

**WHITMAN COUNTY
PLANNING COMMISSION**

April 3, 2019

Workshop

MEMBERS:

Chad Whetzel – Chairman
Dave Gibney
Robert Hill

Keith Paulson
Gary Moore
Russell Jamison

STAFF: Katrin Kunz, Whitman County Assistant Planner; Brett Myers, Whitman County Sheriff; Elinor Huber, Clerk.

AUDIENCE: Brandon Woodland, Pullman; Lester Erwin, Pullman; James Fry, Pullman; Melissa Ryan, Pullman; Linda Commons, Pullman; Jennifer Keller, Colton; Kevin Keller, Colton; Ken Duft, Pullman; Maria Amonette, Pullman; Benno Mohr, Pullman; Julie Mohr, Pullman; Sandra Rhodes, Pullman; Chris Boyd, Palouse; Paul Mihalyov, Pullman; Jordan Zager, Pullman; Kathleen Lloyd, Pullman.

7:09 p.m. – Chad Whetzel introduced Sheriff Myers.

Brett Myers – I was asked to address some legal concerns. I can't really address the WAC codes and the codes that the Liquor and Cannabis Board come up with and change on a regular basis and administer, because those are not within my scope of authority.

What I can do is address briefly the history of legalization of marijuana here in Washington State. I won't get into that much but in 1998 medicinal marijuana became legal. With that it was a slow process as more and more people started using that. We saw very little of it at first and then it was fairly abundant in its use.

In 2012, I-502 was passed which was recreational marijuana. Over the course of about 14 years we went from allowing a small amount of marijuana for medicinal users to be non-criminal. In 2012, we said we are going to let recreational marijuana be legal as well, within a certain scope. I wouldn't say it was well defined allowable uses, because it wasn't. I will tell you it is not even my opinion; it is just an opinion in general, it was all over the board and Washington jumped in with both feet, not knowing what they were doing. Colorado, the same thing but they jumped in first so we thought we would just follow Colorado.

I'm not here asking for a moral judgment one way or another. The voters approved that. Obviously, when I started in law enforcement, marijuana was just illegal. That's all there was to it. Today, in Washington State, for the most part, marijuana is legal. But that being said, to use marijuana, you need to be 21 years of age and legally purchase it. Which means you have to purchase it from an actual store, not from your friend or neighbor.

That goes on and it is very hard to prosecute these days just because marijuana is legal. Or, if you are under the age of 21 you can also use marijuana if you have a medicinal allowance for that. If a doctor gives you approval, there is no such thing as a prescription for marijuana, it is an approval. Essentially, a

permission slip that the doctor says he believes that this patient might benefit from the use of marijuana for certain qualifying conditions.

So that is where we are at with marijuana. Are there still rules? Absolutely. If you are under the age of 21, and you are 19 and you are smoking marijuana that is a crime. If you are in possession of marijuana and have more marijuana that is allowable by law, that is a crime, anywhere from a misdemeanor or a felony. Is that actively being pursued these days? No. Does it happen still? Absolutely.

Where it really happens and most that we see is with minors who are using marijuana. We enforce that fairly often anytime someone is operating a motor vehicle and we determine that they are under the influence of marijuana. Just like we would any other drug, alcohol, marijuana, heroin, meth, anything like that, any prescription medication, we would enforce that.

As far as what is allowable, so certainly the concern right now is what is the local law enforcement's responsibility with grows, with shops or processors? For the most part, it is almost nothing. So the State basically took those regulatory powers away and put them with the Liquor and Cannabis Board and with local authorities. Meaning your mayors, your BOCC who approving who can have a shop, who can grow or sell marijuana or create products.

So, essentially right now, what happens there is a limited number of licenses. I tried to contact the Liquor and Cannabis Board today. Usually when I call it takes quite a while to get ahold of anybody. They currently say they are not issuing any licenses for growing, processing and or any shops. It says that statewide on the website.

I did a little looking. So, one of the other things that can cause confusion is for-profit grow operations. I believe there are 11 right now in WC. One got his license yanked, that was up in north county. Of those eleven, four or five are actually located out at the airport in Pullman in the County. There are several businesses that operate at the same location. Roughly there are four out there. So, the vast majority of the producers and growers are operating in the Pullman area at this point.

But what also happened in 2016 was that you could get together as a co-op if you were a medicinal user and you could have 3-4 medicinal users get together. If I was one and my neighbor was one and my neighbor's son was one, we could grow a certain number of plants in one of our houses as long as we had a piece of paper.

The State changed that in 2016 and said that now if you do that you will have to be registered with the State as a cooperative grow. So, you might see a few more actual grows listed in another location but those are not technically for profit. They are for medicinal use, basically coops where people are growing their own marijuana for use. To be honest with you, I have no clue where those are at.

Then the State also allows if you go to a doctor and the doctor says that on a piece of paper that he or she believes that they can benefit from using marijuana, they are allowed to grow marijuana in their home up to 15 plants. It is between 4 and 15 plants, whatever the medical provider feels is adequate for the patient. What I can tell you is in the last three years we actually have seen those types of grows decrease around the County. I think that is primarily because of many people who are now medicinal users, it is a lot of work. Some people really like to grow marijuana. It is a hobby.

But the State also allows for you to register with your local shop as a medicinal user. You can buy a certain amount of marijuana now as a medicinal user and not pay tax. So, for a lot of medicinal marijuana users they are actually buying it at the shops. We have actually seen it overall a decrease in large scale grows in WC. An increase in legal grows.

Dave Gibney – In the enforcement of industrial regulations or the chemicals and the waste products and all that, that's not a law enforcement issue?

Brett Myers – No, not a local law enforcement issue. The only issue that would be local law enforcement would be anyone is actually committing a crime, not a violation of WAC, not a rule or regulation of the Liquor and Cannabis Board. So if there is too much odor or too many chemicals or they don't have proper security cameras or they aren't monitoring who the owners employ, those are complaints therefore, the Liquor and Cannabis and they follow up with that.

In the front end when you do apply for a license, the LCB then kicks those requests to the local authority, BOCC, Planning Commission, for review. Then there is a 20-day period in which you have to respond whether or not you approve those uses or not and then explain why you believe it is a nuisance or why you believe it is within a certain or some of the reasons why it shouldn't be.

Then again, I tried to get an updated list of where those are but many of those things are 1,000 feet from a school or maybe in a community, or obviously you couldn't put that in a residential neighborhood but in an ag area it is allowed, then it could go in there and that is where we have our grows in the County right now, in the ag areas.

I would suggest is that right now it is allowed, there are moratoriums that are allowed and we have a moratorium. I'm unclear whether or not a county can just come out and say, "We are done, we are out. The businesses that are here, they need to stay, we are not doing any more marijuana." I don't know if the BOCC has that kind of authority or if the planning commission has that authority. That is something that you need to look into if that was something you were considering.

Otherwise, what I think needs to be done is the planning commission needs to come up with a very strict set of guidelines and rules for where a grow operation, a producer, a manufacturer, a business, any of those things, make sure that those are very, very consistent. That way it is consistent across the board who we grant these licenses to and who we don't, and come up with locations that are going to, there are always going to be problems no matter where you put them. If you put them in the farthest northwest corner of the County where you think no one is within 5 miles, I guarantee there will be two or three people that aren't happy about it. I think coming up with a very strict set of rules and guidelines for what criteria needs to be met, though it is experimental for the BOCC and the planning commission.

Keith Paulson – Have you noticed any increase or decrease in crime associated with marijuana?

Brett Myers – You know, drugs in general, I think any time you have a high drug use area, you are going to have increased crime. I can't actually say that there is an increase in crime. I certainly can say I see a lot more use of marijuana in public than before. With the national traffic highway commission they indicate that serious injury fatality accidents, the association since legalization of marijuana and increase in THC, direct correlation with the passage of I-502 and THC in people's blood based on those accidents.

So I do think that inherently there is going to be a spillover into social costs of all kinds. Problems at home, problems at school, I think it is too early for me to come out and say that we are seeing an increase in crime related to marijuana, specifically. The other thing is we deal with drugs of all kinds have problems. Typically you are going to find your more illicit drugs are going to spike criminal activity.

Keith Paulson – So, you are saying you see a lot more in the open. There is no law like an open container law with alcohol that you can't be smoking pot outside?

Brett Myers – Again, that is not really a crime; it is a violation. But it certainly depends on where you are at and people are more willing today, because we have a lack of rules, people are more willing to use marijuana and then venture out into the public. A prime example of that is how many more fatalities, more accidents with drivers who have marijuana in their system because, I think you say it is okay to use marijuana and half an hour later they get in their car and go places, to the movies, the store.

With that, the same thing with alcohol. Alcohol is legal and we find DUI's are more prevalent between the hours of 10 and 2 in the morning. They are at the bars, it is legal they are drinking, they are back out on the road between 10-2 in the morning. If you are going to say it is okay to use marijuana to some degree you will find people that are not being secretive about it because it is legal to smoke marijuana in your home.

The overall crime rate, property crimes, I don't think you can actually hang your hat on just marijuana uses at all or violent crimes. But I think you find that the vast majority of people who are getting into trouble like that and are currently incarcerated not only have addictions to alcohol, addictions to meth, they typically have addictions to marijuana. You will find that the urinalysis across the board that people have THC in their system who are incarcerated or were incarcerated shortly after a crime. I don't think you can necessarily say it is because of marijuana.

Rusty Jamison – Do you have any advice that you would give us with regards to meeting the criteria that we have been tasked with from the BOCC? The advice I am asking would be more on what things that you could tell us that would make your job easier and regulating whatever we come up with. As far as areas that are, you said you always have people that will complain but we need some direction as far as maybe areas would be suitable, not suitable, close to schools, not close, government buildings, and on and on. Do you understand what I mean?

Brett Myers – Absolutely, and I think certainly everything you just said is a good example. I think any time you are close to any sort of neighborhood, when I say close I mean a mile or half a mile from any other farmer down the road and you check with that person. I think any time you are within a certain distance of any sort of residential, even if you are in ag land, I think you will run into problems with people being concerned and that is one of the big things that gives us a problem.

We have people call us concerned that this activity is going on. One of the biggest things is they call up and say that it smells and can you do anything about it? There is absolutely nothing I can do about it other than to contact the Cannabis Board and they can come down and require extra filters. Once that business is given a license and they are compliant, unless they say they are not growing marijuana any more, they have a business and so really controlling it on the front end is the best way to do it and having criteria, maybe looking at some other counties that have gone through this. I'm sure every county has with this exact same thing.

Some counties have just decided to say that we're done, we have enough and this is more than we want. Other counties haven't, so I think just going forward finding out what other counties use for their criteria. Because the other thing is sometimes to hang your hat on the appellant decision part of that is the fact that marijuana is still against the law at the federal level. Many jurisdictions just say that it is against the law and so that is what they hang their hat on. I don't know of one county, I think almost every single county has a shop, a grow, a producer, I don't know if there is one county that doesn't have one. I think there are a few and I don't know which counties right now have moratoriums, but again when I went on the website today with Liquor and Cannabis it appears they are currently not issuing any licenses anywhere in the state right now.

