: AYE

JOHNSON: AYE

MORASCH: AYE

QUIRING: NO

USKOSKI: NO

MCCALL: I have 4 in favor, 2 against. Motion passes.

BARCA: Okay. So I believe that concludes the draft proposal and gives staff something to take forward to the County Commissioners. And I believe with that, we are ready to move to the next part of the agenda which is V.C, election of chair and vice chair for the calendar year 2014.

C. ELECTION OF CHAIR AND VICE-CHAIR FOR 2014

QUIRING: Mr. Chair, I would nominate Steve Morasch as chair.

USKOSKI: Second.

BARCA: Okay. Are there any other nominations?

QUIRING: For chair?

BARCA: For chair.

QUIRING: For chair, no.

BARCA: All right, Steve. And let's take care of chair first and keep the suspense built up for vice chair. With no other nominations for chair, I --

USKOSKI: Well, I'd like to hear Steve's speech.

MORASCH: I'm sorry, I didn't prepare a speech.

BARCA: Yeah, and I don't believe bylaws require a speech from the candidate. They don't even actually require his acceptance.

MORASCH: Are we voting?

BARCA: Well, yeah, we're voting.

JOHNSON: We have the record.

BARCA: I mean that doesn't mean you're going to win automatically.

USKOSKI: Might have a bunch of blue ballots.

MCCALL: Vote for Steve, Steve Morasch, Steve Morasch, Steve Morasch, Steve, Steve Morasch, it is unanimous.

BLOM: You're that kind of guy.

MORASCH: Who else am I going to vote for? There was nobody else nominated.

BARCA: Here, please pass this down to Steve.

MORASCH: No, no, no, you keep it until the end of the evening.

BARCA: Okay. So vice chair position remains open. Can we have nominations for vice chair.

QUIRING: Mr. Chair, I nominate Valerie Uskoski for vice chair.

JOHNSON: I will second that.

BARCA: Okay. Motion and seconded for the nomination of Valerie. Are there any other nominations for vice chair? Okay.

USKOSKI: So now that Steve's been taken out of the running, I just don't know who to vote for.

BARCA: You know, Jim Gizzi is a fine candidate and unable to defend himself at this moment. This is an example of the democratic process at its best.

MCCALL: I have one vote for Val, vote for Valerie U, Valerie, Valerie, Valerie, vote for Jim Gizzi.

BARCA: Oh, it wasn't a complete --

USKOSKI: Shoot, no landslide.

BARCA: All right. So we have the new positions are filled, Steve Morasch is chair at the adjournment of this meeting, and Valerie remains in her august position as vice chair. So on to old business, do we have such a thing tonight? No. New business? Any comments from the Planning Commission?

VI. OLD BUSINESS

(NONE)

VII. NEW BUSINESS

QUIRING: Yes.

MCCALL: You do have a meeting coming up that will be at a different time, you're meeting on your next meeting that would have been a hearing.

BARCA: April 3rd.

MCCALL: April 3rd will be at 6:00 p.m. rather than 5:30 for the work session. And your hearing on the -- what's the date on that?

COOK: The 17th.

MCCALL: -- the 17th --

EULER: That's the joint work session with the Board.

MCCALL: -- is a joint work session rather than a hearing, so calendar invites have gone out for that.

BARCA: And both of you --

MORASCH: Are recusing ourselves.

BARCA: -- who are elected are recusing yourselves from that.

EULER: Do we need a second vice chair?

BARCA: We don't have any bylaws to cover vice-vice chairs.

COOK: Well, in general the chair presides over things. In the absence of the chair and the vice chair, I would suggest that the chair appoint someone to run the meeting to the extent that you all are going to run the meeting.

MORASCH: Well, you're still the chair, Ron, so you get to appoint someone.

COOK: I'm expecting that the Board is going to preside, but if you wish to have someone there as your ceremonial head, go for it.

JOHNSON: I think, Ron, I think it would be appropriate since you were the chair. Some of the questions that you would -- I'm just throwing this out there, it would be nice to have you.

QUIRING: If you're available I would.

JOHNSON: If you would want to just say, hey, yeah, because you presided over that, that's just my feelings.

BARCA: I think we'll have to deal with that at the meeting.

VIII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

QUIRING: Okay. The one other comment when you asked about comments --

BARCA: Yes, please.

QUIRING: -- was I wanted to thank Ron for his leadership as chair this past year, you've done a very good job, Ron, thank you.

USKOSKI: I would second that as well.

XI. ADJOURNMENT

BARCA: It's only because I have such a great group of people to work with. Thank you all. Meeting's 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: <http://www.clark.wa.gov/planning/PCmeetings.html>.

Proceedings can be viewed on CTV on the following web page link:

<http://old.cityofvancouver.us/cvtv/cvtvindex.ask?section=25437&catID=13>.

*Minutes Transcribed by: Cindy Holley, Court Reporter/Rider & Associates, Inc.
Marilee McCall, Administrative Assistant/Clark County Community Planning*