

**From:** [John Boisen](#)  
**To:** [PDS comments](#)  
**Subject:** Marijuana growing and processing  
**Date:** Tuesday, April 07, 2015 12:46:56 PM

---

Commissioners

I live at 14857 Dunbar Lane, Mount Vernon. This is next door to a current marijuana grow facility at 14971 Dunbar Lane. I have read the draft on Marijuana growing and processing and I have some concerns.

There is no restriction on size of lot for commercial growing facilities. Thus, these facilities may be placed in residential neighborhoods. The property around 1491 Dunbar Lane is currently zoned AG-NRL. However, the current density of housing on Dunbar Road between Memorial Hwy and Avon Allen is residential in my opinion.

I suggest that all facilities applying for grow and processing should be required to have a public hearing prior to the issuing any permits or licensing. Thus, neighbors have a chance to voice their concerns. In the case of the grow facility at 14971 Dunbar Lane, Don Wirtshafter, the grower, was very deceptive in what he was going to do with the property that he purchased. He never indicated that it would become a marijuana grow. He told the neighbors that he was going to raise some vegetables, flower baskets. Which are the items that were grown on this property by the previous owner. This is was very deceptive.

There should be some fee added to the license that will provide the funds to have periodic and random inspections.

Facilities must be in compliance with all current county codes. Failure to do so, should result in immediate removal of their permit to grow and process until in compliance with codes. The Facility at 14971 has been out of compliance for an extended period of time.



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)



April 7, 2015

**Skagit County's Proposed Permanent Regulations for Marijuana Facilities:  
Comments by Guemes Island Planning Advisory Committee**

Good evening. My name is Michael Brown and I am speaking on behalf of the Guemes Island Planning Advisory Committee. This Committee is an elected body, approved by the County's Board of Commissioners, whose primary goal is preserving the water resources and rural character of Guemes Island.

In January, when the Commissioners were considering a moratorium on marijuana production and processing operations in the county, we raised concerns about the amount of groundwater such an operation on Guemes would use. The Commissioners listened when they passed the interim ordinance that banned marijuana production and processing on Guemes and we appreciate their doing so. I am here this evening to support the proposed permanent regulations, which would continue this ban on a permanent basis.

I want to be totally clear that we are not against marijuana growing or sale. That issue was resolved when Washington voters passed Resolution I-502.

Our concern with the industrial scale of a Tier 3 marijuana production and processing operation, such as was licensed by the Liquor Control Board for Guemes Island, is the impact such a facility would have on our scarce and fragile groundwater resources, and on the island's rural character. We would have identical concerns about any crop grown at this scale with similarly intensive water demands.

Water consumption is a very big concern on Guemes Island because ground water is the principal source of fresh water used by the residents of Guemes. In 1997, the federal Environmental Protection Agency designated the island's aquifer system as a "Sole Source Aquifer." Wells provide water to nearly all the island's residents, and all of the island's wells rely on the aquifer. Unfortunately we already have a problem with seawater contamination of wells in some parts of the island, a problem worsened when island wells pull water from the aquifer faster than the aquifer can recharge.

Guemes Island also has been designated as a Category I Aquifer Recharge Area warranting special protections to avoid infiltration of surface contaminants. This is a critical concern because, once the groundwater is contaminated, it is extremely difficult to get rid of the contamination. Marijuana production normally uses nitrogen and phosphorous as fertilizers on the plants, which could have a significant, negative impact by introducing them into the island's groundwater if the facility's waste water is released onto the ground.

A recent study (attached is an article about this) looked at water consumption associated with marijuana growing in northwestern California. The study concluded that marijuana is a high water-use plant: marijuana planted at a density of about one plant per square meter consumed up to 6 gallons of water per day. At that rate, an industrial building of 14,000 square feet, which is permitted in a Tier 3 marijuana facility, would use 28,000 gallons of water per day. That's a lot of water for a fragile, single source aquifer to bear. A facility of this size would also be incompatible with the low scale of development and the rural character of Guemes Island.

For these reasons, we support the proposed permanent regulations you are considering this evening.

Thank you for your consideration.

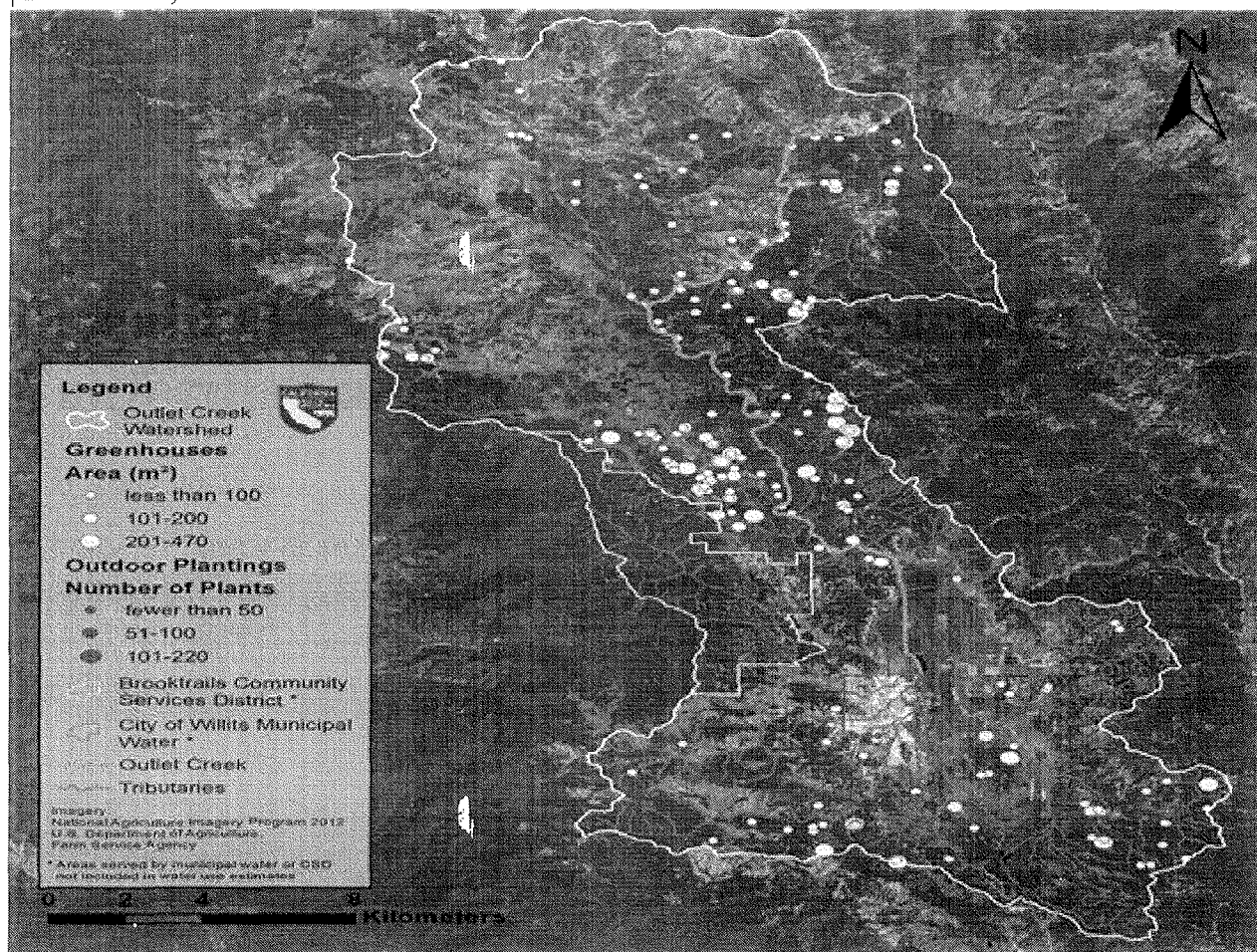
Michael Brown  
4366 Clark Point Road,  
Anacortes WA 98221

Mother Jones

# Illegal Pot Farms Are Literally Sucking California Salmon Streams Dry

—By Josh Harkinson

| Fri Mar. 27, 2015 4:06 PM EDT



**Outlet Creek watershed in Northern California's Mendocino County. Scott Bauer**

Northern California pot farmers are using up all of the water that normally supports key populations of the region's federally protected salmon and steelhead trout.