Gary Moore – Okay, is there any criteria on this on how much they can grow and how much is it to be sold locally in the County or can it be sold statewide? I know it can't be sold out of their place, it has to go through a retail outlet. But can he grow it here and send it to Seattle or does it have to stay here? There is no criteria on that at all?

Brett Myers – That would be something that you would have to check with the LCB on. I'm sure that anywhere in the State that they can sell that anywhere in the State.

Dave Gibney – The fact that somebody is smoking a joint or something on the sidewalk that is actually not legal?

Brett Myers – That is not legal but that is a,

Dave Gibney – That is a law enforcement, not often enforced but it is against the current law.

Brett Myers – Right, it would be more like an ordinance violation basically, it is not a criminal but it is a violation.

Dave Gibney – My question really is aside from the fact that it used to be illegal, it is federally illegal. What real difference is there between marijuana growing and any other agricultural crop like alfalfa or hay or wheat or mint that warrants a law enforcement response?

Brett Myers – The growing of marijuana now in Washington State, if it is licensed and legal does not warrant a law enforcement response. Especially if it has been approved in an ag zone, got a permit, there is nothing that I can do. There is no reason for me to do anything unless it is a grow that is unauthorized, that is illicitly selling marijuana across state lines to children, or they are selling marijuana and selling it on the black market and we have informants. Then all of a sudden we have actually a violation of Title 69, our drug law which would be essentially manufacturing and drugs. As long as they are within the scope of their business license in the law, there is really no reason for a law enforcement response.

Dave Gibney – And there is really no expectation that the work this commission and the BOCC do will resolve in an ordinance establishing a need for law enforcement for a criminal offense?

Brett Myers – No I don't think the BOCC or this Board can establish anything as criminal. What they can do, I believe, is have the authority is to say that they are not issuing any business licenses or in the future when we do decide to issue a new business license for a grow this is the criteria that has to be

met. Or if it is a retailer, this is the criteria that has to be met. But nothing the Board or this can come out and say that we decided that now it is against the law in WC. We can't do that.

Chad Whetzel – I don't know if we have had any issues here if there has been any adjoining counties but not so much the people using marijuana but have the grow operations or the producers or processors, have they had any increase in property crimes with those coming in or has it pretty much remained the same?

Brett Myers – We have responded to marijuana shops. We probably responded to five different calls, burglaries in marijuana shops, assaults in marijuana shops, we have also in all fairness responded to restaurants for that and other things. But I will say with the limited number of marijuana shops, we had two or three burglaries and two or three situations where (inaudible) behavior with customers. That's potentially going to happen. That has happened.

Rusty Jamison – With regards to the growing operations that are already here, do you have any authority or is there any authority in WC that can go in and more or less audit these businesses to see if all of the marijuana that they produce or sell is actually grown in their grow operation? It would be pretty easy for a business which, let's face it, there is a lot of money involved here. Pretty easy for a business to have a small grow of (inaudible) with a very high yield on the books. Do you understand what I am saying? I mean I am a farmer and when I report a wheat yield that I put down that I have 10 acres of wheat when I actually have 20. Or I buy wheat from my neighbor and say it's mine.

Brett Myers – Absolutely. That is the job of the Liquor and Cannabis Board to monitor and regulate incoming and audit those things. So, the only way that a law enforcement gets involved in something like that is if we had knowledge of a crime where we can apply for a warrant and actually do an investigation where we, we can't just go on a hunch and say that we want to make sure.

So, that is all regulatory and done by the LCB. They are the ones who come in and do that. If we know that they are actually growing in the back room and selling it out the door for additional money and it is undocumented and we've got somebody that wants to come in and tell us that they have been working there for a year, yes, we will run an investigation and do that all day, but we haven't had that. As far as monitoring and inventory and all that, and making sure that all the boxes are checked, that is all the LCB.

Rusty Jamison – And that is at the state level? Nothing here at the county that would be able to control that.

Brett Myers – That is all at the state level.

Chad Whetzel – Are there any more questions from the Board? Is there anyone from the audience that have any questions?

Sandra Rhoades – One of you asked a question of whether or not marijuana is considered to be an agricultural crop. The answer is that it is not. The State clearly defines that marijuana is not agricultural or (inaudible). It does not abide by the same rules and regulations as an agricultural product. I just wanted to answer that question. The state monitoring is very limited and they gave that power to the counties in the states so every county is different.

Rules and regulations that you have to follow if you are going to be a marijuana producer, processor or retailer and Whitman County has no regulation that is current, with this moratorium. So, I am confused, Sheriff, on how you said that that's all on the State Cannabis Board, when from my, and I've done a lot of reading, and my parents live in another county in Washington, when I have not seen that was the case. My own studies and research.

Brett Myers – I'm happy to get ahold of the Cannabis Board, I'm just telling you that is the way it is.

Sandra Rhoades – They do inventory.

Brett Myers – They do all the inventory, all the licensing they do all the regulations. We do zero. That is exactly what it is at the State. They don't hand anything over to local authorities. What they will tell you is if there is a crime that is being committed, it is all local law enforcement. But until they have committed a crime, it is not any local law enforcements. I'm not trying to say, I'm just trying to clarify when you are saying that make sure you are asking exactly the right questions. They will tell you what they want you to hear but the truth of the matter is if there is not a crime committed, it is not a local law enforcement issue. Period.

Sandra Rhoades – I'm not saying it is local law enforcement but there is such thing as a county enforcement. County regulations and enforcement and so,

Brett Myers – Can you tell me what those are?

Sandra Rhoades – Yes.

Dave Gibney – That is also not what the Sheriff is here to talk about.

Chad Whetzel – A lot of it is that we have no ordinance, no codes, and no nothing on marijuana. So, you are right as far as everyone's concern, whatever the State law is, is what they abide by. We have no control over, we haven't said that okay, we only want for an argument's sake, all the marijuana shops have to be within a 5-mile radius of Pullman. Why we would do that, I don't know, but that's probably the major source. There is no regulation. So, from that standpoint, yes, it is up to individual counties but we do have to abide by the state laws. Whatever those are. They are confusing. We've gone through a lot of these; some of them there is a lot of interpretation. But it is like that with any code. So, for right now, we are trying to just decide what our code is going to be.

Rusty Jamison – I was under the understanding that the reason we had to deal with this issue is because the State of Washington did put the growing of marijuana into the Department of Agriculture.

Chad Whetzel – No. It is under the Liquor and Cannabis Board. It is not, and read the WAC, it is not an agricultural product right now. Some counties have designated it as such and that is one of the things we have to decide where we are going to go with all this. So that is part of what we are doing.

Brett Myers – So, my recommendation is, and again, I don't know the legalities on a civil code rule but the easiest thing for the County to do is come up with a set of criteria and guidelines, whatever that is and determine what if any, and how much marijuana is okay. Then consult with the legal authority which would be the prosecutor and determine what actions the County can take. From a law enforcement perspective, I don't have the authority to go into any licensed business.

It would be like for me to go into and making sure that Dissmores has the right amount of Cheetos and soda pop and then going into the pharmacy and making sure that they have every pharmaceutical. That's not my job. Somebody else's job as long as they are licensed and running a legal business. Now if I know they are illegally selling those pharmaceuticals out the back door, I'm all over it. But in terms of the other regulations, however, the Board and the BOCC can set up their own rules and guidelines and I don't know what the parameters are right now. Now, I think it is open. I mean it is open for setting up laws and it is closed right now. What I'm saying is, it is open to play with it a little bit and come up with your own rules.

Chad Whetzel – The other thing we have to remember is Sheriff Myers is law enforcement, so he is enforcing the letter of the law and not interpreting it or making it. Does that answer all your questions for right now? I know it is kind of ambiguous,

Brett Myers - I am happy to look at any material you can get, I am happy to look at it and I can clarify or we can have some conversation. Unless there is an actual violation of the RCW, it is not anything I can actually enforce.

Melissa Ryan – I just was curious how if you could clarify for me if marijuana is not considered agricultural activity, then how is it able to be grown in ag zoning areas in WC?

Brett Myers – Again, I'm not the one that has the legal, I'm just saying that is the process of which it is right now. Maybe it is, or isn't. I don't know what that is. I don't issue licenses or anything like that so that's.

Melissa Ryan – So would that be a LCB question?

Brett Myers – Not necessarily. That would be both a BOCC and an adjustment.

Dave Gibney – That is what we are starting that process tonight. That is why we are here.

Chad Whetzel – Katrin.

Katrin Kunz – I wasn't here at the time, but I think it was in 2015 when the BOCC decided not to put an ordinance in place at that point. So, they decided to consider marijuana as an agricultural activity and that is why it is allowed in the ag district.

Chad Whetzel – Currently the County has decided that it is an ag product. Whether we continue down that road or not, is what this Board is trying to decide. The State has other ideas.

Ken Duft – If I heard correctly earlier, the State in its wisdom has already determined that the production of cannabis is not an ag endeavor. I'm very curious how the State of Washington has reached that conclusion and how it has elected to differentiate either agronomical or legally between the production of cannabis as opposed to hops, and malting barley. The end product of which is liquor. If we are going to go down this line of logic we need to be consistent. The application of restrictions on the production of one product resulting in marijuana as opposed to the production of two other products, in the production of alcohol, needs to be clearly and legally differentiated. Thank you.

Kathleen Lloyd – I guess I have a couple of questions for the Sheriff. If it is a crime, even though it is a small crime to be smoking in public, why are there not tickets written for that? Do you just not have enough staff to follow up because if there is a law against it and if the law is being broken, why isn't there enforcement on it?

Brett Myers – Again, it would be essentially a code of a speeding ticket. It would be a ticket but it is not an offense so there is some, really the County itself, the vast majority of that is going on in Pullman and I just know there is not, I've seen it often where you can smell marijuana, the truth is it is probably one of those resource issues just like,

Kathleen Lloyd – So, you don't have enough officers to cover that?

Brett Myers – To some degree. It is that I'm not so sure that that is a priority of the judicial system. Certainly it is, but just like sometimes I see 15 people who are at a football game and I think one of them is intoxicated and he might not be the right age. It doesn't mean that it is necessarily the best use of resources to go in there and take someone to jail because they are 20.5 unless it is posing some sort of risk to safety or something else.

I'm not saying we don't enforce those, it just depends on where it is. You also have to see it. So again, sometimes I am just saying if you walk around Pullman, in the County you don't see it as much because the County is very big and you don't see it, but in Pullman if you walk around sometimes around Reany Park you can smell marijuana. I don't know exactly who it is, you have to know they are smoking marijuana and you have to see it, but I'm just saying it is. Five years ago you just didn't see it like you do now.

Kathleen Lloyd – So, you just don't have the resources to follow up on that.

Chad Whetzel – I appreciate your comments on that but this really doesn't pertain to the comments that we are looking for tonight.

Kathleen Lloyd – So, you can't follow up on any kind of violation because of the only rules we have to look on are what the LCB dictates. So, if they made the rules they are the ones who can go in and enforce it. Their rules actually if you read them are very, very minimal. There aren't a lot of rules as far as the LCB is concerned.

