

**WHITMAN COUNTY
PLANNING COMMISSION WORKSHOP
PUBLIC SERVICE BUILDING
September 20, 2023**

MEMBERS PRESENT:

**Brian Davies, Uniontown
Dave Gibney, Pullman
Russell Jamison, Garfield**

**Weston Kane, Lacrosse
Mark Tolman, Pullman**

Staff: Alan Thomson, Whitman County Planner; David Werner, Clerk; Ginny Rumiser, Public Works; Brandon Johnson, Public Works.

Zoom: Shelly Chambers Fox, League of Women Voters.

7:07 p.m. – Brian Davis opened the meeting. Introductions were made around the room.

MOTION by Russell Jamison and seconded by Mark Tolman to approve the minutes from the February 15, 2023, minutes. Motion passed.

Reports:

Alan Thomson –

- a. Board of Adjustment forthcoming hearings – We will be dealing with a conditional use permit application for Ferrell Gas which is in the South Pullman-Moscow Corridor District. There is no hearing date as yet being set. So, this is on the east end of SR270, just before you get to Moscow, right next door to Busch Distributors. There are a number of parcels right in that subdivision. So, Ferrell Gas is going to move in there and they need a conditional use permit. We will be setting a hearing pretty soon. It is just a storage area for the gas that they sell. They have some big tanks that they have already moved in, but they do not have a permit yet.
- b. Forthcoming Administrative Use Permits – Motley and Motley are expanding on their site on SR 270 and Sunshine Road where there is a big pile of rock right now that is being crushed on the very western end of the property. They are going to put a building there to cover up that rock. But they need to go through an administrative use permit because it is an expansion of an existing business. They don't need to go through the Board of Adjustment. It just goes through the Planning Staff so we are working on that one right now.
- c. Update on previous conditional use permits and variances – We issued a conditional use for Todd and Tanya Mitzimberg for a seasonal dryland recreational campground, which is out at the crossroads between SR 27 and Farmington Road. It was a junk yard, a recycling center. It was a recycling center that we were trying to close. We gave them a permit and they were supposed to build a wall and they didn't so they got the permit pulled. The Mitzimberg's now own that property. They set up an RV camp there but they didn't have permission and now they have a permit. So, that was issued in June of this year. Also, an administrative variance for Kyle Pringle. He has bought the old elevator on Dry Creek Road,

where the elevator used to be. It was just a pile of wood basically and that was all the remains of the old elevator. He bought that property and now he is setting up for a residence and he is operating a business out of that. He is revamping that whole area. That was an administrative variance because the front setback is actually encroaching on the road and that was the previous concrete grain elevator. So, it is not meeting the 35-foot setback. So, he is going to build a residence and a business and that is why he needed the variance and it was issued on April 20, 2023. When we issue a variance to the road it is the Whitman County Road Department that basically controls, so they say, "Yes or no." They said, "Yes," so he got his variance for that.

Brian Davies – So they didn't think it would be a safety issue being that close?

It is, that is potentially what it is. So, he has a big pile of concrete right there. An administrative variance was granted for Scott and Diane Cornelius to reduce the front setback to their residence on Sand Road from 35 feet to zero feet. He is the owner of the residence on Sand Road and they want to build a wall, basically. Their issue was it is really noisy, because Sand Road has been paved and the speed limit was lowered but people were speeding and that makes a lot of racket going past their house. They want to build a sound proof wall.

A variance for Phil Brown to reduce the rear setback on a residential parcel on Oakesdale Road from 20 feet to eight feet. He was really restricted by topography in that parcel and he couldn't get any further away from the property line. So that was issued on June 8, 2023.

- d. Update on previous administrative use permits – An administrative use permit was issued to M.A. DeAtley Construction, Inc. on June 2, 2023. This was for the re-construction of the Almota Road and they had to remove a bunch of dirt so it is inert which qualifies for moving it into a farmer's field. So, they applied for an administrative use permit and they received one and dumped a bunch of dirt in that intersection on that part of Almota Road.
- e. Board of County Commissioners' action – None.
- f. Update on previous Board of County Commissioners' action – None.
- g. Forthcoming Shoreline of the State Substantial Development Permits – We have one. Avista is replacing a gas pipeline just outside of Albion. So, as you are heading out of town towards Pullman, on the right-hand side there is a gas pipeline going under the Palouse River. It has been exposed so it is a hazard. They have to replace that part of the pipeline going under the Palouse River, which is a shoreline of the state which requires a substantial development permit. We are going through the process of that right now. We are not quite there yet.
- h. Update on previous Shoreline of the State Substantial Development permits – None.
- i. Planning Commission forthcoming hearings – Zone change for a subdivision off of Pullman-Airport Road from Heavy Commercial Limited to Light Industrial. That is a little industrial

park on the north side of he Airport Road, almost to the end of the runway. There are a couple of buildings in there. There are actually four of land right there under shared ownership. They are going to get changed from Heavy Commercial Limited to Light Industrial. It used to be Light Industrial. The Motleys used to own that one, no, I'm sorry, the Druffels used to own that land but they sold a parcel and back in the 90's, they the Druffels, changed that zone to Light Industrial. Along comes different ownership in 2006 and they wanted certain businesses in there that weren't in the Light Industrial District, so they changed it to Heavy Commercial Limited. Now the ownership has changed again and they don't like that zone so they want to change it back to Light Industrial because they think there are more options in the Light Industrial zone than Heavy Commercial. So that is what is happening. That will come before you guys, to change the zone and we are not ready to discuss this and see if you are okay with the proposal then bring it back to you in a public hearing.

Brian Davies – Is this on the east end or the west end of the Airport?

This is on the east end of the airport. So, Life Flight, where the helicopter is, has a little parcel of land right next to it, so it is opposite, right across the road from Life Flight. It is not at the same elevation as the road so there are four parcels up there and I have the information here to show you. I would have to show you the map, show you what exactly, where it is so we can discuss that after we finish with the updates here and then go into that.

