WHITMAN COUNTY
PLANNING COMMISSION
REGULAR MEETING
November 6, 2019
Minutes

MEMBERS:

Chad Whetzel, Chairman
Keith Paulson
Dave Gibney
Matt Sutherland
Guy Williams
Brian Davies
Gary Moore

Staff: Mark Storey, WC Director/Engineer; Alan Thomson, WC Planner; Katrin Kunz, WC Assistant Planner; Elinor Huber, Clerk.

Audience: Ken Duft, Pullman; Shelley Chambers, Pullman; Zak Kennedy, Lamont; Carla Burton Keifer, Pullman; Jim Burton, Pullman; Nicole Lee, Pullman; Brandon Woodland, Pullman.

7:08 p.m. – Chad Whetzel opened the workshop. Alan went through and changed a couple of things for us.

Guy Williams – Can I read a statement that I have prepared for tonight?

Chad Whetzel – Yes, how long is it?

Guy Williams – Not too long. I had this prepared for last month but it was so late I didn't get to it. My statement is:

> *In the twenty years I have been on the Planning Commission, we have worked on many issues dealing with state mandated directives and growth issues within the county. An important criterion in our recommendations is to the Board of County Commissioners is the comprehensive plan and economic development in the county. Another criterion has been to preserve the overall character and quality of life in Whitman County. We have referred to the beauty of the clear blue skies, the rolling hills of the Palouse and amber waves of grain. We recommended restricting the way houses may be built on hill tops. We worked on limiting light pollution and helped establish codes to avoid housing sprawl in rural areas; these are just a few of the many issues we have addressed.*
>
> *I believe everyone who chooses to live in this rural environment has a right to expect it to remain basically intact as rural farming. I am one of those people choosing to live in the country. I knew when I moved into a farming environment I would need to live with the annual seasons of farming, including: tilling, fertilizing, seeding, spraying and harvest. These events have a relatively short duration when they happen around a home and usually other than chemical applications they happen only once annually. Marijuana grow and processing operations happen on a more frequent basis and the apparent offensive effects occur more frequently.*
>
> *If we feel we must approve something for this industry, maybe it should be miles away from homes.*
>
> *To allow these types of operations in the whole of the Agricultural District seems unwarranted. Other than outside grow areas, the maximum area described is 30,000 square feet for a producer*

facility. A better place to locate this type of facility is in one of the industrial port areas or near other industrial/commercial areas.

I also believe we are trying to write regulations on a new industry that has had limited research and testing. With the limited research that has been done it would seem there is nothing life threatening at this time, but NOT knowing does not make it safe. I lived through the times when we used asbestos, DDT, Agent Orange, PCB's and all kinds of lead products that we thought were safe and just fine to use, only to now know they are toxins and extremely harmful. The marijuana industry seems to be expanding at an alarming rate, almost explosive and that concerns me. For these reasons I think we should offer multiple options for the Board of County Commissioners to review. I believe this is within the guidelines we were given. One option would recommend a lengthy extension of the moratorium for more research to be completed and long term effects to be evaluated. Another option is to continue review of the ordinance as we have drafted as new research becomes available. Another option is to curtail any new marijuana facilities.

I believe that much of voter support came from the fact they wanted the sale to be legalized for personal use. If an initiative had asked voters, "would you allow a marijuana growing or processing facility near your home," the voting results may have been much different.

*Once we, so to speak, let the cat out of the bag it is very hard to put it back in. I just don't see where we have enough testing or knowledge of long term effects to be comfortable with expanding more than what we already have allowed. (*Guy Williams*)*

Guy Williams – Since then as an addendum, in the news as we speak is the vaping issue. The vaping thought it was a great thing to replace smoking, only now we have many cases of issues with it and a fair amount of deaths already recorded. And again, it is an industry that seemed to snowball. I'm not here to restrict people's personal choices. I'm not sure, myself I'm not comfortable with where we are heading with this. But I will fall within the criteria with the work we have to work with.

Chad Whetzel – Thank you.

Keith Paulson – Can I sign my name to that?

Chad Whetzel – Did everyone get a chance to read through the latest version of the ordinance? I think probably the best thing to do right now is go through and review the stuff in red, the changes to make sure that is what we were thinking. I think once we get down to some of these distances we will read through it and then skip over it and come back to it again. Because that will be our sticking point, it has been our sticking point.

So under Section 19.64.030 – Definitions, second paragraph we added "***any controlled substances***." Does anyone have any questions on that one?

Guy Williams – What are we using as a controlled substance? Something controlled by who?

Matt Sutherland – Usually it is more like a federal. There is a legal definition to that.

Dave Gibney – The intent was to be sure this covers the potential for additional things becoming legal.

Guy Williams – I am totally oblivious, because does the State have it listed as more controlled than Federal?

Alan Thomson – No.

Chad Whetzel – Actually less, because federally, marijuana is controlled. We will go to the second page here under A. Indoor production, processing and retailing.

1. ***A pre-application meeting with planning staff is required prior to the submittal of a conditional use application.***

We discussed that last time. Any other questions about that right now? If I'm going too fast, slow me down.

5. *Indoor marijuana production and processing in all **permitted** zoning districts shall be within an entirely enclosed building.*

Dave Gibney – Without the word, "permitted," it would just say all zoning districts and that is not necessarily the case.

Chad Whetzel – Because it is not permitted in some places. So the next one.

6. *No marijuana producer, processor, or **retailer** shall emit odors that is detectable at or beyond the lot lines of the facility….*

Chad Whetzel – Any issues with adding the word, "retailer?"

Brian Davies – I think we have a typo there. It should say, "shall emit odors that **are** detectable…"

Alan Thomson – Hold on, hold on.

Dave Gibney – Odors is plural so "are" is correct.

Alan Thomson – So, what is the subject matter? Is it the "producer, processor or retailer," or is it "odors?"

Dave Gibney – Either way, it is "are." Either way they are plural.

Alan Thomson – Well, "no marijuana producers, processors, or retailers," I would agree with you. But is it singular when you say "processor, producer, or retailer."

Dave Gibney – No, there are three things there.

Alan Thomson – Right, but they are individuals and so that's, so if odors is the subject, then you are correct and it should be "are." Yes.

Chad Whetzel – I think it should be "are." We don't care about the Queen's English.

Alan Thomson – Do you agree, Katrin?

Katrin Kunz – I agree.

Alan Thomson – Where is the English teacher around here?

Chad Whetzel – Okay, I see a hand in the audience.

Nichole Lee – I was just wondering on that section, #6, if there is any way we can add a reference to the Washington code, 173.400-060, which talks about the emission standards for general process units. It talks about emissions of particulate material and that is referring it back to the Washington State Code, so that it can be a little more definitive about what detectable is. It is a WAC. It just seems like a lot of, and I'm sure this is what you guys have looked at but just what other counties have done. I was looking at the Thurston County and when they talk about odor they refer back to the WAC. That was the section they referred to and I thought that was pretty helpful as far as just what is traceable and offensive. It just goes back to the code.