One thing that I have learned is if there is a violation of those rules, my understanding is that usually the only way to have them enforced is for somebody to have read all of the laws, notice somebody was violating them and then call it into the LCB for their enforcement officer to come out. There is a lot of rules that are already being broken but because nobody is doing that, even those aren't being enforced. My question is if the County then made rules that pertain to the County as far as how we would like things regulated, or ordinances then would that be in your jurisdiction then to,

Brett Myers – Probably not. Not unless it is an actual crime. If it is just a, again an example that might be let's just say there is a (inaudible) license and I don't know if the County would say they would grant them a license or we are going to make a rule where your plants can be 3 feet tall and not 4 feet tall and they can only produce one pound of marijuana and we find out they are producing one and a quarter. That wouldn't be something that would be law enforcement would follow up on.

That would be some sort of regulatory, because it is a legal business. It is not a crime. So, once that business, unless they are actually selling and they don't have a license or they are selling out the back door and creating a crime, because they are not actually selling to the right industry or transporting to another state. It then becomes a business practice violation that needs to be regulated by whoever regulates it.

Kathleen Lloyd – So if we had an ordinance that regulated smell for clean air and there was a violation on that there would be somebody else who was following up on that. Because you wouldn't do it. but there would still need to be somebody in the County who would be following up on that.

Brett Myers – The vast majority of those rules and regulations are actually going to be with the LCB.

Kathleen Lloyd – Actually not for air and water. That's not true.

Chad Whetzel – We have to figure out what the State is doing and we are still pertaining to whether or not we want to allow it in certain issues. What we are going to allow. It is a legal business whether we like it or not, no matter what our personal opinions are one way or another. The State allows it and we have to figure out how where we are and are not going to allow that. That is what we are working on, not the State laws.

Brett Myers – Right now it is a State rule and it is not a County rule. If the County did say you can't smell it at all then the only recourse would be you would have to go and say that we will shut them down. Just like you were selling tacos out of a taco truck and you aren't washing your hands and they aren't wearing gloves. The police don't come do that.

So the County would have to say that we can smell this and now you have to put another filter on because the goal wouldn't be we are shutting you down, it's that we need to make you compliant. If they couldn't do that after a period of time, they could shut them down or they could require new filters or something.

Kathleen Lloyd – So the County would have to have staffing to follow up on that.

Brett Myers – Only if they make that a rule and it is not a rule. I don't actually think the County can do that. If they can, and it can legally stand up in court,

Kathleen Lloyd – There are actually other court decisions in other counties.

Chad Whetzel – We have another gentleman that has a question.

Kathleen Lloyd – Can I answer the question that came up. The LCB is not issuing any new licenses, however, they will allow licenses in other counties to be transferred. So, I wanted to make sure it was clear to everyone just because they are not issuing new licenses doesn't mean more people can come to our County. There are hundreds of licenses that could easily be here in a short period of time.

Benno Mohr – Two quick questions. The first is as Kathleen said the concern was about license transfers. A lot of license transfers are increasing the number of licenses here now through issuance of transfers. So, you mentioned Colorado and there was finding that there was increased property crime in the general area around retail stores. Right now there is legislation working its way through our state

legislature to allow growers to sell direct to consumers so retail stores stand in the greater county, the outlying county. My question is how would that affect the Sheriff's office and do you think that would affect in terms of staffing response times?

Brett Myers – You mean if licensed growers are selling directly from their grow to people who just drive up?

Benno Mohr – To people that just drive up. One is a situation where we have a considerable number of growers more than we have now, and then two, in the setting of them selling direct to customers.

Brett Myers – So, then this is where the BOCC and the planning board need to adopt rules. I don't necessarily see right now a huge influx but then again it is better to have those rules in place before all of a sudden we have ten times as many growers here than we do right now. Again, it is out of my control but at the same time, if we have strong rules and regulations just because somebody has a license doesn't mean we have to let them come to WC and do business here. That is one answer.

The other question was if they are selling out their door. Again, if it becomes law then it becomes problematic for law enforcement because it puts more people on the road, driving to buy marijuana, potentially using it and then driving 20 miles back. If it is out in the County in random places, it is always problematic but at the same time if it becomes legal the only time that there is any enforcement on my end is because the State then allows growers to sell to people who are authorized.

Let's say they have a system and they have to be 21 and show up and they are allowed to buy an ounce from any grower. Then you need to contact your local legislators and say that we don't like this, this is terrible. Because once that becomes law, then it is not criminal act until they are driving under the influence or selling to kids that are 15 years old or things like that. You're right that is problematic. Everything about it is to some degree a problem. But it is also legal to some degree.

Gary Moore – How many growers do we have in WC right now?

Katrin Kunz – We have eleven active licenses in the County.

Dave Gibney – Active licenses, not necessarily growing.

Katrin Kunz – Those are growers and processors together.

Chad Whetzel – According to our information right now we have eleven licenses, nine are operational.

Gary Moore – How many do we need?

Chad Whetzel – That's what we are supposed to decide.

Gary Moore – Yes, that's what I'm saying.

Chad Whetzel – We are just trying to gather the information to decide what we are going to do.

Gary Moore – If you want to get it cheap, just turn it loose to the farmers. We'll break the market in two years.

Chad Whetzel – Anything else for Sheriff Myers from the Board? Thank you, Sheriff.

Brett Myers – Again, I don't make any rules or laws so just so you know. I didn't decide if it was ag or not ag. It is just marijuana to me. Thanks.

Chad Whetzel – Thanks. Next we have Chief Lester Erwin from District 12 Fire District in Pullman. He has some information on the aspect from fire departments.

Lester Erwin – Mainly why I am here tonight is we went to the BOCC meeting in March. We talked to them and we are concerned about what is going on in these plants. You know they are all high security, you can't get into them. We asked if we could come and to hear us talk about it.

Before we did this we met up with some of the growers and did a walk-through of the ones we have in the area right now. We learned a lot. We learned lots from these guys. They are very knowledgeable about what they are doing. We were able to walk through the businesses with 4-5 of our captains and saw that these guys run a very good business. They are very strict on how they are regulated. Everything is weighed and every little leaf that comes off is weighed and has to be disposed of right and what is left for product is taken and sold to the right places.

Our big concern is the, like what the sheriff was saying. There was a lot of stuff that should have been done before we let these people in. We are willing as the fire department to help you guys if there are questions that we can answer, saving lives. Our concern mainly is just safety, those people working in those businesses and if we have to go out there for a fire or have to get someone out of there for medical reasons.

We want to know what we are sending our firemen into and we want them to be safe and we want to know what is in there. They are willing to give us all we need, give us maps of what is going in there and they have been very cooperative. Our biggest thing was with some of the retail places on their building permits when they remodeled their buildings or built new buildings they are supposed to put in a Knox Box in there so we have access to get into that building if we have to in an emergency. The growers have been pretty good but retail people are fighting it very seriously.

Keith Paulson – Not everybody knows what a Knox Box is.

Lester Erwin – A Knox Box you will see in the cities and around the area, schools, businesses, downtown. There is a box on the side of the building and you have a latch to lift up and put a key in there and open it up and get a key out or a combination out to get in that door without having to break down the doors. So that is what we are asking them when we made that through the building department. It is supposed to be on the building permit when they get it saying they are supposed to work with the fire department when they get that box.

The growers have been good about it but the retailers are, I can see where they are concerned. They don't want a key out there where someone can just walk into their business. Our keys that open these boxes are in a computer locked in our trucks. As soon as that person puts a code in there, that is recorded. So if that key disappears or someone says that someone took that key out of there, we can go back and see who had that key out of there last.

It is very safe. It's not that we are trying to get a key for the business. We want to be able to get into if there was an emergency. So, that is what a Knox Box is. The main thing is we wanted to come to this meeting tonight. We are trying to work with the building department with whatever we can do to help you make decisions for the safety of the people around those businesses.

Dave Gibney – You sent out, what was that orange highlighted.

Katrin Kunz – You mean this? Does everyone have this?

Dave Gibney – That was sent out by Katrin. Okay, I thought it came from the fire people who had done the inspections and I just was wondering if it was that they found that we are not being complied with. But if it is not yours, then.

Lester Erwin – We did not do an inspection. We did a tour of the business and so when I get an alarm out there or we get called out for a sick person or an electrical fire and that is what we are more than likely going to see in these businesses because these high lights and stuff. They have a lot of electricity in there. Our concern is, am I sending my people into something that is going to be unsafe?

In doing the walk through there is absolutely nothing in those grows that we walked through that can pertain to safety of my firemen, not any worse than a fertilizer plant. There are not a lot of chemicals in there. It is mainly just plants being grown and most of the stuff they use is all general public stuff they can get anywhere.

Dave Gibney – As you were also saying, most of what you as the Fire Department are concerned with is also not so much the zoning as it is the building permits and the building inspections and the site plans and the construction.

Lester Erwin – We'd like to see the things stay out of the city limits as far as grows and that is what you guys have pretty much done. It is going to stay out in the ag area which is a smart thing, I think because it is less populated. The one on Airport Road, I know people have called the department complaining about the smell too, and we can't do anything about that. I've been by the airport many times and I have never smelled it from there. When we were out there doing a walk through there were no smells. I don't know if it is certain times of the year that the plants put off a little more smell. When I have been around it I have never smelled it.

Katrin Kunz – Is there any recommendation that should be put in the zoning ordinance or do you think it is covered with the building permit side of it like this Knox Box?

Lester Erwin – Yes, the Knox Box is kind of a problem with the retailers, but that will be through the building department. If you guys have a way to put the pressure on them, that's great. We are here just because we talked to the BOCC and said we were willing to help you guys if there is anything that you need as far as input from us. You can ask us and we are more than willing to come to a meeting and help out.

Dave Gibney – You could ask that business if they would rather you mounted a sledge hammer near the door so you can get in easily.

Lester Erwin – That’s exactly what is going to happen. It is hard for me to understand as far as safety for the people who work there and the customers who come to the retail places that they wouldn’t make it easy for us to get in there if we had to. It would save them a lot of repair.

Keith Paulson – It just makes sense to have those. Our church has one of those.

Chad Whetzel – The issue becomes too, is it if they don’t have a Knox Box and they have to make entry and you force a door, now who is responsible for everything in there? How long do we have to hang out and wait? How do we secure it?

Lester Erwin – You have to have the Sheriff come out and secure the building for them until they can get it back up and running.

Keith Paulson – You were saying all the electricity in there, is there any concern of going in there and putting water on a fire when there is that much electricity around?

Lester Erwin – No, because that is one thing we look at when we did the walk through. We get plans of the buildings and the layouts so we know exactly where the breakers are, and the power shut offs to the buildings. The gas supplies are shut off, too, and we can do all that first thing. That’s the way we are trained to do so we would shut down all power to that place. Which is a real burden to them, because it is secure out and there are cameras everywhere in those places.

Once those go down, that becomes a problem for them because they have to prove why that camera was off and everything was secure still. That’s going to be a hard thing for those guys. It is easier for us to have a key so we can get in there without breaking something down and get in and get out and be locked back up and secure.

Chad Whetzel – Are there any other questions from the Board? Are there other questions from the audience? We will try to keep it about 5 minutes a person.

Sandra Rhoades – Do these grows process too, or do they just grow and sell to the retailer?

