WHITMAN COUNTY
PLANNING COMMISSION
9/4/2019
Workshop
Minutes

MEMBERS:

Chad Whetzel – Chair
Guy Williams – Member
Brian Davies – Member
Keith Paulson – Member
Robert Hill – Member
Gary Moore – Member

STAFF:

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

Audience: Dave Anderson - WA Dept. of Commerce; Benjamin Serr - WA Dept. of Commerce; Suzanne Hill - Rosalia; Benjamin Rhoades - Pullman; Shelley Chambers Fox - Pullman; David Hall - Latah County; Ken Duft - Pullman; Joan Folwell - Pullman; Nicole Lee - Pullman; David Gang - WSU; Trevor Lloyd - Pullman; Kathleen Lloyd - Pullman; Zach Dauscher - Pullman; Carla Burton Keifer - Pullman; and Jim Burton - Pullman.

7:10 p.m. – Chad Whetzel moved on to unfinished business. We have some guests to talk about the Growth Management Act.

Alan Thomson - Dave Anderson will be the main presenter. You can come and sit right here by the microphone.

Dave Anderson – I am the managing director for the Growth Management Program at the Washington Department of Commerce. We are the State agency that assists local governments in how they manage land use and planning throughout the state, including both the fully planning GMA counties and also the partially planning GMA counties like Whitman County.

Although most of the GMA doesn't apply to Whitman County, there are large parts of Washington's land use framework that applies to all counties, that especially governs the rules and laws and practices in both statutory law and in common law, that govern how you process building permit applications, and what rights do applicants and property owners have when it comes to their right to have a permit reviewed at the county level and their right to get a permit. A lot of this really goes back to the constitution of the United States and the way that has typically been interpreted by Washington courts.

The courts throughout the United States, state courts do interpret individual's rights differently in different places. Washington has interpreted what we call the Vested Rights Doctrine that I will get back to a little differently than the way it has occurred in other states.

But it really falls back onto the same principle of underlying fairness, which is you have a right to know what laws apply to you. If you are going to do something and you need to get approval from the government for something that you are going to do, you have a right to know before you file the application, the rules under which that application is going to be considered. That is the basic principle of due process.

That is in play in what we call vesting law, which is the law that really governs how you decide what rules apply to a particular application of a project. It really distinguishes between deciding does this particular proposal, does this particular application meet the laws and the larger questions of what the law should say?

One of the fundamental principles of due process is that those are two very different questions. You can talk about what the laws ought to say but when it comes to an individual proposal that someone, an individual application that a citizen has filed the laws that apply, popular or unpopular, are the ones that are on the books and in place on the day they file that application.

That is the basic principle in Washington law. That is what is called the Vested Rights Doctrine, which is your right to have your application considered under the rules that were in place at that time, even if they may change on a later date, those changes are not retroactive.

So that's Washington's Vested Rights Doctrine and that's codified in the revised code of Washington 19.27.095, that talks about building permits and there is another code that talks about subdivision permits, 58.17 that basically says the same thing. If you are filing a subdivision application, that subdivision is going to be reviewed under the laws that were in place at the time.

If you are going to file a building permit, that falls under 19.27, that building permit is going to be reviewed under the laws that were adopted by the local government and those that were in effect at the time you filed your building permit application.

What are you actually getting in the building permit application? You not only get the right to build the building, but the use that is in that building you also vest to under the building permit applications.

If you say, I'm going to build this building and it's going to be a store, or an industrial process, and you have clearly disclosed what that intended use is provided, that use falls within the permitted uses within that zone, and they have evaluated and yes, that is a permitted use, you then vest to that as well.

You don't vest to every conceivable use in that zone, but if you clearly disclosed what the intended use is going to be and applicants have a choice as to whether they are going to disclose the use or not. Sometimes applicants will not disclose the use for the permit in which case they get their permit but they don't get the uses they don't disclose.

But in other cases, an applicant will clearly disclose what their interest is. If the applicant clearly discloses, this is the use I am going to build, this is my intended use for this property, then they actually vest to that use, even if subsequent laws will change about whether that is an allowed use in that particular zone or not. You are now vested to that by virtue of the building permit that you filed and by virtue of you disclosing that as the intended use on the building permit application.

So, that's basically how Washington law works with vesting and that is kind of why Washington vesting law is the way it is. It really goes back to the fundamental principle of due process which is people are entitled to know what rules apply to them when they are proposing to do something, and if they are going to ask the government for permission they have a right to know what rules the government is going to apply to their particular project. That's the due process part of the vested rights doctrine and that is the nuances of how it works here in Washington.

Guy Williams – If you take out a permit but if you didn't disclose what that use was going to be you may not get that use.

Dave Anderson – Yes, and the applicant is free to disclose or not disclose the intended use. But if an applicant discloses that use, that use is vested if approved.

Chad Whetzel – Are there any more questions from the Board or audience?

Alan Thomson – I think that makes it clear unless there is someone in the audience who has a question.

Keith Paulson – Maybe I have a question. I don't know quite how to say it but if you got a permit for a certain thing and that was approved. Can they do something different with that ground then, like put a building on it when they didn't get a building permit?

Dave Anderson – They would have to get a permit for the new building. So, you have a piece of land and you want to do something, you apply for a building permit, you get a permit for this building and if you want to come and build another building you have to get a different building permit for that building.

Keith Paulson – So, if I decided I wanted to build a fence there and grow marijuana, can I get a building permit for a building being vested?

Dave Anderson – After you've built the fence?

Alan Thomson – I think Keith, the question you get into is in this case and you're talking about Selway Holdings and their building permit. The fact that it was written down as an I-502 fence, determines what the purpose is there. The use is shown right there. There only is one meaning to an I-502 fence.

Brian Davies – It is implied explicitly.

Alan Thomson – Yes, and Denis Tracy made the ruling based on that. He knew what the permit was for, what the use was going to be and it was explicitly put on the building permit.

Keith Paulson – It was a building permit for a fence. So, if they want to do a building,

Alan Thomson – They would still have to get a building permit for a building but the use is vested. We know it is going to be a marijuana grow operation because the fence is required for a marijuana grow operation. So, we look at the use they are applying for and it is to grow marijuana. That is clear. So, if they wanted to build a building they would still have to get a building permit but they are initially vested for the use in the zoning code at that time because of the I-502 fence.

Dave Anderson – So, assuming the building meets fire code and those other things, you'd still have to get a building permit as the building but you wouldn't have to re-visit the question of use.

Alan Thomson – Right.

Brian Davies – Unless there was a use change application, would that change things? If there was a use not covered from the initial vesting? If the initial vesting included, I guess there wouldn't be conditions put on that or would there be conditions?

Alan Thomson – I think what you are getting at there is what uses are covered with an I-502 fence. So, you have to go to the zoning code for that and when somebody comes in to the planning department and tells us what they want to do, we look at the codes and figure out can you do it here or not? So, at the time we determined that I-502 growing of marijuana was an agricultural activity, horticulture, which is in our definition of agricultural activity so that is the decision that was made by the County at the time this was,

Brian Davies – Prior to any regulations.

Alan Thomson – Yes, when I-502 came into being. So, we look at the underline zone and what is allowed, so growing of marijuana, that's it. That is what they are vested for. They are not vested for processing. That would have had to been in the light industrial district at the time, a zone change. They didn't get a zone change so they are only vested for growing.

Mark Storey – I just have a comment. Not everyone understands the building permit process either. The International Building Code is the code that we follow and I think it is the 2015, and an ordinary fence does not require a building permit. If you have a 6-foot fence or lower, does not require a building permit. The only time we require a building permit for a fence is when it is in excess of 6-feet tall and there are only a few times in the County where they actually had to have a permit.

So, when they went to the I-502 fence it was 8-feet tall. That required an individual permit just for the fence to have that specific height. So, the only other time I remember us actually doing something that is 8-feet tall or more is the fencing around the quarrying tanks up there at Belmont. Other than that most of the permitted fences are I-502 fences. In this particular case with Selway Holdings, the application and the permit both said I-502 on them so it was very clear.

Ginny Rumiser – We've had several I-502 fence permits issued and each of the applicants have explicitly written on the application I-502 fence, which the cannabis board requires. So, that is what they put and that is what I wrote on the permit cards.

Dave Anderson – They weren't shy about telling you what their intended use was.

Alan Thomson – No, everybody knew and were very clear about that. They came to us and asked, "What can we do and can we do this in WC?" They have to do that, find out. Just because they have a license from the LCB does not mean that they can just come and set up a shop in the County.

It is either approved, something that will be approved or not approved and some counties have banned it. Some cities have banned it. So, they come to us first and make it clear what they are trying to do and we advise them as to what they need to do as far as zoning is concerned.

Chad Whetzel – Any other questions from the board right now? Okay, we have a couple from the audience.

David Gang – Once somebody is given a use permit for any kind of industry or business kind of activity, does the County have the right to pass other regulations that could affect or impact that business?

So, for example, if you put in a fast food operation that, like, for example, I used to live in Tucson, Arizona. There is a company there called Pollo Feliz and they grill chicken and a lot of people say it smells wonderful but it produces a very large amount of smoke that affects neighboring areas and a lot of people didn't like it.

So, if a company comes in and says they are putting in a fast food operation and everybody understands what that means but then something like Polo Feliz comes in and it produces large amounts of smoke, does the County then have a right to pass other regulations that could affect what limits that smoke might be? Or what impacts on some

of the people might be? Or because they were already given a building permit to build that operation does the County have no options to do anything about it?

Alan Thomson – Dave, just pitch in when you are ready. So, the Planning Department would review the application first and find out if this was permitted, allowed either outright or by conditional use, special use permit in that zone. They would make a determination and if it the determination is, "Yes, it is allowed," then they get a building permit for it, I would say they are vested. Dave?

Dave Anderson – Yes.

Mark Storey – Can I just clarify? My understanding is they are vested for land use regulations. There are other regulations that could be passed that might impact the business. But they are not land use based.

David Gang – Yes that was my question. I understand this group here deals with land use but are there not other opportunities for regulation that could be passed at the County level?