So, that's it. We have some new business, obviously. We've got some potential changes in the North and South Pullman-Moscow Corridor District that we can talk about tonight and then of course, the potential creation of a new ordinance on solar energy.

MOTION by Dave Gibney and seconded by Russell Jamison. Motion passed.

7:22 p.m. – Workshop adjourned

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Staff: Alan Thomson, Whitman County Planner; David Werner, Clerk; Ginny Rumiser, Public Works; Brandon Johnson, Public Works.

Zoom: Shelly Chambers Fox, League of Women Voters.

7:23 p.m. – Alan Thomson – What do you want to discuss first? We can talk about the potential zone change or do you want to get into the,

Dave Gibney – The zone change, in what you described, there hasn't been actually any development or businesses or anybody biting on either side of it?

Alan Thomson – No, there is a building but it is not being used. As far as we can tell it is not actually active but, there are couple of different owners that have bought this and we want to attract new businesses to the County and they don't like the heavy commercial zone so they want to change it to light industrial.

Dave Gibney – So, it will all be light industrial. Is there any commercial or anything else nearby or in the middle of it to?

Alan Thomson – Right, to help you understand it more, I will show you the map of the plat there. You can pass that around and that will give you a better idea. Up around the, this is it right here, at the very end of the runway area. So, it is across the road and it is this area.

So, there are four parcels in there, all owned by the same people and this is light commercial, heavy commercial. Here is a plat map that shows you this. This was created in 2006 and subdivided it into 4 parcels. This here is already light industrial. These two parcels.

In fact, this land over here, is still light industrial. This and this, and this and this, are the same. This is what we are changing to light industrial. That actually would mesh with the rest of it because this is light industrial. There is a whole chunk of land that is light industrial. It is these four right here.

Dave Gibney - There is a house somewhere up there.

Alan Thomson – There is, so that is basically it. We haven't advertised anything yet. We have to go through the Planning Commission first to get your approval for a new zone. We have to have a public hearing for that, and run a SEPA as well. That is not going to happen until the beginning of next month. At the earliest it could be the 3rd Wednesday of next month. But I'm thinking, we might just wait until

November if that is okay with you and have a public hearing at that time. The first Wednesday in November?

Mark Tolman – I have no objection to that.

Brian Davies – Sounds good to me.

Dave Gibney – No problem. Those two buildings look like that are (inaudible).

Alan Thomson - (inaudible) I do believe they did operate a business there. But from what we can tell there is nothing happening there now.

Weston Kane – So November 1st?

Alan Thomson – Yes, so put that one on the calendar and we will get set up for a public hearing to change the zone for November 1st.

Mark Tolman – And you said there has been no business activity that is triggering this? This is in hopes of attracting more?

Alan Thomson – That’s it. There are two primary owners right now and they have ideas of attracting business there. They don’t have anybody that we are aware of. They have had some inquiries about those parcels there. One was a church and a church is not allowed in the light industrial district nor in the commercial district. The only place a church is allowed is in the corridor district. That parcel is not eligible.

Then there was another business entity that was interested in it, a dog pound kennel, which conveniently is Light Industrial and not in the commercial. So, I don’t know if they are still out there thinking about it but that is basically what is pushing this, but the owners want to change it so they can attract some businesses.

If you guys have no objection to that, we will bring it to you on November 1st. If you don’t have any questions on that one, we can go ahead and do the zone change for the corridor district.

I have given you in this package, there are changes in both districts north and south and we can go through them page by page if you are ready to do so. So, we will start with Chapter 19.15 – North Pullman-Moscow Corridor District.

Page 1 –19.15-.010 - Purpose - At the bottom of this section there is some language that is struck out. This is unnecessary language. This is WSDOT talking about the planning of the reconstruction, which was back in 2010 or somewhere in there. This referred to the setback in 2006. So, beginning construction in May or June of 2006 and to be completed in 2007. I don’t think that language is necessary. So, if that is okay with you, we will just get rid of it.

Brian Davies – Absolutely.

Page 6 - There are some tidying up and some misspellings and what not. To the bottom of this page, just above #3, it talks about appeal period. Right now, the language is filed within 24 days. Legally

speaking by the WAC, there is a 21-day appeal period, and we put 24 days in there when we were not dealing with zoom and back in the dark ages, so we were mailing things out and we had to give them three days to mail it out to get the 21-day appeal period. So, we added in 24 days.

Brian Davies – So now we are changing it back because everything has gone to electronic filing?

Alan Thomson – Exactly. It is not a problem to make that 21 days. We notify the applicant there and the Board of Adjustment, give them the permit, and they have 21 days from that point to appeal.

Brian Davies – This is the appellate language?

Alan Thomson – Yes. So on to the next page. There are some Scrivener's errors here.

Page 7 Letter K.- Length of Time of Board of Adjustment Approval. I don't think the "O" on "of" should be capitalized. So, I am striking the capitalized and we need to keep it consistent with other places where that is in the code spelled with a small letter. Both of them need to be lower case.

Down at the bottom of the page, this "*Two-year administrative extensions.*" The planning commission at the time when we were creating this, when you get a permit in the corridor district, (inaudible) you have two years to actually start the project. That is what is written in the code. If you go past those two years and you are not actively doing something, then you lose your permit. But you can re-up to the planning department. So that is what that is all about.

However, when creating parcels, you can't negate a parcel just because you have not found a buyer or someone who wants to develop this. So, we've got landowners who created parcels in the North Corridor District and they have been sitting there for sale since 2006 and nothing is happening. When you create a legal description and create a parcel, file that with the auditor, it goes to the State. That parcel doesn't get taken off the books. No, it is because we put this language in the code.

That was something that should never have happened and I want to rectify that. We are not going to tell that landowner that because you haven't re-upped for the last 16 years, those parcels don't exist anymore. We can't do that.

Brian Davies – No, they just don't have a permit, correct?

