

**TESTIMONY AND WRITTEN PUBLIC COMMENTS:
INTERIM ORDINANCE NO. O20150001 ON MARIJUANA FACILITIES
COMMENTS/TESTIMONY RECEIVED APRIL 16 – MAY 7, 2015**

| <i>Name</i> | <i>Organization</i> | <i>Method</i> |
|--------------------|----------------------------|-----------------------------|
| Ehlers, Carol | | Testimony |
| Finney, Bernard | Cedardale LLC | Testimony |
| Hendrickson, Barb | | Testimony |
| Hurlimann, Larry | | Testimony |
| Scott, Lori | | Testimony + letter (5/4/15) |
| Sowell, Sharyn | | Testimony + Google map |

May 4, 2015

To: Skagit County Planning Commission

Re: Deliberations re: Proposed Permanent Regulations on Marijuana Facilities

As a Skagit County resident personally affected by the I-502 implementation in Skagit County, I wanted to provide you with background and suggestions which may assist with your deliberations and recommendations on this topic.

BACKGROUND: The Flower of Life Farms in Alger WA. met with Skagit County Planning Department in December 2013 to submit a plan to produce and process marijuana. At that time marijuana was considered "just another agricultural crop". Rural Intermediate allowed agriculture and the potential growers were told that they could proceed with plans for an "outdoor grow". Plants would be grown "in ground" and temporary open ended "hoop houses" (plans showed PVC pipe hoop structures) would be allowed (they are currently in code compliance because they constructed rigid frame greenhouses rather than hoop houses but any decision will only apply to the greenhouses vs. hoop houses not to any other issues). There was to be no processing allowed in RI zone (although since that time the growers have been approved by LCB for Processing). Neighbors found out about these plans in July 2014 and immediately began to express concern to the County and the applicable State agencies.

The process proceeded and by December 2014 a County moratorium was enacted so this matter could be thoroughly studied. We have testified at every opportunity and expressed numerous concerns over the past 11 months. Now, you are being asked for recommendations regarding permanent regulations in Skagit County.

I would request that you consider the following information:

- 1) The 1-502 grow in Alger (Rural Intermediate Zone) will now be the **only "outdoor grow"** in Skagit Co.
- 2) There will be **no other I-502 producers/processors allowed in RI Zone.**
- 3) The current proposal from the County is that "obscuring fences" required by the State Liquor Control Board would include appropriate screening to avoid the visual impacts of security fencing and include protections against security cameras infringing on neighbors privacy and include controls on odor, heat, vibration, air and water pollution. None of these requirements apply to the Alger Marijuana grow.
- 4) Any proposed I-502 project will need to **maintain the character, landscape and lifestyle of the rural area.**

On 2/3/2015 PDS informed Alger residents that the Flower of Life Farms had been permitted and were considered vested (attached memo from Brandon Black, PDS received by Lori Scott on 2/3/2015) and would not be subject to any of the new regulations that will be developed.

Recommendations: As a result we are requesting that the following issues be considered and added to the recommendations for final regulations.

1) Within a reasonable period (example 12-24 months) all "vested"/permitted/grandfathered I-502 operations be required to come into compliance with the new regulations including screening of the required fences, controls on odor, security cameras , lighting and all expectations of the new regulations except the precise siting since that has already been permitted. Re-certifications which require "grandfathered" facilities to come "up to current code" because new regulations have been instituted, is common practice in other industries.

2) Water usage for each producer/processor be considered and method developed to monitor water usage and to require each producer / processor to adhere to the same water constraints as other properties in their vicinity. (For example: properties adjacent to the Alger grow are in a low-flow area (sample agreements attached) and are restricted to use only 400 gallons per day and cannot water lawns from June 1 to Sept.30 each year. The Alger grow uses water from an individual well, is not monitored or restricted and is allowed to use up to 5000 gallons per day. County documents and research show that each plant can use 6 gallons per day; an estimate of 3900 gallons per day (could be much more for an outdoor grow). Experience in other grow areas has shown water use to be 6 gallons per plant per day. Our wells are deep. We have water shortages during the summer and we are concerned that using this amount of water from a well within several hundred feet of 3 other wells could be detrimental to all of us.

