

**TOWN OF GARFIELD
PLANNING COMMISSION REGULAR MEETING MINUTES – Final
March 31st, 2014**

CALL TO ORDER: Tammy Howard called the Planning Commission meeting to order at 6:32 PM.

ROLL CALL: Tammy Howard, Kevin Pickron, Sharon Schnebly, Tami Southern, Erin Olsen, and Denise Hasenoehrl. Absent:

GUESTS: Jarrod Pfaff, Katie and Mark Young, Daymon Marple, Cher Curtis, Joan Wride, Jane Kolar, Debra Lantzy, and Tim Southern.

INTRODUCTION OF NEW MEMBERS: Denise Hasenoehrl and Erin Olsen.

MEMBER RESIGNATION: Due to Damon Vassar having to travel a great distance for work he is resigning his position. A new member will be needed to fill this spot. Recommendations for a replacement should be passed along to Town Council at their next meeting.

APPROVAL OF MINUTES: Kevin Pickron **MOVED** to approve the Planning Commission Public Hearing and Meeting Minutes of Feb 24th, 2014 and the Public Hearing minutes of March 17th, 2014. Tami Southern seconded the motion and the motion carried unanimously.

PROPOSED ZONING CODE CHANGES:

Tammy Howard explains the Washington State regulations regarding marijuana. Tammy introduces Debra Lantzy and explains to the audience where she lives and shows the committee of the proposed location on this map, which is in the Ag 1 zone. Tammy clarifies to everyone here that Debra is the one applying for the marijuana processor application. Debra is going to start with a producer/processor license. She will do no retail, and Debra confirms this. Retail in Garfield is not going to be appropriate because it would have to be in the commercial zone and no facility would be a minimum of 1,000 feet from a day care, library or public park.

Tammy also introduces Joan Wride and daughter Jane. Jane and her husband are going to build a house next door to the Lantzy property. Sharon Schnebly asks if there is a fence separating the properties. Both Joan and Jane's land will connect with the applicants land. Tammy asked the committee members, are any of you leaning toward the Town of Garfield not accepting this? Kevin Pickron states that Debra will need to apply for a Conditional Use Permit as a cottage industry. Tammy explains that when a person comes in to apply for a Conditional Use Permit it will trigger notification to every neighbor within a 300 foot radius of the applicant.

Tammy prompts the audience for their thoughts. Jarrod Pfaff speaks up saying I would give Debra a Conditional Use Permit under the Ag-1 zone as a cottage industry. This gives the town a try before you buy approach. If it doesn't go good you don't renew the permit and then the thing is done with. Tammy explains she is trying to think of the whole area within the town limits, so would we make this activity open to any zone? Jarrod explains if you do nothing the state will automatically move forward because the Washington State Liquor Control Board says you can have one application within town. The regulations will prevent any activity within all commercial and residential zones. Ag 1, 2 and 3 will would allow it under the cottage industry and they are located in areas outside of the 1,000 foot regulations.

Kevin said he wants to talk with Stephen Bishop about the legality of this issue. This matter will become a budget issue that the council will have to deal with because we could use the tax revenue but if we say no they might possibly loose the revenue from marijuana taxation and also the tax revenue from liquor sales. Katie Young explains that she sees it as kind of a balancing act. Katie has a different opinion with this balance in that we will likely suffer from a loss in property values, for example someone may not build because of this issue. It puts us all in a tricky situation. She feels it will affect the whole community. We might loose \$10,000.00 from lost tax revenue but we might also loose a lot in property values.

Kevin said he would like to hear from the Wride family who are looking to build. Jane Kolar initially thought if there was a fence and I don't see it, then possibly it could be fine. Jane explains that she has found a lot of research that she wants to share with the committee and guests. She continues it is legal for individuals to grow and sell marijuana. They must obey all regulation and comply with the state. The growers must have a surveillance system and fence to prevent illegal activities. Jane thoughts are if the state is requiring these

systems then they are expecting prowlers and problems. My mom is frightened by the idea of prowlers around her property and people driving up and around her driveway. It is possible that teenagers are going to be curious. Other will be curious and these things would concern her.