Alan Thomson – Right, so basically, everything in the corridor district, north and south has to go through a conditional use permit. Everybody that wants to build something out there has to go through a CUP. When you are wanting to build something then this seems to work fine because you have to start building within two years. But, if you have a parcel of land you just created, which went through a CUP, those parcels all went through the CUP but nothing has happened, and legally speaking, we can't tell them those parcels don't exist anymore.

Brian Davies – No, it would take a court order to vacate that or something.

Alan Thomson – So, that is why I am suggesting that we strike that. That is only for the creation of the parcels. This section talks about the (inaudible) if you are actually going to build something and so forth. So, if he doesn't do anything with that for two years then he doesn't come back and say he wants

another two years, his permit goes away. But not for the creation of his parcels. That's why we are striking that.

Russ Jamison – It has been that way, probably in these little towns that thought they were going to have a boom town because there are parcels in the city that are farmable.

Alan Thomson – And they still exist. And platted. Once you do a plat, you can undo a plat but there is a process you have to go through to undo a plat.

Brian Davies – Is that like vacating a street?

Dave Gibney – You're just trying to avoid the work of undoing them?

Alan Thomson – I'm not even going to suggest that to them. You know, this parcel is still for sale and we might get a business in there eventually. Who knows?

Page 14, Letter “F,” there is hyphen in there that needs to be struck out. That is just putting a hyphen in there and striking out the space. There was an additional space there.

Page 15, Letter “j,” there is an extra hyphen that needs to be struck in home-health.

Page 16, Letter “h,” an apostrophe and “s” in “*Contractor's equipment.*”

Page 17, “ee.” Now this might need a little bit of discussion.

“Restaurants, with inside seating and excluding those defined as bars or taverns. Coffee stands and mobile food trucks,”

We've already had discussion with the BOCC on this one. They are ok with it but one of them is not exactly ok with the language. “*Restaurants.*” Right now, the line says, “*with inside seating,*” and this is just in the North Corridor District. The South code is different, it just says, “*Restaurants.*” It doesn't say with inside seating. Why is that an issue? Are they only allowed to build restaurants in the North Corridor that won't have outside seating, or can't have outside seating?

Dave Gibney – Or are they just drive thru restaurants?

Alan Thomson – You can read this a couple of different ways. You can interpret restaurants with inside seating and say that negates outside seating that you can't have a restaurant with outside seating. That is one way to interpret that. I'm thinking we need to strike that because if some restaurant comes along and wants outside seating, that makes more sense. Why should we prevent them from having outside seating if they want to build a restaurant in the corridor?

Russ Jamison – You said one of the commissioners didn't agree with that.

Alan Thomson – No, not that part. The next part. So that is why I am suggesting deleting “*inside seating.*”

So, if they want to build a restaurant they can have inside and outside seating.

Dave Gibney – Or if they wanted to just be a drive thru?

Alan Thomson – Yes. Okay, the next one, we've had somebody come in and want to talk about coffee stands and a mobile food truck. So, I'm thinking, why not? What is wrong with that? We don't have it in the code language right now, a mobile food truck wanted to move in where the pot shop is.

Brian Davies – In the North corridor?

Alan Thomson – I told him he couldn't do it because it wasn't in the code.

Brian Davies – It would be a good kind of a supporting business to the trail. I keep thinking about the trail and there is a lot of opportunity there.

Alan Thomson – So, one of the commissioners had just a little bit of issue with the way we wanted to strike that. He didn't like coffee stands. How do you describe coffee stands? There is one in Uniontown, right?

Brian Davies – No, not at this time we don't have one.

Alan Thomson – That is the kind of thing we are talking about. How do you describe that? What words would you use to describe that?

Brian Davies – I don't know. Dave?

Dave Gibney – I don't know what Pullman uses.

Brian Davies – Drive thru coffee stand sounds like it,

Dave Gibney – What if they just want to sell slushies and they are not a coffee thing?

Alan Thomson – Exactly. So, how do you describe it?

Dave Gibney – Drive thru food and beverage?

Brian Davies – Beverage vender. Drive thru beverage vender.

Mark Tolman – They usually have cookies and muffins, and such.

Alan Thomson – Exactly, you can't say you can only sell coffee. So how do you describe Starbucks?

Brian Davies – A drive thru beverage vendor.

Dave Gibney – Drive thru, or well, you know.

Russ Jamison - Expensive.

Weston Kane – So, what if you just backed up the restaurants and said restaurants and food service?

Alan Thomson – Would that include a drive thru?

Brian Davies – You could say food and beverage service.

Dave Gibney – I think food and beverage covers it.

Weston Kane – Because we are not saying inside and outside seating. We are not setting (inaudible) anyway.

Brian Davies – It is a very wide category but it would encompass anything we wanted.

Dave Gibney – I might make the argument that within inside seating made it so you couldn't be a coffee stand and if it wasn't there it would classify as a restaurant.

Alan Thomson – Just those drive thru, not Starbucks. Starbucks is maybe (inaudible)

Brian Davies – A bricks and mortar.

Alan Thomson – But just those little coffee stands. Is that considered a restaurant?

Russ Jamison – I would consider it that if that is what you call it so they can put one up. There is one in Steptoe.

Alan Thomson – They can serve food there. Other food.

Dave Gibney – I like, "Restaurants, drive thru food and beverage, mobile food trucks."

Russ Jamison – Wouldn't that cover it?

Brian Davies – Drive thru food and beverage would really cover anything that,

Alan Thomson – Drive thru food and beverage and still keeping the word, "restaurant," in there.

Brian Davies – Yes, comma.

Dave Gibney – The mobile food thing gives you the walk-up and the bicycle-up.

Alan Thomson – So that would include mobile food truck.

Dave Gibney – I like, you need to continue to have mobile food truck.

Brian Davies – As a separate (inaudible)

Dave Gibney – There are three things, restaurants,

Alan Thomson – *"Restaurants, excluding those defined as bars or taverns, mobile food trucks, drive thru food and beverage vendors."* Drive thru food and beverage what? Vendors? Okay, everybody okay with that one?

Dave Gibney – Is that the Pot Shop that sells edibles?

Page 18 - On #27, there is an extra hyphen on, “*ready-mix*.”