3) Regulations developed need to be enforceable. Upon receipt of a complaint the County needs to have the authority and ability to investigate, monitor and demand corrections if necessary.

We have appreciated your thorough review and deliberations on this important matter and look forward to your recommendations.

Thank you,
Lori Scott
3351 Old Hwy 99N
Bullington WA
Lori Scott

Attachments: Permitted I-502 operation within unincorporated Skagit County 2/3/15 by PDS

Low flow Mitigation Summary required by Skagit County for Alger residents

Estimated water usage for growing marijuana

Picture of rural residential area before and after Marijuana grow

Current pictures of obscuring fence and grow from neighbors' backyard

Permitted I-502 operation within unincorporated Skagit County

The below lists reflect the known I-502 operations currently permitted within Skagit County either through approved special use permits or vested building permits prior to the adoption of the December 22nd, 2014 moratorium and interim ordinance:

Approved by Special Use permit:

1. Challenger Ridge Estates, LLC (ONMI Growers), 43095 Challenger Road, Concrete. Rural Reserve (RRv) zone. Hearing Examiner Special Use Permit (#PL14-0184) applied May 15, 2014. Approved by Hearing Examiner February 9, 2015.
2. Casey Craig (The High End), 17636 State Route 20, Burlington. Agricultural-NRL (Ag-NRL) zone. Administrative Special Use Permit (#PL14-0338) applied August 21, 2014. Approved December 30, 2014.
3. Rocky Lohoff (Melorock Garden), 23263 and 23273 Pioneer Highway, Mount Vernon. Agricultural-NRL (Ag-NRL) zone. Administrative Special Use Permit (#PL14-0328) applied August 18, 2014. Approved February 6, 2015.

NOTE: Additional Administrative Special Use permit, currently under review, received after the December 22, 2014 moratorium meeting the criteria within the interim ordinance:

4. Tom Aliotti, (Edison Agriculture) 5937 and 5933 Chuckanut Drive, Bow. Agricultural-NRL (Ag-NRL) zone. Administrative Special Use Permit (#PL15-0001). Applied January 2, 2015. Currently under review.

Approved Building Permits:

1. Crystal Creek Holdings LLC, c/o Jeff Benham (Northwest Grown Products), 24862 Benham Road, ste A, Mount Vernon. Rural Resource-NRL (RRc-NRL) zone. Building Permit (#BP14-0198) for change of use/interior remodel of existing barn. Applied May 7, 2014. Approved/Issued June 16, 2014. Final inspection January 13, 2015. *3.6 acres
R0220
permitted
under new
ordinance*
2. Skagit Investors LLC, c/o Lin Alden, 33081 State Route 20, Hamilton. Natural Resource Industrial (NRI) zone. Building Permit (#BP14-0597) for interior remodel of existing building and an 8 foot fence. Applied October 21, 2014. Approved January 30, 2015. Issued February 3, 2015. No inspections completed. *9.24 acres
permitted
under new
ordinance*

3. Mike Adkinson/Seth Stromme (Agape Research WA), 35925 State Route 20, Hamilton. Natural Resource Industrial (NRI) zone. Building Permit (#BP14-0619) for I-502 Greenhouse. Applied October 29, 2014. Still in applied status.

*permitted
with notes
for review*

4. Paul and Lori Lindsay (Flower of Life Farms, LLC), 3431 Old Highway 99 North Road, Burlington. Rural Intermediate (RI) zone. Building Permit (#BP14-0356) for two storage buildings and an 8 foot fence. Applied July 11, 2014. **Approved/Issued September 8, 2014.** No inspections completed. Currently under enforcement action (#CE14-0158). Appealed to the Hearing Examiner on January 23, 2015 (#PL15-0018). State Licensed November 7, 2014.

Q: Will the water use limit of 5,000 gpd under the commercial/industrial exemption provide enough water for growing marijuana?

