

**WHITMAN COUNTY
PLANNING COMMISSION
6/26/2019
Workshop
MINUTES**

MEMBERS:

Chad Whetzel – Chair
Dave Gibney – Member
Robert Hill – Member
Gary Moore – Member

Keith Paulson – Member
Russell Jamison – Member
Brian Davies – Member

STAFF:

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

7:13 p.m. – Chad Whetzel opened the workshop.

Alan Thomson – I’ve given you the first draft of a potential ordinance for you to look at and discuss. Then we had a response from Commissioner Art Swannack in response to this. That is the starting point and we can open it up to you guys to start a conversation. This is not complete by any means. This is a first attempt and it is definitely not complete.

Brian Davies – Has everyone had a chance to read this? So, is this “excessive odor” defined in our definitions?

Alan Thomson – No, absolutely not.

Dave Gibney – That is what Commissioner Swannack is proposing to define it. I’ll say that defining the excessive odor is something that stood out to me that is not in the original draft, but hasn’t he switched the word that is hard to define from “excessive” to objective individual? How do you define that?

Alan Thomson – That is a heck of a conversation. I don’t know how to solve that one. I’ve talked to people. I actually talked to Spokane Air Quality organization which does the enforcement in Spokane County for odors. They do enforcement on marijuana as well. I wanted to know how they determined what was an offense. The answer was very curious and very interesting. They have been trained to smell.

Dave Gibney – By who?

Alan Thomson – Apparently there is somebody that has a course that you can go on. A person who has credibility in this area and they hired him to train their staff so that, and they have a scale of zero to four, and so they go out when they get a complaint. Obviously, it is difficult because when someone calls in with a complaint then you have to actually get there to that location and maybe it has dissipated by that time. Maybe it is gone and maybe it isn't. It is a different time. It is not exactly the same time the person complained. Then they have to rely upon their nose and determine whether it rises to the level of a nuisance or not. I wasn't too terribly impressed by that.

Chad Whetzel – I see some class work in the future.

Russel Jamison – My question is is this even enforceable? If you send someone out and he smells a bad smell.

Dave Gibney – The sheriff wouldn't be enforcing this.

Chad Whetzel – This is a zoning issue.

Dave Gibney – It would be Alan.

Brian Davies – However, some counties have used the sheriff as their enforcement and verification vehicle.

Russel Jamison – Because Alan is not going to be able to go out every time somebody calls. I think you are going to have the sheriff out there.

Alan Thomson – It is a very difficult thing to define. So, I've been trying to think on ways around this. I'm framing this as indoor operations have to have odor control systems in them. I think that should be a part of the ordinance and that is what we put in here. Outdoor grows are probably the issue. How does one contain that?

Dave Gibney – I'm pretty sure I know the answer to this question but is there any other crop in WC or the State of Washington or for that matter nationwide, where smelling outside the boundaries of the property owner are regulated and prohibited?

Alan Thomson – Yes, Chelan County for sure. I talked to the planner up in Chelan County.

Dave Gibney – What other crop?

Alan Thomson – Moratorium, other crop, we are talking outside of cannabis.

Dave Gibney – No, I'm talking about, is there any other agricultural crop?

Alan Thomson – No, we don't regulate any agricultural crops.

Dave Gibney – State, anywhere?

Alan Thomson – Not that I am aware of, no. That is a good point. How do we treat cannabis? Do we treat it differently than any other ag product? Or are we treating it the same? From our conversations with the WSU professors, we delved into what was causing the smell. Monoterpenes seem to be the culprit. Monoterpenes are everywhere. They are a component of a lot of different plants and trees.

I don't know what you came away with from that conversation but they seem to be the same. Terpenes are terpenes. It is just the combination is different and certain terpenes are different but there is not any, it was Dr. Jobson that stated that this is not on any state or federal list as a toxicant. It is not toxic according to what is on state and federal lists. That is a good question. How do you treat it?

Dave Gibney – If you drive between here and the Tri-cities on various routes at various times you will catch onion, you will catch grape, over near Yakima and above George you will catch mint, and hops.

Alan Thomson – How about canola?

Dave Gibney – I haven't personally smelled canola but I'm sure I will, especially when it is in bloom.

Alan Thomson – It is in bloom right now. So right behind Albion, north of Albion, I've been walking in that area and it is very powerful. Probably people are going to differ on how they react to that. Some folks probably don't mind it and other people would mind it, but it is a strong smell.

Keith Paulson – My family raised a lot of acres of alfalfa. So I was out there last week and there is about a 4-5 day period that it smells a lot like marijuana. It has a very strong odor and actually a little bit repelling to smell it, but the thing with alfalfa is it goes away when it dries and finally finishes. The marijuana seems to go on and on and on because there is always something drying at the time. It does stink.

Alan Thomson – Yes, one of the thoughts I had on this ordinance is what Spokane County is doing. Everything is a conditional use and to give latitude to the hearing examiner to analyze each case by case. Then they have other things in the ordinance about minimum parcel size, setbacks to certain things. So, they have tools to push it away from people's houses, or other areas where it would probably be unwelcome.

Brian Davies – Or more noticeable.

Alan Thomson – Or more noticeable. It seems to work as we heard from John Pederson. The level of complaints have gone down since they put this ordinance in place. So, one of the suggestions in here is that anybody who wants to grow, anyone who wants to produce or process and retail goes through a conditional use permit

process, which is a public process and then the Board of Adjustment has to make a determination as to whether this is a good location for whatever is being proposed or not. They can make the setbacks bigger, they can even determine that no, this is not a good location for whatever reasons. It gets controlled that way and parcel size and the amount of area of that parcel that you can actually grow on that can be controlled also.

So, the area of outdoor grow for arguments sake could be controlled. If you have a minimum parcel size of 10 acres, say just as an example, and only 20% of that parcel can be grown upon for outdoor grow. You've minimized the amount of plants that can grow there and it could be out in the middle of nowhere. It could be in ag land where there are no houses or very little housing out there. I am proposing this would be available only in the ag district, not in the other zones that are closer to Pullman or where there are people. That is how Spokane County controls it. That is a suggestion right there.

Dave Gibney – I can certainly agree that outdoor growing should be limited to the ag district. I don't see any problem with that. But I'm tempted to think it should be unconditional that somebody in the ag district wants to grow cannabis or hemp that they are flat out allowed because it is an ag product.

Alan Thomson – Therein lies a major question. How do we classify this? A lot of counties are saying they are not calling that an ag product. They skirt around it. They say this looks and smells and tastes like an ag product but we are not going to call it that.

Dave Gibney – It may be several decades before someone challenges that in a court of law.

Chad Whetzel – Right now if you want to get with the definitions most of them come from the State and the Federal government. The Federal Government definitely does not consider it an ag product right now and our State doesn't.

Dave Gibney – The State doesn't because of tax purposes.

Alan Thomson – Only tax purposes.

Chad Whetzel – It doesn't particularly matter why they are not calling it an ag product.

Dave Gibney – It matters quite a bit because that is a straight excise tax law. That is not anything to do with environment or growing, or.

Alan Thomson – That is the Department of Revenue. That is Title 82 which is clearly for taxation purposes only. It does not refer to Title 36 which is zoning and GMA. So, Dave is correct. The Department of Agriculture calls it an ag product. The Department of Revenue doesn't, for obvious reasons for revenue and taxation purposes.

