

League of Women Voters of Pullman Observer Report

Name of Agency: Whitman County Planning Commission Date: Nov 4, 2020

Observer Reporting: Shelley Chambers Fox Length of Meeting: 2 hours 45 min Zoom

Members Present: Dave Gibney, Russ Jamison, Gary Moore, Brian Davies, Robert Hill, Guy Williams, Chad Whetzel, Keith Paulson, Matt Sutherland, Alan Thomson (county planner), Grace Dibiase (assistant county planner), Ginny Rumiser (note taker)

Members Absent: none

Others Present (e.g., media, public): 18 members of the public, Mark Storey (Public works director, county engineer), Denis Tracy (county attorney)

Public Meetings of interest to League: Public hearing on proposed marijuana ordinance Chapter 19.64. Findings of fact are available at <https://www.whitmancounty.org/DocumentCenter/View/1701/Planning-Commission-Hearing-for-November-4-2020---Preliminary-Findings-of-Fact-PDF>

1. Chair Chad Whetzel started the meeting with a document that listed **findings of fact** pages 1 through 55. He asked if there were questions or corrections from the commissioners. There were none. Matt Sutherland moved they be accepted, seconded.
 - a. He then asked if there was any **discussion from the Public**. Kathleen Lloyd stated that the findings of fact are not consistent with the Whitman County Comprehensive Plan. In particular she requested that marijuana businesses be required to be at least 1500 feet from residences, and that the marijuana operations prove that they have legal right to water before their conditional use permits were approved. Rod Commons urged the commissioners to review research from WSU on MJ. Stephanie Fosback suggested that the county does not know the safety of concentrated MJ growing on the health of the community needs resources to test air quality and regulate the industry.
 - b. Roll call vote, **all commissioners voted to approve the findings of fact.**

2. The discussion then turned to the **proposed marijuana ordinance itself**, Chapter 19.64. This document is available at <https://www.whitmancounty.org/DocumentCenter/View/1022/02-18-2020-Draft-Code-Revision---Chapter-1964-Marijuana-Ordinance-PDF> **It was moved and seconded to approve the ordinance and forward it to the County Commissioners. Discussion followed:**
 - a. Russ Jamison stated that there has been a lot of **research and discussion** put into the ordinance and he would like to send it as is. Guy Williams stated that he feels that the ordinance does not protect the existing residences as they should be. Alan Thomson would like to change the text that is in red in the current version: All businesses currently in operation are considered grandfathered in. Denis Tracy urges the board not to insert this language; it is unnecessary given current Washington State case law. The suggested language was withdrawn. Other commissioners echoed the desire to move forward on the ordinance. **Fine tuning can be discussed and completed by the County commissioners.**
 - b. Lani Cordova urges the commission to change the **setback distance** from homes to 1500 ft which is what is required between two residences in the county. She states that another residence is a more acceptable neighbor than a marijuana business. Alan Thomson stated that businesses have to have 2 acres so it is unlikely that the business will be 20 ft away from a house. He further notes that the commission does not want to treat marijuana businesses differently than other businesses that are permitted in the county. Nicole Weed presents the following concerns: once an application is made is there no **waiting period** to allow neighbors to respond, there are no specifics on **odors** making them unenforceable, **concerns about distance, water and odors have been dismissed by the commission.** Alan Thomson responds that there is a notice period that is part of the conditional use process; these rules are not repeated in the MJ ordinance but will apply. Guy Williams would like the commissioners to specify that the setback should be 1500 ft from existing residences. Dave Gibney reminds the commission that they have voted on

this before. Stephanie Fosback adds her support to using the 1500 ft setback; she also is concerned with the need for homeowners to call and complain rather than having an enforcement unit in the county. Hailey Lewis from SEL states that SEL is very concerned about the impact of marijuana on the community. They believe the county has a responsibility to regulate this market to protect the public safety. The ordinance appears to be grounded in the current Whitman County comprehensive zoning plan which was written in 1978 and is long overdue for an update. She adds that concerns of neighbors should be heard. Mark Storey states that the county has contacted consultants about **revising the Comprehensive plan**. Citizens are encouraged to participate. This was on the agenda tonight as new business. Alan points out that the marijuana ordinance will be accompanied by a memo that will suggest the 1500 ft setback as an alternative to the 20 ft setback. Guy Williams moved that the ordinance be amended to change the setback to 1500 ft. There was no second. There was **considerable dismay expressed from the public** that this particular concern was not addressed.

- c. **Roll call vote on forwarding the marijuana ordinance to the County Commissioners without amendment: 8 in favor, Guy Williams voted against the motion.**

Other meetings of interest

- a. Board of Adjustment forthcoming hearings – **NW Grain Growers commercial agricultural commodity warehouse outside Endicott**. Date yet to be determined.
- b. Forthcoming Administrative Use Permits – **Weis Towers proposes a new cell tower on Bald Butte**. Issuance of permit is still pending. County Emergency services is trying to buy the existing tower; negotiations not going well. **Weis Towers also proposes a new tower next to an existing tower near Dusty**.
- c. Update on previous administrative use permits – **Western Construction of Lewiston quarry on the Palouse-Albion Road. Granted on September 4, 2020**. This permit was appealed to the Board of Adjustment. Appeal hearing was held by Zoom on October 27, 2020. Permit was upheld but added a couple of conditions to it.
- d. Going forward there will be a **public meeting when the County Commissioners consider the marijuana ordinance**.

New business:

1. The commissioners discussed the **memo containing alternative recommendations to the County Commissioners** to accompany the marijuana ordinance. It will include references to the 1500 ft setback requested by the public. Kathleen Lloyd suggests that the setback should apply to the agricultural zone and the industrial zones. Alan points out that the County Commissioners read the planning commission minutes.
2. There will be a **couple of changes in the board**, **Matthew Sutherland** is resigning due to National Guard responsibilities. **Guy Williams** is having difficulty scheduling to attend monthly meetings. Chad encourages members of the public to apply. **Contact the County Commissioners office to apply**.
3. The Planning Commission is not prepared to start discussions regarding revising the Whitman County Comprehensive Plan tonight.

Process & Protocol: *Did the members appear to have done their “homework”?* **Yes** *Were members courteous to each other and the public?* **Yes**, though quite defensive. *Was access to materials for certain agenda items available to you?* **Yes, posted at the county website.**

The December meeting will be cancelled as the commission is not yet ready to discuss the update to the Whitman County Comprehensive Plan.