

**WHITMAN COUNTY
PLANNING COMMISSION
FEBRUARY 5, 2020
WORKSHOP**

MEMBERS:

**Chad Whetzel, Chairman
Keith Paulson
Russell Jamison
Matt Sutherland, (via phone)**

**Guy Williams
Brian Davies
Dave Gibney
Gary Moore**

Staff: Alan Thomson, Whitman County Planning Director; Katrin Kunz, Whitman County Assistant Planner; Denis Tracy, Whitman County Prosecutor; Elinor Huber, Clerk.

Audience: Shelly Chambers, Pullman; Chris Boyd, Palouse; Ken Duft, Pullman; Zak Kennedy, Pullman; Carlos Velasquez, Pullman; Kathleen Lloyd, Pullman; Andrew Wood, Pullman; Marissa Conklin, James Burton, Pullman; Carla Burton Keifer, Pullman; Andrea Gonzalez, Pullman; Serena Hofdahl, Pullman.

7:08 p.m. – Chad Whetzel opened the workshop. We will start with Chapter 19.10. Agricultural District.

Alan Thomson – So, if you choose to send over an ordinance for marijuana, then we need to insert some wording in Chapter 19.10 and that is what you have in front of you.

Chad Whetzel – So it looks like the only changes are in Section A.

Alan Thomson – And the list of conditional uses.

Dave Gibney – I think it's good.

Chad Whetzel – So, is this something that, I think we can tie it to the ordinance, if I'm not mistaken. So that way if the ordinance does go through then we change this, if it doesn't, then status quo.

Alan Thomson – Right.

Dave Gibney – It is going to the BOCC as a package.

Chad Whetzel – Is there any discussion on those two changes? Any questions or comments?

Brian Davies – I move we accept the changes.

Alan Thomson – Hold on a second. Retailing in the list of Conditional Uses. This is the Agricultural District Code, and we don't allow retailing in there so we need to exclude retailing from that. That was a mistake. So, this would just include production and processing for marijuana as a conditional use.

Chapter 19.10.090 – Conditional Uses and Administrative Permits.

20. Marijuana production, processing, ~~and retailing.~~

Chad Whetzel – So, do we have a second to the motion?

Dave Gibney – Is retailing and processing a conditional use in the other zones in the zoning code itself?

Alan Thomson – That would have to be added in now that you brought it up. So, that would only be allowed in the North & South Pullman-Moscow Corridor Districts, retailing of marijuana. So that would need to be included in there. But we have already determined that retailing was permissible under the existing code. But it might be a good idea to add that in to clarify it.

Dave Gibney – Wouldn't we want processing and production in the commercial zone and the industrial zones as a conditional use?

Chad Whetzel – List it but list it as a conditional use.

Alan Thomson – Well, again going back to our original interpretation of the codes, Light Industrial is the only place that we were allowing processing, and the existing language allows for that.

Dave Gibney – Is it a conditional use?

Alan Thomson – No, it is not a conditional use. It is just an outright allowed use in a light industrial district. So, that would need to be corrected as well. In a Light Industrial District we need to insert that language as a conditional use.

Dave Gibney – I think if we go forward with these ordinances we are wanting it to be conditional everywhere that it can happen.

Alan Thomson – And we would give more precise language in those ordinances, in those codes which would take away the interpretation part. So we can include that.

Dave Gibney – So are you going to be ready for,

Alan Thomson – There is a process between, whatever decision you make, there is a little bit of time between that decision and when you are going to be ready for a public hearing. The SEPA has to be included so there is time to correct what we are going through right now because it will not be, it could be at least a month before we are ready to move to a hearing if that is what you want to do. There is time to make these changes. As long as you approve them right now.

Brian Davies – But the Board has to meet and give us guidance on our,

Alan Thomson – The BOCC? No.

Brian Davies – We are not submitting anything.

Alan Thomson – Well, tonight you might be able to make a decision on what you want to recommend to the BOCC.

Guy Williams – We still have to have a public hearing.

Alan Thomson – The Planning Commission still has to have a public hearing but you are going to have to give us the nod as to which way you want to go.

Dave Gibney – Let’s take a quick look at the rest of Chapter 19.64.

Guy Williams – If you scratch “retailing,” then you have to put an “**and**” and a period.

*20. Marijuana production **and** processing.*

Chad Whetzel – So, now we are on to the DRAFT of Chapter 19.64 - Marijuana.

Alan Thomson - Are you okay with the definitions? We’ve gone over those.

Chad Whetzel – As long as you don’t delete anything.

Alan Thomson – No, I haven’t done anything since last time.

Dave Gibney – So, you are clarifying about recreational that is what the first three red lines on the first page, it’s about recreational marijuana.

Alan Thomson – So, I have another suggestion. Denis and I talked about the language here so our suggestion is, and this is to try to differentiate from medical marijuana. The intention here is not to regulate medical marijuana with this code because that is already regulated by the State. It is a different box so to speak.

Ken Duft brought this up to our attention that potentially we could be lumping medical marijuana into this ordinance. So, to make that clear what we are suggesting is in the first sentence there,

*“The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved **commercial recreational** activities and land uses consistent with...”*

Then the insertion of *“...producing, processing, and retailing of **recreational** marijuana.”* Just to make it clear that that is all we are regulating there, is commercial recreational marijuana, not medical marijuana.

Dave Gibney – So you are saying the word, **“commercial”** would be added between *“approved”* and *“recreational.”* Then in the red, *“retailing of **recreational**.”*

Alan Thomson – Yes that is correct. You could put **“commercial recreational”** in there too. Does it make sense, or what?

Dave Gibney – Retailing kind of implies commercial.

Alan Thomson – Yes, it does but Denis brought up, or Ken brought that up, and so we just want to make it clear that we are not regulating medical marijuana.

Dave Gibney – That is explicit in the next one.

Chad Whetzel – If for some reason somebody decides that they only have a couple of plants and they decide to sell it to their buddy for some reason, then we are not on the hook for regulating that.

Alan Thomson – That would be illegal.

Chad Whetzel – I know but they’re not going to say that we were supposed to regulate that.

Alan Thomson – Then, so we put commercial recreational in there, we don’t think it is necessary to have medical marijuana use in there. So Denis was advocating to scratch that. In Purpose and Intent it is clear that we are talking about commercial recreational marijuana.

Keith Paulson – So is recreational, is that home grown or is that commercial and you are buying it for recreational?

Alan Thomson – So, recreational marijuana is I-502 which was the initiative that started all of this. Meaning that there is going to be an industry that grows marijuana for commercial purposes. It is split into the processor, the grower and the retailer. That was different for

medical marijuana. Medical marijuana you get a card, a license, and that is for your individual use. It is not commercial, you cannot sell it to anybody else. It is just for the patient's own personal use. That is the distinction between medical and recreational. We just want to make that clear.