Chad Whetzel – The Department of Agriculture doesn't allow it.

Alan Thomson – The Department of Agriculture,

Chad Whetzel – The USDA or the WSDA.

Brian Davies – Which hemp are we talking about?

Alan Thomson – It is legalized in the State of Washington. My understanding is, and I've talked with someone from the Washington State Department of Ag, and they said they recognized marijuana, cannabis as an ag product in the State of Washington. Nowhere else. Just here, because we have legalized it here. But the conflict was Title 82 for revenue purposes, for taxation purposes. The excise tax. Obviously they wanted to tax and the State wanted to tax at a different rate from ag products.

Dave Gibney – Because a large number of ag products actually get favorable exemptions.

Alan Thomson – Regardless of that, the County, individual jurisdictions can classify it however they want. It is up to the BOCC.

Brian Davies – Down the road if the playing field changes if everything changes, if federal laws change it can be changed.

Alan Thomson – Yes, I don't see that as a particularly large issue because the controls are what we really need to focus on. How we contain it and we want, I think, the objective should be to not have it be a nuisance. Not have complaints, not generate complaints, so how do we do that regardless of what you call it. That is the thrust of what I put together here. The containment tools. Where it can go, how much you can grow. Setbacks and particular things.

Keith Paulson – If we decided to do so many acres for these grows, is there any way that a meteorologist or someone that deals with weather can define which way the wind blows mostly and we move it to up wind side of it so it disperses a little bit better?

Alan Thomson – That's a good idea and it is something we should absolutely consider because the prevailing wind is a part of this problem. So, yes.

Brian Davies – So it is part of the conditional use permit process. There could be a whole list of check items that include those kind of safe guards that everyone has to go through.

Alan Thomson – I think what would be helpful is to have a set of standards. The Board of Adjustment is going to have to make a determination. They have to have guidelines on which to make that determination and so we need to come up with standards as to help them come to a decision.

Dave Gibney – Ideally, over a period of lengthy time, the BOA will, like some of the other CU's we've done, you will find that this, this and this is always granted and you can shift from a hearing to administrative use permit. I'm not saying right away but I'm saying over 10-20 years, if you have those standards.

Alan Thomson – Yes, right. So, another idea for controlling this and some of the other counties in the State have done this, is everything, is a CU. You go through a public process. The CU, if it is issued would have a time frame that it is issued for. I've seen a year, I've seen two years out there and then if there are problems they have to come back to the BOA and the conditions could be changed. If it is a severe enough problem the permit could be revoked. So, you always have that ability to revisit the permit.

Brian Davies - We have that in our language about CU in our land use ordinance in Uniontown. It is a time frame and if there any problems they can be called back in and can be revisited.

Alan Thomson – Some jurisdictions that have encountered with odors, outdoor grow odors, there is an ability to, if the violations stack up then everything needs to go indoors and it needs to be controlled. The odors need to be controlled. That is another possible control that we could put together.

Russell Jamison – As I read what Art wrote here, I know his intention was only for cannabis but he really didn't specify that. I was thinking if we just took this literally the way he wrote it and they approved it, then what is going to keep people who don't like the smell of alfalfa or the smell of the WSU dairy? Yes, there is a lot of everything that is an ag product has an odor and some are pleasant to smell and others are not. Also depending on allergies.

So, I guess what I am saying here is that I certainly understand or try to some way or another, the businesses that are growing this to control the odor that it puts out that it would be a disaster if people that move in to our county decide that they are going to use this language for all ag crops and they don't want to live next to alfalfa or whatever.

Do you see what I am saying? I think some way it needs to be very specific as to this crop or cannabis in general, I guess, if we include hemp. I don't know that might be a later discussion but right now we are just doing this. I'm just thinking as a farmer, in the future I'd hate to have someone say that well, you won't let me grow cannabis so I'm going to file a complaint on the guy who is raising Timothy Hay or maybe have some cattle that aren't very clean or something.

Keith Paulson – Or hogs.

Russell Jamison – Yes hogs. I understand what we are trying to do. Don't get me wrong. I'm just thinking you know people who are trying to, they just don't get along with their neighbor and trying to figure out a way to really give them a poke. Right now, we

don't have anything in WC that specifies about odor and if we start opening this up, then,

Alan Thomson – Well, we actually do. Anybody who applies to build a house in the ag district or in the ag zone in WC has to sign what is called a Certificate of Adjacent Agricultural Use. It is like the Code of the West. It goes with the property. It doesn't just go with the person who is applying right there and then. So, that is signed and basically it says if you choose to live in the ag district in the unincorporated area you have to accept agriculture.

Dave Gibney – But Rusty's point really is that we don't have anything that restricts the impacts of agriculture on residents right now. We have what they concede and accept that they will be so impacted when they signed their property. What you are doing here is a shift away from up until now has been a complete and entire strong support that this is an agricultural county where the agriculture gets the precedent over the house next door.

Alan Thomson – There is a good argument for not categorizing it as an agricultural activity.

Russell Jamison – For now, yes.

Brian Davies – Yes.

Chad Whetzel – Can I make a quick suggestion? I think this odor thing is something we are going to be challenged with for a while and we have a lot of discussion on it. I'm okay with that but can we table that for a bit and move on for some of the rest of the document? Get the stuff we can agree on for now and then we can muddle over some of the tougher things a little bit later. I'm not trying to minimize it but we need to move on.

Okay, do you want to start at the top and just go section by section and if we have a lot of discussion we can put a question mark beside it and move with the rest of it and some of it may change after that. So, why don't we start with that very first, Section 19.64.010.

Dave Gibney – And nineteen is the zoning code and sixty four is the next available number?

Alan Thomson – Yes.

Chad Whetzel – Does anybody have any questions about that? I have one.

Russell Jamison – I have a comment. It is probably just more grammar than anything but I think you should categorize marijuana production and then the category of indoor

only would be A. and then you have outdoor as B. I think it would read better if you did that.

Chad Whetzel – Hold that thought for the moment and we will start at the beginning. My only question on the Purpose and Intent is you have, “...*medical marijuana land uses*...” Didn’t that go away with the, there is no medical marijuana, it’s just marijuana.

Alan Thomson – They rolled it into recreational. The two became one.

Chad Whetzel – I was just wondering if we need to have medical marijuana or is it just marijuana.

Alan Thomson – I can look into that because this came out of somebody’s ordinance.

Chad Whetzel – Right, that’s my only question.

Dave Gibney – I believe there still are differences in between recreational and medical marijuana. In the laws, too.

Chad Whetzel – If there is that’s great, otherwise we can probably strike that.

Dave Gibney – I guess if you want you are deliberately labeling this, are we deliberately labeling this cannabis to not apply to hemp and to actually provide us that ability to say this is a,

Alan Thomson – We are not discussing hemp right now. This does not cover hemp.

Dave Gibney – It is the same species, same,

Alan Thomson – Denis Tracy made that very clear to me the other day. This is cannabis.

Brian Davies – When commercial hemp comes in it will come in as an agricultural product.

Alan Thomson – We will cross that bridge when it happens.

Dave Gibney – I think if you are going to go there you need to start with maybe not this chapter but down here in the definitions. You’re going to define cannabis as something that contains THC and, extra levels.

Alan Thomson – We can certainly differentiate it from hemp, yes.

Dave Gibney – Somewhere in here you are going to say, explicitly. “WC does not consider cannabis an agricultural product.”