So communities in the state will be awarded subsidies, however if they opt out they will be denied these benefits. Tammy clarifies these are the tax funds collected from the state liquor store and distributed. Tami Southern said the liquor control board collects money from sales from all areas of the state and distributes them among all towns within the State of Washington. Jane goes on to say communities have a right to reject marijuana within their communities. Jane also explains we as a community are concerned about lawsuits brought against the town, but 4 of the states largest 75 cities have bans, and 34 have moratoriums. This is still illegal under Federal Law. We still don't know what is going to happen yet so there are bound to be some issues with this roll out.

Kevin reminded everyone that we are looking at this as a zoning issue. Joan thinks we have to look at it as a marijuana issue. Consider how a marijuana farm will affect your property values, not just ours but the property value of the community. People will research this out before they move into the community. Will a published marijuana operation bring unwanted traffic to Garfield? Jane assures everyone it will be published. Could it affect your family's safety? Will this send a message that others could have a business here? Tammy asks, do we know if there are anymore than one allowable application for the Town of Garfield? Debra explains the 1,000 foot regulation imposed by the State of Washington would be a huge factor within Garfield as there are not that many allowable places that meet this restriction.

Jane said in Spokane alone there will be close to 30 growers. Currently in Whitman County they will allow 22 producers and 17 processors. In Freemont California, police have been responding to more marijuana grows. This fight has been lead because of offensive odors for neighbors. Mark Young said on the California police force they noticed increased problems when retailers moved into the area. What would stop them from permitting the allowance of a producer/processor and then want to keep pushing it further? Jane says from a human aspect, Tami and Jarrod you have kids, consider this your neighbor wants to grow marijuana next to your house. You have kids there that are curious they like to climb fences, think about what they could stumble across. Or how about in the evening you and your wife are outside trying to enjoy a nice evening and you smell the constant waft of marijuana. How would you feel?

Jarrod explains that this wouldn't bother him in the slightest. My parents taught me as long as I told them what I was up to then I could do what I wanted. He wishes to teach his kids about the world they are living in with a realistic approach. Believe me they are very curious. Jarrod doesn't necessarily think it is any worse than alcohol. Everyone here is reacting to the unknown with the exception of Mark since he has had a lot of experience in this field. Jarrod explains that he doesn't know much about medical marijuana facts in California, but if you want to do apples to apples you present stats that are reflective of Colorado to Washington.

Jane says here is the next question for you. Maybe you want to move from Garfield since you have a great opportunity somewhere else and you live next to a marijuana farm, how do you feel about that? Jarrod says the nature of Garfield is that property values are going to change much either way. Katie Young says we would be naive to think it won't impact our school; we have to look at the big picture. Jarrod explains there have been marijuana grows in town for a long time.

Cher Curtis states so we don't know if the money is going to be taken away if we refuse to have anything to do with the marijuana business. Jarrod explains that he would have sat down and made this decision literally on math, sales revenue and deduction of home prices. Katie said but we must have the zoning committee focuses on a quality of life. She explains that she is a math person also and wonders how it will affect the school and the quality of life within Garfield. She says we have to think about the people that have invested in the community and how it affects them. Jarrod said he agrees that there is usually a number attached with everything.

Mark Young asked Debra will you be living on the property. Debra say yes she will be there 24/7. Mark explains that he is on the council and has been wrestling with this for quite some time. As you can tell we have different opinions on what could happen. To draw correlations to Colorado is premature. California was for medical purposes. Mark explains he worked narcotics for over 20 years in the police force. As long as you had a license from a doctor then you could use it. What we noticed in California there was an increase in crimes and burglary

where retail sales took place. To say we won't have any issues with this would be erroneous. The town only has one cop and it is on a limited basis.

The problem that Mark sees is that this place will be public knowledge, as all the legal groves will be identified. The criminal will be taking special attention to these places. For instance Idaho noticed an increase of traffic stops with vehicles transporting marijuana across the border. They can get it here in Washington cheaper now. There will be one person with a surveillance, but you could have a dedicated crew that could come in cut the surveillance and quickly harvest the grow if they want. We can't minimize this by saying let's go ahead and get whatever dollars we can and turn a blind eye to it. To simply say it is legal so we have no choice so let's make a profit off it is no way to live. 55% of the community said no to this legalization of marijuana. How do we govern effectively what our neighbors want?