Dave Gibney – I thought there were outfits that sold medical marijuana and presumably they purchase it from a supplier who has grown it for medical purposes.

Denis Tracy – Actually, there is something in the marijuana regulations that do allow somebody who is a medical patient to come show their prescription, so to speak, to the recreational store and they can buy more than a non-patient can. That is a good point. So you do, as I understand it in fact, intend to regulate retail sales of marijuana whether it is for medical use or any other use in this ordinance. Maybe we better take another look at that because, whatever one of those places, their names escaped me.

Alan Thomson – You mean the retail outlets?

Denis Tracy – Yes.

Alan Thomson – Floyds.

Denis Tracy – Yes, Floyds. Somebody can walk into Floyds and be a medical marijuana patient and their prescription says they can buy a gallon of marijuana concentrate, whatever it might be. Which is a lot more than somebody who is not a patient can buy. You are intending to regulate retail sales of marijuana regardless of the purpose and so you wouldn't have to have, or maybe you would but I suspect you wouldn't want to have,

Dave Gibney – My question was more on the lines of are we or are we not regulating the production and processing of medical marijuana. I did think we were trying to leave that out of this ordinance.

Alan Thomson – So, you can, as Denis was saying you can go to a legal retailer like Floyds with a medical card and get marijuana. That is already regulated under this and the LCB. What the concern was, that Ken raised, was someone who is growing their own plants and they may have a greenhouse or they may be growing them in their own home. That is the medical side of things. They can actually buy their own plants and grow their own weed. Are we regulating that?

Keith Paulson – How do you know if it is medical and nor recreational?

Alan Thomson – Because they have a card, a license. And they can be, somebody can come visit them and make sure they have the requisite number of plants and they are not selling

this on the market. So, that is the specific pathway that medical marijuana is regulated but you can grow it at home. You don't have to go to a retail outlet and get it.

But our retailers are already covered in this code whether it is for medical or recreational, it is still covered here. But the homeowner who is growing their own plants, we are not intending to regulate them. That is the difference there, I think.

Denis Tracy – Can I make a suggestion? So, 19.64.010 reads, *“The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved marijuana activities...”*

Maybe just insert the word, **“commercial,”** so, *“The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved **“commercial,”** marijuana activities and land uses consistent with...”*

Dave Gibney – The draft in front of us has that word “recreational” in that spot already.

Denis Tracy – Right, so I am suggesting a change from recreational to commercial and that way whether the purpose is recreational or medical it wouldn't matter. The question would just be is it for commercial purpose. So, if somebody is growing pot in their backyard or basement for their own medical use, they are not going to fall under this regulation.

Keith Paulson – I think that is what I was trying to say, too, is you didn't want commercial and recreational.

Chad Whetzel – It makes more sense to write “commercial,” in our version where we have “recreational” in those two spots?

Katrin Kunz – What I handed out was one that does not have the “recreational” red print.

Alan Thomson – I'm sorry, I'm juggling too many things in my brain right now. We need to finish this conversation. What are we saying here?

Chad Whetzel – I'm asking the board to change on our version where it says “recreational” to “commercial,” that way,

Denis Tracy – In the second spot after *“retailing of,”* I think you added **“recreational”** marijuana. I think I would just strike the word, *“recreational,”* so it does apply to all retailing of marijuana.

Chad Whetzel – So just *“commercial”* in the first line to read, *“The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved **commercial recreational** marijuana activities...”*

And in the second spot, it should read “...which addresses the producing, processing and retailing of ~~recreational~~-marijuana.”

So, in Section 19.64.020 – Applicability. We had a suggested change on the last sentence, reading, “*This Chapter does not apply to the production of hemp nor medical marijuana use.*” Are we still suggesting we leave that or strike that now?

Alan Thomson – Strike it.

Dave Gibney – I think especially changing from commercial to recreational I think you want to keep it there where it says, “...nor medical marijuana use.” When you were talking specifically recreational in Section 19.64.010, I was listening to strike it there but,

Alan Thomson – But the word, “commercial,” doesn’t that explain it? The difference between medical marijuana which is not commercial and recreational which is commercial.

Chad Whetzel – By that logic we could strike “hemp” because hemp is not marijuana.

Dave Gibney – I am still wondering, I believe there are ways for individuals to grow medical marijuana and transfer it to others. I know there are ways for people to grow medical marijuana and whatever. At the point where we are right now, I’m not at all sure that it is legitimate for us to say to them that, yes, but you can’t do it within 100 feet of somebody’s house, and you can’t do it in all these zones, and all this other stuff. I think if you don’t say that this chapter doesn’t apply to medical marijuana you will come up with somebody saying that it does.

Alan Thomson – So, you are making the argument that as a component of medical marijuana it is commercial? Is that what you are saying?

Dave Gibney – Yes, I’m saying that without the explicit that it does not apply in Chapter 19.64.020, that people are going to attempt to interpret this as applying to somebody who is growing indoors or outdoors for their own purposes and would otherwise be in violation, be doing it without one of the setbacks or something else we have regulated here.

Alan Thomson – We don’t want to be regulating someone who has a greenhouse in their backyard and a medical marijuana card.

Dave Gibney – That’s my point.

Guy Williams – So, why don’t we leave that in or is there a problem if we leave it in?

Alan Thomson – What do you think, Denis?

Denis Tracy – I can't tell you what the current law is on medical marijuana, but I could look it up and tell you at your next meeting.

Chad Whetzel – Okay, you'll get back to us on that. We will put your name next to that one.

Dave Gibney – I think those four extra words, "***nor medical marijuana use,***" clarify the ordinance and should remain.

Alan Thomson – That's why we put it in there in the first place.

Chad Whetzel – You were right the first time. Quit second guessing yourself.

Guy Williams – It's just a rarity.

Chad Whetzel – Even a blind dog finds a bone now and then.

Alan Thomson – Thank you gentlemen.

Chad Whetzel – Okay, so on to page 3, this would be Section 19.64.050, A. Indoor Production, Processing, Retailing. On #11, there is a proposal to add an "o" to that list of sensitive uses that would say, "***Incorporated municipalities and unincorporated rural communities.***"

Alan Thomson – Let me explain the logic behind that. There is a school in Pullman that is pretty close to the county/city line. It is right over the County line on Brayton Road. There is a potential, there is a school in Steptoe, as well, and that is very close to agricultural land.

So, this list of 1,000 feet separation includes schools. What if there is a proposal for a school or a church or something on this list that would be really close to city/ county line? We've got already state mandated that those facilities need to be 1,000 feet away from any marijuana facility.

I thought that sounded consistent with the 1,000-foot one because potentially we could have one of these sensitive uses right on the city line. There already exists some that could be there. Why not put it on that list for just the indoor grow? We originally had it at 1,500 feet from municipal lines. So, that is the logic behind it and it is up to you to decide which way you want to go.