Alan Thomson – Yes, I left that out because I wanted to have that conversation first. And yes, you are right. If that is where you are leaning, then that statement needs to go in there.

Dave Gibney – I'm not leaning there but the rest of you are.

Alan Thomson – It is a collaborative effort.

Chad Whetzel – So, is there anything else on that first section that we think we need to add or change?

Russell Jamison – You will look into that medical marijuana?

Alan Thomson – Yes I will look into that.

Chad Whetzel – How about that next section, *Applicability*.

Brian Davies – It states it. Nobody can be a producer unless they are licensed by the State, whether we approve the location or not.

Chad Whetzel – It works for me. Okay, *Definitions*. We will have to come back to that one. We will put a question mark there.

Alan Thomson – That one will take some effort to look into.

Dave Gibney – You'll have to add a couple more.

Alan Thomson – We are going to have to add to Chapter 19.03 which is our definitions so I will come up with possibilities here.

Brian Davies – So, that's going to be a whole separate land use amendment?

Alan Thomson – If this goes through we are going to have to change Chapter 19.10. We may have to change light industrial, heavy industrial, all the other zones and the comp plan.

Dave Gibney – We will have to change the zones to say this is permitted under this ordinance in those zones.

Alan Thomson – There will be a lot of changes.

Chad Whetzel – Okay, Section 19.64.040 – Permitted Zoning Districts. I think along with what Russell was saying there, you have the indoor only in that agricultural and then on B. you have outdoor in the agriculture.

Alan Thomson – So, explain again what you were thinking, Rusty.

Russell Jamison – I think you should just have somewhere in the section it would say, “permitted zoning districts for marijuana production,” and then A. would be, “indoor only,” and then it would encompass whatever we put there like you have already done. Then B. would be the same, “outdoor marijuana,” and then again it would encompass whatever is underneath that title.

Alan Thomson – So, how are we changing this?

Chad Whetzel – The “indoor only” seems like it specifies that you can only grow indoor in the ag district. But then later on, it says agricultural again, so maybe for indoor grow operations.

Dave Gibney – You could actually do the retail as a separate 19.045 or something like that. Your first one is separate production and retail and then separate indoor and outdoor.

Chad Whetzel – Indoor locations and outdoor locations as opposed to.

Alan Thomson – Okay, then explicitly say to me what you want to change here. The title 19.64.040 Permitted Zoning Districts. Do you want to change that to something else?

Dave Gibney – Okay, that is what I just said. Okay, 19.64.040, Marijuana production permitted zoning districts and then A. indoor, list the 1-6.

Alan Thomson – Okay, so you want to put Marijuana Production and Processing. Is that it? That would be the title?

Dave Gibney – Yes, and then, “indoor marijuana production and processing,” is A. and it lists those six and then, “outdoor marijuana production,” is B. and lists 1. And then you go 19.64.045 for the sake of whatever right now, retail marijuana.

Alan Thomson – So, C. would go in a separate section?

Dave Gibney – Yes. Otherwise, it does get confusing.

Russell Jamison – Do we have to call marijuana cannabis or can we label it as it really is as marijuana?

Alan Thomson – Maybe we should be consistent in the use of the word. I’ve heard people say “cannabis” and I’ve heard them say “marijuana.” Do you want to just call it, “marijuana” instead of “cannabis,” as the title?

Chad Whetzel – Is there a legal as far as Denis Tracy is concerned? Is there a difference?

Alan Thomson – I don't know.

Brian Davies – We should identify it by its proper name if we want to be scientific about it.

Alan Thomson – Which is, “cannabis?”

Russell Jamison – All I remember is when the governor's lawyer was here he corrected me on “marijuana” and said it was “cannabis.”

Brian Davies – That's what I think we should call it.

Keith Paulson – We always called it “pot.”

Dave Gibney – For the sake of continuing on I think we know what we are talking about.

Chad Whetzel – We should probably use cannabis on all of it. If we say marijuana we mean cannabis.

Alan Thomson – So we arrived at “cannabis,” right?

Chad Whetzel – Check with Denis if you would please?

Alan Thomson – Yes.

Brian Davies – So, how would this look in the land use ordinance in the zoning districts?

Alan Thomson – Yes, so we would have to add things in. This is going to be a separate chapter and then we need to interject it into the other zones so it would become in the ag district it would be listed as a conditional use and likewise in the other districts.

Brian Davies – So, for example, in the ag district it would say, both indoor and outdoor are acceptable under pertaining to a CU.

Alan Thomson – It would be listed as a CU, yes. So this Chapter 19.64 is going to explain how cannabis can be grown and processed in the county and then the other chapters will just have it on a list.

Dave Gibney – Then perhaps refer to this chapter

Alan Thomson – Yes. The reason that I carved it out in this way is that all these other districts under A, there are a lot of them right next to Pullman. They are close to houses. So, why would we want to put outdoor grow there? It is difficult as you know to get a zone change through anymore, so keep the outdoor grow areas further away from people.

Brian Davies – Tuck them away.

Russell Jamison – I mentioned Moscow, the corridors but is that, how does it work with the other towns? Just like Colfax, as an example. Does the city have a way of regulating the distance in an ag area that this would be set back or not? Again, I know wheat is planted right up next to the city property and in some cases people's back yard is a wheat field.

Alan Thomson – That is where setbacks come in.

Russell Jamison – But do we have to set that in this?

Chad Whetzel – Yes, there is some stuff for in the city section as we get into it that we can haggle over and decide what to do.

Alan Thomson – So, Art has actually addressed that and added that in here. That section that we were attempting to talk about setbacks distances to towns and schools. So all of that can be listed and we will have to come up with a number. How far away is far enough away?

Russell Jamison – But it doesn't need to be anything in this zoning?

Alan Thomson – No. That comes up later.

Dave Gibney – The north and south corridor districts are specific districts that were established to try and raise money. They are specific zoning districts but they are intended to incentivize commercial development and unincorporated retail to raise money for the county.

Chad Whetzel – Okay, I think we are down to Section 19.64.050 -Development Standards.

Brian Davies – I think that hits the nail on the head. I don't see any reason to add more to it. Everything requires a conditional use permit process and that's how we protect the residents in the county.

Chad Whetzel – So, on to A. Does anyone have questions about that one?

Brian Davies – Alan, you said you took this out of an existing ordinance?

Alan Thomson – Yes, all of this came out of several different ordinances. This is the language in somebody's ordinance. This one, I think is out of Spokane County, Letter A.

Chad Whetzel – Any questions with A.? Okay, let's move on. How about B.? Okay, on to C. Any questions?

Brian Davies – I think the State does include this in their language.

Chad Whetzel – Okay, D. This one might be one of the ones we need to come back to.

Alan Thomson – This is somebody's attempt at it.

Dave Gibney – The requirement to have the odor control measures there seems like hopefully, he is going to accomplish the lack of nuisance and they do want to do. I'm not sure that this popping the odor high enough to go further downstream is a viable thing anymore.

Alan Thomson – This works in conjunction with minimum parcel size, setbacks, the percentage of the area that you can grow, and outdoor grow. It is kind of into outdoor grow. Indoor grow is always going to be filtered. That's going to be a requirement. Outdoor grow is the problem and if you push it far enough away from other people's property lines you lessen the chance of it being an issue.

Chad Whetzel – Any questions, comments?

Alan Thomson – If you have any additions here.