A: Growers are responsible for researching and evaluating their water needs. Current information regarding marijuana water use is largely anecdotal. Growers are being licensed by the state Liquor Control Board in three tiers depending on how much marijuana they intend to grow, but all three tiers are estimated to require less than 5,000 gpd. The tiers by maximum amount (square feet, sf) of marijuana canopy allowed and the estimated amounts of water (gallons per day, gpd) needed for indoor grow operations are:

- Tier 1— 2,000 sf; 260 gpd
- Tier 2 – 10,000 sf; 1,300 gpd
- * • Tier 3 – 30,000 sf; 3,900 gpd

* Water needs for outdoor grow operations, where environmental conditions cannot be controlled, are likely much higher and climate variations at different locations in the state is a significant factor in determining the water needs for growing marijuana. Given that marijuana previously has been illegal to cultivate, the state does not have the same level of data regarding the irrigation needs for various locations across the state as it possesses for traditional crops.

Q: Will I be able to use water from my irrigation district to grow marijuana?

A: In May 2014, the U.S. Bureau of Reclamation (USBR) announced that use of USBR water or facilities (reservoirs, canals, pumps, etc.) for any activities related to the cultivation and distribution of marijuana is prohibited under the Controlled Substance Act of 1970. This means any irrigation district supplied by USBR projects can not provide water for marijuana irrigation.

In Washington state, the USBR operates two large reclamation projects: the Yakima Basin Project and the Columbia Basin Project. Even though marijuana cultivation is legal under state law, Washington cannot require USBR – and the irrigation districts it contracts with – to supply water for marijuana production. There are no USBR projects in western Washington but you should contact your irrigation district to determine if water is available for marijuana irrigation.

Q: Can rainwater be collected and stored to cultivate marijuana?

A: Yes. Rainwater collection systems are legal in Washington state and do not require a water right. They can be used to store water collected in the wet season for later use. Groundwater from exempt wells can also be pumped to a storage tank or cistern that is part of the rainwater collection system and stored until needed, as long as the 5,000 gpd limit is not exceeded.

Collected rain or groundwater can only be used on the same parcel from which it was captured. More information on rainwater collection: <http://www.ecy.wa.gov/programs/wr/hq/rwh.html>

Return to

LOW FLOW MITIGATION SUMMARY

Property Owner/Grantor: Robert & Lori Scott
Grantee: PUBLIC

Property ID #: P 416608 Assessor's Tax Account #: 3100420-2-009-0007

Legal Description: Sec. 2i Twp. 3i Rng. 4 / Plat Name: SP 30-81 Lot 1 Block -
(when applicable)

Subject: Aquifer Recharge Mitigation Summary to be recorded with Title.

The following is a mitigation summary as required as a condition of issuance for Permit # BP23-1569
Pursuant to Skagit County Code 14.24.350 section (7) this summary shall be recorded with the title.

In that this development/project is within 1/2 mile of a "low-flow" stream as designated by the Washington State Department of Ecology, I, _____, the undersigned attest and agree to the following:

- I. The water well(s) for my property will only be allowed for interim use with the condition that the property shall be subject to mandatory participation in a Local Utility District (LUD) or Special Improvement District that will provide potable water service to my property and I hereby agree not to protest the LUD or Special Improvement District.
- II. To decommission my well(s) in accordance with applicable State and County regulations and to connect all fixtures to the public water system as soon as it becomes available. The interim well shall be limited to 400 gallons per day per connection unless I can demonstrate compliance with SCC 14.24.350(5)(c).
- III. The total impervious surface of the property is less than and shall remain less than 5% of the total lot area, unless the proposed development/project provides mitigation that will collect runoff from the proposed development/project, will treat that runoff, if necessary to protect groundwater quality and discharge that collected runoff into a groundwater infiltration system on site.
- IV. No lawn watering will be performed from June 1 to September 30. This condition shall remain in effect until the well is abandoned in accordance with Chapter 173-160 WAC and the property is connected to an approved public water supply or a Hydrogeologist confirms that the water source is from a confined aquifer and there is no continuity with a "low-flow" stream. (Skagit County recommends landscaping with native vegetation as much as possible)

Owner: Robert Scott Lori Scott Date: 1-20-04
Robert Scott Lori Scott

On this day personally appeared before me Robert Scott & Lori Scott known to be the individual described herein and acknowledged to me that they signed the same as A free and voluntary act and deed for the uses and purposes therein mentioned.

