TOWN OF GARFIELD
BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING – JULY 14, 2014
Debra Lantzy Recreational Marijuana Conditional Use Permit

CALL TO ORDER: Chairman Tammy Howard called the public hearing to order at 6:34 PM.

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

PUBLIC PRESENT: Burt Souders, Mark Young, Greg Kolar, Debra Lantzy, Charles Lantzy, Officer Joe Merry, Garth Meyer, Rick Wride, and Keith Kimball

APPROVAL OF MINUTES: Tami Southern **MOVED** the minutes of the regular meeting March 31st, 2014, be approved as written. Erin Olsen seconded the motion and the motion carried unanimously.

Tammy Howard outlined the request:
Applicant: Debra Lantzy
Property: 109 S. 10th– Block 28, Lots 1 thru 8 and Block 29 Lots 5 thru 8.
Conditional Use Request: Applicant is requesting a Conditional Use Permit to Produce and Process Recreational Marijuana on the property located at 109 S, 10th.

Condition Use Application – Debra Lantzy submitted an application on May 27, 2014 to seek approval for conditional use concerning a cottage industry in zone AG-1 (GMC) Section 24.02.060.

Tammy explains Cody and I met with Stephen Bishop today to get an understanding of what exactly it is we are discussing tonight. Currently the production of marijuana is allowed under state law and the way our zoning ordinances are written for Ag-1 it is currently allowed within the town as well. The cottage industry would be the processing aspect of the marijuana application, so we are considering the processing and not the production tonight.

Zoning: The subject property is located within the AG-1 zone.
GMC; Section 24.02.060 AG-1 states that outright and conditional uses as: Outright Uses: One single family dwelling per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; raising of animals with restrictions; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property; agricultural and horticultural activities, including but not limited to cropping, tree fruit production, vegetables, and berries. Conditional Uses: Home occupation; schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; private storage for agricultural purposes; green houses; industrial uses; cottage industry use of accessory buildings for commercial activities, sales outlet for commodities grown and processed on site; public buildings.

PUBLIC MEETING

BOARD QUALIFICATION:
Tammy Howard asked each member of the Board of Adjustment the following questions.

a. "Does any member of this Board have a personal or financial interest in this matter or its outcome? No

b. "Does any member of this Board live or own property within 300 feet of the area which is the subject of this proceeding?" No

c. "Is there a member of this Board who believes that he or she cannot sit and hear this matter fairly and objectively?" No

d. "Is there a member of this Board whose employer has a personal or financial interest in this matter or its outcome?" No

e. "Is there any member of this audience who feels a member of this board cannot judge this issue fairly?" No comment from the audience.

Tammy Howard then read:
The laws of the State of Washington provide that, "During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex-parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding."

Staff Reports:

Tammy explains the comments that were submitted by each department of the Town of Garfield.

Staff Reports were filed as follows:

Building Inspector, Dan Gladwill: No concerns.
Fire Chief, Chris McCully. No concerns.
Police Department, Chief Jerry Neumann: No concerns.
Public Works Superintendent, Robby Johnson: The only concern would be if it will negatively change any of our readings at the WWTP. If we see a spike in WWTP results we will have to implement parameters to safely run our plant without issues. Also there should be no by-products or debris disposed of through our garbage collection or composting site.

Public Comment:

Public comments were filed as follows:

Janiece Anderson called Town Hall to ask that it please be told to the committee that she is not in favor of the operation. The phone call was taken 7/14 at 5:00 pm.

Are there any property owners within 300 feet and would you like to comment. Tammy reminds the audience this is for processing and not production since it is currently allowed under state laws and within the parameters of the uses of the Ag-1 zone. Tammy talks about producing examples through state of Washington. Tammy also explains the difference between a producer and processor from the WAC language. Producer - from WAC 314-55-075(1): licensee is allowed to produce, harvest, trim, dry cure, and package marijuana into lots... can also produce and sell marijuana plants, seed, and plant tissue culture. Processor - from WAC 314-55-077(1): licensee is allowed to process, package, and label usable marijuana and marijuana-infused products.

Greg Kolar says this makes some sense although he is uncertain about past judgments of this board. Tammy explains in the past we were serving as the Planning and Zoning Committee and tonight we are acting as the Board of Adjustment. Whatever happens tonight doesn't have to go to Town Council.

Greg says tonight overrides past meetings? Tammy clarifies that it doesn't override, rather tonight it is the purpose of the Board of Adjustment to have a very limited task. Greg would like to say that as someone that lives within the range of 300 feet from the proposed operation he is concerned about property values and their decline. He is also concerned about the possible crime increase in the neighborhood and also in the town. He thinks it will be a type of people that are unfavorable to the Town of Garfield.

Rick Wride has some of those same concerns. He has lived in Alaska where it has been grown everywhere for a very long time. He talks about how Alaska has a problem concerning this now. He says eventually the growers will start to expand themselves. He thinks we have to have forward thinking and if we do we will see that things will only grow in this industry. He asked a couple local pastors of their view on it, and they disagreed with having it in their town. Their concept of it is that the smokers will get into their cars and be half stoned driving down the road. Officer Merry talks about how theses small town don't have the ability to regulate this, he has talked with a lot of troopers and they say they can't keep up with it.