Chad Whetzel – Just a point of clarity, I thought at one point we had discussed the half-mile because it would also make it easier with some of our other codes,

Alan Thomson – Outdoor grow.

Chad Whetzel – Oh, outdoor grow. Never mind, then. I'm okay.

Alan Thomson – So, for indoor, we had 1,500 feet. That is what is struck out on the other page. So, it is a choice, you can do one or the other. It doesn't matter but that is the reasoning behind it.

Dave Gibney – I think it simplifies things.

Guy Williams – Can we address the distance again? Just a slight conversation about the distance to our sensitive areas and/or housing and residential?

Alan Thomson – Okay, so what do you want?

Guy Williams – I was just thinking about this. I pulled up a little information in my own private research. In Whitman County there are 1,382,400 acres available. Outside incorporated areas there are 1,368,100 acres.

If we are allowing people to come in and work within our ordinance, I feel we would be short-sighted in not protecting our existing sensitive areas and residences. I think with this much acreage out there, there has got to be a lot of opportunities in the land available if they want to do this. Indoor and outdoor.

So, the more I got to thinking about it the more I'm concerned about it, that's all. I don't know if it is something we want to re-hash again or not. But the other thing we could do is, if I would even think it would be reasonable to have a waiver exclusion possibility. If a resident wants to sign a waiver and say that it is okay to be next to me, that's fine.

Dave Gibney – I think we did do that, didn't we?

Guy Williams – We did that in the cluster housing.

Dave Gibney – I thought we did that for the outdoor but not the indoor.

Alan Thomson – Right.

Dave Gibney – The only think that I would say is given that we are a little later going to look at this list of alternatives to the ordinance that is one of the alternatives that we are already giving them is to include,

Guy Williams – I think it should be in the ordinance that we present.

Dave Gibney – Then we would have to give them the alternative of striking it out.

Guy Williams – That's fine.

Dave Gibney – I'd prefer to have it out at the beginning and their option to put it in.

Alan Thomson – So, we have that on #6 the memo to the BOCC as one of the alternatives. That is a choice that they could make.

Chris Boyd – I agree with you entirely about the agriculture aspect, but you still have a couple of zoning districts that are compatible. Your light industrial, heavy industrial that are compatible and I'd like to see you consider excluding those from that that, even 1,000 foot setback because you are eliminating a lot of light industrial and some of the heavy industrial by doing that. We don't want residential growing next to light industrial or heavy industrial. That is what creates these sort of problems right here, as residential encroaches on those things, just creates more issues.

Kathleen Lloyd – I actually have a short letter that I want to have read into it. If you want copies, I have copies, if you want to read along. Which do you prefer? Have me read it and then hand it to you?

Chad Whetzel – Go ahead, by short, what is your definition of short? One page?

Kathleen Lloyd – One page.

Chad Whetzel – Okay, go ahead and read it then. (Katrin passed out copies to Board members)

On June 5, 2019, John Pederson from Spokane County Planning spoke to the commission about Spokane County's struggle in producing a marijuana ordinance that met their needs. Mr. Pederson mentioned that the ordinance had to be rewritten 3 different times over several years because previous ordinances did not protect the residences in Spokane adequately. Mr. Pederson said, "A fairly small percentage of the growers caused 95% of the problem that led to new regulations. The rest of them were more rurally located away from residential enclaves, if you will, and didn't cause any problems." (6/5/19 transcript p.10)

There have been multiple requests for the marijuana draft to include a means to keep new marijuana operations away from existing residences. There was a discussion that asked for existing residential homes and lots to be added to the "sensitive uses" section. This seemed to be decided until there was a conversation that discussed a 1,500 setback from all property lines that would require a marijuana parcel to be hundreds of acres, then dismissed it as too intrusive.

*I noticed that the planning staff has added a suggestion to the draft to be discussed tonight to lower the distance from incorporated areas to 1,000 feet by adding it to the "sensitive uses" area of the draft. **Since this opens the door for continued discussion, I***

would like the commission to again consider adding current residences and residential lots to the “sensitive uses” as well.

I am grateful the draft has addressed the smell associated with marijuana production and processing, however, there are other concerns that make locating them near residences problematic, as Spokane County discovered. The light pollution, security cameras, required fencing, and water use that is not being monitored that could affect nearby wells are all some of the additional reasons to locate these facilities away from residences. Some reasons may yet to be discovered.

I have recently learned of a woman who is from rural Whitman County that wanted to stay home with her young children after her divorce and was able to do so by opening up a state licensed home day care. If a marijuana facility had been allowed less than 1,000 feet from her home before opening her day care, I suspect the state would not have granted her a license.

A 1,000 foot buffer from an existing residence or residential lot leaves many options for new operations and as Section 19.64.050 A, 12 states subsequent homes or other sensitive uses would “not render a valid conditional use permit non-conforming.”

I hope we can learn from Spokane County’s experience and not have to revisit writing an ordinance multiple times because marijuana operations were not kept at least 1,000 feet away from residences.

Please add current residences and residential lots to the “sensitive uses” sections (indoor and outdoor) of the marijuana draft.

Thank you, Kathleen Lloyd, Rural Whitman County

Chad Whetzel – Thank you.

Ken Duft – I’m very hesitant to even call this to your attention for fear that it will even add more confusion to the issue and the challenges that you face. On the second paragraph in Section 19.64.020 – Applicability, it states, “This chapter does not apply to the production of hemp.” I understand your intention for identifying as such.

However, I read only moments ago from the contents of The Washington State, Spring 2020 magazine, which addresses marijuana in a very large measure. I’m quoting to you now, from a paragraph prepared by a colleague of mine by the name of Randy Fortenberry. He indicates that, “It is the concentration of THC in a cannabis plant that determines whether it is called hemp or marijuana. A plant containing more than 0.3 percent THC is considered to be marijuana. Cannabis plants with 0.3 percent THC or less is classified as hemp.” Here is the rub. “When both plants are growing you can’t tell them apart.” Cxd

He goes on to describe how whether or not these plants under production can be identified visually as being hemp or marijuana is distinguishable only by the manner in which it is being propagated. If your objective is to produce marijuana, you produce it in such a way as to maximize for production of leaves and flowers and so forth. If your objective is to produce this plant for hemp, you grow it in such a way as to maximize stems.

Now that raises a question, is how do you monitor the growth of these plants, since you cannot visually distinguish one from the other and you cannot determine the intent of the grower until such time as it is harvested and processed?

Dave Gibney – That is an additional subject from where we were. That is an additional subject from the setback discussion that we were on at the moment. I guess, first of all I would like to point out to everybody that everything that Alan gets sent about this subject gets sent to us. Therefore, I had seen this letter already and it was part of the record. Or I saw a version of this. You forwarded a version.

Alan Thomson – It wasn't this one.

Dave Gibney – It was quite similar to this one.