That, at least, is the conclusion of a new study, published last week in the journal PLOS One, that examined four California watersheds where salmon and trout are known to spawn. In the

three watersheds with intensive pot cultivation, illegal marijuana farms literally sucked up all of the water during the streams' summer low-flow period, leaving nothing to support the fish.

"The current scale of marijuana cultivation in Northern California could be catastrophic for aquatic species."

Author Scott Bauer, a biologist with the state department of fish and wildlife, estimated the size and location of outdoor and greenhouse pot farms by looking at Google Earth images and accompanying drug enforcement officers on raids. He did not include "indoor" grows—marijuana grown under lamps in buildings.

After visiting 32 marijuana greenhouses in eight locations and averaging the results, Bauer extrapolated his findings to all greenhouses in the study area—virtually nothing else is grown in greenhouses in this part of the country. The sites contained marijuana plants at a density of about one per square meter, with each plant (taking waste and other factors into account) using about six gallons of water a day. Overall, he calculated, pot operations within the study yielded 112,000 plants, and consumed 673,000 gallons of water every day.

And that is water the area's fish badly need. The Coho salmon population is listed as threatened under both state and federal Endangered Species Acts, and is designated as a key population to maintain or improve as part of the state's recovery plan.

Bauer collected his data last year, at a time when California's drought had already become its worst in more than 1,200 years. When I spoke to him at the time, he told me that pot farming had surpassed logging and development to become the single biggest threat to the area's salmon. Now that that the drought is expected to extend into a fourth year, the same streams could run dry again this summer, and remain so for an even longer period of time.

Overall, the outdoor and greenhouse grows consume more than 60 million gallons of water a day during the growing season—50 percent more than is used by all the residents of San Francisco.

"Clearly, water demands for the existing level of marijuana cultivation in many Northern California watersheds are unsustainable and are likely contributing to the decline of sensitive aquatic species in the region," Bauer's study concludes. "Given the specter of climate change"—and the attendant rise of megadroughts—"the current scale of marijuana cultivation in Northern California could be catastrophic for aquatic species."

**From:** [Joost and Marianne](#)  
**To:** [PDS comments](#)  
**Cc:** [Joost Businger](#)  
**Subject:** Joost Businger, P.O. Box 541, Anacortes, WA 98221, "Permanent Regulations for Marijuana Facilities"  
**Date:** Wednesday, April 01, 2015 2:17:18 PM

---

From Joost Businger  
P.O. Box 541  
Anacortes, WA 98221

Re: Permanent Regulations for Marijuana Facilities

Comments: I totally support the county's proposal for regulating marijuana production, processing and retail facilities. Particularly NO production and processing on Guemes Island.

Thank you for your work on this issue,

Joost Businger

RECEIVED

APR 09 2015

SKAGIT COUNTY  
POSS

3998 Wind Crest Ln

Anacortes, WA

April 8, 2015

Skagit County Planning Dept.

1800 Continental Place

Mount Vernon, WA 98273

Re: 4/7/15 Marijuana hearing before the Planning Commission

Because I happened to be at 3 Public Comments at PC + BCC, and therefore took part in the 2 hearings before the BCC, I understand how important the info given at both public input styles is to understand how the Planning Department has responded to that input and why.

Unless you provide the PC with a disc of that information - detailed, complex and, sometimes, devastating, the PC does not as a whole have enough info to reason their way through the latest draft Code. And, it must be Code to be enforced.

So that they may know what others know, and SC knows what they know, make a disc. Include Public Comment to PC, date x, to BCC, dates y + z. Include Public Hearing at BCC, dates a + b. Use a disc so they, and anyone else, can go from one to another and back to compare.

It should not be difficult to do this

Sincerely,

C. J. Eklers

RECEIVED  
APR 07 2015  
HAGAN COUNTY  
743

FROM: Barbara T. Hendrickson  
RE: Final Hearing on Marijuana Growing and Processing  
DATE: April 7, 2015

My name is Barb Hendrickson. I have resided at 17289 Dunbar Road in West Mount Vernon, WA for 43 years.

My additional requests for the latest and final document on marijuana growing and processing in Skagit County are:

1. A method of verification that these 7 new regulations are being applied.
2. A listing of consequences for failure to abide by these 7 new regulations.
3. Implementation of lot size and/or setback restrictions to avoid additional residential conflicts.
4. Neighborhood notification of application for special use permit and allowable input by the neighborhood before a final decision is reached.

Thank you for your time and consideration.



RECEIVED  
APR 08 2015  
SKAGIT COUNTY  
PDS

April 6, 2015

To: Skagit County Commissioners

From: Robert W. Hill

5868 Homestead Lane

Anacortes, Wa. 98221

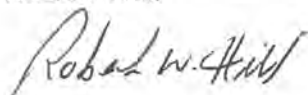
Subject: Permanent Regulations for Marijuana Facilities

I want to thank the Commissioners for adopting the Interim Regulations regarding the future requirements for growing and processing marijuana in Skagit County. And, in particular, for prohibiting the Miller Marijuana Farm from growing marijuana here on Guemes Island. You obviously listened to our concerns about limited water resources, possible contamination of our sole-source aquifer, and the lack of law enforcement here on the island.

Because of these crucial concerns, I urge you to now adopt the proposed regulations as a Permanent Ordinance.

Thank you for your attention to this very important matter.

Robert W. Hill



**From:** [Joost and Marianne](#)  
**To:** [PDS comments](#)  
**Cc:** [Marianne Kooiman](#)  
**Subject:** Marianne Kooiman, 6500 Square Harbor Ln, Anacortes, WA 98221, "Permanent Regulations for Marijuana Facilities"  
**Date:** Wednesday, April 01, 2015 2:27:08 PM

---

Marianne Kooiman  
6500 Square Harbor Ln  
Anacortes, WA 98221

RE: Permanent Regulations for Marijuana Facilities

I am in favor of your proposed amendment of the county's development code to regulate the marijuana production and processing.

I see the growing of marijuana indoors more as an industrial than an agricultural process and, as such, it does not belong on Guemes Island and its rural setting.

The illegal marijuana project on Homestead Lane is situated on top of the major recharge area for the island. This is a serious concern for contamination of our groundwater supply. I urge you to have this operation removed as soon as possible.