Alan Thomson – We have found out that the Department of Ecology is toothless as far as enforcing odor laws in the State of Washington. So, it is dependent on staff to determine whether something is happening here. So, if we smell something it is just as simple as that. We go out there and if we smell odors that go beyond the property lines, that's it. That is all we need to know.

It doesn't matter what the Washington Code says. We detect odors and then the rest of the ordinance kicks in. I really don't know that it is helpful to have that Washington Code there. We know what marijuana smells like. We know what these plants smell like and if we are standing outside their facility and we can smell it that is all we need to know.

Nichole Lee – I just thought it was a way to trace it that is measurable. The same thing with light. I noticed in the Thurston County they talk about the amount of lumens and everything.

Alan Thomson – How do we enforce that? What do we measure that with? We have an overall ordinance about light. If somebody complains, that's all I need to know. If it is shining in somebody's bedroom window I don't need to go out there with a light meter and figure out the lumens or anything else like that. It is like, I call up the offender and say, "Fix it, please."

Nichole Lee – I just thought instead of it being less subjective, it is a little more objective.

Alan Thomson – I have no faith in the DOE and their enforcements. This is a local ordinance and we are the ones that are going to apply that. Like I said, if we can smell something outside of the boundaries of the facility that is all we need to know and we act upon it.

Chad Whetzel – Okay, so down to the next page, #10 where we changes "entities" to "**sensitive uses**." Does anybody object to that?

Matt Sutherland – Just to refresh my memory, did we exclude, I remember conversations about including colleges and secondary schools. We didn't end up doing that, correct?

Chad Whetzel – Correct.

Dave Gibney –Changing it from "entities" to "uses" is an improvement in the language.

Brian Davies – We talk about the sensitive uses later on, going forward in the rest of this document, don't we? Is that how we are going to refer to the setbacks from,

Alan Thomson – I came across that verbiage in other, it seemed to be more pertinent.

Katrin Kunz – Why do you have it in parenthesis? I mean quotes.

Alan Thomson – That is the way it was written in the other ordinance. We can take that out.

Matt Sutherland – It makes it known that it is a term that can be used again referring to the use, so I think the quotes are fine.

Chad Whetzel – But not specifically defined of any particular area. Down to #11. This one is new.

11. The subsequent establishment of a sensitive use listed in paragraph 10 above within 1,000 feet of a legally established and licensed marijuana production, processing, or retail facility shall not render the marijuana production, processing, or retail facility nonconforming with regard to location under this subsection.

Alan Thomson – So, remember the conversation we had about this last time about this. What comes first and then what happens if something comes in after the fact. Then I came across this language in another code which apparently addresses that issue.

Dave Gibney – Whether it is here or not, that is legally what would happen. We might as well make it clear.

Chad Whetzel – So, if you do want to put a drug treatment next to a marijuana facility that is their tough luck.

Alan Thomson – It is their choice and they have to understand that the marijuana operation was there first. If you choose to be within 1,000 feet, that is your choice.

Mark Storey – I just have a question about that clause. You are saying that if somebody builds a house next to it, the use is still acceptable within the code. But what if they want to expand or change their operation, the marijuana place? Somebody building a house within 1,000 feet of a marijuana production, does that mean they can or cannot expand in the future as they may have intended? That is something to think about.

Alan Thomson – They can if they expand.

Dave Gibney – I would assume if we re-visit the 1,000 feet in #10, we will adjust that accordingly throughout.

Matt Sutherland – My question is like buying, selling, do they have to go through the permitting process again? If I were to buy a marijuana facility after the house was built next to it, and then wanted to continue to use that marijuana facility for those intended marijuana purposes, would I then have to go through the permitting application again, or would that still be allowed to be a marijuana production facility or would that new house hinder that?

Alan Thomson – The way we have written it up, everything is going to be a conditional use permit. The conditional use permit is for the property, for the use. It can change ownerships. You don't have to go through the process again just because you buy into something that already has a permit. You might have to do something with the LCB, the Liquor and Cannabis Board, transfer of your state permit.

Chad Whetzel – Which brings me, I don't remember the exact section, but we talk about having to have the LCB permits to do this stuff. Is there any mechanism if someone sells the said property and they mistakenly don't buy the license? Or is that the States' issue?

Alan Thomson – The State. We get notified, the BOCC gets notified whenever a license changes. Say we've got one location and one license holder goes away and another license holder comes into that location, the BOCC gets notified.

Guy Williams – That every expansion on that property entails a review and a resubmittal of expansion.

Alan Thomson – If they are expanding, yes.

Guy Williams – So, like if you buy an existing operation, you can't add a retail store to it. You could put one in your building, I guess.

Alan Thomson – You can't have a retail store.

Dave Gibney – If you purchase an existing retail and want to add another sales room or something like that. You can't mix retail and anything else. If you have a grow and you want to add a processing facility, that would be expansion.

Guy Williams – That would need another review.

Alan Thomson – It is the same principle as the quarries out there. If you've got a permit to quarry a particular area, and you want to expand your area, we haven't reviewed that. You need to go through another review.

Katrin Kunz – And then would the house be a problem?

Alan Thomson – It might be. But the way the code is being written here, it is the homeowner that is putting themselves at risk by being too close to that facility. So, when someone comes in for a Rural Housing Certificate and they want to be within 1,000 feet, I'm going to inform them of this conversation we are having right now. That's fine as long as you understand that you are within 1,000 feet and it is your responsibility. That pot operation may end up growing and it may end up growing and expanding towards your house. Are you okay with that?

Dave Gibney – In any business, whether it is marijuana or not, the owner has an expectation that the conditions that they started under are the conditions that will go on forever.

Guy Williams – All I'm saying is, if they're going to expand even though they are on the same piece of property, if they are going to expand their physical facility they have to go through a review process.

Alan Thomson – Yes.

Dave Gibney – And so did the grain elevator.

Guy Williams – I agree, I am just clarifying that.

Brian Davies – That is how we wrote this in the first part, is that any expansion has to go back through the CUP.

Katrin Kunz – Could that expansion be denied then because the house is close? Even it might be okay with a smaller facility but when the facility wants to expand and the house is there and they have to go through another review, would that be problem?

Chad Whetzel – It shouldn't be because it has to go through the Board of Adjustment. So they can determine, they will have all the information and determine which came first.

Katrin Kunz –Maybe the homeowner would not agree to have a double sized facility next door?

Alan Thomson – Let's put it this way. It is no different than having a quarry right next to you and the quarry needs to expand. The BOA has to apply the regulations, apply the law and yes, we could get complaints. They have to evaluate those complaints and find out if there is anything to those complaints.

Does it rise to a sufficient level that is going to cause a major problem? That is a tough one to make a decision on, but fortunately that is the BOA that needs to do that and they have to take into consideration the rules and regulations, the laws. Just because it is marijuana, I don't think the presence or absence of #11 changes the underlining law and the underlining work the BOA decisions would have to be.

Matt Sutherland – I was just asking a clarifying question. I didn't mean to beat this again.