For example, Spokane County has a clean air commission. We do not have that here in WC. Could something like that be established and then could regulate air emissions. I'm not talking about marijuana grow. I'm talking, thinking about hemp operations that are going to be coming in. There are 6,000 acres in Washington this year of hemp. Last year there were only 172. And we're going see that grow probably another ten-fold next year.

So this, and whether they smell or not that is going to be something to worry about, maybe. There's other situations where that could come into play, too. But these may not be land use things. I'm just thinking about air quality or other issues. Is that something where the County could pass regulations that then would impact everybody that is already in operation, regardless of what kind of business they may be?

Dave Anderson – At that point they don't actually need ongoing approval. You don't have to come back and get new approval for use on an ongoing basis. I mean that is really the issue, there are not any further approvals that are needed.

Alan Thomson – I think David, the answer to your question is, yes. If a local air quality authority is created or an ordinance is created by the BOCC everybody has to comply with that.

Mark Storey – I was just going to point out that we did have conversations about that several months ago in this group and we are trying to stick to land use regulations only through the planning commission. But emissions are something to consider. It is a different set of regulations.

Kathleen Lloyd – Alan said something that made me curious. He said that when he got the permit for the application and it said there was an I-502 fence, he said that in WC

marijuana is considered an agricultural product and that was an area that permitted agricultural products and that was the basis of approving the permit.

So, this is just a question. WC has never passed any kind of ordinance or definition that marijuana is an agricultural product. In the absence of that does it revert back to state law and if you go back and look at the state law there are several mentioned of it.

One of them is that it defines it as a controlled substance and in the tax code it calls out that it may not be used as an agricultural product. Interestingly in the wording of that law, it does not say, for the purposes of this section only. It just says, it happens to be found in the tax code but it doesn't say it only applies to the tax code. Those words are not there.

Additionally, in the Department of Agriculture website it specifically states that for an agriculture, for something to be agriculture on agricultural land it must have at least 5-acres of commercially produced product. The Liquor and Cannabis Board designates how large a marijuana processing, or I'm sorry, a production operation can be and none of them will allow anything up to 5-acres.

So, if the County has never defined marijuana as agriculture and the State kind of says otherwise, can you really treat it as agriculture and if you have issued a permit based on erroneous information what does that mean?

Alan Thomson – In short, no, you're wrong. Section 19.03.025 is the definition in county code for agricultural activity. We, the County, have the opportunity to interpret our code. It states here, *"Agricultural activity includes but in not limited to…"* Commissioner Swannack already mentioned that there are too many agricultural products for codes to mention. He listed off a whole bunch of stuff that is not in the definitions that you have been looking at, yet they are still agricultural activities. Local interpretation.

Many of the counties in Washington did exactly the same thing when I-502 came out. They looked at their codes, they saw their definitions of agricultural activity, horticulture, the growing of plants, marijuana, a plant. So, we made that interpretation and the State has not intervened in any sense to any of the counties or any of the jurisdictions in Washington to say that is incorrect.

So, we made that interpretation, and that is why we did it at the time. So, we stand by that. We are changing that now, for this code that we are working on. We are already saying that this is not an agricultural activity. What is done is done and many of us did this in Washington. So, it is water under the bridge.

Kathleen Lloyd – So, maybe a question to our visitor. I understand and thank you for that. I appreciate that. It was an interpretation of the code where it wasn't exactly spelled out. If somebody wanted to question that and let's say, hypothetically that was found to be incorrect, what would that mean to the permit?

Dave Anderson – It is actually specified fairly clearly in the county code and that is really what governs. When you are looking at the code you are looking at the county's development regulations. That is what you are applying. You are not applying state law directly. I know you quoted some definitions of agriculture and something about 5-acres, you may be talking about the open (inaudible) tax program, which is not the same as the zoning definition. The zoning definition is going to be in the local code. It is not going to be in the state law.

As Alan mentioned, the different counties are going to interpret it differently. One of the things about state law is, how you actually implement it at the local level has a lot of right answers. Counties have a range of discretion. Part of this discretion is how they set up their definitions. One of the really active questions has been, do we consider marijuana the same way we consider every other type of agriculture?

At the time this particular permit was issued, they were working under one set of rules. It was within their discretion to have that under that set of rules. If they want to change them the BOCC are free to change that definition. It is possible that you have more than one definition at different points in time and they can both be right because they both fall within the range of the county's discretion.

But the rules that will govern a particular permit are those that were in place at the time the application of that permit was filed. If the rules changed later, for you to do that, but those rules were applied to future permits. They won't apply to past permits or past uses. Which isn't has nothing to do with marijuana law. That's all about due process. That could apply to anything.

Chad Whetzel – Probably one of the best examples of that that I can think of is the billboard ordinance. There are a couple billboards in the County which now can no longer be built. We don't what billboards out in the county, the big Lamar or whoever puts them up and those are no longer available but we can't take down the ones that are there unless they fall under disrepair and all those other things. Then there is a mechanism for that also.

Dave Anderson – Yes that is a perfect example.

Kathleen Lloyd – So then, just to make sure I understand what we are talking about is vesting law in the ability to have a business on that land or that property and so you can't change the code for that. Which I totally understand once the business is there but there are other people or whatever they can still have new ordinances and regulations placed on them after they are operated. Don't necessarily close them down but they just need to operate under new regulations.

Some of what I am thinking about is the attorney general letter that talked about how the counties can have a wide range of what they choose to do and they gave some examples of when the no smoking law came into effect. A restaurant would be vested and so they are not going to shut down the restaurant but they have a new regulation in place where

they have to have areas where people are not exposed to smoke. I know that, I have a friend who has a husband who is a farmer. She says every year we have new regulations about how we conduct our business given by the government. So, having new regulations on existing businesses is a real thing and is not against state law.

Dave Anderson – But that is not a land use rule.

Kathleen Lloyd – It is not a land use law.

Dave Anderson – It is an operational (inaudible).

Kathleen Lloyd – Okay, but it is not a land use law but it is something that is done.

Alan Thomson – Yes, environmental health. You know standards change. Water department, Ecology, air emissions, there are many different agencies that do different things and we do not regulate them. So, their rules would apply and if the BOCC decided to put in an air quality ordinance, then that would apply to everybody. But the land use is allowed. They can grow marijuana there. You cannot take that away from them.

Kathleen Lloyd – I never asked them to.

Alan Thomson – But the short answer to your question is, yes. Other agencies can be involved here and their regulations would apply.

Chad Whetzel – Any other questions? None, okay, we appreciate your time. Thank you.

Alan Thomson – What we've done here, could you just give us a brief thing about the Critical Areas Ordinance and the Resource Land's Ordinance, so these guys understand why and this resolution.

Dave Anderson – Yes, so one of the requirements that applies to every county in the state, GMA counties and non-GMA counties, is what is called the periodic review. Every 8 years the counties have to review their Critical Areas Ordinance and they have to review their Resource Land's Ordinance. The two things that every county in the state has to do under GMA. They have to review and if needed, revise those on an 8-year periodic basis.

So, that means that the first thing you do is you look at your resource lands designations. You look at your critical areas and determine whether you think any changes are needed. If there are, you make those changes. If you do not conclude that any changes are needed then you need to adopt a resolution that says that we reviewed our resource lands ordinance.

We've reviewed our Critical Areas Ordinance and either we made these changes because we had to, or we've looked at it and we found the law hasn't changed. Conditions are basically the same. We don't need to make any changes to them. They are fine the way they are. Then you adopt that resolution and then you're done.

But that has to happen on a periodic basis. Every eight years you have to go through at least the process of looking at your CAO and your resource lands designations and deciding whether we are comfortable with what they are or whether we need to make changes.

That's I believe, that is the resolution you have in front of you. You have a look at your resource lands designations. You've determine state law. The statute hasn't changed on resource lands in the County. Went through this process originally back in 1992, made a conclusion that conditions really haven't changed significantly since 1992. There is no need to go back through that designation process. That is essentially what the resolution does. That is my understanding of the resolution. That is why it is here. It is the 8-year periodic basis.

Alan Thomson – So, WC has not formally identified natural resource areas. We have a number of mines around and we have the majority of WC, the agriculture district. The way that the original comp plan was framed it discouraged pretty much everything except agriculture in that one zone. So, the ag zone is predominately pretty much in the whole of WC. It is the biggest percentage, 96-97% or whatever of WC.

Ag is key and as you know from our zoning ordinance it is very difficult to build houses in the county. You can't do multiple housing estates, you can't do that. It is not allowed for a number of reasons. So, the ag zone code protects agriculture.

So, for all the reasons that are displayed in that resolution, we the County think that we don't need to change any of the codes and we don't really need to formally identify any particular areas. Some counties have done that. They formally identified areas as being natural resource areas. So, we have all the mining that is in existence as a natural resource for minerals and then agriculture. We don't really have forestry. We do not have forestry in WC.

Brian Davies – Killed all the trees.

Alan Thomson – So, we've crafted the resolution and the BOCC have already seen it and they seem to be okay with it. Since we're not changing any codes, it doesn't require going through the planning commission. We're just going to say we're good and hopefully the Department of Commerce agrees with that. Then we are in the clear until the next eight years from now.

Brian Davies – What type of resource lands besides mining, what type would we have?

Alan Thomson – Ag and forestry and mining and minerals is what I call it.

Brian Davies – So, it doesn't really include any of the shoreline,

Alan Thomson – That is a different regulation.

Brian Davies – Along the Snake.

Alan Thomson - Not unless there is mining there or agriculture or forestry. So, that is essentially what the resolution is about and we will take that to the BOCC for their approval. Then that checks that box for Commerce and we've completed our 8-year review of natural resource areas of WC.

Brian Davies – I think the County is kind of void of natural resource areas, other than ag.

Alan Thomson – Well, that is a natural resource. We've got a lot of mining.

Chad Whetzel – With the rock pits?

Alan Thomson – With the rock pits.

Brian Davie – I was thinking about that. Isn't that for road use?

Mark Storey – Mostly.

Alan Thomson – But it is a natural resource. It is allowed by code in our zoning ordinance as mentioned in the comp plan, as is agriculture. So, I think we've got that one taken care of. But of course, we've got to present that to Commerce and Commerce has to give us their blessing, eventually.

Brian Davis – The counties are required every 8 years?

