

**WHITMAN COUNTY
PLANNING COMMISSION
03/20/2019
JOINT BOCC WORKSHOP
MINUTES**

MEMBERS:

Chad Whetzel – Chairman
Guy Williams – Member
Dave Gibney – Member
Robert Hill – Member

Matthew Sutherland – Vice Chairman
Keith Paulson – Member
Brian Davies – Member
Gary Moore – Member

STAFF:

Alan Thomson – County Planner
Katrin Kunz – Assistant County Planner
Mark Storey – Public Works Director/Whitman County Engineer
Ginny Rumiser – Clerk

BOARD OF COUNTY COMMISSIONERS:

Art Swannack – Chairman
Dean Kinzer – Commissioner
Michael Largent – Commissioner

AUDIENCE: Ken Duft; Chris Boyd; Suzanne Hill; Shelley Chambers-Fox; Jordan Zager; B. M. Lange; Paul Mihalyov; Zach Chamberlain; Michael Kahn.

WORKSHOP:

7:05 P.M. – Chad Whetzel – We will move onto the workshop regarding the moratorium on the marijuana producers, processors and retailers. And I assume that the Commissioners need to open their meeting before we get too far along, is that correct?

Mark Storey – I would assume as much.

Dave Gibney – All of the Commissioners are here.

Art Swannack – BOCC Chair – Yes, all of the Commissioners are here and it is a scheduled meeting, so I will call the meeting to order and all of the minutes are being done by Ginny, up there, as Maribeth is not here and not feeling well at the moment. Meeting is called to order, roll call.

Commissioner Largent?

Michael Largent – Here.

Commissioner Kinzer?

Dean Kinzer – Here.

Commissioner Swannack?

Art Swannack – Here.

Chad Whetzel – Okay, thank you. So, tonight basically what we are going to try to do is, the general gist of it is, and this isn't to exclude the public, but it's more or less a meeting between the Board of County Commissioners and the Planning Commission to get direction on what they are looking for out of this moratorium and the direction that we want to go, as far as codes and that sort of thing. We will take public testimony and stuff like that, we'll talk to you guys if you have some input, but more or less, we're trying to get direction here and you will be helpful. But, so you know what we're expecting and what we're going to be doing. If you do have something to say, please wait until the microphone gets to you, state your name again and speak clearly so that we can get it down.

Ginny Rumiser – I have one thing I would like to say, please no Planning Commission members mess with the microphones, leave them where they are at.

Matthew Sutherland – I haven't touched them this time.

Chad Whetzel – Okay, with that, what do the Commissioners have for us?

Art Swannack – That's what Alan says. So what I did, I actually wrote something up. I don't know what Michael or Dean wrote up, but I have submitted copies and you can pass those around. Our understanding is basically you want each of our opinions as to what we think ought to be considered when you are looking at planning and zoning for marijuana. I don't know how much you guys like power point presentations, but I'm not going to read through all of this. I typed it up and figured that everybody here has the ability to look at it. Some of this is stream of consciousness on my part, in the sense, you're thinking what could be affected by marijuana operations that we haven't considered in the past. Some of the things that come to my mind are, asking the Planning Commission to consider the big picture.

Do you think we should ban it entirely in the County?

Do you think we should have it continue as we've been doing? Or

Do you think that there should be some type of regulation in the Zoning Code?

And, myself, I don't necessarily want just one option from you. Where you guys come down to, okay here's the only thing that we think should be done. I would like to see, 2-3, maybe 4 options brought through on the first run. And then we can take some time to look at them and see what we believe and if there is more refinement needed on those options, as we go along, we can go back into them. I don't expect this to be a simple process and I don't know if you will be able to get it done in six months and us, because I've seen, like Okanogan County, they ended up extending their moratorium almost 3 times in order to get it done.

So, my expectation isn't necessarily that it gets done right away, but we work on it diligently and we use what time is needed to get it done right. And I think some of the other questions are:

Are there different regulations that need to be done for outdoor or indoor growing operations?

What type of zoning do you need to consider when you're looking at marijuana processing and the types of processing? Because there are differences in that.

How much marijuana, whether it's growing, processing or retailing, do we need in Whitman County, to be able to satisfy Whitman County's needs, if you're going to have it here.

Finally, should you regulate it as an AG crop or should you list it separately as marijuana.

So, those are my big thoughts on the issue. I don't know if you want to go onto the next Commissioner and hear his comments and then ask questions or how you guys want to do this.

Chad Whetzel – Do we have any questions right now?

Matthew Sutherland – Yes. For one, I would like to thank you for putting this together, it's very helpful and I also appreciate the smiley face on # 19. Quickly skimming this, from what I was reading, these look like things to consider, but I guess I was wondering if there was a particular feeling of the Commissioners in the direction, like this is great, but what is the expectation? What is the left and right of what you are looking for?

Art Swannack – Individually? I can give you my opinion on that.

Matthew Sutherland – Yeah.

Art Swannack – I don't necessarily believe we need to ban it from Whitman County. When we had the discussions in 2013 and 2014, when it was passed, when everything was kind of in the clouds, in terms of what were we supposed to do and what can we do. The law passed with a rather limited ability to grow, process or retail. That was the

expectation I had of how this was going to go forward. It was going to have very limited expansion based on what they said in the law and how the Liquor Board regulated it. Now they threw medical marijuana into the middle of it. I don't believe we need marijuana growing or processing to be a major industry in the County, but I don't think we need to wipe out what is already here. I don't have a good feel as to how much we actually need, because Pullman, for the City has lots of retail ability inside the City itself and that is the largest population center in the County. I think there is some regulation that needs to happen and we need to address issues specifically that we're hearing about repeatedly, which is like the smell issues. How do you control that issue? Do you control it or can you control it, in terms of regulations through zoning or is it something that you end up saying, we really can't control this so we're going to have to prohibit it. I don't have all the answers on that one, but if you have an indoor building that's got controlled atmosphere and ventilation, you can do a lot of different things in those types of situations to control odor release and other releases.

So I think that's a reasonable section that you can look at.

Matthew Sutherland – Thank you Mr. Commissioner, I appreciate that.

Dave Gibney – We've often talked about the limited revenue sources to Whitman County, which are mostly the property tax and the retail sales tax, which is very little. How much emphasis on the potential for this becoming a business that does cause revenue to the County, what kind of a factor would you say that is?

Art Swannack – Well, because of how the legislature and the State wrote the law, we don't get a lot, in terms of the County. And I'm going to quote, I think it's around \$70,000 a year, we're getting right now.

Michael Largent – Its \$87,000.

Art Swannack - \$87,000 is that the last number? Okay, so \$87,000 out of all the sales in Whitman County and Pullman, \$87,000 is what the County of Whitman actually gets from it, and I'm assuming there is several millions of dollars in sales. So, we get a very small amount out of that retail.

Dave Gibney – That's the retail, but the manufacturing and the processing...