Brian Davies – I think that is going to take some more time.

Alan Thomson – That is a biggie. We need to come back to that one. Ken Duft asked who defines excessive. Good question. That's one of the things we are asking.

Dave Gibney – We spend the first hour, minutes of this thing discussing Commissioner Swannack's definition of excessive.

Alan Thomson – The short answer to that, Ken, is we don't know.

Chad Whetzel – We will table that one for now and see if we can work through some of the rest of this. How about E.? This is about setbacks and buffers for outdoor production.

Dave Gibney – The setbacks are referring only to the outdoor. The assumption being that any indoor property would already be subject to the standard setbacks from property lines that any building would be.

Chad Whetzel – Not that I disagree with you but I think we need to make that more clear because the way I am reading it currently, it would apply to both.

Dave Gibney – The way I read it, it says if you are in an enclosed building then these setbacks we are talking about here don't apply. These apply only to the outdoor.

Chad Whetzel – Okay, except the outdoor production. I see what you are saying.

Alan Thomson – Okay, it has to apply to both so that language written here doesn't accomplish that.

Chad Whetzel – Because this isn't setbacks from property lines. This is setbacks from public parks, etc.

Alan Thomson – That is written in LCD's regulations, 1,000 feet from anything where children could be. Schools, playgrounds, etc.

Brian Davies – Counties, cities and towns have been given the leeway to decrease those buffer zones.

Alan Thomson – That would be a BOCC action. But right now it is 1,000 feet.

Chad Whetzel – Just for clarity here, are they referring to anyone under 21 or are they referring to anyone considered a minor, under 18?

Alan Thomson - So the law, the LCD laws do not specify that. They just say all schools, elementary and secondary schools. That is the exact language.

Chad Whetzel – My question here goes with the university. That is why I am trying to get the clarity here.

Alan Thomson – Well, the LCD language says elementary and secondary schools. Is a university either one of those? Because it doesn't say university.

Dave Gibney – Then the university is post-secondary. Elementary is elementary and secondary is high school, junior high.

Brian Davies – We could always add it to our language and say that no marijuana production or growing facility could be any closer than 1,000 feet or 10,000 feet from a college or an institution of higher education to protect WSU from encroachment of outdoor grows on their property.

Alan Thomson – I think what it is trying to accomplish is the fact that there could be minors present. I think that is the intent.

Chad Whetzel – At the university most of them will be under 21.

Alan Thomson – Yes, so what part of the university are we talking about here? The university is primarily inside city limits.

Chad Whetzel – Except for Spillman Farm out on Johnson Road and then you have their research facility out on Whelan Road, you have Country Club Road.

Keith Paulson – When I was working at WSU their big 50-year plan was to move the college out by the airport. They have land out there. So that is what they were going use and that puts them closer to the marijuana growers.

Alan Thomson – Yes, they have 200 acres out there.

Russell Jamison – Just so I understand, the way it was written pretty much mimics what the regulations are with regards to distilling alcohol and stuff like that. Isn't that correct? Or is it different? I'm just thinking of 1,000 feet all that kind of stuff from schools.

Alan Thomson – Are there any establishments selling alcohol within 1,000 feet of the university?

Dave Gibney – There aren't any making it to my knowledge.

Russell Jamison – I know when you get it close to the school there is regulation with regards to making alcohol. I'm just wondering if this is the same.

Dave Gibney – I'm going to ask and this may apply other places, is there a good reason for us to codify what is already codified in the state's law and the LCB? Is there any reason for us to codify 1,000 feet from schools, since that is already? If we have to be more restrictive, yes, but if we are just going to follow what they have.

Alan Thomson – I hear what you are saying but most jurisdictions have put that basic LCD language in their codes. I think it is just a point of clarification for anyone reading the code.

Keith Paulson – What does codify mean?

Dave Gibney – Put it in the code. Actually, in Pullman we at one point had that in there but at one point we were trying to do enforcement on some of those too, specifically the size of the signs allowed and the retailers kind of effectively fought it. They said, "We aren't going to pay attention to you. You get the cannabis board on us and we will pay attention." That was the size and number of signs that a retail outlet was allowed.

Alan Thomson – There are two ways of doing this. You can put in the WAC references but when somebody reads that, then they have to go to the WAC so it is just easier to put it into the code when someone is trying to figure out what they can and cannot do. If it is written down in here it makes it simpler. Otherwise, you're going to have to go through the RCW's and the WAC's and what not to figure out what that means.

Dave Gibney – I did read this earlier thinking you were getting into the setbacks within the property lines and things like that in this section and then I realized I was wrong on that. You are now talking about the adjacent uses.

Alan Thomson – Art has added to the list so I think what he has suggested is good and we can add that in. Distance to towns, schools, definitely towns for sure.

Dave Gibney – Why?

Alan Thomson – Do you want a marijuana production operation right next to the city limits of Pullman? Could that possibly be a red flag somehow? Is somebody going to come after us for that?

Dave Gibney – If the odors are well controlled, then I don't see that you are going to get the complaints.

Alan Thomson – That could be a subjective thing.

Dave Gibney – Right, but if the odor isn't well controlled, you're going to get that complaint one way or the other.

Chad Whetzel – Does the City of Pullman want grow operations within the city limits?

Dave Gibney – I have no idea, actually. I doubt it.

Alan Thomson – Their code allows for it but whether there is actually anybody doing it? I don't know.

Dave Gibney – The last I remember we were under, the medical stuff was flat out prohibited. I don't remember us revising the laws in 502 language.

Alan Thomson – I read just recently and I think I remember it saying that production, processing and retailing is allowed in the City of Pullman. I don't know that there is any production or processing.

Dave Gibney – You're going to have to have production and processing in a commercial or industrial.

Alan Thomson – In an enclosed building.

Chad Whetzel – But then if you are putting it right on the edge, like the clusters, they don't want to and it is right in their growth plan but it is not in a zone they want to make for that, it kind of hinders that too.

Dave Gibney – We are not going to permit it in something that, actually no county property outside the City of Pullman is anything but agricultural and maybe a couple of industrials right now. The county doesn't have a residential. The county is not subject to Pullman's urban growth boundary and pre-zoning.

Alan Thomson –Cluster residential districts so that is within half a mile from the city limits of Pullman. So there are a bunch of houses within a half a mile. That’s why I suggested that we don’t do outdoor grow.

Dave Gibney – But you are not permitting either of these in any of those cluster zones.

Alan Thomson – No, but then what is the setback to a cluster zone? What is the setback to city limits? Art is definitely saying we should put something in there. That is up for discussion. Is it a good thing to do to set it back from towns and city limits?

Brian Davies – Yes.

Alan Thomson – And then the unincorporated towns. The Steptoes, the Dustys.

Chad Whetzel – And there is a school in Steptoe.

Russell Jamison – I guess going back to my question we want to make sure that the setback that we put in this are at least what the State has if not a little bit greater.

Alan Thomson – When you say the State has, what do you mean?

Russell Jamison – The State of Washington.

Alan Thomson – There are no standard setbacks here.

Russell Jamison – Are there setbacks for that are set by the liquor control board. So what you are saying is the State of Washington hasn’t adopted the setbacks for cannabis?

Alan Thomson – That is the LCD, when you say the State of Washington you mean the LCD. Yes, they have.

Russell Jamison – So, then we want to make sure ours are at least in line with what they have if not a little greater. That’s all I am asking.