Erin Olsen asks, what are your plans for surveillance? Debra starts by explaining this is not going to be a retail facility so there is no additional traffic. The only activity at this property is created from what I process, and then the harvested marijuana will be moved to a retail establishment. No one is smoking there. The interior building is about 600 square feet and outdoor grow is approximately 2,000 square feet. To get anywhere near this place you would have to go through pasture land or the neighbors. An 8 foot privacy fence will surround the grove. Cameras will be able to do face recognition from 20 feet away and will also work at night. Joan wonders how often the alarm system will go off. Katie offers that thieves will most likely target small towns, and these will not be nice people.

Tammy changes the attention of the meeting to Stephen Bishop, the town attorney, who had just joined the meeting, to answer some legal questions the group may have. Sharon opens by asking what is your legal opinion for the town? Stephen says he is neutral on the subject but he is here to make sure the town follows the law. Stephen explains there are no test cases to deny an applicant against the State of Washington. Tammy asks what should we avoid? If you pass an ordinance saying that no one should grow, process, or retail marijuana in the Town of Garfield this may possibly draw you in for problems further down the road. Stephen also explains no one truly knows about the funding issue with the state as it hasn't been tested yet.

Tammy states we have a wonderful little daycare in downtown Garfield but what if that daycare wanted to move within the 1,000 foot radius of the marijuana operation. Stephen says he doesn't know the status of this. Debra said it would then be up to the daycare if they wanted to knowingly move within this radius but the grower would be grandfathered in. Jane brings up the moratorium; many cities have an outright ban on any acceptance of marijuana within their communities. Stephen explains that a moratorium is only short term so people can collect their thoughts, this may not be possible here since the process is well under way and discussion has progressed. A moratorium is only for 6 months. It would not benefit us since there will be no additional information within 6 months. You could consider making a recommendation to adopt an ordinance similar to the one we accepted in Oakesdale; however this may eventually be put to court test.

Cher Curtis comments on the Conditional Use Permit and wonders if the people in the 300 foot area don't want it, will this be taken into consideration? Stephen tells Cher the Board of Adjustments grants the Conditional Use Permit, however you are asking questions we don't know the answers to yet. Yes the town has the absolute right to zone accordingly. If the town chooses to deny a Conditional Use Permit it can. Courts do favor initiatives by the people. Technically you can't go out and trap gophers in the State of Washington, the fact is the Fish and Wildlife said until we have money to enforce it, we won't enforce it. Our legislative will give huge lenience to this initiative since the population voted it in.

Mark says the authority is still within the cities and towns to do what they want with this matter. Stephen says that is the State Attorney General's opinion and we don't know yet for sure how it will affect us. Sharon asks if we limit this to just AG-1 and utilize our Conditional Use Permit, would that be enough of a balance to keep from any litigation at this point? Stephen says we would be acting within our realms. Tammy inquires if we redefined the zoning, could we possibly limit it to one zone. The cottage industry language is currently in several zones; do you think we could limit it to one zone? Stephen expresses the Town of Garfield has authority over its zoning. If the Planning and Zoning Committee is acting as the Board of Adjustments then they can accept the zoning changes.

The Planning Commission acts as an advisory role only. The Planning Commission is in place to discuss whether it is appropriate to make recommendations to the Town Council, and how the zoning code should be amended.

Joan wants to say what is wrong with doing it out in the county. You can do everything that you want to do out there. Tammy explains we have no control of what is done outside the city limits. A guest ask Debra about her property and if it is within the town limits. Debra says her outbuilding (the barn) will be the indoor grow, that is right on the edge of the town limits.

Tammy asks are there any more comments that haven't been addressed yet. Tami Southern would like to know will you will have facial recognition 24/7. What if you have to leave the facility? Debra says there will be an alarm and of course there will be insurance on the property. Every business could face theft problems. Tami adds but there is a stigma about drugs. Katie says it is a fact there are criminals that want drugs and they will get them however they want. Debra suggests the best research on this could be provided through information on Colorado and finding out how much theft is there. Tami says you are presenting something that someone really wants. Debra adds again there will not be a lot of traffic, I will not be advertising. Tami said you are in a small town and information runs quick in a town this size.

Tammy explains for the committee that they need to decide whether to seek and ordinance similar to Oakesdale or do they wish to revise any of the current zoning? Once the decision is made is it final. If we allowed it, it would then become a process by Conditional Use Permit and could possibly have restrictions placed on it. It would be similar to the Palmer's RV park where we put a restriction on the permit saying if it was not used as a RV park we could pull the permit. The committee could designate how often we want to evaluate the parameters of the permit. It could also be based on information provided to us by the neighbors. The applicant would need to talk with Cody about the Conditional Use Permit, then we send out the letter to the neighbors and then we decide yes or no.