Thank you,

Marianne Kooiman

**From:** [Roger Mitchell](#)  
**To:** [PDS comments](#)  
**Subject:** Written comment on proposed marijuana amendments to Code  
**Date:** Thursday, April 09, 2015 3:32:02 PM

---

Please see attached written comments to be included in the record on this matter

**ROGER H. MITCHELL**  
1155 Chuckanut Ridge Drive  
Bow, Washington 98232

submitted via email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us)

Board of Community Commissioners  
1800 Continental Place  
Mount Vernon, Washington 98273

9 April 2015

**re: written comments on the proposed Permanent Regulations on Marijuana Facilities**

Dear Commissioners,

In my opinion I don't think the proposed amendments to Skagit County Code (SCC) completely achieve what the public wants or expects. Some of the tenets in the previous interim ordinances and in public hearing comments have not been carried over into the proposed SCC amendments. I realize that recreational marijuana processing, production, and retail sales facilities are highly contentious issues. I appreciate that the Board of County Commissioners (BoCC), Planning staff, and Skagit County (County) legal staff have been making a good faith effort to accommodate the widely divergent views on this topic.

**Approval process.** There are a significant number of material differences between what the interim ordinances contained, and were the basis for previous public hearings and public comments, and what we now find in the proposed permanent regulations. I believe another public hearing for people to comment on the current proposal. I do not believe the recent, and very limited opportunity for public comment at the Planning Commission was sufficient.

Here are the main issues that are not adequately handled by the proposed SCC amendments:

**Retail sales.** The status of medical marijuana sales and medical marijuana "collective gardens" remains murky in light of the March 2014 Kent decision and other legal actions. The proposed SCC amendments should return to, and make permanent, the April 2012 BoCC action that expressly provided a moratorium on marijuana dispensaries and collective gardens throughout the County.

**Impacts on surrounding properties.** Public hearings and comments on marijuana in Skagit County has been highly contentious and detrimental impacts on neighboring properties has been a principal cause of the public's angst. The staff Report of 24 March says, "*When required, special use permits must address impacts on surrounding properties...*". The "when required" part is concerning. Assessment of the detrimental impacts on surrounding properties should be universally applied as part of every marijuana growing and/or processing Special Use Permit application regardless of facility type and regardless of location anywhere within Skagit County. No exceptions.

**Industrial vs. agricultural ?** What are the ramifications of changing marijuana production from agricultural to industrial ? This is not well understood by the public. To my knowledge, this was never mentioned or explained to the public and the staff Report dated 24 March 2015 does not provide the necessary explanations.

**Flammable and combustible liquids and gases.** From my perspective of a firefighter/EMT I would like to see the prohibition of the use of flammable or combustible liquids or gases for marijuana extraction be applied to every such facility, Countywide, regardless of land use zone designation.

**Production and processing odor detection.** This is an excellent requirement, however the SCC amendment needs to have references to applicable standard procedures for measurement of odors, acceptable/unacceptable levels, sample handling, environmental conditions (eg wind),

distance from a reference point in the facility, etc. In the absence of such reference metrics, the Code will have no enforcement "teeth". Use of expressly stated measuring procedures and limitation on levels could be analogous to the noise ordinance. This is an example of a future re-certification requirement for grandfathered facilities.

**Security cameras.** The SCC needs to have metrics for this in order to have a basis for enforcement.

**Setbacks.** The Interim Ordinances provided for 250-foot setbacks of processing and production facilities from adjoining and neighboring properties. No such setbacks appear in the proposed SCC amendments. The SCC should expressly state minimum distances from marijuana processing, production, and/or retail facilities from specified other facilities, eg schools, school bus stops, churches, etc.

**Parcel size minimum.** The interim ordinances provided for a 5-acre minimum parcel size for marijuana facilities, however the proposed SCC amendments do not. The 5-acre minimum parcel size requirement for marijuana facilities, regardless of location within the County or land use zone, should be expressly stated in the SCC.

**Requirement for application notification to neighboring property owners.** These kinds of notification requirements are standard procedure for many permit applications and the SCC should expressly require similar neighboring property owner notifications for marijuana facility applications.

**Water.** Given the devastating and detrimental domestic water use and private water well access issues currently tormenting many in Skagit County it seems incongruous to be permitting marijuana processing and production facilities carte blanche water use. I mentioned above finding disincentives for grandfathered facilities to continue, water limitations may be a means to that end. If private property owners can be retrospectively prevented from building on their property due to water access issues then certainly marijuana facilities can be controlled in a similar fashion.

**Special use permit expiration.** Is it possible to put an expiration date on a special use permit ? Could this be a means to achieve compliance of grandfathered facilities with the most current SCC requirements ?

**Grandfathered facilities.** Grandfathering existing uses is a long held legal tradition and is understandable. It is also well known that future changes in rules, regulations, re-certifications, etc can create an environment in which the grandfathered entities may find continuing their activities to be disadvantageous. The proposed SCC amendments should institute re-certification requirements that bring previously grandfathered entities "up to current Code". For those who feel that government instituting new requirements to be met are unfair I'd offer a couple simple examples. In order to manufacture and sell an automobile in the U.S., that car must have seatbelts. That was not the case years ago. The same manufacturer from before now has a new requirement to comply with or it must cease its business. Power generation facilities, many years ago, had no regulations on smokestack emissions. Now they do and may not operate unless they are in compliance. In my opinion, it's this type of regulatory control that could be applied to grandfathered marijuana facilities in Skagit County to ensure compliance with current Code.

Thank you for your time and consideration.



Roger Mitchell  
Bow

**From:** [Hal Rooks](#)  
**To:** [PDS comments](#); [Ryan R. Walters](#)  
**Subject:** Permanent Regulations for Marijuana Facilities  
**Date:** Thursday, April 09, 2015 2:01:29 PM

---

Attached please find my personal comments about the impact a Tier 3 marijuana growing and processing facility would have on the rural character of Guemes Island.

Hal Rooks  
1219 10<sup>th</sup> St.  
Anacortes, WA. 98221



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

April 9, 2015

## **Skagit County's Proposed Permanent Regulations for Marijuana Facilities**

Guemes Island is a pastoral, quiet island; a place of pastures and forest, coastline, wildlife, and birdsong. Other than the rare street lamp marking one of the island's few intersections, there are virtually no lights to obscure the stars of the night sky. There is no police presence on the island; if needed, the Skagit sheriff's officers travel to the island via the ferry. Residents enjoy their solitude; the island's peaceful atmosphere is a major reason why they were drawn to it in the first place.

Guemes is mainly a community of low-scale residences; other than a small general store, there is almost no commercial or industrial use on the island. Protecting and maintaining the island's rural character and groundwater resources are key objectives of the Guemes Island Subarea Plan, which was adopted by the Skagit County Board of Commissioners on January 18, 2011.

The Growth Management Act (RCW 36.70A.030) describes rural character as present in those areas where the following elements dominate:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economics, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

These elements clearly describe Guemes Island.

In stark contrast, a Tier 3 marijuana production and processing operation, such as was licensed by the Washington State Liquor Control Board for Guemes Island, would be an industrial-scale facility, featuring large,

utilitarian buildings. By State law, such facilities must have eight-foot high security fences, which elsewhere in Skagit County have been topped by barbed wire. These facilities have security lighting throughout the night and cameras to monitor the premises, which often disrupt neighbors and invade their privacy. A sign on the Guemes property's gate warns that it is patrolled by Rottweiler dogs. Furthermore, fans and lights run 24 hours per day inside the greenhouses to maintain the marijuana plants. This sort of industrial-sized, heavily secured facility hardly fits with the State's definition of "rural character" as defined in the GMA, or with the Guemes Subarea Plan adopted by the County Commissioners.

