

TOWN OF GARFIELD
PLANNING COMMISSION PUBLIC HEARING MEETING NOTES – FINAL
March 17th, 2014

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

ROLL CALL: Tammy Howard, Kevin Pickron, and Sharon Schnebly. Absent: Tami Southern

GUESTS: Mayor McCown, Jarrod Pfaff, Cher Curtis, Larry and Dawn Hunt, Cathie May, Darrell Grossman, Debra Lantzy (Applicant), Dennis Cartwright, Roy and Judy Weiker, Don Kriebel, Connie Kriebel, Ray and Jean McCown, David and Melody Jones, Joe Merry, Donna Wride, Dave Ulrick and Larry Kruse.

PUBLIC HEARING – Marijuana Grower and Processor Application Discussion:

Tammy Howard opened the public hearing at 6:32. Tammy Howard welcomes the group and explains the purpose of the meeting which is to discuss the new marijuana application in the Town of Garfield for a grower and processor permit. Tammy explains before the Planning and Zoning Commission has any recommendations for the council we would like to get the town informed and give them the opportunity to discuss this matter. Debra Lantzy is here to talk about what she would like to do.

Debra was born in Wenatchee and has lived in Washington State all her life. She worked in the Seattle area as a banquet captain and in the restaurant industry there. When the State of Washington passed legislation to legalize the production and consumption of marijuana it was her moment of realization that this could be a good thing. Debra is knowledgeable about complying with state laws in the food and beverage industry and she is committed to following the state laws while operating her business. She has been doing everything within her power to abide by laws, and follow the recommendations set forth by the State of Washington and has been learning about code compliance through attending workshops and lots of studying on this matter.

Her method of business will be nothing too large or complicated. She has filed for a Tier II processor application. There will be no more than 2,000 sq feet of plant canopy. The indoor area will have 300 square feet and outdoor will have about 1,800 sq feet of planting space. The outside space will be fenced. There will be an alarm system and numerous face recognition cameras which will be indoor and outdoors. 45 days of surveillance data must be kept onsite for back logs. There will be an accountability system which will provide each plant a UPC code and will track the progression of a plant from growth to retail. Debra will only be licensed to sell her product to other processors or retailers. Colorado has already been witnessing the rewards from this industry. Debra says Washington State was great in recognizing this opportunity and she would like to see this as a wonderful change for the town's future.

Tammy states one of the concerns is the use of the products or wastes on site. Debra explains all the plant material not used for sale will be composted on site, nothing will leave that facility. Debra must hold and weigh all waste and notify that State of Washington of her discarded bi-products. Kevin Pickron asked what is the plan for nutrient management? Debra said all fertilizers used will be accepted and endorsed by the State of Washington. The footprint is not large enough to really make much of an impact. Debra discloses the location of the proposed grow operation and explains that growing will take place partially indoors and some outdoors. Donna Wride asked where is this open land located? The outdoor grow will be beside the barn and be fenced running back towards the field. The indoor grow is approximately 320 square feet. The outdoor dimensions are 18 x 100 feet long to the next pasture, and the privacy fence will cover the entrance to the barn, and run to the field.

Cher Curtis asks the Commission, does Debra fall within the conditional uses of her zone? Sharon Schnebly said Debra's house would be located in Ag-1 which does allow for such conditional uses. Ag-1 allows for 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 horticulture activities, including but not limited to cropping, tree fruit production, vegetables, and berries.

Tammy said this activity will most likely fall under the cottage industry. There are only two employees allowed on the premises for business purposes. Debra said it could eventually be more than 2 employees but this would only be under expansion in the future. Cher asks Debra if her license has been approved. Debra said her application is pending and not approved yet. Cher asked the committee, what does Debra have to do to get the conditional

use permit approved? It is explained Debra will have to present her idea, pay a fee and then there would have to be approval from the residences within a 300 foot perimeter of the property. Officer Joe Merry asked how much crop can be raised on 10,000 square feet of land. Debra has given the State of Washington a plan for 3,000 square feet. Officer Merry said what we are looking at is about a 200 plant operation. He then explains the street value of a plant is about \$2,000.00. Officer Merry states his experience through law enforcement is usually an individual grows 15-20 plants for one person. They don't use the entire product, so it goes to the rest of the smokers in town, these are what we refer to as street sales.

Officer Merry says his worry is even though the growers pass the background check, there is going to be a tendency to have a small grows somewhere else on the property to facilitate these street sales. Officer Merry says it sounds like she has a good business plan. It is the law, and if she follows everything by the law there is not much what we can do about it. Some challenges Officer Merry said we are going to field is that you could have people trying to break into the facilities for theft, and possibly some increased traffic. Dennis Cartwright asked are you talking about selling this over state lines, because the sale of marijuana in Washington is now legal. Tammy said there are different licenses; production, processing and retail. If Debra is approved for production then she can't sell it.

How will this effect the law enforcement in Garfield? As long as Debra is following the recommendations of the State of Washington, which the state will manage this very acutely, it could affect us by monitoring the vehicles in and out of the establishment. Patrols around the facility would be increased to make sure everything is operating correctly and legally. Officer Merry states whenever you put Dope out in the community there will be more problems. Cher asked are your long term plans just production and processing or are you wanting to also do retail? Debra explains that she is not interested in retail but she will be doing some processing which will entail clipping, pressing and drying but not handling any harmful materials.