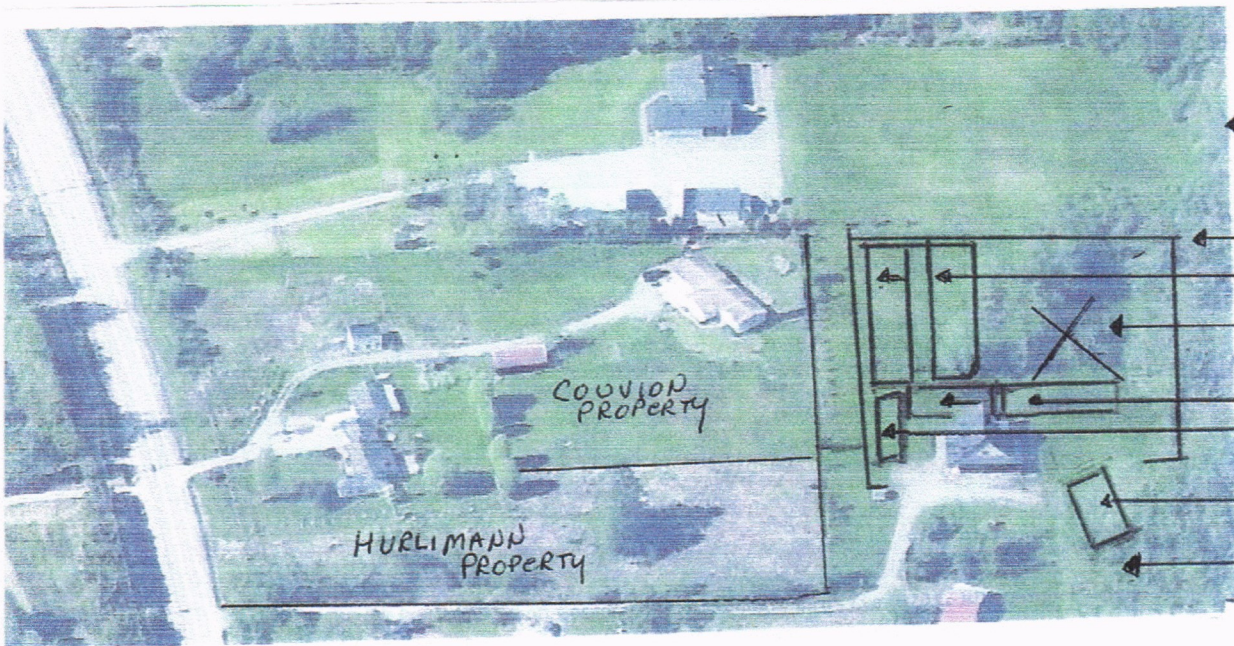
MAURINE R. JOHNSON Notary Public in and for the State of CALIFORNIA
residing at 5470 Skyway, Paradise, Ca. 95969 Date: 1-20-04





← SCOTT PROPERTY

← LINDSAY PROPERTY



AFTER :

← SCOTT PROPERTY

OFF
BLACK PLASTIC FENCING
GREENHOUSES
(2) 28' X 120'