An industrial-scale marijuana growing and processing facility is not compatible with the overall pastoral nature of Guemes Island and will significantly detract from its rural character. For these reasons, I urge the Planning Commission to approve the proposed permanent regulations on marijuana facilities currently being considered.

I am a long-time property owner, and part-time resident, of Guemes Island. Thank you for your consideration.

Hal Rooks  
1219 10<sup>th</sup> St.  
Anacortes, WA. 98221



From: Lori Scott  
3351 Old Hwy 99N Rd.  
Burlington, WA 98233

RECEIVED  
APR 07 2015  
SKAGIT COUNTY  
PDS

To: Skagit County Planning and Development Services  
1800 Continental Place  
Mt. Vernon, WA 98273

Subject: Permanent Regulations for Marijuana Facilities

Public comment for the Planning Commission Hearing scheduled for April 7

1) The current Planning and Development Service (PDS) Staff Report dated March 24, 2015 and the draft Skagit County Code Amendments state that Special Use Permits are required in certain zones for marijuana producing and processing and that the impact on the surrounding area will be assessed and considered when evaluating the issuance of a Permit. The County has stated (in the current Interim Ordinance re: Marijuana facilities #020150001) that producing and processing marijuana has significant negative impacts on neighboring properties. **Therefore, it is recommended that an assessment such as that proposed for the Special Use permit be completed for any application for marijuana production or processing in any zone prior to issuance of a permit.**

2) Originally (PDS I-502 Marijuana Permitting memorandum 12/4/2013) marijuana production was considered by the County to be "agriculture". In the current PDS Staff Report (3/24/15), marijuana production is now viewed as "industrial" and current proposed Ordinance states that marijuana production and processing facilities are incompatible with rural landscape and rural residential communities. **The draft Code amendments do not define these issues and should include reference to these issues.**

3) In the two prior moratoriums setbacks (250') from property lines or residences of neighboring properties were required. In the current Staff Report and the current proposed Code amendments, there are no specific setbacks mentioned. **It is recommended that specific setbacks of 250' from neighboring property line (unless waived by the neighboring property) be delineated in the Code to protect adjacent properties in any zone.**

4) In the original Ordinance, production in Ag/NRL was limited to parcels 5 acres or larger. The new Ordinance, the Staff Report and Code amendments do not contain this clause. **It is recommended that this requirement be included in Code.**

5) Marijuana requires intensive water for production and no acknowledgement of water usage and possible detrimental effects is included for any area except on Guemes Island. It is recommended that a review of water availability including a review of low-flow zones be included on each potential permit for marijuana production/processing.

6) Legal Notice and opportunity to comment by neighboring properties should be a standard process when considering a Permit for marijuana production or processing.

7) Any marijuana production or processing facility considered to be “legally established” but which would not now be allowed in specific zones (because specific Codes and Ordinances were not established with Public Comment or Notice) should be required to develop appropriate landscape screening or other requirements and be subject to the new Code section 14.16.855(7) (a-f) which delineates the requirements for special use permits. If Code Enforcement Officers cannot access the facilities/sites without owner permission and owners refuse, the County has no way to ascertain if regulations are being followed.

8) Skagit County Code should contain specific enforcement provisions to monitor the production and processing of marijuana. Although these functions are licensed by the State of Washington, they are not concerned with land use issues and do not have the same expectations. Skagit County need to be able to access these facilities to insure that producing and processing is carried out in accordance with County requirements.

In order to avoid future uncertainty and confusion, Skagit County Code, any regulatory ordinance established and Planning and Development memorandums should all reflect the exact same information and the Code should contain absolute objective clarity on all requirements.

It is respectfully requested that the above mentioned items be considered by the Planning Commission and be included in recommendations that are submitted to the Board of County Commissioners for inclusion in the permanent regulations.

RECEIVED  
APR 09 2015  
SKAGIT COUNTY  
POS

April 9, 2015

Planning and Development Services

1800 Continental Place

Mt. Vernon WA

To: Planning and Development Services

Skagit county Planning Commission

Re: Permanent Regulations for Marijuana Facilities

My name is Lori Scott. I reside at 3351 Old Hwy 99N, Burlington WA (Alger)

Attached please find my statement presented to the Planning Commission in person on Tuesday April 7, 2015.

Additionally attached are my statements presented to the Planning Commission on 11/4/2014; to the Board of County Commissioners on 12/15/2014; to the Board of County Commissioners on 12/16/2014; to the Board of County Commissioners on 1/6/2015; and to the Board of County Commissioners on 2/2/2015. These documents are provided to give the Planning Commission members background information.

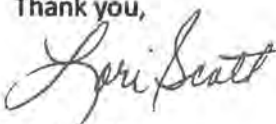
The Skagit County documents which I mention in my current testimony are:

- 1) The original Planning and Development Services original Marijuana Permitting Memorandum 12/04/2013 updated 6/2014
- 2) The two previous moratorium interim ordinances dated 12/15/2014 #02014008 and #02014009 dated 12/22/2014
- 3) The proposed amendments to the Skagit County Code and
- 4) The current PDS Staff Report dated 3/24/2015

All of these documents are available on the Planning and Development Department page of the Skagit County website under the I- 502 Marijuana Implementation tab.

I appreciate the review being done by the Planning Commission and wish to provide as much information as possible to assist in their review of this matter.

Thank you,



Lori Scott

*Forwarded April 7, 2015  
Planning Commission*

From: Lori Scott

3351 Old Hwy 99N Rd.

Burlington, WA 98233

To: Skagit County Planning and Development Services

1800 Continental Place

Mt. Vernon, WA 98273

Subject: Permanent Regulations for Marijuana Facilities

Public comment for the Planning Commission Hearing scheduled for April 7

1) The current Planning and Development Service (PDS) Staff Report dated March 24, 2015 and the draft Skagit County Code Amendments state that Special Use Permits are required in certain zones for marijuana producing and processing and that the impact on the surrounding area will be assessed and considered when evaluating the issuance of a Permit. The County has stated (in the current Interim Ordinance re: Marijuana facilities #020150001) that producing and processing marijuana has significant negative impacts on neighboring properties. **Therefore, it is recommended that an assessment such as that proposed for the Special Use permit be completed for any application for marijuana production or processing in any zone prior to issuance of a permit.**

2) Originally (PDS I-502 Marijuana Permitting memorandum 12/4/2013) marijuana production was considered by the County to be "agriculture". In the current PDS Staff Report (3/24/15), marijuana production is now viewed as "industrial" and current proposed Ordinance states that marijuana production and processing facilities are incompatible with rural landscape and rural residential communities. **The draft Code amendments do not define these issues and should include reference to these issues.**

3) In the two prior moratoriums setbacks (250') from property lines or residences of neighboring properties were required. In the current Staff Report and the current proposed Code amendments, there are no specific setbacks mentioned. **It is recommended that specific setbacks of 250' from neighboring property line (unless waived by the neighboring property) be delineated in the Code to protect adjacent properties in any zone.**

4) In the original Ordinance, production in Ag/NRL was limited to parcels 5 acres or larger. The new Ordinance, the Staff Report and Code amendments do not contain this clause. **It is recommended that this requirement be included in Code.**

5) Marijuana requires intensive water for production and no acknowledgement of water usage and possible detrimental effects is included for any area except on Guemes Island. **It is recommended that a review of water availability including a review of low-flow zones be included on each potential permit for marijuana production/processing.**