Alan Thomson – Yes, it was through an email stream but it is not the same one. It might have some similarities.

Alan Thomson – It had substantially the same content.

Alan Thomson – This is new.

Chad Whetzel – So, back to, we will tackle one thing at time. Back to this letter, and under #11, letter "o".

Dave Gibney – Are we all okay with adding letter "o", ***"Incorporated municipalities and unincorporated rural communities,"*** with the subsequent striking of the red in #16 following, which is the other way it was worded.

~~16. No facility engaged in marijuana production and/or processing may locate within 1,500 feet of the municipal boundaries of incorporated towns and unincorporated communities within Whitman County. Marijuana retail operations will comply with the setbacks from the underlying zoning district.~~

Chad Whetzel – My only question, is do we need #16 at all? Well, yes, it talks about the setbacks.

Dave Gibney – So, I think we can all agree that simplifies things and that is okay, and then we can come on to the subject of the residences in these areas.

Chad Whetzel – Yes, we will get to that part in a second. The only other question that I have is since how we have been striving for some continuity in this, do we also roll it over to the outdoor grow?

Alan Thomson – No, because you differentiate between outdoor and indoor. Outdoor is different from indoor. So the outdoor one you have agreed upon the half mile distance. Which corresponds with the Cluster Residential distance. So that's different.

Chad Whetzel – So, we are okay then.

Dave Gibney – We would also eventually have that possibility of a waiver thing.

Chad Whetzel – So, is there any objection from the board with adding “o” to #11 in the indoor grow?

Brian Davies – Not from me.

Chad Whetzel – I think the consensus seems to be that we can add **“o.” Incorporated municipalities and unincorporated rural communities.”**

Dave Gibney – Well, then let's just have a vote on residences or not in that section.

Chad Whetzel – Do you want to discuss it a little bit first and see. Is there any more discussion? The other suggestion on that was that we put houses in the Ag district but exclude the light industrial and heavy industrial areas. Any discussion on that?

Dave Gibney – So how many residences are there existing in the heavy industrial or light industrial or the commercial? They would all be grandfathered in as non-conforming anyway, wouldn't they?

Chad Whetzel – Currently, it just depends on what happens in the future. I guess the one example that I can think of right now and I don't know the exact zoning but it has to be heavy industrial would be right there by Hinrichs'. That should be heavy industrial, and there is a residence across the road.

Alan Thomson – I think that is heavy commercial.

Dave Gibney – Those areas of houses around Hinrichs' are all either ag or residential. They're not part of the county commercial zone, are they?

Katrin Kunz – No.

Chad Whetzel – No, but there is a commercial zone right adjacent to it. I don't know if I am incorrect there or not.

Alan Thomson – A better illustration would be along the Pullman Airport Road. Most of our industrial areas are concentrated close to Pullman. We've got a number of light industrial districts along the Airport Road area. Some of those are within a half mile of the city limits and we've already got a clause in here that says no marijuana outdoor grow within half a mile of city limits, which would include some light industrial, heavy industrial areas. So, I'm seeing a complication here if you don't allow, if you reduce the setback to industrial areas, now we are inside that half mile.

Dave Gibney – Okay, I'm trying to concentrate on putting existing residences into the sensitive category. So what does that got to do with the industrial?

Alan Thomson – I thought we were talking about what Chris suggested.

Dave Gibney – I think that is even separate from the residences.

Alan Thomson – You have a choice here. Yes, you can include it in there. It is up to you.

Chad Whetzel – So you want to separate those two out?

Dave Gibney – How are they related other than the fact that if we decide to exclude industrial later we are complicating things back but it doesn't have anything to do with the residences as a sensitive issue or not?

Chad Whetzel – Because there are residences that are close to some of that light industrial commercial areas.

Dave Gibney – How would that change, if there is a residence in an existing industrial area and we say that you can't put it within 1,000 feet, it is already non-conforming of that sensitive use by defining the residence as a sensitive use, how much does that really change?

I will agree with you that if such a thing does actually exist there is not a lot of point in excluding marijuana up against a residence that is already in an industrial area. And are we really not talking about residences that are in the Ag area? Will we be adding them to the sensitive uses in both indoor and the outdoor?

Chris Boyd – What my point was that you have these compatible zones that are within the half mile of even 1,000 feet of municipal city limits that are losing that potential commercial value by not allowing marijuana production or processing in those zones.

I think what my point is that in 2014 we did a lot of work to make sure that where this stuff was going to be established stayed out of the way of residential development. But kept those commercial properties out where they are benefiting the County not necessarily the City because our goal here is to zone the County to be profitable. The City is their problem.

So, that is what my point was, is that we got a lot of properties that could be developed because just over the last few weeks I started realizing how much money these things are bringing into the County and actually later I'd like to just kind of give you a heartfelt opinion about regulating new agriculture. Because I have a little experience with alternative agriculture.

Dave Gibney – Okay, that's going back to putting the 1,000 feet versus the whatever, the original language. Just to be exclusive, if we come to a vote about adding residences to the sensitive areas as it is, adding existing residences I'm going to vote against it. I don't know exactly where it is going to come down but I think that there are other issues coming up that are not related exclusively to that like what Chris has had to say. So maybe we need to revisit the decision that we just came to.

Alan Thomson – Okay, Mr. Chairman, let's just think about indoor grows. If you add houses, residences to #11 for indoor grow, I'm thinking again on Pullman Airport Road there are industrial areas within 1,000 feet of several houses existing on Pullman Airport Road.

So, if you insert that residential into #11 for indoor grow, you are kind of negating any light industrial districts or heavy commercial districts. You are basically saying that there is a house within 1,000 feet of this light industrial district, therefore you can't have any marijuana operations in that light industrial district.

Dave Gibney – Isn't that Chris' point that that light industrial district is also within a half mile of the city limits?

Alan Thomson – Yes, but there are houses within 1,000 feet of industrial areas around the outskirts of Pullman. You're setting yourself up for a conflict here if you put houses into that list. We already defined houses for outdoor grow, 500 feet. We've got a 500-foot distance between any potential outdoor grow and a residence. The indoor grows we're contending, are going to be self-contained. The processing self-contained.

The premise has always been that why would we treat them any different than any other business? The way the code is crafted, the Board of Adjustment has the legal opportunity to look at an application and if it is close to a house and there is a problem, it is specifically written in the code that the BOA could disapprove of that location. Because of the nuisance issues that have been brought up, that might not be an appropriate place for a marijuana operation. So, it is already accommodated for.

If people show up and say that this is not a good idea, the BOA has the legal authority to say sorry, that probably is not a good place. Can you think of a different place? And you have to buy and create a 2-acre parcel, as well.

So, you've got to get a willing landowner, a farmer, to sell 2 acres to somebody. But there is that leeway with the BOA. They can adjust things, instead of having a drop dead decision. It is all conditional. It will be in a public meeting in a public hearing and the BOA has the authority to deny that location.