Art Swannack – You get one, they changed the law, so you only get revenue out of the retail at the end, instead of a tax on each step of it. Because it was supposed to be 25% on each step and I think it's 33% at the end, something like that, I don't remember the exact number. In terms of, you see some big numbers floated, I don't see it being big number impact to the County, there is a little bit there. We also have criminal justice and other issues that have to be paid for that marijuana presence does affect.

Matthew Sutherland – So beyond that, also concerning economic factors, employment and job opportunities, as well for people around here?

Art Swannack – Yeah and I have no problem with you guys looking at that, there's pros and cons. We had, in the chambers, we had Schweitzer saying, "Hey, this is going to affect who we can get for our businesses". And we had other people growing, retailing or processing saying, "We're going to be able to build business". I think there is something that you have to weigh there, but what's the reality of what marijuana will do versus what WSU, Schweitzer and other businesses in the area will do or won't do because of how marijuana grows or doesn't grow in the County. I think it needs to be weighed, I guess that is one of the things I am asking you guys to do, is look at this and weigh it and see what your thoughts are.

Chad Whetzel – Okay, thank you. Dean or Michael?

Michael Largent – I would first like to apologize to the Planning Commission for tossing this back at you, because it's going to be a tough one. To be honest with you, the first time this came to us, I thought it was well done, given the state of the law, which is what you examined and that is what you sent us. I am always quite reticent to do anything different than what the Planning Commission recommends, otherwise why have a Planning Commission. So, always bear that in mind. The big deal here was, subsequent to the Planning Commission, a bunch of issues came up, not all of which I detected were examined carefully, were brought up in the Planning Commission and weren't really relevant to the application of the law that we had in front of us. So, thank you for taking this time with us. We, as the Board of County Commissioners, haven't had a specific meeting where we put our heads together and came across with a common message for the Planning Commission. This is kind of it and we might talk amongst ourselves here a little bit. I don't know that I disagree with anything that Commissioner Swannack has said, my perspective, at this point in time is, we had a lot of information thrown as us when we were considering your recommendation. And there were experts on both sides asserting scientific fact, PhD's on opposite sides of the issue. There was high emotions on both sides, for me the moratorium buys us time to think through these things.

For me, the biggest consideration with marijuana is how does it affect the neighbors and the community and what regulations should be considered and put into place so that the use of the enjoyment of your property is not impinged on by the growth and processing of marijuana. So the question that comes to my mind, that I do not have an answer for is, what is unique about marijuana? When Initiative 502 initially passed, I looked at marijuana like alfalfa, you know it's a crop. I had no inkling that smell was an issue in harvesting. I had no inkling that the State would expand its retail. The Liquor and Cannabis Board has made many changes since we first took this under consideration as the Board of County Commissioners. What was going to be the application of fair federal law, blah, blah, blah. Well, that's not what we're faced with right now. We're not also faced with answering the question of whether or not marijuana, in and of itself, its use is a detriment or beneficial. That's not the question that we're faced with in the zoning. I think that what we're faced with in the zoning is how does this impact the

community, as a whole Whitman County? How does it impact the neighbors and the community, these facilities are in?

I have two big questions, smell, what is unique about marijuana that is different than other crops that have smells, such as, canola or alfalfa, when you just cut it. I mean there are lots of crops there. The assertion that smell is a health hazard. That needs to be looked into. And it wasn't a big topic when this first came to the Planning Commission. The second one, in my mind to consider is, crime. And I think we have some experts in the community that should be brought on board, including the Sheriff. The fact that we have crime around marijuana, I'm less concerned with, but what the increase or decrease of crime has been. Due to the current presence of marijuana, the marijuana industry in Whitman County. When you grow marijuana in Whitman County, you're not growing it for Whitman County, you're growing it for the State. So, you know, we're not trying to meet a production value for Whitman County, it's just not related.

The whole question of whether or not the terpenes out of a marijuana processing facility can get into cow's milk and cheese from a mile away, WSU had concerns about it. I would be surprised, but what do I know. And WSU, I think, should be given a chance to weigh in with a scientific perspective to answer that question. They did not state that it would affect the milk, but they did state we need time to figure out if it would. It frankly would surprise me if they're not eating it, but I don't know.

I've got the crime, I've got the uniqueness of marijuana, as far as smell, what other things are there? I think, as public testimony has brought forward, there may be some additional things. I am less concerned about putting an overall growth cap or a ban, other than I am treating this like anything else that affects our community. What is unique about marijuana that needs to be regulated? And I would suspect it's going to be a difficult topic for this Planning Commission, because scientific opinions are going to be advanced. And as I was thinking about this for the last couple of days, if I was in your shoes, it certainly would be nice to have an objective scientific mind, maybe we have some here, that can help weigh the scientific evidence that would be presented. There was a lot of opinions thrown at us, there was a lot of emotions against marijuana as a product and as an issue, per se. And a lot of testimony at how bad smoking it is for our community and our children. Well, that horse has left the barn with Initiative 502.

So, I would suggest our job here and what I would ask you to do, is look at the uniqueness of marijuana from an objective standpoint and determine whether it needs to be uniquely regulated in such a way that we will minimize the impacts of this industry in this county. If in fact we find that lots of crime comes in with it, I would suggest that a cap may be appropriate. If additional crime is not associated with increased production, perhaps not. But, this is a tough one and I would like to get away from the opinions, and get to people who don't live in that immediate community in question, or who don't have, necessarily an interest in production of marijuana itself and look at it objectively and look at it from a community standpoint, what is unique about marijuana. I think, myself, that there probably is a need to regulate it specifically. But how we regulate that, I think will be the question that you are faced with.

I'm thinking, in my mind, that setbacks will be the big issue to consider. If the Planning Commission recommends that we continue to zone marijuana production and growth in this county. I don't know if that helps clarify things at all, but what I hope to see out of the Planning Commission is an ordinance that addresses the unique nature of marijuana and that suggests a path forward based upon the testimony of experts in this field, of which I am not.

Dave Gibney – Since I've been here and even before, we've put a lot of effort into minimizing the impact on agriculture with our regulations, while still protecting the environment and all those important things. If, and I'm not saying that we would, but if we were to classify marijuana growth as agriculture and then start adding some more regulations to it, is that a slope or a pathway towards other regulations on other parts of agriculture that could happen in the future?

Michael Largent – I don't think that you're going to regulate this uniquely without reclassifying marijuana as a non-agricultural crop.

Dave Gibney – Okay.

Michael Largent – I don't think that necessarily hurts the marijuana industry, it just says we're going to look at this differently. And as far as production of agriculture is concerned, I've never been around a marijuana grow, but my observations is, that it's distinctly different than what we assume agriculture to be in Whitman County.

Dave Gibney – In Whitman County, cause it's a lot like a tomato farm.

Michael Largent – Well, we are in Whitman County.

Guy Williams – Where does the tax revenue generate to the County come from? Is it from the retail outlet, as a whole in Whitman County, or is it just the retail outlet out by Airport Road?