6) **Legal Notice and opportunity to comment by neighboring properties should be a standard process when considering a Permit for marijuana production or processing.**

7) **Any marijuana production or processing facility considered to be "legally established" but which would not now be allowed in specific zones (because specific Codes and Ordinances were not established with Public Comment or Notice) should be required to develop appropriate landscape screening or other requirements and be subject to the new Code section 14.16.855(7) (a-f) which delineates the requirements for special use permits. If Code Enforcement Officers cannot access the facilities/sites without owner permission and owners refuse, the County has no way to ascertain if regulations are being followed.**

8) **Skagit County Code should contain specific enforcement provisions to monitor the production and processing of marijuana. Although these functions are licensed by the State of Washington, they are not concerned with land use issues and do not have the same expectations. Skagit County need to be able to access these facilities to insure that producing and processing is carried out in accordance with County requirements.**

**In order to avoid future uncertainty and confusion, Skagit County Code, any regulatory ordinance established and Planning and Development memorandums should all reflect the exact same information and the Code should contain absolute objective clarity on all requirements.**

It is respectfully requested that the above mentioned items be considered by the Planning Commission and be included in recommendations that are submitted to the Board of County Commissioners for inclusion in the permanent regulations.

*Presented BOCC  
Ordinance, House  
2/2/15*

February 2, 2015

To: Board of County Commissioners

Re: Interim Ordinance on Marijuana Facilities

My name is Lori Scott. I live at 3351 Old Hwy 99N Burlington WA 98233 (Alger)

I support the Commissioners action to adopt the Ordinance establishing a moratorium in the zones identified while a public process and further research is conducted.

I support a setback from other residential properties but would amend it to a setback of 250 feet from any other property line as was proposed in the original Ordinance on 12/15/2014. Depending on the placement of other residences on their own property, backyard playgrounds, barbecue areas etc. could be extremely close to the required over height obscuring fences and surveillance cameras required to produce/process. Research shows that other jurisdictions require greater setbacks. For example, Whatcom County requires 300 ft.; the Cities of Burlington and Lynden require 1000 ft.; and Snohomish County requires 300 ft. Additionally, many jurisdictions allow production only on parcels of 5 acres or larger and in some jurisdictions "outdoor marijuana grows" are prohibited completely.

I support the inclusion of the "Work Plan" in the Ordinance and would request that a system to allow public input be included as the research and then development of regulations goes forward.

Prior to the Moratorium, the only permits required for "outdoor marijuana grows" were for the over height fences required or perhaps for additional storage or processing building such as commercial coaches. The marijuana production site at 3431 Old Hwy 99N applied for permits for fencing and commercial coaches but has not complied with their own plan or County requirements to meet zoning requirements for "outdoor grow" so should be considered non-compliant and non-conforming and not "legally established". I request that a "no non-conforming use clause be included in the Ordinance. The City of Lynden Ordinance states "no use that constitutes or purports to be a marijuana producer or marijuana processor that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under code and that use shall not be entitled to claim legal non-conforming status". Kitsap County included a provision stating no existing producer or processor established before the adoption of their Ordinance is "grandfathered". Snohomish County has reported that a number of jurisdictions across Washington have permanently prohibited producers even after they have invested in launching their businesses.

If the producers and processors currently existing in the zones now prohibited by the Ordinance/Moratorium are allowed to remain, additional requirements on existing grow sites should be imposed such as additional landscape screening to address issues of odor, lighting, noise and unsightly obscuring fences that detract from property value of neighbors.

Specific monitoring and enforcement regulations need to be developed to protect neighboring properties since protections were not established by Skagit County in early planning stages of I-502 implementation. County agencies, law enforcement and other responsible agencies need legal access to

production and processing sites in order to monitor and then enforce regulations developed to address issues of odor, lighting, water quality and quantity, damage to wells and environmental impacts on nearby rivers etc. Current regulations do not afford Skagit County officials access to the grow sites to address any of these issues and WA Liquor Control Board has no control or interest in these issues either.

Marijuana is now legal in our State but the specifics of where it is appropriate to produce, process and sell are subject to zoning requirements in local jurisdictions and Counties have been given the authority to determine where such operations will be allowed. Each County must study this issue to develop zoning which takes into account the needs of all of the citizens. Many other jurisdictions had public hearings when I-502 implementation began in 2013 but Skagit County did not. It is imperative and urgent that appropriate due process begin now.

Again, I support the Ordinance and Moratorium, request the above suggestions be considered and we look forward to working with you and other concerned public members to develop specific regulations.

Lori Scott

3351 Old Hwy 99N

Burlington WA 98233

Presented 1/6/15  
BOCC Marijuana  
Meeting 1/6/15

My name is Lori Scott. I live at 3351 Old Hwy 99N Burlington WA (Alger)

I support the Ordinance establishing a moratorium in the zones identified.

I support a setback from other residential properties but would amend it to a setback of 250 feet or more from any other property line as was proposed in the original Ordinance on 12/15/2014. Depending on the placement of other residences on their own property, backyard playgrounds and other uses could be extremely close to the over height obscuring fences and surveillance cameras. Research shows that other jurisdictions require greater setbacks including Whatcom County, Burlington, Lynden, and Snohomish Co. Some jurisdictions allow production only on parcels of 5 acres or larger and in some jurisdictions "outdoor marijuana grows" are prohibited completely.

I support the inclusion of the "Work Plan" in the Ordinance and would request that a system to allow public input be included in that process.

Prior to the Moratorium "outdoor marijuana grows" only needed permits for the over height fences and accessory buildings. The marijuana production site in Alger applied for the necessary permits but has not complied with their own plan or County requirements to meet zoning requirements so should



be considered non-compliant and non-conforming and not “legally established”. I request that a “no non-conforming use” clause be included in the Ordinance as in the City of Lynden Ordinance or as in several other jurisdictions.

If producers currently existing in the zones now prohibited by the moratorium are allowed to remain, additional requirements on existing grow sites should be imposed such as additional landscape screening to address issues of odor, lighting, noise and unsightly obscuring fences that detract from property value of neighbors.

Specific monitoring and enforcement regulations need to be developed to protect neighboring properties from nuisance issues, damage to wells and to protect nearby streams. County agencies, law enforcement and other responsible agencies need legal access to production sites to monitor and enforce regulations developed to address these issues. Currently there is very little Skagit County can do to address any of these issues and WA Liquor Control Board does not control these issues either.

Marijuana is now legal in our State but the specifics of where it is appropriate to produce are subject to local zoning requirements. Counties have been given the authority to determine where such operations will be allowed. Each County must study this issue to develop zoning which takes into

account the needs of all of the citizens. Many other jurisdictions had public hearings when I-502 implementation began in 2013 but Skagit County did not. It is imperative and urgent that appropriate due process begin now.

*Leri Scott 1/6/2015*

Presented to BOCC  
12/16/15

My name is Lori Scott. I live at 3351 Old Hwy 99N, Burlington Washington.

I wish to thank Commissioner Wesen and other Commissioners for their action to adopt an interim ordinance creating a moratorium on new recreational marijuana production and processing facilities. It is a step towards clarifying how I-502 will actually impact Skagit County and those of us who expressed concerns are appreciative that our concerns were heard and the matter can now be reviewed.

