

**WHITMAN COUNTY
PLANNING COMMISSION
January 16, 2019
Minutes**

MEMBERS:

Chad Whetzel – Chair
Guy Williams – Member
Dave Gibney – Member
Brian Davies – Member

Matt Sutherland – Vice-Chair
Keith Paulson – Member
Russell Jamison – Member

STAFF:

Alan Thomson – County Planner
Katrin Kunz – Assistant County Planner
Ginny Rumiser – Clerk

7:04 p.m. – Chad Whetzel opened the meeting introductions of the Planning Commission members, staff and audience.

7:06 p.m. – Opened ZC 18-05

Applicant: Selway Holdings, LLC

Requests: Zone Change from the Agricultural District to a Limited Light Industrial District.

Location: The parcel is located in the SW ¼ of Section 14, Township 14 N., Range 44 E., W.M., Whitman County, Washington.

Katrin Kunz – So we have a zone change application from Selway Holdings, LLC. The proposal is to change the zoning from the Agricultural District to a Limited Light Industrial District for a 3.5-acre area and this area is located north of the intersection of Country Club Road and Flat Road, it's approximately 2 miles southwest of Pullman. The applicant has requested this zone change because they have proposed a marijuana processing facility and that is not an allowed use in the Agricultural District, it is only allowed in a Limited Light Industrial District. So, they need to change the zone for that. It's proposed to be a Limited Light Industrial District and the uses that are proposed here, that it is limited to is: (A) The manufacture, processing, compounding, storage, packaging, or treatment of food products; (B) The manufacture, assembly, compounding, packaging, or treatment of products similar to the following: scientific, business or industrial machinery or instrumentation; recreational equipment and clothes; drugs, cosmetics or toiletries, finished hardware products or construction specialties;

mobile or modular homes; (C) Research, experimental or testing laboratories; (M) Nursery/greenhouse/wholesale. So these are the uses listed in the Limited Light Industrial District and all other uses listed there will be excluded.

Chad Whetzel – Okay, thank you. We will now open the public testimony with the proponents.

PROPONENTS:

Jordan Zager – I am (inaudible) partner of Selway Holdings. I am a Pullman local of 5-years. We are proposing a zone change because as the Whitman County code is currently written, cannabis can be grown on any AG land. We are leasing the land to a company called Dewey Scientific. Dewey Scientific was founded by 2 PhD recipients, graduates from Washington State University and a medical doctor. The zone change is requested so that the extraction of oils from cannabis, such as the medicinal compound CBD oil can be extracted onsite, rather than sending that off to a different business. Dewey Scientific however, is not your typical cannabis company, their goal is not to just produce bud or weed or pot, whatever is sold to dispensaries, what they are more interested in is the breeding and the genomic characterization of cannabis, for research purposes and to improve the crop as a crop itself and not as a black market plant.

We've consulted with the County, the Department of Health and the Department of Ecology regarding the environmental impacts of the rezone to Limited Light Industrial, as well as ordered a Phase One environmental report of the property itself. We've passed every metric possible, our septic system is up to par for light industrial use. And beyond that, we see this as sort of a no brainer in terms of rezoning this parcel considering the neighbors, the Whitman County Roads Department being located right next door, the new WSU facility operations being located right across the road, as well as the WSU Dairy.

I guess that is all for my statement. Thank you.

Chad Whetzel – Thank you. Are there any questions from the Board? Are there any other proponents?

Paul Mihalyov – Thank you all for scheduling this hearing today. I am working with Dewey Scientific to start this company. I just wanted to say that we're really excited about getting it going. One of the reasons we started it, is because as the cannabis industry starts evolving in the State, we realized that as plant biologists that there was going to be a lot of things to work out and a new higher agricultural industry. A lot of people are getting involved who are not particularly familiar with agriculture and might not know a lot of the long term environmental impacts of pesticide use or herbicide use, all these kinds of things. So, I've actually been working with the University's Spring Wheat breeding program for the last 5-years and basically trying to find natural sources of disease resistance so we can reduce the environmental footprint of agriculture as a whole. So, in starting Dewey Scientific we are essentially interested in bringing more

scientific approaches and more realistic sustainable agricultural approaches to the cannabis industry, because right now it's still such a young industry that there is a lot of stuff going on that a lot of people are just not yet familiar with. So, we intend to really start to dive more into the science behind the plant and how we can do more sustainable agriculture. So, we're also partnering with the Phoenix Conservancy, we've been doing some control things with them to try to figure out what to do with this spare acreage that Selway bought. We're only rezoning 3.5-acres of the 9-acres so we have a couple of acres left over that we're not sure what to do with, so the Phoenix Conservancy is interested in restoring some of the farmland into natural native Palouse habitat and so we've been consulting with them to try to figure out what would be the best ways for the long term development of that land as well. Thank you.

Chad Whetzel – Thank you.

Dave Gibney – Do you anticipate any sales, is this going to be any income to the County from your business being there?

Paul Mihalyov – Yeah, I'm not exactly sure what the tax distribution is between the State and the County and the City. We're in unincorporated Whitman County, so there will be nothing going to the City, but I believe there is going to be a lot of tax revenue that goes back to Whitman County and that is just dependent upon the code for cannabis producers and processors in the County.

Guy Williams – What would the sales be generated from?

Paul Mihalyov – So, a couple different things, but our main product is going to be clones that we will be distributing to farmers in the area. Cannabis is kind of a strange horticultural crop, where it's pretty difficult to grow from seeds. A lot of it is vegetative propagation so a lot of farmers are struggling figuring out how to reuse the plant themselves, maintain mother bloom and actually have a reliable crop the upcoming season. We intend to be basically a nursery where people can buy clones from us and then we will have the extraction facility onsite as well to be able to extract the oil from the plant and sell it to, maybe edible manufacturers or whatever people are interested in our product.

Guy Williams – Thank you.

Chad Whetzel – Are there any other proponents?

Carsten Voelkner – I am not involved with Dewey Scientific. I know these two guys personally. I come from very very far away, I'm from Germany and one of the reasons why I came over here was for the American dream, washing plates becoming a millionaire and I think what these two guys did was actually incredible. Not only did they get their PhD, and I have the highest respect for that, because right now I couldn't imagine raising a company from the ground up like they did. They have acquired a lot of funding. During the last 4 years I have lived for Jordan for a while and the amount of

work that he has put into his company is really astounding and I'm proud to be their friend. They have worked their butts off to get this company going and I think that everybody who is kind of opposed to this rezone change should think about what that would mean for the aspirations of these two young PhD's that have just built a company, basically out of nothing. Thank you.

Chad Whetzel – Are there any other proponents?

Benjamin Lee – I am a third year PhD candidate in Entomology at Washington State University doing agricultural research studying the spread of viruses on native Palouse crops. As far as just the kind of scientific background, there is an incredible need for these kinds of breeding programs, especially in these emerging crops. I am convinced after being granted PhD's from Washington State University in plant science programs, people who I work with pretty extensively, there is a huge need for these kinds of breeding skills in the emerging crop industries that we know are providing a huge benefit to the Washington State economy. And I'm sure that through appropriate means, whatever tax policy is going through, that that money will flow back to the County and as far as helping to establish Pullman and Whitman County as kind of a center for plant research, I think an opportunity to have a little bit of private enterprise, a little bit more capitalist driven research in this, very clearly, prominently emerging field would be really beneficial to the town and the County.

Chad Whetzel – Are there any other proponents? We will move onto the opponents.