Page 19 - This goes back to the old language that we just struck off at the beginning when SR270 was being re-done. So, this is talking about, we had to figure out what the setback is going to be to the north side. At that time when they were widening the highway, we didn’t know exactly where the lead property line was going to be, the right-of-way line would be, so we had to write some language in here.

At the time, that setback would be 250 feet. When that settled, it became 35 feet from the right-of-way line. So, that is the history of that.

Brian Davies – So everything has settled.

Alan Thomson – Everything has settled so now it is just a 35-foot setback. I think we can get rid of that language now.

Russ Jamison – And this corresponds with that property being (inaudible)?

Alan Thomson – Yes, that was all worked out at the time, (inaudible) so now the setback is 35 feet from the right -of way line.

Page 27 – There is a spelling error on “*c. compliment*.” It was spelled with an “i” and it should be spelled with an “e.” So, it should say, “*complement*.”

Dave Gibney – I don’t know, I think he should comply with the fact that you got a rock (inaudible.)

Page 29 – Letter “f,” *Freestanding*,” I missed that one so that should be “*Free-standing*” with a hyphen. Then further down, “*must be removed no later than one year*.” It said “*that*.” And then, in “a.” *free-standing*,” should have a hyphen.

Page 30 – Letter “e.” *parks*,” there should be a comma there. In “f.” *free-standing*,” should have a hyphen.

That’s all for the North Pullman-Moscow Corridor District. We are not going to make a decision on this one right now, because this has to go to a public hearing. We are just going through it right now and I’ll bring it back to you.

Chapter 19.16 - South Pullman-Moscow Corridor District. This is pretty much a repeat because the North and South are the same.

Page 1 – Again we are striking that language about SR270.

Page 2 – The spelling on “*situated*,”

Page 6 – Again, the 21 days versus 24 days.

Page 7 - Letter “K,” all upper case to lower case. And then the “*Two year administrative,*” struck out.

Page 14 – Letter “j., *home-health,*” added a hyphen in there. Further down, “*d., contractor’s,*” added an apostrophe s.”

Page 15 – Letter “r,” here we go again with the restaurants. It is slightly different here. On the north side there is that prohibition on pubs and taverns. That still stands, for one drinking and driving going on, So, what is traditionally known as a proper tavern, they explicitly have negated that on the North side. That language is on the North side so, the South side should not be any different.

Brian Davies – So they don’t want any alcohol anywhere along either side.

Alan Thomson – So, there’s the rub. We had a pretty heavy conversation with Parks about this. Regular restaurants serve alcohol. That is not what we are. We are (inaudible). So, there is a difference between a restaurant which serves food, and a bar or a tavern that traditionally serves alcohol. You could argue that a bar and a tavern can serve food too. There is just a traditional definition of the word, “bar and tavern.”

Dave Gibney – You don’t want (inaudible).

Alan Thomson – You don’t want a roadhouse on the corridor district. That is why line is (inaudible) the commissioners put that in there. So, it needs to be on the South side as well. “*Restaurants, excluding those defined as bars or taverns, mobile food trucks, drive thru food and beverage vendors,*” which matches what is in the North district code.

Weston Kane – Alan, just out of curiosity, they have breweries and wineries and all that on the North side and not the South?

Alan Thomson – Well, so Art picked up on that one, too. You can drink, So again, a winery and a tasting room is not a bar and it is not a tavern. It is just kind of like similar to a restaurant. You can get alcohol there. So, there has not been objections to having tasting rooms there.

Brian Davies – So, it hasn’t come to light, yet.

Dave Gibney – Was there back then a reason that it was done on the North but not the south?

Alan Thomson – It may have just been missed. This now really is difficult to develop because you have to get across the trail and the creek. The only way you are going to do that is to build a bridge which makes it cost prohibitive.

Dave Gibney – What if I want to build a bicycle accessed tavern?

Weston Kane – Be careful how you describe it.

Alan Thomson – It is a ride-in restaurant.

Brian Davies – So, can food trucks get a beer license to sell?

Alan Thomson – I don't know. I have never noticed them selling alcohol. But I guess you would classify that as a restaurant. A food truck as a restaurant.

Dave Gibney – I suspect the Liquor Board wouldn't be in that business.

Brian Davies – I would think that there would have to be a catering, a special event catering license or something if someone was going to do alcohol out of a food truck.

Russ Jamison – I've never seen one with alcohol.

Mark Tolman – I haven't either.

Brian Davies – I'm going to meet some people with a food truck this week-end and I will ask that question. They are coming down from Spokane for my daughter's wedding. So, I will have an opportunity to visit with them.

Dave Gibney – Speaking of these though, isn't there such a thing going on in the auto dealership parking lot? There in the Toyota dealership in Pullman, there is a flashing green,

Brian Davies – That is Latah Credit.

Dave Gibney – Okay.

Brian Davies – That is the bank thing.

Dave Gibney – It's not from here?

Brian Davies – No, it's like one of those guys with the fan that blows his arms up to distract you.

Alan Thomson – Okay, so we are going to match the North and South Corridor District with that language. Is everyone okay with that one? Then, we've got further down, in #27, we've got the hyphen with *"ready-mix."*

Page 16 – Again, we are striking out the language about the setbacks on SR270. It is a 35-foot setback. I also struck out the word, "new," at the end of that sentence.

Page 24 – Here is the word, *"complement,"* instead of *"compliment."*

Page 25 – At the bottom, the word *"that,"* to *"than."* And then *"free-standing,"* with a hyphen in two places.

Page 26 – Then *"free-standing,"* again, with a hyphen. So, that is it for the code changes for things for the public hearing on November 1, 2023.

Brian Davies – I think any time we can make some language the same, you know.

Alan Thomson – So, now on to solar. It has become a thing in Washington and there are parts of the State that are actually trying to prevent solar and wind. But (inaudible) told you about Benton County has put a moratorium on solar farms.

Brian Davies – They have wind farms in Benton County, don't they?