Michael Largent – Well, we're not really considered, well maybe retail is part of it, but I think our bigger question is the growth and processing of marijuana. I'm going to refer to my human computer over there, Art, do you know how the tax revenues of the County is calculated? Is it based upon a percentage distribution at the State level or based on sales within the county itself?

Art Swannack – I would say, double check this, but I believe it's a tax at the retail sale only now. So if the retailing occurs in Whitman County we get 1% of that sales tax.

Michael Largent – Well, isn't there also an excise tax?

Art Swannack – There is an excise tax, but all of that goes to the State and then we get, like I think it's 6% of all the excise tax that goes to the State comes back to all of the counties and it's a portion based on the total sales in each county.

Michael Largent – So, what he is essentially saying is, sales does impact our revenue. But, I will tell you, I am not going to consider this from a revenue perspective.

Guy Williams – No, but it's a part of the picture of what is the benefit to Whitman County. And ratio wise, to the risk or to the problems that it creates or concerns or how you have to deal with safety, fire, and all the elements.

Michael Largent – Again I come back to, and I'll give this over to Dean, because I'm talking too much, but what's unique about marijuana that is different from everything else? What's unique about marijuana from other greenhouse grows? What's unique about marijuana in the terpenes that come out? If we find that it is not, in fact, unique then I think there is one path to go, but if we do find that it is unique, let's treat it uniquely, but let's protect our communities. Most zoning changes, you are well aware, there is a lot of not in my back yard stuff. The people who are really opposed, is to the change in their community, and I appreciate that. I don't want a marijuana grow next to my house, I'll be honest I really don't. And I understand the people on Country Club Road who felt that way. However our job as government officials is to look at it objectively for the whole county, not about my back yard, but what is good for our communities. And that's a bigger picture and we need to step back a little bit. I'm not suggesting that we squash marijuana. I don't like marijuana, I'm not going to smoke it and I don't want my kids to smoke it, but that's not what we're tasked with here.

Art Swannack – And I would follow up, I'd ask you to check with the County Treasurer on those numbers that I gave you, because that is off the top of my head.

Chad Whetzel – We won't quote you on that.

Michael Largent – In 2018 it was \$87,000.

Dave Gibney – Sounds like a job for the staff.

Keith Paulson – So, that was a question that I was going to have, where do we come up with all this information? Where do we find all these scientific people? We're basically common Whitman County people here. Is that the staff's job?

Dave Gibney – That actually was a question I was going to ask too.

Keith Paulson – I wasn't done, but go ahead.

Dave Gibney – Okay, sorry.

Keith Paulson – No, that's fine, go ahead.

Dave Gibney – It's like, you know, obviously this is the beginning. Do we anticipate two to a dozen further public meetings, public inputs, research, anyway back to Keith.

Keith Paulson – I was wondering, there's no book on any of this that says we can go to these places to get information? Is that going to be staff's job to track down things, so we can come up with a good idea?

Alan Thomson – Yeah, but you can also do your own research. There is nothing to stop you from searching around yourselves. But, yes essentially staff will be doing the bulk of this. This is very similar to what happened with the wind farm. We heard all kinds of calamitous things about wind turbines when we started that discussion and I was freaked out. You google wind turbines and low frequency noise and the first things that come up are scary as heck. So, that is how we started off, is we just googled everything and tried to find out what was peer reviewed, is the essential thing. Now there are people in the community who are on one side of this and the other side of this, both sides, who may have valuable information and we want that. We want everybody to pitch in here, regardless of what team you're on. So, we're looking for peer reviewed, scientific evidence on the questions that have been raised tonight. But, staff will be doing that.

Matthew Sutherland – We'll try not to put too much work on you.

Alan Thomson – That's alright, we're tough.

Chad Whetzel – What do you mean, we? I'm willing to put as much work on them as I can. Are there any other questions from the Board? Dean?

Dean Kinzer – Well, I think what you're going to hear from me is basically a recap of what you heard from the other two Commissioners. First of all I wanted to say that the fears that we heard were well substantiated, that we really don't know what volatilized compounds from a marijuana grow operations can do and if there are detrimental effects from them on people and livestock operations. There are volumes of research showing the detrimental effects of marijuana genetically and psychologically. I suppose there's volumes of research on the other side, I don't know. When I google it, I'm getting that side of it. Of course we had WSU, Pullman Regional Hospital, most of the medical profession, law enforcement and Schweitzer Engineering saying enough is enough, let's get some regulations on marijuana. So what I basically did was listed some of the issues to consider.

Grow operation numbers: Do we allow any more grow operations in the county? Personally I would be comfortable if we did not allow more. If we do allow more grow operations, which I'm looking for a recommendation back from you folks on that.

Locations and proximities: Where do we go with the locations and proximities? What would be a reasonable distance from the nearest house and/or work area? Do we

require marijuana to be grown inside greenhouses or buildings, meaning no more outdoor grows.

Air filtration: What is possible? Can we filter out everything including the odor before the air is expelled outside? Or do we require current operations to comply with the new regulations that come into effect?

Hazardous chemicals on site: Should they be required to work with the local fire departments to list the hazardous chemicals so that the districts know what they would be fighting in case of a fire?

Water consumption: Should the water be metered and or regulated?

Safety and compliance inspections: Should grow operations be required to submit to regular safety inspections and/or compliance inspections?

Pesticides: Do we allow any pesticides to be used on the plants?

Natural, organic and non-GMO: Many people want everything all natural, organic and non-GMO. I've noted that marijuana grow operations and marijuana plants are some of the most genetically modified plants on this earth.

These are a few things to look at and I certainly don't have the answers to most of those things, or all of them, I should say, and I too am looking for direction. I understand as to what you think the community and the County, in general, would be looking for as far as regulations.

Dave Gibney – Hazardous chemicals on site, shouldn't any processing plant let the fire department know what they have on site? Is there anything different between a marijuana processor and a garbanzo bean processor or whatever others?

Dean Kinzer – Well, I understand they haven't been communicating with the current grow operations. Whereas, yes our facilities like, McGregor's and so forth, they do keep in close contact and tell them what they have on site and what the possible ramifications are.

Dave Gibney – Okay.

Matt Sutherland – And sort of a similar question, noting the pesticides, is there a different expectation or do we have regulations on pesticides that you are particularly thinking that should be reconsidered specifically for cannabis?

Dean Kinzer – No it should be considered, is there a difference, being that the way cannabis is ingested as to whether you have pesticides on it or not. It's been researched to death how pesticides affect our current crops and I don't know that has been done on marijuana plants.

Michael Largent – Could I speak to that just a little bit? Actually this occurred before my time as a commissioner, in fact in the early '90's there was quite a bit of discussion at the State Legislative level, whether or not to allow local jurisdictions to regulate chemicals. And the AG industry came out, very strongly opposed to that, which is interesting, because most of the time they want local control. The problem was the patchwork of regulations across counties you would have as an AG producer. This is not an AG crop, maybe that's something different, but we have the Department of Ecology, you know with water, we have Washington Department of Agriculture with pesticides, you know, let them do their work, but let's protect our communities as best we know how, as far as, the impacts to the neighbors, roads and crime.