Alan Thomson – Yes, so as Dave was saying initially there are two levels, fully planning and partially planning. Everybody has to do the natural resources. Fully planning, as well, as their planning would be growth management. We are not subject to the growth management planning part as a partially planning county but we still have to do the natural resources. Everybody in the State has to do the natural resources.

Joan Folwell – I was just wondering, is water considered a nature resource?

Dave Anderson – It is not one of the resource lands that is required for periodic review and designation. There is a whole bunch of laws governing water in the State and the management of water, water shed planning, the state water code. But one of the things the GMA requires is that you have to designate what they call resource lands of long term commercial significance. That is forest lands, agricultural lands, and mineral lands.

Chad Whetzel – A land thing not a water thing.

Dave Anderson – Yes, it doesn't mean water isn't (inaudible)

Brian Davies – Is wildlife considered one of those?

Dave Anderson – You're thinking of Fish and Wildlife Habitat areas which are our critical area that is covered by your Critical Areas Ordinance. That is done under the Critical Areas Ordinance review.

Brian Davies – But it is not a natural resource.

Dave Anderson – No, it's not under, when you think of natural resource lands, you're really thinking of lands that you need for critical parts of the economy. Especially forestry and agriculture but really almost every resource, every sector needs gravel. You gravel almost anything, really.

Chad Whetzel – That makes sense.

Nicole Lee – I am just wondering are you as a Board aware if Selway is currently producing growing marijuana at this time? If so, is that okay and is there any regulation if they are doing this at this time? It is my understanding that marijuana is harvested commonly in September and October and that is when the stench starts and we have a lot of children that are riding the bus on Country Club Road. Just wondering if that is something that is going to be monitored or regulated.

Chad Whetzel – Okay, one thing, real quick. If we could kind of keep the questions to the topic at hand. We will be coming back to some of this other stuff. We've kind of moved along. Alan, do you want to give a short answer to that then we can carry on to this discussion?

Alan Thomson – So the short answer is we weren't aware but they are allowed to. Last time I talked with them was a couple three weeks ago and they hadn't gotten their license completely tied up yet, so they couldn't begin operations by the LCB's regulations until they get the license. My assistant and I were in their building two months ago, three months ago, and there was no activity at that time.

Of course, this decision by Denis Tracy and the BOCC had not come down by that time so they couldn't do anything. They were held up by the moratorium at that point. Now that Denis Tracy and the BOCC have made that decision they are free to grow. We do not have any air quality rules in place to regulate them at this moment in time so they are free to do whatever that permit allows them and that is growing marijuana.

Brian Davies – That is inside, correct? Or is both?

Alan Thomson – I think it is both. There is no stipulations about inside or outside right now. It is just considered an agricultural activity and so we didn't, so there is no regulation about inside or outside.

Chad Whetzel – Although with the weather I highly doubt it is outside right now.

Brian Davies – I highly doubt it is outside too. It is a small piece of property, is that correct?

Alan Thomson – Yes, the acreage is 8-9 acres. But the I-502 fenced area is, which all the activity is going to happen within, is only a couple of acres or so.

Chad Whetzel – Okay, so back to the Growth Management Act. Any other questions on that? Okay, I'm good. Again, thank you gentlemen for coming down here. We appreciate it. have a safe trip back. Or you are welcome to stay longer if you want to.

David Anderson – It was good to see you. Thank you.

Chad Whetzel – Okay, where are we? We are on to discuss the Palouse Prairie. Is that?

Alan Thomson – Yes, let's get that out of the way.

Chad Whetzel – So, we will move on to our definitions that we may have inadvertently omitted and discuss those.

Alan Thomson – I guess the main thing is, do you have any questions on it? I've given you what Palouse Prairie Foundation has suggested and this actually has the tracked changes and I don't think you have that version of it. So, it shows what changes have been made and it was just, there were a couple of things that were omitted with the original definitions.

Maybe Joan or David can come up and talk about that. They are some of the authors of this. So, Joan, maybe you can give us a synopsis of the changes here.

Chad Whetzel – It didn't read like it was anything substantial or different than what we had discussed.

Joan Folwell – Can you hear me? Okay, a year has passed since we turned in the first definition that was lost along the way. That was a hurried affair because we thought we had longer time than we really did. So, Alan contacted me last Friday. I was in Montana, the other committee members that drew up this definition were in Washington, Idaho, and Wisconsin. But we remembered a little bit about what we had and what we were trying to create. Number one was a definition that would be easy for Alan to work with.

So, the first sentence about what the original Palouse Prairie remnant should be, is one that has not been cultivated, although it may have been grazed. We thought that was a pretty easy distinction to be made. Now some farmers in the area have longer memories than other people do and there's been some suggestions made where that particular definition would not necessarily fit. But it was found to be adequate in the one case that tested it.

The rest of the information and the definition was taken from references that have documented what the prairie really consists of. That includes Dr. Daubenmire who characterized the Palouse Prairie as being certain plant associations, which we haven't

listed here because you can find that reference if it is needed, but he did that up until the 1970's.

Then the Department of Natural Resources through their natural heritage program, substantiates those findings and has ranked those particular plant associations as to their status with the State. Those associations are all ranked as S1 which means critically imperiled as communities within the State.

Now these same plant associations may be found in different states where they may not be so rare and that's what the global rankings represent. But even those are critically imperiled or vulnerable. Since there is less than 1% of the Palouse Prairie left in its original extent, we feel that the remnants that are left really need to be protected.

So what we have done with this definition, which is substantiated by the Natural Heritage Program and Washington Department of Fish & Wildlife, that department having listed the prairie as on their priority species and habitat list, that we're providing a detailed enough definition for the County to work with and we'd like to have that incorporated in the Critical Areas Ordinance to help eliminate any confusion in the future.

Alan Thomson - There you have it in a nutshell.

Joan Folwell – So, if you have any questions,

Brian Davies – So we did not include this definition?

Alan Thomson – I have to confess to being the duffus that missed this one. Yes, it was in the original one but I missed it. I had so many versions going at one time that they inadvertently got left out. So, they just need to be put back in but they are better definitions now. The original ones you have to be a botanist to understand.

Brian Davies – So, is this part of the Critical Areas Ordinance?

Alan Thomson – Yes.

Joan Folwell – For habitat.

Alan Thomson – So, we are just amending the CAO. I'll bring that to you next month with these to put into the CAO. We'll just go through the public hearing process and the SEPA. I'm going to do an amendment to the SEPA since they were supposed to be in there originally. Then that will not go through a full SEPA process again. So, if you are okay with this, I'll bring it to you next month for the public hearing.

Brian Davies – That is the real crux of the matter, the SEPA review, correct, because that is really where the definition really gets used, too.

Alan Thomson – Yes, so you can amend the original SEPA and it's not a significant change to anything, so this is just adding some definitions so it doesn't materially change the review of the SEPA. It is just an ordinance anyway, so I'm just going to do an amendment to that.

Chad Whetzel – So, it actually makes sense so there's a definition when we read.

Alan Thomson – Yes, because we have Palouse Prairie mentioned in there with no definition.

Joan Folwell – Right, and these agencies that I've mentioned the Natural Heritage Program and Washington Fish and Wildlife Department, you can refer back to their definitions and their support of protection of the prairie. We didn't want to include all that. It makes it sort of a burdensome, wordy document.

Speaking from the Board of Palouse Prairie Foundation, Alan has been enacting this Critical Area Ordinances even though this definition was omitted from it for the time being so we are very appreciative of the action that he is taking and the support that he is providing for these ordinances.

Alan Thomson – Thank you.

Chad Whetzel – You're off the hook.

Brian Davies – If a municipality has not got any critical areas that would be Palouse Prairie, it is not mentioned. That definition doesn't have to be in the small municipalities' critical areas ordinance, I don't believe.

Alan Thomson – That could be true, although Pullman has some Palouse Prairie, so you have to be aware that it is there. Obviously, in WC, a large county, in this area it's prevalent, it is there. If it is not inside Uniontown then you don't need to put it in there.

Chad Whetzel – This is one of those ordinances where the municipalities cannot override, correct? They can do things that are more restrictive but they can't just say, "Well, we don't want to worry about that."

Alan Thomson – No, they can't. If a critical area is present or a critical habitat is present it needs to be protected.

Brian Davies – If we had a wetland that was identified or something like that or,

Alan Thomson – If you have wetlands, the way the CAO works is, even if you are not aware there is a wetland there, we look at the national wetland inventory maps that were done remotely. Sometimes there is a mark on the map that suggests there is a wetland there and there is not a wetland and sometimes there is no mark on the map and yet

there is a wetland. If it is a wetland and we are not aware of it and we find out about it, we still have to protect it. If it is there, it's there.

Brian Davies – But by definition, if you have waterways that come through your municipality that flood areas or creeks with flooding, and then they go away seasonally as the water goes away,

Alan Thomson – Then it is still a floodplain.

Brian Davies – But it is not a wetland.

Alan Thomson – It might not be.

Brian Davies – That is up to interpretation.

Alan Thomson - It is up to hiring a wetland specialist, someone who is familiar on how to identify these areas because planning staff is not, but we look at the maps and if something comes up on the map we are compelled to ask that applicant to look into it.

Brian Davies – The reason I'm asking is just simply because the last time we re-did our land use ordinance and our Critical Areas Ordinances was back in 2009, I believe, and in Uniontown, we've been working on right now, we submitted to Dan Lothspick.

But the reason I am asking is because when we did the update ten years ago, our engineer identified no resource lands i.e. timber or mining or wildlife habitat within the corporate limits. We are still standing by those. We'll see what Commerce says. But the language is pretty good when we re-did it ten years ago and it covered most of the updates we've seen before us with the exception of anything after 2015-17. That's why I was asking. Thank you.

Alan Thomson – Thanks Joan. Thanks, David.

Chad Whetzel – Does anybody have questions about this that we can discuss now or do we want to push it forward to public hearing?

Guy Williams – It's good.

Chad Whetzel – I'm good with it. This is what we intended.

Alan Thomson – Okay.

Brian Davies – So, we do have to have a public hearing on it to adopt it as our official definition?

Alan Thomson – Yes, because we are adding to a local ordinance.

