

League of Women Voters of Pullman Observer Report

Name of Agency: **Whitman County Planning Commission** Date: **Apr 3 2019**

Observer Reporting: Shelley Chambers-Fox – taken from transcript

Length of Meeting: 3 hrs

Members Present: Dave Gibney, Gary Moore, Robert Hill, Russ Jamison, Chad Whetzel, Keith Paulson, Elinor Huber (note taker), Katrin Kunz (assistant county planner)

Absent: Matt Sutherland, Ryan Davies, Guy Williams

Others Present (i.e., media, public): Sheriff Brett Myers, 16 interested citizens

Meeting Content:

The April meeting consisted of a short series of announcements about completed and pending requests for permits, and, for the most part, a workshop gathering information for the development of an ordinance to regulate marijuana production.

1. Announcements:

- a. Board of Adjustment forthcoming hearings – Amanda Boyd horse boarding facility on O'Donnell Road set for May 9, 2019.
 - b. Forthcoming Administrative Use Permits – Weis Towers is still actively pursuing a new cell tower on Bald Butte next to their existing tower. Issuance of permit is still pending.
 - c. Forthcoming Variances – Randy Smith front setback for shed replacement approved and issued on April 1, 2019
 - d. Board of County Commissioners' approved the code amendments to Chapter 19.10 – Agricultural District and Chapter 19.12 – Cluster Residential District and the amendments to the Critical Areas. They also changed the zoning from the Agricultural District to an Airport Commercial District for 6.4 acres owned by Colleen Schoepflin, and for Agrow Solutions from the Agricultural District to a Limited Heavy Commercial District.
2. Chair Chad Whetzel announced that **Sheriff Myers** will speak first, he has another appointment. Then if the public has any questions or comments please address the Board and we will get answers for you.
- a. Sheriff Myers was asked to address **legal concerns about the legalization of recreational marijuana**. He reviewed the history of legalization starting with medical marijuana in 1998 followed by legalization of recreational marijuana in 2012. You have to be 21 years old to purchase and have to purchase from a store rather than your friend or neighbor. It is still a crime to possess marijuana if you are under 21 or above certain weight limits but law enforcement does not active pursue these issues. The main enforcement efforts are put into finding people who are operating a motor vehicle under the influence of marijuana. The sheriff's office has little responsibility for enforcing laws pertaining to grow facilities, shops or processors. The Liquor and Cannabis Board has responsibility for enforcing those regulations. The state allows cooperative grows of 4 to 15 plants for medicinal purposes. A cooperative grower must be registered with the state and the participants need to have a doctor's approval for the use of medicinal marijuana. The enforcement of industrial regulations or the chemicals and the waste products is not a law enforcement issue. The Liquor and Cannabis follow up if there is too much odor or too many chemicals or they don't have proper security cameras or they aren't monitoring who the owners employ. Keith Paulson asked whether the Sheriff has seen an increase in crime. Sheriff Myers responded that he 'can't actually say that there is an increase in crime' but in general if there is a high drug use area there is an increase in crime. He repeats his concern for people who drive while under the influence and a subsequent increase in traffic accidents and fatalities. He has not seen an increase in property crime or violent crime. One of the most common complaints that the Sheriff's office receives is about the smell of marijuana from the grow facilities. The Liquor Control Board should be contacted about these complaints and they can require more filters on the ventilation system. Marijuana is not considered an agricultural product; it is governed by the Liquor Control Board. The county regards it as an agricultural product and allows it to be grown in agricultural zones. Sheriff Myers notes that considerable

discretion is used to determine what marijuana related issues they enforce. For example, smoking in public is a speeding-type offense but if no one's safety is endangered, they often do not intervene. Apparently the LCB is not issuing any more licenses but they will allow licenses in other counties to be transferred. We currently have eleven active, grower/processor licenses in the County; nine are operational.

- b. The next guest was **Chief Lester Erwin from District 12 Fire District in Pullman** He and several other firefighters did a **walk-through of the growers we have in the area right now**. He reports that the growers run a very tightly regulated business. For example, all plant product is weighed and accounted for including plant parts that are to be disposed of. A known amount is produced and a known amount is sold. The fire department has asked all of the marijuana businesses to provide a Knox box that the fire department can use to store a key that will get them into the business. That way they don't have to break down the doors if there is smoke coming from the building. Growers have been cooperative but retailers no so much. The Chief did not note any safety hazards at the grow facilities.
- c. There were **comments from a number of the residents of Country Club Road** with concerns about crime increasing since marijuana was legalized in the area, difficulty recruiting physicians if the small town is not family friendly, marijuana being a gateway to drug abuse, odors being transferred to WSU Dairy cow's milk, and several others expressing concerns about marijuana's effects on the community. They want reassurance that marijuana waste water will not leach into the aquifer and that the costs to the county will not exceed the current meager income from having marijuana businesses in the county. Many of the speakers state that they want the county to ban marijuana businesses.
- d. The Commissioners asked **one of the marijuana producers** for information about hemp. He states that currently Washington has two industrial hemp licenses that require farmers to be five miles from any other cannabis producer to prevent cross pollination. Industrial hemp and recreational marijuana are the same species. They smell the same, they look the same, the big difference here is to be called hemp in the US, the plant has to contain less than 0.3% THC. THC is a compound that is psychoactive. In the summer of 2020, Washington agriculture will be open to hemp farming, however, given the legislation currently bouncing between the State House and the State Senate, we will effectively be governed by the new legalization of hemp across the US. At which point I don't think any setback from a marijuana operation will be valid any longer. Regardless of what the legislation permits, that does not change the big concern that cross pollination will be a problem for both industries. Hemp that is grown for fibers is generally male plants, while in marijuana production you're only growing females. Cannabis is a wind pollinated plant species. So, if that pollen were to reach your marijuana farm from your nearby hemp farmer it would cause your seeds to pollinate and have seeds, which significantly lowers the value of that crop. I think that was why that initial 5-mile radius was in place. But I don't know how Washington is going to regulate that in the future

Process & Protocol: (Observations about participants and procedures of the meeting)

Note: Next meeting will be May 1. The Commissioners discussed continuing the workshop format that includes the public and would like the public to be included.