Donna asked how many times a year can you harvest your crop? Debra says indoor grows will take about 3-4 months if not more to reach maturity, outdoor crops will be grown from May to October and harvested once a year. Larry Kruse asked what the zoning is and is it legal to have within the city limits. Tammy said yes, but we need to specify the language a little better. The grow facility has to be a 1,000 yards from school, daycares, libraries, and parks. Sharon asks how are we going to limit this in the city, do we want to limit it to just AG-1? A Retail outlet will not work in the Town of Garfield; Debra can only sell to licensed processors, producers and sellers. Dennis Cartwright asks how will you market it? Debra said that the demand will be great enough that marketing should not be an issue for success.

Sharon asks how about odors and smells, how will this affect your neighbors? Debra reassures everyone if anyone has a problem with the smell she will implement what is needed to take care of the issue. Officer Merry explains some of the ways the police have located grows was the neighbors complaining about the smell. Dennis says he is not familiar with modern varieties but won't it grow over the top of an 8 foot fence? The growth can be contained so it doesn't grow as large. Debra is thinking she will go with Dog Ear cedar and paint it with a paint that makes the fence harder to climb.

Melody Jones wants to know what the options are at this point. Are they change or regulate the type of zoning, or can we also just say yes or no to the applicant. Tammy said this will be up to the City Council, what the Planning and Zoning Commission will do is try to make a plan and they will say yes or no to our recommendations. If we say no and go by federal law, then we may be setting the town up for a lawsuit or possibly forfeiting on collecting tax monies. Larry Kruse said doesn't it have to be in a commercial zone? The commission informs him at this time it is not limited to the commercial zone with the way the zoning is written. Melody says the state Attorney General said towns can make a decision not have marijuana facilities in their towns.

Sharon explains that the laws are ever changing at this point, that even if towns decide to say no, the Liquor Control Board has suggested they will just circumvent each town's decision and exclude them from tax benefits. Also if the town said no then it could cost the town too much in civil litigation, we don't want to open the town up to any litigation. Also there is a bill that says that town and cities can outright ban, but the town will not get any revenue from the taxes from the Liquor Control Board. It would make sense to address it through zoning so that it is somewhat regulated by the town as well as by the State of Washington. Larry Hunt said the only reason they wish to legalize this is to bring in additional tax money. Sharon said the only thing stopping the Feds from coming in and shutting down these businesses is that the state has committed to regulating these grows very closely. The feds could still come in tomorrow and seize any operation; this is a risk Debra will have to take.

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Officer Merry says Yakima County 3 to 4 weeks ago placed a moratorium on the marijuana business. They slowed things down to see how things develop. Larry Hunt asked is the moratorium a question for the Zoning and Planning Commission or is it a question for the Town Council to address. So many questions still remain unanswered, wouldn't it be prudent to put a hold on it until more things are certain. Kevin explains the Planning and Zoning Commission can give recommendations and then the council will ask for their input. It is a process to go through, the Zoning and Planning Commission has no authority, they just help facilitate the information and create some thoughts and push them forward to the town council. The council could say no or try again. A moratorium is a good idea but you can't have it forever.

Sharon says as some of these licenses get issued we will be able to witness some of the legal issues they come up against. Sharon said she would bring to the council the idea of the moratorium. Colfax passed one, and the next meeting Colfax canceled the moratorium. Jarrod Pfaff adds since the process is changing so rapidly, it will inevitably postpone itself. Cher asked Debra where are you in the application process? Debra said the second application will go in at the end of this month and it will take awhile before the state will take that information to the supervisor to move forward or decline. Dennis asked how will you be able compete with Giant producers? Debra explains it is like the brewing industry, you have large producers and there are small craft producers, such as her.

Officer Merry said we don't have to worry so much with these small operations, the bigger the farm the better the chance of having organized crime. The state is not going to stop anything since they want the taxes. There is a list of others that have applied within Whitman County, if it is not Debra then another application will appear. David Ulrick asked the commission to explain in better detail the 300 foot rule. Tammy said they will notify anyone within the 300 foot radius of the applicant's facility. Kevin explains if Debra makes a conditional use permit request to the Zoning and Planning Commission then that starts the process, we inform the neighbors within the 300 feet and find out if it is worth our effort or not to continue on with the process.

Darrell Grossman said can we look at other towns our size and see what the results are from those towns? If you are growing marijuana won't it attract unwanted events to the town. Sharon said you bring up a good point. We have to wonder if there is the possibility of the housing prices going down? Melody says we are looking at one applicant but what happens if Debra doesn't get an approved application then we have to start dealing with other applicants. Debra explains that no one else can turn in any more applications after the December 20th, 2013 deadline. Melody says maybe some of the ones who have already applied will move up the ranks until a suitable applicant is found. There is also some concern about an applicant being approved and then changes to location or specifications of the application could change. Debra said if an applicant is approved to grow then wishes to move locations they can only relocate within 75 miles of the original location. Officer Merry said it seems manageable but he would be worried about the state increasing limits without notice.

Mayor McCown asked Debra which side of the barn are you talking about putting the operation on, and have you had a chance to talk with your direct neighbor to get her feelings on the plans. Debra has not talked with her neighbor yet, but there is a natural barrier between her home and the neighbors with established hedges which will also have a fence in front of it. Dennis asked do we know what the tax share would be for the city. At this point the tax sharing has not been determined on the states part. Jarrod added the city will be receiving money from the utility tax as well. Tammy thanked everyone for coming and stated unless there are any objections the public meeting will be closed.

NO QUORUM TONIGHT Meeting was adjourned at 7:40 pm.

NEXT MEETING: March 31st at 6:30 pm at Town Hall.

APPROVED: Tammy Howard Tammy Howard, Chairman

ATTEST: Cody Lord Cody Lord, Clerk/Treasurer