Brandon Woodland – Are we talking about pre-existing businesses or new ones coming in falling in under this?

Chad Whetzel – We were discussing the existing facility that wants to expand.

Alan Thomson – So, it is both, in answer to your question. This would cover both.

Dave Gibney – Actually, the question was an existing facility wants to expand and the conditions of the neighboring facilities whatever they are have changed from the time of the permit.

Brandon Woodland – So, your quarry, the quarry hasn't gotten to where they intended to go before? Is that going to change it? You were talking about 1,000 feet.

Dave Gibney – No, they are talking about moving the quarry past where it was originally intended to be.

Brandon Woodland – When the quarry started under the old guidelines, they expected to be able to do "X" and now they haven't changed their trajectory, they just haven't gotten there yet?

Dave Gibney – No, what they are asking is to go onto to "Y" and somebody new moved over here in coordinate "Z."

Chad Whetzel – And all the land to them, already. So, continuing on to page 4 under <u>B. Outdoor production.</u>

> *1. Outdoor production of marijuana requires a conditional use permit. A pre-application meeting* ***with planning staff*** *is required prior to the submittal of a conditional use application.*

Chad Whetzel – We added the pre-application meeting with planning staff, similar to the indoor. Are there any questions there?

Brian Davies – We reiterated wherever we talked about application.

Chad Whetzel – Okay, so page 5, #5 at the top. We struck ~~*"except for access driveways and parking areas."*~~

5. Outdoor marijuana production areas shall be located within the confines of an opaque wall or fence, ~~except for access driveways and parking areas~~. The wall or fence shall be a minimum height of eight feet.

Dave Gibney – The intent there was to say that everywhere marijuana is has to be behind a fence.

Chad Whetzel – Right, you can have a parking area outside of the fence if you want.

Dave Gibney – Skip #7 for now.

Chad Whetzel – We will skip #7 for now and come back to discuss the 200 feet. That could be the rest of the year. Down to #9 we added **"and trails,"** on letter "e."

Okay, on Page 6, #10.

10. The subsequent establishment of a sensitive use listed in paragraph 9 above within 1,000 feet of a legally established and licensed marijuana production, processing, or retail facility shall not render the marijuana production, processing, or retail facility nonconforming with regard to location under this subsection.

Alan Thomson – That is exactly the same language as in indoor marijuana.

Guy Williams – Let me ask you. If a school comes to you and wants to build within 500 feet of a retail? That is basically what we are saying could happen. Would you allow that?

Alan Thomson – The code allows it. The way we have written it up.

Guy Williams – If they want to come in after the fact.

Dave Gibney – In any of these things, if that sensitive use, the individuals who want to establish a new sensitive use, don't feel that it is a problem being that close to the marijuana business, that is none of our business. That's theirs.

Guy Williams – I understand what you are saying and I basically agree with you. I guess I am wondering where does the State stand on that?

Alan Thomson – Well, it is not up to the State. It is up to us. It is our regulation here.

Guy Williams – What if they say that the,

Alan Thomson – The State doesn't have ability to trump us.

Dave Gibney – A school, the State would probably say to that school that no, you can't be there, but a trail,

Guy Williams – I am strictly talking schools. That's all I was saying. I withdraw the question.

Brian Davies – All I was going to say was that retail that was the word that caught my attention. The only retail area we established is the Pullman-Moscow Corridor. There won't be any retail facilities anywhere in the County other than the Pullman-Moscow Corridor.

Alan Thomson – Unless the State laws change and allow us more locations for retail. Which is not in the cards right now.

Dave Gibney – We were still unlikely to change the laws to put retail in the Ag zone.

Alan Thomson – But remember, Brian, this refers to producers, processors and retailers, all three. The 1,000 feet refers to all three of these. Not just retailers.

Chad Whetzel – Okay, we will skip #14 for now with the 1,500 feet. That one will be a little bit easier but we will skip it for now. So, on to Section 19.64.060 – Conditional Use Submittal Requirements

The applicant shall submit the following to the Planning Department:

1. *A site plan drawn to a standard scale. The site plan shall depict and describe the following: (a) the location and total area of the licensed facility; (b) the distances from the production (grow) areas and/or processing facilities to all adjacent buildings and property lines; (c) all existing and intended uses of any buildings or structures, grow areas, parking* ***areas,*** *property lines, ~~property under control of the license holder~~, physical land features such as roads, utilities, driveways and any critical areas; (d) the location of the security fence and the distance of the fence from the property's lot lines. The security fence must be at least 20 feet from all lot lines.*

Chad Whetzel – We struck "property under control of the license holder," and then we added "areas" for that. Are there any issues with any of those?

Keith Paulson – Going back to the first one, shouldn't it say, "Planning Staff" instead of "Planning Department?" Or does it mean the same thing?

Alan Thomson – It means the same thing.

Keith Paulson – I was just trying to keep it consistent.

Chad Whetzel – Are there any comments on the parking areas or what we struck?

Alan Thomson – We will change it to "Planning Department." We will keep it consistent with that.

Chad Whetzel – So we are going to change all "Planning Department" or are we going to change it to "Staff?"

Keith Paulson – We are going to change all "Planning Staff" to "Planning Department."

Alan Thomson – Yes.

Dave Gibney – That is a meeting with specific people. I think it is correct to be different to submit the paper to the Planning Department and you meet with the Planning Staff.

Alan Thomson – I tend to agree with that.

Keith Paulson – That's okay, it was just a question.

Chad Whetzel – Clear as mud. On to page 7, #6.

6. Variance to setbacks. If a variance to setbacks is requested, ~~provide~~ specify the setback distance. ~~requested.~~ If the setback distance is requested to be decreased a waiver from the adjacent landowner is to be provided in the CUP application. Also include in the application the reason(s) why a variance is being sought.

Chad Whetzel – I think that reads funny. "Specify" the setback distance requested.

Alan Thomson – You need to know what that request is.

Chad Whetzel – I need to ask a silly question. Would you ever want to ask for a variance to increase the setback?

Alan Thomson – No.

Chad Whetzel – So, why are we saying it needs to be,

Alan Thomson – The setback is minimum.

Chad Whetzel – I know but the way it reads. "*If the setback distance is requested to be decreased…"* I'm just wondering is that necessary or,

Alan Thomson – Again,

Guy Williams – I would doubt highly if he would request a larger setback.

Chad Whetzel – You could just do that on your own. You wouldn't need permission to do that.

Alan Thomson – So, it is just overstating the obvious because when someone comes into the Planning Office they have no idea the language we speak. They don't know it.

Chad Whetzel - Most of us don't know the language you speak, either.

Alan Thomson – Thank you.

Dave Gibney – You have to have some lead in to that requirement for the waiver.

Alan Thomson – Yes. It seems obvious maybe to some, but you are only going to get a variance if you want to get closer. That is not obvious to everybody. So it is just explaining it a little further. Staff is going to explain all of that when someone comes in. This is what we are asking you to provide right now for this application.