Kathleen Lloyd – My concern that is brought up where the BOA could change it. Several years ago I met at a BOA meeting when an adjoining property was trying to put something in and pretty much all of the neighbors showed up to say that they didn't want this facility to come in. The BOA said that they had been advised that if it was legal in the law they were required to approve it and it didn't matter that every single neighbor that showed up or sent a letter in did not want it there, that it did not matter. That they had to approve it.

So, my concern is your intention is, well, if people show up and are concerned then the BOA would probably listen to them. But my personal experience with that is that is not what actually happened in reality for me.

Alan Thomson – So, counter to that the legal authority of the BOA at that time and place is different than what we've got written in here. Then we were dealing with the current code which does not give them the authority to negotiate a setback distance. That is the difference right there.

This code, the way it is written gives them the explicit authority to negotiate a setback. The other code that the BOA was working with at that time in the past, did not have that ability. That's why they are bound to the law, the regulations. They could condition an application but they can't push it further away. They could deny an application if they thought that the impact to adjacent landowners reached a certain level of intolerance. That is a pretty high bar to try and figure out.

So, they were going by what the law says and the law didn't give them any wiggle room as far as the setbacks were concerned. This law does. That is the major difference right there. The language in this code allows them to say this is probably not an appropriate location. That doesn't exist in the other codes.

Kathleen Lloyd – I did look at the time and they did have the authority if it was not in the safety and welfare of the adjoining properties and some of the people concerned with this was not in, something that was in the best interest or the welfare of the neighbors and their concerns were completely disregarded. They've had to live with it. I've had to live with it. I don't complain because that has been a hard pill to swallow, I have to say.

Alan Thomson – I would say to you that I don't know the specific case you are talking about but we as a government are ruled by what our laws are. So, at some point in time the BOCC decided that these lists of uses are appropriate for these areas, the zoning. That was done through a public process. The BOA can't change that. They are ruled by what the code says, what the law says.

So, at some point in time, the BOCC said that use is appropriate for this location, for this zoning district. In some ways their hands are tied there.

However, it is a conditional use, certain conditions can be put on an application. Time of day, hours of operation, shield the lights, etc., etc. That is the purpose of a conditional use permit. But the zoning has been granted there so it gets to a private property use issue. If it is allowed by the Comprehensive Plan and it is allowed by the zoning code, yes, there may be objections but it is allowed by law. That is hard thing to wrestle with.

Kathleen Lloyd – I guess my comment was be careful what you say the BOA can do because there is a chance that it won't actually do what you think it will do. That's my concern.

Alan Thomson – One could say that about any court.

Chad Whetzel – Okay, so back to the issue of houses. Any other comments from the board?

Guy Williams – I appreciate what Chris brought up. I hadn't thought about that. Because we have situations where regardless of what we try and do that is hanging out there and there is going to be a conflict. So, I can appreciate that.

I would just be hesitant to support something that negates protecting all the rest of the rural residences in Whitman County from being there first and having an operation such as this that can be by whatever standard obtrusive.

I think we need to address what Chris said and see how we can deal with that issue but I still think we owe it to our existing residences who choose to move out into this serenity of WC and the beauty and enjoy their life and then to have somebody come in just because we, well, that is another conversation.

Dave Gibney – So, under what you are saying, if I want to come into the Ag land next to a residence and put up a greenhouse growing smelly tomatoes and lavender, that could be an unpleasant impact to the residence.

Guy Williams – I understand that. Ken brought that up clear back in the early part of our conversation. Alfalfa can be smelly too. But the situation, the difference between a regular Ag crop as most of us know and accept them, it is once a year process. Typically the smell is there and yes, it can be offensive, but it is a pretty short duration and like I say, once a year.

Chad Whetzel – One of the things, though, I mean I appreciate the discussion but one of the things here this is the indoor facility which by definition are supposed to be contained. It shouldn't be smelled outside the facility and if that is the case how is it different from any other building.

Dave Gibney – Your point of once a year, actually one of the points I took from the grow that we went to is that he is actually hoping to leverage the technology he is building through growing marijuana to actually be the tomato and the eggplant farm and the everything else that does several crops a year with the lights.

Guy Williams – They have hydroponic attempts and maybe they will get it there.

Dave Gibney – Again, the only real difference between a greenhouse growing marijuana and a greenhouse growing tomatoes is that marijuana used to be illegal. There is no actual difference other than that. I really don't think that we should add, we have the option for the BOCC to add residence to #11 but I don't think that we should here tonight. I actually think that we should probably caveat to change that we did for the incorporated municipalities and to somehow exclude the districts other than Ag.

Chad Whetzel – Okay, hold that thought. Any other discussion from the Board on including residences in this section? Okay, so let's put it to a vote and see what everyone thinks. We'll just do the straw vote on the adding residences.

Dave Gibney – No.

Rusty Jamison – No.

Gary Moore – No.

Brian Davies – Yes.

Guy Williams – Yes.

Keith Paulson – No.

Chad Whetzel – Matt, are you still there on the phone?

Matt Sutherland – Yes.

Chad Whetzel – Did you hear what we are talking about adding houses in this sensitive uses?

Matt Sutherland – Yes, I can hear a little bit but I got the gist of it.

Chad Whetzel – Are you thinking yes or not on that?

Matt Sutherland – Yes.

Chad Whetzel – Okay, the no's have it. Four to three. I don't even have to vote on that. I'd say no for the record. So we are not going to worry about adding houses in that section right now. Going back to "o".

Dave Gibney – Do we want to somehow separate the addition of **"o. Incorporated municipalities and unincorporated rural communities,"** to the sensitive use and exclude areas that are the commercial and industrial zones that are that close to the towns?

Or do we want to go back to #16, actually the language in #16 would make it easier to say, except for the heavy commercial and light industrial districts.

Chad Whetzel – So, you are saying go back to what we originally had and then adding in basically that applies to the Ag only excluding other uses. Does that make sense, Alan?

Alan Thomson – Run that by me again, please.

Dave Gibney – Go back to the original language in "o" not there in #11 and the original language in #16, which reads: ***"No facility engaged in marijuana production and/or processing may locate within 1,500 feet of the municipal boundaries of incorporated towns and unincorporated communities within Whitman County. Marijuana retail operations will comply with the setbacks from the underlying zoning district."***

Then add, a subparagraph with language that says, that it only applies in the Ag district or it does not apply in.

Alan Thomson – Are you going back to 1,500 feet now?

Dave Gibney – That's a different, the general point was if we add either of these without consideration of the fact that there may be commercial industrial or heavy industrial in that section, it could be a problem. Then we could discuss the 1,500 feet or whatever.

Okay, another question is, so I've got a county industrial district right up against Pullman. Do I want to totally exclude marijuana processing from that just because it is right up against Pullman? Or do I, or are we really talking about protecting the agriculture zone around Pullman and saying we are not going to do any of this stuff there?