Chad Whetzel – So, moving along. More old business, unfinished business. Our marijuana ordinance. There are a few changes from what we came up with last time.

Brian Davies – Do we have some updates from Alan?

Chad Whetzel – Can you get a microphone out there?

Kathleen Lloyd – As far as the new ordinance goes, I have a question about it. When the BOCC originally came here asking you to look into this, they asked for choices so that there were different options that they could choose from. It looks to me like the direction that we are going is not different choices. It is this is what we want to have, and my concern is that many people have expressed a desire to have no new marijuana operations over and over and over again.

I mentioned all of the letters that very prominent business men in the community have submitted and that seems to have been forgotten. I would like you to consider again, please look into just saying, no more new marijuana businesses. Of course, the ones that are currently here, would stay, they would be grandfathered in but we don't need anymore. Many people feel it does not actually benefit the community.

I submitted something that I hoped made it to your packet of how Benton County handled it. Basically that that is what they wrote is an ordinance for no new marijuana businesses, grandfathered in the current operating ones. They had some medical marijuana exceptions, and so that code is basically already written. It would take very little adjustment for it to apply. I'm just asking, could we please consider that and continue to have that discussion as well, please.

Chad Whetzel – As far as just myself is concerned, having no more new marijuana facilities is an option. The BOCC can certainly decide to do that. Yes, they did ask for several options. When we are drafting a code it is a little more difficult to have an A. B. C. or D. choice, so we are doing the best we can to come up with an ordinance.

While we said, yes, several people have asked the BOCC and wrote letters to them, we also have to remember that the majority of WC did vote for it. Even though for my personal self, I did not vote for it. That doesn't mean that I can ignore that what everyone else has chosen to do, a majority of them. Was it a vast majority? No. It was, I think, it was a fairly majority but it still passed that way.

So we're trying to take into account land use privileges for everyone. How are we going to make this work if that is what they want to do? If they decide not to do it, they can decide not to do this at all.

Mark Storey – Because I sit in workshops with the BOCC on more regular basis than I like sometimes, and we've discussed this plenty of times. Alan, if I may, I will just summarize where I believe the BOCC are at. Then we will get your comments again.

Having a complete ban on future marijuana businesses is not off the table. They are still seriously considering it. I would say that the ordinance that you are working on does have options because you have two tracks, either you ban it or you allow it. If you allow it there's two tracks there, too. You have outdoor grow and indoor grow. You guys have talked about that a lot as well.

So, the question is, if you ban it, this is a simple question. We could put an ordinance together in about half an hour. And Benton County which you provided is a pretty good example of that. If we allow it, then we have those two tracks. Do we allow all marijuana outdoor/indoor or do we just allow indoor? And you have already gone through the trouble of writing most of the language that would pertain to either one of those.

So, as far as I'm concerned you are really offering three options right now. That is the way the Board is looking at it as well. That's the quick summary.

Kathleen Lloyd – I just wanted to first make a comment about you mentioning that in WC they voted for it when you looked at the demographics. But what they voted for was the legalization of people to have the choice to smoke it. There have been numerous people who have attended the meetings that say, I voted for it, I believe in somebody's choice to be able to use marijuana. However, I am very much against having marijuana grow operations in the County.

So, I think that to assume that somebody feels that it is okay for somebody's choice to smoke it, does not equate to, "it is okay to be in my backyard or affecting my neighbors or within the County." It has a stigma and it runs off business so there are many huge concerns with it, so please don't equate that together.

My other concern is, using a conditional use permit is quite problematic because enforcement is a huge issue. It is easy to say, if there is a problem then somebody will call it in and we will go in and enforce it. But the problem is, most people don't understand what the rules are and they just assume that the County wouldn't allow something to happen unless it was according to the rules. But I have found many, many times people just don't follow the rules and hope they get forgiveness instead of permission.

So, in a situation where the neighbors or the surrounding environment don't understand what the rules are to call and complain about, in the end we have something going on that basically there are no rules. Unless we have something in place for there to be an enforcement or somebody is going around checking all the time, which costs money, then really, you can write all the rules you want, but if it is not enforced, it might as well not be there.

An example is that it is against state law to smoke marijuana in public. However, we don't have the resources to enforce that so that is happening all the time. So, a conditional use permit is quite problematic. We don't have the resources that other counties like Spokane have to actually enforce that. Please consider that, thank you.

Chad Whetzel – The fact that people are not aware of the law is not necessarily something we can deal with. I understand and appreciate that there are several, there are more ordinances and laws on the books that most people can even imagine. But the fact that they won't call in if they think something is wrong, I have to take exception to. Alan correct me if I am wrong, how often do we get phone calls for dust complaints and noise complaints on agriculture?

Alan Thomson – Frequently. There are people in this county who have a secondary job it appears to be, of touring around the County and scoping out what people are doing, and then I get a phone call. That is a voluntary thing. Some folks are just that dedicated.

So, whenever we find and we do find out that people are doing things wrong and we act upon it. Like Chad was saying, yes, we are not going to be able to police everything. Neither is the sheriff. We rely on people telling us something is going on and people can lose their privileges if they abuse them. That is the purpose of a conditional use, as well. The way we have written this code out so far is pretty punitive. If someone is not complying with the law they could get the privilege taken way, the conditional use taken away.

Kathleen Lloyd – The concern is you are requiring people to start disputes with their neighbors and to actually make this happen, which does not create an environment that is peaceful. So, yes, if somebody decides they are happy to make their neighbor mad and start a fight with them and call in and complain, then you would definitely come down very harshly on them.

But I understand that some people are happy to go around and find things and complain. But I would say the majority of the people would rather be passive and not start a fight and be sad that this law was being broken in their back yard. I think most people actually operate that way.

Chad Whetzel – The nice thing about the conditional use permit is, it doesn't require the people to do anything other than call the planning department and say, "I was out here and this is what I saw. Is that legal?" They go out and check it and they don't have to say that Joe Smith was the one that called it in. It could be anybody. You don't have to be from the State necessarily, if they get a complaint, they are going to go check it out.

Alan Thomson – I would also say to you that I don't think we can treat this situation any differently than we do any other law that we are dealing with. The laws are the laws. People speed all the time. We know this. That's what humans do. We would not, I don't think we would be putting ourselves in a very solid position if we treated this regulation differently than any other regulation. A conditional use is a conditional use.

So, we are going to treat all conditional uses the same. We can't police everything. It's not possible. No jurisdiction can do that. Why would we do that? It is just the way the laws work. The moratorium has specific language in here that has charged this commission with looking into a regulation for marijuana.

So, don't forget that. Our job here is to put something together. If the BOCC like it, maybe they will adopt it. If we fail and they don't like it, then they wouldn't adopt it. But this is one of the choices that we are trying to put together right now.

I'd like to get on with that because there are a number of things we need to discuss. This is going to happen, Kathleen. It has to happen. But like Mark was saying, this is not the only choice. The BOCC could pull the plug at any time saying, "You're done."

This planning commission does not need to look into banning marijuana. That option is there and the decision could be made very quickly and it's done. That is not what the BOCC is asking us to do. They want us to put this together and see if it can work and then they will make a decision on that.

Kathleen Lloyd – So, maybe I am misunderstanding. If they decided to ban it, wouldn't that come from something that the planning department wrote up because that is a land use issue?

Alan Thomson – Planning Commission.

Kathleen Lloyd – I'm sorry, what did I say,

Alan Thomson – Department.

Kathleen Lloyd – Commission. I am so sorry. So, because it comes from the Planning Commission that would be something that you guys would draw up and so. The one thing I am concerned about is what you recommend to the BOCC, most of the time they approve. Yes, they have the ability to do that, to not approve it. However, they take what you say very seriously.

So to say you are not making that a choice or you are not presenting it as a choice, is not giving them all their true options. Because they think that you are researching what all the different counties have done and say, this is a choice and this would be the ordinance for that. And this is a choice and this would be the ordinance for that. So, I think that we still need to have that on the table as we are presenting that to them.

Alan Thomson – We don't need to present it to them. They know about it. We don't need to research it. They can make that decision at any given time. What are we going to research?

Brian Davies – We've already been through it. We've already been through the discovery phase of it.

Alan Thomson – Yes, so this is what we are working on right now, that has an overarching goal. Can we mitigate, prevent any harm to public health, welfare and safety? If we cannot reach that mark, then we have failed and the BOCC will not apply this. They will not approve this. They know that. They are very aware of it.

So if we can't meet that line, that level, and we fail to prevent odors, for instance, and we keep getting complaints on time, then they won't adopt it. But that is what we are trying to do. We are trying to prevent that from happening. We are trying our best and we haven't reached it yet.

But we want to go through this and see if this body can come up with a conclusion where we can create an ordinance that prevents harm to you, to the public, to the surrounding landowners. That is what we are trying to accomplish.

We've looked at all of the ordinances in the State and in Colorado and we are pulling together what we think is working elsewhere, and then parts that are not working we are trying to figure out how to solve. We have you in mind, you, the public in mind, but the BOCC ultimately want to see what we come up with. They either agree or disagree.

They are not going to agree with something that they think is not going to work. They have minds of their own. So, we would like to finish this project here, and see what the BOCC think. If they don't like it, they will reject it.

Chad Whetzel – I think one of the things you are kind of stuck on is that, we haven't really presented killing it as an option. The fact is, that is really simple. You can kill it that is their option.

We are an advisory board, number one. That means we give them what we think the public wants. What we think will work and they can choose to accept it or reject it. They can send it back to us and say, "That's not good enough." To ban marijuana is simple. We're just going to ban it.

We can't go to them and say that we have an idea for a code and we think you should go with us. If we don't have it written down and spelled out for them and hand that directly to them they are going to say, "What were you doing? You were doing nothing." We actually have to come up with some very detailed instructions which is where we are spending the majority of our time because a ban is simple.

Alan Thomson – You can play a part in helping us put this together. You are a party to this and we can change things if we get information that would make a difference.

Chad Whetzel – We have changed several things, quite a bit. This is not at all the document we started with three months ago. Every time we think we just about have something right, somebody notices something else.

Alan Thomson – We are very aware of what you want, yes. We are not ignoring that and we are not not listening to you. We hear you loud and clear but we've been told that they want us to put an ordinance together. Then they will make a judgment on that. That is what we are trying to do.