Officer Merry adds that from a property owner perspective he is against it for growing and processing. He has seen this in other areas just a little bigger than this, where it is very prevalent. From a property owner concern I am really interested in property values. Some of the things I am really interested in has the building been inspected for commercial use. Has it been inspected to handle the electrical load that will be necessary to conduct business? He talks about the major fire at the tavern and how it will continue to impact Palouse for a very long time. Now we have residual effects in the community because this happened. Do you think for one minute, growing processing or retailing, you won't have a change of people walking the streets monitoring that grow operation wanting to knock it off. They will always be looking for that moment of opportunity, and you will most definitely have an increase in crime rate.

Charles Lantzy said worrying about the property prices is incorrect; he thinks the property prices will probably go up. He will be doing work to his property which will be an improvement. Opening a can of worms is allowing the grow operations that are illegal to continue to operate. The way to stop crime is to have it legal and regulated. There are more consequences. Debra Lantzy (applicant) said the state is very interested in what is going on within this property. We are making it legal and that is why we brought it out of the forest was to make it safer. Charles says he has put more than $60,000 in the last 6 years into his home, so I disagree with the property value and crime rate logic.

Debra would like to reiterate that this is wholesale, and it would be illegal to come on her property and smoke her marijuana. Rick Wride thinks that to say it is illegal to be on your property doesn't mean they won't try. Debra explains they will be turned away. Cameras will have face recognition within 20 feet. Greg would like to know, how did you get so motivated to do this? Debra said she was very motivated by the business aspect of it and her uncle saw her enthusiasm to do it. You don't have to be very large to be good at it. It is kind of like a micro-brew. Rick said so you basically saw as an opportunity to get into it from a legal side.

Keith Kimball speaks up and says, I think that everyone knows that I am a respectable person. I am an excellent citizen, and I am really tired of the BS and double standard. When people can drink and drive and wipe out a family how could that option be better? He has never been around any violence while smoking marijuana. In the past he had to deal with low lives because that used to be the only place you could buy it. It is a lifestyle that he can now be comfortable with. I would just like it to be normal. There are a lot of good people that smoke marijuana, a lot of people in this town. There is no crime and violence involved in it. I am a vet, I served my country, I pay my taxes, have had good jobs. When people find out I smoke marijuana they are shocked. The last thing I would like to say I went to Spokane today every store was empty. I think that the property values will likely go up. Crime is already in small towns and it has nothing to do with marijuana. There is a stigma attached to it, we all need to let go of that.

The laws have changed here in the state. The state now lets us choose to do what we want to do with it. Personally Keith feels the guy with the sign is so offensive, to me it is disgusting, shows no respect for anyone feelings, and much worse to view than a grow would be. It is all a matter of respect. It is such a business opportunity the state would be foolish not to regulate every part of it. Keith feels this is an opportunity to possibly start building some momentum in town. He thinks this is only an opportunity until Wal-mart or another large company comes in with large scale operations. He thinks it will be great. When he smokes it he is still pretty much himself just a little more calm. Keith feels we ought to let people be happy with their choices.

Burt Souders doesn't want to say no one can smoke marijuana that is up to them. He had to dig his son out from under a bridge because of drugs. To me this is not thinking of the people. Look at the people in Colorado that are getting (young kids) sick from the cookies. We have had marijuana in this town for I don't know how long. You see what has done to these people; it can be just as bad as alcohol. Charles says that there has never been an overdose death by marijuana.

Rick asks how many outlet stores are there in Whitman County. There are 3 in Pullman and 1 allowed for rural Whitman County. Kevin Pickron said again we are not talking about a store in Garfield, this is not going to happen ever. Sharon Schnebly confirmed that Pullman is going to get at least two. The town of Garfield will never get retail sales. There are no commercial locations further than 1,000 feet from the library, daycare or public park so we will never get one it won't work with our zoning layout.

Greg asks, is your hope to grow in the barn? Debra confirms it will be in the barn and another building. Greg asks them about the setbacks on their buildings and Debra and Charles say they will have to look into it. They also have to look at where the back of his barn stops. Rick tells Debra and Charles that their outbuilding would probably be their best bet.

Tammy explains as a Board of Adjustment we can consider the issues that have been brought up tonight to help build our findings of fact. What I have heard is the potential crime increase, and worry about the decline of property values. We can use these specific things to determine our findings of fact. Once done with that we will finalize our duties. It is not really the responsibility of the board of adjustment to research it. We are supposed to go off the information that has been provided to us.