Alan Thomson – Yes, the Palouse ones are already there (inaudible). What is happening is there has been a rush to get solar and wind farms up. The reason some of the counties are having heartburn over this is, there are too many of them taking out, solar for instance in one of the counties, thousands of acres of farm land has been taken out of production. I have had a call from EFSEC last week, which I have never had before. That freaked me out a little bit. Why is EFSEC calling me?

Dave Gibney – What does that stand for?

Alan Thomson – Yes, I have a little blurb on EFSEC in this package here. It is actually Energy Facility Site Evaluation Council. So, it is a separate entity. One of the state departments. This little blurb will tell you what their job is. What they do. Essentially, what will happen is if a project is going through EFSEC, we the County have absolutely no say.

Dave Gibney – This is why we did the wind ordinance.

Brian Davies – And this is all because all of a sudden there is a flood of money and the governor wants,

Alan Thomson – He wants renewable energy. So, there is a big push. That has been here for a while. I think that is something that EFSEC had pushed in the 70's. So, this had been going on for a while and now it seems to be picking up the pace and there has been a flood of solar companies looking at areas all over the Country.

Brian Davies – They are going to property owners first before they are coming to the planning commissions and county engineers and the powers that be. They are going to the property owners and they are waving the promise of money in front of them.

I have a friend in, who I have actually kind of been in business with in Asotin County that has 2300 acres that has received a temporary, or the first initial planning. They granted a conditional use permit for this. but there has been no leverage on the parts of the solar companies yet. They are still trying to work out some access to the Avista substation.

I think that's the property owners in there that they are arguing with and it seems like these companies change all the time. So, I can understand how counties are freaked out about this. It's kind of like a big land grab thing now, isn't it?

Alan Thomson – A lot of, most counties don't have a solar ordinance. It is just coming out of the woodwork. For us, for instance, we don't have one. We would have to go through the regular conditional use permit. We don't have any borders or parameters or setbacks etc., so that is why the BOCC agreed to put an ordinance in place.

We do have a potential applicant already on board. I've been talking with a solar company for the last few months and they are looking at just north of St. John and west of Thornton in that area.

Brian Davies – Scab ground?

Alan Thomson – I don't know what kind of ground it is.

Ginny Rumiser - There is a lot of farm ground out there. There is a lot of farm ground up there around Sunset, and Thornton and that is the area that they are targeting.

Brian Davies – It has got to be definitely southern exposure type.

Dave Gibney – I wasn't here yet, but when you were doing the wind ordinance, it wasn't intended to stop. It was intended to have the County have the control and regulate it.

Alan Thomson – Where are you going to put this and the setbacks and talking about a bunch of other things, (inaudible).

Brian Davies – Just like we did with cannabis. But it will have its own specific language and we'd like to know what other jurisdictions are doing.

Alan Thomson – So, we need to educate ourselves. I'm just as behind on this as you are. I don't know a whole lot about this. That's why we need to start looking at these ordinances that exist and figure out what the issues are. Then craft one for WC. That's the objective for the next few months.

Brian Davies – So, you were just at the WA State Planners Regional Meeting in Chelan? What did they say about solar stuff?

Alan Thomson – One of the county planners creeped me out telling me that their commissioners are dead set against it and the planning staff is dead set against it and they are banning it. They have a moratorium on it.

Brian Davies – Statewide?

Alan Thomson– No, no, in Benton County. There are a couple of other counties that have the same kind of pressures and these guys are descending on them.

Dave Gibney – There's been some push back on the wind towers, too. There is a lot of people that say we got enough of that. Don't kill our skies anymore.

Brian Davies – I've heard some push back from some of my farmer friends about some of this stuff.

Dave Gibney – The solar panel is not going to, the wind farm, you can continue to farm around it.

Brian Davies – But solar is going to take land out of cultivation.

Mark Tolman – (inaudible)

Alan Thomson – (inaudible) animal business, sheep, whatever, goats. They are building these taller now so you can graze underneath.

Mark Tolman – Which is a whole new set of problems.

Brian Davies – Because my friend out of Asotin County, they told him they want 1,000 acres that they can put a cyclone fence around, and they don't want his cows coming any where near anything.

Mark Tolman – They generally won't let cows in on those fields. But goats and,

Alan Thomson – So, that is the kind of thing we need to think about here. How are we going to craft it? There are some counties that are excluding certain areas, certain zones. We only have one agricultural district. A lot of counties have a bunch of different ag zones. We only have one so we have to figure out where is this appropriate, what kind of setbacks do we need to have to towns, houses, etc.

Russ Jamison - The issue that I see that we are going to be getting into more is the property rights of the owner who owns the land. I personally don't like the looks of these solar panels. I know there is some around and I don't mind about (inaudible) and things like that, but when you start getting huge acreages of it and I've seen it,

Brian Davies – Yes, like 80 acres, 40 to 80 acres.

Russ Jamison – If it's out there in the middle of nowhere and (inaudible) old mine, because it was just a bunch of sage brush. Up here, it's a little different. We are all used to wheat fields and things like that. People like the farms and the scenery that we have. They don't like the windmills and that kind of stuff obstructing their view.

But on the flip side of that for me as a property owner, if somebody comes in and offers me 3-4 thousand dollars to build this stuff and here I am the landowner making a measly on a good year a \$100.

Brian Davies – And this would be in perpetuity or something so your heirs and (inaudible) could benefit from this too. There are a lot of reasons to consider it.

Russ Jamison – Yes, (inaudible) there are a lot of farmers out there that are facing this. You know, the kids are getting good jobs instead of coming back and. Well, okay, all of a sudden, all the farmland that Dad and Grandpa farmed and barely made a living, well, they can turn it into a gold mine with something like this. They aren't worrying about what we think living in WC. They don't live here anymore. So, I understand the issues that we need to come up with.

But at the same time, we have to be very careful because we like to be a county that says, "As property owners, we pretty much have the freedom to do with the property as you wish." And the people here, nah, but before we start getting into restrictions on further away from urban areas, then all of a sudden, okay, we have restrictions on this, and then what about restrictions on that. It is kind of a slippery slope.