Alan Thomson – In every other part we are allowing processing and production in industrial areas and commercial areas, we are allowing that. So all the existing industrial areas that could be allowed.

Dave Gibney – Unless I have #16 as it was originally written which it would then apply to an industrial area within 1,500 feet of Pullman, of the,

Alan Thomson – So you want to add some language in there clarifying that,

Dave Gibney - It only applies to the Agriculture District or that it does not apply to the commercial industrial districts. And I'm not sure where the corridors fall in that.

Chad Whetzel – So the other question is do we need to have “o” or do we go back to that #16 with the language?

Dave Gibney – In my mind it makes it a lot easier to do this additional specification if we stick with the original language.

Alan Thomson – Okay, and then the distance?

Dave Gibney – Well, 1,500 feet for now.

Alan Thomson – You came back to 1,500 feet, okay. So you want to strike, “o” and then just,

Dave Gibney – Again, as if we never did the adding of “o” and we never did the striking in #16, and then add to #16, that, “this setback or boundary does not apply to industrial to these zones where they abut the unincorporated and incorporated towns.” I know I'm not speaking in complete sentences but I'm trying to get the gist of the intent.

Alan Thomson – What does everybody think?

Rusty Jamison – Would you be able to enforce that because of the two different numbers? The 1,500 feet and the 1,000 feet for other things? Could you do that or would it be better to have the same number for both?

Alan Thomson – Oh, no, that's not a problem with that. I mean, Google Earth, we can calculate distances. We have the ability to know what the distance is. It doesn't matter if it is 1,000 feet or 1,500 feet. That is more of a policy decision.

Dave Gibney – Then it becomes Mr. Tracy's obligation to why we came up with different numbers in different places.

Alan Thomson – I don't think Denis is concerned with the numbers. He is concerned about the legality of the wording. Right Denis?

Denis Tracy – I'm not following this conversation.

Alan Thomson – Are you all in agreement with that or what?

Matt Sutherland – Yes.

Rusty Jamison – It is certainly something that the BOCC could re-open.

Alan Thomson- They can re-open anything.

Rusty Jamison – I understand that. Because this is kind of a vague area, my opinion here may be something that they will have to re-visit.

Chad Whetzel – They will be going through this. I don't see why we should exclude an area that has already been established. The city may or may not like it but that's not my job to make the city happy. This is for the whole county.

Alan Thomson – Most of our commercial and industrial areas are around Pullman.

Dave Gibney – Chris's point is well taken that we don't want to exclude a business from county industrial areas. Especially one that they could turn around and do in the city industrial area and the city just goes ahead and says okay. The owner says that the County is not going to let me do this and the City will so that's solves that to the detriment of the County.

Chad Whetzel – So, I'm happy with keeping #16 and then just changing it so it only applies to the Ag District and excludes the, makes allowable within the light industrial and commercial.

Dave Gibney – Actually, you could probably just go with, okay, re-write #16 that says that no facility engaged, except right there where you get to within 1,000 feet of the municipal boundaries, or may locate within the agricultural district within 15,000 feet. Just add another three words. I mean 1,500 feet.

Alan Thomson – So, no need to put in something like “does not apply to industrial and commercial uses,”

Dave Gibney – No, just say, this particular #16, 1,500 feet only applies in the Ag zone. Then you might want to separate what is still there in black #17 and re-number accordingly or maybe not.

Rusty Jamison – So is that a motion?

Chad Whetzel – I'd like to see that, Rusty.

Rusty Jamison – Someone needs to write down exactly what you wrote.

Alan Thomson – Okay, I think I've got it. "No facility engaged in marijuana production and/or processing may locate within the 1,500 feet in the Ag zone, no, that doesn't make sense.

Dave Gibney – May locate within the Agriculture zone within 1,500 feet of the municipal boundaries.

Guy Williams – You might start it with "In the Ag Zone..."

Alan Thomson – Start the sentence with "In the Ag Zone."

Guy Williams – Start it with, "***In the Ag Zone*** no facility engaged in..." and then go ahead and keep Dave's 15,000 feet.

Chad Whetzel – 1,500 feet. So, now that is now all clear as mud, we will move on to outdoor production, I'm not seeing any changes.

Alan Thomson – That's it.

Chad Whetzel – Okay, we will move on to the draft Memorandum that Alan's staff came up for us. This is our alternatives, assuming that we go ahead and approve the marijuana code, the memorandum would also,

Matthew Sutherland – Is there any codes to this memorandum?

Dave Gibney – We need to discuss it.

Chad Whetzel – We need to discuss it and make sure there are no, anything else we want to add to it or anything we need to delete.

Dave Gibney – I would like to put something somewhere that at least aside from adopting the marijuana ordinance be our main recommendation that the rest of these are not in any order of our preference. Otherwise, we can spend the rest of the night putting them in an order of our preference.

Rusty Jamison – I think that is a really good idea.

Keith Paulson – This is just in random order.

Chad Whetzel – We can put that at the very top. So, that will be easy.

Dave Gibney – It probably should say, okay, I am going to assume for the sake of the argument that our final outcome is to recommend the approval of the ordinance as we finished drafting. So, the sentence should say our recommendation is #1. Then it should say that the BOCC could at their discretions consider the following additional options which are not in any order of Planning Commission's preference.

Alan Thomson – So, jumping on to what you just said there, if you are going to recommend the ordinance then in the documents that the staff will put together, there is going to be a recommendation that the Chair will sign. So that would be a separate document that says that we are recommending you adopt this. So, that already would be a part of the package. It doesn't have to be in here. These are just the alternatives that the BOCC can think about.

Dave Gibney – I kind of think if we do recommend it that this cover memorandum should state that.

Alan Thomson – Okay. So where would that go in. As a new #1? Is that what you are saying?

Chad Whetzel – Or should it just go on the main heading.

Dave Gibney – Okay, I see that your subject is alternative considerations. Then #1 shouldn't be there at all because it is not an alternative.

Alan Thomson – I didn't know that at the time.

Dave Gibney – I'm making this assumption.

Alan Thomson – Okay, that could be changed.

Dave Gibney – Okay, assuming that if we decide to do any of these others, it could be excluded from the alternatives of this alternative memo.

Alan Thomson – Okay, so where is the recommendation going to go?

Dave Gibney – Well you have to change the subject or you can say it as it was, the recommendation is in the actual ordinance document.

Alan Thomson – There is going to be an ordinance included as well as the recommendations.

Chad Whetzel – So is using saying “alternative considerations,” because it really isn’t alternative it is just changes within it. Sometimes it could be a complete alternative but some are not necessarily alternatives they work with what we are proposing.