As you know, our neighborhood has already been impacted by a marijuana grow so we would like the County to define the terms "legally established" and whether the marijuana production/processing facilities in our neighborhoods are considered to be "legally established".

If the two grow operations are considered to be "legally established", in spite of pending code violations, then we will be requesting clarification of several other issues such as the definition of "temporary" covering of hoop houses. Also, clarification of how the monitoring and regulating of what is occurring inside the grow operations will be accomplished and how the County and State will be coordinating efforts.

Since we have expressed our concerns about the marijuana grow sites in our neighborhoods, we have been warned that further action on our part may be considered harassment of the growers. We have not, and it is not our intent to harass anyone but because this issue affects our neighbors and our safety and properties, we want to clearly understand how the County and the State will effectively monitor and regulate this new marijuana business and all the potential issues including water quality and quantity, ecological effects on waterways, nuisance issues such as lights, odor and a number of other issues that have been identified by other counties and cities.

We respectfully request that process be developed which can assist us in obtaining answers to our questions and addressing our concerns.

Thank you again for starting the process to review this issue.

Lori Scot360-724-3124

 12/16/2014

*Presented to BOCC  
Public Comments  
12/15/2015*

TO: Skagit County Commissioner Wesen, Commissioner Dahlsted, Commissioner Dillon

Date: December 15, 2014

Re: Implementation of I-502 in Skagit County

It is respectfully requested that consideration be given to re-visiting the I-502 Marijuana permitting memo which was released on 12/4/2013 and updated on 6/23/2014. As you are aware, since implementation has begun, additional issues have arisen which warrant a review. Below are several suggestions :

It is respectfully requested that Skagit County proceed with the development of an Ordinance similar to Ordinance 2925 for the City of Anacortes which limits the production and processing of marijuana to light manufacturing zones, outlines potential adverse secondary effects on citizens and the environment of marijuana production and processing, and prohibits outdoor production.

A second option would be that an actual ordinance be developed and approved, such as the one approved by Whatcom County Interim Ordinance No. 2014-027(April 22, 2014) and replaced by Interim Ordinance 2014-053 (October 2014) . The Ordinance delineates the potential risks of marijuana production sites and specifically protects residences with setbacks and other specific restrictions.

Third, it is respectfully suggested that at the very least, the original memo could be updated again to include safeguards for residential neighborhoods which exist in zones which were originally approved by memorandum for marijuana production or the actual identification of specific residential neighborhoods which need to be protected as has been accomplished by the City of Mount Vernon (Ordinance 3631 and an additional draft ordinance submitted for review by the City Council on 12/3/2014).

We appreciate your consideration of these options and appreciate your willingness to review I-502 implementation and development again in order to better protect Skagit County and its' residents.

Lori and Bob Scott

3351 Old Hwy 99N

Burlington WA

360-724-3124

## Presentation for Proposed Scope for 2016 Comprehensive Plan Update

My name is Lori Scott. My husband and I live at 3351 Old Hwy 99N Burlington in the Alger area. Our property is zoned Rural Intermediate (RI) the primary purpose of which is to "provide and protect land for residential living in a rural atmosphere taking priority over but not precluding limited non-residential uses appropriate to the density and character of this designation. Long Term open space and critical area protection are encouraged."

Since the last Comprehensive Plan update, Washington State began implementation of Initiative I-502 which allows for producing and processing marijuana. Skagit County Planning Department issued a memo to address where marijuana producers and processors could locate. The memo states "production outdoors and not inside any kind of structure qualifies as "agriculture" which is permitted in many zones, including RI.

Lori and Paul Lindsay, 3431 Old Hwy 99N whose property is adjacent to four other 2.5-5 acre residences submitted a plan to produce and process marijuana to Skagit County in December 2013. Because this was deemed agricultural, no hearings or notices were given to neighbors. The Lindsays were told greenhouse structures would not be permitted but "hoop houses would be permitted provided they are open ended and not permanent. The intent is to allow for outdoor soil-based operations." Since that time, the Lindsays have erected an 8 ft. farm fence covered in black plastic, installed surveillance cameras around the exterior perimeter (per State requirements) which would suggest concern for crime, and erected greenhouses with enclosed ends which are lighted all night. The Planning Department has notified the Lindsays that the greenhouses are to be removed by 12/4/2014. However, even if they are forced to remove the greenhouses our residential area will remain negatively impacted by the tall black plastic fences which are directly adjacent to our properties, surveillance cameras near our back yards, potential damage to our wells as 12,000 square feet of marijuana is watered and produced, potential damage from runoff and pollution to Butler Creek (a fish stream) which runs adjacent to the grow site and foul odor which emanates from marijuana as it matures.

In the existing Comprehensive Plan, rural character refers to patterns of land use and development in which 1) open space, natural landscape and vegetation predominate 2) that provide visual landscapes that are traditionally found in rural areas and communities 3) that are compatible with the use of the land by wildlife and for fish and wildlife habitat and 4) that are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas. to name a few of the characteristics..

This new "crop", by virtue of the requirements placed upon producers by Washington State LCB, make it clearly not "just another agricultural crop".

Our particular situation is an example of confusion and issues that have occurred and we suggest that this crop should not be grown for profit in a primarily residential neighborhood of 5 acres or less and that the description/ limitations of Rural Intermediate be reviewed and clarified as part of the "scope" for the Comprehensive Plan update.

In conclusion, some cities/ counties in Washington State, have established ordinances limiting production to industrial or certain commercial zones and given the requirements of the WA State Liquor Control Board regarding security requirements of the grow sites, it would seem that further review of appropriate locations, not in primarily rural residential areas is required.

Respectfully submitted,

Lori and John R. Scott

3351 Old Hwy 99N

Burlington, WA

360-724-3124

*Recorded  
11/4/2014  
Planning Commission*

To: Skagit County Planning Commission 11/4/2014

My name is Lori Scott. My husband Bob and I visited the Skagit Valley in the early 1980's and loved the area. We bought our 5 acre parcel of land in Alger in 1987 planning to use it for vacations until we could retire here. We built a shop in 1994 and were finally able to move here full-time and build our retirement home in 2004. I am here representing a group of neighbors, some who are here tonight and some who could not be present. We are extremely concerned about the development of a marijuana producing facility being developed by Lori and Paul Lindsay on their property at 3431 Old Hwy 99N. The Lindsays have owned their property since 2005 but have not lived here for periods of time and tried for several years to sell the property. Our core group who oppose this development consists of 5 families, 4 whose properties are directly adjacent to the Lindsay property.

The Lindsays applied to the State Liquor Control Board for licenses as both producers and processors of marijuana and had a "Pre-development Meeting" with Skagit County in December 2013. Between December 2013 and June 2014 the Lindsays removed many trees from their property and told us only that they thought the property would be more usable if cleared. They mentioned they planned to build a fence and since their dogs had gotten loose on many occasions, had been a nuisance on neighboring properties (even killing a pet duck of one neighbor), the fence sounded like a good idea. However, when the fence posts were installed, were approximately 8 ft. high and had two 4 ft. tall sections of farm wire installed one on top of the other, we decided to find out what was being planned. It was at this point we learned they had applied for a permit for an over height fence and two commercial coaches (21' x 56') and the purpose was to prepare for development of the "Flower of Life Farm", a marijuana producing facility. We obtained a copy of the plan, the memorandum the Planning Department issued explaining where marijuana producers could be located and some County expectations which related specifically to the Lindsay project. We also obtained the I-502 requirements for producers from SLCB. There was no notification to property owners or public hearing by the County and no contact from the Lindsays until they sent a letter stating their plans on August 4, 2014.