I'm going to have a Farm Bureau meeting tomorrow and I will bring it up and ask them what they think. Because the people like the landowners and farming the land, we need to get a feel to what they think about this kind of stuff. You have wind farms and solar panels you aren't going to have them in the city. They are going to try and put them out and as far away from the urban areas as they can.

Dave Gibney - No, they are going to want to put them close to the grid.

Brian Davies – They have to be connected to the grid. Right now, most of them are on public land, if I'm not mistaken. Alan, is that correct? I think most of the big things I have heard in the press lately about these. There is a huge one that is proposed in southern Idaho that would actually be on BLM and Indian territory land. There are a lot of people against it and they are fighting it and it would be the biggest one in the country. When you get these companies coming to private deeded land, like all the land around is owned by farmers and farm families that has been deeded to them for years. Then it is a whole different story. Because you are not dealing with public land, you are dealing with private land so.

Dave Gibney – In WC you've had the view shed issues and there is stuff in our code that says you can't mess with people's views. A big glaring solar mirror is going to mess with your view. There's a whole chapter in our county ordinance about how the culture and long-standing agriculture is the primary thing for WC and it needs to be protected.

Brian Davies – Yes, taking land out of cultivation is, there is enough of that going on with development and for residential around the State. So, there could be a good argument made for, but WC being such an agricultural county, why, isn't there a better, I guess the question is, isn't there a better place for a solar farm than WC where most ground is under cultivation or in CRP?

Russ Jamison – It is a very political issue that is way outside the scope of WC. For every acre that we put into CRP the conservation grass, theoretically, they did it because they were worried about the (inaudible) the grouse or the (inaudible) there are all these different things. What it really amounted to is the (inaudible). They were taking out the rain forests in Brazil and in order to keep the food costs from going so low, we had to take our ground out of production so these third world countries, which Brazil was at the time, could develop their own ground. It is a political thing. It's not about what is best for the people that live in an area.

It is the same way here. They are talking about taking out the hydroelectric dams. Okay, well if they line the canyon with solar panels, because the grids aren't there to tie into, then they will be able to say, all we are saving is the salmon, but we destroyed the beauty of the canyon. What are we really getting into here?

This isn't about us and the County. There is a little bit more involved with this. And it is going to continue to be that way no matter what we decide. I would honestly say if I owned property down there in the canyon, (inaudible), you know, to turn acreage that is maybe kind of \$40-50 an acre, with a cow and a calf on it, that's on (inaudible) versus somebody coming in and paying \$2,000-3,000 an acre. It would be tough. I get that. I agree with you. Yet, I like to go down to the canyon. You know, (inaudible)

Dave Gibney – So, there is some real benefit to WC doing solar ordinance and taking the control that otherwise is in under the State,

Mark Tolman – You're not taking that control back completely, though. It doesn't take very long down this first page what EFSEC is. To understand that the other question I would add, is what is EFSEC's opinion of what an ordinance should look like? Because they are the ones that are going to decide that a county that has put up a moratorium is going to get side stepped.

Alan Thomson – That is something that we need to get serious with. Politics aside, there is this entity that can overrule us, so the first basic thing is getting an ordinance in place. That was the first question

that EFSEC said to me. Do you have a solar ordinance a wind ordinance? That is what they are searching for.

No, we don't have a solar ordinance. So now we should put one together and figure out (inaudible). EFSEC commented that Douglas County has a seven-mile setback from towns. He made the comment that that's ridiculous. (inaudible) So, the State can come in and overrule us. We have to keep that in mind.

Dave Gibney – It would be better to have something they can overrule than have nothing.

Alan Thomson -Yes. And not a “seven-mile, no-build zone” from the town. But we need to come up with reasonable, defensible, defensible code. The BOCC are okay with this so far, I guess. I think that all three of them are interested, but they want us to put the ordinance together.

Russ Jamison – I think though we are really hitting on an issue here as to who is driving or going to be driving (inaudible). When we sat here doing the marijuana, it became very obvious to me after (inaudible) that we could sit as a board and discuss what we really want, but if it didn't appeal to what the State wanted with what we (inaudible), then there were going to be repercussions. It was obvious and we were able to juggle that and come up with something that was agreeable for us and the State. We did it successfully. No funding was cut, no threats were made that I am aware of.

Okay now it sounds like we are jumping into the same thing a little bit. I guess what I am getting at is as a board member, before we get into a whole lot of discussion into what we want afterward educating from what this really is, we need to know what the plan is. If this agency is going to come in and basically tell all counties in the State what they want with regards to small towns, before we even start discussing it with everybody, I want to know that.

I want to know what they were told to do and the guidelines that are already planned, the parameter that we are dealing with. If we are open all wide and we can come up with anything we want, that's fine. But if it is completely that they are saying they are going to override anything you do if you don't do it this way, but then all of a sudden it becomes pretty narrow.

Alan Thomson – Rusty, I just don't think that is true.

Russ Jamison – Well, we need to find out.

Alan Thomson – No, I am telling you that is not true. EFSEC is not the hatchet job. They don't come in and just wipe the board clean and say that this county we are just (inaudible) at you with this wind mill and solar.

Dave Gibney – If they were that, they would have done it to us on the wind mills.

Alan Thomson- I don't think it is as bad as you are thinking. But they could come in if we had something that is overly restrictive. But it is going to take the landowners to ask EFSEC to step in. That is one parameter there, one way. Or the state EFSEC could say that, well, we think we need more solar nationwide here or within Washington state.

Dave Gibney – Is EFSEC part of Commerce or is it part of,

Brian Davies – It is stand alone.

Mark Tolman – If you read this description there.

Alan Thomson – (inaudible) So, it is the commissioners and the council and they have State representatives from Ecology, F&W, Commerce.

Dave Gibney – Most of our zoning regulations and everything are coming from Commerce and Ecology.