OPPONENTS:

Marcus Torrey – I live in rural Whitman County. I live in Cougar Ridge, which is just a mile to the east of the proposed development. I'm not speaking on behalf of the group although we share similar interests and I'm sure others will speak behind me. But, basically we're in opposition in the rezoning of the 3.5-acres for various reasons. Number 1, this isn't consistent with Whitman County's Comprehensive Plan from December 2014. There is no indication that the plan suggests that this should be a zoning area. You can clearly lay it out on your maps where Light Industrial, where the County wants it to be and this would be in conflict with that. Second of all, there is some water usage issues that I could touch upon, as far as the AG portion of it. I understand that there is nothing that can be done with the AG, they can grow wherever they want to grow, however that well is 170-feet deep, perks at probably 45 gallons/minute, that was 8 years ago. And they're going to be limited to 5,000 gallons/day. But, I don't know how that is being measured, if the County is actually putting meters on that or not. In addition in his SEPA Environmental Checklist, Selway filings in response to question 2A, indicate that, I'm sorry not 2A, in 16E indicate that the utilities, the future utilities at that site are TBD, which indicate to me that they can actually put in a new well if chosen, if their utilities need to be in excess of the 5,000 gallons/minute, I'm concerned about that. I've put in personally, my second well out there and I know there has been water table issues and whatnot. And we're concerned about the aquifer drawdown, because there has been a problem out there for years and

years. The other thing I have a concern with Selway is, that in response on the SEPA filings again in 2A, where they indicate no industrial emissions will be expelled, well that's not entirely true. The odors out on the Airport Road grow are overwhelming, in fact I spoke with a resident who lives a mile to the east today and she says that it's constant. The constant smell of gases, especially when they are harvesting is overwhelming and we have a problem with that. And I know Selway is concerned about that too, because they indicate that that there is "A large dairy immediately south of the project will create a symbiotic system of odor control with mutually beneficial results." I don't know what that means other than poop and marijuana smell together, do they cancel each other out?

We're worried about our children. We have 17 healthy school age children out in our development and we worry about the constant smell and odors. This is such an early industry that there has been no long term research done on the effects of the exposure, even casual exposure to the plant and the odors in the air. We're quite worried about that. Every time you drive by the Airport Road with your windows up and the air conditioning on, you can smell that. Anytime you drive by that grow out there, it's overwhelming.

We also worry about, Selway had indicated that out there they were going to have 10 fulltime employees with zero employees during non-business hours. There's been lots of instances of smash and grab break-ins of grow operations across the State and what happens with that. We're the only road right by there. We worry about the traffic, we worry about the comings and goings, and this is not a knock on Selway, the road is just not good anyway. It would not matter what business is down there. This is just more wear and tear on the road itself, as you know, you're consistently talking about that road, as far as how bad it is.

Besides that, we just don't feel as if it is a really good fit for the community out there. It's going to lower property values, lower possibly tax revenues from our properties when they get reassessed, because there is no doubt that this is going to lower property values out there. And I just don't see that having a processing plant out there is the right thing for the group. I mean, I think there's better places in the county to do it, less invasive, I mean Whitman County is a huge county. You can't tell me that they can't find 2-acres somewhere else to process their weed. And let's be clear about this, they just told us this was a cloning operation and selling oils to edible groups.

Chad Whetzel – Are there any questions from the Board? Are there any other opponents?

Matt Sutherland – Can I ask you (Alan Thomson) a question?

Alan Thomson – Certainly.

Matt Sutherland – Can you explain to me one of the critiques we have about the Comprehensive Plan? Can you clarify our Comprehensive Plan with regards to this current proposal?

Alan Thomson – The map in our 1971 Comprehensive Plan is massively out of date, obviously. And that is not something that we go by because the verbiage in the Comp Plan clearly allows for zoning in the county for industrial purposes. That is one of the things that GMA requires us to have in the Comp Plan and I have the language here for you to look at, but it's very clear that it says, there's a couple of components to it. Encourages industrial zones to be within 2 miles of any incorporated town or any of the little towns, unincorporated towns and then outside those areas if it fits the environment. So, in this case, you've already got a farm there, a dairy, there is a Heavy Industrial District right next door. If we weren't allowed to consider other areas for industrial purposes, we wouldn't be able to rezone anywhere else in the county.

Matt Sutherland – That's kind of what I thought. I just wanted to clarify that.

Alan Thomson – So that is why we do it this way. It's unlike a town where you can pre-zone inside a town or city and that is usually what they do. You can't do that in a huge agricultural community or county, we can't pre-zone, because we don't know where people are going to want to move a business. So, it's written in the Comp Plan that allows us to consider those areas outside of cities and towns.

Matt Sutherland – Thank you very much.

Dave Gibney – To be clear, the County property adjacent to this, that's the Heavy Industrial that you're referring to?

Alan Thomson – That is the County shop.

Katrin Kunz – Heavy Commercial.

Alan Thomson – That is a Heavy Commercial District. And also there is Paulson's Plumbing close by on Country Club Road.

Chad Whetzel – It's about ½ mile and then whatever, the Swine Center and whatever else, facilities that are moving out there from the Airport.

Alan Thomson – Right, WSU they're moving a big facility out there too, in the immediate area.

Chad Whetzel – So, real quick. I've heard about it twice, so are you processing marijuana on this site or are you growing it or both?

Jordan Zager – Both of those activities will occur, the growing and the processing. In terms of the processing, it will take place in an 1800 sq. ft. shop, which is already

located on the premises. The use of super critical carbon dioxide technology will be used, creating no emissions. It is the best, greatest current technology. It takes carbon dioxide gas, pushes it into an extremely small chamber under extremely high pressures and extracts the oil. So, you don't have even ethanol as a byproduct, you don't have butane gas being a waste into the environment. The methods that we will be using are 100% renewable and 100% environmentally friendly. Now that is not to say that the growing of cannabis may have an ill effect on the environment. You know, fertilizer use is a very real problem. The water issue was brought up. We know that the Palouse Aquifer is lowering every year. We're going to take the measures necessary to reduce our water use.

Chad Whetzel – I just wanted clarification...

Dave Gibney – Chad, could I suggest that we allow the rest of the opponents speak and then have a rebuttal and answer period?

Chad Whetzel – Yes, thank you Dave. I just wanted to clarify that one point. Are there any other opponents?

Steph Fosback – I am a Pullman resident and I live next door to the Torrey's. I live on Country Club Road and I have lived there for the past 4 years. It's a great place to live. When I first heard about this, I should tell you that I am not an anti-marijuana person, I'm a physician and I prescribe marijuana. I use it for medicinal purposes and I am really an evidence based person. So, I went and looked at the literature, which is what I go to for everything. I was trying not to be emotional or reactionary, I was trying to be very scientific about it, which is how I go about much of my life. And I went online and started trying to research what are the hazards of, you know, or actually what I mostly looked at was how to start up growing it, because that is what is mostly out there. I don't have a PhD and you all seem like very smart people and I thought you had very eloquent points. But, I think to your point, which was, we don't know and you saying that to me, which I hear you, we don't know and it's great to want to study these things, but we don't know. And the fact that we don't know, and you're going to be moving a mile away from myself and my 2 small children and using my aquifer and polluting my air, when I run down that road and I'm asthmatic, makes me a little bit sad. And so that is not trying to make an emotional argument about it, but I think it's really important to know that when you're zoning this, we don't know what the impacts are. I tell my patients that a lot when I prescribe marijuana, "Gosh I hope this works for you and I hope it's safe". The true point is, we don't have a lot of studies to show either way. We don't have a lot of randomized control trials and so, I would say this, I hear you, I appreciate your entrepreneurial spirit, I appreciate the science that you go on, like plant by plant, I have no capability to do that with you on an educational basis, but I would just say to your point we don't know, and asking for all of us to be really open and accepting in our own environment, when we know the air is going to change and you know the air is going to change. Airport Road is a very good example of that, it's hard for me to embrace as a local taxpayer, as a homeowner, and I'll tell you this, I own a really nice home on Country Club Road and I wouldn't have built it there if I had known

that there was going to be a marijuana grow and process place down the road and if I could have smelled it from my house. And if my children were going to be out and exposed to that in the air, because to be honest we don't know and so I'm a taxpayer in Whitman County, I'm a homeowner in Whitman County, I've been dedicated to the health of this community for 10 years and I'm going to be dedicated to the health of this community until I'm so demented that you all have to wheel me out of here. And I think part of us asking about being dedicated to the health of the community is asking we don't know what this means, we know what weed does, okay, we what weed does, we know how to turn those crops and I agree with you, the science needs to be done, but I don't want it to be done down the road from my house. Thank you.