Kathleen Lloyd – So, yes, that's fine. It was my understanding that they wanted some choices.

Alan Thomson – They have choices.

Kathleen Lloyd - So at the end of the day this is great and I'm hoping that there can be something like the Benton County presented at the same time. Because it actually is an ordinance that is not 30 seconds long. You do have to draw things up for the language. So, hopefully at the end of today what we are working on today, great, present that to them but also present the language for the ban, so they feel like they have a choice which is what the transcript says they were asking for initially.

Alan Thomson – Yes, that's it. We understand that.

Kathleen Lloyd – Okay, thank you.

Chad Whetzel – Okay, we've been through the first sections with no changes. The first section is Section 19.64.030 – Definitions.

Alan Thomson – I tried to make this as simple as possible rather than listing a whole bunch of stuff. There is a choice here in the way it is written. I've got both in here so we can discuss how to deal with that one properly. *"WC shall rely on definitions set forth in Chapter 314-55 WAC, RCW …."*

I have read through those and all of those definitions that are in there. Child care center, elementary school, marijuana Tier 1, 2, and 3. So, it is referenced and we can do it that way or we can list them all. It is a choice, one or the other. But they are both covered either way. There are actually more definitions in the WAC and the RCWs than what we have here.

Guy Williams – Is there a reason you Tiered 1, 2, and 3?

Alan Thomson – Yes, because that is what the LCB has. There are three tiers and that is relating to the cannabis. The amount of acres that they can,

Guy Williams – Then what are you doing with it?

Alan Thomson – The LCB, their licenses are distinguished. It is either Tier 1, or Tier 2, or Tier 3. It is just a reference point, that's all.

Chad Whetzel – So, basically, you are asking us if we want to list all of them or just want to reference from other areas with the exception of the agricultural activity.

Alan Thomson – So, everything down to where it starts, *"child care center."* Everything above that would be included and then we could, if you so choose, eliminate the individual

"Child care, elementary school, Tier 1," etc., etc., and then it would give you more space in there. All those definitions are in the WAC and the RCW.

Chad Whetzel – I don't necessarily see the need to re-do something that has been done several times before. I think referencing them is probably sufficient for my personal opinion.

Brian Davies – As long as it satisfies due process.

Alan Thomson – Yes, we have to identify what these words mean. We could put them in our definition section in Chapter 19.03. That would be another option. We put the wind energy stuff in there so that is something that we could do.

Brian Davies – I just wouldn't want someone to come back to us and say, "You hid those definitions from us in something else and it wasn't clear to us and so we feel that our due process has been violated. We have no way to look it up."

Alan Thomson – Typically, that is how ordinances are written, otherwise you'd have massively long ordinances. That is normal practice.

Chad Whetzel – I don't know if I'd reference it but the only change I would make is, *"For definition of Agricultural Activity se**e** WCC Chapter 19.03.025."* (The "e" is left off of see.)

Alan Thomson – Oh, a typo.

Chad Whetzel – Is that the Spanish version?

Katrin Kunz – The Scottish version.

Alan Thomson – Guy, did you have a typo that you found?

Guy Williams – That was it.

Chad Whetzel – So, then we don't need to worry about the rest of these definitions because they are already included.

Brian Davies – They are included in the above definitions.

Alan Thomson – So, everything down to 19.64.040. That is where we start next. The main thing I did here with Development Standards Section 19.64.050 is split up into A. Indoor and B. Outdoor. Separated them both which is what you wanted me to do.

Kathleen Lloyd – I noticed right above the "A." under the definition of Public Park it says *"….public park does not include trails."* I thought we had a discussion about that last time that that would be included. I'm hoping that the trails are.

Alan Thomson – So, that was a direct, that is what it says in the RCW. That language is straight out of the RCW. That is a consideration. We could rethink that one.

Kathleen Lloyd – I am hoping that the park will include public trails that the County maintains. If we could consider that, please.

Brian Davies – What do we have?

Alan Thomson – Chipman Trail, and that's it.

Chad Whetzel – We have the John Wayne Trail.

Mark Storey – Klemgard and the Colfax Trail and Elberton.

Alan Thomson – So, a solution to that would be in the development standards we could add something into trails. Setbacks to particular things, you know, we have a list of things that we are setting back to and we could add that in, if you thought that was a good idea.

Brian Davies – I think it might not be a bad idea to put in extra measures with the Chipman Trail going right through the center of the Moscow-Pullman Corridor. But that would be my idea, if we are going to look at changing, or putting in some more protective language for trails, that could certainly be a consideration.

Alan Thomson – So, further along, under development regulations, #10 where it has everything listed there, the last one is n. The county fairgrounds, and we could add it in there and public trails, public county trails,

Brian Davies – Or county maintained trails, something.

Alan Thomson – County maintained trails?

Guy Williams – Recreation?

Brian Davies – I don't know how many trails we have.

Chad Whetzel – Mark was listing them. John Wayne Trail, Chipman Trail, Colfax trail.

Mark Storey – John Wayne is a state trail. Also the Columbia Trail, up north by Lamont. But as far as county owned trails, Bill Chipman is the most notable but Kamiak has trails, Wawawai has trails, Klemgard has trails, and there's the Colfax trail, and Elberton has a small trail.

Alan Thomson – Are they all considered public trails?

Mark Storey – They are all on public park lands.

Alan Thomson – Okay, so we could say public trails.

Mark Storey – Public recreational trails.

Chad Whetzel – Just out of curiosity, Moscow-Pullman Corridor has a whole different set of regulations with marijuana at all qualified in that area.

Alan Thomson – So, going to further back, marijuana production permitted zones, indoor is allowed in the North and South Pullman –Moscow Corridor according to the ordinance right now. Outdoor marijuana is only allowed in the Agricultural District. So, it is not allowed in the PMC Corridor at all. Outdoor. Indoor is, yes.

Brian Davies – So, under this language anybody that wanted to bring in a new business in that unincorporated part of the County would have to go through the rigorous CUP process and anything else that we would add in there.

Alan Thomson – And comply with this regulation.

Brian Davies – Whether they had a permit from the State or not.

Alan Thomson – Yes, the permit from the State does not mean they can open up shop here. Open up business here. They need be in compliance with the zoning code even though they have an LCB license.

Brian Davies – Right. I don't want to play that down but the State is not busting wide open to get anymore permits out and they are not lining up at our border to open up shops so.

Alan Thomson – No, so this code will determine where somebody can set up business.

Brian Davies – And if things change and the market becomes much bigger, and laws change, so what is written in stone today may not be written in stone three or four years from now. Because things change.

Chad Whetzel – So, is everyone good to get back on track and come back to the trail thing in just a moment? Is everyone good with the indoor production processing and retailing, the changes there, just dividing that away from the outdoor?

Guy Williams – Was it ever discussed to only allow the processing and sales. The sales you already got in the county other than grandfathered only in incorporated areas?

Alan Thomson – That is not our jurisdiction.

Guy Williams – I understand.

Alan Thomson – We can't tell Pullman, I'm sorry, we want you to take this, go for it.

Guy Williams – You're just only allowing it in the County in incorporated areas. You do have that right.

Alan Thomson – To what?

Guy Williams – Not allow it in unincorporated areas.

Alan Thomson – Yes, we do.

Guy Williams – So, was that ever discussed is my question, because I guess, I apologize for not being more actively involved in the planning discussion. The economic value that I see and I don't know about growing the crop, but even that is in the retail sales. Is that not right? That is the only tax generated to the County?

Alan Thomson – No, the growing of marijuana would be taxable, too if it is sold.

Brian Davies – Even at the wholesale level.

Guy Williams – Even if it is taxed.

Chad Whetzel – It is taxed every step of the way.

Brian Davies – So, Selway sells cloned plants that they grew on their facility to another processor or grower. Selway would have to pay sales tax and/or B&O tax to the State Department of Revenue from which we would get a remittance.

Chad Whetzel – Yes, and then it is a percentage.

Alan Thomson – Every state is taxed.

Brian Davies – Retail sales is only allowed in one area in the County and that is the Moscow-Pullman Corridor. Correct?

Alan Thomson – Yes.

Brian Davies – That's it. Nowhere else in the County is retail, retail sales allowed in the unincorporated county outside of the County?

Guy Williams –That's what it states.
Chad Whetzel – Yes, does that make sense?

Kathleen Lloyd – So, correct. The processing and the growers pay something. But it would be like any other business tax that you would receive. The real money supposedly comes from retail. However, there is 15 million dollars that the state takes.

Actually is millions and millions of dollars but it will only take 15 million and divide it among all the counties and cities that have allowed it. They will base it on population and by that piece of the pie to tell you how much you will get back.

The amount that we actually get from retail is actually very, very small. I wish I had that number on the top of my head. It was like $87,000 the second year, the first year was like $11,000 and we received our first COLA payment that was around $15,000. So, for how much it may cost us to actually regulate it or whatever it is very small amount of money.

Brian Davies – The State keeps it all

Chad Whetzel – Okay, so all we are doing is renumbering some of the indoor stuff so that way it lines up correctly, and then when we turn the page,

Alan Thomson –So, on #6 there is some additional language in here.

Chad Whetzel – Oh, sorry, that's where I started.

Alan Thomson – Yes, so I've added something else in there for us to consider. I changed, you know, I changed, I struck out the stuff below and I put in new language. Effectively what I am trying to get over here is, the odors need to be contained. They should not leave the building.

So, read that and tell me if you think you agree with it. That came from somebody else's ordinance. So, the one below that is struck out is Spokane County's ordinance and the other one is from somebody else's. So we are pilfering language from all kinds of,

Brian Davies – All over.

Chad Whetzel – Don't read the way it's already been done.

Brian Davies – I like it. It mentions an engineer so at least have an engineer look the air flow in the building and try and put in some kind ventilation system that holds up to the standards.

Chad Whetzel – I guess my question on #6 is the smoke portion. There should never be smoke coming from one of those facilities unless it is on fire, in which case it doesn't matter. We can't do a thing about that. Because the LCB specifically says the marijuana smoking on sight of a grow is not legal.

Alan Thomson – That's not supposed to be.

Brian Davies – Strike "smoke, emit smoke." Odors is enough.