Chad Whetzel – For the Board, this is fire department, there are separate licenses and there are various issues that go on there.

Sandra Rhoades – I ask that because I’ve heard that when you process this it is more flammable so I was curious if that is done from the retail side.

Chad Whetzel – It depends. There are a lot of variables and we can cover that a little bit later. We discussed that at the last meeting. Yes, it depends on the process. The state is very ambiguous as to what processing is. On the marijuana side, from what I’ve read, unlike wheat, you know, you harvest the wheat and you sell the seed.

In marijuana you basically cut it and you have to move it from a grow operation to a processor, because anything beyond that is considered processing to the State. It is very ambiguous and we don’t have a lot of control over that. The only thing we can control is zoning and the depth of processing. So if you are just clipping a bud that can be one type, whereas if you are using the flammables that should probably be more of industrial area. That is one of the things we are trying to work out.

Paul Mihalyov – Thanks for coming out tonight, Lester. Thank you for touring our property last week and for sending your crew out. My question is based on your experience, and your career and your history of looking out for the public, health and safety of the community. After doing the walk through of our facility did you notice anything that would suggest there is a public health or safety threat?

Lester Erwin – No. Like I said you guys are probably safer than the fertilizer plants. The biggest concern, and we could get into the processing part and we are concerned about the oil if that becomes a factor. Right now, we don't really have that going on. It is something that this planning commission, you can't really change the laws are but definitely locating those in a more rural situation possibly. When we did the walk through I don't see any concerns to the public. You guys are under a lot of rules and you guys are monitoring your stuff really well.

Paul Mihalyov – Did you notice any public safety concerns at any of the other grow sites you visited?

Lester Erwin – No.

Jordan Zager – I think Mr. Gibney had the question of that packet that was just distributed. I actually sent that to you guys and within that there are the State's codes as to what the fire departments can regulate chemical processing or extraction of cannabis. I just thought that would be good info for you guys.

Dave Gibney – It makes a lot more sense coming from you than I thought it came from the fire people like they have highlighted the things they found in violation or something like that. It just didn't make any sense with that interpretation and I was wrong.

Chad Whetzel – Any other questions from the audience?

Julie Mohr – I guess I am just curious. You did an inspection on the property on County Club Road that I was under the assumption that they weren't operating yet. They shouldn't be operating.

Chad Whetzel – Two things. One that we are here trying to figure out what our code is. But there, I don't know the whole thing, but I don't want to get into back and forth on who is doing what to whom, but anything that was in the County before the moratorium was put on is allowed as they were running before.

Whether or not they are operating isn't a huge issue to us right now. We can't control that; we can't shut it down, if they were operating under the right rules before. What they came in for before was a zone change for that particular business. What the moratorium, my understanding is, they are no longer seeking that zone change but that also does not apply to what we are trying to do right now. So, do we have anything that pertains to what we should be looking at for codes?

Dave Gibney – To be actually correct. I don't know if they are operating or not. But they were, to my knowledge, legitimately growing marijuana in what was ag zone. They asked us to change this to an industrial zone with the intent of then getting a conditional use to do the growing in the industrial zone. That was withdrawn and did not happen. So, whatever they were doing legitimately in the ag zone beforehand they are still permitted to do.

Katrin Kunz – But to add to that, they are not growing.

Chad Whetzel – They are not growing and that is not pertaining to what we are trying to get to tonight. We want to find out information on what law enforcements opinions are, fire safety issues, and try to gather information to come up with a coherent code that makes sense. It could be anything from saying that no, we are done, no more marijuana to whatever codes we want to put in place.

We do want public input but we are also trying to limit with the guests we have with the time we have. We will get to more public input before too long.

Are there any other questions that pertain to the possible codes and fire safety? We may not have a lot of information on extraction, full disclosure, I am part of District 12 in the fire department.

Benno Mohr – My question is about extraction. You talk about grows and then the other part of that was processors. If you have a lot of information on that, that was my question.

Chad Whetzel – There is a ton of information out there and honestly we, until very recently last week we had very little knowledge. But thanks to some of the growers that are local, they invited us in and we've learned a lot more about it and some of the dangers. They said some of the old systems that they use, especially in Colorado, from what I remember and hopefully I'm not misquoting any of this, but they used some systems that were really scary and probably had no business even used in the first place.

Washington does not allow those. Probably one of the ones you are thinking of is the open loop systems, they were basically pouring butane in an open container and I hope they put their cigarettes out before they started. Apparently some of them didn't because they had issues. Washington has not allowed that. It has to be a closed loop system which collects everything. You are not getting the (inaudible) in the atmosphere. Does that answer that question?

Benno Mohr – The question was just whether those extractions dealt with the extraction or was it just for the grows?

Lester Erwin – It was just a walk through. It wasn't even an inspection. It was just a curtesy walk through and we were allowed to walk through so we could learn what goes on in these buildings. What I was saying they are secure; you don't see anything in there. You don't know what is going on in there. When I send my EMTs into that place I want them to know what they were going to walk into.

We didn't look for anything specific, just life safety looking things if there was something there that could be, and if I had to go in there and have to get out someone that is sick in there, do I need to be masking up my fireman? No, they have people working in there that are just doing stuff. The processing, none of them really have that right now as far as the oil so we don't, nothing to look at.

Benno Mohr – Just a general question, do you have a regular, the business I work in we have a regular system inspection by the fire department every year.

Lester Erwin – Yes, we do for businesses in our district.

Kathleen Lloyd – If I have some information, some letters, highlights I would like to give to the Board, is there going to be a time to do that tonight?

Chad Whetzel – Yes, if you have something, you can bring it up or also you can always contact either Katrin or Alan and email it to them and they will distribute it to us also. But if you have something you can bring that up right now. If there is nothing else, thank you, Chief Erwin for coming tonight.

Lester Erwin – Thank you for letting us come and good luck.

Kathleen Lloyd – What I brought with me is, there are a lot of letters that have been sent to the BOCC and circulating that I wanted to make sure that you had as well. I think it is probably hard to go through all of the papers that are flying around and just get a quick this one talks about this etc., and then give it to Katrin so she can make copies.

This one is strictly a letter to the editor that gives statistics from the City of Pullman that shows since 2013 to this year that crime has gone up since marijuana was legalized in the area.

This one talks about the kind of things they would like to see that ordinances happen and I think that my personal opinion is that I'm pretty aligned with them. I feel that if you are a business already operating I don't feel you should be kicked out but we should have some regulations and we don't need anymore. That is what this person also says.

Katrin Kunz – I have copies of that one.

Kathleen Lloyd – This one is from Scott Adams, the CEO of Pullman Regional Hospital and he talks about more marijuana the more difficult it is to get physicians to want to move here. That makes a real problem for recruiting.

This one is from Cornelius Murphy and he is a commissioner for our Whitman County Hospital and he says the same thing for them getting physicians. I understand we have a physician shortage nationwide but it is particularly hard to recruit to a small town. If you are choosing between the smaller towns you're going to always go to one that doesn't have marijuana grows all over the place. You are looking for family friendly kind of places.

This one talks about how there is concern that the grows that are currently going on aren't necessarily good neighbors because a good neighbor doesn't put up shop right next to somebody's house and then start pumping toxic smells to their house, so there is concern about more coming in and making that worse.

This one talks about how it quotes from the American Journal of Psychiatry, how it is a gateway drug and so the Sheriff was talking about the real crimes come from the opioid and the hard drugs. This one says we have evidence that marijuana is the first step. It gets people there and the more we have it in our community the more we will start seeing that.

This one, I have a lot of letters from the Schweitzer Engineering, CEO's and leadership. This one is just saying, please give us some regulations.

This one talks about it being having no regulations is detrimental to individuals and counties, and how when they bring people from all over the world into the airport to give them tours or do business it is actually detrimental to their recruiting, and the image of the US when they come to the airport and see

and smell the grows. That was from David Constello, who was chief sales and customer service officer from SEL.

This one is from Ed and his wife personally, saying, please give us some regulations. We don't want to have marijuana grow affecting their business and they are one the biggest employers in the area.

This one is from Joey Nestegard from SEL. He is the chief business officer and he is the chief financial officer and he again talks about the smell at the airport. It makes it hard for business and all the people they are bringing in either for sales or touring the facility or different business that they do.

This one is from Erik Newman, SEL. It is not conducive to family friendly environment which is what they are trying to promote when they are both recruiting more engineers; and there a lot of open and job opportunities at SEL. They don't want to make it more challenging to have high engineers and people that they want to have come in to fill these positions.

This one is a study about how bad it is for adolescence and it came from the Journal of American Medical Association. It talks about some of the negative effects that was sent in by Nancy Gregory who was a respected nurse practitioner who has been practicing here for a long time. Again, it talks about how it negative impacts on the community and it is again, a gateway drug.

This one is from Kari Staniszewski and she lives on the Airport Road and she says she has been there for 25 years, oh, no, more than 50. She says the smell is so bad over there on such a regular basis she goes way out of her way now to drive into work just so she doesn't have to have that smell permeating her car every day.

This one is from WSU talking about the concerns they have about some research they found how the smell can actually come in the air can be detected in the cow's milk. They don't know if that is how that affects the milk in the cream that makes the Cougar Gold Cheese and the ice cream. But they are very concerned about that.

I know that the argument on the other side has been it is just a smell like smelling an orange but what we have learned from other sources is that this smell can't be isolated and they don't know what the negative side effects could be from the smell. If they could take that away and isolate it they would but they can't so there is this huge unknown and they don't want it to affect people living nearby when they smell it or the cows.

This one is from Janel Richart talking about the false perception that marijuana is safe while young people think it is legal so it must be safe.

This one sees long term negative health effects and it is by Jill Elbracht, a nurse practitioner.

This one is from Lonna Heuett who talks about when tobacco came out the industry itself liked to promote it as a very healthy thing. Basically, she is saying if the industry says that it is safe you can't always trust them. You need to have outside sources review things to tell you that it is safe because there are a lot of other studies that have come out from the medical side showing it is not safe. Which is the concern that a lot of local people have is that they don't want it next to their house. They don't want to be able to smell it because we don't know the negative side effects could be.

My plea to you is that you would allow the people who are here to stay, but I think we should regulate them. I think they should stay indoors where we can have filtration systems so it doesn't affect the neighbors. I don't think we need any more and I don't think we should have outdoor grows.

I would ask that you regulate the air and the water so that that people feel that they are safe and that they aren't being exposed to their young children, so that the children don't feel it is a safe to participate in. So, that's what I am going to ask and I am happy to help give different reports. You have the authority to do that. I know that some counties have gone to court over this and there is now a record that shows the county can decide everything they want. We don't have to just stop with what LCB is asking people to do. It is very minimal standards there but they have basically left it up to the county to decide how it should be implemented in the County. I will give that to you.

Katrin Kunz – Thank you. Yes, we ask everyone from all sides to send information to me and I will distribute them to the planning commission.

Kathleen Lloyd – There are more letters; I just grabbed some of the highlighted ones.

Katrin Kunz – I have some of those letters and have already made copies of them. I was trying to go through those comments that basically recommendations what to put into the ordinance. I didn't necessarily pull the ones that talked about the health. I know that is important to many people but now regarding the zoning ordinance. Thanks for those and any suggestions.