Sara Frances Torrey – I live with the Torrey's and as Stephanie Fosback said, we don't know the effect it's going to have around us and there are a bunch of kids in our neighborhood and we like to be outside. We don't want to have to smell that and be exposed to it or any drugs of any kind that we don't know much about. It's really just, it smells bad and we don't know much about the effects of it, that it could have on the kids in our neighborhood. That is really all I have to say.

Chad Whetzel – Thank you. Are there any other opponents?

Kathy Prout – I live on Wilbourn Road, it's about .8 miles away from the facility. I just had some questions, so tonight it's a zone request to industrial, or light industrial and then a couple of weeks it's a conditional use, so is the conditional use for marijuana processing or is it just a re-issuance of a greenhouse? I was just wondering what the difference is.

Alan Thomson – The way that the code is framed, requires two things to happen, because there are two things going on with the proposal. One, they're going to grow marijuana, which is considered an agricultural product. And two, they're going to process it. So, they're going to change the marijuana into other things. Maybe some oils or edibles. So, County code states that in order to process it, it needs to be in a Light Industrial District. That is what we are here to hear tonight. The proposal to change the zone to Light Industrial, so that would make them compliant with the code. However, in a Light Industrial District, agriculture is a conditional use.

Kathy Prout – Oh, so it's when it gets changed into the Light Industrial, because the greenhouse already had a conditional use.

Alan Thomson – Correct, yes. So that is the reason why we have to go through a conditional use.

Kathy Prout – Okay. Well I am here because I don't like the new designation or the new introduction of a Light Industrial zone onto Country Club, even though there is the Heavy Commercial of the shop and then the Farm Services kind of changed me. That whole neighborhood is changing and I don't like the changes because of the water use. So, they put in the Farm Services and then immediately on the hillside above the house

is a brand new water tower. A big tank, a huge tank, as big as a grain elevator. And now the University is using more water, I think they must be to fill that tank, I don't have the figures. And then 5,000 gallons in the initial proposal, so what happens is, it seems like we accept these things like, okay it's just one Light Industrial area there won't be any more. But it seems like things, in 5-years they could come in and say, "Hey, we're doing so good, we would like a bigger development". So those are the kinds of things, and right now the reason it's Ag is because it's totally appropriate to be an AG District. I'm not sure the Light Industrial and the water usage is beneficial to me.

Chad Whetzel – Thank you. Are there any other opponents?

Dave Gibney – As a bit of clarification, they could grow the marijuana and do their cloning operation with it zoned as it is.

Alan Thomson – Correct, no permitting required.

Dave Gibney – No permitting required, okay.

Guy Williams – It's the processing.

Alan Thomson – It's the processing, yes.

Dave Gibney – And such processing is not allowable as a conditional use in the AG zone?

Alan Thomson – No it isn't.

Dave Gibney – Okay.

Chad Whetzel – Can you refresh my memory, before I go on, I recall that there was something about the marijuana and growing and selling in the same facility?

Alan Thomson – That is the State Liquor and Cannabis Board that makes those regulations not local regulations.

Chad Whetzel – Not local, okay.

Alan Thomson – So, you can apply from the LCB Board, a grow and processing license. Processing, as far as the LCB is concerned, is a different meaning from what Whitman County means it to be. So, you can grow and you can actually process, but you cannot combine that with a retail. The retail is separate. If you're going to retail that is all you can do. But the other two parts, you can do both.

Chad Whetzel – Okay.

Marcus Torrey – Can I submit in writing from one of our other residents?

Chad Whetzel – Yes, please bring that up. We will take a minute to read this.

Dave Gibney – And give everybody another shot. If you're going to put that into the record, we need copies or some way for us all to see it.

Alan Thomson – Katrin, can you go up and make some copies?

Katrin – Yes.

Marcus Torrey – I have extra copies, they're just not signed.

Chad Whetzel – That's alright as long as they contain the same content.

Justin Rogers – I live on Country Club as well. I echo a lot of the comments that have been made, but I felt that it was important for me to also say something. On the planning end, I know that there is a lot of planning that is done for different zones, that they are compatible. One question that I had is, is it all commercial zone on Country Club? Is it all Commercial zone, is that what it is, you know, the shop and all those? Is there any industrial on Country Club, as it sits right now?

Alan Thomson – The shop is zoned Heavy Commercial.

Justin Rogers – Heavy Commercial?

Alan Thomson – Heavy Commercial, yes. And I'm not sure what Paulson's is zoned as, I don't know if it's zoned anything other than AG, but I'm not sure on that.

Justin Rogers – What distinguishes an industrial zone versus a commercial zone?

Alan Thomson – The type of uses that are involved. So, Heavy Commercial and Heavy Industrial are very similar. The best answer that I can give you is, you should read the codes and they are very similar. But, Light Industrial is slightly different. The typical understanding of Heavy versus Light, Light Industrial is more akin to research type of facilities and not Heavy Commercial, or Heavy Industrial which would be mining or trucking companies, obvious big impact type of industries, big type of uses. Light Industrial is more low key compared to that, so research facilities, processing facilities, such as this, medical industries, that type of thing.

Justin Rogers – Is there any regulation for well water usage in an Industrial, does that change it? Like if you have a residence, you can have 5,000 gallons a day, as I understand, then if you go to Industrial, is there any regulation on that additional or monitoring or anything like that?

Alan Thomson – So, water usage in the State of Washington is regulated by the State Department of Ecology. Not the local departments, not Whitman County. So, when you want to drill a well for residential or commercial purposes, you have to hire a well driller,

that well driller gets the permit from Ecology. So, Ecology is really the persons that are controlling water usage and 5,000 gallons/day, in other words up to 5,000 gallon/day, it doesn't mean that you're using 5,000 gallons a day. The typical household is probably somewhere in the region of 400-600 gallons/day, unless you've got a really big lawn and a whole bunch of trees. So, these commercial uses or industrial uses are held to the same standard, unless you have a water right. Now, WSU, next door, they have a water right and they're using their water right. So, that's WSU's water right, which allows them to withdraw much more than the 5,000 gallons/day if necessary. That comes under the rubric of WSU. The rest of it is all private wells. Wells are not monitored, there is no meter on any well, domestic or commercial in the State of Washington right now.

Guy Williams – That's not true.

Alan Thomson – Well, as far as our usages are concerned, houses. The Department of Ecology is not requiring wells, and there may be some wells out there, yes, but they are not requiring monitoring on wells. So, if you have a household and you want to drill a well Ecology is not going to ask you to put a meter on it. So, typically that is the way it is. That would be their responsibility, Ecology's responsibility to change. That is something that the State Legislature would need to pitch in on. And right now they are not metering it, so nobody knows exactly how much water anybody is using.