Chad Whetzel – Michael, you said local jurisdictions, when you're talking about the local jurisdictions wanting to regulate it, are you talking about county versus state or state versus federal?

Michael Largent – In this case, I'm thinking state versus county, because states can uniquely regulate chemical applications in their state how it's done.

Chad Whetzel – Right.

Michael Largent – But the big debate was, some counties, such as King, those urban counties wanted to really make a patchwork of regulatory rules for the same type of production of agriculture and the AG industry fought that very hard because keeping up with 39 counties and the pesticide rules would be onerous for producers.

Chad Whetzel – Okay, thank you.

Art Swannack – If I could follow on that a little bit? Dave, you were talking about it, I believe it is the community right to no act regulations for businesses. So, if you have a fertilizer plant, you have to notify the local fire jurisdiction and you have your whole emergency plan. I don't know that a grow operation is currently regulated under that and I don't know how the current processing operations are regulated, if they're too small to really trigger that or not. But we did have Fire District 12 come in and say, "We believe there is potential danger of solvents at these processing operations and if they have that, we need to know that if we are responding to a fire". And the other part would be, if you're responding to a fire at a marijuana operation, as a local rural fire department, are there things you have to be considering, such as, do you have enough self-containing breathing apparatus, in order to fight that fire safely for your fire department, versus Pullman's professional fire department? Because I know how many air packs we have at Lamont, we've got several, but I don't know if we came into a major blaze, whether we have enough air to be able to actually fight that fire, through the time it took to put it out and get rid of the smoke issues. And yeah, we hope we're all standing upwind, but who knows what actually happens when you're doing that. I'm just saying, there's some concerns there with the comments from Dean that are something that just triggered in my mind, that there could be some zoning regulations

there for safety issues for both the community and the people around it, to be considered. I may have a biology degree, but I don't know that I have the science behind that one there.

Dave Gibney – Just a little more on my point, if specifically the processing plants do have chemicals that they should be reporting and they are not, then that is an enforcement issue that we should get on and should already be doing.

Art Swannack – And I think the Department of Ecology or Labor and Industries regulates that one?

Mark Storey – It might be Labor and Industries.

Art Swannack – I believe it's probably Labor and Industries on that one. It's been a long time since I was on a Co-Op Board for nine years and we were talking about those issues all the time.

Mark Storey – The Fire Marshall is also, for each of the fire districts, whoever the Fire Chief or Fire Marshall is, there are some very specific requirements on what they know about every facility they might respond to. And I'll just use the landfill as an example, we store a lot of really weird stuff out there and so they come out and look at it every year just to make sure they know how to fight a fire there, because of the strange things that we accept. And that would be important for worker safety for the firemen.

Michael Largent – And it may be, we just don't know that much about marijuana processing facilities. You know, we know about McGregor's, we know about Wilbur-Ellis, we know what they keep there, they've got anhydrous, they've got chemicals, we know what to expect. Our volunteer firemen don't know what to expect yet, and I think a general knowledge of the chemicals used in processing will be informative, probably industry wide.

Chad Whetzel – Are there any other questions from the Board right now?

Michael Largent – Chad, can I add something here?

Chad Whetzel – Yes.

Michael Largent – This is a tough thing to do, to kind of start with a real blank slate. Like, okay now what do we do, it's just a very big bite to chew. And I wonder if Alan and Katrin couldn't help a little bit, by showing what some other counties have done, their experience. Chelan County comes to mind.

Alan Thomson – See this little binder?

Michael Largent – Yeah.

Dave Gibney – And see this link at the bottom of Commissioner Swannack’s handout?

Matthew Sutherland – I see a little binder behind that big one.

Michael Largent – You’re not blazing a new trail here, so I think following in the footsteps of those who have gone before, what has worked and what hasn’t worked, maybe helpful in bringing this into a more manageable size.

Art Swannack – If I could follow on what Michael said there. This is kind of a question for Alan. Does the Planning Commission have the ability to appoint an advisory board to it, if they need to? Have they ever done that?

Alan Thomson – No.

Art Swannack – I’m just asking, because Okanogan County, when I was reading through their resolution, when they came to their most recent regulations, and there were several pages of, “whereas”, so they kind of went through the history what they did and they started out and created a regulation and then they had complaints from both the cannabis industry and the citizens of the county, what’s new there. At one point, they got to the point that there were enough complaints, they ended up creating a cannabis advisory board for the county and I think it must have been advisory to the Planning Commission and they ran through all those issues. I don’t know if it would be beneficial or not, I put it in there as one of my notes, but they went through that and then they ended up... That is the one where they ended up extending their moratorium twice, in order to get through where they had regulations.

Alan Thomson – Was that people other than the Planning Commission members, independent people?

Art Swannack – According to what it said, and I’m only reading the “whereas” and it’s like three sentences, is they have people from the cannabis industry and from the interested members of the community on it.

Katrin Kunz – Cannabis Industry representatives and other interested members of the public.

Art Swannack – Yeah that one, and I would suggest, if nothing else, I would contact Okanogan County and say how did that work? I mean the Commissioners could appoint a board like that, if you guys don’t have the authority to do it, if you wanted it. But, I would check into it with that county and others and see, did you create one and was it positive or was it just an argument between two sides of the table and never got anything resolved? It’s just another idea as to how do we figure this out.

Alan Thomson – What we relied upon with the wind turbines, because we were completely ignorant on the whole subject matter, Guy was present for that whole discussion, and we knew nothing about it. So, we got expert witnesses from both sides

to educate us. We sat there and listened to them for months and months and months, bringing forth all the information that they had, the scientific information. That is kind of how I would envision doing it right now, is that both sides of the issue, let's see what you've got. There's going to be experts on both sides.

Art Swannack – I've got no problem with that Alan, I mean if you can make that one work great, then go that direction.

Matthew Sutherland – And if we had access to some of the department officials that could answer some of these questions specifically on how regulating water consumption would affect things or pesticides and safety, that would be good too.

Alan Thomson – We're relying on people who know much more about this than us.

Michael Largent – I would suggest, however, that we concentrate on the County's rule and not the rule of the State. There is a lot of intercept here, the State has L & I, Department of Ecology, and Washington State Department of Agriculture, let's not duplicate their efforts. You're going to have to focus people on what the County's rule is and I think it's the health, safety and community spirit of our own communities. And Ecology and AG can do a good job with water, they can do a good job with chemicals and they can do a good job with genetics, but we have communities to think about and what the impacts are.

Mark Storey – A good example of that is the water consumption, it's very clearly not something the County could regulate. You could consider its impacts, but we can't do anything to regulate water or water consumption, that's all the State, but it's something to talk about.

Matthew Sutherland – I was just looking at one of the questions from the Commissioners, should water be metered and regulated.

Chad Whetzel – You don't want to get into that.

Alan Thomson – Well, we can't get into that, that's not our job. That's the Department of Ecology.