Chad Whetzel – I don't know, it just seems that that sentence is a little awkward for me. Can we add in, "If the variance to setback is requested, the applicant must provide the setback distance requested."

Dave Gibney – I think if we just change the word "provide" to "specify."

Chad Whetzel – Okay, that would work for me.

Guy Williams – Is that proper English? "If a variance to setbacks is requested, specify the setback distance requested."

Dave Gibney – You could strike "requested" at the end. Just specify the setback distance.

Alan Thomson – Yes, that makes more sense.

Matt Sutherland – I think the sentence is awkward because of the repeat of the word "requested."

Chad Whetzel – So if we delete the second "requested" and put the period after distance so it would read, *"If a variance to setbacks is requested specify the setback distance."*

Matt Sutherland – Does that work, Alan?

Alan Thomson – Sure.

Matt Sutherland – We could go with a synonym. We could go with "desire" like whatever you can do to make that work.

Alan Thomson – Specify seems to work.

Chad Whetzel – Okay, so that is all the changes. Let's go back here to page 5, # 7 with the 200 feet.

Dave Gibney – I'm just going to say right off the bat, I think that **200** in B. #7 and **1,500** in #14 are pretty good numbers.

Chad Whetzel – We discussed it and what did we come up with. If you want to grow one acre of marijuana you had to have like 360 plus acres in order to grow outdoor.

Dave Gibney – Wasn't that larger than 1,500?

Alan Thomson – So that is #7 we are talking about. It was originally 1,500 feet and that was a ridiculous number.

Dave Gibney – Now we are at 200.

Alan Thomson – So, we thought about it. Mark, Katrin and I sat down and tried to figure this one out. So, a minimum of 10-acre parcel for outdoor grow. If you go 200 feet back from all of those property lines, the 10 acres, it pushes you to the middle. So, you have to maintain that 200-foot setback on the front, rear, and sides. That means the minimum parcel size is less than 10 acres. You can fit that in in less than 10 acres. So, it seemed reasonable to us that 200 feet would work. So it could be 300 feet, or 150 feet but 1,500 feet is not going to work.

Keith Paulson – They were overlapping each other.

Alan Thomson – Right, it was a massive amount of land.

Dave Gibney – Long thin parcels aren't going to work.

Alan Thomson – Right, these parcels have to be created. So, we are going through this process with them to create that parcel and we are going to have to imagine where the facility is going to go and can it meet the setbacks?

So, here is the shape of the parcel that will work and if they come with something that is not going to work, we will tell them. How can you meet the setback there? So we have an opportunity to go through the whole process with them to create this parcel and make the setbacks.

Matt Sutherland – Is there another distance proposed?

Chad Whetzel – We had that 1,500 feet which did not work.

Alan Thomson – It would have to be several hundred acres.

Matt Sutherland – So, I was just seeing if there was disagreement on the board right now.

Dave Gibney – I would go smaller. I think 200 is a nice number.

Alan Thomson – Keep in mind, the second part to this too, they are in front of the BOA and if we do have some opposition to this location, the BOA can adjust things. If they think it needs to be further away, we are creating a parcel here and there are houses too close by, they wouldn't allow that to happen. They can negotiate that.

Brian Davies – Would this be an open hearing? I guess if it is a CU permit, it is an open hearing to the public. So the neighbors have,

Dave Gibney – All the neighbors have been informed.

Alan Thomson – Typically, it is within 300 feet. That is the code right now. All adjacent landowners within 300 feet would be notified. We can actually increase that distance. We can add into the existing ordinance a specific setback a notification distance for marijuana operations. That might be something we might want to look at. Cell towers are 1,500 feet, quarries are 1,000 feet. Just regulator operations is 300 feet. That is a possibility for notification.

Jim Burton – I'm a little confused on this thing. If a wind tower takes 1,500 feet,

Alan Thomson – Not a wind tower, a cell tower.

Jim Burton – Okay, cell tower takes 1,500 feet and you want to put a proposed marijuana growing operation and you don't know what the hazards are at this point and you want to narrow it down, why don't you leave it at the 1,500 feet at whatever it was and let the BOA go in and say that no that is too much. If we are going to make the BOA take all of the flack, why don't you start with, since you don't know, put the borders out and let it come across as that closer to the individual that is going to grow marijuana and don't take the brunt of not knowing.

Alan Thomson – Does someone want to explain that to him?

Dave Gibney – The 1,500 feet, you need to have 300 plus acres, to plant one acre in the middle of it.

Chad Whetzel – The other thing too to remember is just like any other code that goes in whether it is going into CUP or whatever, we have to specify minimums that they have to adhere to.

Jim Burton – Don't squeeze the minimum down so you have to say that we made a mistake. It is like saying we permitted a fence. You don't make that mistake all the time.

Chad Whetzel – If we say the minimum is for this case 200 feet that means the BOA can never go below 200 feet. They can say that there is a residence or whatever there, something special in this chunk of ground and we want more distance but they can't go less than that.

Jim Burton – They can't go less? What does the BOA do then?

Dave Gibney – They can the way this is written. They can go up to 50% less. The point of the 200 versus the 1,500 is that we have to at least be practical. We can't say that you need 300 areas to grow one acre of marijuana. That is not practical.

Carla Burton Keifer – You just said, Alan, it was 1,500 for rock quarries.

Alan Thomson – Okay, we are mixing things up here. Notification distance to adjacent landowners. That is the notification.

Carla Burton Keifer – Okay, we didn't get notified when this all came through.

Alan Thomson – We are talking about two different things here. Now we are talking about setback distances which is entirely different from notification. I was just using 1,000 feet of who we notify, who we are obligated to notify that something is going on next to you. So within 1,000 feet of a quarry you have to notify all landowners that way. That is not what we are talking about here.

We are talking about setting the boundaries of a parcel and the setbacks to that parcel. That is what we are trying to figure out here. The 1,500 feet makes it so unreasonable we're going to ask someone to purchase 300 plus acres in order to grow one acre of marijuana. That is not reasonable. That was the mathematical issue we had last time when we had the 1,500 feet in there and we realized that is not going to work.

So now, we are working out what is a reasonable setback. So, if a ten-acre minimum parcel is what they have to purchase in order to start a marijuana operation, then where within that ten acres, is the facility going to go? We want to push it as far back as possible from the outer boundaries.

Carla Burton Keifer – Right, because on the Moscow-Pullman Airport Road there is a house right there and they were there before. I understand it was all before. But I don't understand why we can't make that go back into, because I know that Chelan County has gone and everyone is worried about getting sued in Chelan County and I know people on the planning board for Chelan County and they made them all go into indoor grow.

Alan Thomson – That's not what we are considering right now. The BOCC can make that decision. So, we are not doing that right now. We are trying to present them with the options so they can say that, no we

are not going to accept outdoor grow and we are going to ban that. That is up to them to decide. That is one of the options. We are trying to contain impacts with outdoor grows and indoor grows and that is what we are trying to establish right now. It is ultimately up to the BOCC to decide whether or not this is acceptable. But this is what we are trying to propose to them. That is all we are trying to do right now. We are not the final decision makers.