Justin Rogers – I'm probably like everyone else, I'm just trying to learn a little bit more about this and I've learned that, at least what I have read so far, is marijuana is a thirsty plant and it takes a lot of water. So, I know we've expressed that concern, but that is a serious concern. If we have neighbors that are having to re-drill wells, that's a serious thing. I guess I would just request that you would please consider the compatibility with this operation. And again, when I looked into the Comprehensive Plan, there were, I think they are called opportunity zones for industrial that have been laid out and it was in that 2014 study and maybe there is something more recent, but there was nothing in there... If you picture a developer or just someone who wants to do a cluster development, one important thing that they look at is, what is the Comprehensive Plan, what is the plan of the county and if there is industrial zoning and those things, then those things get looked at and at least at that point you could make a decision and say maybe I don't want to build in this location. But, in this case, that I'm aware of, there were no industrial zone areas on Country Club. So, if you would just please consider the compatibility of those uses. And then in addition I realize that the marijuana grow can happen, at least outright at this point. And is there regulations that we can look at, I was kind of reading about other states. This is becoming a major issue and just regulations to control the emissions of the air, the polluted air that comes from these facilities. I could just see this, you know, I've heard that there is a ton of money in it and there is nothing against the entrepreneurial spirit, it's just, I think we need to do this in a very reasonable way. Again, if you would just please consider that. Thanks for hearing my comments.

Chad Whetzel – Thank you. Are there any other opponents? None? Then we will go back to the proponents for rebuttal.

Dave Gibney – Are there any neutral comments?

Chad Whetzel – Sorry, are there any neutral parties who wish to speak?

Ken Duft – I reside on Brayton Road, some miles distance from the location of the proposed zone change. I hope the Commission will interpret my comments as being neutral and only cautionary in nature. My understanding is that there will be a significant amount of research being conducted at this location as proposed. Research as it relates to the breeding improvements, perhaps insect control etcetera. The presumption is therefore that that research may either now or in the future be involved or will involve personnel from WSU in the form of graduate students who have current interest in this subject or who are maybe writing theses and so forth. If that be the case, we're talking about graduate students with potentially assistantships financed by USDA Agricultural Research Service and my supposition is, that Federal regulations that now restrict activities related to the production and distribution of marijuana may potentially impact the sourcing of those funds. I would just caution you to perhaps give that some thought. Thank you very much.

Chad Whetzel – Thank you Ken. Are there any other neutrals? We will open it up for proponent rebuttal and we will try to keep this short.

Jordan Zager – So, as to the point that this is not compatible with the Comprehensive Plan. This research station, as it was from day one in 1995, has been there longer than the majority of the homes on Country Club Road. The Airport Road odor point, so from our location to the nearest house on Country Club Road is 1.2-miles. A similar distance is the distance from the terminal to the Burnwell Grow facility. I personally, I fly out of Pullman-Moscow probably once every other month, I've never noticed the odor of cannabis at the airport from the Burnwell Grow Op. The issue of water usage. We're well aware of and we are very concerned, trust us. Cannabis can be a thirsty plant, but we are growing all of our plants in pots, about this big, it restricts the size the plant can actually get and our plan is to be watering them less than a gallon/day/plant. Under Washington State law and our grow license only allows for the cultivation of 30,000 square feet of plant canopy, which in the number of plants is about 1,000. So, if we're going by that gallon/plant/day, we're only approaching 1,000 gallons of water, nowhere near the 5,000 gallons/day limit that we are entitled to. Then, we just wanted to reiterate, while we are Cougs, we're graduates of WSU and no WSU resources are going into this operation whatsoever. Thank you.

Matt Sutherland – Can I ask some clarifying questions? On the water usage. Is there any difference in the amount of water you'd use if you're growing versus processing?

Jordan Zager – If we were unable to process, we would likely have to shift our business model to grow more plants and would likely need to use more water. In the processing of cannabis, extremely little water is used.

Matt Sutherland – Okay, that is more of what I was asking about. Thank you. Then, can you reiterate, because I heard comments about health and safety and research of marijuana, can you comment on that real quick for me?

Jordan Zager – As far as I know, the scientific research for the human affect from cannabis, a lot needs to be done. The National Science Foundation and the National Institute of Health have sort of ignored this plant, drug or whatever you want to call it, for 40 years. In terms of the odor that we may be producing, that we will be producing, no study, no one has determined that the odor of cannabis is detrimental to anyone's health. Whether it's the elderly, newborn babies, toddlers, the sick, the odor of cannabis is just that, it's just a plant odor the same as mint, it's the same class of compounds as mint, as hops, name the crop and I could name a compound that that plant produces, that cannabis produces.

Matt Sutherland – Thank you. That answers my questions.

Guy Williams – You said your license with the State allows you how many square feet of growing?

Jordan Zager – 30,000 square feet of plant canopy, is what the Tier 3 Cannabis license allows. So if you think of an acre, that's 40,000 square feet. We're proposing to rezone 3.5-acres, so 150,000 square feet and of that we can only have 30,000 square feet of plant canopy. And honestly we don't think we'll reach those levels, even if we had a staff of 250, we probably wouldn't reach those levels.

Keith Paulson – I understand what cloning is, but I don't understand what cloning of marijuana is.

Jordan Zager – Okay, so with the growing of cannabis, very rarely do we start from a seed. This is because, if you have siblings, you have the same parents, but you're all different, right? So, if you're starting with seeds of cannabis, you have your mother and your father and then all these seeds, when they grow up they're going to be very different. I know I'm not much like my sisters. So, there is that aspect. So, the cloning aspect is, you've found this variety of cannabis that you love, it uses less water, it smells better than the rest, what you do to replicate that plant rather than hope it makes seeds that are identical to itself, which never happens in biology, you take a cutting of the plant, you expose it to some plant hormones, and you stick it into a product called "Rock Wall", it's about a 1" square. And after about 2 weeks, new roots have formed off of that cutting and that is a new clone. So, in cannabis you don't deal with seeds, you deal with clones.

Keith Paulson – And that is what you are selling, is the clones?

Jordan Zager – That is what we are selling to other farmers, that is correct. So, we'll do the breeding in-house, develop better varieties and sell those varieties to other farmers.

Guy Williams – Do all of your sales and your point of sale will be your facility?

Jordan Zager – I would say zero percent of our sales will be at our facility. If we're working with retailers, we have to deliver the product to the retailer themselves and the same goes with the clones. If we want to buy clones from a farmer, they have to bring it to us, if we want to sell clones to a farmer, we have to take it to them.

Guy Williams – So, potentially there could be zero tax impact for Whitman County.

Jordan Zager – No, so the cannabis tax, in terms of the sales tax is only taxed on the consumer at the retail level, 37% I believe. And that is all of the cannabis tax. What we would be taxed on is our income for the County as a business, just like every other business, the B & O tax.

Chad Whetzel – You're more of a wholesaler than a retailer.

Jordan Zager – That is correct, we are not a retailer.

Matt Sutherland – So, there is 100% some sort of tax benefit to the County.

Chad Whetzel – Are there any other questions.

Dave Gibney – So, Alan on the odor issue, does not Ecology also regulate the odor of just about any business, dairy or cannabis or quarry or whatever?

Alan Thomson – Yeah, it's just like noise. The Department of Ecology, well there are State regulations and we go by the State regulations for noise and for odor.