Matthew Sutherland – And that is what I was thinking, like if we had questions as to what our jurisdiction is or what they are doing in this field. That would be nice to hear what their limits are and what they are actually doing.

Alan Thomson – Well, their involvement in this is, that if an exempt well is being used, there is a limit and that is State law. 5,000 gallons a day and if someone has to punch a well, it all goes through Ecology. It does not come through Whitman County or any other individual or government organization. It's all controlled by Ecology and there are strict numbers here. Exempt well, 5,000 gallons a day. They're not metered at the moment, but that may change.

Matthew Sutherland – So then some of these questions could be answered pretty quickly, is what I'm hearing.

Alan Thomson – Yes.

Art Swannack – The one factor we might have on water would be, if for some reason you were to have major development of grow operations or irrigation for marijuana in the Palouse Basin area. Because the County is one of the members of the Palouse Basin Aquifer Committee and should somebody be applying for water rights inside that area, then the County as a member of that committee would have some commentary on whether or not that would affect the total water use in the basin. But, beyond that, Alan is totally right. You've got "X" number of gallons or you have to have a permit and everything from Ecology and we don't regulate that.

Dave Gibney – Or even more, our acceptance in the Palouse Basin Aquifer Committee is voluntary.

Art Swannack – Say what you mean Dave, so that I can understand what you're saying.

Dave Gibney – The County and the other entities have chosen to group together in an attempt to conserve the water. And they are agreeing, this is how they are going to do it, but there is no State or County or City law that says that they must continue to do so.

Art Swannack – You want to take that one Mark, or do you want me to?

Mark Storey – I'll see if I can answer that.

Dave Gibney – There may be a contractual obligation.

Mark Storey – You are correct, there is no contractual obligation in the Palouse Basin Aquifer. We choose to be members, each one of us and our ability to stick to the 1992 ground water management plan, is what keeps the State's, both State's from coming in and regulating us on our behalf. So, it's voluntary, but there is a really big hammer at the back door of that thing, that says, if you don't do this, then the State will come in and say how much water we get, which might be zero. So, yes, it's voluntary, but there is some weight behind it.

Chad Whetzel – Are there any other questions for our Commissioners, right now? If not we will open it up to the public. We don't have a ton of people here, but let's try to keep it short as we can so that we can get on with everything else.

Mark Storey – Who do you want to recognize first, I'll look at you.

Chad Whetzel – He had his hand up first.

Jordan Zager – So one thing that was brought up was, pesticides in cannabis. So, the State actually has a packet of pesticides that you can use and if it's not on this list, no one can use it. For the most part there are plant extracts or like beneficial bacteria that aren't harmful to humans and will out compete bacteria that might be harmful to humans. So, if you guys want that, I can give that to you. And then, so basically a number of counties have provided various templates for you guys to work off of. So, here we have a map of what has been done in the unincorporated areas of all 39 counties in Washington. On the backside of that are the demographics as provided by the Census Bureau and then number of licenses issued to those counties by the Liquor and Cannabis Board. So you can sort of see where we stand with population, where we stand with how many licenses were issued and maybe those counties could be a template for how Whitman should regulate this. That's all I have.

Chad Whetzel – You mentioned the pesticides that were allowed.

Jordan Zager – That is this packet here, I only brought one. It's a pretty extensive list and it's provided on the Liquor and Cannabis Board's website.

Chad Whetzel – Thank you

Alan Thomson – So this is the beginning of your folders that you're going to keep for the duration here.

Matthew Sutherland – Is there a way to store files digitally?

Dave Gibney – I have a scanner.

Matthew Sutherland – Do you all use Google drive?

Alan Thomson – What is that?

Chad Whetzel – We're okay, we've got it on paper.

Art Swannack – Can I make a comment on that? So, your biggest challenge with any type of file sharing, is going to be your obligations under Public Records Act and Open Public Meeting Act, to store and record everything you get. Which they should do, but if you're having communication back and forth and you start editing something and sending it back to them, there's got to be records of all of that.

Dave Gibney – We can't be having communication back and forth outside of this room.

Alan Thomson – Staff can send you materials, but we cannot discuss it, unless we're in this room.

Dave Gibney – We can't discuss amongst ourselves, we can ask you questions.

Alan Thomson – Yes.

Dave Gibney – And if I ask a question and Matt asks the same question, we probably shouldn't know that we both asked that same question.

Alan Thomson – Don't "reply all".

Matthew Sutherland – I made that mistake once.

Art Swannack – Matthew, don't feel bad, I'm on two State boards and I've had to teach two State boards not to do that. So, it's not just you who has had that accident.

Matthew Sutherland – I learned young, learned early.

Dave Gibney – I don't even do the "Yes, I'll be here", on a reply all.

Ken Duft – I am a non-farm rural resident of Whitman County. I will reiterate my sentiments expressed earlier, that I have no pre-existing biases with regards to this issue, in general. But, I have listened very carefully to many of the individuals who have spoken earlier about their concerns, one way or the other. As you will certainly recall, the bulk of those concerns, revolve around non-farmer rural residents who have a very sincere concern about the potential of smoke or odors or whatever it might be, emanating from the production and processing that may have a harmful effect. So, when I hear that, I think the greatest challenge that the Commission and the Commissioners will face is, how are they going to legally and agronomically distinguish between the growing of marijuana and all of the other agricultural crops produced in this county? Agronomically I can see no difference or no distinguishing factor between the growth of marijuana and chickpeas. It uses sunshine, water and natural phenomenon. So, how do find a way to differentiate between it and all these other crops. I understand the concerns expressed by those who have testified earlier about the potential odor and harmful effects. Okay, I live in the midst of an agricultural area and right across the road from me, in the spring they're going to shanking in anhydrous ammonia and I can tell you that when that comes downhill in my direction, I find that odor objectionable, potentially dangerous. I can tell you that that same farmer uses a substantial amount of glyphosate, round-up, in the ditches right across from my house. We now have two major court decisions that have suggested that this substance may in fact be harmful, so does that suggest that we are going to put a moratorium on the production of chickpeas, wheat and all of the other crops that are grown in this state, because of these potentially harmful effects? Somewhere along the line there is going to have to be a way to legally and agronomically differentiate between the production of cannabis and that of all of the other crops grown in this county. That is your biggest challenge. Thank you.

Chad Whetzel – Thank you Ken.

Chris Boyd – I am a resident of Palouse. You will probably find my comments a little bit conflicting. One of my concerns was at the public meeting they listed me, in the newspaper, as a marijuana farmer. I am not a marijuana farmer. I did do some land development and it was in conjunction with the County Sheriff, County Planning Commission, back in 2013 right after the law was changed, to see how the County wanted to embrace this and where it would be a viable option. This is not about that. I think that maybe some of the other farmers here remember when we first started growing mustard, rape is what we called it, now it's canola and if I understand correctly, because canola and rape, which is the toxic form of mustard, which are two other Ag crops that, there are definite setbacks. I think it's illegal to grow rape in Washington, but there are places in Southern Idaho that you can. So, I think there are some standards set for having setbacks and isolating individual crops. But then on the flip of that, there are four species of cannabis, one of them is Hemp and it's now federally legal to grow hemp in all 50 states. It's included in the farm bill. It's not as pungent as this recreational sativa and, what's the other one?