Guy Williams – Maybe we need to alter this a little bit. I share her concern. What we are concerned about is to an existing home. But that doesn't mean it should be 1,500 feet from their back property line. So, if we may be added residences to this or something, I don't know how to add it but it is,

Dave Gibney – That would actually lesson the restriction on a piece of property that doesn't have anything around it.

Guy Williams – Well, and is that a problem? I guess that is the point. Is that a problem?

Alan Thomson – It could be because someone might want to build a house there sometime in the future.

Guy Williams – The plat is already there, so

Dave Gibney – But if you do need that distance, then they are going to see it as less of an impact. This is really a pretty good compromise. As you said, there is a 10-acre parcel, 200 feet from each edge puts this reasonably in the center of the parcel and away from all the property lines.

Alan Thomson – Guy, to address your concern, we have to keep in mind the consistency within the code. How do we set setbacks? What you are suggesting is different from the way we suggest setbacks for any other building.

Guy Williams – You're setting up a whole new code to begin with.

Alan Thomson – Yes, but the whole purpose of this code is to make it like any other business. That is the purpose behind this.

Guy Williams – It is not like any other business.

Alan Thomson – Well, that is your personal opinion. We are trying to contain all of the impacts and if you are going to treat it differently then I don't agree with that.

Dave Gibney – On the other hand your point of increasing the notification is, I think that is a great idea. Make it 1,000 feet or 1,500 feet from that.

Mark Storey – You can have multiple criteria. So you can have a property line setback and a setback from existing residences. You are not mutually exclusive of one or the other. You can have more than one criteria for setbacks.

Alan Thomson – We have not addressed setbacks to residences in this code. Setbacks to other things but not to residences. We are trying to avoid doing that by being reasonable and how we locate these facilities and the 200 feet and the 10-acre minimum parcel size is one way to do that.

Then also having on top of that the BOA as an arbiter as to whether or not that is appropriate. We've got three ways the way we control where one of these facilities go in. Also, with the BOA they can push it way, way back. If we get a bunch of people coming in saying that they don't want this anywhere near me for whatever reasons, and then it gets pushed back further. So we've got fail safes in there.

Chad Whetzel – I think some of that is covered in the purpose and intent in the very first statement that says the point of what we are trying to accomplish here is to the minimum standards and to address public health and safety concerns.

Alan Thomson – From a legal standpoint in order to have standing you actually have to prove that you are being harmed. "I just don't like it," is not a sufficient legal argument.

Katrin Kunz – I have a question. What criteria would the BOA use for saying there is a homeowner saying, can it be setback further, or it.

Alan Thomson – Why does it need to be further setback? If it is noise, odors,

Katrin Kunz – But then the homeowner might say, "It is 500 feet I want to have it further back," so they would have that discussion?

Alan Thomson – The exact same thing can happen with a rock quarry. It can happen with other facilities. The BOA has to make a decision based on the law and what is reasonable. If there is going to be a bunch of noise happening and it is close to a house, that would be a reasonable argument to push it further back. Or there is going to be such an obnoxious smell and they will have to prove that. It becomes, "he said, she said," in a lot of cases. The Board just has to jump off the cliff and make the decision.

Brian Davies - Are we going to give the Board language or the ability to just say, "no." If neighbors and residents around the area flood the hearing and there is obvious opposition to it, can the Board just say, "no?"

Dave Gibney – Isn't that what the conditional use permit means that they can say "no."

Alan Thomson – How they need to make that kind of a decision is based on what does the code say? If it is allowed by code, that is a major thing right there. If it wasn't allowed by code they would not be in front of the BOA. What does the code say? How we place this and that is what we are working on right now. If it meets all those requirements, then does it need to be conditioned? That's the reason why we have a conditional use permit. It is legal, it is allowed in that zone.

If you follow all the requirements in that ordinance, then we have some complaints. What are those complaints? Do we need to condition this permit in order to try and mitigate those complaints? If it arises that we cannot mitigate something and what that something is, I don't know, I've never seen one yet, but that would be reason to deny it.

Guy Williams – Okay, we have dealt with quarries, cell towers and we've dealt with wind towers. Those three items have specific claims. You can only mine rock where rock is available. You can also have a wind tower where wind occurs. Cell towers only work on reception areas. So, those have some real criteria for reasons to impose upon an existing home. If we are saying it is going to take ten acres for a marijuana facility,

Alan Thomson – A minimum.

Guy Williams – Minimum grow. What is wrong with putting that at 500 feet from an existing house? He's got a huge area they can put that. All I would request is that let's give them 500 feet from the house.

Alan Thomson – So, somebody comes up and says he wants to buy ten acres on this property and there are a couple of houses nearby. So now we are negotiating where the ten acres are going to go with planning staff and the applicant. Where is the grow facility going to go?

There is a house here, well, property lines are probably not in most cases not going to be right next to each other. Maybe the ten acres is a little further away. If you take the ten acres and the 200-foot setback right now, you are going to get beyond 500 feet from the actual location of the house. Because the property line is where we are measuring to the residential property line and the house is not going to be right on the residential property line.

It will be set back from the line either 20 feet or maybe even more. Today it will be a minimum of 100 feet with a waiver, or 200 feet without a waiver in the Ag zone. That is today's code. So chances are, that scenario is going to work out to be much more than 500 feet.

Dave Gibney – On the other side of that, as Mark said, we can keep this 200 and we can pick another number that says distance from existing houses.

Guy Williams – Yes, do you have a problem with that?

Alan Thomson – No, I'm not thinking of one right now, but let's think about that and talk about that one. So, okay, the ten acres and 200 feet,

Dave Gibney – I think you're right, it is going to be a moot point most of the time.

Alan Thomson – The BOA can do that rather than putting something down in the code,

Guy Williams – Why not protect the existing homeowner?

Alan Thomson – What if you are out in the middle of nowhere?

Brian Davies – And there is no existing home but someone wants to come in after the fact?

Alan Thomson – We've got that covered.

Guy Williams – If the homeowner wants to build close to that after the fact that is their problem.

Alan Thomson – So, what is going to be 500 feet away from the house? What part of this?

Guy Williams – The grow facility.

Alan Thomson – The actual facility.

Brandon Woodland – Are we talking about outdoor? We started talking about outdoor setbacks, the 200 feet, and now we are talking about facilities.

Alan Thomson – This is all outdoor.

Dave Gibney – Consider the cultivated land is the facility in question.

Guy Williams – Make them count the house. We don't care about the property, the existing house is what we are trying to protect.

Dave Gibney – Put it 500 feet from the existing house, in the setbacks for the outdoor. Add another couple sentences to #7.

Matt Sutherland – Do you also think that it can be decreased up to 50% with the BOA?

Dave Gibney – Oh sure.

Alan Thomson – What were you saying?

Matt Sutherland – So, this clause where we're talking about 200 feet can be decreased up to 50% with the BOA, I was just wondering if we should apply this to housing section that we are making up now.