Chad Whetzel – Okay, just a question on that. We have marijuana listed as an agricultural product, correct?

Alan Thomson – It's an agricultural use, the growing of marijuana is an agricultural use.

Chad Whetzel – Does the changing of the State law affect our code, at this point?

Alan Thomson – Changing of the State law, how?

Chad Whetzel – The last thing that I read on it was, that is was not considered an agricultural product.

Alan Thomson – That's probably correct, but we get to define, we being the County commissioners, get to define what an agricultural product is. And in our Code the

definition of agricultural products includes horticulture, plants such as cannabis, which is horticulture. So, we through Denis Tracy, Prosecuting Attorney, we have determined the growing of marijuana is an agricultural activity.

Brian Davies – State wide is that sort of how the counties are dealing with this?

Alan Thomson – I don't know.

Chad Whetzel – Spokane County I don't think has allowed much of anything.

Alan Thomson – Some counties have banned it. So, it's different from jurisdiction to jurisdiction.

Dave Gibney – For that matter, Whitman County banned it for a period of time.

Alan Thomson – We had a stay of time in order to decide some things, we didn't ban it, they just put a hold on it while making a decision.

Dave Gibney – A moratorium on it.

Alan Thomson – Yes.

Dave Gibney – As did the City of Pullman.

Brian Davies – So if a vineyard wanted to put in a processing facility, would they jump through the same hoops?

Alan Thomson – That is actually a part of the definition of agriculture. So, the growing of grapes and making wine is an Ag activity, outright. So, they wouldn't need anything.

Brian Davies – So, no special permits or conditional use.

Dave Gibney – But if they are going to take their wine and turn it into brandy, then they're in a Light Industrial District.

Alan Thomson – Yes.

Chad Whetzel – Are there any other questions for Alan?

Dave Gibney – You should let the opponents have a shot.

Chad Whetzel – Yes, are there any opponents who have a rebuttal?

Kathy Prout – I just wanted to rebut the fact that if the greenhouse has been there since, I can't remember the year that it went in, but it was a greenhouse, it wasn't a processing facility. It had a history as a greenhouse, not as a processing. And I'm probably

shooting myself in the foot, but in my memory Country Club Road is actually, I thought, designated an economic development area, or friendly to economic development. At the time that the greenhouse went in, that was the case.

Alan Thomson – What year was that?

Jordan Zager – It was in 1995 and it was a research station.

Ginny Rumiser – That was for Dr. Konzak

Alan Thomson – There wouldn't have been any special zoning associated with that, that would have just been the Agricultural District at that time. So, I don't know what you're referring to.

Kathy Prout – It was some kind of thing allowed, because of the Swine Center and that's how Paul Coons got in and that is where the friendly to economic development came from. And I might be wrong, but my memory of it.

Chad Whetzel – Okay, is there any further discussion from the Board?

Matt Sutherland – Well, personally I was going to make a comment, kind of like what we were discussing earlier, if this were grapes and talking about turning them into brandy, I feel like we would make a decision that's pretty similar to decisions that we have made as a Board regarding any other issue. I would hate to make a decision on this matter that would set a precedent that we were going to specifically be different with a certain agricultural product. So, I'm kind of leaning and I've heard some of the concerns and one of the big ones is water usage, it doesn't sound like turning it into a Light Industrial zone changes the water usage from what they are already doing. As far as break-ins, I don't think that's a reason to specifically stop us from providing the zone change. It sounds like it is pretty congruent with our Comprehensive Plan in encouraging folks to, not only be entrepreneurs, but use this land in a way that benefits the County as a whole. The odor is not much different than other potential odors that we would find and the Department of Ecology clearly regulates those kind of things for safety concerns. My personal opinion is, this one is pretty similar to other decisions that we have made and I think we should probably vote yes on this one.

Guy Williams – Do we have any reports from the County Road Department?

Alan Thomson – Yes, we've already talked with the Roads Department and they have no issues with this. The amount of additional traffic is minimal and it's just personal cars going back and forth for the number of employees that would be there and the number of employees would be, how many again?

Jordan Zager – Up to 10, but currently we're at four and we like to carpool.

Alan Thomson – So, no concerns with the County Road Department.

Chad Whetzel – And if I remember correctly, in the past, I have been out on Country Club Road and I can sympathize with the people who have to drive it, I understand it's not a fun road most of the year. But, in the past, the road determinations on whether or not they get paved is based on usage. And so, if you're concerned about the road the more people the sooner you're going to get it paved. Is that correct?

Alan Thomson – It's the County Engineer's call and the traffic on Country Club Road doesn't come anywhere close to needing to be paved.

Matt Sutherland – The last concern that I heard that I feel I will address is, that the opponents were concerned that the applicant could come back in and ask for more land potential or continue to grow in land mass. If they're successful, I would hope that we would encourage that as we would with any other businesses or any other agricultural folks in the area. I think that would be a similar thing to hope for in our county.

Brian Davies – I have a question Chad. I'm looking at Exhibit 2, I'm guessing that this is the WSU dairy, across the intersection there of Country Club and Flat Road? And these would be the waste water lagoons?

Chad Whetzel – Yes.

Alan Thomson – Those are associated with the dairy.

Brian Davies – And so the prevailing wind is still from the west, isn't it?

Chad Whetzel – West to south, mostly, occasionally from the east and rarely from the north.

Brian Davies – I was just wondering where the majority of the residential areas are from this proposed zone change?

Alan Thomson – On Country Club Road to the east towards SR 195, there is a concentration of residences there. And there are some other houses around this area that are spread out.

Brian Davies – I was just wondering, because I drive SR 195 twice a day and if the wind is just right, the people that are to the east of the WSU Dairy and as far as the top of Johnson Hill, you can smell the WSU Dairy every day. I don't think this facility is going to generate nearly that kind of an odor.

Rusty Jamison – Mr. Chairman I have a question. What areas in Whitman County are already designated to where this kind of processing plant can be located?

Alan Thomson – Very very limited. Like I explained before, we don't pre-zone, so anything that has been changed to a different zone is for a specific purpose. A

business person comes to us and says they want to do this business in Whitman County and the Planning Department's job is to try to figure out, one does that fit for the location they're thinking about, as far as the Zoning Code is concerned. And if it doesn't, then two, is this an appropriate area for whatever zone would fit. So, that is how we do zoning in Whitman County and there are no areas where we've pre-zoned something like Light Industrial. There are some Light Industrial Districts around, but businesses are already operating on them.

Rusty Jamison – So, if this was to take place, say within the city limits of Pullman, it would be up to the City's Planning Department to make a yea or nay decision, is that correct?

Alan Thomson – Correct.

Rusty Jamison – Or any other town for that matter.

Alan Thomson – Except for the unincorporated towns, which are under our jurisdiction.

Dave Gibney – Most of the objections that I have heard tonight are objections to something that the landowner could do with the property as it exists. They could grow the marijuana, they could use the water, and they could produce the odor. One of the things that I have heard often, sitting here, is that this action will or will not reduce my property values or will or will not increase them and as far as I know, there has never been any actual evidence one way or the other of what a specific zoning of an area does to the surrounding area. It's entirely market driven and economic driven thing of the time. It occurs to me that the odor cited from the marijuana processing plant or the marijuana grow plant near the Airport, if that is truly offensive then the people should be taking that up with the regulatory agency in charge of that, which is Ecology. I sympathize with the people who are in objections but I don't see any grounds we really have to reject this.

Matt Sutherland – So, unless anyone on the Board would like to stop me I would like to move that....

Guy Williams – We need to close the public hearing first.