Alan Thomson – The BOCC can lessen that distance, as well.

Dave Gibney – Or they can do a more restrictive around additional things. But we do not in WC have any one room school houses in the middle of nowhere or elementary schools or libraries.

Alan Thomson – We do have Steptoe.

Mark Story – And in Lamont on the side of Lamont, as well.

Alan Thomson – Keep that in mind these unincorporated towns have things like that.

Chad Whetzel – I think that Lacrosse is right on the edge of town.

Keith Paulson – And then we have homeschools.

Chad Whetzel – Before we get too carried away, we do have a question from the audience.

Kathleen Lloyd – Just a couple of things. I wanted to know, I'm thinking of our last meeting when the planner from Spokane came down and talked to us. He was saying 95% of the problems came from marijuana operations that were near and impacting residences. So when you are deciding setbacks, if we want to alleviate problems we need to make sure that the smell, odor, the impact is not near people and where they live.

So, I don't know if that is 5 miles from where a residence, 5 miles from cluster housing, or something but when the wind blows, if it is outdoors, it is going to impact people and Spokane was saying that is where most of their problem came and until they dealt with that it didn't go away.

A couple of other, just things I noticed, mushrooms are an ag product. They are completely required to be indoors because of the smell. Agricultural products to be at, they have to have at least 5 acres where most of the product is actually, the 5 acres is actually being produced in production, and marijuana is usually smaller than that and so it kind of is straddling the fence. You keep saying, "Well, it is grown so it has to be ag," but it is not really grown on an ag scale to follow into some of those rules.

Also, with the form that Alan was saying needed to be signed by everybody that lives in rural, it has to be for products that are federally legal ag products and state defined as ag products. So, Mr. Jamison's concern over people complaining about alfalfa that would be covered by that but because marijuana is federally illegal that has room for discussion where we can define that here. It also is a controlled substance which is different than alcohol, of course.

So when we are talking about setbacks and WSU Dairy, yes, it is a university. However, according to Dean Kinzer's letter to the LCB, it is actually a site where many schools, secondary and primary school age kids are there doing tours and a lot of instruction happens there. So, even it is not officially an elementary school it is a location of education for secondary and primary elementary kids. Those are my thoughts. Thanks.

Alan Thomson – More reasons to not call it an agricultural product. Spokane County does not recognize it as an ag product. There is actual language in there that this is not considered ag.

Chad Whetzel – Exactly.

Dave Gibney – I don't think you have to do that to make an attempt at making this enforceable.

Chad Whetzel – Right. So back to E. I guess is there anything else other than what Art had brought up? He mentioned public recreation lands, BLM, DNR, and other gathering areas.

Brian Davies – What about public areas like Fairgrounds, grange halls and places like that? Certainly would be that you can't define DNR lands because that would take up most of camp fires and that would take up a good portion of the State.

Chad Whetzel – Actually in WC really we don't have much DNR. It is a very little bit, I don't think exists.

Alan Thomson – We have a little bit of BLM.

Brian Davies – Down at the river.

Chad Whetzel – But that is the Corps of Engineers.

Alan Thomson – Up in the northwest corner of the county there is a little bit of BLM land. They are the scablands.

Dave Gibney – You'd be talking about areas, Steptoe Butte, and the areas that are trying to be acquired. Talking about Mary McCrosky State Park and other things too, in that general public recreation plan category.

Chad Whetzel – Is that something we think needs to be included for whatever setbacks we determine?

Dave Gibney - I don't but,

Brian Davies – I think we need to look at how many of those types of facilities we have in the unincorporated county and if we've got more than a handful, yes, of course. I think we need to. What's the likelihood of how, I keep going back to this list of how many permits were put out by the state. It is not going to change, I don't believe.

Chad Whetzel – Not significantly, I don't think. I could be wrong, but.

Alan Thomson – The setback number hasn't been figured yet. You could include all of the above that you just mentioned.

Brian Davies – And go with 1,000 feet and see what the BOCC say about that.

Dave Gibney – But if I go within 5-10 miles,

Alan Thomson – There are no regulations that I have seen that go that far. Setbacks are ranging from 100 feet to 1,500 feet is the furthest I've seen in any ordinance.

Brain Davies – I think if we are going to choose to regulate it we've got to put those standards and things in place. If we are not, then we ban it.

Alan Thomson – Then indoor grow is a lot easier than the outdoor grow part. The outdoor grow is the potential problem.

Brian Davies - And it has the most likelihood of change especially with commercial hemp, the possibility of it on the horizon.

Alan Thomson – We would have to separate that right now.

Dave Gibney – If we are going to ever deal with the commercial hemp and you're going to put a thing in this ordinance saying that marijuana is not an agricultural product, you're going to have to end up striking that or have another ordinance, another part that talks about agricultural hemp.

Brian Davies – Don't we just have to put the definitions in there? The correct definitions of what we call commercial hemp and cannabis as referred to and differentiate between the two. Commercial hemp is listed as an agricultural product and that is the end of it.

Alan Thomson – And it is.

Brian Davies -There is no more discussion until we start getting complaints from residents and property owners saying it stinks. Then the BOCC will have to revisit that. At this point that is not,

Dave Gibney – At the definition level you can do that and we should.

Alan Thomson – So, I put in a request to the MRSC, the Municipal Research Center, regarding hemp and specifically asked them if this something that local jurisdictions can regulate in the State of Washington. I obviously did not send you that email. Art knows this because he got sent it and the answer in a nutshell is, there is nothing in the law that allows local jurisdictions to intervene with hemp. That was the response from the MRSC.

So in short, we are not going to be able to regulate it, is what I think right now. It is an ag product, just like wheat, just like everything else is and it has to be treated the same. Unless the state changes things.

Dave Gibney – I can certainly see a very easy 14th amendment equal protection under the law, a law suit, saying that none of this marijuana stuff applies because cannabis is an ag product.

Alan Thomson – We're not there yet.

Dave Gibney – I know, we're not there yet.

Brian Davies – That's why we don't list it as an ag product.

Dave Gibney – That's why you have to explicitly state you are not considering it an ag product in this chapter.

Keith Paulson – How do you say it's not one when hemp is?

Dave Gibney – You just do.

Keith Paulson – They are the same plant, right?

Alan Thomson – Well, not quite.

Dave Gibney – You say containing more than X number amount of THC is cannabis, or is marijuana is active cannabis, is something that is not hemp. You can do a definition. It is whether or not in the long run if it is going to stand up to anything.

Alan Thomson – Well, Keith, the reason why we can do that is because of the Washington State Attorney General's opinion regarding the definition of marijuana and how we can deal with marijuana. He basically said that local jurisdictions can regulate it so that is what everybody is doing.

Keith Paulson – I was just throwing it out for discussion. They are both marijuana.

Alan Thomson – No, they are not.

Chad Whetzel – There is a difference.

Alan Thomson – There is a major difference. There is a certain level of THC in hemp but it is so miniscule and as somebody said you can chew it and burn it and try and smoke it if you want and you're not going to get high. So, it is different.

Dave Gibney – They are the same species, which is why you have to define it in terms of the strain and breed and content of chemical action.

Russell Jamison – Maybe we'll be lucky when they categorize it as an ag product and all of us will not be on the Board, and it will be someone else's problem.

Brian Davies – We won't know those people.

Dave Gibney – I'm fairly sure that Item F. is okay.