The neighbors affected by the proposal met and discussed concerns including:

1) Our safety: The SLCB requires over height fences which obscure the grow site, perimeter lighting and security cameras which suggest that this type of crop may create significantly more draw for criminal activity than growing corn or peas. The Lindsays suggest that because their property is located down a long driveway with other properties on all sides that the grow site will be more protected. Those of us who may have ill intended persons attempting to access the grow site through our properties are very concerned for our safety. This is a rural area, sheriff response time cannot be immediate, and there are both elderly families and children living directly adjacent to the grow site. One elderly neighbor has already applied for a permit and

purchased a gun as well as installing a security system at considerable expense to her while on a limited income.

2) Water: The Lindsays will be using well water to water the marijuana in hoop houses totaling 11,992 square feet. We have been advised that marijuana production is water intensive. There are 4 wells within 1000 ft. of the grow site and well depth is already at about 130 feet. We are concerned that our wells could be negatively impacted by the additional use of water.

3) Environmental concerns: Butler Creek, a fish creek, borders the grow site. We are concerned about fertilizers, pesticides, and run off from the crop itself negatively affecting the creek, fish and wildlife.

4) Nuisance issues: Both perimeter and grow lighting may impact bordering properties.; having over height fences completely covered in black plastic with security cameras mounted along the perimeter and guard dogs roaming the grow site makes our yards feel as if we are the ones incarcerated. It is our understanding that the odor when marijuana is harvested is very offensive and can spread over a large area.

5) Decrease of property values: We have contacted several realtors who pointed out that having this development next door will limit the number of buyers interested in our properties thereby reducing the market value should any of us want to sell.

Since learning of this plan, we have contacted attorneys for advice (although we would prefer to avoid lawsuits of any kind); canvassed our neighborhood and so far 33 residents have signed a petition against the project; written to and contacted State and local agencies about our concerns and rights and kept the County and SLCB abreast of progress and concerns as they occur. After we notified the County that the commercial greenhouses were being built and the ends were being enclosed, we understand that the County has notified the growers that they may be in violation of county zoning requirements.

In closing, I-502 is a new law with many unknowns and we are concerned that the County may not have practiced due diligence in tightening up land use issues after this initiative passed. We are coming to you to alert you that there are a number of issues that were not sufficiently considered and as citizens/property owners/taxpayers we would like you to think about creating specific ordinances on this issue, including (but not necessarily limited to) disallowing grow operations that are surrounded by private homes.

Respectfully submitted,

Lori and John R. (Bob) Scott 3351 Old Hwy 99N Burlington WA 98233

360-724-3124



RECEIVED

APR 07 2015

SKAGIT COUNTY  
WA

Dear Planning Department personnel,

We appreciate your work on the proposed marijuana regulations. There are however some glaring omissions that shoring up.

- 1. When a marijuana grow and process site is proposed in AG-NRL or Rural Residential zones, a CUP (conditional use permit) should be required and neighbors should be notified in advance and have the right to attend and comment at the hearing.** Your recommendation calls for a special permit, but making neighbors aware and part of the process will avoid conflict and misunderstandings later.
- 2. There must be a minimum lot size or set back requirement in order to protect AG-NRL residential neighborhoods.** Originally AG-NRL stipulated 1 house for every 40 acres, but later the county permitted houses on small lots, some of them city sized lots. The county now has a responsibility to protect those neighborhoods. Without either lot size or set backs, someone could come in and open an operation that impacts an entire neighborhood in terms of quality of life and assessed values.
- 3. Consider the financial impact on residential property owners and on the County's budget.** The Skagit County tax assessor's office has already reduced the values of properties bordering marijuana grows and realtors say some of them are not salable at any price. The county needs our tax revenue and we need our property values maintained. Lack of set back or lot sizes and no requirement for landscaping to screen the prison style fences is detrimental to everyone but marijuana businesses.
- 4. Include school bus stops on the list in item #6.** Currently children are being picked up and dropped off literally in front of the Dunbar grow, a situation they and their parents find frightening.
- 5. Include provision for verification and enforcement.** Without verification and enforcement the regulations are a joke. If there is a need for funding, maybe the marijuana businesses could be taxed by the county to cover the cost of enforcement. During the moratorium the Dunbar Lane growers continued their unlicensed operation, defying the ordinance against medical marijuana. We witnessed them leaving their processing area with dirty filters from what appeared to be a centrifuge as we walked our dogs on the weekend. They are non-compliant with county fence code, and even when they shortened it, it's not compliant. Their property taxes are in arrears. Why would we assume compliance with regulations in the future? Mr. Don Wirtshafter, who owns the Dunbar grow, has been the director of Hemp Oil Canada, so neighbors are concerned that he is likely to use propane or ethyl alcohol to produce <sup>hash</sup> hemp oil. Both are highly flammable but alcohol is not on your prohibited list. How will you assure citizens that the regulations are being kept?

Thank you for carefully considering how you can make the proposed regulations stronger prior to enacting the law.

Russell and Sharyn Sowell  
14922 Valley View Drive, Mount Vernon, WA 98273

Russell and Sharyn Sowell  
14922 Valley View Drive  
Mount Vernon WA 98273

RECEIVED  
APR 08 2015  
SKAGIT COUNTY  
WA

Our residential neighborhood is being overtaken by marijuana.

Marijuana is legal in our state, but is every place appropriate for production, processing and selling? Specifically, are residential neighborhoods the right place to site them?

We are asking the commissioners to confine marijuana operations to open farmland, commercial and industrial areas- anything but residential neighborhoods.

We ask the commissioners to refuse to allow the Dunbar Lane grow to be grandfathered in as a legally pre-existing business. They are a pre-existing business that was NOT legal. They are both non-conforming and non-compliant. Their fencing and containers were not permitted. They have not paid property tax. Medical marijuana is not legal in this state nor in Skagit County.

County records show the land use for this parcel is designated as "110 - household single family residence outside city." The neighborhood is listed as "20MVRURAL Mt Vernon rural residential". The county website the primary land use is residential, not commercial. I also note that the WA Dept of Revenue and the USDA do not recognize marijuana as an agricultural crop. Judge Paul Vortmann in California ruled that a marijuana collective can't operate on land zoned for agriculture, stating, "marijuana... has never been classified as a crop or horticultural product... The court finds as a matter of law that growing marijuana... is not an agricultural use of property." Skagit County's I-502 marijuana memo states, "The related definitions of "agriculture"... require its use "for on-site **soil dependent** agriculture. Indoor marijuana production is not soil-dependent..." A hearing examiner ruled April 7, 2015 that the Alger grow is not permitted to have greenhouses for this reason.

The county records also show that the garage on Dunbar Lane which is being used

for processing is "not permitted for commercial use" as per an investigation dated 3/28/2003.

With a marijuana grow in a residential neighborhood, every homeowner but one is concerned about property values. Who would pay the same price for a house near a marijuana farm as one in any comparable area without one? The tax assessor has already lowered assessed value on a house in Alger near a grow. Real estate people say they'd have a hard time selling at any price.

Marijuana processing literally stinks. We endured a pervasive dead skunk odor the whole time they processed the first crop.