Kathleen Lloyd – What kind of information are you looking for? I have been working on this for several months and have made calls to lots of counties and have talked to the LCB a bunch of times.

Katrin Kunz – Whatever you think is pertinent.

Chad Whetzel – We are just trying to collect information, to figure out not only what legally we need to do but what the County in general wants. It depends on how you look at the voting record of whether people voted, it passed statewide and it passed heavy in Pullman, not so heavy outside the area, and make a workable situation for everybody.

Katrin Kunz – Not necessarily the effect of smoking or consuming on marijuana. I think maybe the odor or any scientific papers. We are not discussing if it is legal or what harm does it do when you consume it. that is not the task of the planning commission.

Chad Whetzel – The State has already decided that it is going to be legal. We have to decide, we don't know whether other issues might come with that. If you find any information on that, please let us know.

Kathleen Lloyd – If somebody wants to do that in their own home, I want to have the choice to not have it exposed to my body if I choose that as well. I respect other people's choice; that is not a problem to me. How is this format going to work? Is it going to have regular meetings every two weeks, or is there going to be public comment available or are the doors shut after this?

Chad Whetzel – No, typically what happens is we have a scheduled meeting on the first Wednesday of every month. They post it in the Colfax Gazette for sure, is the paper of record. Typically, we also go, right now our alternate schedule is also be the third Wednesday.

Katrin Kunz – It is not posted in the Gazette, so every first Wednesday of every month is the regular meeting at 7 p.m. in this room. On the website you can find the agenda a couple of days before.

Chad Whetzel – Our extra meeting is the third Wednesday of every month and we have been doing that since we started this process. We have had one but that seems to be the trend that we will be here the first and third Wednesday for a while.

Kathleen Lloyd – Each time you will be talking about how to move forward with the ordinances?

Chad Whetzel – We have our regular business we also have to take care of which tonight was minimal. But there may be other things that come up and we try to do those first because the ordinance will take a while and we want to make sure we get our regular business done first.

Rusty Jamison – I'd like to answer your question about what you are asking from the public to help for me to personally make a decision. I really want to know what the public wants with regards to WC property rights. That is what we are here about. Personally, you know, I'm not too favorable about what is going on, but I have to look at it from a rational point of view and say my personal opinion can't enter into this. I have to say, okay do people in WC, do some people have more property rights than others?

In some cases they do and in this case is that what is going to happen? Is that what the people want us to say to marijuana growers and marijuana processors? So far, I've heard a lot of, like the letters I even know some of those people. I understand what you are saying but the meat of this is, is property rights. You know, do we allow WC to be opened up so anybody that wants to grow this stuff have the legal right to do it? Or do we regulate it and go the other extreme and say we aren't going to allow any property owner to grow it?

I understand we have grandfathered businesses but we could have done that if we would have started earlier. Property rights is the issue and how far do we go? This is a democracy represented government. If we were going to in communist China or even a socialist country we really could just make our decisions without the input of the public and what we would say would be what is going to happen. Well, in our country we don't function that way. So, the more information we can gather not so much of safety and those things, but what people want as property rights in WC. That's what I need.

Kathleen Lloyd – So, like the property rights of the marijuana growers or the individuals that are living next door to them.

Rusty Jamison – All of that. Do we discriminate? As an example for me, I am a wheat producer. Well, 80 years ago if WC had decided that there is only going to be 100 wheat farms in WC, would that have been in the best interests of the people at that time? I don't know, but obviously they didn't regulate it to that point. There are a lot more farms than 100 that grow wheat.

Say you have a gas station or a development of an apartment building, like all the stuff that is going on in Pullman. All this stuff comes before this board and we have to make decisions based on the laws that are already on record. Now what we are doing is making a recommendation of the change of the law and we need to know with regards to property rights what people in WC want to do.

You know, medical things and stuff like that is interesting but if people want to smoke this and do whatever they do with it even though it affects their health when they are elderly age, we can't do anything about it at this board level. That's not our job. I wish maybe we could but we can't.

Kathleen Lloyd – I would suggest that somebody who is already established should have some preferential treatment as to what happens that affects their personal enjoyment of their property, if they were there first. Then bringing in a chemical processing plant next door, we have a right to object to that if it is something that will affect their ability to be outdoors on their own property. I think they do have extra rights. I know that there are already, that is what zoning is for. You can only have certain kinds of activity in different zones whether it is unincorporated or the incorporated areas. So, it is not outside of what is usually done to say you can operate but you have to operate here under these rules. I don't think we are changing that, we are just saying we need to have rules that make it so that neighbors are not in conflict with each other.

Right now, yes, people can buy their own property and build a house but there are a lot of really strict rules about what you can do when you want to build your own home. There are recent rules that say you can't build on top of a hill because somebody else might not like how it looks. The Board has already done similar things to protect the existing people so this is not outside that box.

Chad Whetzel – We will look through this information.

Chris Boyd – I will point out everything she just said applies to our ag chemicals too. Not a good road to go down. Because the farmers are priority in this County and as soon as you let people move out in the country, to tell you what your crop can smell like, whether it be 2,4-D, or any various other smelling things that we use, strike down a bad smell.

Melissa Ryan – We, and I'm speaking for my husband's (inaudible) he is a farmer. He is a six generation farmer. Of course he is in spring work right now; he is out on the tractor. We both came to the last meeting and we both spoke and expressed our concerns. I'd like to reiterate tonight especially concerning the regulations for zoning.

As a farmer, my husband said it at the last meeting, he is under all sorts of regulations from the EPA, same with the ranching. There are a lot of regulations, air regulations, and chemical regulations. So, for this particular business to come in and expect that there shouldn't be as many regulations, I think is absurd. It is especially concerning to me, I know you guys don't want to talk about health but I think it has to be addressed. Because we don't know the effects of some of these things.

Wheat farming has been around for thousands of years. We have a lot of data and we know what that consists of and so we comply with what the EPA wants. We comply with all the farming and the USDA regulations. We don't know those affects, wholeheartedly yet, with marijuana there are studies that are pro and con; there is a lot out there to be discovered.

The one thing I have heard, over and over from even our own sheriff is that we are calling this a drug. We are not calling wheat a drug. We are not calling barley a drug. We are calling the parts of barley that would be put into alcohol a drug but not the plant itself. So, when we are talking about health it really needs to be at the forefront of our minds.

My family lives a half a mile down from the proposed grow and processing at one point, the facility on Country Club Road. We live on Flat Road. We are downwind from everything that comes down there. Now we chose 13 years ago to move out there. We put a home out there and that was our decision. We knew there would be a smell from the cattle barns. Okay? We get that all the time, every summer there is tons of that smell.

So, we know that the marijuana plant, we are going to get that smell, now. The difference I would say is that we have been established on that property for 13 years and I do not believe that we should not have any rights as property owners to not be able to have our voices heard and our concerns met when property values go down around drug facilities.

There is data; you can research it. There are health concerns, obviously because of the research and we would like to know more about that, but to run our family out because of possible effects when we are established there, I feel like that is something that needs to be addressed.

One thing I brought up at the last meeting was we have a daughter that 2 years ago came down with an autoimmune condition. She is sensitive to everything including smells and chemicals and artificial fragrances. We don't know how this is going to affect her. But I surely shouldn't have to move and uproot my family because the facility has decided that they can now grow a half a mile away from my house.

There are several residences that are very close to this proposed grow facility. I would say, as moving forward as a Board, that you guys could please take into consideration a mile radius of where these facilities can go. I understand that they have rights, too, and I am not against people who want to use it for medicinal purposes but I'm saying, please be respectful and think about the families and the residents that are already there. I would propose at least a 5-mile radius of these facilities coming in where there are residential areas.

It is a tricky situation on Country Club Road because we are out in the County but there is a home owners association just up the road from it. There is a farmer within touching distance of the fence and his family and house is right there and borders the property. We are half a mile down and there are 5 other homes there at the corner of the intersection of Wawawai and Flat Road. So this is not just about putting the facility out in the middle of nowhere. That is not what is happening. These facilities are coming into the areas where there are homes.

The other thing I would like to say is you wanted to address property rights and what is my property rights as an owner who has been there existing for 13 years? I feel like what has happened that should be addressed. That should be taken into consideration.

I also don't think it is fair that somebody was up here earlier saying that the health and wellness they didn't feel like there was any safety issues to the health and welfare of the people. That can't be said because we are talking about a different thing. Are you talking about the way they do their plants? That could be one thing but you can't talk about what is growing in there and not being the health and welfare and safety of the public because obviously the data is not out there yet. We don't know.

So, I want to differentiate between that and make that very clear how they run their plants it might be great steps to be taken and precautions. What is coming out of the plants, the smells, and everything else that is happening is a whole different thing.

I also want to speak on behalf of my children who attend Pullman High School. I will tell you that in general this marijuana is becoming more and more of a problem. And that whether we want to talk about it or not, that problem needs to be addressed even when we are talking zoning rights. There are several plants. How many do we need as Mr. Moore asked earlier? I think that is super important. It used to be a few people who did marijuana when we were in school, it is dozens and dozens of these children now and they have easy access to it.

We heard our own Sheriff say that there is nothing he can do from a legal standpoint. That is scary. I think that is extremely scary. If marijuana is not considered ag then why is it allowed to be grown in an ag zone? I think that is another thing that WC needs to seriously address. There is a reason it is not considered ag. It is not federally accepted and we can go on and on about those regulations. Please take this into consideration and understand.

You know, bars got rid of smoking in Washington. Why? Because there was a problem with the air. There is more of this we need to discuss, there is more of these things that we need to think about. Maybe some of you are not affected by it, but my family is personally going to be affected by it. We have looked at legal counsel, we have looked at a variety of things, because it is not fair for the families that are already existing to have to live in this and not know. If we had clear cut data, that would be one thing, but we don't. They can argue on their side it doesn't harm people but there are several studies that it could harm people. To ask that you would just make that a consideration.

One other thing that was brought up, who we can tell the wheat farm, I think you brought up if there were only 100 wheat farms. I will tell you it is already existing things like that all over the place. If I wanted to open up a McDonalds I would have to open it so far from another McDonalds because there are those regulations. That is what I am asking the Board to think about and decide on is how many do we want? How far apart do we want them? Who is going to be around them? What about people that are already existing that are there? The bottom line, is how many? What are we going to have as a county really going to be the mega center for pot growing? Is that what we need and want? What are all those affects that go with it? Our children, our future, the crime rate, etc., etc. I appreciate you taking the time to listen to our concerns. Thank you.

Benno Mohr – I have a notes that I have written down because I don't remember anything unless I write them down. The comments about the wheat farmers they all got here first was the answer there. Also I have property rights and I know some people have more property rights than others. There are some down the road from our homestead farm and they want to grow pot. Do we have more of a right than they do? Interesting question but that is not what I want to talk about. (Passes out papers.)

I felt like after the last few meetings there were some questions that I thought were not well dealt with or left unanswered. So, this is about that. Just some resources at first, so the current industry best practice of a guidance for cannabis operations you see this, they have by this central agency committee for some kind of cooperation. They put out the regulatory guidance and you can see all the air agencies and solid waste divisions are all part of that group. I recommend that you look and see what the State is doing generally as guidance for a cannabis operations.