Tammy feels the committee should make this a non-marijuana issue, but rather a Condition Use Permit issue. The committee has to decide what we should send the council. Do we recommend an update to the council? Jarrod explains the committee will only be revising the zoning. You would have to look at the cottage industry and not allow an outright use; it becomes a conditional use only situation. Unfortunately this could take a lot of meetings to accomplish this and approximately 6 months later it will be codified, it doesn't become law until it is codified.

Kevin explains changing the zoning is a process that takes a long time, month after month after month. It took a lot of time and energy. Kevin says he has no problem with the work but others may have a problem with how long it will take. It may take 3 months, then to council and it can be debated for another 6 months. Your are looking at possibly a year and a half out. Jarrod reminds the group that someone out on Walter Siding road may decide since they are in the county maybe they would like to give it a shot, they aren't really that far out of town but we would have no regulation over that. If we decide to deny her then someone else may come along that may reapply for this permit. Jarrod feels we have to deal with this on a case by case basis.

Tami says she can absolutely see both sides. It is hard decision additionally because the state hasn't finalized the rules. It limits us to what we think we can and can't do. We don't know if the town will receive less funding if we say no. I don't know if we are going to get any more funding if we say yes and we probably will not know the answer to this for quite a few more months. We are at the mercy of the state and they are not in a hurry to make their changes. Jarrod adds that is the beauty of the Conditional Use Permit, you can put parameters on the permit and if it is not utilized correctly then you pull the permit.

Sharon said this decision is not about me and my concerns or about any one person; it is about the whole town. We have to stick with our current zoning and under our current zoning I think it will accomplish what we are after. Cher Curtis said you are all looking at the business side of this but not looking at what the people of this town want. Sharon reminded Cher that the Conditional Use Permit will get all the neighbors involved. They are the ones that get to have input at the Conditional Use Permit meeting. People outside this area can also attend this meeting but they may not necessarily be asked for input. All zoning questions are the sole jurisdiction on the Town of Garfield. Jarrod feels if we utilize a moratorium then the town potentially opens themselves up to a legal issue.

Kevin explained the process now is Debra should apply for Conditional Use Permit then we notify the landowners within 300 feet of the applicant's property. Debra explains as far as the sates concerned, I have followed everything and the rest of the application is going in next week. Once approved, I will come in and apply for the Conditional Use Permit.

Erin Olsen says she would be repeating everyone else's concerns of crime, security and property values. Can there be a condition like if crime rate goes up can we pull the permit? Denise Hasenoehrl said until these things occur we will not know how much to expect. Does the State of Washington come out and inspect your property when you are up and running? Debra said yes they will come out and inspect everything. They can say you are not ready, or if I am way out of compliance they will say no. I can't have anything in there until they come and say yes. Debra said she hired a consultant to fill out the paperwork; it has been a very tough process. You have to have a clean criminal record, and background check. Debra's uncle is also involved in the operation and has been through the background check.

Denise says in the license you are applying for, does it limit you to 10,000 sq feet leaf coverage and the amount of plants you can grow? Joan asked is the entire growing process taking place inside a greenhouse. Her concern is that you have massive row of Lilacs there, how will your crop get sun. Debra confirms she is not removing the lilacs, she likes the hedge. Jane asks what about the odor. She has talked to people that have been around a marijuana farm, she was told if they are not processing correctly then the odor would become worse or if it gets moldy, there is a pungent odor; as a neighbor can I make a complaint? Debra said yes and she will take into consideration the odor for her neighbors. Jane says if there is a foul odor she would not want to build her house in that neighborhood.

Tammy Howard says that they have covered just about everything and it is time to bring the meeting to a close.

Tami Southern **MOVED** to accept this as a conditional use within the cottage industry of existing defined zones. Erin Olsen seconded and the motion carried unanimously.

MEETING: July 14th at 6:30 pm at the Garfield Community Center.

ADJOURNMENT: Kevin Pickron **MOVED** to adjourn the meeting at 8:07p.m. Erin Olsen seconded the motion and the motion carried unanimously.

APPROVED: Tammy Howard Tammy Howard, Chairman

ATTEST: Cody Lord Cody Lord, Clerk/Treasurer