Alan Thomson – Skunk weed.

Chris Boyd – Never-the-less, the point is, I drove through Oregon last fall and there are circles of hemp being grown down there and it's pretty odoriferous, there's no doubt about that. I think in my opinion, most of the research that you're going to find, because there is really no scientific research prior to the 2000's other than in Israel of actual research as to what are the gainful effects of this plant. Most of the research you're going to find is purely rhetorical stuff that is going to be provided by big pharma, you're going to find a lot of agricultural interest, as far as one of the reasons that hemp was made illegal was the paper industry. North America was full of paper pulp. If we had everybody just growing hemp, that puts all of the people with timber out of business. They reasonably could have done that in the '20's. So, anyway my statements are conflicting, but I think you do have a basis and probably should be figuring out how to setback, I think it's legal, also setback if you let recreational to be grown outdoors, which I think we should for ecological reasons, it should be allowed. It's going to require a lot less water, it's going to require a lot less pesticides and it requires a lot less fertilizer. Most of the pesticides, as he pointed out, they're allowed by the LCB, this is all green stuff. I mean its bunny hearty stuff, you're not going to kill a bug with anything they've got. But, you're also going to need to establish, and I think the State to a certain extent, may have, because I haven't really kept up with the LCB and where they were going and how that affect was with hemp. But I did hear, at one point in time that the hemp growers were going to have a setback from recreational grows and it was, I think, 3-6 miles. So, I think you're free to put those regulations in and make those stipulations.

As far as the processing goes, the processing, District 12's point is absolutely valid, because the processing, as I understand it right now, they are using butane, a highly explosive, highly volatile gas, there's probably some other laboratory type chemicals involved here, maybe, I recall something about using, it doesn't really matter. The point is, that Fire District 12 is right, we need to know what is going on, if there's going to be processing, where that processing is going to be and how the Fire Departments are

going to be able to deal with it and access those sites. And to know what is changing, what more is here, what less is here. They stop using butane and turn over to CO₂ or to some other.

I want to see it expedited, because I have a personal interest in it, but that's not necessarily, obviously anybody else's concern, as far as our government, that's not who it's about. It's about the general public. I have pretty much said my piece, other than, if you are doing the minutes and if I am listed as a marijuana farmer in the minutes from that public meeting, I wouldn't mind if somebody would make a motion to amend those minutes.

Keith Paulson – Well, it sounds like you have enough information you should be a marijuana grower.

Chad Whetzel – Thank you Chris.

Zack Chamberlain – I was just wondering about official channels of sending information. So, say we do have an expert witness we can recommend or do we just email everything?

Alan Thomson – Planning staff.

Zack Chamberlain – And papers, do you just want us to flood you with papers, how does that go?

Matthew Sutherland – Some context would be great.

Alan Thomson – Yeah, sure, why not.

Zack Chamberlain – I just wanted to make sure we're following the official channels.

Alan Thomson – Yeah.

Chad Whetzel – Yeah, everything goes through the Planning Department and either Katrin or Alan, either one of them can handle that and they will disseminate to us.

Jordan Zager – I just forgot to give you guys more papers. These are the counties with their populations size most closely to Whitman County and the ordinances that they have drafted regarding cannabis.

Chad Whetzel – Okay, there is just one set?

Jordan Zager – Yeah, I didn't make 10 copies of each.

Chad Whetzel – Okay, I'll give this to Alan and he can get them out to us. Are there any other comments right now?

Art Swannack – I will make one more comment. You'll hear from people that Whitman County passed this, the marijuana I-502, and that is true of the County as a whole. Be sensitive to the fact that almost no rural precincts in the County passed that initiative vote and I expect you're going to see some of that input from the unincorporated areas versus the incorporated areas, when it comes to this for our whole county and we're regulating the unincorporated areas. So, I just ask you to be sensitive to that, because it isn't always talked about, but it is there.

Chad Whetzel – Right.

Chris Boyd – As far as the economics on this thing, that is another thing and you were talking about how much it would take to provide for Whitman County. If I had my druthers, none of it would be consumed here, it would all be exported. When I was running my quail farm, I get tax advantages for bringing out of state money in. It used to be that we had sales tax for bringing out of county money in, before the destination based sales tax came in. The idea, I think in agriculture, yeah we need a few noodles around here, but I would like to see all my wheat going overseas, because that brings their dollar here. It balances our trade. And that goes all the way down to the county level or even the city level, in that if there is an economic advantage in growing a diversity of crops and exporting them, I do see that as an economic advantage. I as crappy as it may sound, I love seeing all those Idaho people coming over to Floyd's and dropping their dollars here, because I really don't care about their legal record over there, I like their money spent here. I can say that just the development of these farms, and do we even have a processor in Whitman County? We have lots of processing licenses attached to tier 3's, but I don't think there actually a processer here yet. And by doing that within the State, they can bring products that were grown in other counties here, which would then be processed and the retail, no I skipped a step. But the fact is, it at least brings the jobs here, it at least brings that certain amount of commerce here of other counties growing it, sending it to Whitman County to be processed and then exported back to the legal State of Washington, and hopefully someday to Oregon, Canada, Alaska, because all of those are legalized now. All of those states are legalized, we have a connection to California, because it's legal in Oregon, so if we ever get federal legalization, which will probably happen in the next 5 years. Which also eliminates a loop hole that I heard about today, as far as the smoke, dust, all that stuff, because everybody heard about that, I was the last one to get the memo, that pot doesn't count.

That was another thought that I had that maybe it would be better not to classify pot as an Ag product, because I mean like, we're paying 50% on the rest of our agriculture, as far as our property taxes, why should we really give this cottage industry that's not subject to all the reasons that we have the open space law. Why would we give them that tax advantage in their property tax when we, I think, have the opportunity here to say, no this isn't an Ag product, this is something that we'll tax at full rate. I would like you guys to look into that, to definitely isolate it, if you can.

Chad Whetzel – Thank you. Is there anybody else? Any questions or discussion from the Board?

Dave Gibney – One of the things that occurred to me, during Chris' comments there is, perhaps we don't get a lot of revenue of the explicit sale of the retail marijuana, but those chemicals that are used are purchased here in Whitman County, just like anhydrous. I can't point it out or any of those others, we do get that revenue. And the people that we employ, or possibly would employ in that industry would be spending some of their money here. It's just not the guy who owns the wheat farm, who makes the money from selling the wheat, there are synergies of the industry that could be something to consider. Ever since I have been paying attention to the County's government, the fact that, actually some are the same in Pullman, but the fact that the revenue is not sufficient to meet the needs of the infrastructure in the County or the fact that 1/3 of Pullman is owned by a non-property tax paying entity. Pullman is addicted to growth and I don't know how much longer we can do that.