On the second page, I'm sure you guys are using that MRSC which will give you all the ordinances from all the cities and counties in Washington. They are linked so you can just pull that up and see that as the people are doing. As you scroll down you get that map and you can toggle between counties and cities to get an idea of what is going on. You will notice all the counties in the south central and southeast

Washington that are red, are prohibited by the county, how often they grandfather people in and then ban new businesses.

Those are a great source of information and as a point of self-promotion the website that we started has a lot of links to where the case law where they talk about what was legal and what the commissioners can actually do. So, there are a lot of links to legal decisions and attorney general opinions and things like that.

I just want to go through this briefly. Everyone is tired and wants to go home. Briefly, some marijuana issues that need to be talked about a little more. People are talking about odor, there are some issues involved in the zoning change, the tax benefit, compliance with state law and this ongoing thing about marijuana as an agricultural product. I think doesn't seem to ever get answered.

So, really issues of public health, environment, public safety and then financial impact on the County which has been an issue in my mind. The public health and I know we have some folks that are interested in terpenes, I'm not going to get into a lot of terpenes stuff. Just the health effects. There is not a lot of evidence on that. And I think that was also talked about before but there are some.

Then we come to the occupational health literature. That's not high quality and can be a break-through for medical evidence. Case studies, small trials and what it suggests is that terpenes essentially are a related to upper respiratory tract conditions and can exacerbate asthma. Also can cause dermatitis. It is interesting with Melissa Ryans' daughter and chemical sensitivity so one could be an exacerbate. So, more studies are needed. No long term data yet for exposures. The references on cows, cows kind of got a short stretch this last time and the terpenes in their feed.

In looking at environment, so marijuana production/processing cause air and water pollution. So, cannabis and air quality volatile organic compounds (terpenes) and others react to form carbonyl compounds so formaldehyde, acetaldehyde, acetone, and coalesce to small ultrafine particulate matter. Very small, 0.1-.2 microns.

The Clean Air Act actually defines air pollutants and as they occur high enough to cause effects whether it be human health effects or even enjoyment of your property that is air pollution. The Washington State Cleaner Act, RCW 70.94. The enforcement of that is presumed to be local, so if you get a complaints about pollutants that is supposed to be dealt with at the County level. The county has told me that that was to go through the regional office but when you talk to the regional office it is supposed to be done by the county so there is some confusion about how that is so right now. But that is the law. That is section 231 subsection 7.

The next page there is the text and definitions from the Washington State Clean Air act, contaminants, pollution, emissions and emission standards and finally fine particulate. As part of the standards for marijuana production and processing, their opening statement, *"The purpose of the production and processing of marijuana emits air contaminants."* From there they go on to what they do from a regular source standpoint. IRAC puts out the guidance. They use the clean air act language. The question is how is the County, as we talk about regulations going forward we are trying to zone things or come up with ordinances. We look at how the County is currently tracking and regulating that.

Then a quick word about the comprehensive plan. So, looking through that on page 65, one of the main goals is to maintain an accrue of current water quality. As part of the implementation guidelines on

page 66 it says to, *“Ensure that new land uses in unincorporated areas take measures to control air and water quality impacts.”* I submit that is an important thing to look at going forward. Water quality so the lack in the sections on the, just in general,

Dave Gibney – Whatever you were quoting on page numbers is not in this.

Benno Mohr – Oh, I’m sorry, that is from the comprehensive plan.

Chad Whetzel – You were talking about the IRAC, page 10, if you look at two pages from the back says water pollution and right above the blue line it has the page.

Dave Gibney – I’ve got page 10 but no page 60’s, and,

Benno Mohr – That is from our WC Comp plan, so page 65 and page 66 of the plan.

Dave Gibney – I kind of expected that is what you were talking about but if you quoted any part of that in this document that you passed around,

Benno Mohr – I didn’t put that as a quote, it is readily available. Just so it is not confusing there. So, the state says the, *“Disposal of marijuana related waste water via septic systems is not allowed by the WAC due to threat to ground water. Wastewater that results from any growing, manufacturing, cleaning or rinsing processes is considered an industrial waste (industrial wastewater) and is subject to local, state and federal regulations.”*

This basically includes any water used in the entire process. You can’t discharge industrial waste water into onsite septic systems. In general, in terms of regulations for the County, for instance, how is that done right now with all those in outlying areas? Are those on septic systems and then who is regulating that? So, that is WAC 246-272A. It deals with all onsite septic systems. The site pressures on water and septic will increase.

The businesses are able to have multiple licenses. They can have up to three licenses. We have a grower that had one license and can get an additional license or he can acquire those licenses. There is legislation going, actually it is moving through the legislature to allow them to have two additional licenses. Like a Tier3 producer with one license can have 30,000 square feet under production, under cannabis, can get 150,000 square feet.

As the LCB continue to change the rules as if they have done another time, how the County would be prepared to deal with that, with changing grow sizes, changing extracting or processing. When we are talking about air quality or onsite septic systems that can be significant concern in terms of water quality.

So, public safety. It is still a controlled substance in Washington, but I-502 is under the Uniform Control Substance Act that I assume you are all familiar with. That weighs out how marijuana is actually treated from a legal standpoint. It is still a Class 1 drug that was changed so you can possess some of amounts and can grow it legally with a license.

It is a permit to do it but it doesn't give you the right to do it. Sheriff Myers was here and he answered questions about property crime in the general area. Again, multiple bills in congress with two competing bills right now that would allow growers to have retail sales. .

Dave Gibney - Congress or the state legislature?

Benno Mohr – I'm sorry, I mean the state legislature. One is a Senate bill and one is a House bill.

Colorado has a long list of industry experience. Again, the unknown unknowns. In the industry they found that workers used on the way to work. Sheriff Myers mentioned that in driving to and from under the influence is an issue in the County. Also, the Chief was here for the fire department. Very good.

Any controlled substance, the agriculture definition that we have as a County is the same as the State. The State specifically says in the (inaudible) that unless it is explicitly stated in the County code, and it is not, we have an opportunity to make it an ag product. Unless you explicitly say it is not and then you are (inaudible) by state law that also says it is not.

When Dr. Payne was here the other day, he commented that it is not an agricultural product. That came from the fact that they have five attorneys working at WSU. I think they are pretty clear on what the local law says.

Just from the business perspective, the financial impact of it was of interest. Seems like the upside to expanding marijuana cannabis there is a significant downside risk financially to the County. So, to the community we have had a lot of local business and business leaders come out and say they are not fans of this. They think it affects their recruiting, outside investment and quality of life.

In the County the revenue is fixed. The city gets hundreds of millions of dollars of excise tax revenue every year. The law says they can only get \$15 million dollars every year and that will continue. That doesn't look to be increasing. That is proportional, the County's share is proportional; it is not absolute. So, we compete based on retail sales and our population. Those are the only things that go into the equation.

So, for 2017 and 2018, we got \$87,000 total. Sales in the County have plateaued. There was an article in the Daily News the other day. That leveled off this last year. It seems like Flloyd's are selling to all the people in Idaho. They have saturated our market.

The fixed cost and variable overhead will increase with time. We talk about regulations and who is going to enforce those and who will administer from a county standpoint. That leaves \$7,000. I don't know what your overhead is for the County but one FTE would pretty much blow through that. So, if the Sheriff comes up needing some extra help or you need to add administrative help, those cash flows start to look negative in the near future.

The other thing is administration, the other places have air agencies that help mitigate their risk in terms of that. Whitman County doesn't have that. Because a lot of folks in the southern part of the state that are part of our part of eastern air quality area have put bans in place. I wonder if they are going to be excited in helping out with the enforcement.

So, the current situation talk about growing and oversupplied for our area and whether that is state-wide, whether that is Washington State, markets are currently oversupplied. That has been an issue with supporting price. At the right hand side of the paper there is a table of canopy producers who don't have active canopy or are actively growing. By tier or the number of who is trying to sell, closing, have 254 but some of those are dropping out.

So, 187 grows who are active and intend to grow but are not growing. That doesn't have the growers in Yakima County that have been growing medical that comingled them with recreational and being forcibly shut down by the county who decided that they would completely ban it in the unincorporated county.

So that is a concern that the processors are transferring licenses to WC. There are a lot of licenses out there. We don't have any regulations. This looks like a good place, meetings recently folks represented have been from Chelan, Othello, Yakima County, Pasco places that have either banned it or have restricted zoning ordinances that make them want to look elsewhere. So, the future talk about grower direct to consumer sales. To help folks generate revenue and what it might look like for our county.

The senate bill proposes allowing out of state owners of businesses. So, we could have businesses who had, were not controlled by (inaudible) of the state versus well-meaning (inaudible) things about public ownership or Canadian model. Then there is the proposal for allowing two additional licenses per business for a total of five per grower, and what that would mean in terms of environmental impact in WC.

So, just to summarize, you guys have been doing this for a long time and this is a big job but it has a far reaching effect with a positive or negative on health safety and the fiscal health of the County. Does best regular practices exist? I think that is a good reference and Implementation and enforcement will require resources.

The other question is what will things will look like in 3, 5, or 10 years from now? Will there be a pre-moratorium 5 years from now when the marijuana thing is a complete disaster and looking back what would we have done differently? The cost/benefit, risk mitigation. What is the best policy risk you guys face in terms of what to do? There are good examples from neighboring counties and how to deal with this who have gone down this road. All those ordinances are available.

Another question about allowing operations. My question is really, why wouldn't the County enact a ban looking at everything that is available? Really those are issues for the future. Looking at what is to come with the LCB continually changing their policies. This is really about the legislation passed this thing, they put a lot of revenue, they cost shifted everything to the County and that's why we deal with all these issues. That's all I have. Thank you very much.

Chad Whetzel – Thank you. Any other people wish to speak?

James Fry – I sent a letter to the BOCC and I have a copy here. I'm not going to read it again. I grew up in the day of cigarette smoking. Smoking was common everywhere, in restaurants, cars, at work almost always in movies and on television. So in 1967, after I graduated from high school, I worked 2 weeks at a camp on the biggest forest fire over in Idaho, the Sundance Fire, which ended up burning about 56,000 acres. Every day the US government gave each of us a free pack of cigarettes.

We now know what smoking and secondhand smoke can do in addition to the tobacco industry has cost us about 2 billion dollars or more in claims for damages cost. I believe with every ounce of my being that we will be going down that same road with marijuana.

Back in November 21st of 2017, an editorial in the Colorado Springs Gazette said, *this week marks the 5th anniversary of Colorado's legalization of commercial marijuana trade and the reviews aren't good. Five years of retail pot coincide with five years of homelessness, growth rate that ranks among the highest rates in the country. Directors of homeless shelters and people who live on the streets, tell us homeless substance abusers migrate here for easy access to pot.*

Five years of Big Marijuana ushered in a doubling in the numbers of drivers involved in fatal crashes who tested positive for marijuana based on research by the pro-legalization Denver Post.

Five years of commercial pot have been five years of more marijuana in schools than teachers and administrators have ever feared.