Dave Gibney – Following the minimum setback where it goes property line, you add another sentence that says, "The minimum setback from an existing residential structure shall be 500 feet."

Keith Paulson – But if you do the existing house, what if there is no house?

Dave Gibney – Then it doesn't matter. I'm saying keep the minimum setback of 200 feet and add an additional. If they want to put one in later that is different.

Mark Storey – How do you define the 500 feet? Are you defining that from the property boundary or from the fence? Make sure you are clear in how you say that.

Guy Williams – From the permitted fence to the house.

Alan Thomson – The fenced area,

Dave Gibney – The fenced area to the closest property lines, the actual facilities.

Chad Whetzel – The one place that I can see the question about is if the house isn't there. Which is like in the cluster developments, they all have to be platted houses. They are going to build a house within a certain area, there are tons of vacant ground that have a possibility of being built with these clusters. It is already platted, how do you handle that? There may not be a house on that but it may not have sold, but it is already a cluster and it already has a spot for a house.

Alan Thomson – It is just like the house is there.

Chad Whetzel – Okay, just making sure that was going to fall under that.

Alan Thomson – The way we try to deal with that and perspective homeowners always mess with us because they want to move things around, but we evaluate an area for the residence before the residence is there and that is on the short plat. There is a box.

Chad Whetzel – But I guess my thought is especially along the O'Donnell Road area and Orville Boyd Road, their area there is a bunch of clusters, they are in the middle of plotting out those chunks of ground haven't sold, there is no house sitting there currently.

Dave Gibney – Can we ask Alan and everybody to kind of, I think we made our intent known in the language we don't have to hash it out anymore.

Mark Storey – I think we can put some language in there to protect existing platted home sites in the cluster area. That is not hard to do.

Guy Williams – Yes, existing or platted home sites.

Alan Thomson – Yes, it is divided into four parcels.

Katrin Kunz – Or when someone has a rural housing certificate already and not built yet?

Alan Thomson – So, this 500 feet to a house, are we measuring it to the house itself?

Guy Williams – Yes.

Alan Thomson – What about the garden and the lawn?

Keith Paulson – You can't regulate all that.

Dave Gibney – The structure of the house to the fenced area, nearest points need to be 500 feet apart.

Guy Williams – Give the BOCC the language to be able to play with it if they wish.

Dave Gibney – I appreciate what Guy had to say at the beginning of the meeting. I think that all of those options except a detailed ordinance are already in the BOCC purview to do. They have that choice, that's not the hard work of getting an ordinance to be one of those options. All of those simple options of moratorium forever, or,

Alan Thomson –I've got a way of addressing them. At the end of this when you guys decide that we have something here we will have a staff report put together for the BOCC. So, this is only one of the options and you guys are going to tell me what other options you want on that staff report and that is what we submit to the BOCC.

Ken Duft – I don't have anything important to say, I just thought Mark needed the exercise. I have only two items of clarification. Number one is it seems to me that for purposes of clarification this document needs to reference the difference between hemp, and cannabis and marijuana. Because throughout the context of this document, the terms, "marijuana, and cannabis are used interchangeably and in fact, are not the same thing. We talk about the production of marijuana. No, we produce cannabis from which we process marijuana. There are a number of places I marked it in the document where first of all we talk about,

producing cannabis and we talk about a cannabis business, and we talk about marijuana as if they are, in fact one of the same, but they are not. One is grown, one is produced agronomical, and the other is processed from the fruit of that plant. It is very confusing to see the two terms used interchangeably in the document. Thank you.

Alan Thomson – Ken, we have the definitions already lined up. That is the state definitions of both of those words, cannabis and marijuana. We have referenced that in Section 19.64.030, Chapter 314-55 WAC and in the RCW. So, those definitions are in there.

Ken Duft – In the RCW? So, you are going to rely on that document. But what would be wrong with our correcting or removing the term "marijuana" from "growing" versus "cannabis business?" You either grow cannabis and you produce marijuana. You don't grow marijuana and produce cannabis. Even though it may be defined in the RCW.

Dave Gibney – Where in here does it say, "business?"

Ken Duft – For example, in large part the document references "marijuana." At the bottom of page 6 we talk about the location plan and all of a sudden it becomes cannabis production. Then on the next page we over #4 and it says "cannabis business." So, they are used interchangeably and it represents an unnecessary confusion.

Dave Gibney – I think the answer to that is that Alan did make an effort to change to marijuana and may well have missed a few.

Alan Thomson – Well, I'm using other people's languages so if we've got it wrong, they have it wrong.

Dave Gibney – The title of this was once cannabis and now it is marijuana and we did a couple of meetings ago say that we were going to talk about marijuana.

Alan Thomson – Yes, we decided on marijuana rather than cannabis.

Guy Williams – Well, outdoor production would infer cannabis, correct? So, when you get to #4 that is correct because that is under the outdoor production chapter.

Ken Duft – If it is followed by the term, "production," it would have to be cannabis. If it is preceded by the term "processing," then you are talking about marijuana.

Dave Gibney – Without looking at the definitions we are referring to, I'm not willing to say that marijuana is not the plant and cannabis is not the substance. But you're saying that cannabis is the plant and marijuana is the,

Ken Duft – I will refer to the botanist in the crowd who advised me moments ago. Don't think I'm that smart.

Alan Thomson – So, Brandon, do you know the answer to this question?

Brandon Woodland – It is all cannabis. It is marijuana is one definition in the WAC and RCW and hemp is another. But whether you are growing hemp under that definition or marijuana, it is still what you are

deriving from the fruit. But it is all cannabis. So, you are growing an apple tree, that one is Honey Crisp and that one is Fuji. They are both apple trees but the fruit is different. It is still an apple the way it tastes but what is in it is different. The sugar contents, texture, all that but they are still apples.

Alan Thomson – So, should this be the cannabis ordinance rather than the marijuana ordinance?

Mark Storey – Do you want hemp in your ordinance?

Jim Burton – Okay, you start out paragraph 3 or 4, on page 1, and it says, under *Agricultural Activity*, "….***any controlled substances****."* Now, is cannabis a controlled substance? I don't believe that cannabis is a controlled substance. This whole argument is, okay, if we are going to talk about any controlled substance and then it says, *"…including marijuana, cannabis, and it derivatives is not considered an agricultural activity*." So on the outdoor grow if we go cannabis, fine, but are we talking about the controlled substance or are we talking about an agricultural crop?

Dave Gibney – Cannabis and again, if my memory serves the reason to add, the reason it is in red is because it is added from the previous draft. Someone, probably me, speculated when they decide to make the growing of the opium poppy legal, and we still wanted to not consider that an agricultural activity.

Alan Thomson – That is exactly why it is in there because we are not just talking about marijuana. we could be talking about other controlled substances which we don't want to allow in the agricultural district.

Dave Gibney – The sole purpose of that paragraph is to define agricultural activity for these purposes. It has nothing else to do with what is marijuana or cannabis or whatever. Or for that matter, thistle. Thistle is a controlled weed if somebody decided they wanted to start growing it we are not going to say it's an agricultural activity.