Dave Gibney – You may want to give them one more shot at talking, just to be nice.

Chad Whetzel – Is there anyone else on the Board who has a comment or concern?

Keith Paulson – I have one question for the first gentleman. When you were talking about the other 5-acres that you weren't really going to do anything with, you were going to go back to native vegetation.

Jordan Zager – Currently we are weighing our options. In the past, so that this property was pre-zoned by Bedow and they allowed the neighbor, Cris Kincaid to farm it. We've

informed the Kincaid's that we will be closing in and farming in the front portion of this property, but that the remaining five or so odd acres are still available. We've been in contact with the Phoenix Conservancy, they are an endangered habitat restoration group. They are based in Pullman but they work beyond just the Palouse, on restoring some of that land, really to reduce our impact. Introducing a new plant species is going to change some of the biodiversity surrounding the area, so if we can mitigate that by re-introducing some plants that frankly don't grow anymore, because the wheat out competes everything, in our eyes that's a good thing, we're restoring some natural habitat.

Keith Paulson – So, am I thinking wrong, if they change it back to native vegetation they will never be able to take it out of that?

Alan Thomson – You're talking about specifically Palouse Prairie remnants. That is a tough question.

Dave Gibney – Actually isn't it a known stated thing that Palouse Prairie cannot be recovered or mitigated or regenerated.

Alan Thomson – It's very difficult. The original Palouse Prairie had roots that went down 3-4 feet...

Dave Gibney – Actually 30-40 feet.

Alan Thomson – No, I don't think so, I didn't hear that much.

Dave Gibney – Double digits.

Alan Thomson – Pretty deep anyway. So, to replicate that would take one heck of a long time, so when this area was inhabited by Europeans and Brits, my natural culture here, we ruined it. So to replicate that eco-system is extremely difficult and the biology is not certain. They are trying to replicate it, they're trying to re-grow it, but it's very difficult to do and it's taking a very long time.

Keith Paulson – I thought we had some people in the audience once before that said they were trying.

Alan Thomson – They are.

Keith Paulson – That would be that, but then you could never build on it again.

Chad Whetzel – If successful.

Keith Paulson – If successful, it could be a lot of years.

Chad Whetzel – Food for thought.

Rusty Jamison – I have had a chance to read through things and read through some of it before I got here tonight. Sitting on this Board is somewhat difficult for all of us. The purpose of this Board is to not allow our opinions on whether we like something or not making decisions. It's based on what the laws are in the County and that is what we have to do. I mean it's, we review what County regulation is and we determine whether a project can fit in with that regulation. And I have to say here, I personally don't like this kind of stuff in our county, there hasn't been anything brought forth that really says it's against the law of the county or the regulations that we have. I understand your concerns, but I don't really have a reason, other than my own personal opinion, that would be like yours, to say no. I just want you to know that, because all of us on the Board, we all have opinions, but we can't say whether we like something or not when we're making these decisions. I wish we could, but that's not our role.

Matt Sutherland – Mr. Chairman at this time can I put a motion on the floor?

Dave Gibney – We haven't closed the hearing yet.

Steph Fosback – I was just curious as to if the County was going to be liable for any health things. I mean we don't know, but I bring that up and I do say that is a real thing. Honestly is really isn't my opinion, I would have called myself neutral going into this initially, but I would caution you all in allowing a lot of agricultural, regardless of any agricultural stuff that we don't understand or know the long term outcomes from the health standpoint, from the whole public health standpoint, until research is done. I know this isn't going to change your minds and I hear that you all are following the law and I understand that, but I would just plant that seed of caution in everybody's mind. Not just with marijuana, but with anything that we don't know. We are a state of Hanford, we are a state of a lot of public health sadness, with a bad track record. And probably when Hanford was going in, they were having a similar sort of thing and I'm not saying that this is another Hanford, I don't mean to sound dramatic. But, I'm just saying we don't know, but I want to plant seed of caution in everybody's mind, because I'm going to remind you all, 30 years from if this goes bad, I'm going to tell you I told you so. It might be fine, we all might be fine, but we don't know. We are not a state of a good track record of making good health sense.

Chad Whetzel – Thank you. Does the Board have any more questions?

Justin Rogers – Mr. Jamison you are pointing out, or you had asked the question about the zoning and if there were any other areas that they had looked that are more in line with the Comprehensive Plan? To me if we have a Comprehensive Plan, then if we don't use that Comprehensive Plan, even though we have a pre-zone, if we don't use that, then that seems a little bit irresponsible. To me it seems like it's this group's duty to weigh that out. If we don't pre-zone, then I think we need to consider the compatibility and if it's not compatible with the Comprehensive Plan, then I guess it just doesn't make sense to me. If this is an area that it was desired to have an industrial use, then why wouldn't the Comprehensive Plan suggest that? It just seems like

instead of being ahead of it, we're just kind of whoever wants to put anything anywhere, then that's okay. Because I think about, what if a Cluster Development wanted to come right next to the dairy farm or are there any areas where cluster developments have been requested and because it didn't seem like the use was compatible, I guess if we're talking about precedence, has there been any cases where cluster developments have been requested and because the County didn't believe that it was compatible, were those requests denied?

Chad Whetzel – There are two questions there and I'm going to let Alan talk to you about the difference between fully planned and partially planned and the clusters.

Alan Thomson – I will also address, Justin, your concerns regarding the Comprehensive Plan. I'll tackle that one first. There are certain elements in every Comprehensive Plan. We have one that is called an Industrial Land Use and I would encourage you to read it. Our Comp Plan is online at www.whitmancounty.org on the first page you'll find a link to the Comprehensive Plan. I'll just read to you the first statement, Goal One: *“Encourage the development of new industrial uses consistent with the agricultural and academic heritage of the County as a means of supporting the long term economic health of the county's communities.”* So, my rebuttal to your comment is that the Comprehensive Plan very clearly allows for rezoning industrial uses in the county under certain circumstances. So, it's all written down in here and I wish you would read it, because your statement is not correct regarding it's inconsistent with the Comp Plan.

Justin Rogers – I think it's different if you're encouraging that. I think that's good, but if we're talking about, if you were to just take Country Club Road and you're separating 5-acre parcels headed out towards the river, I don't think anyone would see it as a good thing to say you take residential houses then industrial and then you put in residential houses. Like it seems to me there should be some, and I'm not tearing out the planning side, it's just to me there is still reason to look at that. Isn't that what this Board is about, is to make those decisions?

Alan Thomson – Yeah, that's what this Board is about, but like Rusty said, it's abiding by the law, what is allowed. The Comprehensive Plan allows for this kind of designation and the Zoning Ordinance also allows it. And that was determined by the County Commissioners back in the '70's. This is how we're going to use the land in Whitman County. It went through a whole public process in order to be created and also the Certificate of Adjacent AG Use, which every residential owner has to sign in order to build a house, states very clearly that this is Ag land and you have to tolerate agricultural activity and that goes with your plat, your deed.

Justin Rogers – Yeah, I remember that.

Alan Thomson – So, you have actually signed away, unfortunately, it says that you have signed away your right to complain. So, the intent by the County Commissioners, at that time, was this is an agricultural community, not a residential community. And we do allow houses to go out there, but everybody who wants to live in the country needs to

understand that there is Ag activity there, that is the life blood of the county, and we don't want to impact it. That in effect is what that says. And that is why the Comprehensive Plan allows for industrial uses that support agriculture and other businesses. And that is the way it was crafted, until we re-write the Comprehensive Plan, that's just the way it goes and we have to abide by that regulation, that law. But, we do take into consideration your concerns. And if something did arise to the level of a real big concern, then yes this Board would definitely evaluate that.