Chad Whetzel – Would it be possible to get Sheriff Myers in here for some questions and get some answers on what the current state of what the other counties are with their operations and what the challenges may or may not be? If there are any. I don't know any of this and I know that it would be nice to talk to some of the fire departments too, because I know there have been some challenges with some of the current facilities now, in as much as, there have been emergencies and we can't get ahold of anybody. The numbers that they have given to the County are dead. It doesn't go to anybody, you can't get into them, you can't talk to them, and they don't want you there. So, I would like to see some information from the fire departments on what, although I am part of one, I don't speak for them, I would like to know what they would like to see in a code, as far as, what the access to them are. Can we get a walk through so that we know what we're dealing with when we go in, because some of these buildings get built and then they put little additions on and it's not just marijuana, it's any facility, but if you can't get in and see them you don't know what is going on when there is a fire and it's dangerous. That is something that I think needs to be rectified with the current grows that are out there.

Alan Thomson – So I was going to suggest tonight that we meet again on April 3rd. The last time that we met, I suggested that we would not meet at the beginning of April, since we've got our task in hand now, I think we need to meet as often as possible.

Guy Williams – Are you going to be here?

Alan Thomson – No. Katrin can take over, adequately. So, in the case of expediting things, maybe we could ask Sheriff Myers to show up on April 3rd and we'll put the word out to the fire districts and see if they can come over here too. And then start the conversation.

Brian Davies – Could we get Denis Tracy to weigh in, please?

Alan Thomson – If you have specific questions, legal questions, then yes Denis would definitely want to be here, but I think he is looking for specific legal questions that you might have. If you have those, then yes he is available.

Brian Davies – Obviously he would be inspecting and looking at everything we write as to whether or not it's legal. We don't want to violate due process and things like that.

Alan Thomson – Yes, he will be in the loop all the way, regardless of whether he shows up here or not. And we can have him come in here and comment on things, but he will be overseeing everything that we do.

Brian Davies – Well, if we could get a bunch of questions answered at the next meeting or some questions answered, with regard to up-tick and crime or what other counties are seeing, that would be helpful.

Alan Thomson – Well, we'll invite the Sheriff and the fire district people for next time.

Matt Sutherland – Alan, I won't be here on April 3rd.

Alan Thomson – Okay.

Chad Whetzel – Does anyone else have any questions that maybe the staff can get someone in to answer for us?

Guy Williams – I have a question for the Commissioners. My understanding with the State, you license two out of three or you can license two out of three in one location? You can grow and process or you can grow and sell?

Art Swannack – I think that is a question for Alan, actually.

Michael Largent – Right, and my understanding is you can grow and process but you can't retail. The retail is what they pull out separately. I'm getting nods from the experts.

Chad Whetzel – Jordan Zager is nodding yes.

Art Swannack – And in our county code, currently, the way we're operating, if you had a grow operation and you had the minimal processing, basically as Alan explained it, clipping of buds from the stems and putting them in bags, you could do that in a grow operation. But you can't extract from those buds, like oils or other things at a grow operation that is Ag, you have to go to industrial. Is that a good summary, Alan?

Alan Thomson – Yes, and that is because of the limitations of our codes, right now. We can write it differently, but that is what we are stuck with, at the moment, or we were before the moratorium. The LCB can issue a license for retail and retail only or you can get a license for production and processing. Now, processing is, we in Whitman

County, interpret that slightly differently. The LCB can give you a license for processing and production and some parties out there do have both.

Katrin Kunz – Are they ever separate?

Alan Thomson – They can be separate, yes.

Jordan Zager – So the State will issue a production license or a processing license. The processing is ambiguous, so in some counties they've included in their code a Type 1 processor and a Type 2 processor. So, if a company has just a production license, growing cannabis, they cannot package it themselves. They have to then send it to a processor to package it, who can then sell it to the retailer. If you have a processing license attached to your production license you can package it and sell it to retailers. However, the State leaves processing ambiguous, it could be as simple as trimming the buds and putting it in a jar or it could be as complicated as doing hydrocarbon extraction using explosive materials. So, different counties have made a Type 1, where the Type 1 processor, all they are doing is trimming the bud, putting it in a jar and the Type 2 processors are the ones that are either extracting the material or making edibles or drinkables, lotions and things like that.

Dave Gibney – So the evidence of the last couple years is, that the State and perhaps the Federal regulations about this are in flux and they may still be in flux, I'm going to assume that we're going to target what we have right now?

Michael Largent – Well, anybody who has any dealing with Olympia knows everything is in flux and you can't believe anything they say.

Dave Gibney – Well, until the session ends.

Michael Largent – Yes, one Legislature can make all the promises they want, the next one is not bound.

Art Swannack – From my point of view, I'd say yes. If you look at how we started this process and where we intended, at least, the County to go, as part of the things that you consider as to how we should go into the future, I don't know whether you'll ever see the Federal Government change. About 4 years ago I had the same statement, you made a few minutes ago, Dave, about in the next 5 years they should change it, but I haven't seen anything at the Federal Government saying they're going to get it through, to change it so that it's legal nationally. There's a big argument back there in D.C. over that one. I would simply worry about Whitman County and I liked how Michael put a lot of that, not knocking Dean at all, it is about our community and about how we want this activity regulated in our community, Whitman County. And I would focus on that aspect of it. Olympia is more worried about whether they can get their next 20 billion dollars so they can spend it on something else than they are about what happens in our community.

Chad Whetzel – So, one of the things, if I understood, and this was a long time ago, the retailers are restricted based on population, if I understand, or something along those lines on how many retailers they can have? Is there anything along those lines with, I guess, the production?

Alan Thomson – Yeah, there is. There is a cap, a limitation on the amount of grow that you can have in the whole State of Washington. And that is controlled by the LCB, so that is limited in that sense. And they've upped that limit a couple of times since they passed into law. So there are limitations and we're maxed out, as far as retailers are concerned. The unincorporated area of Whitman County can only have two and we've got two.

Dave Gibney – But, if it was a straight population, the City of Spokane would have more licenses than Pullman. And at least, at the beginning, that is not the case that was made.

Guy Williams – Do you want us to look at this as each individual process, grow, process and retail? Or are you expecting us to try and come up with one ordinance encompassing all of them?

Dave Gibney – And more to the point, should we be doing some of this still in zoning and some of it in a separate ordinance about marijuana? I mean the industrial aspects of processing?

Michael Largent – Well, I think we have two questions on the table. One was the licensing question, would you like an expert to answer that?

Chad Whetzel – Yes.

Jordan Zager – So, with the retail, initially the State only gave out, I want to say it was around 400 licenses total and it was dependent on population of counties and different municipalities. But, the initial number they gave out for retail shops was not enough, so they have increased the number of retail shops in the 5 years since I-502 began. However they have not expanded the number of growing or processing licenses.

Chad Whetzel – Okay, so those are still where they were originally.