Chad Whetzel – Do we want to come back to that one a little bit later? We got some discussion on that. On the lighting.

Brian Davies – That covers it so it doesn't impinge on the neighbors.

Chad Whetzel – My only question on that one is the light directly projected, so you're talking about lights aimed inadvertently at neighbors? What I'm thinking about is you go by any greenhouse and there is diffused light that goes and they can't control where it goes, right?

Alan Thomson – You can. It is called full cut-off lighting where it shines downwards, not out and up.

Keith Paulson – You're not talking about outside lights, you're talking about growing lights. Lighting for marijuana production, not outside lights.

Alan Thomson – Yes, and it has to include outdoor lights.

Chad Whetzel – If you drive to Othello, there is a bright blazing ball on the hillside that is a huge marijuana grow.

Alan Thomson – You can control that. So, you can actually construct it so that the lights do not shine outside of the building. I've see that in another ordinance so maybe I can dig that out.

Chad Whetzel – What about the greenhouses on WSU?

Alan Thomson – Yes, those are different. So, you can create an ordinance right now that prevents light from shining. The marijuana grow operation on Airport Road there were several issues with that. The lighting was one of them. There is a house right next door. I had to intervene. I told them they had to shut down the lights at night and prevent them from going across to the neighbor's property. You can do that. You can actually have an indoor grow facility without the light shining on other people's property. That is one of the requirements I suggest you put in here.

Gary Moore – Yes, definitely.

Alan Thomson – Light is a problem.

Dave Gibney – You can even go so far as to the general light pollution and dark skies and things like that too.

Alan Thomson – You can specify in here. Just spell it out. You cannot shine the light that goes across other people's property lines.

Dave Gibney- Unless you are a football stadium.

Keith Paulson - Or street lights.

Alan Thomson – Yes, this is different from inside city limits.

Chad Whetzel – I guess I'm still confused on that,

Dave Gibney – It's the equivalent of that all outdoor lighting will be full cutoff is in every single permit we've done here. You can't see the bulb directly.

Chad Whetzel – That's what I am getting at. Just because you can see light, you just can't have it aimed off your property.

Alan Thomson – Did you think we have to hide the light altogether?

Chad Whetzel – That is kind of the way I was reading it. No, that doesn't make any sense. Any greenhouse you can see light and that shouldn't be an issue. Shining it on your neighbor.

Alan Thomson – You're going to see the light shining on your property. It is on the property, not the neighbor's. So, not a search light in your bedroom window.

Chad Whetzel – The cell tower with the strobes at night.

Alan Thomson- There you go. Did we solve that one?

Chad Whetzel – Okay, I can get behind that one. Okay, Item G.

Alan Thomson – So this is Spokane County's language.

Dave Gibney – With Art's addition about wind direction. It's not that bad, actually.

Alan Thomson – This is something that you give the authority to the Board of Adjustment to make a judgment on depending on the location and circumstances. If you have a lot of people come into the room and are complaining, then you maybe need to tighten things up. If you are out in the middle of nowhere and nobody cares,

Brian Davies – As long as there is not development planned within,

Chad Whetzel – I assume the setbacks are in line with what we do for others?

Alan Thomson – That's what the Spokane County has, so I put it in red because that is debatable.

Chad Whetzel – Theoretically, if you have an indoor system and they are not emitting odors should we regulate them anymore than we do for a tractor shed?

Keith Paulson – I guess I was thinking of, don't we have a 1,500 setback for houses in the country?

Alan Thomson – That is a different regulation. That is in the ag district. That's the viewshed that he is talking about.

Keith Paulson – But I'm saying, the viewshed and here we got major smell and then we are going to do like 1,000 feet?

Alan Thomson – That number is up for debate. We don't know what the number is right now. We've got to talk about that.

Keith Paulson – I'm just saying, we have one for looking at a house for 1,500 feet.

Alan Thomson – Can you smell that house from 1,500 feet?

Keith Paulson – If you have a grow there, you might.

Chad Whetzel – You can't have a house and a grow together.

Alan Thomson – The way this is written, the BOA can adjust that depending on the circumstances. But we have to give them guidelines so they can figure things out.

Dave Gibney – Aside from Art's comments about the outdoor maybe needing it larger, I think these are good comments, a good start.

Brian Davies – I agree.

Chad Whetzel – So, are you saying you don't want to put Art's comments in there?

Dave Gibney – No, I think we need to add more. We need to do something similar to what Art has about outdoor.

Gary Moore - But be specific.

Dave Gibney - And again making it specific it to the outdoor.

Alan Thomson – So, maybe after we leave tonight the homework for you guys would be to ponder these things on your own and come up with some ideas. What these numbers should be.

Chad Whetzel – So should we do like a G. and a G.1 to differentiate between indoor and outdoor? Okay, like you said, my feeling is that if they are controlling their odors and it is not going anywhere, why do we regulate it any different than any other building?

Dave Gibney – Yes, if it is indoor and the odor is successfully controlled, when we get to Item H. with no less than 10 acres, then again, if they have it all inside the building and they are fully controlling their odor why do you have any more setback than a barn or a tractor shed or a house?

Chad Whetzel – As long as they can build it within the limits.

Dave Gibney – Whatever the existing setbacks for those zones are, should be,

Chad Whetzel – Do we have development standards listed, do we?

Alan Thomson – Which one?

Dave Gibney – The allowable setbacks for each of those zones is in those zoning.

Alan Thomson – Yes, but you can add to them.

Brian Davies – So, the Airport Road facility that we toured, how was it determined the placement of those buildings or were they already placed?

Alan Thomson – No. That was an undeveloped site. So, it was considered and it still is as of right now, considered an agricultural activity. We have not changed our code so it is the same code as when they came on board.

Brian Davies – Because we chose to do nothing.

Alan Thomson – We chose to do nothing and therefore they were treated just like any other ag activity and 20-foot setbacks to adjacent property lines for buildings. A minimum of 20. You can't go within 20 feet. That was the code at the moment.

Dave Gibney – If that installation had significant carbon and other filtration substances and did not emit the odors, we probably would be okay with that. That twenty foot.

Keith Paulson – But it is outdoor grows, so it does have the odors.

Dave Gibney – Well, we are talking about the building. When we were there, there wasn't anything growing outdoors at the time and I was on the roadway, their side of the roadway down below towards Pullman, and from there and I could smell the odor. It was not strong but I could smell it. That is actually the only time I smelled significant marijuana odor during my whole visit. There was a little bit downwind and just barely adjacent to the property. Had that building had that kind of filtration that we are talking about requiring I'm sure I wouldn't have smelled a thing.

Chad Whetzel – Oh, another question?

Kathleen Lloyd – Just a comment in the transcript last time, it said that when you visited the facility it was a week before harvest when you don't have very much smell at all and I think that is well known. The smell comes during harvest and drying. That is what is documented in almost everything and that is when it is a very heavy stench. So, your tour was timed very carefully so that you actually did not see the actual impact to the local residents. Just FYI on that.

Alan Thomson – Ma'am are you suggesting that we timed it deliberately?

Kathleen Lloyd – I don't know. I was,

Alan Thomson – No, that is what you said and that is completely untrue.

Dave Gibney – I would further maintain that if those buildings had the kind of odor control and ventilation that we are talking about requiring, I would not have smelled that even at a time of high odor inside the building. I know that you picked a time because we were available at that time.