Chad Whetzel – And Justin you were talking about the planning, this is, and Alan correct me if I get anything wrong here, a partially planned county, we're not fully planned. We have not gone through and zoned everything and said that this must be like this in this area like the City of Pullman does. So, when a landowner comes to us and says *"Hey, I want to do this"*, then we have to look through and see if there is anything within in the Code and the laws that says *"No, you can't"*. Otherwise we have to revert back to property owner rights.

Alan Thomson – Yes, really the partially planning and the fully planning are important, but personal private property rights, are really what's the most important thing here, and anybody else who owns land and decides they want to do something with it, as long as it complies with the Comprehensive Plan and the local Zoning Ordinances, we cannot deny it. Now we can have conditions on something, if there is really something that is onerous, we could condition it and we do that from time to time, hours of operation, days of the week you can operate, setbacks, there are all kinds of things in the Code that would accommodate that, if that arises.

Justin Rogers – I guess our contention is that this doesn't agree with the Comprehensive Plan in the planning of where these industrial zones are. And that is another question for Selway, have they looked where these areas are that have been designated for industrial use. And it's anecdotal, I think, to say that there is no more land available for that. That is a question that I would like to hear the answer for.

Comments from the audience that are not clearly audible on the recording.

Justin Rogers – But it fits the Comprehensive Plan, that's my point. Those areas, it's stated specifically in the Comprehensive Plan for these industrial zones areas and I think it's so we don't get into this kind of friction.

Dave Gibney – It would be absolutely impractical for our County Planners to survey Whitman County and then attempt to predict that landowner Y out there on this intersection would someday want to do a light industrial area. The fact that the Plan says this is an encouraged thing in the correct areas, lets the Planner and this Commission evaluate the correctness or the appropriateness of that area. This is just me, but a commercial area adjacent to a dairy farm adjacent to a limited light industrial agricultural processing facility, that's all similar and appropriate adjacent use.

Justin Rogers – Okay, if that is the case, then I don't understand why it wouldn't be in the Comprehensive Plan to show that. There are very specific areas for industrial use that has been put forth in the Comprehensive Plan. So, I think it should be looked at. I think we're talking compatibility with different uses, so I think it should be looked. I don't know if there is anything else to say.

Alan Thomson – One last parting comment. The language in the Comprehensive Plan dictates what we can do. When it comes up with a statement that says "*Industrial uses are developed in areas that are already zoned that way...but also allows other areas to be rezoned*". This is what guides us, this language, "...also other areas that are not zoned", otherwise we wouldn't be able to do it, we wouldn't be able to zone any other area, other than what we see on that 1971 map. So, that is why this language is in here. It allows us to consider other areas, which is exactly what we are doing right now. That is the language that we are judged by, that we are held to.

Chad Whetzel – Thank you. Do you have anything else Justin?

Justin Rogers – No, thanks.

Marcus Torrey – I appreciate everything you are saying. When this thing was put forth in 1974, nobody could forecast that we would be dealing with an agricultural crop that was federally illegal, that remains that way today.

Audience member – Are we talking 2014, can we clarify what Comprehensive Plan?

Marcus Torrey – The first one, I believe it was amended in 2014 as I understand it, or tweaked. But, you all, as a County, I think this is not going to be an isolated deal. I think that that needs to be seriously revisited to include specific language, as far as, what to do with a crop that is agricultural but not federally legal. Because if I want to grow heroin, I can't, opium I can't, coca leaves I can't, because it's not permissible. But this, by the State of Washington, is legal but not by federal law. I understand what you're saying about the zoning, I get that. I don't agree with it, but I get it and I just think as a Commission you need to get in front of this, because this is going to be a problem. If you think these guys are the only ones that's going to do this, I mean we've got 14 grow operations in this county already or something like that. It's a lot and there are going to be more and more and more and pretty soon we're going to look like Sanders Road out there, you know in Latah County.

Rusty Jamison – You brought up what I was going to say, in 1970 this was not an agricultural crop, like you said. And when these regulations, that we have to follow were written, no one dreamed that we'd ever be talking about marijuana. But, just keep in mind, as you stated, the State of Washington created this mess when they designated this marijuana as an agricultural commodity. And we're not the only county that is going through this, I'm sure. Because all of us, all the county's aren't re-writing their laws just because of this. But, your point is well taken and my suggestion would be for you to, maybe follow this all the way through with the Commissioners, and express your point

that you made to them, because they are the ones that need to make a decision and then delegate that decision to our committee or somebody to make a change in Whitman County if that is what they want to do. We are a volunteer group here, we make a recommendation, the Commissioners may vote against what we recommend. I'm not sure, usually they will not, but they could. So, keep that in mind as well.

Chad Whetzel – Is there anything else from the Board, otherwise we will close this portion of the public hearing.

8:33 p.m. – Close public portion of the hearing.

FINDINGS OF FACT:

Any corrections or additions to the Findings of Fact are in ***bold italic***.

1. A 3.5-acre area is proposed to be taken out of the Agricultural District and rezoned to a Limited Light Industrial District.
2. The parcel is located north of the intersection of Country Club Road and Flat Road, approximately 2 miles southwest of Pullman, in Section 14, Township 14N., Range 44 E., W.M., Whitman County, Washington. (See **Exhibit 1**, Vicinity map and **Exhibit 2**, Aerial photo)
3. The applicant has requested a zone change from the Agricultural District to a Limited Light Industrial District pursuant to Chapter 19.48 – Limited Zone Overlay and Chapter 19.04 – Amendments. (See **Exhibit 3**, Zone Change application)
4. The 3.5-acre area is owned by Selway Holdings, LLC and is the eastern part of an 8.4-acre parcel. (See **Exhibit 4**, Whitman County Assessor's parcel map)
5. The purpose of this request is to allow for a marijuana processing facility. The proposed limited light industrial zone will allow for the use of hydrocarbon solvent-based extraction of marijuana. The applicants will also comply with the rules and regulations set forth by the Washington State Department of Ecology, the Washington State Department of Health, and the Washington State Liquor and Cannabis Board regarding solvent disposal. Additionally, the applicants will use closed-loop extraction systems, ensuring that hydrocarbon solvents will not be wasted or released to the environment.
6. This Limited Light Industrial District will exclude the permitted uses listed in Chapter 19.30.020: (D), (E), (F), (G), (H), (I), (J), (K), (L), (N), (O), (P), (Q), (R), (S), (T), (U), (V), (W), (X), (~~Y~~). All other listed permitted uses will be allowed and are listed as follows:
 - A. The manufacture, processing, compounding, storage, packaging, or treatment of food products.

- B. The manufacture, assembly, compounding, packaging, or treatment of products similar to the following: scientific, business or industrial machinery or instrumentation; recreational equipment and clothes, drugs, cosmetics or toiletries, finished hardware products or construction specialties, mobile or modular homes.
- C. Research, experimental or testing laboratories.
- M. Nursey/greenhouse/wholesale.