Concerning the staff reports, we need to add wastewater as one of the concerns, as well as, garbage and composting concerns. Tammy says first of all I should ask you, are we are in favor of the conditional use so that she can process on the site? If so, do we take these things into consideration so that we can place restrictions on this permit? Sharon asks how far can the restrictions go? Such as if the police department sees and increase amount of traffic in the next 6 months, what can be done? Can we broaden the conditions as much as we want? Tammy says some examples might be if the police respond to illegal activity within a one year period then we revisit the permit. Kevin asks is there a limit on the violations and is it an annual number or lifetime. Tami Southern said we can put a time limit on it. Tammy said we don't have to make that decision tonight. We put parameters around it and determine if actions need to be made. Tammy explains we need to put together these findings of fact to make sure they are good with the town attorney. Erin Olsen said she would like to discuss the restrictions before we approve the matter, it seems like a more logical method to her.

Debra says to the board that everything that you are talking about is state regulated. No discarding, no sump pump will be used to enter the system and I am not using any hazmat. I am using hash leaf processing. Ice will be used, and then the water will be used in the garden. She is not hydroponic and the soil will be used back on the property. Debra will drop those details by the office and Cody will distribute. Tammy personally feels the property values are hindered more by the sign on the corner and the trailer next door with the animals, more than this operation will be. Personally she believes these things are more declining of property values within our town.

Kevin said the problem with property values we don't know from historical knowledge on it so we will have to take a look at it for a year and then address that matter. The closest thing we have for historical would be prohibition. Kevin explains he doesn't see how they can assess it when they don't have anything historically to look for. We are talking ambiguous things that make it very hard to validate. Tami explains maybe this is the best kept house on the block but property values may be declining by other people in the neighborhood. Sharon says we have to follow the guidelines like we have in the past. The only other thing she would like to think about what kind of odors are going to be coming off this operation. Possibly there would be a filtration system? Debra suggests there will likely be more smell from hogs in the area. Tammy also mentioned this to Stephen and the existing nuisance ordinance we already have in place would address smell issues, so a person would simply just have to make a complaint.

Kevin and Tami feel that crime and policing is very important and a number should be attached to the property so only so many violations could occur without having to come in front of the board again. Tammy explains it has to be directly related to this site and it must be a crime of producing or processing, it must be directly related to this business. Greg would like to refer to property values, there are a whole lot of buyers that would say if they are producing right there forget it I will not buy this house. If I build and sell my house no one is going to pay $250,000.00 to be right next door to this.

Erin would like to setup some very specific details about the regulation of the permit. Just because people are walking by to see what is going on we can't charge them with a crime, it has to be a crime that happened as a direct result of this business. Debra explains if some type of crime unrelated to the whole operation happens then I don't want that to be counted. Sharon thinks that 2 citations is enough to trigger a mandatory board reconvene if it is determined to be directly related to processing.

Tammy Howard said we also need to think of the neighbors so maybe we have to take into consideration the rise in crime in the neighborhood. Kevin said, do we lump trespassing into this as well and if so what kind of trespassing? Tami like if they are accessing your neighbors or your property to look over your fence, if they are just curios then that might be one thing but if they are cutting through or peering in your neighbors house and being a nuisance then that becomes an issue for your neighbor. Charles states that is one of the main points of making marijuana legal is so that you can call the cops if anything looks suspicious. It makes it so we don't have to hide it any longer and we can enforce it better. Debra also explains any visitors on the property will be regulated and given a visitors pass.

Tami asks Debra to clarify the visitor pass. Both buildings will be issued a visitors pass. Sharon said, is there a log kept on these passes and visitors? Debra says the state actually regulates this. The WSLCB can show up anytime. Debra explains that no background checks will be happening on guests, however she and Charles both had to pass a background check. Tammy says if you had 3 violations in a year then that is too many, and after a year then the clock would reset. Sharon explains to Debra if I were you I would request a record of all activity.

It is determined that property values are subjective and not able to be measured. Tami said maybe a year from now we will have history. Tammy explains we will also take into consideration the concerns brought up by the public works department. If numbers changed the WWTP, or if debris that could be tracked back to your business in up in the garbage or compost then that would cause a reason to convene to consider possibly action.

Greg finishes by reading a statement from the Freemont Bulletin from Feb. 14, 2014. It mainly covers that there is a large increase in crime in this area of California attributed to marijuana usage. Debra points out that it is not legal in California and that in Colorado where it is legal crime rates have gone down. Rick said I believe they are still compiling information for Colorado. Keith says Garfield is a small town so it is very easy to see if something is going sideways here. It is easier to keep track of it

and address issues. I walk around town and see stuff all the time. People are looking out for each other here.

Kevin Pickron **MOVED** to approve the findings of fact and conditions. Tami Southern seconded and the motion carried unanimously.

NEXT MEETING: TUES 22nd, 2014 at 6:30 pm. Town Hall. This will be a Board of Adjustment meeting to finalize the finding of facts and to issue the conditional use permit. Tammy will send you all the draft of the findings of fact for the next meeting.

ADJOURMENT: Kevin Pickron **MOVED** to adjourn the meeting at 7:45 pm. Tami Southern seconded the motion and the motion carried unanimously.

APPROVED: Tammy Howard

Tammy Howard, Chairman

ATTEST:

Cody Lord, Clerk/Treasurer