Rocky Mountain PBS, which is certainly not a conservative organization, reports that investigations in 2016 showed that drug violations reported by Colorado's K-12 schools have increased by 45% in the past 4 years, even as the combined of all the other violations have fallen.

The investigations found that drug violations of high school age students has increased by 71% since legalization. Colorado ranks first in the country from marijuana use among teens according to the National Survey of Drug Use and Health.

The head of Colorado's Marijuana Accountability Coalition said, "It's one thing to decriminalize marijuana. It's an entirely different thing to legalize an industry that has commercialized a drug that is devastating our kids and devastating whole communities."

One last thing here is, *The Inspired Malibu, a non-12 step drug alcohol detox treatment center in Malibu, CA, has listed eleven side effects of using marijuana. Addiction, memory loss, social anxiety disorders, paranoia, heart damage, lung problems, low testosterone, appetite irregularities, risk of greater potency, decrease in motor response and poor decisions.*

I posed this question to the BOCC in this letter and I pose it to you folks. I know it is a hard decision. This is the first time I have ever been here and I have learned a lot. I really appreciate your work.

Should we take pride in telling the world that we are the leader in growing, processing and selling drugs in Whitman County? Thank you.

Chad Whetzel – Thank you.

Sandra Rhoades – Thank you for all you do. It is not going to be easy sending forth these codes and regulations. Thank you for taking that on your shoulders. I appreciate that. I just want to make a couple of suggestions for some regulations for you to consider implementing.

One is I would like you to put a permanent moratorium on this industry. Those that are already here, they can stay, obviously, but we don't need it to be expanded. So those who are here don't need to expand their growth or retail. Those who are trying to change their license from one county to ours, I

think those should be denied. Especially because the decision why they are switching to our county is because their counties have imposed new regulations and they are difficult for them to adjust to, so they want to come to our county since there are currently no regulations, other than this temporary moratorium.

Also, marijuana is a first seed plant, so I am wondering since Pullman, I am from Pullman, is a pretty dry area, and we have some wells in our area that have currently gone dry if there was a way that we could maybe regulate or meter the water so to make sure they don't use more water than the County already set for them to use. Is that a possibility?

Chad Whetzel – The answer for that is there are regulations. The State regulates the domestic use of wells and if I remember correctly, I believe it is 5,000 gallons a day on a private well. But one thing that I will say we don't want to be in the business of regulating wells. The State has already threatened to put meters on every well and that is not something that personally I want to be involved in for any reason. I don't want my property regulated, I don't want your property regulated. I'd like to stay on the honor system that we are doing what we are supposed to do. They know what they are doing as far as the gallons of what they are supposed to take out and I'm hoping they are adhering to the correct rules and that falls under Environmental Health. So, I know what you are saying, but it is not a place I want to be.

Sandra Rhoades – I understand. That makes sense and I do like the honor code as well. Also, so counties have required grow operations to be in an industrial area because if there is water leakage that would leak into a public treatment plant, so that water is treated and it is fine. But since they are in an agricultural district obviously, that is going to affect the well water. If there is some regulation, I want to ensure that there is a Plan B to prevent, like if there is leakage on one level that there is another level that would be protected from infiltrating the ground and the well water. Is that something that could be considered? Is that possible to implement that?

Dave Gibney – Personally, I think it is clear that processing is going to have to be an industrial type or commercial zone. When we get there.

Chad Whetzel – That is something we should discuss and it is obvious from some of our previous conversations. There is a broad spectrum of processing.

Dave Gibney – I also agree with some of the different tiers of processing.

Chad Whetzel – Right and that is something that we will discuss and try to come up with.

Sandra Rhoades – Yes, a lot of them have moved to the cities and if you want to grow you have to be in a big industrial area. But Pullman is such a small population that is not a really an option for us to do. So if there is something (inaudible) to ensure that there isn't any health relation to our well water.

Chad Whetzel – The facility that I have seen, I haven't seen all of them but most of them, they don't use tons of gallons of water and what other than I assume there is nothing that is coming out of the plant. It is in pots, it's going into the plant. The fertilizers they use are the ones that I have seen so far are no worse than Miracle Grow.

So, as far as the chemicals they use and there is a list of approved chemicals that we have been given by the State, and most of them are, the worst one I've seen so far is a Ph. Balancer and its label is corrosive.

That is probably from my standpoint no worse than a swimming pool. As far as the Ph. balance is concerned. I don't know if we have any hydroponic situations or if we have talked about that.

Dave Gibney – In the long run we are going to have to address all these aspects. That is one thing I really appreciate all the information that is coming in and the ideas. This is not going to be a quick solution. I actually expect that the moratorium will have to be extended at least once before we can get finished with this.

I would say like others, we are limited in what we can do as a planning commission, is recommend to the BOCC that they adopt an ordinance and the basic enforcement act of the policy of that is going to be the changes to the zoning as to what is and what is not allowed in a particular zone. It seems a little far out to actually go so far as to create a pot zone or whatever.

I think one of the questions that it is going to come down to, is whether it is an ag product or not, will we allow the growing in the ag zone? The word is the same, it is just two different concepts. I'm convinced the processing of marijuana anywhere past the trimming stage is going to require at least a commercial and probably a light industrial area. That is my preliminary thoughts right now.

The other part of it is the voters in the State of Washington and our legislators have decided that recreational and medicinal use of marijuana is legal and the safety issue on that is something that they will have to address in the future. It is not something that we are going to get to do at our level here. Frankly, I understand everybody's property rights and everything and I fully even have the feelings myself but the "not in my back yard," is not something that has a lot of strength in the legal. Again, we have to do something that is legally defensible.

Sandra Rhoades – I understand. I am so confused because my parents live in a different county in Washington and they haven't had the fear of the repercussions like WC has and so I'm just trying to understand why there is a disconnect. If it would be helpful, I'm happy to maybe ask the mayor of that city to have him call you and tell you how he handled it or why they were able to issue a permanent moratorium and why there were no repercussions on that. Would that be helpful to you?

Chad Whetzel – What county was it?

Sandra Rhoades – It is Klickitat County and the commissioners recommended to the cities within that county to put a permanent moratorium on the marijuana grow expansion. So, those that were already there could stay but they could not expand and not accept any new grows or retailers. Goldendale adopted that recommendation by the city commissioners and they were threatened by a couple of farmers that wanted to start growing to sue, but their attorneys told them that that the law is on the county side.

So, the attorneys were looking out for the farmer's interest. They didn't want the farmers to lose money. They said the law was on the county's side so I wouldn't recommend suing because they would lose some of their livelihood if you do that, so they didn't follow through on that. So, there is a fear of WC to like impose regulations like other counties have. I'm trying to understand why that fear is there.

Dave Gibney – You just actually related even in Klickitat County in Goldendale, there was some thought as to the legality and defensibility of the moratorium and the (inaudible) that they put in. That is the same thing that we have to be cognizance about. I'm not saying at this point that we won't have

something that is legally defensible. I'm saying that we have to be sure that what we do is. I think Klickitat County and the City of Goldendale are ahead of WC on that pathway.

Sandra Rhoades – I think most counties are ahead of WC.

Dave Gibney – That is water under the bridge. Our BOCC at the time in 2015 could have chosen to adopt an ordinance at that time and then we would be working from those. We're 13 years behind that so in a lot of ways we are playing catch up.

Sandra Rhoades – We've only been in Pullman for 2 years and we love Pullman. We came here because it had a reputation of being so family friendly and lack of crime in the community and so we were drawn to the community. I don't want it to be known as a mecca for cannabis. It is a great place to live and my husband is a physician and how do we, had we known about these issues we would have missed out on Pullman. We wouldn't even have considered Pullman. I don't want other people to miss out on what a wonderful community Pullman is and for this area because of their fear of the grows and retails that we have here. We have a very high number of grows and retails according to our population. That really is not normal. I think we don't need any license transfers or expansion. We have enough. We don't need that. Thank you for your consideration.

Linda Commons – I spoke at the March 4th meeting they had. I just want, my concern is that I live at the other end of Flat Road and I know I am going to get the smells from the plant. I know people that live on Airport Road, it is awful. I don't want that. I feel like our, my husband and I moved out there in 2005, and we lived in Pullman for 54 years. We always wanted to be out in the country and that is where we are. We really like it, we love it.

The idea that this is an isolated place out there where they should be able to just come in and put a processing plant bothers us because there are seven houses. There is a plumbing business, the WC road people have their shop there, there's the WSU dairy, and there is a beautiful neighborhood on Country Club with homes with families. I just don't feel like businesses should be able to come in when we are already established there, and bringing in that kind of a situation that we have to deal with. We are worried about all kinds of things. Our homes, the decrease in value in those, we are just worried about the dairy people. It has already been hashed over.

What I would like to see you do is what I just stated. People are already there like all those families are, have a say, or and when these people come in and I know that this is legalized for the State of Washington and that's fine but I think there should be a, I don't know if this comes under zoning or what but it has to be, and I don't know how you are going to do this. I know you have a tough job. But it could be like 5 or 10 miles away.

Really take into consideration about where these processing plant is going to be. The other thing we don't know how we can get information to all of you like we did for the BOCC? Is there an email? Is it the same email we used for them? We wrote to Maribeth.

Katrin Kunz – The planning department. It is on the website. I don't have a card now. Just click on the Planning Department and you will see Alan's and my names.

Rusty Jamison – If you go to the Whitman County website now, they finally did put the phone number on there. If you call that phone number it puts you to the operator and she is right next to the office where Alan is and she can patch you through right to their office if you don't have their direct number.

Linda Commons – Okay, there are a lot of us that live in that area and want to express our ideas. We have all written letters. Did you get all of the letters from the BOCC that we have written?

Katrin Kunz – Yes,

Chad Whetzel – We've gotten some and they are putting them through to us. We are getting them. Any information that you have that you think is useful, please send them to us. Part of that is so that we don't end up accidentally talking when we are not supposed to. If it goes to them they distribute it out to us. It keeps up in the public rules.

Dave Gibney – I would hope that anything on this subject that comes to pretty much any department in the County is going to make it to the planning department and then to us.

Katrin Kunz – Maribeth forwards those comments to us.

Linda Commons – Since this started a few months ago, all of us that live in that area didn't even know it until we saw it in an Evergreen article. We were just shocked that it said that people have signed things saying it was okay and it was approved and that everybody was behind them. We were just like, whoa, wait a minute, we didn't know about any of this.

Chad Whetzel – There are some very specific rules on zoning on who gets contacted and the one of the things if we do anything above and beyond the state law or our county.

Dave Gibney – It is actually the state law that says anybody within 300 feet of a zoning change has to be notified.

Chad Whetzel – If we go beyond and above that then everything we've done is subject to challenge in court because we have exceeded, why did we exceed it here but not there?

Dave Gibney – If you go to 350 feet then why didn't you go to 1000?

Linda Commons – The article in the Evergreen were from the people who wanted to do the businesses and they were saying,

Chad Whetzel – We have discussed this a lot in other meetings. Otherwise we are opened up to litigation.

Dave Gibney – We are not in an entirely different process. When that zone change came before us we were restricted, that we had to follow the law that we had and that's why that happened. We are in legislative process now of trying to determine what is the best law for WC.