Rusty Jamison – Okay, we are making a recommendation but it is an alternative. Somewhere in there we need to make sure that this is not necessarily the only thing that we are saying they should or could do. Right? I mean, we put a lot of work into this but there are also a lot of,

Dave Gibney – I actually think, okay, I’m not sure about the subject but you could say that the Planning Commission, hypothetically, if we vote, does recommend to the BOCC that they adopt Chapter 19.64. Following are some additional considerations that the BOCC could consider adopting within 19.64 or as an alternative and they are presented in no particular order.

Alan Thomson – Okay, under subject where we are starting the wording, “As requested,” we could add in there that you want to put a clause in there saying you are recommending Chapter 19.64. Is that what you are saying, Dave?

Guy Williams – It goes to the BOCC with the recommendations so I think if you just strike #1, and somewhere in there add, “these are alternative ideas for the BOCC to consider.”

Alan Thomson – Do you still want to put in a sentence that says that we the Planning Commission are recommending Chapter 19.64?

Guy Williams – No.

Dave Gibney – So, strike whatever alternative we conclude to take tonight.

Alan Thomson –Okay,

Chad Whetzel – Also add in there they are listed in no particular order.

Keith Paulson – So, you put **“In no particular order.”** And **“Marijuana alternative recommendations.”** Isn’t that simple?

Guy Williams – Yes. Keep it simple.

Keith Paulson – They are recommendations that we are giving them and they are alternative.

Dave Gibney – So, in the final analysis, what we are going to be holding a hearing on, is going to be the Findings of Fact, the draft ordinance changing so we can cast this in stone after that, also.

Rusty Jamison – If you change the first sentence to “Adopt a marijuana ordinance.” There is a possibility that the BOCC are not going to take every verbatim word that we put here as the one they adopt. So, what they are going to do if they do use this, they are going to adopt a marijuana ordinance 19.64 as a guide but the actual one if they pass one, using this as a guide, it is going to be one with changes.

Guy Williams – Probably.

Rusty Jamison – So, I guess what I am saying is either #1 would read, “adopt a marijuana ordinance,” “or adopt a marijuana ordinance using this as a guide.”

Guy Williams – When we send this over, when Chad signs and sends it over with a recommendation to approve it, they know that is an option.

Rusty Jamison – I was just talking about this first sentence that would be in the memorandum.

Chad Whetzel – I would just say to strike it. Because this is our record to the BOCC and I think if we just strike it, it is already implied.

Alan Thomson – So, strike #1.

Matt Sutherland – Where are we? Sorry.

Chad Whetzel – We are on the memorandum from the Planning Commission to the BOCC, the first line, #1.

Matt Sutherland – Okay, perfect. So, (inaudible.)

Chad Whetzel – No, we are still working through it.

Dave Gibney – I don’t think we need to put this in concrete tonight or vote on it. The question that is really here, are there other alternatives that we think we should add or are there alternatives that we can’t agree to put there?

Chad Whetzel – So, is there anything on this list that anyone can’t live with? Assuming that we eventually approve some sort of an ordinance.

Kathleen Lloyd – Originally when we were discussing lot sizes for indoor grows there was quite a bit of discussion about ten acres, versus the two. Because I think that was what Spokane County had done. So, right now it is ten acres for just the outdoors, I think. But we had talked about ten acres for indoor, as well, so possibly that could be added as an option for the BOCC to consider as well, just because it had been part of the discussion.

Chad Whetzel – Thank you. Everything is up to the BOCC but we can discuss that too. It sounds like the Board is okay with everything that is there. Possibly anything else that they want added right now?

Brian Davies – Can we apply #7 which reads, *“Apply the new marijuana code to the existing marijuana businesses.”*

Chad Whetzel – I don’t know. That is a question for Denis.

Alan Thomson – What was the question?

Chad Whetzel – Can we apply #7 to the existing facilities?

Alan Thomson – It was a suggestion, that’s all.

Dave Gibney – Actually they certainly can. Whether they could defend it in court is a different issue.

Denis Tracy – It depends is the legal answer. I think the Planning Commission could express your desire that the BOCC do whatever it can to apply the new code to existing businesses.

Guy Williams – It’s fine to leave it in there as an option for the BOCC to consider. I think everything we think of should be on the list.

Dave Gibney – I don’t have a problem with this and I think that adding the potential for the ten acre indoor is an alternative, too. All of our reasoning for it is in the records.

Rusty Jamison – If we add something to the list do you want it as a motion or just as,

Chad Whetzel – This is more of a discussion right now. We aren’t going to take any kind of a vote. I just wanted to make sure there wasn’t anything glaring that somebody really objected to.

Guy Williams – If we think of something should we send it to Alan?

Chad Whetzel – Absolutely, send your suggestions to Alan.

Rusty Jamison – But then you’ve got the 10-acre versus the 2-acre written down so that will be added.

Chad Whetzel – We can hash that part out later.

Rusty Jamison – But right now it looks like #1 would be deleted. Is that correct?

~~1. Adopt the marijuana ordinance, Chapter 19.64.~~

Chad Whetzel – Okay.

Alan Thomson – I think the last thing we should pitch in on is the preliminary Findings. I don't know if you have had time to digest them.

Dave Gibney – The only thing that I noticed in the Recommendations, when we finally get there on the assumption that we're going to, that would be it needs to list the changes to the other codes that we are going to change.

Alan Thomson – Yes, I can add those in.

Dave Gibney – It appeared to me that we were possibly going to update some of the other district codes, too to make sure that marijuana is explicitly conditional in them.

Alan Thomson – What was that, Dave?

Dave Gibney – Were we not going to update the heavy commercial and the light industrial, and whatever too? At the beginning of tonight didn't we say that they should be explicitly conditional? The marijuana?

Alan Thomson – Yes, right.

Dave Gibney – It is implied in your interpretation but you'd like to,

Alan Thomson – Yes, there has to be some adjustment to the Findings here, for sure. It really kind of hinges on what decision you make, what direction you go in.

Chad Whetzel – Then for anyone else that is following along on this, I believe #30 and #31, regarding the SEPA and the legal notice in the Gazette, you have question marks and that is because we have not, that will have to be done later on if we go ahead with what we have. Correct?

Alan Thomson – Correct, your big decision hinges on all that.

Dave Gibney – I'd like to hit that point.

MOTION by Dave Gibney and seconded by Brian Davies that we proceed in the direction of recommending this ordinance as our primary recommendation to the BOCC, to recommend

that they adopt the draft ordinance that we are working on and that we go forward with the SEPA and the public hearing to do so. Motion passed.

Chad Whetzel – Any discussion?

Guy Williams – The motion is to proceed ahead?

Dave Gibney – The motion is to proceed ahead for an ultimate recommendation of the ordinance following the public hearing and the SEPA process.

Guy Williams – I don't think we ever had to do that before, but it sounds okay to me.

Alan Thomson – This is an entirely different process.