Chad Whetzel – If it is smoking we assume it is on fire.

Alan Thomson – I can't figure out why that would be in there. What would be smoking? It's on fire?

Chad Whetzel – That's the only thing I can come up with and that is a whole 911 issue. That is a whole another issue.

Alan Thomson – So strike "smoke?" Or just shall emit odors.

Chad Whetzel – The only thing maybe with smoke is when you are thinking of the processors. I don't know all their processes, but it seems like smoke still shouldn't be in there.

Alan Thomson – I don't think that is part of it.

Brian Davies -They don't burn anything.

Chad Whetzel – Odors would be appropriate.

Alan Thomson – This does relate to processing. So, indoor production, and processing and retailing. There is no smoke that should be coming from a retailer or producer, but what do we know about processing? What do I know about processing?

Keith Paulson – We don't have anybody here to tell us that they do have smoke.

Alan Thomson – Do they smoke some stuff in their processing?

Brian Davies – I don't believe they do. I believe the only extraction process they've used has been the butane.

Chad Whetzel - And now it is supposed to be enclosed systems so they shouldn't be,

Bran Davies – And then co2 and if co2 is the more state of the art, and it looks like the industry is heading in that direction.

Chad Whetzel – It sounds slightly safer.

Brian Davies – Away from MSDS. Yes, it is very smart.

Alan Thomson – If something is coming out smoking-wise I would say it would have an odor, so it would be covered under odors. You'd smell it.

Brian Davies – I would say so too.

Chad Whetzel – About the only other thing I could think of that might cause problems like if a bearing in a fan goes out but that's still kind of a minor thing.

Alan Thomson – So, we will strike “smoke or.” Are you good with the rest of #6?

Brian Davies – Yes.

Chad Whetzel – Yes, I think so.

Guy Williams – Sounds good.

Brian Davies – So, for the most part the language like in #8 just identifies the difference between indoor and outdoor, correct?

Alan Thomson – Yes, and in this is talking about the BOA. So the process, obviously this has to go through a CUP and it gives the Board the ability to adjust setbacks depending on the individual locations and conditions. But there is going to have to be a minimum setback.

Brian Davies – Is there any reason to put in any hearing examiner language in there or is that,

Alan Thomson – Right now the code does not cover, this would not be covered by a hearing examiner.

Brian Davies – No, because it is not,

Alan Thomson – Right, but I was kind of putting that in there just in case something changed that we would not use the BOA. We decided that we were going to use the hearing examiner because,

Brian Davies – If we set one up like had hired one, or,

Alan Thomson – We do have somebody who is officially the WC Hearing Examiner but he is on an on-call basis for particular things. The way the code is written right now it is for projects that are worth 5 million dollars or more, or energy projects like wind farms.

Brian Davies – But if at some point in time WC became the mecca for marijuana producers, then we could set up something with it more of a court.

Alan Thomson – Right, and the reason for using the hearing examiner is as it is more like a trial. Like a hearing. It is very efficient,

Brian Davies – And final.

Alan Thomson – And it is done by a lawyer, rather than five volunteers. We can leave that in there for right now, before we end this we can make a decision on whether or not to leave that in there. I’m just throwing that in there for right now.

Brian Davies – We just need something to get it started.

Alan Thomson – Yes, that could get struck.

Chad Whetzel – Okay, #9?

Alan Thomson – Well, hold on, on #8 so for indoor production and processing I put in there, as a suggestion, a minimum setback of 20 feet and that is the same as any building other than a house in the County. There was some sentiment last time to keeping the setbacks the same as the underlying codes. So this is indoor operations only, which are supposed to be air tight. There is supposed to be nothing coming out of them. No odors or anything. So, that's why I put 20 feet in there for front.

Brian Davies – Front street or front property?

Alan Thomson – From setbacks. So, the front of that building to the street would be 20 feet and that is the underlying code. The same as the underlying code. So, I mean, that is up for discussion. What do you think? Do you want to keep it to the underlying code or do you want to push it further away?

Guy Williams – What do you do with homes for a county road? Do you keep it 20 feet back from a county road?

Alan Thomson – It used to be. But now it is 100 feet, so the current code is, a house has to be set back 100 feet from the road, yes. But that is only the residences, that doesn't include accessory buildings such as barns, shops anything else. It is only a house.

Ginny Rumiser – So shops and accessory structures can be within that 20 feet of all the property lines?

Alan Thomson – Correct?

Chad Whetzel – But that is also the code for whatever is in the Moscow-Pullman corridor.

Alan Thomson – Yes, in the Ag district.

Guy Williams - You're allowing retail then at 20 feet.

Alan Thomson – That is the way it is written right now.

Guy Williams – That is the way it is written right now.

Alan Thomson – That is why it is up for discussion. So, thinking about the retail outlets that are already out in the corridor. We aren't going to get any more retail unless the LCB changes their regulations. We are maxed out.

Brian Davies – The two that we have out there are well within the setbacks, aren't they?

Guy Williams – Oh, yes, they are at least way past.

Alan Thomson – Floyd's is probably got to be at least 35 feet because that is a wider right-of-way there with the highway 270. So they are probably only somewhere in the region of 30-40 feet away from the right-of-way line. The Bud Hut obviously is further back.

Brian Davies – But the Bud Hut is right on almost in the incorporated city limits of Pullman.

Alan Thomson – It is right on the edge.

Brian Davies – If Pullman expands any more what will happen? Will they will be swallowed?

Alan Thomson – So, Guy, the way it is written right now, 20 feet is the minimum. So, when we get to the BOA depending on circumstances of this particular location, if 20 feet works, you're good. But there may be extenuating circumstances here. Each location is different.

Brian Davies – So, you have the leeway to add more.

Alan Thomson – If somebody says that 20 feet is too close to whatever, they can shove it back.

Keith Paulson – But I see in #9 where it says no less than two acres. So, if they have two acres and you push them back to 100 feet,

Chad Whetzel – Production and processing.

Alan Thomson – So, that two acres is up for discussion, as well.

Keith Paulson – I'm just saying you are pushing them clear to the back of the property.

Alan Thomson – But you could, as you think about Floyd's that is on an 8-acre parcel. The Bud Hut is probably 4-6 acres. So, the way the code is written you actually have a legal parcel. In order to start a business you have to create a parcel. The 2-acres is the minimum parcel size for the Department of Health, in order to put a drain field, a replacement drain field and a well in a minimum of two.

Environmental Health is going to be involved in the creation of parcels and if you can't put everything in, fit everything in, then the parcel is going to have to be bigger. But it can't be less than two.

So, that is really the only reason why that 2-acres is in there. It could be larger and it might end up being larger. If the extenuating circumstances are that, you know, you get to the BOA and they find out that we need to push it back further from whatever, well, that's going to increase your parcel size right there. We can determine at that point that the parcel size needs to be greater than 2-acres.

Chad Whetzel – Okay, in the audience. Does this pertain to #8 or #9?

Kathleen Lloyd – Yes. On #9 I would recommend ten acres instead of two. I haven't looked recently but it seems to me that that was what Spokane County settled on after they had multiple revisions. They also did something about percentages of the parcel that could be used for marijuana production was like, oh, gosh, I haven't looked recently but it seemed like it was around at least 10-acres and no more than 20% or something like that. So, I am suggesting ten based on their experience.

Alan Thomson – We have ten acres as it is now a minimum parcel size for outdoor production. That is as it stands right now.

Brian Davies – Is this all indoor? Are we discussing indoor here?

Alan Thomson – We are only discussing indoor.

Chad Whetzel – Indoor should have nothing coming off of it.

Alan Thomson – I've seen regulations that Mrs. Lloyd is right, 10-acres but I've seen also 4 or 5 acres. Each county is slightly different. So, I would say that 2-acres might be too small but the reason it is in there is that of the Department of Health's regulations for the minimum parcel size.

Brian Davies – Consistency for the rest of the code.

Alan Thomson – We could make it 3-4 acres. This is easy.

Brian Davies – For indoor grow. Outdoor grow maybe we could go to ten or,

Chad Whetzel – We are.

Alan Thomson – It sitting at ten right now for outdoor grow.

Chad Whetzel – We'll get to that one here in a bit. It is going to depend on the amount of production or processing, how big their buildings are is going to determine one of the things.

Brian Davies – No outdoor grow person is going to want to do an outdoor grow on 2 acres. That wouldn't be very profitable would it?

Keith Paulson – Indoor might be okay.

Brian Davies – Indoor would be, right, because it is controlled. You have a controlled environment.

Chad Whetzel – We are on indoor right now.

Keith Paulson – It might not end up with a very big building by the time you have all your driveways, septic and everything that goes along with it, so they might not buy two acres.

Brian Davies – I think the language might be covered okay by just a minimum of two acres.

Alan Thomson – Well, Katrin brought up a good point, so the largest license you can get for producing is two or three, 30,000 square feet. That is the LCB's regulations.

Brian Davies – Okay, that is less than one acre.

Guy Williams – Three quarters of an acre.

Alan Thomson – So, you cannot grow either outdoor or indoor more than 30,000 square feet.

Katrin Kunz – On the other hand, there could be licenses combined on one parcel.

Chad Whetzel – Yes, that is what they have out there on the Airport Road. There are three separate licenses out there.

Alan Thomson – Four.

Chad Whetzel – Four.

Katrin Kunz – So they will add up to more.

Alan Thomson – We could bump up to two acres.

Brian Davies – Minimum of two acres.

Alan Thomson – It is a minimum, right. So if someone came to us and they only wanted two acres and they could fit everything in on two acres, they could meet environmental health requirements for a drain field or a replacement drain field and a well, which is kind of tough because you have to have separation from a well and a drain field.

Chad Whetzel – You don't want your drain field and your well too close together.

Alan Thomson – So, two acres, we are not creating any parcels of two acres anyway, when someone wants to build a house it is usually much more than two acres. Four or five, six acres minimum. So, that is why that is in there because that is the Department of Health's requirement. No less than two acres. What do you think?

Keith Paulson – I think it is fine.

Brian Davies – It is fine as long as it is a minimum.

Keith Paulson – If they have this building for indoor and they don't like the two acres, it won't work for them, they will buy four acres.