Alan Thomson – So we are not re-inventing the wheel here. There are ordinances that exist. And they are functioning. So, unless someone at the State level or the Governor's office decides that WC is ground zero for solar, I don't think you will have an issue with this and can have a reasonable ordinance. Or a landowner,

Brian Davies – How many days of sunshine do we really have?

Dave Gibney – I think they should go to the Tri-cities.

Russ Jamison – I guess, I hope that what we, (inaudible) but I also recognize that WC could become ground zero for some of this stuff because the hydroelectric dams are on the hit list. If our Governor and his people say that we don't want those dams anymore, we are giving you the option of replacing the electricity that they generate with this solar.

I guess I, as a WC landowner, (inaudible) because we have been fighting for what we already have for a long time. They can't take it away unless they give us something. I see this here as a possibility where they are going use it against us to take these out. I know that if we fight that and they wanted us to be the center of this as an experiment for the rest of the nations, it could get ugly. I don't want to, like I said, I guess fight this and waste my time putting something together if there is already a pre-planned agenda that we don't know about. I hope not, I really do.

Alan Thomson – I understand your concerns and we know that you are very suspicious of government.

Russ Jamison – I am.

Alan Thomson – Yes, I get that so I don't think that is on point right now at this point in time. I don't think you are,

Russ Jamison – Do you have the ability to find that out whether it is or not?

Alan Thomson – I don't think so. I'm not going to call up EFSEC and ask them what (inaudible, everyone is interrupting!)

Dave Gibney – I am certain that it is not a conspiracy of taking the dams out. On the other hand, I can't, I understand what Rusty is saying. One of the things in the long term if the dams were to go is replacing the energy that comes from them and also replacing the transportation and also replacing the (inaudible) there is a whole bunch of that. But Brian here, also let you know what is going on, if you are going to look for public land in WC, is that not going to be Corps of Engineers?

Brian Davies – That’s the only public land we have.

Alan Thomson – The Corps of Engineers only stretches so far from the Snake. Near very far off the canyon, that is all private property. So, the private property owners are really the ones that are driving this. If somebody approaches them and offers them a good deal, maybe they are going to go for it.

David Gibney – Listening to Rusty, too, I can’t really blame somebody when they have the option of making \$40 an acre or making \$3 an acre.

Mark Tolman – I do think that the question of asking EFSEC what a good ordinance looks like to them is not a dangerous question.

Brian Davies – No, that is a good question.

Dave Gibney – That is a good question.

Alan Thomson – I’m pretty sure that maybe EFSEC is going to be watching us and watching everybody else in the State of Washington because there is a bit of a ruckus going on at the moment. So, at the minimum we should have an ordinance.

Dave Gibney – And we started with Ecology’s suggested ordinance on several occasions.

Brian Davies – There will be a comment period for anything we write. Now we’ve got a new agency on board that will probably need to be included in our comment period if we are writing this kind of language. Or they will at least want to know about it.

Alan Thomson – I’m sure they are watching.

Brian Davies – I’m sure they are watching for restrictive language. Is that right?

Alan Thomson – What they think is restrictive. A seven-mile setback is a bit far.

Dave Gibney – They could also not like overly permissive language.

Alan Thomson – The public also gets a say in this too. I’m really curious as to what the average WC resident has to say about it. What is being proposed thus far with the wind, solar farms often (inaudible). It seems like a lot of land but I don’t know what that same plan looks like.

Dave Gibney – Is it close to a highway where it would be a distraction to drivers?

Alan Thomson- It is a huge area and I don’t know the details of it. That is what I have told the applicant. I need to see a site plan, an exact site plan. I need to see what this looks like, where it is, what kind of potential impacts are going to be. I conveyed that to them and they are going to give me that information at some point in the future.

Brian Davies – So, this is up by St. John and Thornton? So, it’s not on the canyon, not south facing WC canyon ground.

Alan Thomson – The Avista powerline is there. That is why they have picked it out.

Brian Davies – Because there is a big transmission line.

Alan Thomson – That is exactly why the wind farm chose their location. It is to tie into this power line.

Dave Gibney – That's the same place they want to hit the grid.

Alan Thomson – They have to get Avista on board with this, which they are working on. Last time I talked to them they had not sealed that deal. So, there are a number of things that need to fall into place. It is not like government is going to come in and chop us all off at the ankles and,

Dave Gibney – I can remember when we adjusted those ordinances to let Avista potentially put in a natural gas generator right in that same area. It didn't come to fruition but if they wanted to, some day they will come and say that we want to put in great big batteries and that's where we want them.

Alan Thomson – There are these big batteries all over the solar farm. That is part of their plan.

Dave Gibney – That's the problem with renewable, with wind and solar is that they are not, there are times when there is no wind and they need the batteries to be able to balance the demand.

Brian Davies – And for storage.

Alan Thomson – Well, good conversation to be continued and I'm going to be digging out more information and send it to you. I don't want to be cutting down our forests and giving you papers so I will be sending out emails. I will dig up more info and then let's start talking about how to craft this.

Weston Kane – As far as the ordinance goes, since we have an application already will the ordinance,

Alan Thomson – We don't have an application yet. No, very premature. Looks like next year is when it will really happen. This is the best time to do it because I'm glad we found out when we did. I don't think they are ready to pull the trigger on this yet. By the way, we will probably have another wind farm application next year. No, actually it might be 2025.

Dave Gibney – That wouldn't come to us. That would go to the hearing examiner, wouldn't it?

Alan Thomson - This one might go to the hearing examiner as well for solar. It depends on what kind of push back we get.

Dave Gibney -Doesn't the wind ordinance pretty much just push that into the hearing examiner right off the bat?

Alan Thomson – So, yes and no. Basically, I am choosing to take it to the hearing examiner and I'm choosing the Environmental Impact Statement and that's the way I am going to plan. I could see the resistance that was ganging up on us. It's like we are taking, we can't do this in the BOA. It would be horrible for those guys.