TREES REMOVED
(2) PROCESSING COACH
STORAGE CONTAINER

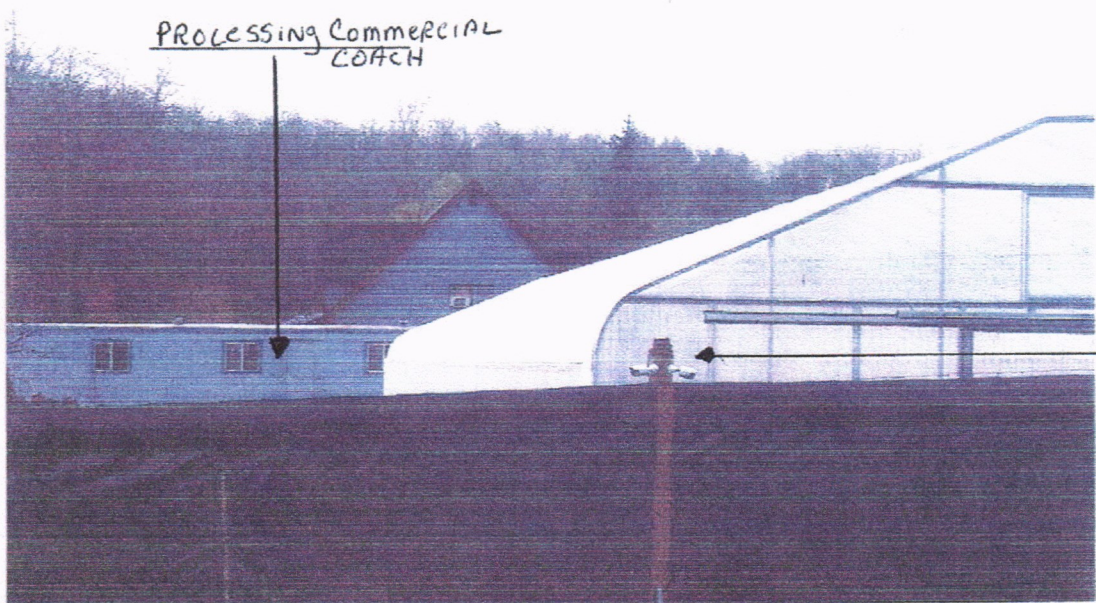
SMALL GREENHOUSE

← LINDSAY PROPERTY

COUVION PROPERTY

HURLIMANN PROPERTY

FROM SCOTT BACKYARD:
NOW



PROCESSING COMMERCIAL COACH

← GREENHOUSE

← SURVEILLANCE CAMERAS

← OVERHEIGHT FENCE
BLACK PLASTIC

CALL ME ISMAEL
TO THE LAST I GRAPPLE WITH THEE FROM HELL
HEART I STAB AT THEE FOR MATE'S SAKE I SPI
MY LAST BREATH AT THEE

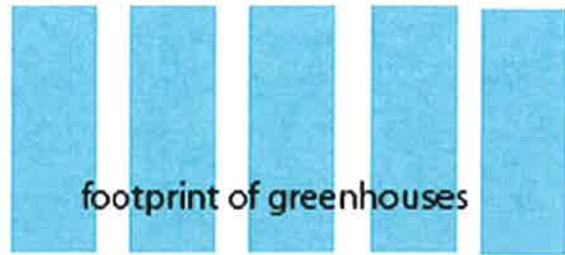
-CAPTAIN AHAB-

04/21/2015



05/03/2015

footprint of residence



footprint of greenhouses

COMPARE THE SIZE OF THE RESIDENCE ON DUNBAR LN TO THE GREENHOUSES CURRENTLY BEING USED TO GROW "MEDICAL" MARIJUANA

The industrial greenhouses currently being used to grow marijuana by Don Wirtshafter, self described cannabis activist and part owner of Hemp Oil Canada (according to DrugSense.org, of which he is chairman.)

This is approximately the size of the largest Tier 2 grow if it were licensed by liquor control board. They would have no restrictions on use of explosives, no security requirements, no supervision of any kind. The plants they are growing are each roughly the size of a very large rhododendron.

Dunbar Ln

This grow would fall under the proposed ordinance currently being considered by the planning commission as a fully qualified legal medical marijuana grow inside a private residence.



Please note density of housing (roughly similar on both sides of the grow)

Dunbar Rd

Dunbar Rd

Dunbar Rd



Google