Manufacture of cannabis and hemp oils carry well documented risks of explosion and fire, not only to those with homes less than 200 feet from their building, but also to the county's first responders.

Both Dunbar Lane and Alger grows have cameras aimed not only on their property, but on the homes of others. Children are scared getting on and off the school bus. Our older neighbors do not feel safe living alone with a camera pointed at their homes, observing who comes and goes.

To summarize, homeowners in Skagit County residential neighborhoods are concerned about marijuana grows in our neighborhoods because they destroy property values; bring a higher risk of crime and concerns about chemicals, air quality, waste management and offensive odors; and generally destroy the character of a residential neighborhood.

The growers and producers are activists from out of state who have attorneys and in fact some are attorneys themselves. Lawsuits have been threatened not only against us, but against the county as well. Other counties across the state and cities within Skagit County looked ahead. The county has let us down by not doing a good job of planning and now enforcing the specifics of where and how this industry should be placed.

The most recent recommendations by the planning department staff have put residential property owners near the two residential grows in jeopardy because of glaring omissions.

1. **When a marijuana grow and process site is proposed, neighbors should be notified** at least 45 days in advance and have opportunity to be heard before permission is granted to grow or process marijuana.
2. **The lot size and set back requirements have been dropped.** It is imperative that this be included or a marijuana grow can be allowed on a city sized lot right alongside single family homes, a situation we already have in the county that is causing conflict, loss of property values, increased risk of crime, school buses picking up and dropping children directly in front of marijuana facilities, and similar issues caused by incompatibility.
3. **There should be a conditional use permit required for grows and processing in AG-NRL zones** because there are dense residential neighborhoods in these zones and they are no longer purely agricultural. The county has allowed residential areas in AG-NRL zones and the integrity of those neighborhoods need to be preserved and protected.
4. **The proposed rules do not specify any verification or enforcement of the regulations.** Concerned citizens are asking for some provision to check the facilities. For example, the proposal stipulates against hazardous chemicals being used in AG-NRL, but how will anyone verify that this is being carried out?  
The producer/processor on Dunbar Lane, Don Wirtshafter, was director of Hemp Oil Canada, and neighbors fear he is likely producing hash oil. Though he has been in violation of county codes since July and is not even paying property tax, not a single penalty has been imposed.  
**Without provision for random inspections, enforcement and penalties, regulations are a joke.**

**Marijuana is legal but growers, processors and sellers should be sited appropriately, not on residential properties next to other single family homes.**

**From:** [Heather Wolf](#)  
**To:** [PDS comments](#)  
**Cc:** [Ryan R. Walters](#); [Planning & Development Services](#)  
**Subject:** Comments on Proposed Permanent Marijuana Regulations  
**Date:** Thursday, April 09, 2015 11:19:30 AM

---

Please find attached correspondence regarding the proposed permanent marijuana regulations.

Thank you,  
Heather Wolf

--

Heather Wolf  
Brownlie Evans Wolf & Lee  
230 E. Champion  
Bellingham, WA 98225  
[www.brownlieevans.com](http://www.brownlieevans.com)  
(p) 360-676-0306  
(f) 360-676-8058

This e-mail is intended only for the use of the individual or entity to whom it is addressed and may contain confidential, privileged information. If the reader of this e-mail is not the addressee, please be advised that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you receive this communication in error, please call immediately 360-676-0306 and return this e-mail to Brownlie Evans Wolf & Lee, LLP at the above e-mail address and delete from your files. Thank you.

Brownlie  Evans Wolf & Lee  
ATTORNEYS AT LAW

heather@brownlieevans.com

VIA ELECTRONIC MAIL AND U.S. MAIL

April 9, 2015

Skagit County Planning Commission  
1800 Continental Place  
Mount Vernon, Washington 98273

Re: Proposed Permanent Regulations re Marijuana Facilities

Dear Planning Commissioners:

Our firm represents Bernard Finney, who is the sole owner of Cedardale LLC (“Cedardale”), which owns the property located at 18791 Cedardale Road (the “Property”). Mr. Finney is also one of the owners of Optimized Propagation, which has applied to the Washington State Liquor Control Board for a tier 1 recreational marijuana producer/processor license at this location. The purpose of this letter is to strongly urge you to recommend adoption of the existing marijuana regulations, which were adopted by the Skagit County Board of Commissioners in early March.

At Tuesday evening’s hearing there was a great deal of testimony regarding a single marijuana facility located along Dunbar Road. The same testimony was considered by both Planning Staff and the Board of Commissioners in formulating the current marijuana regulations. The current regulations provide a balance between safeguarding rural residents while allowing those I502 licensees, who have made significant financial investment in their Skagit County properties, to proceed.

With regard to the Ag-NRL zone, the current regulations only allow marijuana production and processing outright in preexisting opaque structures. Hearing Examiner approval is required for production and processing in translucent structures. This makes perfect sense as operation in existing opaque structures will not cause impacts to neighbors since no additional buildings will be constructed and all odor and other impacts will be contained in the opaque structure. Additionally, in contrast to greenhouse operations, operation within an opaque structure does not cause impacts in terms of nighttime lighting or security cameras. Thus, no further setback or lot size requirements are needed for opaque structures. Again, this issue was reviewed by Staff and the Board of Commissioners at numerous meetings and a resolution was reached to both protect neighboring properties and allow marijuana facilities to proceed where suitable.

Mr. Finney's property, for example, is approximately 0.8 acres in size and is very well suited to use as an I502 facility. An existing opaque warehouse, 5200 square feet in size, is located on the Property. The Property is located along Cedardale Road and is surrounded by large agricultural parcels. A large potato farm is located immediately south and east of the Property and Interstate 5 is located westerly of the Property on the other side of Cedardale Road. The Property is not located near a residential neighborhood.

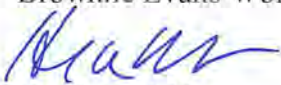
What Staff and the Board of Commissioners rightly concluded is that there is no justifiable reason to preclude a marijuana production and processing facilities on parcels in the Ag-NRL zone less than five acres in size. The requirement that the marijuana production and processing occur in an existing opaque structure sufficiently protects against impacts to neighbors. Lot size is immaterial to effects on neighbors. Rather, a lot size restriction would prohibit a marijuana facility on what would otherwise be a logical and ideal locale. The stated purpose of the Ag-NRL zone is to "provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities, and operations as the primary use of the district." SCC 14.16.400(1). The production and processing of marijuana is an agricultural activity and is precisely what is to be allowed in this zone.

It is also important to note that there is no lot size restriction in regard to other uses in the Ag-NRL zone that such as manure lagoons, slaughterhouses, or other greenhouse operations. A marijuana facility operated within an existing opaque structure on the Property will have few if any impacts on the adjacent properties. All odors, sounds, etc. will be confined to the existing structure and will not interfere with either nearby agricultural or residential uses.

When Mr. Finney purchased the Property, he did so in reliance upon those County rules that existed prior to December 22 of last year. The County's rules have continued to change, however, making it virtually impossible for Mr. Finney to know upon which rules he can rely. It is not feasible at this late date for potential licensees to simply find other locations. Thus, we urge you to support the rules in place, which have been carefully considered and vetted to reach a balance between the interests of the rural residents of Skagit County and the I502 business owners.

Sincerely,

Brownlie Evans Wolf & Lee, LLP



Heather Wolf

cc: client  
Ryan Walters, Civil Deputy Prosecuting Attorney  
Planning and Development Services