Linda Commons – Thank you for trying to help us.

Chad Whetzel – Any other comments tonight?

Dave Gibney – I do have one late one, around 5:30 today, Katrin sent this letter from Brian Augdahl who could not attend this meeting. It was, I believe a little after 5:00 so a number have not seen it. It involves an existing cannabis grower whose business was forced to move to the airport because of the realignment. There seems to be some, he was in the process of moving his business when the moratorium came.

As others have said the people who are already operating, it's not necessarily fair for us to change their, take away their rights. I'm a little concerned here that this was an action in process that appears to have been caught up with the moratorium and I know that we don't get to tell the BOCC that they are wrong on that but I was just wondering if there was any more information.

Katrin Kunz – Alan talked to me. He would have more information about that. All I know he got caught up because his license, because he needed to move away from the airport.

Dave Gibney – But it is not a county license. It is within the county to move from one place to another.'

Katrin Kunz – Exactly, but they did the transfer of license; it was not approved by the time of the moratorium so the re-location of the business.

Dave Gibney – If we were doing this in the zoning situation the fact that they made the application for a zone change or to do something in the existing zone would place it subject to the laws at the time that they did the application, not at the time of the completion. I'm just wondering why that doesn't apply in this situation. Mostly I wanted to make sure that this letter that did come later was brought before us as a part of our business.

Chad Whetzel – We can read that more in detail and maybe you and Alan can discuss that.

Katrin Kunz – I can ask to send a request to the BOCC to explain why he got caught up there.

Chad Whetzel – Any other questions from the Board?

Katrin Kunz – No question. But at the last meeting Art gave us some homework. He asked us to ask the treasurer about the revenue from the marijuana businesses. I went to the treasurer to get those numbers, an official number here. She gave me the numbers for WC and the cities and so in 2018 the revenue was \$76,351. This \$87,000 number that gets called out a lot here so that is from June 2017 until December 2018. So, it is not from both full years. She expected it to be similar in 2019. This was for 2018, \$106, \$121. I'll pass these around.

Rusty Jamison – This is our portion of the taxes on the sale of the marijuana?

Katrin Kunz – Correct.

Chad Whetzel – So, what I have been hearing recently, the federal government just approved the growing of industrial hemp as an ag product now. Jordan or Paul, I don't know if you know the answer to this, but I assume there are some issues of cross pollination of hemp and marijuana? What is the distance that they consider that as far as a blowing distance?

Dave Gibney – Does hemp have similar odor qualities to cycle active marijuana?

Jordan Zager – Yes, so the first question was, is there a set act for growing hemp from cannabis farms? Currently in Washington there are two industrial hemp licenses and when Washington set that up they required them to be five miles from any other cannabis producer because you could get cross pollination. That being said, industrial hemp and recreational marijuana are the same species. They smell the same, they look the same, the big difference here is to be called hemp in the US it has to contain less than .3% THC. THC is a compound that is cycle active. If it has more than .3% THC (inaudible) then it is considered marijuana.

Dave Gibney – The rest of these volatiles and the terpenes and other things,

Jordan Zager – The volatiles and the terpenes are the same, however rather than accumulating cycle active substance THC they are emitting, have usually accumulates a compound called CDE, which is not cycle active. In fact you can get it in your coffee at the Daily Grind.

Dave Gibney – Just to be clear aside from that 5-mile limit from another cannabis growing outfit, Ruby, Rusty or any other farmer in WC tomorrow could decide to flax up some wheat or alfalfa or garbanzo and grow industrial hemp.

Jordan Zager – As the Washington state law is currently written, you can't do it tomorrow. What's more likely to happen would be summer 2020 and Washington agricultural will be open to hemp farming. There's currently legislation bouncing between the State House and the State Senate. I believe the first bill passed the House and now it is back in the Senate. It has to pass there before the House reapproves it. Once that passes, or if that passes, we will effectively be governed by the new legalization of hemp across the US. At which point I don't think any setback from a marijuana operation will be valid any longer.

Really the big concern is, there is a hemp that is grown from fibers, generally males, so anything that has pollen in cannabis is a wind pollinated plant species. So, in marijuana production you're only growing females. So, if that pollen were to reach your marijuana farm from your nearby hemp farmer it would cause your seeds to pollinate and have seeds, which significantly lowers the value of that crop. I think that was why that initial 5-mile radius was in place. But I don't know how Washington is going to regulate that in the future but other states that allow those hemp and marijuana such as Colorado, they don't have this setback.

Chad Whetzel – Thank you. We appreciate that. Any other questions or comments? Any discussion from the Board.

Dave Gibney – As I said earlier, I really appreciate everybody coming here. I appreciate all the information we are getting and like someone said this is not going to be an easy decision or a quick decision. Frankly, I doubt that we are going to please most anybody let alone everybody. But thank you very much.

Katrin Kunz – Do we want to meet in two weeks? I will send out all the material we received today so you will have a lot to read. Do you think it makes sense to meet in two weeks?

Chad Whetzel – Yes, I think it would.

Dave Gibney – What would you put on our agenda? More public comment?

Katrin Kunz – That is the question. So Alan talked to John Peterson, the Spokane County Planner. It might be interesting to hear what he has to say in putting the ordinance together in Spokane. They went through the process. So he would be willing to come and talk to us. That would not be on the 17th. It would be the May 1st meeting. It would be an agenda item that could be discussed. Then other options as someone pointed out, the dairy farm or some of the plant researchers at WSU that might give us some scientific information here.

Keith Paulson – I would say if you can arrange anything in the two weeks.

Katrin Kunz – That is the question.

Chad Whetzel – I think we also have some discussion coming from the direction from the BOCC that we could start to hammer out on and start to narrow our focus a little bit. It may not be quite as long and for me I would like to get as much done as we can as soon as we can if you guys are good with it. So, that would be April 17th, the third Wednesday.

Katrin Kunz – So, what shall I try to prepare for that? Ask someone to come? What shall we do for the 17th?

Chad Whetzel – If you can get anyone from WSU, any of the professors that have any more information on the research some of the odors and other issues.

Dave Gibney – At some point we need to hear from the industry people.

Chad Whetzel – My experience is with some of the others working with the fire department didn't have much interest in talking to us until we got them in and then everyone decided it was okay. They are invited.

Dave Gibney – They ought to be concerned about this talk or go so far as Yakima and others and say you got a leak we are going to ask you to cease business. I've heard this possibility that far. Some places have told existing marijuana growers or processors or retailers you're going to quit. Some of these other counties, if the people in the industry are not concerned enough to come and talk to us, they will get the shaft.

Katrin Kunz – We could also think about getting a tour for the whole planning commission of one or two operations who will open the doors so you can get an idea of what they look and smell like.

Brandon Woodland – Alan had requested that from us and we agreed. He wanted to get the whole commission to come and tour once he got back.

Dave Gibney – Is Alan back on the 17th?

Katrin Kunz – No, the 18th.

Chad Whetzel – That I would assume would be a May thing. If we want to do it after Alan is back. I don't know if it matters or not. We can leave him in the dark; it is more fun that way. From the time constraints I'd like to get as few field trips as possible. That might be an option too. We can discuss that, see what we can do.

Sandra Rhoades – I just wondered, are you saying that people are going to be able to comment? There are people here tonight that had to leave early and some that couldn't make it. Would you rather they contact you via email?

Chad Whetzel – Either or. It depends on who we have as guests because we are trying to get them in and out too. If they have comments they can email them or if they want to come, they are all open public meetings. We try to target what they are here for and then we do have more public comment afterwards. I'm not trying to leave everyone out of it but trying to focus on their expertise. All of our meetings are open.

Katrin Kunz – All of the meetings are open to the public including the tours.

Chad Whetzel – That would be up to the facility if they want to take that responsibility on. Also you have to meet all the laws, over 21, have ID all that stuff.

Dave Gibney – Any meeting we have on this, anybody that wants to talk we are willing to listen.

Chad Whetzel – Yes. We will listen. If people have to leave early, I apologize but we are trying to target the guests we have speaking. Aside from that, do we want to meet on the 17th if we can get some research information from WSU or even.

Katrin Kunz – In their letter they were asking for three month's-time period to find something out. Another thing I'm not sure if we should wait until May 1st so to give them the three month's-time they were asking for.

Dave Gibney – It may well be that we aren't prepared to meet on the 17th.

Katrin Kunz – There is a lot you have to read through.

Keith Paulson – And Alan will be back then.

Chad Whetzel – I like leaving him in the dark.

Dave Gibney – It may well be that it would be good if the IT Department in the County could put up some more secure or some kind of like a drop or a one drive or something like that. We are going to have a, it might be that you want to make a website of this project. I don't know if that happened with the wind farm happened.

Chad Whetzel – Are you volunteering?

Dave Gibney – No, I don't get paid to do this and I do work with computers and I don't get paid to do websites there either.

Chad Whetzel – So, we will be back the first Wednesday of May, May 1st.

Brandon Woodland – I am part of the community. My family lives here and we do a lot for this community, for Moscow and Pullman to facilitate jobs and the quality of life and how we live and what

we do. I would just like the commission to take into consideration the overall questions that we are asking here. We hear a lot of negative, there is also a lot of positive. There is in law, there is the absence of evidence, is actually evidence.

To look at how this isn't just affecting individuals in the County but how money is coming into the County from other counties in the State. How we as an agricultural community are taking horticulture which is really expanding around the world for food production across the board. We are taking those principles and bringing them to the US and starting to practice and use them. This is a marijuana question, it is also just debating whether it is ag or not and the legality and why the State chose not to make it ag.

However, we are on the brink of a new agricultural revolution and how we produce food further north and more cycles of food, hemp, marijuana. It is not just those crops, it is agriculture in the future and how we are going to feed the world. There are jobs that we brought into the county not just in the marijuana production but what else can we grow in these buildings? What else are we learning about the efficiencies and the sustainability of producing food that can be compared to what we are bringing out of the southern hemisphere to supply our desire and our diets within the US?

So, we talk about the wheat farmers 100 years ago, if they would have limited the number of wheat farmers. You know, we got to look at down the road at what are we developing here? We talk about putting farms further and further out, marijuana farms. It really stifles that development that can be.

Sure, it is marijuana now but there are other products that we grow in these buildings in these manners, and the possibility of which is getting closer and closer to viable businesses, viable jobs that aren't in marijuana but are in agriculture across the board. I've provided some information here. (Gives paper to Katrin.)

Katrin Kunz – Okay. I have just one copy.

Chad Whetzel – That's fine. Thank you.

Brandon Woodland – Addressing other concerns (inaudible). I'd like to offer, I'm here as a resource. Any of the questions between hemp, marijuana, legal precedents, binding precedents from this State from other states, from Canada, offer assistance in any other information or questions you have on that or even bringing in some of our researchers to present as far as guest speakers or what have you. Offer that as resource.

Chad Whetzel – Thank you very much. Okay, so right now we are to the first week of May. We are not going to do the 3rd week of April.

Katrin Kunz – May 1st for the next meeting. The first Wednesday of May.

MOTION by Keith Paulson and seconded by Bob Hill to adjourn. Motion passed.

Adjourned – 9:57 p.m.