Dave Gibney – The alternative is that we are done with this memo and we just send it to the BOCC and I believe we were told last month that we can't do that. We need to have a hearing and all that.

Guy Williams – We need to have a public hearing on what we,

Alan Thomson – Yes, we were asking you to make a recommendation which you are at the point of doing right now, and then following that there will have to be a SEPA and a public hearing.

Dave Gibney – I made the motion that we go forward in that direction.

Chad Whetzel – Any further discussion? All those in favor say aye. Any opposed? We will move forward.

Kathleen Lloyd – I just have a procedural question. So, you're going to have a public hearing at the planning commission time, like next month or when do you have that and it will be on a Wednesday night at 7:00 p.m. and people will come in and comment about it? Then do you change it or do you re-vote on things if there is a lot of input and then what, from there what is the process next? I just want to make sure I understand.

Alan Thomson – So, the Planning Commission has given Staff the approval to move forward on preparing the ordinance for a public hearing. So, they made a decision on the recommendation that they want to give to the BOCC.

So, Staff will now, we have to run what is called a SEPA, State Environmental Policy Act, an environmental check list. I have to get all this stuff corrected to the way we decided tonight. There is a little bit of alteration so I've got my marching orders in order to do that.

Once I get that in order then I'm going to run the SEPA. There is a 14-day comment period so that will go into the Gazette on a Thursday. I can't tell you which Thursday that will be right now.

Once the SEPA decision gets published, then you have to wait 14-days for the comment period. It might not happen next month, but following that there will be a public hearing with the Planning Commission, presenting what they have agreed upon tonight.

Dave Gibney – To be clear, everything we have done up to now has just been workshop discussion.

Alan Thomson – This is a workshop, this has not been a public hearing. So, they've agreed upon a final draft to the ordinance and that will be presented as a part of the package for them to vote on whenever we get to that point for the public hearing. We are looking at the earliest, next month, that might be a little later than that depending on how quickly we get things put together.

Denis Tracy – At the public hearing the planning commission would hear from members of the public.

Alan Thomson – Yes.

Denis Tracy – Then they would discuss and then presumably vote.

Alan Thomson – They will take public input and then they have a decision to make. Are they going to change anything, or are they going to keep it as presented and move forward and send it over to the BOCC, would be the next step.

Then if it gets to the BOCC they have to decide what they want to do, so there would be an informal submission then a formal submission. There is a process taking it across to the BOCC and then the BOCC will make a time frame for a public meeting. At that time they have an option to either accept it right there and then, the recommendation of the Planning Commission, or to send it back to the Planning Commission for further review, or take it on themselves and have public hearings for the BOCC.

So, there are basically three options there. I suspect this is going to continue on for a little while. The BOCC will probably have their own public hearings but the job of the Planning Commission will be done by that time. They presented an option for the BOCC to consider and then it is up to the BOCC to decide what to do with it.

Kathleen Lloyd – So, is there a way to be on a list where I'm just emailed when each step happens so that, sometimes I can't catch things in the Gazette. It's hard for me to, I don't get it and it's just challenging sometimes for me to locate that information. Is there a way that I

can get on, request for somebody to or a group of people who are interested in knowing what the process is and when it is happening next to be informed of that each time? How do I do that?

Alan Thomson – Absolutely. We know your email address so if people want to be informed as to the timing of things, then we can send you an email.

Kathleen Lloyd – So, your stage and anything that goes to the BOCC, so am I making that request now?

Alan Thomson – That’s fine. We will put you on the list and anyone else that wants to be put on the list.

Carla Burton Keifer – I would like to be on that list, too.

James Burton – Can you send a copy to James Burton. Email at jrburton @ frontier.com.

Alan Thomson – So, James, have we been communicating to you through email?

James Burton – You should have it but I haven’t been getting anything.

Alan Thomson – Katrin, do we know if we have his email?

Katrin Kunz – If we have it on the sign in sheet, we will have it.

James Burton – I didn’t tonight but I will do it again.

Alan Thomson – That would be a good way to do that. So, anybody who wants to be contacted just put your email on the sign in sheet. We will send you all the email. We’ve got yours, yes, Kathleen. Thanks.

Rusty Jamison – So, the memorandum will follow along with this, right?

Chad Whetzel – Yes,

Keith Paulson – There could be things added to it if we get public input and we find something that is intriguing.

Alan Thomson – Absolutely right. There is still the option to change things.

Chad Whetzel – Because the memorandum is our communication with the BOCC and doesn’t require public hearing. It is just what we decide to send along. So, after our public hearing we can, depending on how things go, we can do with that as we choose.

Alan Thomson – Yes.

Dave Gibney – And after the public hearing and after adoption, assuming that it happens, then we can have a separate motion to approve the language of the memorandum.

Rusty Jamison – I'm going to make a suggestion for the memorandum. It is on the final one that we do come up with, is that we sign it. All of us just pass it around and sign it. Or if you want to put a signature box, that way it makes it very official.

Dave Gibney – Maybe we should have a signature page that we pass around because we don't want to have, I guess Alan can run it upstairs and print it once we are done. We put enough time in here we might as well sign it.

Keith Paulson – I'm not putting my name on this.

Chad Whetzel – We have your vote on record and I sign it for all of us.

Keith Paulson – There you go, it's what we have been doing.

Chad Whetzel – Okay, anything else. New business?

Guy Williams – I move we adjourn.

Alan Thomson – No new business.

Rusty Jamison – Before we adjourn I just want to say one thing. Thanks for being patient with me tonight. It was real important for me to do what I was doing. It just was a conflict.

Dave Gibney – Does Alan anticipate business for us next month if this isn't ready?

Alan Thomson – No, I don't have anything on the calendar right now. I'm not sure how long this is going to take. We might not meet next month. I will keep you posted. I have a bunch of stuff to do now.

Chad Whetzel – What am I going to do if I can't badger you the first of the month?

Alan Thomson – I'm sure you'll find something.

Rusty Jamison – I know we were working on a lot of other things before this was dropped on us. Are those things, are we way behind on all that stuff that we were working on before that had to do with the updates?

Alan Thomson - I think we are okay with that. The next big project is looming and that is the Comprehensive Plan update, which is going to be a massive undertaking. You think this was fun, wait until the next one.

Dave Gibney – You are hiring some of that out, aren't you?

Alan Thomson – Yes, so,

Dave Gibney – Because otherwise I have to resign.

Chad Whetzel – Are you trying to keep us on the Board or trying to get rid of us?

Brian Davies – Even as a partial planning county we have to go through all of that?

Alan Thomson – Yes.

Rusty Jamison – I was going to say in order for the audience to get more correspondence you might just keep in mind that being on the Board there could be some openings pop up at any time. I will guarantee you will get all the information. It is overwhelming.

Chad Whetzel – Okay, anything else? It has been moved and seconded, we are done.

Adjourned - 8:48 p.m.