Alan Thomson – That time happened because we all arrived at and were available at that particular time. The suggestion that there was something underhanded there which I sensed in your comment, that is offensive.

Keith Paulson – We got to pick the day that he was available to us, not knowing what was going on in the grow stage.

Russell Jamison – Before we, I have a question for her. Or I can get with her afterwards.

Dave Gibney – No, it would be better to do it in public.

Chad Whetzel – Oh, okay, let's do it now but be as brief as possible.

Russell Jamison – I'd just like to say that when they chose the time, Alan is right, it was just for when we could go. Unfortunately, I was not able to go so we are trying to figure out when me and a couple of others that would like to go to a facility. My question is, when is the smell there, because I don't know and you seem to know. Do you have a suggestion? That is why I am asking you.

Kathleen Lloyd – According to documentation I have heard it is during the harvest.

Russell Jamison - When is that?

Kathleen Lloyd – Approximately every three weeks. I think Mr. Zager could verify that. He is the expert on that but is what I have been told.

Chad Whetzel – So, every plant is going to be different. Harvest is going to be different at slightly different times being able to grow indoor. There are a lot of variables.

Dave Gibney – Reading that, I haven't read the transcript precisely there but actually I believe but that was an opinion of one member of this commission that the odor might well be higher during a harvest time. It was not a stated fact by anyone who knew anything.

Chad Whetzel – So, where were we, on H. talking about the lot size. I guess we need to visit Item G. more but it is homework.

Dave Gibney – I think on H., you are probably going to want to distinguish between indoor and outdoor. Ten acres seems to be a pretty large minimum there for greenhouses that are well controlled and odor.

Alan Thomson – So, we are going to go down the conditional use pathway then. Location could play into this one, too. So, maybe a minimum parcel size and then the BOA could adjust that depending on the circumstances. So, how about somewhere in the region of, we are thinking of indoor. The minimum parcel size in WC is two acres, you have to create something that is at least two acres. So, it could start at two or it could be five, whatever. Outdoor grow would be different. Bigger, so maybe outdoor grow starts at ten acres. Just a suggestion. Then the BOA can adjust it depending on each individual case.

Keith Paulson – I assume it's hard to find ten acres to build on.

Alan Thomson – Yes, I agree.

Brian Davies - I think that a lot of the outdoor grows are in smaller confined square footage areas where they can apply water. Correct me if I'm wrong, Jordan, but they are not going to be these huge expanses like a cotton field because that would require irrigation and we don't have irrigation on the Palouse.

Keith Paulson – But the outdoor grow you're regulating water and everything.

Alan Thomson – You are still confined to the Ecology regulations.

Brian Davies – It's not going to be a large area. I can't imagine an outdoor grow operation that ever would be maybe over 100,000 square feet, over 2 acres.

Alan Thomson – You can't get it that high. So that is the tier system with the LCB, Tier 1, 2, 3. So that contains the size of what you can grow.

Brian Davies – We should look at those.

Dave Gibney – So, perhaps something outdoor can must be 120-150% of the cover?

Alan Thomson – Maybe. Tier 3 is the greater one and it is up to 20,000 square feet, Jordan? Yes, 20,000, oh, 30,000 square feet. That is the maximum. That is the LCD that issues those license for Tier 1, 2, 3.

Dave Gibney – So, the parcel has to be at least 120,000 which is what 4 times that.

Alan Thomson – That is a way to control it.

Brian Davies – Which is over 2 acres.

Dave Gibney – The parcel.

Alan Thomson – If you have that much grow, it needs to be further away from sources of, you know Tier 3 if it is going to happen should be further away from everybody than a Tier 1 or a Tier 2.

Dave Gibney – What is the different purposes between previous Item E. and this Item I. that is coming up? Are they not performing basically the same function?

Alan Thomson – You're right, it may be a duplicate.

Chad Whetzel – I think Item I. should be included under E.

Alan Thomson – I think Item I. says it better.

Dave Gibney – If you are going to start with something I'd start with Item I and expand rather than try and mess with the one were talking about before.

Brian Davies – Is that near the States LCB language?

Alan Thomson – That is straight out of the LCB language.

Chad Whetzel – If we drop Item E. and include some of those other things we talked about in Item E. under Item I.

Dave Gibney – Could I suggest that maybe we look at putting some of the rest of these into homework and make sure we don't short the public any more comments if they want to make.

Chad Whetzel – Are there any other comments from the public right now?

Allison Harris – I just want to thank Alan. He let me know about this meeting tonight. My husband and I are in the process of purchasing a home on the Pullman-Albion Road on four acres. I wrote Alan because I was concerned. One of our biggest fears is a marijuana farm is going to get put in right near the home that we are purchasing, because that would be a deal breaker for us.

So, he let me know you guys were coming up with some regulations just to suggest to the BOCC and I like a lot of the things you talked about. I just want to give my support for labeling marijuana as something other than an agricultural product so that you can have more control of it. Also, the control of the smell, that is the two big concerns we have as property owners is the smell decreasing the property value of the property that we are about to buy. Really, no one wants to live by a marijuana farm. So, if that can be done it would be really helpful.

If you could push the outdoor grows far away from residences and I don't know what distance that needs to be but that would be great if residents didn't smell the outdoor grows. Also, I would like you to consider putting even indoor facilities or retail shops 1,000 feet away from residences as well, because a lot of residences have children in them and the point of those 1,000 feet away from schools and public parks is to protect kids. Those are my thoughts.

Chad Whetzel – Thank you.

Aaron Fosback – I'm a resident on Country Club Road. A few months back at one of the BOCC meetings a woman presented the voting statistics, I guess, from I-502. I wasn't sure if the commission was aware that the majority of the citizens in unincorporated WC voted against I-502? So, while I appreciate all the effort that is going into considering regulations it would seem that the voters have already indicated that they don't want marijuana grown in unincorporated WC. So, I would ask that the commission still keep the idea of a ban as a possibility.

Chad Wetzel – Thank you.

Kathleen Lloyd – I appreciate that we could hear the Spokane planner last time but it seems that it would be super helpful at this point to actually talk to some of the smaller counties that are a lot more aligned with WC as far as size, and maybe they don't have an air quality board and how they have handled it, like Chelan and Walla Walla.

There are quite a few counties that are actually like us on the eastern side and instead of having information just kind of filtered, actually have them come and talk to us about what they did and why they did it and some of the choices they made and why they did it, so you could ask the questions directly from them. It seems like if you were going to be thorough in making these decisions it would include talking to people that are more aligned with kind of how we are and what they actually did.

Some of them have actually banned it, and I think Yakima has, Chelan has very restrictive rules and it seems to make sense before you actually write this and make these final decisions to actually bring them in here and talk to them. That is what I am hoping will happen before that and again, I'm still interested in a ban on any new operations, if you guys could still consider that.

Chad Whetzel – Thank you.

Allison Harris – I just thought of one more thing as everyone else was talking. What was the last thing you just said?

Kathleen Lloyd – A ban on any new operations.

Allison Harris – I'm sorry, I just couldn't remember what I was going to say when I was saying my name. I apologize. It should come to me any minute. Oh, I was thinking you might also include in the regulations some code about how it is enforced. Just because one thought I had was, these regulations would be awesome but does our county have the capability to and the resources to make sure they are enforced if we put them into place?