Y. Unclassified Uses: It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. In the event a use is proposed which is not listed in this chapter as permitted, the County Planner may determine whether the use should or should not be treated as one of the listed uses. Such determination shall be based on it being similar in intensity and character to the list of permitted uses and consistent with the intent of the district, and with the concurrence of the Public Works Director. (Revised 8/15/16, Ordinance # 078081)

- 7. The proposed re-zone is consistent with the Whitman County Comprehensive Plan per the Industrial Land Use Element which encourages the development of new industrial uses as a means of supporting the long term economic health of the County's communities. The parcel also has access to a transportation corridor.
- 8. The site is accessed off Country Club Road. The road is compatible with the requirements for a light industrial use.
- 9. The surrounding land to the north and west is farmland and zoned Agricultural District. To the east is the Whitman County Public Works shop located in a Heavy Commercial District. South of the zone change area is the Washington State University Dairy and Farm Services site, located in the Agricultural District. (See Exhibit 5, Zone change map).
- 10. All adjacent landowners within 300 feet of the project were informed of this request and hearing by U.S. mail. At the time of this hearing, ~~three~~ **four** comments were received by Whitman County Planning concerning this notification. ***(See Exhibit 5a, email conversation between Katrin Kunz and Benno Mohr; Exhibit 5b, email conversation between Katrin Kunz and Marcus Torrey; Exhibit 5c, between Alan Thomson and Christina Bateman and Exhibit 5d, letter submitted at the hearing from Kathleen Lloyd and Dr. Robert Lloyd)***
- 11. A SEPA checklist was submitted with this Zone Change application, and a Determination of Nonsignificance (DNS) was issued on December 20, 2018. The

comment period ended January 3, 2019. As of the date of this hearing, one SEPA comment was received. (See **Exhibit 6**, Comment from Department of Ecology)

Motion by Matt Sutherland to accept the Findings of Fact 1-11 as prepared by staff.

Alan Thomson – Mr. Chairman, can we make one suggested change to the Findings of Fact.

Chad Whetzel – And what would that be?

Alan Thomson – On Finding #6, for the permitted uses to include letter “Y”, unclassified uses in the code and I will give you a copy. That was the code change that we made in 2016 regarding similar uses.

Chad Whetzel – I will read this out so that everyone knows what it is, “*Y. Unclassified Uses: It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. In the event a use is proposed which is not listed in this chapter as permitted, the County Planner may determine whether the use should or should not be treated as one of the listed uses. Such determination shall be based on it being similar in intensity and character to the list of permitted uses and consistent with the intent of the district, and with the concurrence of the Public Works Director. (Revised 8/15/16, Ordinance # 078081*”

Matt Sutherland – Dave, how would I accept a friendly amendment to add that?

Dave Gibney – There is actually another change that we should make or else add a separate Finding of Fact to enter this letter that we received into the record. So, you could say, I would like to accept the Findings of Fact 1-11 as prepared by staff and I am amending #6 to include “Y” and there is already a note in the handout which changes them from the electronic, I believe there were three comments received.

Matt Sutherland – So we will need to amend that to four, to include the letter that we received this evening.

Dave Gibney – If we enter this letter as Exhibit 5d in Finding #10, then we could do that.

Chad Whetzel – Lets handle these one at a time.

Dave Gibney – So, you’ve got a motion and a second to adopt Findings of Fact 1-11 and then I will move to amend the motion to add category “Y” to Finding #6 and strike “Y” from the excluded portion of Finding #6.

Matt Sutherland – Can I just accept a friendly amendment?

Dave Gibney – There is no such thing as a friendly amendment. This is an amendment to the motion.

Rusty Jamison – I second that motion.

Matt Sutherland – It's my motion, can I just accept that or do we have to...

Chad Whetzel – It's an amendment to the motion.

Dave Gibney – You can withdraw and make your motion the way you want it.

Matt Sutherland – Let's do that, I would like to withdraw my motion.

Chad Whetzel – So, we have a motion and a second and we have the amendment.

Dave Gibney – And actually once it is seconded, you don't actually get to withdraw it, without the approval of the second.

Rusty Jamison – Well I'll that and what we need to do is approve the amendments before we vote.

Chad Whetzel – So, if you both would like to rescind the motion and second, we can do that.

Matt Sutherland – I will rescind my motion.

Rusty Jamison – I will rescind.

Chad Whetzel – Motion is dropped.

Matt Sutherland – I would like to enter this letter into the Findings of Fact #10 as Exhibit 5d.

Chad Whetzel – Kathleen Lloyd and Dr. Robert Lloyd's letter as Exhibit 5d, is that correct?

Katrin Kunz – Yes that is correct.

Motion by Matt Sutherland and seconded by Dave Gibney to accept the letter from Kathleen Lloyd and Dr. Robert Lloyd as Exhibit 5d in Finding #10.

Motion carried.

Chad Whetzel – Ginny, do you have a copy of that letter?

Ginny Rumiser – I do not.

Alan Thomson – We will need to get one of the letters handed out to the Planning Commission members.

Motion by Matt Sutherland and seconded by Rusty Jamison to accept Finding #10 to reflect the two additional comments that we received for a total of four.

Dave Gibney – And designating 5c and 5d.

Chad Whetzel – It's been seconded.

Rusty Jamison – Add them in there and I'll second it.

Chad Whetzel – Well amend it Dave.

Matt Sutherland – I will rescind my motion.

Rusty Jamison – I will rescind my second.

Motion by Matt Sutherland and seconded by Rusty Jamison to amend Finding of Fact #10 to reflect the two additional comments for a total of 4 and add Exhibits 5c and 5d.

Motion carried.

Matt Sutherland – Dave can you handle #6, so I don't screw it up?

Chad Whetzel – You keep trying, I'm proud of you.

Matt Sutherland – Thank you.

Motion by Dave Gibney to amend Finding #7 by striking "Y" from the excluded uses and...

Chad Whetzel – It's Finding #6.

Dave Gibney – You're correct.

Guy Williams – We just can't get this right.

Motion by Dave Gibney and seconded by Matt Sutherland to amend Finding of Fact #6 to strike the letter "Y" from the excluded uses and adding "Y" to the allowed uses and to include the language that would follow "Y" in Chapter 19.30.020.

Chad Whetzel – My only concern on that would be, it's pretty vague and I know it's up to your discretion, but this is kind of a unique situation. Yes it is agriculture but also isn't.

Dave Gibney – We went through all those gyrations when we added “Y” to the Code.

Alan Thomson – Yes, we thoroughly discussed that.

Dave Gibney – The requirement that he only approves things that are of a similar use, comes down to, and it’s not a full discretion to allow anything and everything, he has to allow whatever new use is and it has to resemble one of the ones that is already permitted.

Alan Thomson – And it has to be justified and backed up by the Director of Public Works. It’s not just my unilateral decision. I would consult with Mark Storey, Public Works Director and if he agreed we would proceed.

Chad Whetzel – Are there any other comments? All those in favor of amending Finding #6 say aye.

Motion carried.

Motion by Matt Sutherland and seconded by Dave Gibney to accept Findings of Fact 1-11 as prepared by staff and amended by the Board.

Motion carried.

CONDITIONS:

This request is consistent with both the County’s Comprehensive Plan and the Zoning Ordinance.

At this time, unless there is substantial new evidence introduced which would change the findings of fact, it is recommended that this zoning code amendment be accepted with the following conditions:

That all outdoor lighting will be full cut-off.

Motion by Matt Sutherland and seconded by Dave Gibney to accept the zoning code amendment as it is in accordance with the Comprehensive Plan with the condition that all outdoor lighting will be full cut-off.

Motion carried.

Motion by Dave Gibney and seconded by Matt Sutherland to forward this Zone Change request to the Board of County Commissioners with the recommendation that they approve the Zone Change.

Roll Call Vote: Dave Gibney – aye; Russell Jamison – aye; Matt Sutherland – aye; Brian Davies – aye; Guy Williams – aye; Chad Whetzel – aye; Keith Paulson – aye.

Motion carried.

8:44 p.m. – Hearing Closed.