Chad Whetzel – What is the size of the parcel on 195 and 270?

Alan Thomson – That is extremely small. That is less than an acre that parcel.

Chad Whetzel – And 90% of the people probably don't even know that thing exists.

Alan Thomson – I pay attention every time I pass there and I talked with them and they have an outdoor grow. I've never smelled anything going by there. On 195 and Davis Way, just along 195,

Chad Whetzel – Actually, 270

Alan Thomson – Okay, 270.

Chad Whetzel – There used to be a little white house out back there in the trees.

Alan Thomson – Rob Courville, and he now has two licenses in that building.

Chad Whetzel – I honestly, I'd be willing to go two acres considering that one is you can't even notice it.

Alan Thomson – Okay, so we are okay with #8 and #9?

Chad Whetzel – Oh, sorry, someone from the audience.

Nicole Lee – Just on that item #9, for indoor plants I would urge you, my preference would be to see more than two acres having commuted on Airport Road fairly regularly. Those greenhouses are very visible and I know you are going to be mitigating the odor but there, not very far from those greenhouses, are children who are getting on buses and bused to school.

So, for me to protect the children from the odor, from seeing the greenhouse if the acreage requirement is more than two, it is going to be set back, and it is going to be less visible and hopefully odors will be more easily contained.

Keith Paulson – I have a comment on that one. I have a mini storage customer that bought the house right there at that grow and they say, they share the same driveway as the grow facility on the Airport Road, so it is right beside it. So, he asked me to come over and mow his pasture for him.

So, I went over there and yep, I could smell the smell and so I told him sort of what we were doing and I said, "What concerns do you have? Does the smell bother you?" And he said, "No, but the loud music that is played around here in these different houses is what does bother me." Which really surprised me. He is 66 years old but the smell didn't bother him. I noticed it. But I was out mowing and you just don't think about it. It was just an observation.

Brian Davies – Loud music from the local residents.

Keith Paulson – Yes, he said, "Can you do something about that?"

Chad Whetzel – So, are we okay with two acres for now?

Keith Paulson – I think so.

Chad Whetzel – Okay, #10. Licensed indoor marijuana producers. And the list of the 1,000 feet.

Alan Thomson – There has been additions to that so we got feedback on this so I put in things that everybody wanted in here.

Chad Whetzel – A question and maybe I'm misguided on this. We have churches with a licensed day care center. Is it just because of the day care center or are we concerned with church, so there is the new one out there on Country Club Road, I think, I don't remember it is a worship service.

Alan Thomson – Ashram

Chad Whetzel – Ashram. I don't know if they consider that a place of worship or whatever you want to call it.

Alan Thomson – It is a church.

Chad Whetzel – It is immaterial to me but are we concerned with those at all or just day care centers?

Alan Thomson – So, the reason why, this is the LCB, a lot of these are in the LCB's list and it is where children are.

Chad Whetzel – Okay.

Alan Thomson – That is the main focus. Wherever children, anyone less than 21 years old, gather. So, churches that don't have children in them, would be okay but churches usually have children in them.

Chad Whetzel – I don't know, it has been so long since I looked at it. Is there any laws about things like bars near churches or not?

Alan Thomson – Not in WC. We don't have any bars.

Chad Whetzel – I didn't know if there was a state deal on that or not.

Alan Thomson – The BOCC or the council wanted to do something like that they could probably do that.

Chad Whetzel – I guess my question is, should we eliminate the churches and just say licensed day care centers? Because there could be some licensed day care centers out there that are not attached to a church?

Alan Thomson – Well, I am kind of thinking maybe churches should just be churches because I'm thinking of the Evangelical Church out there on Airport Road.

Chad Whetzel – And that is why I am asking.

Alan Thomson – Kids play soccer there. Kids gather there. So, I don't know if they have a day care center there. They might have.

Guy Williams – They don't.

Alan Thomson – They don't? Oh, that's right, Guy, you're in there. So, maybe we should just say churches. I don't know.

Chad Whetzel – We could separate them out or however you want to do it but churches and licensed day care centers.

Alan Thomson – We've already got child care centers in "d". So just churches, period.

Chad Whetzel – So, just eliminate "licensed day care centers."

Keith Paulson – I had a question on "e". Since we just talked about public parks and we added trails, should we add "public parks and trails?"

Alan Thomson – Okay, public parks and public trails.

Chad Whetzel – And that would cover both state and county public trails. We made the observation that the John Wayne Trail is state owned. So, it just says "public" and includes all that.

Kathleen Lloyd – I think you did it. I was just going to say churches, period. I was like, yes.

Alan Thomson – So, on #12, I think that was what you guys wanted, *"… used in the growing or processing of the marijuana plants,"* added in there. Somebody wanted that added in there.

Guy Williams – I want to back up a bit. We not allow, we're not allowing any processers or retailers to be on the same property or producers and retailers to be on the same property?

Alan Thomson – Producers and processors you can have them, my understanding my remembrance is that you can't have a retailer and something else. The retailers have to be on their own,

Guy Williams – I thought you could have any two of the three.

Alan Thomson – No, retailers, you can't have processors or producers with a retailer. You can have producers and processors together, yes.

Brian Davies – You are separating, the retail has to be on its own.

Chad Wetzel – Before we move on, has everyone been all the way through #10 and good with what is there? Okay, so, now move down to #11. Is that what you said, Alan?

Alan Thomson – We're on #12.

Chad Whetzel – Okay, #12.

Alan Thomson – So, with that addition it just clarifies it a little bit.

Chad Whetzel – I think that covers some of the questions that was,

Alan Thomson – That was that conversation about what was down the toilet.

Chad Whetzel – Right. Which is technically covered in other areas but it is set forth right there. No questions, then. Any questions on #12? Hold on, we got one in the back, over here.

David Gang – So, it is kind of related to #12. It goes back to a comment earlier about the extraction methods and things that are currently state of the art, do you want to say something about that, about what is allowed, what's not? For example, do you want to

say, “no butane extraction methods are allowed?” The industry is moving away from that, yes, but because we know that it is very unsafe and they blow up, do you want to say something about that in here? Do you need to?

Chad Whetzel – Maybe, but from previous conversations if I recall correctly, the big issue was those open butane systems, you know, and that is where they had those explosions in Colorado, if I remember correctly. If I remember correctly, Washington State outlawed those. It is only closed systems.

David Gang – So, state law already covers that then?

Chad Whetzel – Yes, at least as far as the open and closed butane systems. The rest of it we can have a discussion about, I think.

Brian Davies – What would L&I have jurisdiction over there, over those type of processes?

Chad Whetzel – I don’t know, honestly. I don’t know. Mark, did you have a comment on that? You might have something more.

Mark Storey – One of my other hobbies is to run the County Building Department, so a lot of the open flames stuff is covered through building codes and not through land use planning codes. So, we have had extensive conversations with the building official, Dan Gladwill, and Alan has been a little bit of a part of that but a lot of that has to do with where they store and how much fuel they have in different places. It is all covered in occupancies and fire ratings.

Chad Whetzel – Okay, good to know. So, it sound like most of that is regulated. Let’s not double reinforce it.

Mark Storey – The building officials across the State, especially in Eastern Washington, have met many times over this and they’ve got their way of interpreting those codes to make those buildings safer. Like I say, that is pretty much covered in what they have been doing. At first there were a lot of big questions marks, but I think most of them have been answered.

Chad Whetzel – Okay, thank you. So, we’re good with #12, #13.

Alan Thomson – So, I went into the WAC’s again and since there have been concerns about potential leaks and what not and contamination sources, I pulled out this WAC. So, that is directly from WAC 314-55-084. We must comply with that WAC because there have been concerns raised about possible contamination of these operations. So, there is a WAC that covers that.

Chad Whetzel – Any questions on that one? How about #14?

Alan Thomson – So this is, we talked about this how far away from city limits. So I just threw out the 1,000 feet because some of you mentioned 1,000 feet. Dave Gibney didn't want it to be 1,000 feet but I think we should have it a substantial distance away from city limits or any of the unincorporated towns. So, 1,000 was the baseline there. If you want to increase that.

Kathleen Lloyd – I'm hoping it is at least 3 miles, please. Especially because cities expand and they are going to go into it. We just, City of Pullman, just annexed a bunch of land. There is only going to be conflict if they are near residences. Pullman is growing, we should plan for that and have them far away from people. Just at least 3 miles. There is a lot of open land in WC.

Guy Williams – I want to put it in the cities. They got the police force, they got the fire departments. They passed it unanimously.

Chad Whetzel – Any discussion, are we,

Alan Thomson – As much as Pullman would love for the County to just roll over and let them take away our land, I don't agree with that at all. This is county land and their plans may be to annex a whole bunch of land but it should not stop us from going about our own business and doing our own thing.

Chad Whetzel – Realistically, we can only make so many guesses on where they will annex next.

Alan Thomson – They created such a fuss over the Cluster Residential Ordinance as you know, Guy, and we got to think of ourselves. Yes, we need to set it back a distance from existing lines at this moment in time but there is a number of businesses and houses and developments in the County that are going to get absorbed into the City at some point in time.

Brian Davies – At some point, it is inevitable.

Alan Thomson – Yes, they just have to deal with it at the time. Maybe they will outlaw it if they annex it into the city. But that is their choice.

Chad Whetzel – And 1,000 feet kind of seems to sit with the rest of our setbacks that we have for various things within this code and other codes.

Alan Thomson – We've got 1,000 feet for quarries from any houses. That's 1,000 feet and then we have that 1,000 feet for, cell towers is 1,500 feet. So, the maximum you've got setback-wise is 1,500 feet for cell towers to any houses. That is in current code. And mining is 1,000 feet.

Brian Davies – What about wind turbines?

Alan Thomson – Wind turbines four times the size of the turbine.

Brian Davies – Four times the height of the turbine?

Alan Thomson – The head of the turbine with the blade fully extended. That is a minimum and plus 100 feet. Four times the height with fully extended blade, plus 100 feet from anybody else's property line.

Chad Whetzel – That way when the thing goes haywire on you're not going to get chopped up,

Alan Thomson – You're not going to land on somebody's property.

Chad Whetzel – Is there any discussion on that?