So, we take it away from the BOA and rewrote the code to say that these energy projects that are over five million dollars' worth, we have the choice and it goes to the hearing examiner and EIS and get a

consultant on board, which is what we did. So, as soon as I sense anything like that, that is the pathway we are going down. The wind farms, these guys are fine to do that. They are absolutely great with that. Palouse Wind was a great company to deal with it. They paid for all of our attorney's fees, and hired a specialist attorney from the west side to take us through everything to the hearing examiner, and that is who we have to send to anybody who is asking about building a solar farm or wind farm.

Brian Davies – I think that's the way, yes.

Russ Jamison – We know that no matter where the location is, the people that live around that area, are not going to be happy with that.

Alan Thomson – No, and they weren't happy with the original wind farm (inaudible) not happy with anyone that comes in the future. That is a part of the whole package. We have to go through that and we have to listen to their concerns and we have to listen to the environmental concerns and that is why we get our consultant in to cover all of those issues. That is the environmental impact statement.

Russ Jamison – You are requiring (inaudible)

Dave Gibney – So, is there anything else tonight?

Alan Thomson – That's it. So, are you okay to meet again on October 4th and we can continue on with the discussion on wind farms and solar farms? I'll send out more information. So, we will meet then and then again in November, I will come back to you with a public hearing with the zone changes.

So, October 4th and November 1st. I'll be sending you materials. If you want to do your own research, too, that would be helpful. If you come up with some avenue that we can talk about,

Dave Gibney – I think that with Rusty asking the farm bureau for information is a great thing.

Alan Thomson – Just not information like that, but if somebody has an ordinance, especially when we did the wind farm, all these horrific stories about what wind turbines could do to you, and I learned a lot of things, about low frequency noise and it scared the crap out of me. But all that stuff that I read on line it's like, you are kidding me. It's going to turn us off. Not true.

That's what we come up against. You see all that stuff and (inaudible) and the public sees that stuff, too. So that is why we got to get the experts involved for people, the scientists that know what is really going on here and dispel all the misinformation that is out there. There is a ton of it.

Russ Jamison – People make a living by making horror stuff out of this and it disgusts me. I think that the land that (inaudible) is to ask them just what they think about this. Then maybe after we have gotten educated ourselves on more about the solar, maybe we could have a meeting where you could have a guest come and explain at that point why we need the solar.

Because the worst thing that could happen is if something we found that causes the company to come in and put all these panels up and the State agency is approving it without us having any say at all, all of a sudden you would have this whole room full of people. They have to tell us why they are in favor and why they are not. I personally would like to avoid as much of that as we can and get ourselves educated

so we can at least answer these questions when they come. If I go and scare people (inaudible) it would be a disaster.

Alan Thomson – I don't want it going (inaudible).

Russ Jamison – I like your education, I really do.

Alan Thomson - That is why we push this. We have to educate ourselves first to find out what is up and down and then go from there. But put the ordinance in place is a lot better than not having an ordinance.

Russ Jamison – Why is Grant County, or the one down in the Tri-Cities,

Alan Thomson – That's Benton County.

Russ Jamison – Why have they taken the position that they have? What caused them to throw up a brick concrete wall?

Alan Thomson – Thousands of acres, there were several different reason, thousands of acres getting taken out of production, having insufficient regulations, local regulations to deal with it. it is just kind of blindsided them, and the three commissioners that don't like government.

Dave Gibney – If the proposal that Alan got the rumors about was further along, it may well be that we would ask our BOCC to give a moratorium to give us time to do an ordinance.

Alan Thomson – That's a possibility. Nothing is putting pressure on us right now. It, say the worst thing happened and all of a sudden two or three companies showed up at my doorstep to take out thousands of acres of farm land in WC, I think that they might recommend a moratorium. So, we need to educate ourselves and inform ourselves as to how best to process this.

Dave Gibney - Going back to the cannabis thing that's the path that we've taken then too.

Brian Davies – You sent an email at 4:18 that had Asotin County's ordinance on there and they have had some experience now for couple of years with companies, with my friend's property, so that is why this got written. Let's look at this. Everybody should have gotten it so it looks like it is pretty inclusive.

Alan Thomson – On the handouts, you've got Douglas County, and a couple of others. Grant, and Kittitas County, so read them through and we all are going to get an education at the same time. I don't know anything about this, either. Grant County (inaudible) as well. There are reasons to educate ourselves.

Brian Davies – It would probably be really easy to just Google this big solar project in southern Idaho. I believe that (inaudible) tribe are the ones doing some push back. But it is a big story because the US Department of Energy is really pushing on it.

Alan Thomson – Just like we did with wind. Find out the opposing cons. There are a lot of cons, potentially, and you've got to educate yourself about that. There are pros, as well.

Brian Davies – I think Wyoming would be a great place for a lot of this stuff, wouldn't it?

Alan Thomson – Nevada.

Brian Davies – Why not, Pullman. Not WC.

Dave Gibney – Franklin and Benton County would be a good place. Right down there by the Tri-cities.

Russ Jamison – Yes, those people who live down there may be livid. And the State of Washington isn't going to tell the governor of Wyoming what to do with his state. This gets into political stuff but I understand that they don't like it.

Brian Davies – There is so much money out there that everybody wants some of it and it's like a feeding trough is what it is.

Dave Gibney – There are good reasons to have multiple sources of energy.

Alan Thomson - Renewable energy.

Dave Gibney – We're not going to keep the civilization going and without having energy,

Brian Davies – We are lucky because we have water and we have hydroelectric, for now. We hate to see the dams, that whole issue I don't even want to comment on it other than once they put it in, I don't understand how they think they can take them out and make it all work. Especially when we have a lot of our barged,

Dave Gibney – They do have a lifetime. They are eventually going to fill in with sediment anyway.

Russ Jamison – I remember when they put in the last one, I was pretty young but people were upset when putting it in because it was destroying the communities that are now there. I remember the dozer pulling in and leveling all those houses down there at Penawawa. All the rich farmland was down there. Well, people resist the change.

Alan Thomson – Next time gentlemen.

MOTION by Brian Davies and seconded by Weston Kane to adjourn the meeting. Motion passed.

Adjourned - 8:38 p.m.