Chad Whetzel – It depends on which thistle you are talking about.

Guy Williams – Ken, we were close to adjourning but now here we are.

Matt Sutherland – I would argue that controlled is probably why it ended having a federal definition in reference to the controlled substance act where anything from marijuana being currently Schedule 1 going all the way to Schedule 5 which can include cough syrup. All those things are controlled substances because they are a substance controlled by some sort of legal doctrine.

Dave Gibney – In all points we don't want anybody to call them agricultural activity.

Alan Thomson – Okay, so it seems like we have it covered in the language here, hopefully?

Matt Sutherland – I think that controlled substance is broad enough that it would cover anything we would want it to.

Chad Whetzel – Okay, the one section that we have not discussed yet is on page 6, #14.

> *14. No facility engaged in outdoor marijuana production may locate within **1,500** feet of the municipal boundaries of incorporated towns and unincorporated communities within Whitman County.*

Chad Whetzel - Are we good with 1,500 feet?

Alan Thomson – Going once,

Keith Paulson – I agree.

Dave Gibney – I think it should be three feet. Fifteen hundred is just fine with me.

Brian Davies – Is that what the Bud Hut is, three feet from the incorporated limits of Pullman?

Katrin Kunz – No it's not. It is right at the line.

Guy Williams – The highway property was not in the city limits then.

Katrin Kunz – It is right outside of the city limits.

Dave Gibney – You're talking about by Johnson Road? Prairie Bloom, that is outside the city limits.

Guy Williams – No, out by Avista. Prairie Bloom.

Dave Gibney – Oh, Prairie Bloom, that is outside the city limits.

Chad Whetzel – Anything else on this? So you are going to get back to us on all that?

Alan Thomson – Oh, thanks.

Nichole Lee – I just want wanted to, it sounds like you are kind of wrapping up the regulation discussion. I just wanted to read in, if I could, a letter into the record. It is four paragraphs. It's not long.

Chad Whetzel – Yes, go ahead.

Nichole Lee - This is from *Tom Mumford, 720 SE Pheasant Run Ct, Pullman, WA. November 6, 2019. Whitman County Planning Commission regarding Draft Cannabis Ordinance.*

> *To whom it may concern. I am an attorney in private practice in the state of Washington. I was raised in Pullman and recently relocated back to Whitman County after living in Bellingham and Seattle. I have been following the issue of cannabis cultivation in Whitman County with interest and write to express some of my procedural and substantive concerns.*
>
> *I understand and appreciate that the Commissioners and staff have worked hard on this issue and that this is a complex matter with several sub-issues that require the exercise of considerable discretion. I have reviewed transcripts of previous meetings and the draft ordinance.*
>
> *My primary concern is that staff should be and remain policy neutral on this politically charged issue and should be offering alternatives for policy makers who then use their authority to make key informed political choices. These choices include the choice not to allow further cannabis cultivation in Whitman County as well as choices to require various levels of regulation from more strict to more lenient.*

These policy choices should be presented in a way that allows the commissioners to understand the different consequences related to different levels of regulation.

Substantively, I believe that the County must follow the precautionary principle of doing no harm in the face of uncertainty. There is not enough data on the environmental impacts of large scale cannabis cultivation, particularly regarding groundwater quantity and quality. Whitman County is unique in that we use very little irrigation and we depend on aquifers for our water. Large scale cultivation of a crop that depends on intensive water use may have unforeseen detrimental consequences, and more data is required before a decision of this issue should be made.

Finally, there is no urgency driving this decision. The Commission should take the time it needs to make smart choices for the future of the county without feeling pressure to produce an ordinance before all the issues have been thoroughly considered. Sincerely, Tom Mumford

Dave Gibney – Thank you. I guess I would say, we are not the political body. That is the BOCC.

Brian Davies – We will in our report to the BOCC offer all those other choices. But the large scale outdoor growing of cannabis is not going to happen in this County unless it is industrial hemp and that will change the whole conversation.

Nichole Lee – I guess as someone who is sitting here listening to the meeting it seems like a lot of these paragraphs in this ordinance point towards not being neutral in that we are talking about 200 feet, but if you want to change that to 50% less then let's go through this process. We are talking about if you're there then you're good and if any school or home or anything, than that's their tough luck.

It just seems like a lot of the verbiage tends to be protecting the cannabis industry. I also feel like we are talking 200 feet, 1,500 feet, we're talking about 400 feet, 500 feet, two miles, five miles, for anyone who hasn't sat down and done the math, okay if you're talking 1,500 feet around a whole perimeter of a ten-acre parcel, that's going to take up this much. I just feel like there should be, as Tom indicated in his letter, we should have a range.

Okay, this would be lenience, this would be a lenience option, 200 feet, but 500 feet or 1,500 feet would be much more restrictive for our cannabis growers or processors. Anyway, I just feel like it's all being put in here and this is, it's like, I know that you have put lots and lots of hours into this, but it just seems like there should be a range instead of, okay, this is what we are putting in 200 feet, that's good. We've put so many hours into this, so let's not mess with this. It just seems a little, I don't know.

Chad Whetzel – So, there's two things there. One where you are talking about codes. It doesn't matter whether it is an electrical code, a plumbing code or a land use code. It is always a minimum. That means your minimum standard. They don't say maximum. You can always go above and beyond. But this is the absolute you can do. It is there for a reason because you have to have a standard. We can't tell you what the maximum is unless it is the speed limit. Otherwise, when it comes to government, it is always the minimum standards.

Nichole Lee – Right, but what we are saying is, there is so much that we don't know still, about the water, about the air pollution, about the lights. When I suggested earlier let's go back to the Washington code, you brushed me off, you know, when we are talking about this is so subjective and it is. When I suggested

more objective was to refer to the Washington code that was brushed aside. Also, just we don't know, there is so much we still don't know about the water impacts, about the air, and lights. It seems like you are just throwing numbers out there without having the backing for it.

Dave Gibney – May I respond? We have debated these numbers and we've settled on some because we need to. One of the things I do know about the BOCC which is the ultimate decision maker here, is that they read the transcripts of our meetings and they take the discussion that we have as part of the decision that they are going to make.

So, what we say to them is where we came to a consensus or an agreement but it not to say that the BOCC aren't going to have all the same discussion that we've had in front of them for them to make these decisions. Again, as I said earlier, the other options of stopping or staying where we are or moving backwards and banning the existing those options are all on the table to the BOCC. They are all simple. This one of making something that might be a viable ordinance to regulate marijuana in this county, that is the heavy work and that is what we've been doing. As Chad said, we have to come to some number in the end.

Mark Storey – I understand what is being said here. But just to clarify from my perspective, what this board is tasked with doing is preserving rights on both sides of the issue. Not one side of the issue. Your goal is to balance property rights, private property rights composed of the existing people and the people that want to support the marijuana industry, whoever that might be. They have rights as well.