Kathleen Lloyd – So, I have a question. There is some ordinance you have in place about line of sight for new housing. There is a foot distance but there is also a visual requirement. What is that? I'm assuming you remember.

Alan Thomson – Yes, so you are talking about the ordinance for housing and there is a 1,500 foot viewshed setback.

Kathleen Lloyd – So, what does that mean?

Alan Thomson – If someone wants to build a new house in the County, we have to look into that location. So, there are two ways to place a house in the County. It is either called the viewshed, you have to keep the houses 1,500 feet apart from each other and this is just houses, no other building, just house to house.

Or you can group them together, so you have to use another house that is already existing on the landscape that was built before 2007, and you can go 300 feet and really surround it and you can create another parcel with another house on it. So, keep them close together or push them further apart.

So, the viewshed means that if you stand in the location where you want to build the house and you look 360 degrees around you. If you can see another house, any part of another house that is less than 1,500 feet from where you are standing, you cannot build there.

It can be blocked by topography only topography. So, you could have a hill in between and you could be 500 or just a few hundred feet away from another house but you cannot see it. That would be fine.

Kathleen Lloyd – So, if something like this apply here?

Alan Thomson – Well, we could use 1,500 feet. That's a debatable point. Yes. We do have that for cell towers and the viewshed already in the code.

Brian Davies – Why not?

Keith Paulson – It keeps it consistent.

Brian Davies – Bump it up to 1,500.

Alan Thomson – Okay,

Brian Davies – From any incorporated or non-incorporated, such as Farmington, or Lamont or one of those,

Alan Thomson – The unincorporated communities, so there is only, so there are specific unincorporated communities out there.

Chad Whetzel – So, are we good with that, then, at 1,500 feet?

Kathleen Lloyd – So, this was just for the edge of town or just for within boundaries of cities, city limits? I was thinking this was for other houses. Is there a way to apply that to other residences? I think you said it was only 1,000 feet.

Chad Whetzel – We had discussed that. You're right and I'm not sure, maybe Alan you can, because we talked about the cluster developments and then as we discussed that, I think it was the last meeting maybe, because I emailed you whichever way it dawned on me that I'm not mistaking, you're out off of Country Club Road?

Kathleen Lloyd – Yes.

Chad Whetzel – That is not a cluster development and it occurred to me the language would not have excluded that housing development out there.

Kathleen Lloyd – What are we? I thought we were a cluster?

Alan Thomson – No, you are not a cluster.

Chad Whetzel – You were formed under the old rules previous to that and Alan can describe them.

Alan Thomson – Yes, so that was before the cluster code came into place. Beasley-Kincaid owned all of that land and they separated it into three 20-acre plus parcels. They all got separated into three parts, the 20-acres were subdivided into three parts and then they were buildable sites.

So, that was before the Cluster Residential Code. That was done under just a regular subdivision code that we had before 2007. You had to idle the land for three years before you could build on it and that's what Beasley-Kincaid did. They created those 20-acre parcels and set them aside. Once that three years was over with, then they split it into three parts and each of those three parcels was allowed one house.

Kathleen Lloyd – So, is there a way that we can put language in that can include whatever it is you call groups of houses that are close together. I mean if it is one house in the middle of, you know, very isolated, then I'm thinking 1,500 feet.

But it should also apply to groups of housing, if you are calling them cluster, or something else because it is old code. I still think at least a mile or two from the city limits but also fair amount of setbacks from groups of housing, where people are gathering. It just seems like it is a good way to keep the peace so that people are not unhappy because they are fighting with that.

Alan Thomson – That would certainly be the case for outdoor grow. Indoor grow, if we're successful, there should be no emissions from a retail outlet. For instance, there should be no emissions and there should be no emissions from processors or producers.

Chad Whetzel – Right.

Brian Davies – But there would be no retail allowed out there.

Chad Whetzel – As I recall the last meeting, and I would have to go back and look again, we had discussed a setback from, well, we were terming clusters which like I said later on dawned on me that we had some other issues.

Alan Thomson – Well, we don't have a setback to housing here for growing and processing and so we can discuss that. Do we need to put in a setback to residences from,

Brian Davies – It is in the Ag zone, right?

Alan Thomson – In the Ag zone and you can't apply the viewshed there because it is not a residence, it is a business. Any other business in the County doesn't have that kind of setback. You got to be setback at least 20 feet from anybody else's property line.

So, that is the way it stands right now for processing and producing. We could change that if we think it necessary. But we are trying to keep these buildings airtight.

Chad Whetzel – Any discussion on that or do we want to table that and get through the rest of this?

Brian Davies – Keep moving.

Chad Whetzel – Okay, let's hold off on that a little bit and we will move on with the rest. Everyone good with #14 at this point? We can move on to #15. That is basically what is going to happen if they refuse to comply.

Alan Thomson – This is follow up. If something is going amiss, this is the process a suggested process from following up on violations. If we get complaints, this is how we deal with complaints at the moment. The County Planner goes out tries to figure out what is going on, tries to come up with a solution.

If that doesn't work, come back to the BOA and hopefully some corrections can be made to solve the problem. If the problem is not solvable the permit gets taken away by the BOA.

Chad Whetzel – Are there any questions on #15?

Guy Williams – Is there a time frame within once that happens?

Alan Thomson – No, I haven't put any kind of a time frame in there. We don't have a time frame written in there for any complaints. You know, sometimes it take a while to get ahold of somebody. Sometimes the complaints can get taken care of immediately and other times it drags on a little bit. So, I don't know about putting a time line in there because it is hard to figure out how long is this going to take?

Chad Whetzel – Like that recycling center out on the Farmington Road.

Alan Thomson – Apparently it's been cleaned up. I was amazed when I heard that.

Chad Whetzel – There is a little bit in one corner, some tires and couple of other things but.

Alan Thomson – Somebody, whoever owns that now wants to, is it an RV park? They want to do something with it like an RV park.

Katrin Kunz – Oh, yes, we got a call about that.

Chad Whetzel – But, I mean, case in point.

Alan Thomson – That took forever and a day.

Chad Whetzel – Yes, and you were on that all the time.

Alan Thomson – Yes, we could put a time line in there, Guy. I don't know what that time line would be.

Guy Williams – I guess it depends on the level of seriousness of the violation, too.

Alan Thomson – Yes and we have taken, well, I took that guy, that previous owner of that location, back to the BOA and they pulled his permit.

Mark Storey – Ron Donaldson.

Alan Thomson – Ron Donaldson, yes. And that took forever and a day because he really, he was swearing that he was going to clean the place up, and he was going to put a fence around all the junk and he kept on not doing it.

Guy Williams – Well, I agree with you. I guess what I'm saying is, that went on for 3 years.

Alan Thomson – That was about a while, yes, it certainly was. I was giving him the benefit of the doubt. Also, I didn't want to travel up to Farmington all the time.

Guy Williams – No, I'm just saying there should be some, I guess we leave it in your good judgment. I guess we will just keep calling you.

Alan Thomson – Do you have a time frame in mind?

Guy Williams – Well, if they got, if they're not supposed to have no odors coming out of their building somebody complains and says, "Hey, there are odors coming out." How are you going to stop them and how long are you going to give them? That's my question.

Alan Thomson – Well, my impression of that would be, what would it take to fix this, and maybe they will tell me, "A week, two weeks, three weeks, whatever," and I'll say "Okay I'll give you that." If it's not done in three weeks, maybe we need to go back to the BOA.

Guy Williams – Okay.

Chad Whetzel – I think in some respects the marijuana facilities will be a little bit easier because we have contact numbers easy. I think that was part of the issue, was figuring out who this guy was and where he was. Maybe I'm wrong, but I would think they would be a little bit more responsive to you when their livelihood is on the line.

Alan Thomson – So, other places like Chelan County and they have pretty strict regulations up there, whenever they get a complaint the planner has to go out and check things out. They don't have any time frame written in their ordinance. But they evaluate what is going on and they tell that person to fix it within a certain time. The planner comes up with whatever time frame there and if they don't fix it, they just yank the permit.

Brian Davies - I think 30, 60, 90 days especially if it is a business that is actively in business, and they have a permit with the LCB they are going to be motivated to keep their permit and get it done. I think this is one of those things that we'll just have to see how it works and then if we need to add that language we can add it. We're not limited to that. We can come back and add more stringent language.

Alan Thomson – Right. So, I have a suggestion since it is already twenty after nine and we finished all the indoor stuff. We can leave the outdoor for the next time.

Keith Paulson – I agree. We're going to sleep on it.

Brian Davies – Since the BOCC gave us some more time.

Alan Thomson –Yes, we have six more months.

Keith Paulson – We don't have to do it all tonight.

Chad Whetzel – It would be nice to have it done a lot sooner than the six months, but I think we are,

Alan Thomson – Look through the rest of this and you know when we meet again next month you will have familiarized yourself with that.

Chad Whetzel – October 2nd I believe.

Alan Thomson – Yes, and then we are going to have a public hearing on that day so, are you guys all available?

Chad Whetzel – Should be.

Alan Thomson – Guy where are you going to be?

Keith Paulson – Cannon Beach.

Guy Williams – Maybe.

Brian Davies – I should be. My phone is dead so I can't tell.

Alan Thomson – Alright, I'll be in touch so October 2nd we're getting together for a public hearing and then continue on with this ordinance. I might be changing things between now and then, too. I will keep you posted.

Kathleen Lloyd - Just a question. What is the public hearing going to cover?

Alan Thomson – Additions to the Critical Areas Ordinance. The definitions.

Chad Whetzel – Not this.

Kathleen Lloyd – Not this. Are you meeting to talk about this any time before October 2nd?

Chad Whetzel – No, we don't have any plans.

Alan Thomson – No. You would be notified if we were, but there are no plans to do that right now.

Kathleen Lloyd – How would we be notified?

Alan Thomson – We would put a notice on the website.

Kathleen Lloyd – How soon in advance?

Alan Thomson – It would have to be at least a couple of weeks and I'm going on vacation for a couple of weeks so it's not going to happen this month.

Kathleen Lloyd – I get it.

Chad Whetzel – For sure we are not meeting until October.

MOTION by Keith Paulson and seconded by Guy Williams to adjourn. Motion passed.

Adjourned – 9:22 p.m.