When I was doing some research about some stuff I noticed that some of the counties that have banned it, banned it because they knew they didn't have the resources to handle the enforcement of it. So, if we don't have those capabilities, then that is something to consider, too, is just banning it altogether.

Chad Whetzel – Thank you. Any other questions or comments?

Russell Jamison – Just so you all, I'll remind you, all of us on this board are volunteers. The things that we are discussing and what we come up with are suggestions or maybe a recommendation that we will give to the BOCC. The BOCC are the ones who make the final decision. So, if they throw everything out or if we give them a couple different options, if we didn't all agree on the board, on one, then they would take what we do give them and they make the decision.

So when you are suggesting different routes that the County should go, for me it is interesting, I'm glad you said that, but you really need to go when the BOCC are discussing what we give them. They are the ones that when they vote, it is final. What we come up with here, if they don't like it they just throw it back to us. We are volunteers. I just want to make sure you understand that.

Mark Storey – Just to dovetail on that and a few of these comments. I sit in workshop with the BOCC every week and I get to hear way more than I want to know about the world. But as recently as two days ago, the BOCC still had a full ban on any kind of marijuana processing or growing as a possibility. It has not been removed as a possibility. They have asked this volunteer board, and thank goodness, these guys all volunteer, to give them some things to work with. A ban is not off the table, not at all. Rusty is absolutely correct. This is an advisory to the BOCC and the real decision does ultimately lie with them. They are very good at following the recommendations of the planning commission but they are not bound by it. I just want to make sure that is clear.

Dave Gibney - I would also like to say that we are talking about writing zoning and planning ordinances. I haven't seen any difficulty in Alan and the staff in enforcing the

existing zoning and planning ordinances. I don't see that we are adding any additional undue burden to them by defining things more clearly. We should actually be making their job easier rather than harder.

Chad Whetzel – Okay, Ken.

Ken Duft – I can well appreciate the sentiments expressed which suggest that the commission's views on this matter should be somehow influence most by the voting outcome of those residents of WC who reside in unincorporated areas. I happen to be one of those. I think to follow that particular line of logic would be a tremendous disservice to the county and to the residents in whole. We have to understand that the County of Whitman includes all of its residents, not just those in the rural unincorporated area. When we speak at the election table we do so as a county as a whole, not as a portion there of. Thank you.

Chris Johnson – Thank you for your service. I recognize this is a volunteer body but I also recognize having participated and been in similar processes in the past that the recommendations that come from this body, it is very unusual that the BOCC would not take your recommendation and do something with it. Part of governance and part of what you do in the service is making the recommendations and recognize it as a volunteer body, you are getting information.

So I think that what Kathleen Lloyd said is very important. You have folks in the County that perform a function but when you are relying on them for information about or expertise about a product that you are trying to learn about, I think it is a little bit of a disservice to rely on them exclusively for making these decisions, or having read the transcripts because I haven't been here before, or relying on attorneys who are representing a business rather than listening to the citizens of the community.

I think it is very important that if you look at it you spend some time and you search. When you talk about harvesting this product it is very clear when you look at information from Colorado and look at information from California. It is a problem during the harvest that it is a smell issue. Also, note that and we have a professional engineer who can verify that, that there are engineering standards now for smells, engineering standards for noise, and there are engineering for sight. So there is a way to measure this to make sure it does not impact residences. Thank you.

Chad Whetzel – Thank you.

Aaron Fosback – Just wanted to clarify my comments related to a ban. I'm specifically talking as this body is referring to unincorporated WC. If a ban were enacted it doesn't preclude the City of Pullman or another incorporated community from making their own decision about whether or not to allow the production and processing or sale of marijuana in their community. Thank you.

Chad Whetzel – Anything else, tonight? Okay, before we end this session, we have a Vice Chair, is that his title?

Dave Gibney – Yes, but the need to, you were talking earlier, the need to have a Chair when both of you are absent would not be a decision to make ahead of time. At least in my opinion. It would be a decision by those present would make that night.

Chad Whetzel – Basically, for those of you who don't know, in the summertime I do a lot of wild line firefighting and I'm gone. It is coming up. I may or may not be around for the next one, so just keep that in mind. I will do my best to notify you and be here but I can't make any promises for the next month.

Keith Paulson – August is really hard to get here anyway.

Alan Thomson – Yes, it is.

Chad Whetzel – We don't usually do anything in August.

Alan Thomson – So, I will contact you. The next possible time to meet would be the third week in July. So, we are into harvest, basically. If I can't get a quorum we, we're not going to meet until we get a quorum. So, I'll just keep asking you when you are available and when we get at least five people, we can meet. We aren't really, well, we are kind of making decisions here so I think we need to have a quorum.

Brian Davies – So, are we meeting on the 5th of July?

Katrin Kunz – No, July 17th would be the third Wednesday.

Brian Davies – July 17th. The BOCC are meeting in July, when is their next meeting?

Alan Thomson – July 1st?

Mark Storey – Yes, the first, third and fifth of each month.

Brian Davies – We're going to deliver some recommendations to them?

Alan Thomson – We are not finished, yet.

Dave Gibney – We are not even close to that yet.

Brian Davies – They are not expecting something from us?

Alan Thomson – No, no. We keep them informed as to where we are at.

Dave Gibney – It would be clearer if the BOCC decision at this point was a ban, that's what we would be writing. They have asked us to investigate the issue thoroughly and that's what we are doing.

Alan Thomson – Yes, and we have verified that with the BOCC. We are doing what they want us to do and we are following the directive in the moratorium. The moratorium states quite clearly that we are to explore putting an ordinance together. Then, the BOCC, as has been stated, will make their decision based on what we give them.

Chad Whetzel – I assume by Art Swannack’s comments on your proposed ordinance that they are at least mostly in favor of it. They didn’t say that no we are banning it, so I take that as move forward.

Mark Storey – Just for clarity, in a workshop on Monday, Alan and I met with the BOCC and we discussed the moratorium and the fact, when does that expire, is that in September?

Alan Thomson – The middle of September, I think.

Mark Storey – Sometime in September and what we, I guess advised them, was that we didn’t think we would have a final product for their consideration by the end of the first six months and it will probably go past that. I was kind of preparing them to consider an extension to the moratorium at that time. So, they are working it into their schedule. So that may give you a better sense for how quickly, so you still have probably a couple of meetings at least before you guys are comfortable to propose to them and that would be really optimistic, I think.

Chad Whetzel – Just for clarity, so if they do another six months and say November we come up with something, they can remove that moratorium at any time they want and place whatever we come up with, correct?

Mark Storey – That is the exact the way the conversation actually is, that they would add another six months whether they used the six months or not is kind of a moot point. What they would do is if they went to an adoption process simultaneously with that, they would remove the moratorium.

Chad Whetzel – Ideally, we would not need the full six months. It would be nice to have it done sooner.

Mark Storey – When they instigated the first six months and basically remanded it back to you for consideration, we all talked about the fact that six months would probably be too aggressive. So, we figured probably eight or nine or ten months.

Dave Gibney - But six months is longest you can do in the moratorium.

Mark Storey – Yes, State law is very specific that you can only moratorium for six months and then at the end of the six months you can extend it by six months. Or basically readopting a new moratorium with the same language.

Chad Whetzel – So, we will close the unfinished business and any new business?

Alan Thomson – No.

Chad Wetzal – None.

MOTION by Keith Paulson and seconded by Brian Davies to adjourn. Motion passed.

Adjourned - 8:59 p.m.