So, the goal isn't just to be one-sided in your protections. It's two-sides and that's the play under which I've seen this Board work through it. I don't quite agree with you. A lot of this has been discussed. Maybe we could look at more of the issues some more, that's up to you guys. But you're looking at both sides of the issue, not just one side.

Matt Sutherland – We've been working on this for quite some time and we had a water, heated discussions about things like that, the 200 versus 1,500 issue. But I think the overall tone and the overall format of this ordinance reflects the rest of what our county ordinances look like and how we address other issues too. So, it is goes with the theme of how we have our ordinances laid out.

Alan Thomson – I'd like to address a couple of things that you said regarding your concerns about the environment. Water, the wells, the ground water, we've covered it. You look at the language in here, it refers to certain codes in the WAC's and the RCW's about how fertilizers, etc., are being used. The State regulates that.

We have the WAC's referenced in here. It is a very highly regulated business and you can ask Brandon about that. Who visits him all the time and we, the code doesn't allow any water to go outside of the facility. It doesn't go into a septic system, no waste goes into a septic system. We have discussed this. We have thoroughly discussed this.

Lights, that is not a problem because we don't allow light to transfer outside of the property. You have to have downward facing lights. Air quality, we had tremendous conversations with WSU professors about terpenes, fascinating discussion that we all didn't know about. So, the odors that come off of these plants are very ubiquitous. They are all around us, so we learned that when you smell the marijuana plant, it is not going to harm you. I mean, it may cause some allergies and whatnot but that is the same with other plants that are out there. Pine forests and whatnot.

We've gone over all these things. I hope you recognize that we have done our due diligence here regarding impacts to the environment. I hope that you understand that. We have it written in the code. We have discussed it. We have it written down here. We are concerned about that and I'm not brushing you off with air quality. I think we have that covered. So, I just want to put that on the record. We have gone through all of those issues that you have addressed. We are considering the impacts to the adjacent landowners and the environment.

Matt Sutherland – So, from kind of what we have discussed today, it sounds like we are kind of going to that point where we are kind of wrapping the majority of this draft and he has a little bit of touch up to do. But I just kind of, was curious what our projected time line was from here is on our next steps, seeing that we are kind of getting toward that wrap up phase of this particular draft.

Chad Whetzel – If memory serves me correctly, the next six-month moratorium, we've still got until March. So this is November, the beginning of December we'll get back the next draft and then we can discuss it and see if there is anything else we need to tweek. With any luck we might not have to do another moratorium, it depends on how everything goes.

Alan Thomson – I think next month we will present you with the corrections that you made here, have that discussion and if you like, you are satisfied what that product is then you can let me know to start drafting a staff report to send to the BOCC. I've got a suggestion. I don't know if it is possible. That we should have a meeting with the BOCC maybe in January? Present the product and the report to them and we're going to have to have a discussion maybe. So what do you think of that? A joint meeting.

Guy Williams – You got a final public meeting too, right?

Alan Thomson – Yes.

Dave Gibney – Do we do a final public hearing?

Alan Thomson – If we're going to draft a code, we have to. Yes.

Dave Gibney – I think the BOCC in January, a joint meeting with them, public hearing in February and if they want to they can make a decision in March before the moratorium.

Guy Williams – They are going to want to have a public hearing too.

Matt Sutherland – So, we have to have a public hearing and the BOCC have a public hearing.

Dave Gibney – They can always extend the moratorium again, also. But if we have something for them to be working on by the end of our February meeting.

Matt Sutherland – My suggestion is that we plan our projected timeline in a way that allows the BOCC to not need to extend the moratorium unless they want to. So, it's not on us. Like they are not waiting on us and so therefore have to.
Alan Thomson – Keep in mind that even if they do extend the moratorium when the planning commission gets their task done they can end the moratorium any time.

Matt Sutherland – I just don't want to be the one they are waiting on.

Alan Thomson – Well, you don't want to rush it either. After the next meeting you're going to decide whether we have a finished product.

Chad Whetzel – To kind of tag along with that, I think we do have a little bit of an outline. So hopefully, if we do our, hopefully next meeting we will have it fairly well nailed down and in January we can do our meeting with the BOCC. Then at that time if we think it is, everything is good, if we need to we could do a second meeting in January at the end of January or the beginning of February.

Alan Thomson – I should start working on the draft report.

Chad Whetzel – The one reason I'm wondering and the only reason I suggested having our second meeting in January instead of the beginning of February is, I don't know what kind of turnout we will have for that. We probably should have one evening dedicated to that, as opposed to try and fit in other things too.

Alan Thomson – Are you talking about two meetings in January?

Chad Whetzel – Yes. That is just a thought. I don't know if it will work out but we can discuss it.

Alan Thomson – We have to get the staff report figured out so that will take a little bit of time.

Chad Whetzel – You've got Thanksgiving, Christmas, and New Year's. You guys aren't working for a while. That will give you lots of time.

Mark Storey – I just want to make sure it is on the record. Do not worry at all about when the moratorium ends. I know the BOCC are ready to extend it again if we need more time. They want it right, not quick. So don't even let that concern you. Figure out what your timeline is that you guys can go through a thorough process and make sure you consider all the things you want to consider and then turn it over to them, whenever that is.

Chad Whetzel – I do think January would be a good time to have the BOCC to tie up whatever loose ends they might have.

Mark Storey – They will be done with their year-end stuff by then, too.

Chad Whetzel – That will give them something to look forward to in the new year. Perfect.

Guy Williams - Weather may play a part in that, too.

Chad Whetzel – We might have another February all year long, I don't know. Anything else from the Board?

Keith Paulson – I'm sort of like Mark. I feel like this last little bit, we are trying to say that we are going to try and pin it down to this and I don't feel like we need to do that. If it needs to go on a little bit, let's, whatever the discussion is, let it continue.

Guy Williams – I think to me the key thing has been an advisory board to the BOCC is we've given them the pieces and the elements they have the right to change any measurement we put in here. So, when we have gone through a huge amount of discussion and given it our best shot.

Matt Sutherland – I partially argue that if we are going to recommend something I'd like to recommend something that we are all confident in.

Guy Williams – I totally agree, too. I'm just saying that in the end the political part of this comes down to the BOCC.

Dave Gibney – My suggestion was that I thought we could target having something for them to be deciding and hearing on by March. I don't think any of our discussion has changed that. We can target that and if we don't make it we don't make it.

Matt Sutherland – So public hearings and a joint meeting, I think it is good to think ahead a little bit and what we kind of want.

Alan Thomson – Well, let's talk about it again next month.

Keith Paulson – So what day?

Alan Thomson – December 4, 2019. Same time, same place. I'll send out the latest draft as soon as I have it done.

Guy Williams – Actually, do you want to have one in Cannon Beach?

Alan Thomson – Are you inviting us all down there, Guy?

Matt Sutherland – I will be out of town that day but I would like to call in.

MOTION by Keith Paulson and seconded by Matt Sutherland to adjourn. Motion passed.

Adjourned – 8:43