Michael Largent – And on the next question, my personal opinion is, I really think we're going to have to dig into it a little bit first, before you could determine whether you needed some kind of separate ordinance. It would be nice to have a nice little package wrapped up in a bow. Whether that can be done or not, I don't know, but again, I'll just reiterate what I keep asking, and I think Ken Duft said the same thing, what is unique about marijuana that needs specific regulations?

Art Swannack – And I'll follow Michael, I think if you choose to regulate marijuana separately from AG or you see unique characters in Industrial that needs to be

regulated, I can see you having a grow, a processing and a retailing regulation. Maybe that regulation simply says on retailing it refers to the Chapter in our code that regulates retailers, if you don't see anything in there that needs to be special, beyond what the State already provides for limitations. But, I suspect we're going to end up with a code for marijuana that covers those three areas.

Alan Thomson – Retail is actually pretty easy. One, we can't expand it, there are no other licenses that are available and two, the only real place to put retail is in the Corridor District. And that already has its only ordinance and I think we need to inspect that and make it a little bit better, than it is at the moment. So, it's confined to certain areas in the unincorporated area, for retail. The other two, wide open.

Katrin Kunz – Yeah, many counties have their own chapter for marijuana regulation and then some of them have like 1,2,3, processors, producers and retailers, and then in which zones are they allowed and then development standards, what are the setbacks to other zones, residential and then the standard is 1,000 feet setback to schools, public parks and these things. So, they usually have all of these zoning regulations and development standards in one chapter.

Alan Thomson – We're going to be giving you a lot of information on what everybody else is doing. So we can gather that info and then try and tailor it to what is best for Whitman County.

Art Swannack – I would also say that I do have faith in Planning Staff and there is probably going to be some situations where you can set it up, such as where a conditional use permit can be used and staff can go into some of these unique situations and say, okay this one is setting up for a lot of dangers and you're going to have a bunch of conditions on this in order for you to get it done. And Alan knows that process.

Alan Thomson – One thing I can think of right now, is maybe to invite Planning Directors from other counties, who have already got ordinances in place and have already got a history. Spokane County is a really good example. I know the Planning Director up there quite well and he has a lot of good information about how things unfolded in Spokane County, very similar to the way it is unfolding here in Whitman County. But, they're ahead of us, way ahead of us. So that kind of information, I think might be important.

Chad Whetzel – Is he looking for a job?

Alan Thomson – Are you looking to replace me?

Chad Whetzel – I didn't say that necessarily.

Brian Davies – Speaking of Spokane County, there is a lot of information out there and I've got a lead on someone who has been doing a lot of objective research for Spokane County on air quality. So, I'm going to get all that.

Chad Whetzel – Thank you Brian.

Chris Boyd – I think it's pretty simple for you, as far as, obviously the retail. Then I think because it's a plant product, I think you should be looking at it as a conditional use permitted only in an Ag zone to grow. Because that gives you the opportunity to put those setbacks in, in your conditional use. And then, as far as the processing, the actual chemicals, the explosives and really, I think, the highly dangerous end of it, at this point in time, as I understand it, we don't have one, in Whitman County. We have, actually at this point in time, I believe that through last summer with the property acquisitions that put me out of business, the quail farm. We lost two marijuana licenses there, I think. I know for sure one, but they also had another compound set up, that I'm not sure that it was ever approve by the LCB. We also lost the cider house that's more revenue, to the airport, to the feds, not my favorite guys right now. And then on the other pot farm, over on Mary Jane Lane, I'm in the process of foreclosing on that, so that license is gone, it's out of the county. So, we're actually seeing a declining number of growers here, we have no processors and we really don't have any control or any need to limit retailers at this point, because the State has done that for us. That cuts your job by 1/3 right there. And then as far as the processor goes, you're not stepping on anybody's toes, because no one is doing it.

Alan Thomson – Chris, the property that you are going to gain, eventually, your property does have an existing conditional use to process.

Chris Boyd – Yes, it does. We put all that stuff in place, we worked on it hard in 2013-2014. That is most of the reason that I am here, because I don't want to be a pot grower, but I did see an opportunity in real estate to set that aside went through all the footwork to make sure that it was going to work with the Prosecutor, the Sheriff, Planning, I don't remember who all. It was in a commission meeting, so that's my vested interest in this, is that if you say no, we're not going to issue anymore licenses, where we don't even have an active license on processing, that was my full intent with this building. Now, I got inside it the other day, I'm working with the bankruptcy court, it's completely destroyed. If you guys take six months or more, I'm not going to have the building back operational in six months. I did have a prospective tenant that has a processing license, wanted to move in there, but the fact is I don't want to see any more grower licenses put out there, because the wholesale price of pot is below what they can make a profit on. There is just too much competition, there's too many licenses. I don't know how it is on processing, but he doesn't have the money, he's not interested in leasing my building at this point in time. So, take your time and do a good job.

Chad Whetzel – Thank you.

Dave Gibney – We should point out that we did have an entity who wanted to build and do a processing plant and that is how we got here last month.

Michael Largent – The Country Club Road thing?

Chris Boyd – You don't come in and buy property and then rezone it to do what you want. You get an idea, you go to Planning and zoning, if your idea doesn't conform, you either make it conform or you go find a zone that it does conform in.

Dave Gibney – You would be surprised the number of zone changes that I've sat here and done, because they didn't buy the piece of property that would do the zoning that they wanted.

Chris Boyd – That's still not the way it's supposed to work.

Dave Gibney – I can't argue that.

Chad Whetzel – Is there anything else from the Board? Or the Commissioners? Anybody in the audience?

Art Swannack – I just want to say, thank you for listening to us. If you need us to come again sometime after you've had some of these discussions, don't be afraid to ask. We can come back here and have another one of these conversations if you want us to.

Jordan Zager – Who ultimately will decide on the final ordinances? I mean I understand that you three will vote on something. And do you guys approve of what this Commission sends your way?

Michael Largent – The one exception was the wind towers, remember that. We had information after that on the height. These baby Commissioners weren't there for that fun experience. But, again, why have a Planning Commission if you don't follow their recommendations.

Alan Thomson – The Board of County Commissioners will be aware of what we're creating here. And if there is any major objections along the way, we'll hear about it.

Art Swannack – The direct answer to your questions is, the final approval is the Board of County Commissioners or the final denial is the Board of County Commissioners. The code change individually or a whole code change across the county. So, these guys do all their work, they do all their hearings, they work like crazy, sorry we're putting you under the gun for this one, but thank you. Then it will come to us and we'll have to decide whether we want to approve that or not.

Chad Whetzel – That's okay, we throw you under the bus every chance we get to.

Art Swannack – You're not the only ones, other people do it on a regular basis.

Chad Whetzel – If nobody else had anything, thank you very much for coming tonight and this is not going to be a short process, but if you guys can attend the meetings, we'd appreciate it. I know that there is a lot of knowledge here tonight and I know you all have your own interests, but you guys seem very objective and we appreciate that greatly.

8:30 p.m. – Adjourn

Art Swannack – The Whitman County Board of County Commissioners will adjourn their meeting also.